



REPRESENTATIVE FOR  
CHILDREN AND YOUTH



# Annual Report

April 1, 2008  
to March 31, 2009





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September 29, 2009

The Honourable Bill Barisoff  
Speaker of the Legislative Assembly  
Suite 207, Parliament Buildings  
Victoria, BC V8V 1X4

Dear Mr. Speaker;

It is my pleasure to present the 2008-2009 Annual Report of the Office of the Representative for Children and Youth to the Legislative Assembly.

This report covers the period April 1, 2008 to March 31, 2009 and has been prepared in accordance with part 5, section 19 of the *Representative for Children and Youth Act*.

Yours sincerely,

A handwritten signature in black ink that reads "mesturpellafond". The signature is written in a cursive, lowercase style.

Mary Ellen Turpel-Lafond  
Representative for Children and Youth  
Province of British Columbia

pc: Mr. E. George MacMinn, QC  
Clerk of the Legislative Assembly

Ms. Joan McIntyre, MLA  
Chair, Select Standing Committee on Children and Youth







## Message from the Representative: 2008/09 In Review

This year marks the midpoint in my first 5-year term as B.C.'s Representative for Children and Youth. This unique Office of the Legislature has a challenging role to support children and youth and strengthen the services they require and obtain. This annual report on work completed during the 2008/09 year provides an important opportunity to reflect on the work done to date, while examining the pressures we face to meet the high volume of activity in all program areas.

In 2008/09 in B.C., approximately 14,500 children and youth lived outside their parental home. About 60 per cent of those were in care and more than half were Aboriginal children and youth. In addition, nearly 4,400 children and youth lived out of parental placements in the home of a relative, over 600 were on youth agreements and 188 were in kith and kin arrangements. In some instances, government takes on full parental roles for these children and youth. In others it is not so clear where responsibility and accountability rests for the day-to-day care of children, their guardianship or their well-being. Many of these children are in limbo and my Office continues to advocate for a stronger system of supports for them, with proper guardianship.

In the past year my Office has worked hard to meet the growing demand for advocacy assistance, as the public gains increasing awareness of its services. In 2008/09, our advocacy staff worked on 1,564 new advocacy cases. While I believe there is still much to be done to reach vulnerable children and ensure they receive the advocacy support they require, I am proud of the excellent advocacy service my Office has provided to children and youth throughout British Columbia.

Many of these children and youth in care face barriers and struggles throughout their young lives, and encounter situations most B.C. children would not face. They often deal with sudden and frequent moves and have limited roles in decisions that may have life-long effects. They are unable to talk regularly to a parent – in their case, the government – about what they need, want and require to become responsible adults. We must ensure our system of care builds their resilience and not their despair.

An important part of building that resilience is by engaging with, listening to and hearing the voice of all vulnerable children and youth. As adults we have the responsibility to provide and nurture a safe and effective system of supports for children. Just as importantly, we need to talk to children and youth to make sure it is really working.





## From the Representative

These supports must be available to all children, equally and consistently across the province. Taking responsibility for all will benefit everyone, as Lilian G. Katz, an international leader in early childhood education, emphasizes:

*I really believe that each of us must come to care about everyone else's children. We must recognize that the welfare of our children is intimately linked to the welfare of all other people's children.*

*After all, when one of our children needs life-saving surgery, someone else's child will perform it.*

*If one of our children is harmed by violence, someone else's child will be responsible for the violent act.*

*The good life for our own children can be secured only if a good life is also secured for all other people's children.*

*But to worry about all other people's children is not just a practical or strategic matter; it is a moral and ethical one; to strive for the well-being of all other people's children is also right.*

We must pause to consider the particular situation of Aboriginal children. Just eight per cent of B.C.'s child population is Aboriginal, yet more than 52 per cent of children in care are Aboriginal. In B.C. one in five Aboriginal children will have contact with the child welfare system. This is an astounding disparity. It is a profound injustice for these children, and a major issue for British Columbia and Canada.

These children are equally capable and deserving but frequently do not get the support they need in their families and communities. Poverty, deprivation and social exclusion, along with inadequate academic and personal supports, leave too many too far behind. This is nothing short of a travesty and deserves dedicated efforts to not just talk about change, but to make that change real in improved outcomes, measured elimination of the gap in well-being, and enhanced resilience and strengths.

As B.C.'s economic climate continues to be affected by the global economic crisis and provincial budget pressures, our work has become more sharply focused on examining the impact this will have on all vulnerable children and youth.

Over the last year I have publicly advocated that it must become a priority for government and the child-serving system to examine and quickly act on child poverty. The economic slowdown has implications for services to children, youth and their families, as financial downturns usually mean decreased focus and resources dedicated to addressing their needs. Better coordinated and integrated children's services for housing, income assistance and other needs are critical.

We have seen more families impacted by job loss, reduced income or threat of unemployment during the past year, making it vitally important for government to recognize and plan for more seamless, family-focused services.



## From the Representative

My Office also continues the work of evaluating whether the current system of supports for children and youth is accessible, responsive and promotes good outcomes and positive development. We have made recommendations in key areas that are designed to help families, communities and governments strengthen their ability to care for and improve the health, safety and well-being of vulnerable children and youth. Key themes pertained to:

- better understanding of issues and needed services to Aboriginal children
- consistent practice throughout the province on planning for and with children living out of the parental home
- ensuring all the opportunities for prevention of poor outcomes are fully realized across systems of support (including child welfare, education, justice and health).

Significant work remains to be done as the Ministry of Children and Family Development continues to shift practice, and struggles to measure its performance and to meet its targets for improvement. I continue to carefully monitor the ministry's progress in its areas of service responsibility and its plans to improve the child-serving system. Periodic reporting on that progress is crucial to public accountability and to regularly assess if enough is being done to help ensure better outcomes and supports for children and youth.

I am grateful for the hard work to date by my staff, the stakeholders who regularly support and assist us, and staff in the ministries whose work I seek to support. Much work remains to be done. We all must become accustomed to higher levels of accountability, reporting on outcomes accomplished for children served, and keeping the commitment to make the system better.

I close by offering my sincere thanks to all those who work with children in the child-serving system, including the ministries, schools and the health care system. Foster parents and adoptive parents deserve particular acknowledgement for their commitment to ensuring that a parent and family is there for children in government care. That is the model we want to build for all children – that of a caring, loving parent willing to stand beside them through their full and successful development, and into adulthood.

Sincerely,



Mary Ellen Turpel-Lafond  
Representative for Children and Youth

# From the Representative

## Representative for Children and Youth 2008/09 Annual Report

The RCY serves British Columbia's children and youth under 19 years of age, with a mandate to assist young people who are in government care (such as foster homes, group homes or youth custody) or who are receiving designated services.

The Representative and her staff provide support to children, youth and families who need help in dealing with the child-serving system, such as the Ministry of Children and Family Development, or Community Living BC. The Office works with young people to ensure they are treated fairly and have their voices heard and advocates for changes to improve the system.

To meet our mandate the Office needs the confidence and trust of the public. These are achieved by the legislated independence of the Office, its integrity and effectiveness and a child-centred focus on supporting children and youth.

The *Representative for Children and Youth Act* provides the Representative with independent powers of review, investigation, monitoring and reporting.

**Designated services** are government funded services or programs for children and their families including but not limited to:

- family support
- child protection
- foster care
- adoption
- guardianship
- children and youth with disabilities
- early childhood development and child care services
- mental health and addiction services for children
- youth justice
- services for youth and young adults during their transition to adulthood

## Vision

The Vision of the Representative's Office is to be:

*... an organization highly valued for championing the fundamental rights of vulnerable children and youth, and for promoting improvements in the delivery of services to children, youth and their families that result in better lives for children and youth.*

## Mandate

- **Advocacy** – Every child and youth in British Columbia has the right to be healthy, safe, educated and heard. The dedicated team of advocates in the Representative for Children and Youth's Office are committed to providing information, advice and support to vulnerable young people under 19 years of age who need help dealing with services or programs provided or funded by government.
- **Monitoring, Evaluation and Research** – Ensuring children and youth across the province have access to the services and programs they need to support their health, safety, education and well-being is a significant focus for the Representative for Children and Youth. The monitoring team evaluates government-funded programs and services, publicly reports on them, and performs research with the objective of improving the lives of vulnerable children and youth.
- **Reviews and Investigations of Critical Injuries and Deaths** – If a child or youth receiving services reviewable under the Representative's legislation dies or is critically injured, particularly where abuse or neglect are factors, the Representative can conduct reviews and investigations and work with other public bodies to recommend improvements to services to prevent similar injuries or deaths in the future.

## Goals

The goals of the Office of the Representative for Children and Youth are supported by the objectives, strategies and performance measures published in the 2009/10 to 2011/12 Service Plan presented to the Legislative Assembly and the Select Standing Committee on Children and Youth in November 2008.

1. Vulnerable children and youth have their rights and interests protected and upheld and their voices heard and considered.
2. The work of the Office supports improved results and a stronger system of supports for vulnerable children and youth.
3. The work of the Office supports the right of children to be safe from violence, abuse and neglect.
4. The Office delivers its mandate in a child-centred, open, collaborative, accountable and responsive way.

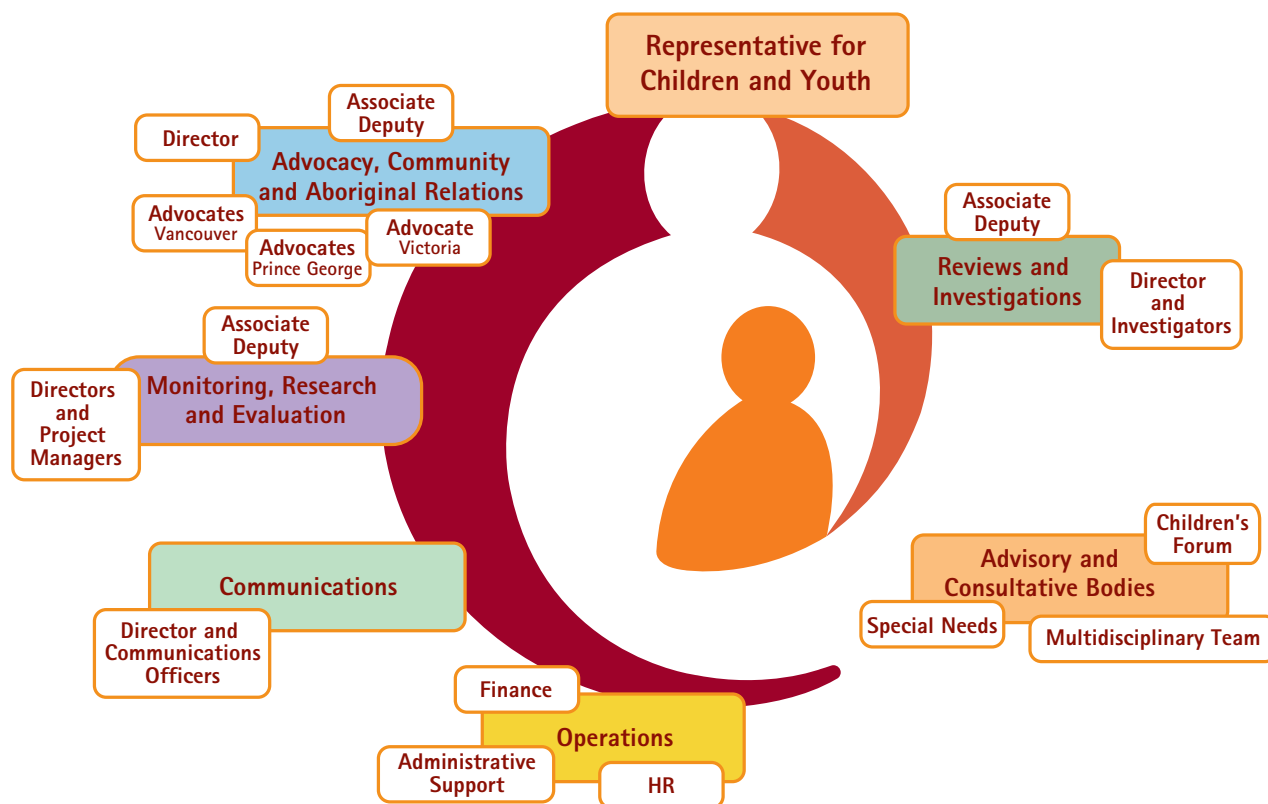
# From the Representative

## Establishment of the Office of the Representative for Children and Youth

In April 2006, the Honourable Ted Hughes, QC, released his BC Children and Youth Review, an independent review of the child protection system. In his report (the "Hughes Review"), he called for significant changes to the child and youth serving system in the province. A central recommendation was to appoint an Independent Officer of the Legislature who would report not to any government ministry, but report publicly to the Legislative Assembly through a Select Standing Committee on Children and Youth.

The 62 recommendations of the Hughes Review were publicly endorsed by both the B.C. Government and the Official Opposition. In May 2006, the *Representative for Children and Youth Act* was passed. In November 2006, a special committee of the Legislative Assembly recommended the appointment of Judge Mary Ellen Turpel-Lafond as Representative for Children and Youth, which was unanimously approved by the Legislative Assembly in December 2006. The Act was brought into substantial effect on April 1, 2007, and was fully in effect by June 1, 2007.

### Organizational Structure





# From the Representative

## The Representative

Mary Ellen Turpel-Lafond, who became B.C.'s first Representative on Dec. 4, 2006, is a judge on leave from the Saskatchewan Provincial Court. Her work as a criminal law judge in youth and adult courts led her to help develop partnerships to better serve the needs of young people in the justice system.

She was a tenured professor of law at Dalhousie University Faculty of Law, and taught law at the University of Toronto, the University of Notre Dame and other universities.

She holds a doctorate of law from Harvard Law School, a master's degree in international law from Cambridge University and a law degree from Osgoode Hall. She is a member of the Muskeg Lake Cree Nation in Saskatchewan.

*Staff of the Office of the Representative for Children and Youth*



ND YOUTH



Representative with the Youth Panel at the 2008 Champions for Children and Youth BC Summit.





## Advocacy

The role of the Representative for Children and Youth is to ensure that the rights and interests of children and youth who need supports and services are protected and upheld, and that their views are heard and considered by decision-makers.

The RCY Office provides information, advice and support to children, youth and families who need help in dealing with designated services.

A dedicated and very experienced staff of 12 does direct case advocacy work for vulnerable children and youth. The child and youth-focused slogan of the Office is "*You Have a Voice!*", to encourage youth to speak up for themselves and to make them aware of the availability of experienced advocates who can assist them, and advocate on their behalf. In the past year the RCY Office continued to develop ways to ensure the views and opinions of children and youth are not only sought but really heard on issues that affect them. On many occasions children and youth cannot speak for themselves. In these situations, RCY advocates directly advocate for the young person, ensuring that the voice of the child or youth is paramount in decisions being made about them, and helping them "navigate" the complex systems of support.

In addition to advocating for changes to improve the effectiveness and responsiveness of the system serving children and youth, the Office promotes and encourages the development of community advocacy organizations through outreach, information, education and support.

From left to right:  
Judge Nancy Phillips, public forum  
moderator and CBC host Mark  
Forsythe, the Representative and  
Gordon Cruse at the Law Society of  
BC's Public Forum (June 2008)

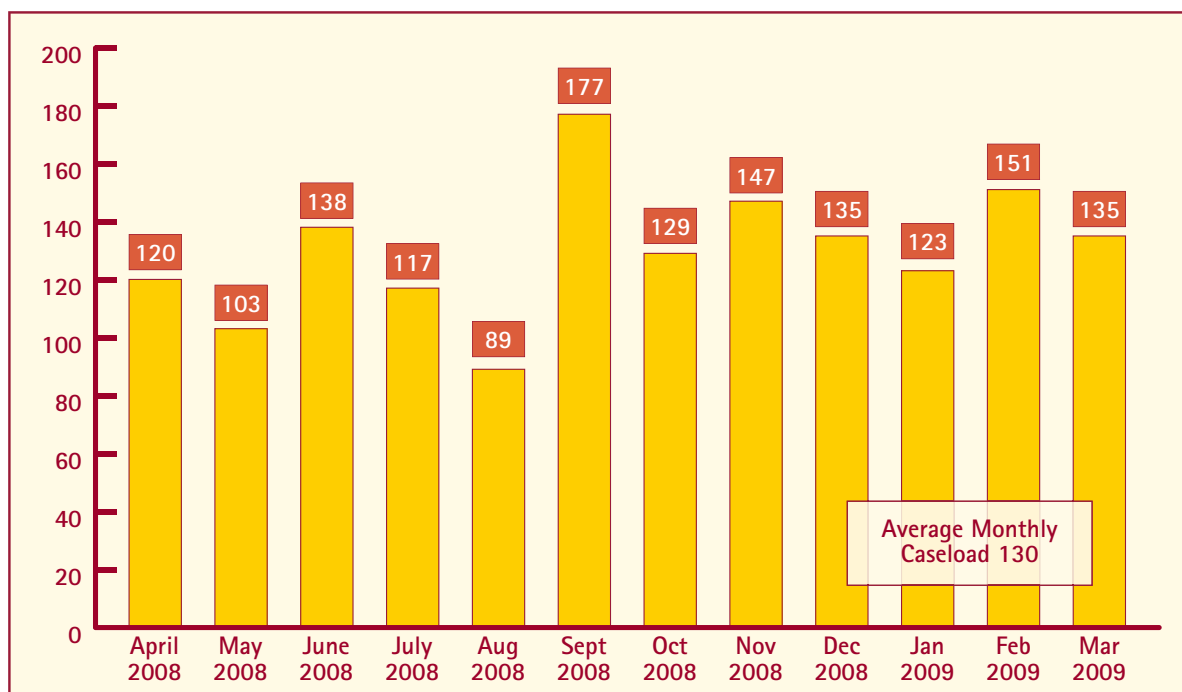


# Advocacy

## Advocacy Facts

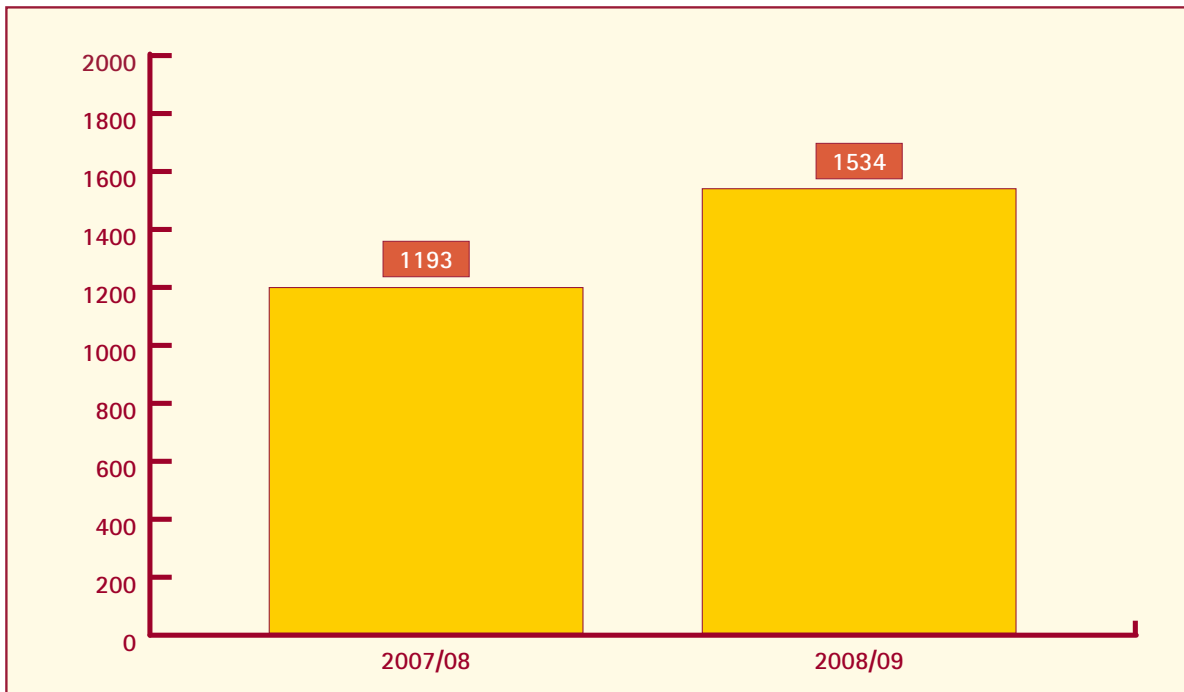
- ▶ Between April 1, 2008 and March 31, 2009, 1,564 new advocacy cases were taken on, a 31 per cent increase from the previous year.
- ▶ An average of 130 cases per month was opened over the last fiscal year.
- ▶ Between opening its doors in April 2007 and March 31, 2009, the Representative's Office has taken on 2,757 advocacy cases.
- ▶ The communities with the most new advocacy cases were Vancouver, Victoria, Surrey, Prince George and Kelowna.

RCY Advocacy Cases by Month  
Fiscal Year 2008/09

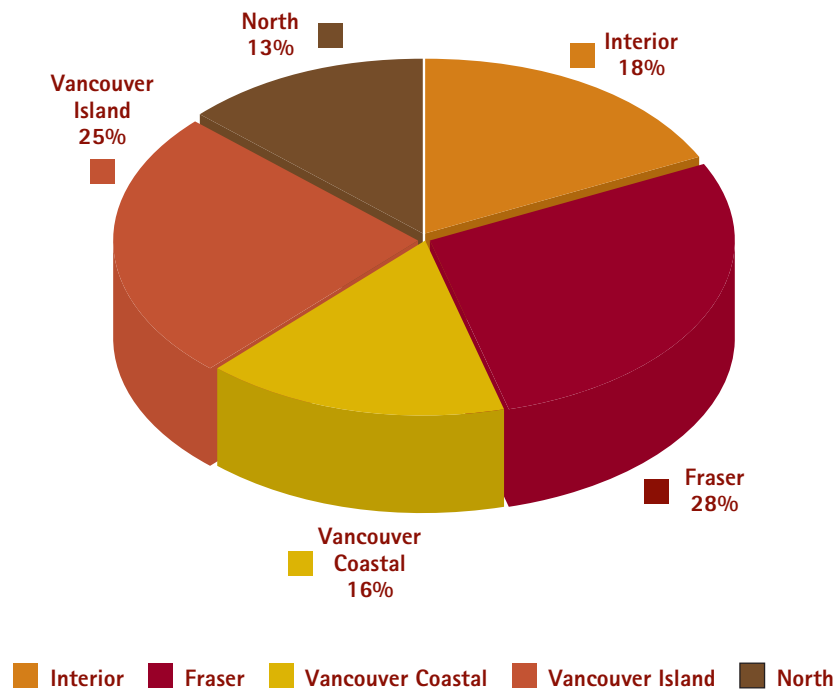




## Total RCY Advocacy Cases by Fiscal Year



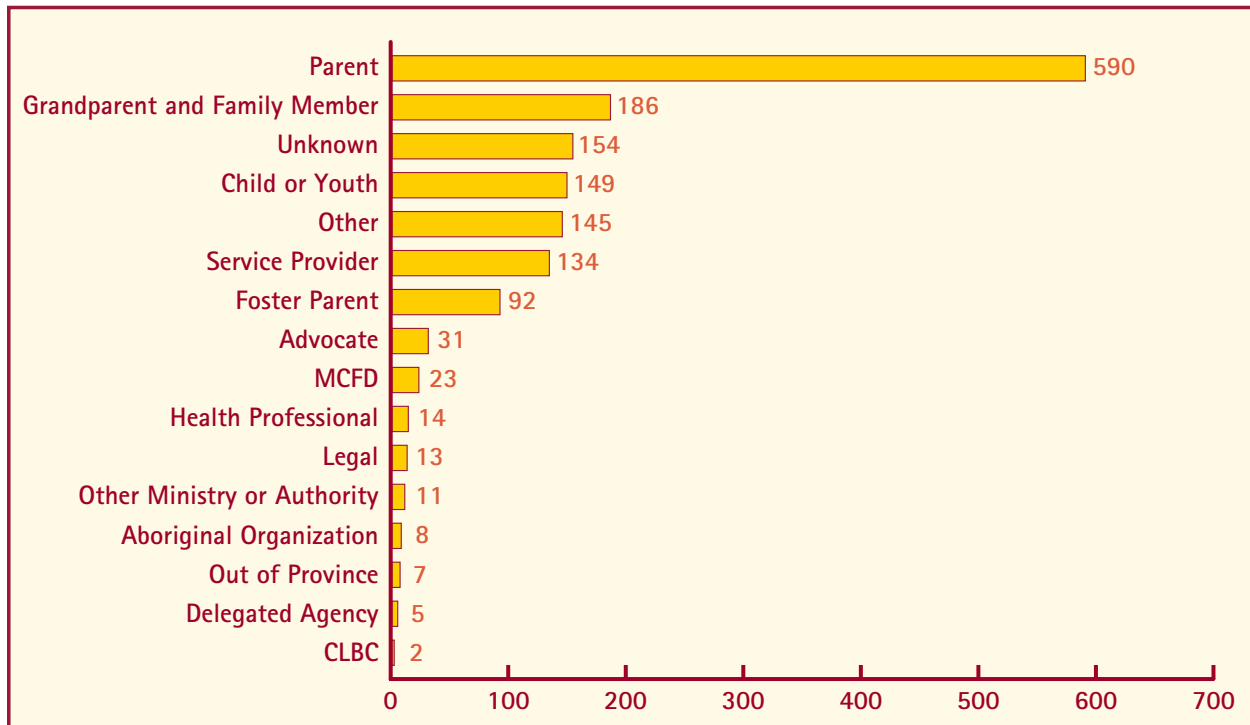
## Advocacy Caseload by Regions Fiscal Year 2008/09



# Advocacy

## Who Called for Advocacy

Number of Advocacy Cases by Initial Contact



**Notes:**

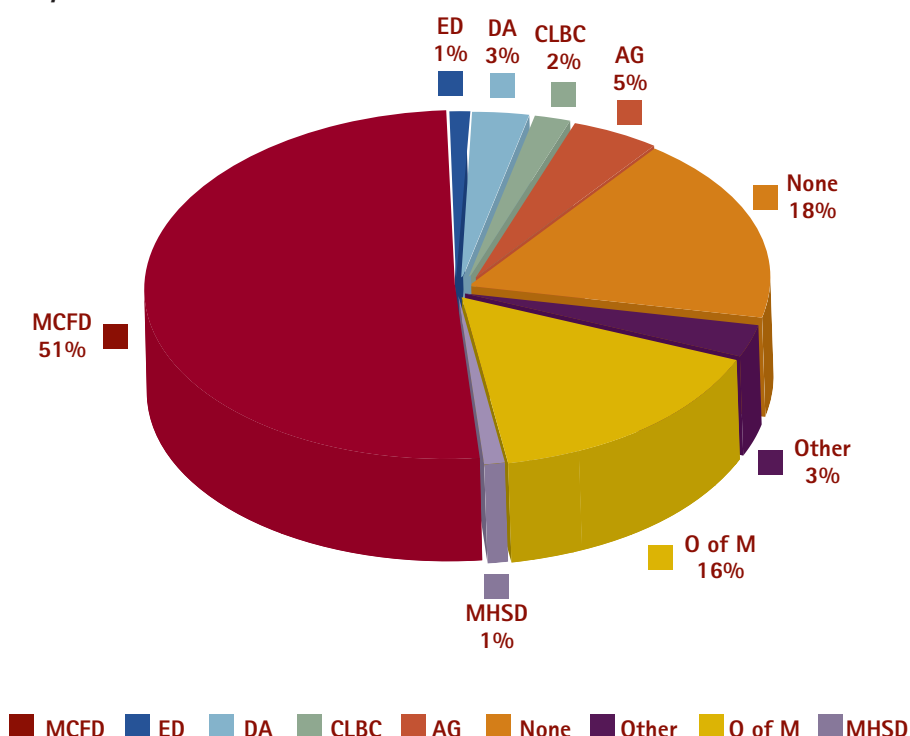
1. Based on Advocacy cases for fiscal year 2008/09
2. **Unknown:** Anonymous callers/emails received by RCY with concerns
3. **Other:** Friend, neighbour or acquaintance

## Ministries and Organizations Identified in Advocacy Cases

Of the new cases opened by the Representative's Office last year:

- 51 per cent related to the Ministry of Children and Family Development
- five per cent related to the Ministry of Attorney General
- three per cent related to delegated Aboriginal Agencies

Ministries and Organizations Identified in Advocacy Cases  
Fiscal Year 2008/09



### Notes:

1. Each advocacy case can bring forward one or more issues related to one or more ministries and/or organizations.
2. MCFD includes *CFCSA*, *Adoption Act*, *Youth Justice Act*, *Child Care BC Act*, *Child Care Subsidy Act*, *Infant Act*
3. DA: Delegated Agency
4. Other: includes Health, Federal, Crown and other Organization
5. O of M: Out of mandate: Advocacy cases where it was determined that it was out of mandate (i.e. Custody and access issues), and information was provided to support the client. No ministry/organization identified.
6. None: Advocacy cases where it was determined that the nature of the call was for information purposes only. Therefore, no ministry/organization was identified.

# Advocacy

## Children and Youth Issues

When children and youth need help, it is vital that the adults supporting them hear their voices – voices sometimes silenced by abuse, neglect or maltreatment. Making sure that children and youth were much more involved in decisions and discussions around the care and services they received was a significant theme in the work of RCY advocates in 2008/09.

Three themes were raised by children and youth, parents or service providers who contacted the Representative. Children and youth felt:

- they were not protected or safe
- their right to participate was not being respected
- the important people in their lives were not engaged or communicated with adequately.

The Representative's advocacy staff frequently receive inquiries and concerns relating to custody and access matters that fall under the *Family Relations Act*. Such calls are prominent among the 16 per cent of calls that are "out of mandate". The legislative mandate of the Representative does not include *Family Relations Act* matters. The Representative believes that this is a significant gap and intends to raise the issue with the Select Standing Committee for Children and Youth.

It is imperative that young people know they can contact the Representative's Office themselves. In 2008/09, there were 149 calls for advocacy from children and youth, and the Office is working hard to ensure this number increases. One caller was just seven years old, and asked to speak with the Representative. Children as young as four have spoken with an advocate in case consultation meetings and in private interviews. Young people across B.C. have the right and the option to meet with advocates in person, and this message is central to all outreach material developed by the Office. In working toward our goal of ensuring that all children and youth in B.C. receiving designated services are aware of the role and services of our Office, we are planning to provide workshops in 22 communities in the coming year. Themes will be "*Rights of Children and Youth*" and "*How to be an Effective Advocate*".

The cornerstone of the Representative's advocacy work is ensuring that young people who contact the Office get the help they need to navigate the systems of support ostensibly provided to aid them.

RCY advocacy cases are as varied as the individuals requesting assistance – from a foster parent concerned that the children in her care were being denied medically necessary braces, to a child wanting to stay with foster parents she'd grown to love. The majority of requests for advocacy related to child protection, guardianship and family support issues.



The values within the *United Nations Convention on the Rights of the Child* and the *Child and Family Community Service Act* Section 70 are vital to the protection and safety of all vulnerable young people. The most fundamental of these is the right to be safe and protected from harm. The right for children and youth to have their voices and opinions heard during decision-making about their future is fundamental to the work of RCY advocates.

British Columbia's child welfare legislation, the *Child and Family Community Service Act* (CFCSA), contains an important provision intended to preserve and protect some important fundamental rights for children in care.

Section 70 of the CFCSA:

**70 (1)** Children in care have the following rights:

- (a) to be fed, clothed and nurtured according to community standards and to be given the same quality of care as other children in the placement;
- (b) to be informed about their plans of care;
- (c) to be consulted and to express their views, according to their abilities, about significant decisions affecting them;
- (d) to reasonable privacy and to possession of their personal belongings;
- (e) to be free from corporal punishment;
- (f) to be informed of the standard of behaviour expected by their caregivers and of the consequences of not meeting their caregivers' expectations;
- (g) to receive medical and dental care when required;
- (h) to participate in social and recreational activities if available and appropriate and according to their abilities and interests;
- (i) to receive the religious instruction and to participate in the religious activities of their choice;
- (j) to receive guidance and encouragement to maintain their cultural heritage;
- (k) to be provided with an interpreter if language or disability is a barrier to consulting with them on decisions affecting their custody or care;
- (l) to privacy during discussions with members of their families, subject to subsection (2);
- (m) to privacy during discussions with a lawyer, the representative or a person employed or retained by the representative under the *Representative for Children and Youth Act*, the Ombudsman, a member of the Legislative Assembly or a member of Parliament;
- (n) to be informed about and to be assisted in contacting the representative under the *Representative for Children and Youth Act*, or the Ombudsman;
- (o) to be informed of their rights, and the procedures available for enforcing their rights, under
  - (i) this Act, or
  - (ii) the *Freedom of Information and Protection of Privacy Act*.

# Advocacy

## Case Examples

Following are case examples of the work of RCY advocates. Names have been changed to protect the confidentiality of the children and youth.

### Finding supports for a young man in need

#### *Issue:*

When youth who are in care turn 19, they are no longer eligible for the supports and services they have been receiving. Justin's foster parent called the Office of the Representative for Children and Youth concerned that Justin, about to turn 19, would no longer have needed supports.

Diagnosed with high functioning autism, Justin's IQ was above eligibility for Community Living BC support, but he functioned at a level much younger than his 19 years. Payments to the foster parent, who had cared for Justin for most of his life, would be ending in a matter of days and there was no transition plan in place for him.

The foster mom was very saddened with the possibility of sending Justin out to live on his own when funding stopped. She felt he was not equipped for full independence. She wanted a plan for the next stage of his life and was willing to continue to care for him if there was an agreement in place.

In exploring Justin's situation, the RCY advocate saw that considerable effort on his behalf was being made by Justin's MCFD social worker, however no services were available as he did not qualify for CLBC supports under its current criteria. Although he qualified for an Agreement with Young Adults (AYA), he wasn't actually prepared for the responsibility. (AYAs provide financial assistance and support services to young people who were in care, who want to continue their education or complete a rehabilitative program.)

#### *Action:*

On behalf of Justin, the RCY advocate assisted the foster parents in accessing AYA services, and provided them with information, support and advice about continued advocacy.

#### *Outcome:*

MCFD made a policy exception and Justin remains in the care of his former foster parents who are receiving top-up funding to his AYA. The Representative is encouraging government to expand CLBC's 70 IQ criteria so that more children and youth will have access to CLBC services.

#### *Systemic Advocacy:*

The Representative notes that a restrictive definition of eligibility for services affects those young people whose circumstances don't fit neatly into pre-defined boxes. The Representative raised this issue last year in a Monitoring Brief (*Systems of Services for Children and Youth with Special Needs, Feb. 26, 2008*). The Representative continues to raise the issue in meetings and briefings, and intends to highlight issues of eligibility through updates to the Monitoring Brief.

## Speeding up the wheels of adoption

### *Issue:*

Elly had just entered her teen years when she learned her foster parents would no longer be able to care for her. The home was a good one but when the foster dad became ill he knew he'd have to focus on his health and quit fostering.

Fortunately, Elly was not without an alternative. She had relatives in another province who had started adoption proceedings nearly two years before. Being adopted by family was the best scenario of all for Elly, but the process was slow and there was no sign of progress.

Elly's social worker contacted the RCY Office and explained Elly would soon have to be moved because of the foster dad's illness, and that the adoption proceedings in the other province had bogged down. Elly herself then called the RCY Office and said she would like an advocate to help move the adoption process along, as she was very worried about the prospect of leaving her foster home and having to move into an interim foster home.

### *Action:*

The RCY advocate contacted the out-of-province relatives for information about the status of the adoption proceedings. They reported that they were frustrated and were waiting for confirmation from their province's adoption authority that the adoption could go ahead.

The RCY advocate then contacted the government ministry in the relative's province and requested information about the adoption status and reasons it might not be moving forward. Within a week, the RCY advocate was informed the assessment of the adoptive home had been expedited.

### *Outcome:*

The adoption was approved within six weeks of the RCY advocate becoming involved.

### *Systemic Advocacy:*

It is fundamental that all people are aware of the adoptions process, especially involving Aboriginal or ethnic children and youth. A key systemic concern in adoptions is timeliness. Many children and youth in government care are eligible for adoption. However, this could be hindered by capacity issues, procedural delays, and the fundamental involvement of the young person being discussed.

# Advocacy

## A healthy smile for sisters

### *Issue:*

Two Aboriginal sisters in foster care were desperate for orthodontic care to correct overcrowded teeth that caused each of them pain.

Despite a specialist saying the work was a medical necessity and not a cosmetic procedure, they couldn't get dental coverage. Neither the federal government nor MCFD would pay for the braces.

Concerned that the discomfort was causing the girls to lose sleep and was affecting their concentration at school, their foster parent contacted the Office of Representative for Children and Youth for advocacy assistance for the girls.

### *Action:*

The RCY advocate suggested the foster parent write MCFD requesting the dental work along with an official letter asking why the ministry was denying a necessary service. The advocate also suggested the foster mom request that the ministry provide a document outlining all decisions to date relating to the girls' dental care.

### *Outcome:*

The ministry reconsidered the decision around dental coverage and within two weeks the girls received the go-ahead for the necessary treatment.

### *Systemic Advocacy:*

Jordan's Principle (see text box on page 31) ought to provide very straightforward policy direction in situations like this. By raising the issue with senior officials in both MCFD and the federal government, the Representative highlights real-life situations in which principles agreed to between governments often don't translate well into on-the-ground application.

In systemic and practical terms, on many occasions RCY advocates speak to all agencies involved and help young people and their families navigate the discrepancies in the systems of support for Aboriginal children and youth.



## Helping a little girl who knew what she wanted

### *Issue:*

Courtney phoned the Office of the Representative for Children and Youth in the summer of 2008. She was seven years old and said she had learned she would have to leave the foster parents she loved, whom she had called "mom and dad" for the past two years.

Relatives living in another province were applying for custody of her and she didn't want to go. She was happy in her foster home here in B.C., where she was an only child, received plenty of attention, and the behavioral challenges she had shown when she arrived at their home had calmed. She had extended family and a brother nearby and lots of friends. She didn't want to move to another province and leave all that was familiar. "Can you help me?" she asked the RCY advocate.

### *Action:*

The RCY directly advocated for Courtney to the MCFD social worker and the foster parents, and learned the foster parents were also applying for custody of Courtney. The RCY team encouraged her to express her views in the meetings scheduled to determine her care.

### *Outcome:*

Courtney's young voice was heard in meetings and decision-making discussions around her future, and she was permitted to stay with her foster parents.

### *Systemic Advocacy:*

In 2008/09, 99 cases were brought to the attention of the Representative, where children and youth felt their right to participate in developing their plans of care was not respected. Helping the ministry to see the importance of this involvement and of the legislative requirement to do so is a key role for the Representative.

# Advocacy

## Keeping a bright future on track

### *Issue:*

Carey, an Aboriginal youth, was on her way to an independent life.

She was learning life skills like budgeting and exploring career options when she was told funding for the program that was getting her on her feet had been cut.

Her teacher contacted the Office of the Representative for Children and Youth expressing concern for Carey who she said was devastated by the loss of the program and feared she would be homeless and on the street without it.

### *Action:*

An RCY advocate arranged to meet with Carey and the other youths in the program. They all lived partially independently – some on youth agreements, others in the care of the ministry. They were learning to live independently with ministry supports and they appreciated the skills that they were gaining. Several of the youth had mental health issues, and all echoed Carey's concerns about how they would manage without completing the program.

The RCY advocate contacted the ministry's community services manager to ask about the program's future and was told it wasn't being cut, but that the program contract was being re-tendered. Despite this, when the contract ended, Carey's particular session of the program would not be completed. The advocate met with the manager and relayed the youths' concerns they would be cast adrift when the funding for their program ceased. Arrangements for the gap time between the contract ending and a new one being awarded had not been addressed. The RCY advocate asked that the youths receive services during the time between the two contracts.

### *Outcome:*

Because of the RCY advocate's research into the issue, identification of the contract gap problem and discussions with the affected youth, the ministry developed a better understanding of the youths' concerns and agreed to extend the current program contract until the tendering process was complete. Carey and her peers completed the program.

### *Systemic Advocacy:*

While the concern in this case was about Carey, involvement of the Representative's advocate brought about a change for all of the other youth in the program. By raising the issue, the Representative was able to highlight the inequity created by the ministry's decision and to help the parties to arrive at a better decision for the youth. Fundamental to systemic advocacy is community and support system engagement. This case also illustrates the importance of community members who are 'natural advocates' (such as the teacher in this case), especially when they identify systemic decisions that are affecting the lives of young people in their communities.

## Bringing the babies closer to home

### *Issue:*

After their mother's ex-boyfriend broke into her home and assaulted her, ministry social workers removed two Aboriginal infants from the residence and placed them in care in a home two hours away. Their file was turned over to a delegated Aboriginal Agency.

There was no public transport to where the babies were placed and family members had to use their limited income to pay their own travel expenses to visit them. Frustrated that the babies were placed so far away and that access had not been clearly addressed, the family contacted the RCY Office. They pointed out that while extended family members that lived closer were willing to care for the babies, they had not been given the option.

### *Action:*

An RCY advocate contacted the delegated agency overseeing the children's care and noted the barriers to family contact with the infants. The advocate pointed out that the onus was on the agency to coordinate and ensure easier access for family contact.

The advocate also raised the point that the agency had not fully explored placing the infants with extended family as per legislation, despite family members having expressed interest in caring for them.

### *Outcome:*

The delegated agency agreed to pay the out-of-pocket costs for the family to see the infants. Eventually the children were placed in the care of a family member that lived closer, with a long-term plan to return them to their mother.

### *Systemic Advocacy:*

This situation highlights a broader systemic concern about the transition of services to delegated Aboriginal Agencies and community service providers. This is a delicate process that requires careful planning. It is fundamental that all parties have transitions plans, and that children and youth are engaged in the planning and discussions.

# Advocacy

## Speaking up for her safety

### *Issue:*

Jane was 14 when things started to go badly at home.

Her mom had a new boyfriend with a mean streak and since moving into the house he had clashed with Jane's older brother and with his friends. Police had been called to the home after a particularly serious incident and Jane and her brother were surprised that their mother subsequently allowed the boyfriend to stay in the home.

Arguments and altercations continued. It didn't appear the boyfriend would be leaving so Jane and her brother left to stay in the homes of friends, vowing not to return home until their mother's boyfriend left.

### *Action:*

Jane called the Office of the Representative for Children and Youth and an advocate explained the advocacy role and the possible options available to Jane. These included a youth agreement, mediation and foster care.

The RCY advocate arranged a meeting to discuss the family situation. The mother, a school counselor, the friend's mother where Jane was staying, and Jane attended.

### *Outcome:*

It was agreed that Jane could continue to live with her friend's family until her mother's boyfriend had left and her mother was getting supports for herself.

Jane agreed to attend counseling with her mom and is satisfied her concerns have been resolved.

### *Systemic Advocacy:*

This situation illustrates a common difficulty that arises due to the lack of a legislated mandate for the Representative to address matters that arise under the *Family Relations Act*. Domestic violence continues to be a significant issue for many children and youth in B.C. Children and youth need to know that there is a place to go to express their own concerns about custody and access. The Representative will continue to raise this with the Select Standing Committee on Children and Youth.

## A voice for independence

### *Issue:*

Youth are encouraged to advocate for themselves and that is exactly what 15-year old Jessica did when she contacted the RCY Office.

Jessica told an RCY advocate that she'd had three foster home moves within one month and, at the time of the call, was living in a group home. She said that her current situation wasn't a good fit. She wanted privacy and more independence.

### *Action:*

The RCY advocate arranged and attended a meeting (to listen) between all those involved in Jessica's care, including her social worker, her social worker's supervisor, and staff from the group home. Jessica chaired the meeting and spoke eloquently of her need for independence and her interest in pursuing her education. She had a part-time job and was saving to buy a computer, but wasn't permitted to have a computer at the group home. She also wanted to cook for herself and live as independently as possible.

### *Outcome:*

As a result of the meeting, Jessica moved to a foster home where she was given private accommodation. As well, the foster parents turned over support money so she could buy and cook her own food. It was a good match and Jessica was happy there. She told the RCY advocate she thought she could comfortably live there until she reached adulthood.

### *Systemic Advocacy:*

Transitioning out of care is a big step for any young person. From a systemic perspective, it is vital that planning for that transition properly assesses capacity of the young person, and that they are engaged in planning in a way that is consistent with their ability. When young people are engaged, the plan will always be stronger and have more likelihood of succeeding.



# Advocacy

## Aboriginal and Community Relations

The Hughes Review noted that the Representative's Office serves "a constituency of which Aboriginal children and families form a large part, and it will be essential to its legitimacy and its success that Aboriginal people see it as a place where they will be welcome and understood, and where traditional Aboriginal understanding and practices have a place."

To help achieve this, the Hughes Review strongly recommended that at least one of the Office's senior staff be Aboriginal. "When I say "Aboriginal" I mean not only a person of Aboriginal heritage, but one with a track record of involvement in Aboriginal communities, who understands Aboriginal children and youth, and has direct experience or at least a deep understanding of life on a reserve," Hughes said. The Representative is of Cree ancestry, and the Associate Deputy Representative for Advocacy, Community and Aboriginal Relations is from the Nisga'a Nation.

Hughes also recommended that the Office make " ...a concerted effort to recruit and retain Aboriginal staff ...". RCY staff members include First Nations individuals from various regions of British Columbia. It is respectful and essential when working with Aboriginal communities to have strong knowledge of how to communicate, and how to engage within a cultural landscape that encourages open and transparent discussion with and about Aboriginal children and youth.

Aboriginal children and youth are over-represented in B.C.'s child protection system, under-represented in many systems of support, and often face challenges that result in extreme vulnerabilities. As highlighted in the Representative's *Kids, Crime and Care* report on youth justice, released in February 2009, more than one in five Aboriginal children and youth examined in the study had either been in care, in the home of a relative, or both. This is in stark contrast to the less than one in 30 non-Aboriginal young people who have lived outside the family home. This is a significant concern for Aboriginal communities and leadership, and must become more widely addressed by society in general.

The Representative discussed this and other concerns in a Jan. 13, 2009, Northern Chiefs meeting in Prince George. Hosted by the First Nations Leadership Council, the two-day meeting was titled "Crisis in the North: A Call for Action on Behalf of Our Children and Families", and was attended by most of the Chiefs and Elders from throughout the Northern region of B.C. Other attendees included child-serving agencies, the Northern Advocates for First Nations Families (formerly the Northern Interim Aboriginal Authority), and MCFD representatives. A key focus of the meeting was a speech by the Representative and subsequent group discussion of the Representative's report, *Amanda, Savannah, Rowen and Serena: From Loss to Learning*. The report, released in April 2008, investigated the deaths of four Northern B.C. children who died between 1999 and 2005.

At this Northern Chiefs meeting there was widespread support for the recommendations in the Representative's report, and the frank discussion had a strong focus on the need for grassroots action and government support in the North regarding child and youth safety on and off reserve. The Hughes Review noted that "an Aboriginal person with real life experience in an Aboriginal community can speak from a place of respect that allows for the delivery of tough messages, when that is what is required", and the Representative challenged and encouraged Chiefs to become actively and personally involved, to the highest degree, in supporting and protecting their vulnerable children and youth, and hearing their voices.

The call to hear the voices of children and youth is also a focus of the introduction the Representative wrote at the request of the McCreary Centre Society, for their report titled "Moving Upstream". The report, released in January 2009, is a detailed analysis of the experience of marginalized and street involved Aboriginal youth in B.C. In her introduction, the Representative wrote:

*To understand a person you must take a look at the world, as best as you can, through their experience. In First Nations parlance, we say "walk a mile in my moccasins." The message is clear: Learn before you form an opinion – be open to another person's experience. For youth, keep the focus on them and ensure the system responds to them appropriately and respectfully given their unique rights. But also, listen to what they say. Their voices will tell us what they need.*

In 2008/09 the Representative's Office also actively engaged with the First Nations Leadership Council, as per the Memorandum of Understanding signed in 2007. Currently, the Representative's senior staff engages with the Interim First Nations Child and Family Wellness Council regarding Aboriginal jurisdictional discussions stemming from the cancellation of the Interim Authorities process in B.C. As of March 30, 2009, a new protocol has been signed between the First Nations Leadership Council and MCFD, entitled the 'Recognition and Reconciliation Protocol'.

Many Aboriginal people in British Columbia have in the past been unaware that they have a forum to communicate their concerns about child safety and well-being, and discuss their rights as children, youth, and community. Through outreach efforts and communication from the Office, often involving RCY advocates travelling to remote areas of the province, many Aboriginal communities across British Columbia are more aware of how to contact the Representative's Office. This outreach and raising of public awareness throughout all communities in British Columbia will remain a focus of the Representative's Office.



The Representative with Assembly of First Nations National Chief Shawn A-in-chut Atleo.

# Advocacy

Communities Visited by RCY Staff 2008/09



Aboriginal engagement is important in all areas of the Representative's Office. Staff in the various departments of the Representative's Office – advocates, critical injury and death investigators, and monitoring and communications staff – focus on meaningful contact and clear and concise communications with Aboriginal groups across B.C. Cultural relevance, respect, and hearing the voice of Aboriginal communities as per the Hughes Review is a cornerstone of the work of the Representative's Office.

Another important consideration for the Representative is that "Jordan's Principle" be respected when advocating on behalf of Aboriginal children. This principle puts children first when jurisdictional debates about services occur between the province of British Columbia and the Federal government. In 2008 the Province of British Columbia endorsed "Jordan's Principle", but unfortunately its full implementation, which would benefit Aboriginal children and youth across B.C., has not yet occurred.

In terms of government relationships, the Representative is strongly supportive of collaborative work with provincial, federal and Aboriginal governments in addressing issues related to Aboriginal children and youth receiving government services. In the interest of transparency, work must focus on ensuring that all British Columbians are aware of the state of Aboriginal child welfare and jurisdictional discussions. It is imperative that it is culturally relevant, reflective of community capacity, and meaningfully committed to by all parties. In 2008/09, a major concern brought to the Representative's Office by members of the public was the lack of communications by government to grassroots organizations and First Nations leaders across B.C. regarding the cancellation of the Interim Authorities. Many of the organizations and Aboriginal communities had been actively engaged in the Interim Authorities process in some capacity.

The Representative is conducting a review of Aboriginal Services to determine how and to what degree Aboriginal children, youth, their families and communities are being consulted and engaged in service deliverance discussions. How have the gaps been reduced in the last five years for Aboriginal children and youth in these jurisdictional discussions? It is imperative to maintain a focus on the children, and encourage communities and Aboriginal groups to engage in meaningful and respectful discussions.

## "Jordan's Principle"

Jordan was a First Nations child born with complex medical needs. During his short life, federal and provincial governments argued over who would pay for his at-home care.

Sadly, because of the discord, Jordan passed away far from his family home.

In honour of Jordan, all provincial, territorial and federal governments are being called on by almost 1,900 leading organizations to adopt a child-first principle to resolving jurisdictional disputes over care of First Nations children.

Under "Jordan's Principle," when a dispute arises between two government parties regarding payment for services for a Status Indian child, the government of first contact must pay for the services without delay or disruption.





The Representative with a group of youth at the 2008 Champions for Children and Youth BC Summit.

## Community and Stakeholder Engagement

In developing an effective advocacy strategy for young people receiving designated services, one of the Representative's key objectives is to engage with communities across B.C. to inform British Columbians about the mandate of the Office, especially the advocacy function. As well, many organizations across British Columbia work to improve circumstances for vulnerable youth. The RCY strives to keep this community of interest informed and aware of the work of the Office through reports, meetings with organizations and frequent presentations by the Representative and her executive team. It is of equal importance to the Representative to learn from stakeholders what initiatives they are undertaking, what works, what doesn't and what opportunities exist to move ahead together on issues.

By keeping organizations informed about its activities, the RCY Office continues to build relationships of credibility and confidence with the broader child-serving community, and encourages collaborative approaches to the many issues being addressed by these organizations. In addition to informing stakeholders, the Representative regularly receives advice on various issues. For example, an advisory committee on services to children and youth with special needs met with the Representative three times during the year to provide information and advice. This group of leaders and service providers has extensive knowledge and expertise across the spectrum of special needs.

Key stakeholders include foster parents, self-advocacy networks and child and youth-serving organizations, all of which have direct contact and communications with vulnerable young people across the province. Feedback from these groups is invaluable to the Representative and to the work of the RCY Office. The local business community in B.C. and the Union of B.C. Municipalities are also key stakeholders, and the RCY makes presentations on the mandate of the Office at both municipal and regional district levels across the province.



## Advocacy

Staff – in particular, the advocates – and the Representative also regularly meet with and hear directly from young people. Hearing the voices of young people receiving designated services is essential when making recommendations to improve the system of supports and services.

At the national level, the Representative is a contributing member of the Canadian Council of Provincial Child and Youth Advocates. At present, nine of Canada's 10 provinces have provincial advocates. Eight of these are independent officers with mandates prescribed in legislation. The Council meets twice a year to share information, and in the absence of a federal Children's Commissioner, to engage in joint projects at a national level. For example, the Council is active in the area of profiling the rights and advocating on behalf of Aboriginal children, many of whom are extremely vulnerable and living in dire poverty, and are reliant on the federal government for child welfare-related services.



RCY staff with children at the 2008 North American Indigenous Games in Duncan, B.C. (September 2008).

## Champions for Children and Youth: The 2008 Summit

In October 2008, the Representative hosted stakeholders, youth, service providers and the public for the first-ever – and truly remarkable – ‘Champions for Children and Youth BC Summit’, attended by 300 delegates. The two-day event united experts from around the world with professionals who work with children, the private sector, youth and others to explore key issues and emerging opportunities to serve young people more effectively.

Through a series of thought-provoking keynote addresses and panel discussions, participants were given an opportunity to examine their collective responsibilities as adults, parents, guardians, communities and governments. The event was designed to challenge participants to shape a future that protects and improves the well-being of the children who need our support the most.

### What we heard

One of the most discussed issues at the Summit was the basic need of all human beings for a sense of connection and belonging – both to a family and to their culture. This was powerfully shared by panel members of the session titled “My Story: Insights and Lessons from Living in Care”. Panel member Angie Cross, who is now in her 30s and works for the National Youth in Care Network, compared coming into care to “a family amputation.” Like most young people in that situation, she experienced a great deal of grief and loss. Grand Chief Stewart Phillip of the Penticton Indian Band, also a panel member, was taken into care at a young age and honoured and moved attendees with his description of his intense feelings of isolation and disconnection from his family, his community and his culture after being placed in a non-Aboriginal home as an infant. He went on to remind everyone that “the decision to apprehend a child reverberates through many generations.”

Another significant theme throughout Summit discussions was rights and resources. “The number one requirement for advancing children’s rights is for the voices of children and youth to be heard,” said Nigel Fisher, president and CEO of UNICEF Canada and one of the event’s keynote speakers. Despite this, Mr. Fisher noted that “children tend to be invisible in public accounts,” and that “they are the most vulnerable – and the least influential – when it comes to budgeting.” Stephen Lewis, former Special Envoy to the UN Secretary General who now heads an international AIDS advocacy organization, said: “The U.S. and Canada now spend \$3 billion a week on the wars in Iraq and Afghanistan” while those who work on behalf of children have to scramble and compete for resources. “There’s something wrong with our sense of priorities,” he said, “and children pay the price.”

# Advocacy

What emerged with great clarity in Summit discussions was how incredibly resilient children and youth are. "Children," LGen Romeo Dallaire (Ret.) told the Summit in his keynote address, "have an incredible capacity to rebound if given the opportunity." As commander of the United Nations' forces in Rwanda, he saw children live through absolute horror and still retain their curiosity, their interest in learning, and their interest in life. Jim White, CEO of Covenant House International, whose residential program helps street kids said that "kids who are successful are kids who have a vision for themselves. As caregivers, we have to take on the role of helping kids identify that vision" and supporting them to achieve it.

A focus of the Summit was "What can service providers do?" but in keeping with the Representative's philosophy, it was important to hear the voices of young people throughout the event. A number of youth - including two youth co-chairs - took part in the proceedings, while others spoke via video interviews. The young people's stories touched Summit participants deeply. Here are a few of the participant's comments:

*"Their stories made me want to cry and make me want to do more when I work with my youth."*

*"I feel inspired to do better with my kids."*

*"I realized my power as a social worker has long-term consequences and that I need to be mindful of that."*

The stories shared at the Summit, particularly those from youth, called for all of us to do better. Discussions highlighted the need to continually ask: "Are vulnerable children only in our communities, or are we working towards making them of our communities?"

## Summit Speakers

International experts in the fields of child welfare, child and youth mental health and education brought a wealth of knowledge and insight to participants. These included the children commissioners from Finland and from New Zealand, and experts and leaders in fields as varied as stopping Internet exploitation of children, addictions, child abuse and neglect research, child mental health, homeless and runaway youth, and Aboriginal issues.



Then-Minister of Children and Family Development Tom Christenson also participated in a number of sessions on both days, and presented awards at the Representative's Awards of Excellence ceremony, along with Lieutenant Governor Steven Point and the Hon. Ted Hughes. Award winners selected by a panel of independent judges were chosen from an impressive field of nominees.



Fred Ford, Victoria, Advocacy Award of Excellence



Peter Thomas McKay, New Aiyansh, Cultural Heritage and Diversity Award of Excellence



Fir Square Combined Care Program at BC Women's Hospital and Health Centre, Innovative Services Award of Excellence



The After Hours Program, Ministry of Children and Family Development, Fraser Region, Service Provider Award of Excellence



Bacilia "Cia" Ramirez, Vancouver, Youth Leadership Award of Excellence



Dr. Lois Jean Hlady, Vancouver, Life-time Achievement Award of Excellence

# Advocacy

## Materials Produced

Summit attendees received a publication produced by the RCY, which contained "session overview" articles aimed at setting out the context for the discussion, framing the issues of significance, and initiating thought and discussion around solutions or actions. The document also provided a venue for artwork and creative writing selections provided by youth involved in various organizations serving at-risk and marginalized youth. Their work was also incorporated into the Summit program, the room décor and the creation of video introductions for the Summit sessions. Their contributions added excitement and energy to the proceedings, and their powerful and thought-provoking creations kept attendees focused on youth.

As well, the RCY produced a comprehensive summary report called *Report on the 2008 BC Summit*. The Summit's many highlights, photos, 2008 Awards of Excellence information and quotes from both delegates and speakers combined to create a most dynamic report. It was printed and distributed to all 300 Summit participants by mail following the Summit, to inspire them to carry on the work that was begun, by capturing the depth of work and discussion from the two-day event. The report was also mailed to RCY's key stakeholders who were unable to attend the event.

## A Goal Achieved

The goal of the Summit was to bring together experts and professionals from the child and youth-serving system to discuss the ways to better serve young people. Local, national and international experts gave attendees the tools and encouragement to look critically at the system of supports for vulnerable children. It became clear that change is required to support families in as holistic a way as they deserve. The Representative's Office received numerous letters from participants about how significantly the Summit had benefited them and how compelled they felt to return home and listen to the voices of children.

A wide variety of sponsors also stepped up to provide support in making the Summit possible, including the Queen Alexandra Foundation for Children, as a presenting sponsor. The support of the business community is essential in all aspects of improving the child-serving system and their Summit participation demonstrated in a concrete way their leadership and commitment to affecting real change.

In summary, as intended, the lively, innovative thought and discussions of the 2008 Summit provided participants with renewed energy, support tools and connections to others that they require to achieve the stronger child-serving system that B.C.'s children and youth deserve.

To view all related Summit documents, including the *Report on the 2008 BC Summit*, and to watch videos of the various presentations and panels at the Summit, visit the "Events" link at [www.rcybc.ca](http://www.rcybc.ca).



## Critical Injuries and Deaths – Reviews and Investigations

A key aspect of the Representative's mandate is the review and investigation of critical injuries and deaths of children and youth who have received reviewable services in the year prior to the occurrence of a critical injury or death. The objective of this work is to determine whether the system may have contributed in any way to the injury to or death of a child, and recommend improvements to service, practice or policy aimed at preventing future tragedies.

In addition to the opportunity for learning, the results of the Representative's investigations fulfill a critical public accountability function by providing an independent, external analysis of events, with the child at the forefront throughout. The focus on the perspective of the needs of the child or youth is central to the Representative's approach. Applying this lens informs a different kind of analysis than is typically conducted in internal review processes. The Representative and her staff are dedicated to pursuing excellence in this work, and seek to become leaders in this field internationally.

The Representative's Office receives reports of all critical injuries or deaths of children and youth who have received reviewable services within the year prior to the occurrence of a critical injury or death. Each report is screened and if there are apparent issues, an RCY review is initiated. An investigation is initiated by the Representative when a review suggests the circumstances of an injury or death are suspicious, self-inflicted, inflicted by someone else or when there is a question as to whether neglect, abuse or services the child received may have played a role in events leading to the injury or death.

Reviewing and investigating critical injuries and deaths of children is complex, resource-intensive work. Applying the criteria outlined in the *RCY Act* results in a workload of approximately 100 reviews per year. Each RCY review entails reviewing and analyzing numerous MCFD files, and typically files from contracted service agencies, health care providers, police departments and others. A comprehensive internal report that enables effective decision making about whether or not an investigation is called for is then developed for the Representative's consideration.

Two aggregate reviews have been undertaken, and public reports are planned for 2009/10. One is a review of deaths of children under age 2. The second aggregate review will deal with self-harm and suicide. Both of these reports are intended to improve our understanding of the circumstances related to critical injuries and deaths, and to identify gaps in supports and services and ways in which the system can be strengthened.



## Critical Injuries and Death

RCY Investigations require intensive work with communities, family members and service providers in order to ensure that all aspects are considered in developing an investigation plan. Carrying out the investigation requires numerous personal interviews, which are conducted under oath, recorded and transcribed. In addition to case-specific information, relevant legislation, policies, and service standards are fully reviewed. All of this information forms the basis for analysis, findings and recommendations.

Before an investigation is completed, draft materials are reviewed by the Multidisciplinary Team for advice about findings and recommendations. In some instances, other external recognized experts are also consulted. Once a draft report is completed, it is sent to organizations and individuals who have been interviewed or who are affected parties for administrative fairness review. The results of this process are considered prior to finalization of the investigation report.

Once an investigation is complete, the Representative releases a comprehensive report to the public. An extensive follow-up process with families, communities, government ministries and service providers includes de-briefing and discussion to promote learning to better support children and youth in the future.

During fiscal 2008/09, the Representative completed and released a report into the deaths of four children, and substantially completed a death investigation and a critical injury investigation for release in the coming year.

Having done the work to date, and now that the critical injury and death review and investigation program is fully operational and staffed, the Representative has significant concerns about the Office's ongoing capacity to meet statutory obligations within the current level of funding. Both the workload and the cost of doing the work is greater than was anticipated when the Office was established. Preliminary budgets for the Office were set by a government transition committee, which was not able to rely on other jurisdictions for anticipating needs, as no office anywhere in Canada performs this investigation mandate as outlined in the *RCY Act*.

In the period covered by this annual report, approximately 100 deaths and critical injuries met the criteria for review. This will require analysis of tens of thousands of pages of documents. In addition to this aspect of the work, the Representative foresees that there will be at least three or four RCY Investigations underway at any particular point in time. These will require many hours of planning, consultation, interviewing, analyzing and writing. Although each investigation is unique, the Representative notes that a recently completed critical injury investigation required at least three months of dedicated staff time.

## Critical Injuries and Death

The Representative released a major child death report in April 2008, the result of an extensive, complex investigation into the deaths of four Northern B.C. children who died between 1999 and 2005. The resulting report – *Amanda, Savannah, Rowen and Serena: From Loss to Learning* (see [www.rcybc.ca](http://www.rcybc.ca), under the "Resources" link) is a detailed analysis that focuses on identifying enduring lessons that can be used to inform improvements to the child-serving and child protection systems.

The report identified failings in the child welfare system and made recommendations that addressed assessing the safety of children, recognizing and responding to neglect and abuse, cultural planning for Aboriginal children in care in the North Region and information-sharing and coordination between the Ministry of Children and Family Development and professionals in the community. The RCY Office is monitoring the implementation of the recommendations made in this report.

In keeping with the Representative's determination to keep the focus on children and youth and supporting improvements to supports and services to vulnerable children and youth, the Representative and her staff also continue to work with communities, organizations and individuals in relation to the "From Loss to Learning" report, which has stimulated extensive discussion and action planning among Aboriginal organizations and bands in the North region, as well as at the provincial level.

### **Critical Injuries and Deaths: April 1, 2008 – March 31, 2009**

The Representative issued updates in July and November 2008 and in March 2009 on the number and status of critical injuries and deaths reported to her (see [www.rcybc.ca](http://www.rcybc.ca), under the "Resources" link).

During the period covered by this annual report, 148 critical injuries and 97 deaths of B.C. children and youth who were in care or who were receiving reviewable services within the previous year were reported to the Office. All have had an initial screening to ensure they fall within the Representative's mandate. Of the 148 critical injuries reported, 60 met the criteria for further review, as did 39 of the 97 deaths.

# Critical Injuries and Death

## Summary of Critical Injuries

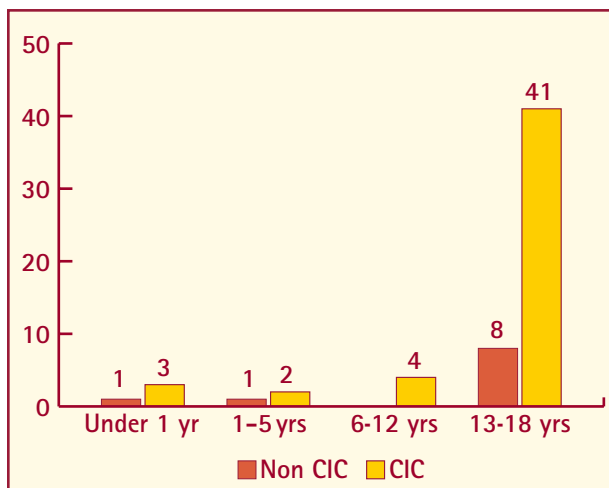
Summary of Critical Injuries under Review

Summary of Critical Injuries under RCY Review	Critical Injury		
	Aboriginal	Non-Aboriginal	Total
Children in Care	30	20	50
Not in Care	5	5	10
<b>Total</b>	<b>35</b>	<b>25</b>	<b>60</b>

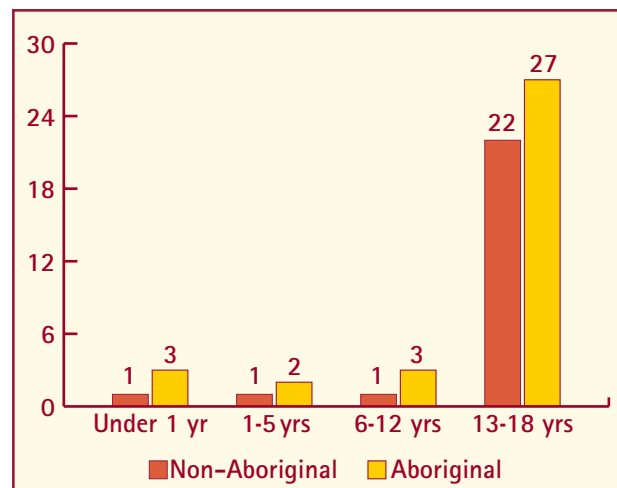
Age Range of Critical Injuries for Review

Age Range of Critical Injuries for RCY Review	
Under 1 year	4
1 - 5 years	3
6 - 12 years	4
13 - 18 years	49
<b>Total</b>	<b>60</b>

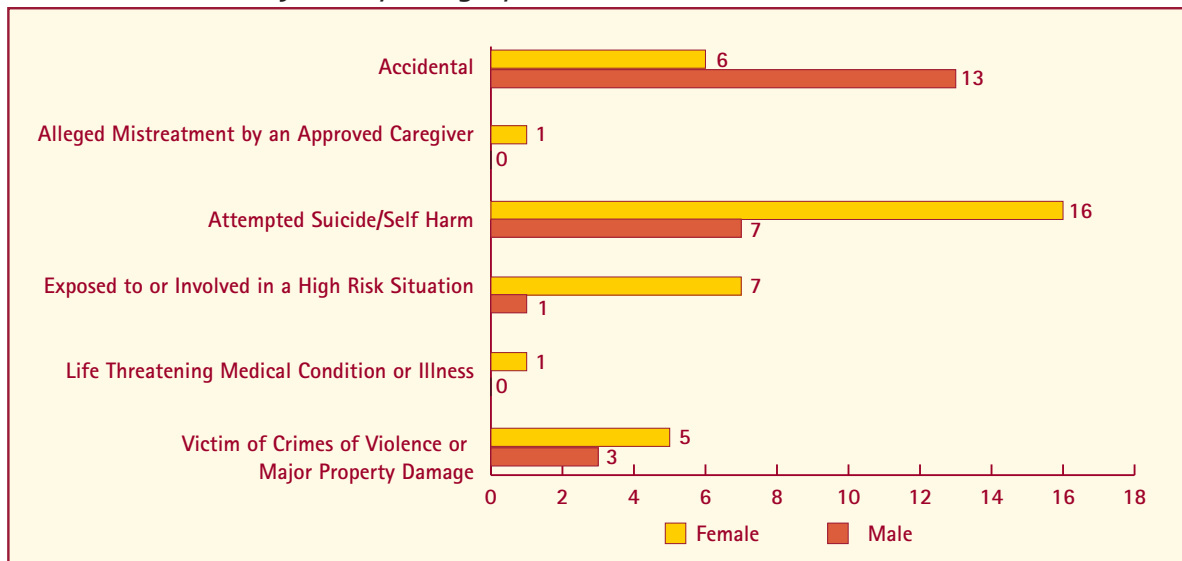
Number of Critical Injuries by Care Status



Number of Critical Injuries by Aboriginal Status



Number of Critical Injuries by Category and Gender



# Critical Injuries and Death

## Summary of Child Deaths

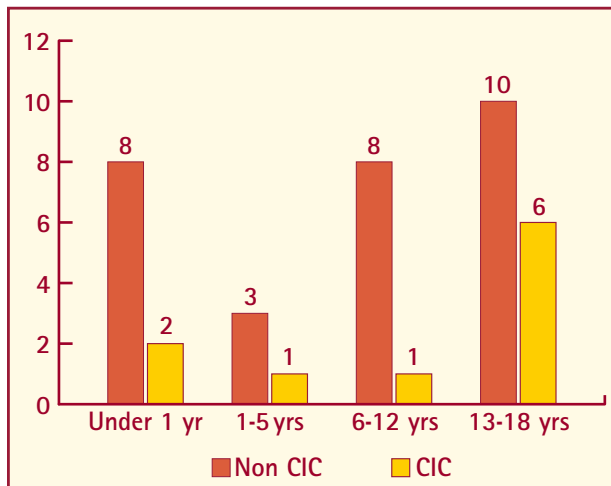
Summary of Child Deaths under Review

Summary of Fatalities under RCY Review	Fatality		
	Aboriginal	Non-Aboriginal	Total
Children in Care	7	3	10
Not in Care	9	20	29
<b>Total</b>	<b>16</b>	<b>23</b>	<b>39</b>

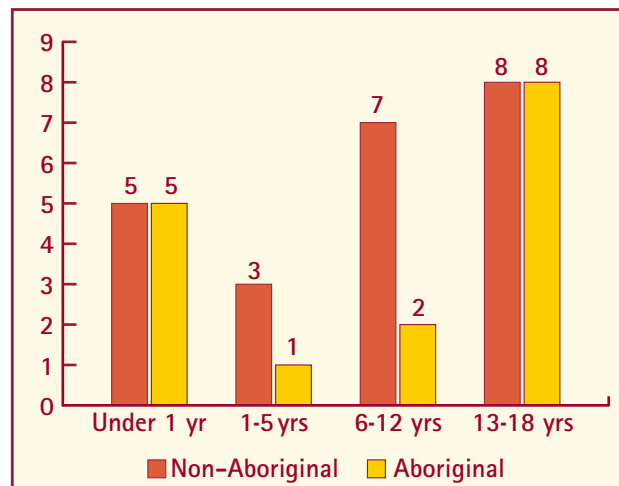
Age Range of Child Deaths under Review

Age range of child deaths under RCY Review	
Under 1 year	10
1 - 5 years	4
6 - 12 years	9
13 - 18 years	16
<b>Total</b>	<b>39</b>

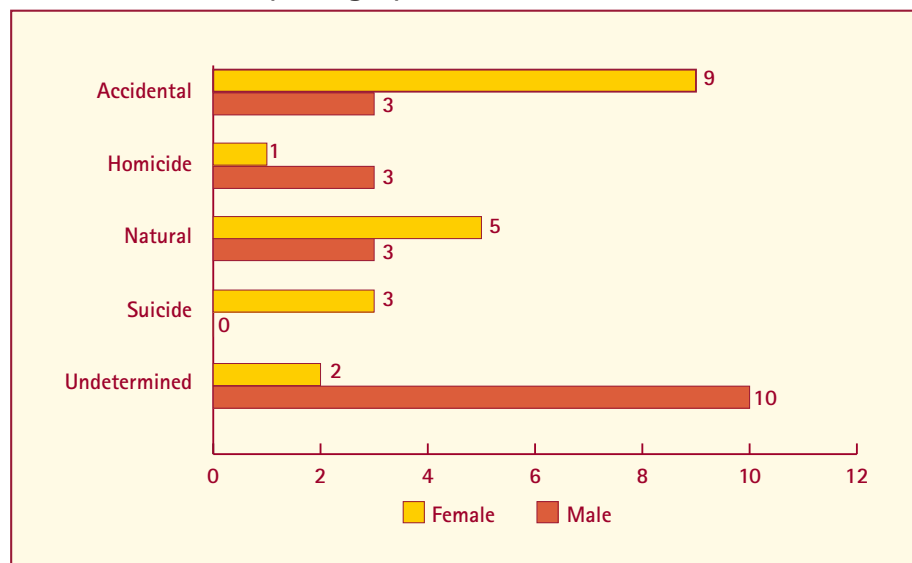
Number of Child Deaths by Care Status



Number of Child Deaths by Aboriginal Status



Number of Deaths by Category and Gender



# Critical Injuries and Death

## RCY Initial Screening

The RCY receives reports of critical injuries or deaths of children who were in care or receiving reviewable services at the time of the incident, or in the year previous. These reports receive an 'initial screening' to determine if they meet the criteria, under the *Representative for Children and Youth Act*, for an RCY Review.

## RCY Review

Critical injuries and deaths that meet the criteria under the *Representative for Children and Youth Act* proceed to an RCY Review, which examines the circumstances and the services delivered to the child.

This may include examining medical records, Ministry of Children and Family Development case files, police records, relevant policies and standards. As well, consultation with the Coroners Service and discussions with service providers, caregivers and parents may occur.

The purpose of an RCY Review is to determine if there are service delivery issues or other circumstances that would require an RCY Investigation (defined below). Reviews are also aggregated to identify and analyze recurring circumstances or trends, to improve the effectiveness and responsiveness of reviewable services.

## RCY Investigation

The Representative initiates an RCY Investigation when the circumstances of the injury or death are suspicious, self-inflicted, or when there is a question as to whether neglect, abuse or services the child received may have played a role in events leading to the injury or death.

By law, an RCY Investigation must not inhibit the work of others. An RCY Investigation does not proceed until police investigations and criminal court proceedings are completed. If there are no criminal proceedings, the RCY Investigation proceeds when other processes, such as ministry reviews or coroner's inquests, are completed, or one year after the incident, whichever is earlier.

RCY Investigation reports are presented to the Select Standing Committee on Children and Youth, and publicly released.

## Aggregate Reviews

These are conducted to identify and analyze recurring circumstances or trends in child deaths and critical injuries. This is in keeping with recommendations made in the 2006 BC Children and Youth Review, in which the Hon. Ted Hughes noted: "The primary method of reviewing child injury and deaths will be to examine aggregated information, and identify and analyze trends that will inform improvements to the child welfare system as well as broader public policy initiatives."



## The Select Standing Committee on Children and Youth

The Representative works with a committee of the Legislature, the Select Standing Committee on Children and Youth, in a variety of ways.

The Terms of Reference of the Committee empower it to:

- receive and review the Representative's annual service plan
- have the Representative report to it at least annually
- refer critical injuries or deaths of a child to the Representative for investigation
- receive and consider all reports and plans delivered by the Representative to the Speaker of the Legislative Assembly.

As set out in the *RCY Act*, the Representative must provide reports of aggregate reviews and investigations to the Committee.

Over the time period covered by this annual report, the Representative appeared before the Committee six times, in public proceedings recorded in Hansard. In addition to formal presentation of reports, the Representative provided updates for Committee members on her ongoing work and briefings on specific topics. The Committee referred two child deaths to the Representative for review and investigation. These deaths occurred prior to the Representative having a mandate for review and investigation of child deaths.

# Critical Injuries and Death

## The Children's Forum

The Representative chairs the Children's Forum, based on the vision of the Hughes Review. The Children's Forum provides an invaluable opportunity for collaboration on issues relating to critical injuries and deaths of children and youth in B.C. It includes the Chief Coroner, the Ombudsman, the Public Guardian and Trustee, the Provincial Health Officer, and senior leaders from MCFD and the Representative's Office.

In 2008/09, the Children's Forum met three times. A fourth meeting was cancelled when travel plans were disrupted by inclement weather. On Oct. 1, 2008, members of the Children's Forum appeared before the Select Standing Committee on Children and Youth. The Representative made the following opening comment:

The meetings have been remarkably productive, in my respectful opinion. We've had great opportunity to discuss how, as a variety of agencies and the ministry, we deal with the injuries or deaths of children and how the respective agencies coordinate their work, coordinate their policies, and have had an opportunity in a confidential and professional environment to discuss common issues of concern.

(Hansard excerpt)

At the October Select Standing Committee meeting, Children's Forum members presented a paper titled "Overview of the Child Critical Injury and Death Investigation and Review Process in British Columbia" (see [www.rcybc.ca](http://www.rcybc.ca), under the "Resources" link), and described how each of their offices contribute to the review of critical injuries and deaths, and therefore contribute to systemic change and service delivery improvement.

The Children's Forum will continue to meet on a quarterly basis.



## Monitoring, Research, Evaluation and Audit

In the Representative's advocacy work, as well as in critical incident and death reviews, the focus is primarily on the individual circumstances of children, youth and their families. This is work of a very personal and intimate nature. Translating individual issues, reviews and circumstances into a larger understanding of how the system of supports actually works for children, youth and families is the third important aspect of the Representative's work. Monitoring and evaluating designated child and youth services, and from this, making recommendations to improve the effectiveness and responsiveness of these services ties together the strands of multiple individual situations. In this way, the voices of the many callers to the Representative's advocacy team can be heard more clearly.

The Representative reports publicly on these more broadly defined – or systemic – issues, including issuing reports on the implementation of recommendations that have been previously endorsed by the Select Standing Committee on Children and Youth. In addition, the Representative monitors very closely the range of issues that emerge from her meetings, correspondence and public engagements. These are all opportunities to 'take the temperature' of the systems of support for vulnerable children and youth. As such, the Representative's monitoring and evaluation staff play a key role in gathering data, reviewing relevant literature from B.C. and other jurisdictions, and supporting the other units of the Office in their work.

In undertaking any research project, the Representative's primary goal is to be able to contribute to a better understanding of the issue at hand and to make recommendations that will improve the delivery of services in B.C. Wherever it is possible and feasible, the Representative collaborates with other public bodies, agencies and post-secondary institutions in conducting these research activities. In this way, the Representative can benefit from the wisdom of others and ensure that a broad and integrated perspective is provided.

In the past year, several themes have been identified through all three core activities of the Office – advocacy, critical incident and death reviews and monitoring. Consistency in the delivery of services continues to arise in almost all discussions and meetings with province-wide groups. The continuing move to regionalization of MCFD services has resulted in variation in the way that services, complaints, contracts and planning are handled across the province. Coupled with this degree of inconsistency is a reduction in the oversight and quality assurance functions of MCFD headquarters. This can result in a disconnect between MCFD's stated goals and its actual delivery in the regions.

The Representative's broad oversight responsibilities provide an opportunity to note these variations, along with an obligation to identify them so that MCFD can address them and thus improve service delivery. An important element in the identification of issues is having sufficient data and data retrieval capability to identify trends, outcomes and practice shifts. The Representative notes that this

# Monitoring, Research, Evaluation and Audit

continues to be an area that requires improvement and appropriate staffing expertise at both the regional and headquarters offices of MCFD.

A theme that arose repeatedly from speakers at the Representative's Summit was the need to develop an over-arching plan for children and youth in British Columbia, that would address developmental needs as well as measures to identify progress. In particular, speakers at the Summit identified that children and youth struggling to have their basic needs for safety and security met are falling further and further behind. In 2008/09 the Representative commenced a project to develop the elements of a plan for children. This may take the form of a 'report card' on the state of children and youth in B.C. , giving the public a better understanding of the range of issues and differences in results for the 900,000 young people of the province. In particular, the Representative intends to focus this work on those sub-populations of particularly vulnerable children and youth, especially those living out of the parental home, Aboriginal children and youth and those with special needs.

The Office undertook a number of projects in the past year to review services provided to children and youth and make recommendations, including:

## **Progress Report: Hughes Review (2008)**

This report examined progress on selected recommendations relating to decentralization of the Ministry of Children and Family Development, quality assurance and the handling and resolution of complaints. Fifteen recommendations from the Hughes Review were chosen for evaluation in this report, based on those assessed as "not complete" in the 2007 progress report. The report found that two of the 15 recommendations had no real progress, while 13 were in the planning or implementation stage.

## **Update: System of Service for Children and Youth with Special Needs (2008)**

The first *Update: System of Services for Children and Youth with Special Needs* was a follow-up to the February 2008 *Monitoring Brief: System of Services for Children and Youth with Special Needs* which examined how services to children and youth with special needs were delivered.

The February 2008 monitoring brief found that services to children and youth with special needs were complex and fragmented, that some children were excluded from services due to eligibility criteria not based on children's functional needs, and that wait times were problematic. The update recognized MCFD's acceptance of and commitment to the recommendations but also noted that work was progressing slowly.

## **Report to the Select Standing Committee for Children and Youth on the Child in the Home of a Relative (CIHR) program**

In June 2008, the Representative reported to the SSCCY on the CIHR program. Concerns about the screening and approval process for this program were identified by the Representative. Central to these concerns was the lack of any formal criminal record or prior contact check regarding proposed

# Monitoring, Research, Evaluation and Audit

caregivers. As a result of the Representative's intervention, the CIHR program was added to the list of 'designated services' in 2008.

Following this change, the Representative proposed and the SSCCY agreed that a formal audit of the screening process was needed. Preliminary data collection and analysis work took place in the Winter/Spring of 2008. The Representative will publicly release a report on this audit.

## **Issue Report: Medical Assessment in B.C.'s Youth Justice System (2008)**

This report outlined findings and recommendations following a review of clinical practices related to court-ordered assessments under the federal *Youth Criminal Justice Act*, specifically to physical examinations (including breast and genital exams) of youth undertaken by the Inpatient Assessment Unit of the provincial Youth Forensic Psychiatric Services within MCFD.

The Representative concluded that greater attention and emphasis needed to be placed on consent, choice of physician and sensitivity to personal privacy in the physical examinations of youth undergoing court-ordered assessments. The Representative is pleased that recommendations directed to MCFD about improvements to the physical examination procedures and protocols have been fully implemented.

## **Joint Reports**

A series of joint special reports on the health and well-being of children in care in British Columbia have been released by the Representative and the Provincial Health Officer. Government has implemented a number of recommendations from the joint reports, most notably those intended to improve educational outcomes. The most recent joint report released was:

### **Kids, Crime and Care: Youth Justice Experiences and Outcomes (2009)**

This study was one of the largest undertaken in Canada on outcomes of children and youth living out of the parental home involved in the youth justice system. It examined a wide variety of outcomes of over 50,000 B.C. children, including education, special needs, justice encounters, family structure, income assistance reliance and histories of violence.

The study found there was increased risk of involvement with the youth justice system when children or youth live outside the parental home and that children in care are more likely to go to jail than graduate from high school. The study also found that early interventions targeted at risk factors can change the paths of vulnerable adolescents.

All of the reports issued by the Representative contain recommendations for further action or suggestions for improvements and enhancements. The Monitoring group tracks these recommendations and their 'due-by' dates, following up with ministries and organizations to ascertain progress. In addition, staff from the Representative's Office regularly meets with officials from ministries to discuss the recommendations and to offer advice and suggestions about implementation. The Representative provides regular progress reports on the recommendations to the SSCCY.



# RCY Meetings and Speaking Engagements

April 1, 2008 – March 31, 2009

## MEETINGS

### *Child and Youth-serving Organizations*

Aunt Leah's Independent Life Skills Society	First Call Coalition
BC Adoption & Permanency Trust Fund Advisory Committee	F.O.R.C.E.
BC Association of Child Development and Intervention	Greater Victoria Child and Family Counselling Association
BC Council for Families	Home Instruction for Parents with Pre-School Youngsters (HIPPY) Canada
BC Federation of Foster Parent Associations	International Foster Care Organization
BC Society for Children and Youth	Justice for Girls
Canadian Council of Provincial Child and Youth Advocates	McCreary Centre Society
Camp FYerfly	Mary Manning Centre
Cape Breton University, Children's Rights Centre	New Zealand's Child Commissioner
Carney Hill Infant and Child Development Centre	Stephen Lewis Foundation
Covenant House, Vancouver	The Girlz Group, Vancouver
Elizabeth Fry Society	UNICEF Canada
Federation of Child and Family Services of BC	Vancouver Youth Forum on Child and Family Services
Federation of BC Youth in Care Networks	YWCA Vancouver
Fir Square Combined Care Unit	

### *Aboriginal Leadership/Organizations*

Aboriginal Governance Working Group on Children and Youth	Gathering our Knowledge Conference
BC Regional Chief's Special Assembly	Haida Homecoming
BC Aboriginal Foster Parents Association	Interim First Nations Child and Family Wellness Council
BC Association of Aboriginal Friendship Centres	Métis Nation of BC
Caring for First Nations Children Society	National Aboriginal GLBTQT Summit
First Nations Health Advisory Council on Substance Abuse	Union of BC Indian Chiefs
First Nations Inuit Health Conference	Unity in Action: An Aboriginal Youth Forum on Leadership, Education and Culture Conference
First Nations Leadership Council Members	Vancouver Aboriginal Child and Family Services Society
First Nations Summit	Vancouver Island Chiefs' Health Symposium
First Nation's Youth Suicide Prevention Gathering	

### *Government*

BC Coroners Service	Ministry of Children and Family Development
BC Corrections Branch	Ministry of Health Services
Burnaby Centre for Mental Health and Addictions & Maples Adolescent Treatment Centre	Ministry of Healthy Living and Sport
Community Living BC	Ministry of Public Safety and Solicitor General
Community Living Society	National Aboriginal Addictions Drug & Alcohol Program
Elections BC	Office of the Ombudsman of BC
Health Officer's Council of BC	Office of the Public Guardian and Trustee
Indian and Northern Affairs Canada	Office of the Provincial Health Officer
Legal Services Society	Prince George Youth Custody Centre (MCFD)
Lieutenant Governor	Royal Canadian Mounted Police
Ministry of Attorney General	Youth Criminal Justice Act Roundtable with Federal Justice Minister, Hon. Rob Nicolson

### *Academic*

Simon Fraser University	University of Victoria (including the Grandparents Raising Grandchildren Legal Research Project and Centre for Youth and Society)
University of British Columbia, Faculty of Law	
University College of the Fraser Valley	
Vancouver Island University	

### *Other*

Access to Justice Steering Committee Meeting, Government of Yukon	Justice Institute of BC
BC Association of Social Workers	Legal Services Society Aboriginal Conference
BC Centre of Excellence for Women's Health	Nanaimo Men's Resource Centre
BC Government Employees Union	National Forum on Working with Female Youth in the Justice System
BC Nurses Union	Restorative Justice Oak Bay
BC Principals and Vice-Principals Association	South Island Dispute Resolution Society
BC Teachers' Federation (including the Aboriginal Education Advisory Committee)	Vancouver Foundation
Canadian Union of Public Employees	West Coast Legal Education and Action Fund
Child Health Planning Forum	

## SPEAKING ENGAGEMENTS

### *Child and Youth-serving Organizations*

Best Interests of the Child Conference	John Howard Society of Campbell River
BC Association for Child Development and Intervention	First Call Coalition Meeting
BC Association of Social Workers Fall Conference	Mary Manning Centre AGM
BC Council for Families	National Lesbian, Gay, Bi-Sexual and Transgender Conference
BC Federation of Foster Parent Associations AGM	Sexual Abuse Intervention Program Symposium
Big Sisters of BC Lower Mainland	Success By 6 Provincial Conference
Centre for Youth & Society, University of Victoria	Surrey School District
Ethical Issues in the Management of Care for Minors Conference	Queen Alexandra Foundation for Children
Federation of Child and Family Services of BC Fall General Meeting	Vancouver Aboriginal Child and Family Services Society 2008 Conference
International Forum for Child Welfare World Forum 2008	YWCA Canada Annual Members Meeting

### *Aboriginal Leadership/Organizations*

Aboriginal Provincial Youth Forum: Leadership, Education and Language	Indian and Northern Affairs Canada
Aboriginal Supported Child Development Provincial Symposium	Métis Nation of BC
Assembly of First Nations	National Native Alcohol and Drug Abuse Program
BC First Nations Youth Gathering: Aboriginal Youth Suicide and the Role of Men	Native Courtworker and Counseling Association of BC
Caring for First Nations Children Society	Nisga'a Child and Family Services
Carrier Sekani Tribal Council	Nisga'a First Nation
Crisis in the North: A Call for Action on behalf of our Children & Families	Squamish First Nation
First Nations and Inuit Health National Forum	Usma Nuu-Chah-Nulth Community and Social Services
First Nations Directors Forum	Vancouver Child and Family Aboriginal Services Society
First Nations Health Advisory Council	Vancouver Interim Aboriginal Authority Youth Symposium
First Nations Leadership Council of BC	

### *Government*

The Path to Justice Conference: Access to Justice for Individuals with Fetal Alcohol Spectrum Disorder, Government of Yukon  
BC Police Chiefs Association AGM  
Senate Committee Against the Commercial Sexual Exploitation of Children and Youth  
North Central Municipal Association's 53rd Annual AGM & Convention  
Union of BC Municipalities  
Yukon Department of Justice: Aboriginal Transformative Justice Services

### *Academic*

Canadian Collaborative Prison-Academic-Community Conference, UBC  
Justice Institute of BC  
Malaspina University College/Vancouver Island University  
Thompson Rivers University: Aboriginal Supported Child Development Symposium  
University of British Columbia, Centre for Feminist Legal Studies Annual Lecture Series

### *Other*

BC Association of Specialized Victim Assistance & Counseling Program  
BC Injury Research and Prevention Unit Conference  
Continuing Legal Education Society of BC: Child Protection Practice workshop  
First Metropolitan United Church: Epiphany Explorations Conference  
International Fetal Alcohol Spectrum Disorder Conference  
Law Society of BC: Youth Justice Forum  
Legal Services Society of BC  
Making Connections Conference 2008  
Provincial British Columbia Association of Child Development & Intervention Fall Meeting  
Provincial Court of B.C. Spring Conference  
Provincial SCAN Team Meeting  
Third National Biennial Conference on Adolescents and Adults with Fetal Alcohol Spectrum Disorder  
Provincial Community Safety Steering Committee  
Population Data BC Spring Conference



The Representative delivers keynote address at the John Howard Society of North Island (September 2008).



# Report of the Auditor General of British Columbia

## ON THE STATEMENT OF EXPENDITURES

*To the Representative for Children and Youth:*

I have audited the statement of expenditures of the Office of the Representative for Children and Youth for the year ended March 31, 2009, prepared in accordance with the Provincial government's Core Policy and Procedures Manual. This financial information is the responsibility of management. My responsibility is to express an opinion on this financial information based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform the audit to obtain reasonable assurance whether the financial information is free of material misstatement. My audit included examining, on a test basis, evidence supporting the amounts and disclosures in the financial information. My audit also included evaluating the overall presentation of the financial information.

In my opinion, this statement of expenditures presents fairly, in all material respects, the operating results of the Office of the Representative for Children and Youth for the year ended March 31, 2009, in accordance with the Provincial government's Core Policy and Procedures Manual.

The budget information presented in the statement of expenditures is unaudited, and should not be considered as part of the statement on which I have expressed my opinion.

*Victoria, British Columbia  
August 21, 2009*

John Doyle, MBA, CA  
Auditor General



## Fiscal Year 08/09 Statement of Expenditures

Expense Type	2008/09 Estimates \$	2008/09 Actual \$	Variance Est. to Actual \$
Full Time Equivalents (FTEs)	44.0	33.7	10.3
Salaries of permanent and temporary employees	3,559,000	2,940,039	618,961
Employee Benefits	935,000	736,323	198,677
Travel	300,000	327,259	(27,259)
Public Service Agency services	60,000	64,368	(4,368)
Accommodation & Real Estate services	466,000	316,710	149,290
Corporate Accounting System services	23,000	12,888	10,112
Workplace Technology Services	210,000	165,190	44,810
Greenhouse gas reduction measure		693	(693)
Professional services	450,000	825,102	(375,102)
Information systems	112,000	168,995	(56,995)
Office and business expenses	315,000	409,175	(94,175)
Informational advertising/publications	50,000	11,453	38,547
Statutory advertising/publications	30,000	508	29,492
Utilities, materials and supplies	12,000	7,855	4,145
Operating equipment and vehicles	29,000	16,649	12,351
Amortization	4,000	29,836	(25,836)
Building occupancy	-	238,715	(238,715)
Transfers - General	-	236,980	(236,980)
Interest Costs - Non Public Debt		1,633	(1,633)
Other expenses	3,000	1,142	1,858
<b>Total Expenses</b>	<b>6,558,000</b>	<b>6,511,515</b>	<b>46,485</b>

Approved on behalf of the Office:

*Mesturupellafud*

August 21, 2009

Signature

Date







REPRESENTATIVE FOR  
CHILDREN AND YOUTH