

Champions for Change

A Guide to Effective Advocacy

for Youth and the Adults Who Support Them



REPRESENTATIVE FOR
CHILDREN AND YOUTH

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A Guide to Effective Advocacy for Youth and the Adults Who Support Them

Representative for Children and Youth

July 2011

Sincere appreciation to Wendy Harris for the illustrations in this document.

Purpose of this Guide

The purpose of this guide is to share ways in which you can advocate for yourself and to assist the adults who may be advocating on your behalf. It is intended to advance your rights and interests if you are requesting designated services or if you are dissatisfied with the designated services that you are receiving through the child-serving system.

The goal of this guide is to empower you with the information you need to speak up and be heard. It describes the skills and provides the tools needed to help you build your case. Advocating for yourself or on behalf of others is not an easy task. It can be emotionally charged, frustrating and confusing and may not always turn out the way you want.

Advocacy requires courage, reason and persistence. It also means being organized, respectful and factual. With these skills you can increase your self-confidence and feel more empowered to speak up on matters affecting your life.

Some people have a lot of experience with advocacy, either on their own behalf or on behalf of someone else. You may not have the same knowledge or have the experience to understand how the often complicated child-serving system works.

However, when you have the information and knowledge, you also have power. No matter how old you are or how experienced you are with the system, this guide will help increase your awareness about your rights and the principles of effective advocacy and provide you with useful tools for navigating the system.



Your Rights

We all have rights. Globally, all people have legally protected rights in the form of legislation, or the law. These are known as human rights.

Canada signed the United Nations Convention on the Rights of the Child (UNCRC) in 1990 and ratified it in 1991. The UNCRC is the most widely ratified United Nations document in history.

Canada's endorsement of the UNCRC sends a very important message to the international community that our country values the lives, interests and rights of children and youth. The UNCRC is also the foundation for the work of the Representative for Children and Youth's Office.

All children and youth in B.C. have the right:

- to be healthy
- to be safe
- to be heard
- to be yourself.

Some children and youth living outside the family home, such as those in foster care, have a unique set of rights because the government is responsible for their care and well-being and has the responsibility to act as their parent and make decisions in their best interest. These rights are found in Section 70 of the Ministry of Children and Family Development's legislation known as the *Child, Family and Community Service Act (CFCSA)*.

Don't talk about us without us!

Children and youth have a fundamental right to be seen and heard in the decision-making processes that impact their lives. However, they are often absent from these processes, and their views are often represented by adults and without consultation. Unfortunately, too often the meaningful participation of children and youth is not well enough understood or accepted.

According to UNCRC (United Nations Convention on the Rights of the Child)

The Convention establishes in international law that countries must ensure that all children – without discrimination in any form – benefit from special protection measures and assistance; have access to services such as education and health care; can develop their personalities, abilities and talents to the fullest potential; grow up in an environment of happiness, love and understanding; and are informed about and participate in achieving their rights in an accessible and active manner.

Policy is not the same as legislation or law. Policy is a guideline for how a law is normally interpreted and used. However, policy needs to be flexible so that unusual or unique situations can also be addressed within the law.



CFCSA, Sec 70 (1) (c), UNCRC Article 12

Administrative Fairness

The phrase "administrative fairness" may sound bureaucratic and not mean anything to you, but this set of principles can actually help you advocate for yourself or someone else. These principles set out the expectation that people being served by a government or organization should be treated in a fair way. These principles are the basis of democratic government and human rights and are the centre of a healthy society. When these principles are not being followed or adhered to, then you probably have grounds to advocate for an alternative outcome.

The principles include:

- being treated with dignity and respect
- getting clear communication and information
- having a fair, independent review about things that affect you
- having the opportunity to be heard by decision-makers
- having the opportunity to respond to information about yourself
- participating in the plans that affect you
- receiving notice of the outcomes of decision-making and reasons for decisions
- getting issues looked at in a timely way
- understanding roles of people involved
- expecting decisions to be consistent
- having the right to advocacy
- knowing others have the legal authority to take action if required
- being free to speak up without getting in trouble
- having culture acknowledged and included.

Case Example: Using the Principles of Administrative Fairness

Jenny is a 17-year-old youth in foster care who wanted to live independently. The request was refused by her social worker, who stated that she did not believe in youth living on their own until they turn 19 years old. The social worker stated that she knew what was best for Jenny, who challenged this decision and was supported by an advocate. Jenny's concerns were based on the following principles of administrative fairness:

- being treated with dignity and respect
- getting clear communication and information
- having a fair, independent review
- having the opportunity to be heard by decision-makers
- having the opportunity to respond to information about yourself
- participating in the plans that affect you.

Jenny's advocacy resulted in the social worker conducting a review to assess her skills and readiness to live independently. Together they developed a plan in which Jenny's views and opinions were heard and considered. The result was that Jenny would stay where she was for another year, with a promise to review this decision at the end of that year.



CFCSA, Sec 70 (1) (b), UNCRC Article 12

Role of the Representative for Children and Youth

The Representative for Children and Youth (RCY) serves British Columbia's children and youth under 19 years of age who need help dealing with the child-serving system, such as the Ministry of Children and Family Development (MCFD), one of the ministry's delegated agencies or Community Living BC, and with the youth justice system.

The Representative is an independent officer of the provincial legislature, which means he or she is independent of the government. The *Representative for Children and Youth Act (RCY Act)* provides the Representative with the legal powers of review, investigation, monitoring, reporting and advocacy.



The Representative's team of advocates provide support to children and youth to ensure they are treated fairly. They ensure that voices are heard and children and youth's views considered when decisions are being made about their lives. The advocates provide information and advocacy support for those who cannot advocate for themselves.

The Representative's Office can help children and youth requesting or receiving any of the following government-funded services, also known as designated services:

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

Role of RCY Child and Youth Advocates

The role of the child's guardian or his or her social worker is to help determine what is in the child's best interests. The RCY advocate's work is to ensure that all of the child's rights, interests and views are considered when such decisions are being made.

An RCY advocate is not a decision-maker or a case manager. He or she does not have a budget for programs or services and does not investigate or overrule decisions. An advocate's role is to encourage decision-makers to ensure that the child's or youth's views, rights and interests are fully incorporated into the decision-making taking place on his or her behalf.

It is the advocate's responsibility to bring a possible rights violation or a breach of standards to the decision-maker's attention and to assist in the resolution of the issue(s) on behalf of the child or youth.

Based on their initial information-gathering and assessment of the factors involved, an advocate's involvement in a case may include:

- providing advice
- coaching on effective self-advocacy
- requesting and/or attending planning meetings
- advocating directly on behalf of a child or youth with the appropriate decision-maker
- supporting the affected individual through the complaints process
- requesting that a decision be reconsidered.

Issues outside the *RCY Act* are considered to be "out of mandate."

This means the Representative's Office has no legal authority to be involved in the matter. The following are examples of issues out of the RCY's mandate:

- *Family Relations Act* – individual private matters between parents/family involving custody, access, guardianship and child maintenance
- matters involving persons 19 years or older
- matters involving the adult criminal justice system
- matters involving the Ministry of Education. It has its own processes to address disputes.



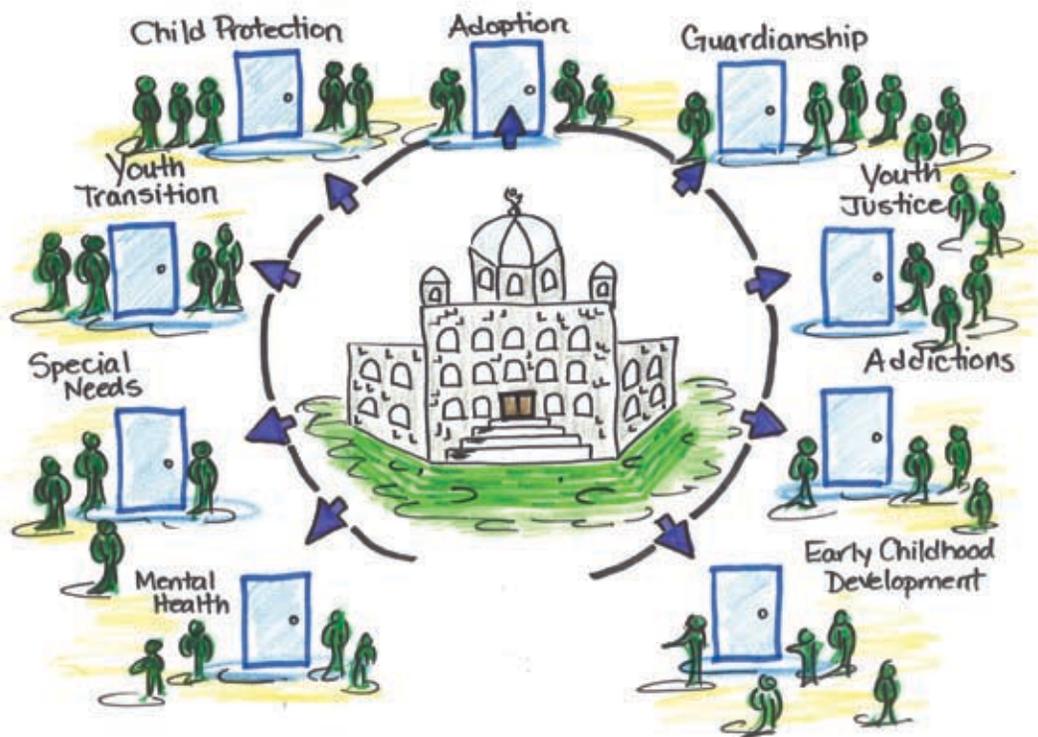
Government Services

Government is complex. Many parts of government provide different services to children, youth and their families. These include the following government ministries:

- Ministry of Advanced Education
- Ministry of Attorney General
- Ministry of Children and Family Development / Delegated Aboriginal Agencies
- Ministry of Community, Sport and Cultural Development
- Ministry of Labour, Citizens' Services and Open Government
- Ministry of Education
- Ministry of Health
- Ministry of Social Development
- Ministry of Public Safety and Solicitor General.

There are also other independent offices that can provide assistance to children, youth and their families, such as the Office of the Freedom of Information and Privacy Commissioner, the Public Guardian and Trustee, the Ombudsperson and the B.C. Human Rights Tribunal. For more information on what services these offices provide, see the Resources section.

Designated Services



Delegated Child and Family Service Agencies

Agreements between the province and Aboriginal communities to return responsibilities for child protection and family support to Aboriginal communities are known as delegation agreements.

Through delegation agreements, authority is given to Aboriginal agencies to be in charge of all or parts of the *Child, Family and Community Service Act (CFCS Act)* which is the Ministry of Children and Family Development (MCFD) legislation that covers child protection and family support.

The amount of responsibility undertaken by each agency is determined through talks between MCFD and the Aboriginal community served by the agency. The majority of First Nations in B.C. are represented by agencies that either have, or are actively planning for, delegation agreements to manage their own child and family services.

What services can delegated Aboriginal Agencies offer you?

- Support services for the whole family.
- Help with preparing voluntary care agreements.
- Help with writing, monitoring and reviewing plans of care.
- Help with writing special needs agreements.
- Monitoring how you are doing while in care.
- Assistance as you move towards independence.

You can find your delegated Aboriginal Agency here:

www.mcf.gov.bc.ca/about_us/aboriginal/delegated/pdf/agency_list.pdf

What is Advocacy?

Advocacy is a valuable set of skills that helps individuals address issues and concerns that affect their daily lives and the lives of others. It is a problem-solving exercise that involves bringing an issue or injustice to the attention of those who have the authority to change the outcome of the decision.

For a variety of reasons, many people do not challenge decisions or make complaints about decisions affecting their lives or the lives of their loved ones. They may fear that they will get in trouble or they believe that it's too complicated or a waste of their time. These individuals may not believe their efforts will make a difference. They may also feel intimidated by the system because they are unfamiliar with the processes or the bureaucratic language that is often used.

Sometimes individuals, especially children and youth, can feel powerless when dealing with bureaucratic systems. However, advocacy is ultimately about protecting their rights and interests. It may require a great deal of work, but it often results in positive outcomes.

This guide focuses on two forms of advocacy – self-advocacy and individual advocacy.

Advocacy is about speaking up, with the hope that your view or the view of the youth you are advocating for will be heard and considered by decision-makers. It requires strong analytical, verbal and written communication skills, as well as persistence and commitment. It involves being able to clearly identify an issue and offer possible solutions.

Self-advocacy is when people take action to speak up for themselves.

Case Example of Self-Advocacy

Raj, a 14-year-old youth in foster care, calls his social worker to ask for visits with his siblings who are also in foster care but in separate homes. Raj's views are heard and considered.



CFCSA, Sec 70 (1) (l)

Individual advocacy is when an advocate acts as a support and/or representative and speaks on behalf of an individual who may be struggling to have his or her views heard and considered, or who is facing challenges and barriers to accessing a service he or she needs.

Case Example of Individual Advocacy

Five-year-old Brian has an ongoing problem with head lice. To resolve the issue it is proposed that his hair is cut. Brian's aunt calls the social worker, cites Brian's rights to adequate health care and points out his belief that the proposed solution doesn't address the root cause of the lice. The social worker finds alternative methods for treatment, and Brian's hair is not cut.



CFCSA, Sec 70 (1) (g), UNCRC Articles 6, 24

Systemic advocacy means advocating about matters that are recurring and may affect more than one child. It requires advocacy at the policy and legislative levels and may result in changes to the system itself for the betterment of children throughout B.C.

Examples of systemic advocacy are the Representative's various reports on aspects of B.C.'s child-serving system in which there are a number of recommendations intended to improve the system. For more information, or to print the reports, visit the Representative's website at www.rcybc.ca.

Qualities of Effective Child and Youth Advocates

- Advocates are child-centred. They are interested in the child's needs and views and try to help others see the situation through the eyes of the child.
- Advocates know that they can't change the world or solve every problem, but are Champions for Change when they recognize the need.
- Advocates are clear about their role and whose rights and interests they represent.
- Advocates are organized and make every effort to have the issue resolved in a timely matter. When dealing with children and youth, time is of the essence. One month's delay in making a decision in the life of a child or youth often has more impact than in the life of an adult.
- Advocates familiarize themselves with complaint resolution and appeal processes and encourage the use of these processes before they help in other ways.
- Advocates are persistent - they don't give up!
- Advocates are assertive - they say what needs to be said to ensure everyone is clear about the child or youth's issue or situation.
- Advocates are inquisitive - they ask a lot of questions and gather a lot of information.
- Advocates are resourceful - they have a good understanding of their community, as well as other programs, services, policies or legislation.
- Advocates are imaginative, innovative and creative - they are solution-oriented and think outside the box.
- Advocates are respectful and willing to listen and learn and try to understand various perspectives, opinions and positions.
- Advocates are compassionate people.
- Advocates are sensitive to diversity - they don't judge a book by its cover.
- Advocates encourage and support self-advocacy - they support empowerment.
- Advocates avoid any false, misleading or unfair statements or claims - they always try to be factual, transparent and objective.
- Advocates give realistic advice and inform others about the consequences and risks associated with their actions, and the agreed-upon decision.
- Advocates are sensitive to a person's right to confidentiality and the legal limitations of this right.
- Advocates understand that not everyone will agree with them and what they have to say on behalf of a child or youth, and recognize that standing up for what is right sometimes means standing alone.
- Advocates are passionate about social justice and holding the system and individuals accountable. Not everyone welcomes their efforts but most respect them.

Adapted from: The Advokit

Champions for Change



How to Advocate

S.P.E.A.K.

The following are key principles for SPEAKING up and being heard and are the basis for individual and self-advocacy. The principles are all important and interconnected.

Knowledge Information is power, and power is not equally shared amongst all groups. Those within the system often have power because they generally have access to more information and are in a decision-making position. To be an effective advocate it is important to seek out the information needed, stick to the facts of the situation and share the information with those who can make a difference in the decision.

Style Everyone has his or her own style of communication. Some people are assertive (direct) while others are passive (quiet) or aggressive (loud). Some people feel comfortable addressing issues in person, while others feel comfortable dealing with issues over the phone or in writing. It's important to recognize that we all have our own styles and levels of comfort when we approach issues.

Assessment Critical thinking is a very important skill to have when advocating on behalf of yourself or someone else. Critical thinking is the ability to gather information, sort through the facts and assess the key issues and desired outcomes. It is the process of separating facts from opinions.

Empowerment Advocacy requires a certain level of confidence. It requires having accurate information and the courage to raise questions and request things like the re-consideration of a decision. An empowered person is passionate about justice and speaks out for what is right or legislatively protected as a right.

Process The child-serving system is large and complex. One of the reasons people face difficulties addressing their issues or concerns is because they are often unfamiliar with the processes involved. They do not know how to file a complaint or who they need to talk to. Understanding processes can help you get from A to B more efficiently and effectively and is less likely to result in delays, such as being sent back to complete necessary complaint/appeal steps missed while trying to resolve an issue.

S.P.E.A.K.

**Style, Process, Empowerment,
Assessment and Knowledge**

Style

Your perspective, attitude and values will shape the way that you advocate. How you present yourself will influence the way you are received and how people respond to you. Remember the old saying – “you can catch more flies with honey than with vinegar.”

Advocacy is an assertive and collaborative approach to solving problems. It is not a quiet exercise. It is also not about bullying and name calling, but about standing up for your rights and interests. An aggressive style will not help you achieve your objective. Instead, it will likely cause people to feel threatened and to become defensive.

When it comes to advocacy, there are some communication styles that get successful results while others tend to result in negative or no results. Advocacy requires both active listening and strong communication skills. It is very important to hear what a person is saying or trying to say, or the situation is not likely to improve.

The following are some of the communication qualities and attributes of an effective advocate:

- Speaking up and using a reasonable tone of voice, not yelling.
- Being willing to share your views verbally and/or in writing.
- Knowing how to express yourself briefly, clearly and directly.
- Standing up for yourself and others.
- Demonstrating self-confidence, courage, diplomacy and mutual respect.
- Asking for explanations until you understand what is being said.
- Being courteous and listening to what others have to say.
- Providing alternatives (e.g., letting others know what doesn't work for you and what does, such as a meeting place or time, etc.).
- Expressing your feelings using “I” and “we” statements versus “you” statements.

The following are examples of disrespectful and ineffective communication styles:

- Shouting and yelling to get your point across.
- Being condescending, belittling, manipulating.
- Attacking the other person and making things personal.
- Constantly interrupting and not letting others talk.
- Not attempting to understand anyone else's point of view.
- Making threats to get what you want (e.g., threatening to go to the media instead of listening to the front-line staff).
- Not respecting the front-line person and only wanting to speak to the “boss.”
- Exaggerating the facts to manipulate the situation or deliberately withholding information to get people to be on your side.
- Not letting others know your views, either verbally or in writing.

The following are examples of effective and ineffective advocacy. The issue involves a 12-year-old youth in foster care who wants her foster parent to buy her some clothes out of her clothing allowance. The youth calls her social worker.

Ineffective advocacy

Elly says: "Hi, Kate. I want to go shopping. I want some new clothes. My stupid foster parents won't get me any clothes for the summer! They said I have too many already. I hate my clothes, and most of them don't fit anyway!"

Social worker's reply: "You can call me back when you're in a better mood!"

Elly says: "That's stupid, Kate. I have a right to clothing."

Social worker says: "Yes, you do. However, you also have a responsibility to be respectful."

Effective advocacy

Elly says: "Hi, Kate. I am calling about my clothing allowance. It's nearly summer and school is almost over. I really need some shorts and tank tops because most of my clothes don't fit anymore. My foster parents said there is no money for clothes, but I understood they receive some money each month. I am wondering if you can talk to them as my guardian because they are not listening to me."

The social worker agrees to call Elly's foster parents. The foster parents are informed that they can't keep Elly's clothing allowance money as a form of punishment – it's against policy. The foster parents agree to take Elly shopping for the clothes she needs.



Separate the person from the problem

When you are dealing with another person and there is conflict or a tone that is upsetting to you, it is important to separate the person from the problem and focus on your overall objective/goal. Try your best to treat others as you wish to be treated. You should not have to experience verbal abuse, and neither should the person you are talking to.

If you act out in anger or frustration, effective communication will cease and your issue will likely remain unresolved. Take a deep breath when you are feeling frustrated. Take the time to gather your thoughts, calm yourself and get back to achieving your objective. It's okay to take a break if you need it. If the situation warrants filing a complaint, it's your right to do so.

S.P.E.A.K.

Style, **Process**, Empowerment,
Assessment and Knowledge

Process

Government ministries are guided by legislation and related policy. Legislation creates the government or public body's mandate. A mandate is authorization to act in a particular way.

Public service employees must operate within their legislation – they cannot act or make decisions that are outside their mandate. They can on occasion make an exception to a policy as long as it is within their legislation. General awareness about the mandate of the government body you are dealing with will help you with your advocacy efforts.

To find out what processes need to be followed to appeal a decision or hold someone accountable for his/her action(s)/decision(s), you may want to do some or all of the following:

- Find out which government ministry or public body is responsible for your issue or concern. If you do not know the ministry responsible, a good place to start is with Enquiry BC (for more information, see the Resources section).
- Ask for the exact name, title and contact information of the decision-maker and his/her supervisor in case you need to contact that person at a later date.
- Keep a written record of the name, role or title of each person you speak to and the information given to you regarding the issue, decision or appeal of the decision.
- Ask for the decision-maker to provide the decision in writing.
- Request that a copy of the decision-maker's policies, standards, procedures and/or legislation and the specific sections associated to the decision that was made be mailed, faxed or e-mailed to you.
- Ask the decision-maker if the decision is final. Also ask for information about the appeal process and the timelines for the appeal to be reviewed.



Write it down!

At every advocacy step it is important to document your actions. Who have you talked to about the situation? What was the time/date? What was his or her name? Who do they work for? What advice did they offer? What actions have been taken based on the advice?

Before you proceed with an appeal or alternative methods to have your concerns addressed, it is helpful if you can be clear about two things: the **issue** and the **solution**.

Identify the issue

- Who does the issue involve/impact?
- What is the current situation?
- What issue or concern do you have about the situation or future plans?
- Is your issue about a person, plan, decision, policy, budget, etc.?
- Is a child or youth being denied a service?
- Are there child or youth rights violations happening in the situation? If so, what are they?

Identify the solution – what are you asking for?

- Are you asking for an apology? If so, written or verbal?
- Are you requesting a new social worker, service, meeting or mediation, and if so, what are the reasons for your request?
- Are you requesting an exception to a policy or the review of a decision by the decision-maker's supervisor or upper level management?
- Are you requesting more funding for a specialized resource or program, and if so, is your request within reason?
- Are you asking for documentation related to the file, such as meeting minutes, original identification, assessments or a file review?
- Can your requested solution be considered and implemented by the local decision-makers you are dealing with, or are you asking for a larger systemic policy change, such as changes to legislation or policy that will affect children and youth throughout your region or the province?

Case Example: Using Existing Processes

A parent called with concerns about the care their child with special needs was receiving in a foster home. The parents had spoken with the foster parent and several community people about their concerns. However, they were unaware of the ministry process in place to address and resolve concerns, and had become very frustrated as they believed the situation was becoming worse rather than improving for their child.

An advocate assisted the parents to clearly define and document their concern and the resolution they wanted. The advocate also explained the process they must engage in to have their concerns heard and addressed by the appropriate decision-maker.

S.P.E.A.K.

**Style, Process, Empowerment,
Assessment and Knowledge**

Empowerment

Regardless of circumstance, individuals **can** influence their personal situation. Empowerment is about sharing your thoughts and views on matters that are important to your life or the lives of individuals who are important to you. It's about speaking up and using your voice and being included in the conversation whether you were asked to participate or not.

If the matter involves your life, you have the right to be included. By definition, empowerment refers to increasing the spiritual, political, social or economic strength of individuals and communities. The empowered person has developed confidence in his or her own capacities.

Empowered individuals:

- Make an effort to change. They don't just talk the talk – they walk the walk.
- Read, and actively listen and learn. They are not know-it-alls.
- Believe in themselves. They do not view themselves as powerless.
- Have some knowledge of their rights.
- Have self-confidence.
- Are persistent. They don't stop until they have received a satisfactory explanation for the decision or at least one within the law.
- Are not intimidated by people in authority and do not hesitate to speak up when something needs to be said.
- Have support from like-minded people. They recognize there is power in numbers and are "connected."
- Will not let others decide their fate without having a say. They share their views.
- Don't wait for information to come to them. They seek it out.
- Are prepared and focused.
- Believe in the power of possibility. They see the glass as being half full, not half empty.

Case Example: Becoming Informed

A family was unable to find affordable housing, so they moved into a motel while they looked for a home. The children were then removed from their mother by MCFD, and homelessness was identified as a major factor in the ministry's decision to place them in foster care.

The mother believed this decision was unfair and researched all the information she could find to become knowledgeable about her family's rights and the relevant policies and legislation. She contacted a variety of organizations and community resources and shared her story until she found appropriate advocacy supports and developed the confidence she needed to request a reconsideration of the decision.

She prepared information for meetings and kept organized and detailed records which really helped with her self-advocacy and assisted her advocate supporters with their efforts on her behalf. She successfully spoke up as an empowered voice for her family, and the resulting reconsideration and resolution was fair and legal and upheld her rights and her children's rights in the process.



I know about the Office of the Representative and the Ombudsperson and have been assisted to contact them!

CFCSA, Sec 70 (1) (n)

S.P.E.A.K.

**Style, Process, Empowerment,
Assessment and Knowledge**

Assessment

Before you can assess next steps, it's critical that you've identified both the issue and the possible solution. If you remain dissatisfied with the decision, you need to decide whether to continue with your advocacy efforts to see if the decision can be reconsidered.

These efforts require critical thinking and problem solving. Some issues can be easily resolved, while others will require enhanced systemic advocacy. It is critical that you assess your motivation underlying your advocacy request. Are you advocating as a result of revenge, anger, hurt, grief, loss, money, need or because your rights haven't been upheld or a principle of administrative fairness hasn't been met?

The assessment aspect is critical in advocacy as it is a time for reflection and evaluation. It is important that you weigh out the benefits and costs related to your advocacy. What will happen if you give up? What could happen if you continue?

Case Example: A Case Worth Pursuing

Joey, a 12-year-old Aboriginal youth, was concerned that his contact with his family was being unfairly limited. Joey was permanently in the care of MCFD under a continuing custody order. He also had a sibling in another foster home and three siblings at home with his mother.

The social worker told Joey that because he was in the care of the ministry, the ministry was exploring adoption with his current foster parent. The social worker also told Joey that MCFD was not able to pay for him to visit his parent and siblings. Joey made repeated attempts to contact his social worker, but his social worker rarely returned his phone calls and had not met with him to discuss his concerns.

Joey called the RCY Office to ask for an RCY advocate to work with his social worker on his behalf. The RCY advocate asked for a meeting with the social worker and Joey. Once the RCY advocate explained all of the support in legislation for the issues Joey was raising (*see next page*), his social worker agreed that they must work together to give Joey more contact with his family and to hear Joey's views on the potential adoption. The social worker also heard Joey's concerns about unreturned phone calls and committed to return his phone calls sooner and to meet with him regularly.

Joey's concerns

- Contact with parent and siblings
- Contact with his Aboriginal community
- Permanency planning
- Timeliness of social worker's response to his requests for information and assistance

I have a right to receive guidance and encouragement to maintain my cultural heritage.



CFCSA, Sec 70 (1) (j), UNCRC Article 30

What applies to Joey's situation?

Child, Family and Community Service Act

Section 2 – Guiding principles

- The child's views should be taken into account when decisions relating to a child are made.
- Kinship ties and a child's attachment to extended family should be preserved if possible.
- Cultural identity of Aboriginal children should be preserved.
- Decisions made relating to children should be made and implemented in a timely manner.

Section 4 – Best interests

- The quality of the relationship the child has with the parent or other person and the effect of maintaining that relationship.

Section 70 Rights

- Right to be informed about plans of care and to be consulted and to express views about significant decisions affecting them.

United Nations Convention on the Rights of the Child

- Article 3 – Best interests of the child
- Article 12 – Respect for the views of the child
- Article 30 – Right of children from minority or indigenous groups to their own culture, language and religion.

Adoption Act

- Section 13 – Consent to adoption required by children 12 and over.

Principles of administrative fairness

- Decisions should be made in a timely manner.

Other issues

- Budget should not be a reason to deny rights.

For more information please see the Resources section.

Case Example: A Case Not Likely to Succeed

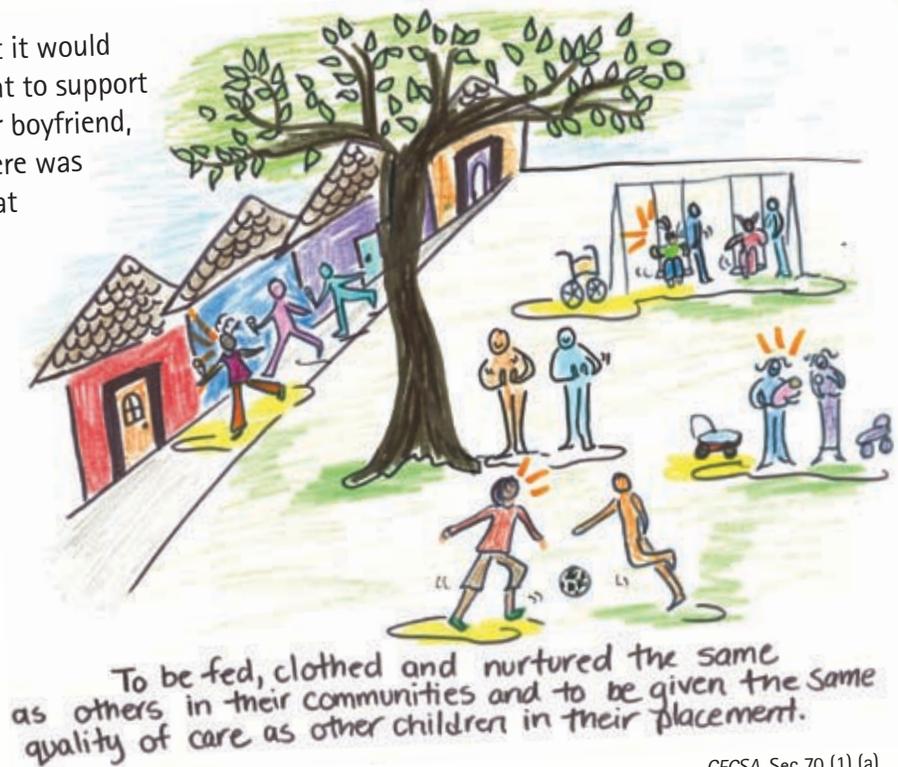
Kisha, a 15-year-old youth in care of MCFD, wanted to live with her 25-year-old boyfriend and refused to return to her foster home. The boyfriend was on employment assistance, and Kisha needed MCFD to support them financially. Her social worker was firm in refusing this request and insisted Kisha return to her foster home.

The social worker based her decision on the Canadian Criminal Code, which states that the age of sexual consent in Canada is 16 years. A 15-year-old can consent to sexual activity with a partner without the partner committing a criminal offence as long as the partner is *less than five years older* and there is no relationship of trust, authority or dependency or any other exploitation of the young person.

While section 70 rights and the UNCRC protects a youth's rights to be heard and express his or her views, MCFD, in acting as the legal parent of a child, cannot consent to a plan that would be illegal, exploitative, put a child at risk of being taken advantage of, or condone a criminal offence.

The social worker, in encouraging Kisha to return to the foster home, was attempting to meet her legal obligations to feed, clothe and nurture Kisha according to community standards. Kisha asked the social worker to put her reasons for her decision in writing, and to more clearly explain them to her.

Once Kisha realized that it would be illegal for government to support her plan to live with her boyfriend, she understood that there was no point in pursuing it at this time.



CFCSA, Sec 70 (1) (a)

S.P.E.A.K.

Style, Process, Empowerment,
Assessment and **Knowledge**

Knowledge

Knowledge is power. The more information and knowledge you have about processes, policy, legislation, programs, resources and services, the more empowered you will be as a Champion for Change either for yourself or the person for whom you are advocating.

Information gathering and critical thinking are key parts of effective advocacy. Background information is useful as long as it's relevant to the current situation. When the issue involves children or youth, time is of the essence. It is important to stay on task and use time wisely, limiting the information to key facts and not hearsay or anecdotal statements. The more you know about the legislation, policies and complaints process involved, the better equipped you are.

The following points will help you find the information you need:

- What is the background? Provide a brief history related to the case. Who is involved, what are their names, roles and responsibilities and what decisions have been made so far?
- What is the current situation? Is court tomorrow? Are you homeless/unsafe? Who is your legal guardian? Is it your mom, dad, social worker, grandparent or another person?
- What issue(s) do you have with the current situation? When did the issues begin? Is the decision within the legislation and policy? Is it realistic?
- What are you requesting and why?
- What will it take to get the outcome you are looking for? Will it cost money? Does it require filing a formal complaint? Does it mean going to court?



CFCSA, Sec 70 (1) (m)

Case Example: Modelling S.P.E.A.K

Chloe called an advocate at the Representative for Children and Youth's Office for advice. She had requested a meeting with her social worker to discuss concerns about her care. She had previously brought up these issues with her worker but felt that nothing had been done.

Chloe was worried about the upcoming meeting because she often forgets things that she really wants to say when she's nervous or upset and tends to "shut down" when stressed. She wondered if there was a better way to get her voice heard (**Style**).

The advocate helped Chloe make an agenda and write out all the points she wanted to be sure to talk about, and informed her about her rights and the formal complaint process that all youth in care are entitled to (**Process**).

Chloe said that knowing she had a right to complain and how to access advocates who supported her rights gave her the courage to speak out for herself, and she felt much more confident now that she was organized and prepared (**Empowerment**).

Chloe also realized she hadn't really been clear before with her social worker about exactly what complaint resolution she wanted. She had just expected that "something" would be done. She brainstormed possible acceptable solutions and put them on her list for discussion (**Assessment**).

At the meeting, Chloe informed her social worker that she now knew her rights, including her right to complain and to expect a timely response. She requested a commitment from the social worker about what actions she would take to resolve the concerns and by when, and let her know that she had contacted an advocate and would take further steps if necessary to achieve a solution (**Knowledge**).

Outcome:

Many of Chloe's concerns were resolved shortly after her meeting with the social worker. However, Chloe engaged the formal complaint process to appeal a decision stating that she wasn't entitled to a response regarding the outcome of an investigation into one of her concerns.

Her appeal resulted in a change in MCFD regional protocols, clarifying that children and youth in care who have made a complaint about their care are entitled to be advised of the outcome of the investigation of their complaint. Chloe was pleased with the success of her self-advocacy and is very proud that her efforts created a positive legacy for all children and youth in care in B.C. She really is a Champion for Change!

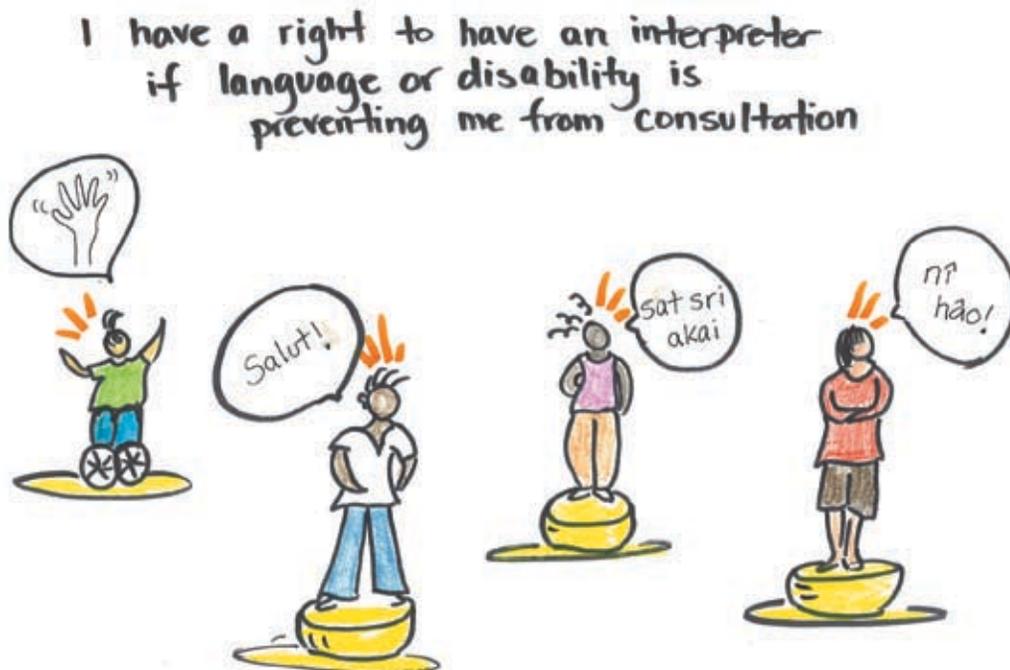
Are you ready?

Here is a checklist that will help you decide whether you are ready to move to the next stage of advocacy – persuading the decision-maker.

All of these items must be followed in order to strengthen your case. Some may not apply to your situation, which may mean there is not a lot of evidence for your case.

If you have checked off all the items, you are ready. If one or more isn't checked off, take a moment to decide how important it is to you before moving on.

- I know what my issue is and have the background and information about the current situation to clearly identify my concerns.
- I know what I am requesting and why I am requesting it.
- I know the jurisdiction and mandate that my request falls within.
- I've done my fact-finding and know the players and key decision-makers who can help with my request.
- I have a copy of the relevant laws, practice standards and/or policy information that relate to the decision that has been or is about to be made.



CFCSA, Sec 70 (1) (k)

Making contact – in person, by phone or in writing?



There are three ways to communicate a problem: in person, by phone or in writing. Your particular situation, comfort level and capacity can limit your choices. For example, is transportation an issue? Are you 12 years old and not comfortable writing letters to government staff? Do you have access to a computer? Everyone is unique. You need to decide what method of communication is easiest and most accessible for you.

No matter which approach you choose, keep in mind that advocacy is an exercise of trial and error. You may not get what you want through a telephone call and may have to put your concerns in writing or request a meeting if you feel more comfortable vocalizing your concerns. Advocacy is about being creative and flexible while also being persistent and focused on solutions.

Ask yourself: Which approach is likely to be the most successful? Which approach do I feel most comfortable with?

Keeping all records, or documentation, is a vital advocacy tool that is essential at every stage of the advocacy process. Even if you think it may not be useful, save it anyway. It will help you keep track of what you've done, which in turn will help you decide what to do next.

When documenting, ask yourself the five "W" questions: who, what, where, when and why.

When you talk to someone on the telephone, write down:

- the first and last name of the person and his or her contact information (e.g., phone number, e-mail, fax and/or office location)
- the date and time of the call
- what you requested and the answer you received
- any explanations given
- what you agreed to and what you disagreed with
- what actions you and/or he or she said would be taken and when
- how you will know the actions have been taken
- whether you need to call back for a follow-up (it is a good idea to call back regardless)
- references to any letters or other documentation that you have pertaining to the decision.

It's useful to keep everything in a file folder, large envelope, box or binder, in chronological order (i.e., in the order of their dates). Print off every e-mail, document each telephone conversation, keep every letter and take notes at meetings – and keep them in your file. Bring the file to all meetings and have it in front of you during telephone calls so that you can easily refer to your records. If someone asks you for copies of your records and you want to provide them, make photocopies for that person (or ask him or her to make them), and always keep the originals in your file.

Advocacy Action Plan

Choose one that works best for you.

Advocacy by Phone

Sometimes a problem can be solved simply by picking up the phone and speaking directly to someone who has the authority to make a decision.



Before you call

- Make a list of what you intend to say.
- Keep your file near you to access it if you need to.

During the call

- Be courteous.
- Ask if it's a good time to talk about your concern. If not, request a time to call back or for them to call you back.
- Take notes.
- If you feel that no one seems prepared to take responsibility, or the process is slowing down, say that you have that impression based on what is being said.
- Confirm anything agreed to and deadlines that may be set.

After the call

- Write a complete record of the call, based on your notes and what you remember.



Write it down!

Keep your schedule near you in case you need to set an appointment/meeting, and keep all necessary phone numbers close by.



Leave a message!

If you get a worker's voicemail, leave a message with a phone number and a good time for him or her to call you back.

Advocacy by E-mail, Letter or Fax



- Include the date, name of the person the letter is addressed to, the full address of the person and organization, postal code, and your name, address, phone number and e-mail.
- Make sure names are spelled correctly.
- Make sure the letter or note is neat and readable.
- Maintain a respectful, assertive tone. A letter that is overly aggressive or rude in tone may be quickly dismissed by the person reading it.
- Be clear about the issue and your request.
- Give enough information to make your point, but don't give too much information – bullet form is okay.
- The letter should be no more than two pages long.
- Refer to any legislation or policy that applies to your situation.
- Before you send the letter, read it out loud so you can hear what it sounds like.
- If you are angry or upset when you write the letter, don't send it until you have calmed down. Reread the letter and rewrite it if necessary so that the focus is on the facts and not on your emotions about the facts.
- Keep a copy for your records.
- Within a couple of days, depending on whether it was sent by mail, fax or e-mail, follow up to make sure the letter was received.



More Tips!

- Get someone to proofread and edit the letter before you send it.
- Send the e-mail to the person who can take action and send a copy of the correspondence to any other people you think should also be informed.
- Keep copies of any e-mail conversations.
- If faxing, keep the fax cover sheet as it records the date and time the letter was sent.
- If you don't get a reply in a timely manner (approximately seven working days), follow up by phone to confirm that the letter, e-mail or fax was received.
- Always follow up because sometimes things can get lost along the way or in cyberspace.

Advocacy in Person

Advocacy in person can take several forms. It can be an informal one-to-one meeting, or one with a third party to mediate the discussion, or a larger meeting involving family members or other involved parties. It can be a family group conference, which is a formal meeting where family of a child or youth come together with extended family and members of the family's community to collaborate and help develop a plan for the child or youth.

Another type of meeting is an Integrated Case Management (ICM) meeting. ICM meetings involve all of the people involved in decision-making and services for the youth and include the youth and/or any advocates the youth has. These meetings are intended to be collaborative, interactive and focused on the needs and issues of the youth.



Meeting Tips

Before the meeting

- Make sure you have the correct address for the location of the meeting.
- Confirm the exact time of the meeting.
- Request that if possible, someone takes minutes of the meeting and provides photocopies so that everyone leaves with the same information/understanding of decisions and actions to be taken.
- If you need child care, make sure you set it up before the meeting date.
- Get prepared. Make a list of any specific information or issues you want to discuss.
- Make sure to let the meeting organizer know if you need help getting to the meeting (e.g., bus tickets, taxi fare, a ride).
- Arrive on time.

What to bring

- Paper.
- Pen or pencil.
- Your file with the gathered facts and copies of any earlier correspondence or notes.
- Your day planner if you have one.
- Easy reference notes to the key points you want addressed at the meeting. This will help you to stay on task. List your top three issues.
- A signed consent form in the event you are advocating on behalf of someone else.
- Identification (your social insurance number, birth certificate, photo ID, immigration papers, status card).
- Relevant documentation (for example, if you are seeking an appeal to your youth agreement or service plan, bring a copy of the agreement or plan).

During the meeting

- Don't bring a tape-recorder. You can request to bring someone to take notes, be a witness or just be with you for support.
- If you do bring someone with you, decide in advance what the person's role is, and be clear what your role will be. Make sure you let everyone in attendance know who the person is and why he or she is there.
- Take notes, or have your support person take notes for you.
- Ask for introductions so that you know who everyone at the meeting is and what role they play. Make a note of the names of everyone who attended the meeting.
- State the problem, current situation and possible solutions.
- If there is something you don't understand, ask for clarification.
- Don't feel pressured to make a decision. Take the time you need.
- If you find yourself becoming emotional or overwhelmed, request a break.
- End the meeting by agreeing on a plan of action, with deadlines.
- Before you leave, thank everyone for their time.

After the meeting

- Whether you have presented your case in person, by phone or by letter, be sure to do whatever tasks you agreed to do.
- Check in with people to make sure they are doing the things that they agreed to do, according to any schedule that you agreed to.
- Let them know about any progress made or any problems that occur.

Notes: _____

Sample log: Record of conversation

Date and time: _____

Name and position of the person I talked to: _____

Phone number I called or was transferred to: _____

Office the person I was talking to works from: _____

Issues discussed: _____

What I was told: _____

What I said: _____

What we agreed to: _____

Is follow-up required?: _____

Sample: Letter outline

Note: This is intended only to give you a basic idea of how to write a letter. You do not have to use these exact words.

[Date]

[Person's first and last name]

[Title]

[Organization or department]

[Address]

Dear [Name of decision-maker],

My name is...

I am writing to express my concern about [the issue].

[Details about the issue – what has happened to date, "quote the child or youth"].

[Cite relevant legislation or policy that you feel is being violated].

[Clearly state how you want the issue to be resolved].

Request – Could you please contact me by [date] to let me know whether this is possible?

Thank you for your assistance in resolving this matter.

Sincerely,

[Signature]

[Your name]

[Address]

[Phone number]

[CC – the person or persons who you also want to see this letter]



What does CC mean?

CC stands for copy correspondence. It means that you are sending a copy of the letter to other people who you believe should see it, such as the worker's supervisor or your advocate.

Filing a Complaint

Sometimes it is difficult to know if, when and how to file a complaint with a government agency. Filing a complaint, however, is a form of advocacy, as it's a formal measure that allows you to have your concerns heard, considered and documented.

If your issue or complaint involves a violation of the principles of administrative fairness and could not successfully be resolved at a meeting or through a phone call or a letter, then you may want to file a complaint immediately, as time is often an important factor in such processes.

The Complaint Process

Most government bodies have an internal quality assurance or complaints resolution department. They often have clear timelines for when a complaint should be resolved.

The Ministry of Children and Family Development's resolution process starts with local resolution in which the complainant attempts to resolve his or her issue with the immediate worker or supervisor. MCFD's timeline for local resolution is 30 days.

If the issue remains outstanding and the complainant is still dissatisfied after seeking local resolution, they can seek further review by management at a higher level. This second review process also has a timeline of 30 days.

If you remain dissatisfied after a formal review of your concerns/complaint, you can bring your concern to the attention of the Ombudsperson for an independent review. For more information on contacting the Ombudsperson, see the Resources section.

Youth Custody Services (YCS) complaints policy includes a five working day response time. Youth are advised they can contact the Ombudsperson/Inspector Youth Justice Programs, who fulfills the role of the Youth Custody Complaints Manager (a designated independent review body) at any time throughout the process, not just after formal review. YCS timelines exceed MCFD timelines given the nature of the custody environment. Additionally, youth are encouraged to access additional support from contracted advocates, RCY or others should they feel they require this support.



CFCSA, Sec 70 (1) (h) UNCRC, Article 31

Resources

Glossary

Accountability: Responsibility to account to someone for some activity.

Best interest of the child: A core principle in the UN Convention on the Rights of the Child, which stipulates that the protection and care of the child that is necessary for his or her well-being is the primary focus of those making decisions on a child's behalf.

Child-centred: A child-centred approach to dealing with issues or concerns requires those making decisions or developing solutions that impact a child to consider and prioritize the child's rights, interests and views in the decisions.

Designated services: Means any services or programs for children and their families provided or funded by government under the *Adoption Act*, *Child Care B.C. Act*, *Child Care Subsidy Act*, *Child, Family and Community Service Act*, *Community Living Authority Act* and the *Youth Justice Act*.

Jurisdiction: The right and power to interpret and apply the law.

Legislation: Laws that are enacted by governing bodies.

Mandate: Authorization to act in a particular way. For example, the mandate of the Representative for Children and Youth's Office is to improve services and outcomes for children in B.C. through advocacy, accountability and review.

Self-advocate: An individual advocating for him or herself.

Natural or individual advocate: A person who has a strong relationship with a person (teacher, coach, aunt, etc.) and is requested to assume a more formal advocacy role.

Policy/standards: Detailed instructions for administering legislation. They establish guidelines for decision-making and action.

Rights: Something to which a person is entitled under an international agreement or a law.



CFCSA, Sec 70 (1) (f)

Provincial Agencies and British Columbia Ministries

For a more comprehensive listing of organizations that might be helpful with advocacy issues, go to the Advocacy section of the Representative for Children and Youth's website at www.rcybc.ca

Adoptive Families Association of BC

AFABC provides province-wide support and advice for individuals who are thinking about adoption, have decided to adopt or who already had a child or children join the family. AFABC also plays a significant role in promoting awareness of the thousands of B.C. children in the care of the Ministry of Children and Family Development who are waiting for a family. In Vancouver call 604-320-7330, toll free BC's Waiting Child Line 1-877-ADOPT-07 (1-877-236-7807), fax: 604-320-7350 or go to www.bcadoption.com

Affiliation of Multicultural Societies and Service Agencies (AMSSA) of BC

The Affiliation of Multicultural Societies and Service Agencies of BC is a provincial not-for-profit, non-partisan umbrella organization representing and serving more than 75 immigrant settlement and multiculturalism service agencies across British Columbia. AMSSA members are mandated to address a broad spectrum of multicultural and immigrant settlement and integration issues in their communities. In Vancouver call 604-718-2780, or toll free 1-888-355-5560, fax: 604-298-0747, e-mail: amssa@amssa.org or go to www.amssa.org

B.C. Association of Aboriginal Friendship Centres (BCAAFC)

The BCAAFC is the umbrella association for 23 friendship centres throughout the province of British Columbia. The BCAAFC provides service to Aboriginal communities located in urban areas (off reserve). Call toll free 1-800-990-2432 or go to www.bcaafc.com

B.C. Association for Community Living (BCACL)

The BCACL is a provincial association dedicated to promoting the participation of people with developmental disabilities in all aspects of community life. The BCACL advocates for children, youth and adults with developmental disabilities and their families to ensure justice, rights and opportunities in all areas of their lives. Call toll free 1-800-618-1119 or go to www.bcacl.org

BC Child Care Resource and Referral (BCCCRR)

BCCCRR programs offer quality child care referrals, resources and support to all child care providers and families in over 400 communities across the province of British Columbia. For more information go to www.childcarechoices.ca

B.C. Federation of Foster Parent Associations (BCFFPA)

The BCFFPA is a non-profit society which aims to bring together foster parents, social workers and other interested people working to improve the standard of care for children in B.C. It provides opportunities for education, training and professional development as well as support and assistance for the foster parents of B.C. Call toll free 1-800-663-9999 or go to www.bcfoosterparents.ca

B.C. Human Rights Tribunal

The B.C. Human Rights Tribunal is an independent, quasi-judicial body created by the B.C. Human Rights Code. The Tribunal is responsible for accepting, screening, mediating and adjudicating human rights complaints. In Vancouver call 604-775-2000, toll free 1-888-440-8844, TTY 604-775-2021 or www.bchrt.bc.ca

BC Mental Health & Addiction Services (BCMHAS)

The BCMHAS is an agency of the Provincial Health Services Authority that provides a diverse range of one-of-a-kind, specialized (also referred to as “tertiary”) mental health services to people across the province. Recognizing that people with mental health challenges may also have issues with substance misuse, the assessment and treatment of addictions is an integral part of their programs. Call Child and Adolescent Mental Health and Addiction Services toll free at 1-888-300-3088 or go to www.bcmhas.ca

Community Living British Columbia (CLBC)

CLBC is a provincial Crown agency mandated under the *Community Living Authority Act*. CLBC delivers supports and services to adults with developmental disabilities and their families. In Vancouver call 604-664-0101, toll free 1-877-660-2522 or go to www.communitylivingbc.ca

Enquiry BC

Enquiry BC is a provincial call centre that provides services to all British Columbia residents on behalf of provincial government ministries, Crown corporations and public agencies. Enquiry BC is available weekdays from 7:30 a.m. to 5 p.m. In Victoria call 250-387-6121, in Vancouver call 604-660-2421, elsewhere in the province call toll free 1-800-663-7867, TTD: toll free 1-800-661-8773 or go to www.gov.bc.ca/contacts

Federation of Aboriginal Foster Parents (FAFP)

The FAFP represents foster parents providing quality care for Aboriginal children in a nurturing, culturally appropriate environment. The FAFP recognizes and affirms that Aboriginal children have the right to grow up in their own culture. It is committed to providing the support and services needed to help ensure this fundamental right is respected. Call toll free 1-866-291-7091 or go to www.fafp.ca

Federation of B.C. Youth in Care Networks (FBCYICN)

The FBCYICN is a youth-driven, provincial, non-profit organization dedicated to improving the lives of young people in and from care in B.C. between the ages of 14 and 24. It provides programs and services that help young people unite their voices to create positive change in the system (Advocate), come together (Connect), get individual support and link with learning opportunities (Empower).

In Vancouver call 604-527-7762, toll free 1-800-565-8055 or go to www.fbcyicn.ca

First Call B.C. Child and Youth Advocacy Coalition

First Call is a cross-sectoral, non-partisan coalition made up of 90 provincial organizations, 25 mobilized communities and a network of hundreds of community groups and individuals. First Call supports children and youth through three strategies: public education, community mobilization and public policy advocacy. Call toll free 1-800-307-1212 or go to www.firstcallbc.org

The F.O.R.C.E. Society for Kids' Mental Health

The F.O.R.C.E. promotes and influences change intervention and equality of care in children's mental health through support, advocacy, education and navigation of services.

In Vancouver call 604-878-3400 or 310-6789 (no area code needed), e-mail: theforce@forcesociety.com or go to www.bckidsmentalhealth.org/about

Helpline for Children 310-1234

When it concerns abuse, anyone can call the Helpline for Children anytime, day or night. Simply dial 310-1234 (no area code needed).

Lawyer Referral Service

The Lawyer Referral Service (LRS) is funded by the Law Foundation of British Columbia and operated by the Canadian Bar Association British Columbia Branch. The LRS program enables the public to access lawyers practising in the field of law required for the particular situation and provides the opportunity to have a consultation with a lawyer for up to 30 minutes for a fee of \$25 plus tax. After the consultation, the fees to be charged are strictly between the lawyer and the client. The lawyer is not obliged to accept the applicant's case, and the applicant is under no obligation to retain the lawyer.

In Vancouver call 604-687-3221 or toll free 1-800-663-1919.

E-mail: lawyerreferral@bccba.org www.cba.org/bc/Public_Media/main/lawyer_referral.aspx

Legal Services Society

The Legal Services Society (LSS) provides legal aid in B.C. LSS helps people with legal problems who can't afford lawyers. LSS has a range of free services that may help you. They give priority to people with low incomes, but many services are available to all British Columbians. LSS services include:

- Information provided by their publications, the Family Law in BC website, intake assistants, and, in some communities, legal information outreach workers and Aboriginal community legal workers.
- Advice from duty counsel lawyers or family advice lawyers.
- Representation (a lawyer to take your case) if you qualify and have serious family, child protection or criminal law issues (and for some immigration, mental health and prison law issues).

You can apply for legal aid by phone or in person. In Vancouver call 604-408-2172 or toll free 1-866-577-2525 or go to www.lss.bc.ca

Legislative Assembly of British Columbia

Your MLA is an elected government official who has knowledge about your community and access to information and resources. To locate your Member of the Legislative Assembly, visit

www.leg.bc.ca/mla/3-1-1.htm

Ministry of Attorney General

Family services such as mediation, dispute resolution, legal aid, family justice counsellor and the family maintenance enforcement program. For general enquiries or for assistance call Enquiry BC at 1-800-663-7867, or go to www.ag.gov.bc.ca

Ministry of Children and Family Development (MCFD)

MCFD promotes and develops the capacity of families and communities to care for and protect vulnerable children and youth, and supports healthy child and family development to maximize the potential of every child in B.C.

The ministry is responsible for regional and province-wide delivery of services and programs that support positive and healthy outcomes for children, youth and their families. MCFD is organized into five regions: North, Interior, Fraser, Vancouver Coastal and Vancouver Island. MCFD's responsibilities include family development, early childhood development, services for children and youth with special needs, child and youth mental health, child care, child protection, children in the home of a relative, residential and foster care, adoption for children and youth permanently in care, community child and youth mental health, programs for at-risk or sexually exploited youth and community youth justice services.

In addition, the ministry is responsible for a number of specialized provincial services such as youth custody, youth forensic psychiatric services, services for deaf and hard of hearing children and youth, and the Maples Adolescent Treatment Centre. For general MCFD enquiries call toll free 1-877-387-7027 or go to www.gov.bc.ca/mcf

Ministry of Community, Sport and Cultural Development

The Ministry of Community, Sport and Cultural Development is responsible for local government, property assessment, sports and recreation, film policy and classification, arts and culture programs and community gaming grant eligibility. For general enquiries call Enquiry BC toll free 1-800-663-7867 or go to www.gov.bc.ca/cscd

Ministry of Education

The Ministry of Education has overall responsibility for education from kindergarten to grade 12. For information regarding the ministry's dispute resolution and appeal process go to www.studentappeals.gov.bc.ca/process.htm For general enquiries call toll free 1-888-879-1166 or go to www.gov.bc.ca/bced

Ministry of Energy and Mines (and Minister Responsible for Housing)

The Ministry of Energy and Mines is responsible for setting provincial housing and homelessness policy, also provides residential tenancy information and dispute resolution. For general enquiries contact Enquiry BC 1-800-663-7867 or go to www.gov.bc.ca/ener

Ministry of Health

The Ministry of Health has overall responsibility for health care in B.C. The ministry works with health authorities, agencies and other groups and also directly manages a number of provincial programs and services, including the B.C. Vital Statistics Agency and the Medical Services Plan. For general enquiries call toll free 1-800 465-4911 or go to www.gov.bc.ca/health

Ministry of Public Safety and Solicitor General

The ministry funds over 160 programs through non-profit agencies and police detachments that provide information about the justice system as well as practical help, emotional support and referrals to other appropriate programs. For general enquiries call Enquiry BC toll free 1-800-663-7867 or go to www.gov.bc.ca/pssg

VictimLink BC

VictimLink BC is a province-wide telephone service provided by the Ministry of Public Safety and Solicitor General. It is available 24 hours a day, seven days a week and provides interpretation services for all the major languages spoken in British Columbia. VictimLink BC operators provide information and referral services to all victims of crime and immediate crisis support to victims of family and sexual violence. Call toll free 1-800-563-0808, TTY 604-875-0885 (collect calls accepted), text 604-836-6381 or go to www.pssg.gov.bc.ca/victimservices

Ministry of Social Development

The ministry's responsibilities include providing income assistance for those in need and providing adult community living services through Community Living BC. For general enquiries call toll free 1-866-866-0800, TTY Vancouver 604-775-0303 or go to www.gov.bc.ca/hsd

Office of the Information and Privacy Commissioner (OIPC)

The OIPC is independent of government with a mandate to monitor and enforce B.C.'s *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act*. You can make a request for information under either act in writing, either by letter or electronically, at www.oipc.bc.ca or call Enquiry BC toll free at 1-800-663-7867 and request to be transferred to 250-387-5629. In Victoria call 250-387-5629.

Office of the Advocate for Service Quality (ASQ)

The Advocate for Service Quality assists in situations involving adults with developmental disabilities and transitioning youth with special needs and their families who could benefit from the intervention of someone working independently of the Ministry of Social Development and Community Living BC (CLBC).

The Advocate has a provincial mandate and works in collaboration with, but independently of, CLBC, the Ministries of Social Development, Children and Family Development, Health, and other ministries as required, as well as with the Representative for Children and Youth and the Public Guardian and Trustee. In Vancouver call 604-775-1238; elsewhere in the province call Enquiry BC toll free at 1-800-663-7867 and request to be transferred to 604-775-1238 or go to www.hsd.gov.bc.ca/advocate/

Office of the Ombudsperson

The Ombudsperson receives enquiries and complaints about the practices and services of public agencies within its jurisdiction. The office impartially investigates complaints to determine whether public agencies have acted fairly and reasonably and whether their actions and decisions were consistent with relevant legislation, policies and procedures. The Ombudsperson is an officer of the provincial legislature, is independent of government and political parties, and is responsible for making sure that the administrative practices and services of public agencies are fair, reasonable, appropriate and equitable. Call toll free 1-800-567-3247 or go to www.ombudsman.bc.ca

Public Guardian and Trustee of B.C.

The Public Guardian and Trustee of British Columbia operates under provincial law to protect the legal rights and financial interests of children, to provide assistance to adults who need support for financial and personal decision-making and to administer the estates of deceased and missing persons where there is no one else able to do so. In Vancouver call 604-660-4444; elsewhere in the province call Enquiry BC toll free at 1-800-663-7867 and request to be transferred to 604-660-4444, or go to www.trustee.bc.ca

Society for Children and Youth of BC

The Society for Children and Youth of BC is a unique provincial non-profit advocacy organization dedicated to improving the well-being of children and youth. For more information call 604-822-0033 in Vancouver or go to www.scyofbc.org

Legislation

To look at any of the following legislation, go to the following links:

Representative for Children and Youth Act (2007)

www.bclaws.ca/Recon/document/ID/freeside/00_06029_01

Child, Family and Community Service Act (1996)

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96046_01

Canadian Charter of Rights and Freedoms (1982)

<http://laws-lois.justice.gc.ca/eng/charter/page-1.html>

Adoption Act (1996)

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96005_01

Child Care BC Act (2001)

http://www.bclaws.ca/EPLibraries/bclaws_new/document/LOC/freeside/--%20c%20--/child%20care%20bc%20act%20sbc%202001%20c.%204/00_01004_01.xml

Child Care Subsidy Act (1996)

http://www.bclaws.ca/EPLibraries/bclaws_new/document/LOC/freeside/--%20c%20--/child%20care%20subsidy%20act%20rsbc%201996%20c.%2026/00_96026_01.xml

Community Living Authority Act (2004)

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_04060_01

Youth Justice Act (2003)

www.bclaws.ca/Recon/document/ID/freeside/00_03085_01

Infants Act (1996)

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96233_01

Mental Health Act (1996)

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96288_01

Youth Criminal Justice Act (2003)

<http://laws-lois.justice.gc.ca/eng/acts/Y-1.5/index.html>

To look at the Universal Declaration of Human Rights (1948), go to

www.un.org/en/documents/udhr/index.shtml



No corporal punishment!

CFCSA, Sec 70 (1) (e) CFCSA, UNCRC Article 19



I have reasonable privacy
and my own belongings!

CFCSA, Sec 70 (1) (d) CFCSA, UNCRC Article 19

Child, Family and Community Service Act

Section 70 – Rights of Children in Care

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*.

United Nations Convention on the Rights of the Child (UNCRC)

Article 1 - **Definition of the Child**

A child is a person under 18 years, unless the law says differently.

Article 2 - **Non-discrimination**

Governments must make sure every child gets all the rights in this Convention, without any discrimination. Children must be protected from being discriminated against or punished because of their parents', carers' or family members' actions or beliefs.

Article 3 - **Best interests of the child**

The child's best interests must be a top priority whenever anything is done that affects children. Governments must do everything to make sure children are protected and cared for.

Article 4 - **Protection of rights**

Governments must do everything possible to put into practice the rights in this Convention. The richer the country, the more it must do to protect children's economic, social and cultural rights.

Article 5 - **Parental guidance**

Governments must respect the right of parents and guardians to give advice and guidance to children about their rights, in line with their evolving capacities.

Article 6 - **Survival and development**

Every child has the right to life. Governments must do all they can to make sure children develop to their fullest potential.

Article 7 - **Registration, name, nationality, care**

Every child must be registered immediately after birth. Every child has the right to a name and nationality. Every child has the right, as far as possible, to know and be cared for by her or his parents.

Article 8 - **Preservation of identity**

Every child has the right to his or her own identity. Governments must help a child who loses her or his identity.

Article 9 - **Separation from parents**

A child can only be separated from her or his parents by a court decision. Whenever a court is making a decision, everyone involved (including the child) has the right to be heard. Every child has the right to keep regular contact with both parents, so long as it is in his or her best interests. If a child has been separated from her or his parents through imprisonment or detention, governments must give the family information about where the child or parent is (unless it would harm the child).

Article 10 - **Family reunification**

If a child or a parent applies to enter or leave a country, their application must be considered quickly and humanely. A child whose parents live in another country has the right to almost always stay in direct contact with them.

Article 11 - **Kidnapping**

Governments must work together to stop children being taken illegally to a different country.

Article 12 - Respect for the views of the child

Every child who has a view has the right to express this view freely, in all matters affecting the child. The child's views must be given "due weight" depending on the child's age and maturity. The child has the right to be heard in all decision-making processes, including in court hearings. The child can either speak for her- or himself, or someone else can put her or his views forward.

Article 13 - Freedom of expression

Every child has the right to freedom of expression, including the right to all kinds of information and ideas (unless there are legal restrictions).

Article 14 - Freedom of thought, conscience and religion

Every child has the right to freedom of thought, conscience and religion (unless there are legal restrictions). Governments must respect the right of parents and guardians to give advice to the child about this right, in line with the child's evolving capacities.

Article 15 - Freedom of association

Every child has the right to meet people and to gather in public (unless there are legal restrictions).

Article 16 - Right to privacy

The law must protect the child's right to privacy.

Article 17 - Access to information; mass media

Governments must make sure the child has access to lots of different information. Governments must encourage the media to inform children in line with article 29 (*see next page*).

Article 18 - Parental responsibilities; state assistance

Governments must do all they can to support both parents in bringing up children. Parents or guardians have the top responsibility for bringing up children. They must always follow the child's best interests.

Article 19 - Protection from all forms of violence

Governments must do everything to protect children from all forms of violence, abuse, neglect and mistreatment. Help must be available for children who are hurt by violence, abuse, neglect and mistreatment.

Article 20 - Children deprived of family environment

Children who are separated from their parents have the right to special protection and help.

Article 21 - Adoption

The child's best interests must be the top priority in adoption. Governments can support inter-country adoption. Children who are adopted by people in another country must have the same protections as children adopted by people in their own country.

Article 22 - Refugee children

Governments must give protection and humanitarian help to children who are refugees. Governments must give protection and humanitarian help to children who are trying to be accepted as refugees.

Article 23 - Children with disabilities

Every disabled child has the right to a full life and to active participation in the community.

Article 24 - **Health and health services**

Every child has the right to the best possible health and health services.

Article 25 - **Review of treatment in care**

Children who are in care or live away from home for health reasons have the right to their care being reviewed regularly.

Article 26 - **Social security**

Governments must do everything to protect children's right to social security benefits.

Article 27 - **Adequate standard of living**

Children have the right to a standard of living that helps them develop fully. Parents have the top responsibility for making sure the child gets this right. Governments must help parents and others caring for the child. The amount of help the government gives depends on how rich the country is.

Article 28 - **Right to education**

Every child has the right to free primary education. Governments must encourage secondary education. Access to higher education must be according to ability. Governments must make sure children get information about education. Governments must encourage regular school attendance. Governments must make sure that school discipline protects the child's dignity and is in line with this Convention.

Article 29 - **Goals of education – see article 17**

Governments agree that the aims of education are to help the growth of the child's personality, talents and mental and physical abilities. Education must help children to respect the human rights of others. Education must help children to respect their parents. Education must help children to have self-respect. Education must help children to respect the environment.

Article 30 - **Children of minorities/ indigenous groups**

Children from minority communities must not be stopped from enjoying their own culture, religion and language.

Article 31 - **Leisure, play and culture**

Every child has the right to rest, play and leisure. Governments must promote the rights of the child to get involved in the arts.

Article 32 - **Child labour**

Every child has the right to be protected from harmful work and economic exploitation. Governments must do everything to protect this right. Governments must set a minimum age for people working, and they must introduce rules to protect children in work.

Article 33 - **Drug abuse**

Governments must do everything to protect children from illegal drugs.

Article 34 - **Sexual exploitation**

Governments must do everything to protect children from sexual exploitation (including prostitution) and sexual abuse.

Article 35 - **Abduction, sale and trafficking**

Governments must do everything to protect the child from being taken away, sold or trafficked.

Article 36 - **Other forms of exploitation**

Governments must protect the child from all other exploitation.

Article 37 - **Detention and punishment**

Governments must do everything to protect the child from torture or other cruel, inhuman or degrading treatment or punishment. Children must not be given a death sentence, nor life imprisonment without the possibility of release. Children can only be locked up after a court hearing. Children must only be locked up as a last resort and for the shortest possible time. Every child who is locked up must be treated with respect. Every child who is locked up must be separated from adults, unless it is in their best interests to do otherwise. A child who is locked up has the right to keep in contact with her or his family, through letters and visits.

Article 38 - **War and armed conflicts**

Governments agree to abide by international human rights law in relation to wars.

Governments must do everything to stop children under 15 from being involved directly in a war.

Governments must do everything to protect and care for children who are affected by war.

Article 39 - **Rehabilitation of child victims**

Governments must give good support to children who have been hurt, abused or exploited. The support must promote children's self-respect and dignity.

Article 40 - **Juvenile justice**

Every child accused of committing a crime, and every child found to have committed a crime, must be treated with respect. Every child accused of committing a crime, and every child found to have committed a crime, must be helped to respect the human rights of others. Every child must be treated as innocent until a court has found them guilty. Every child must be quickly given information about why they have been arrested and charged with a crime. No child can be forced to give evidence in a court. Every child has the right to an interpreter. The child's right to privacy must be fully respected at all times. Governments must set up a separate criminal justice system for children. Governments must set a minimum age of criminal responsibility. Wherever possible, children in trouble should not have to go to court. Wherever possible, children should not be sent to institutions. There must be many ways to help children in trouble with the law, including care, guidance and counselling.

Article 41 - **Respect for superior national standards**

If the laws of a country provide better protection of children's rights than the articles in this Convention, those laws should apply.

Article 42 - **Knowledge of rights** (see article 4)

Governments should make the Convention known to adults and children. Adults should help children learn about their rights too.

Articles 43-54 - **Implementation measures**

These articles discuss how governments and international organizations like UNICEF should work to ensure children are protected in their rights.

To view the UNCRC in full, visit: www2.ohchr.org/english/law/crc.htm

Office of the Representative for Children and Youth B.C.

Offers support, assistance, information and advice to children, youth and their families through the provision of advocacy services and direct advocacy on behalf of a child or youth receiving or eligible to receive a designated service. Such designated services would include the young person's placement or care needs.

Contact us

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By fax:

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This guide is also available on our website and can be copied as needed.



REPRESENTATIVE FOR
CHILDREN AND YOUTH