

# ANNUAL REPORT 2011-2012



## CHILDREN & YOUTH

NEWFOUNDLAND & LABRADOR

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# ABOUT THE ADVOCATE

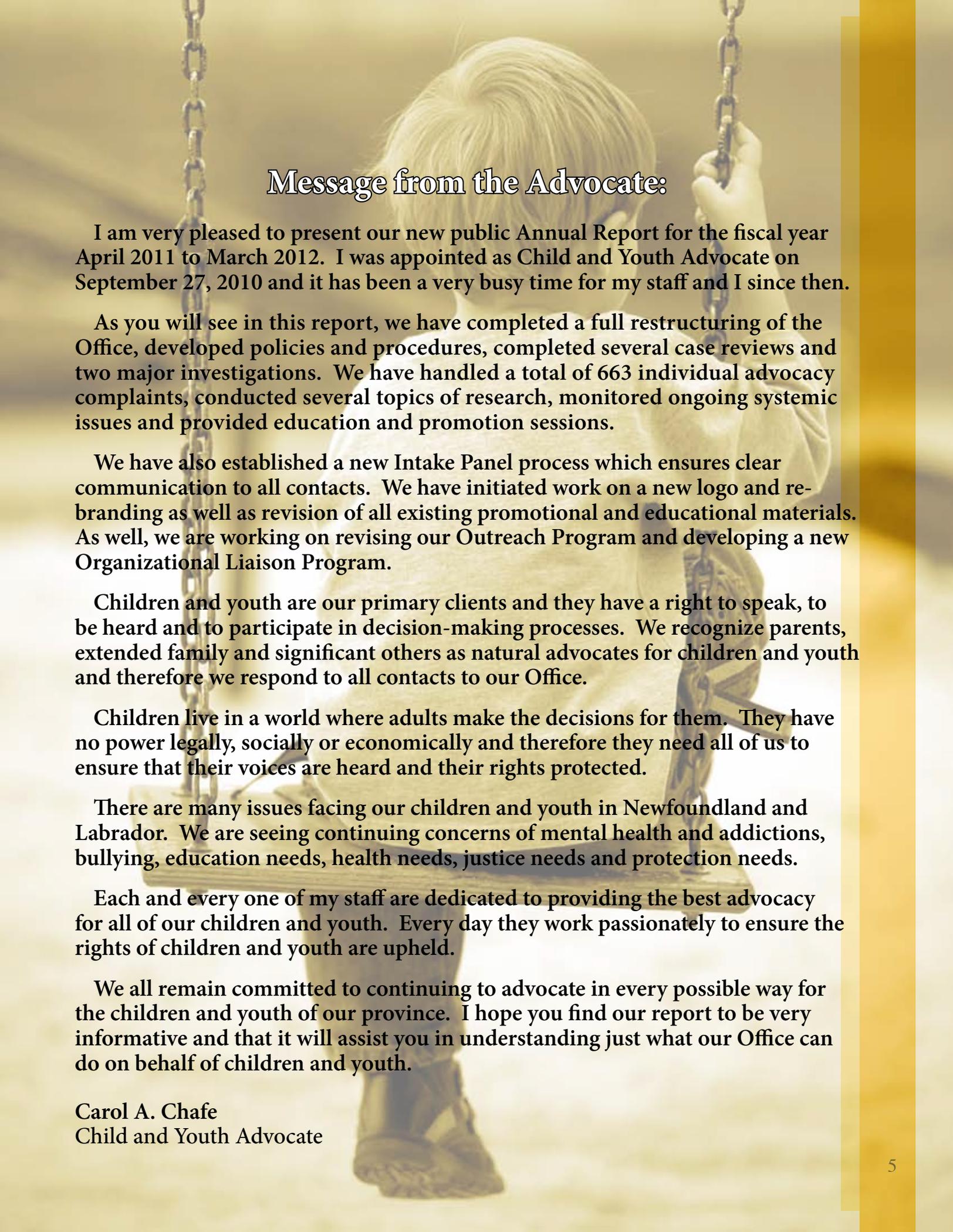
## BIOGRAPHY

Carol A. Chafe was appointed Child and Youth Advocate for the province of Newfoundland and Labrador, effective September 27, 2010. Since her appointment, Ms. Chafe has met with various child and youth-serving agencies and has participated in a number of awareness-building activities for the Office. She has also spoken at several conferences, including the Newfoundland and Labrador Foster Families Association's Annual Symposium, the Child Welfare League of Canada's Atlantic Forum, and the Biennial National Conference of the Canadian Council of Child and Youth Advocates.

Ms. Chafe is also the Vice-President of the Canadian Council of Child and Youth Advocates, a national alliance of ten Child and Youth Advocates, each having similar mandates to promote and protect children's rights.

Prior to assuming the role of Child and Youth Advocate, Ms. Chafe practiced as a registered nurse for 12 years and then entered into 20 years of progressive management positions, with the last 13 years in senior management roles. Her most recent position was Regional Director, Children's and Women's Health Program, Eastern Health Authority.

She has a Masters of Employment Relations from Memorial University, a Bachelor of Nursing from Memorial University and a Registered Nurse diploma from St. Clare's School of Nursing.



## Message from the Advocate:

I am very pleased to present our new public Annual Report for the fiscal year April 2011 to March 2012. I was appointed as Child and Youth Advocate on September 27, 2010 and it has been a very busy time for my staff and I since then.

As you will see in this report, we have completed a full restructuring of the Office, developed policies and procedures, completed several case reviews and two major investigations. We have handled a total of 663 individual advocacy complaints, conducted several topics of research, monitored ongoing systemic issues and provided education and promotion sessions.

We have also established a new Intake Panel process which ensures clear communication to all contacts. We have initiated work on a new logo and re-branding as well as revision of all existing promotional and educational materials. As well, we are working on revising our Outreach Program and developing a new Organizational Liaison Program.

Children and youth are our primary clients and they have a right to speak, to be heard and to participate in decision-making processes. We recognize parents, extended family and significant others as natural advocates for children and youth and therefore we respond to all contacts to our Office.

Children live in a world where adults make the decisions for them. They have no power legally, socially or economically and therefore they need all of us to ensure that their voices are heard and their rights protected.

There are many issues facing our children and youth in Newfoundland and Labrador. We are seeing continuing concerns of mental health and addictions, bullying, education needs, health needs, justice needs and protection needs.

Each and every one of my staff are dedicated to providing the best advocacy for all of our children and youth. Every day they work passionately to ensure the rights of children and youth are upheld.

We all remain committed to continuing to advocate in every possible way for the children and youth of our province. I hope you find our report to be very informative and that it will assist you in understanding just what our Office can do on behalf of children and youth.

Carol A. Chafe  
Child and Youth Advocate



# ABOUT THE OFFICE

## The Advocate for Children and Youth Newfoundland and Labrador

### DID YOU KNOW ?

Our mission is to protect and advance the rights and interests of children and youth through the provision of Advocacy services.

### DID YOU KNOW ?

The Office of the Child and Youth Advocate opened in Newfoundland and Labrador in November 2002.

The Office of the Child and Youth Advocate opened on November 18<sup>th</sup>, 2002. The Office was established by statute, *The Child and Youth Advocate Act*, which was proclaimed on May 12<sup>th</sup>, 2002. The Office of the Child and Youth Advocate has 13 staff including the Advocate.

The Advocate for Children and Youth is a Statutory Officer of the House of Assembly. The Advocate reports directly to the Legislature through the Speaker of the House of Assembly on matters relevant to our mandate.

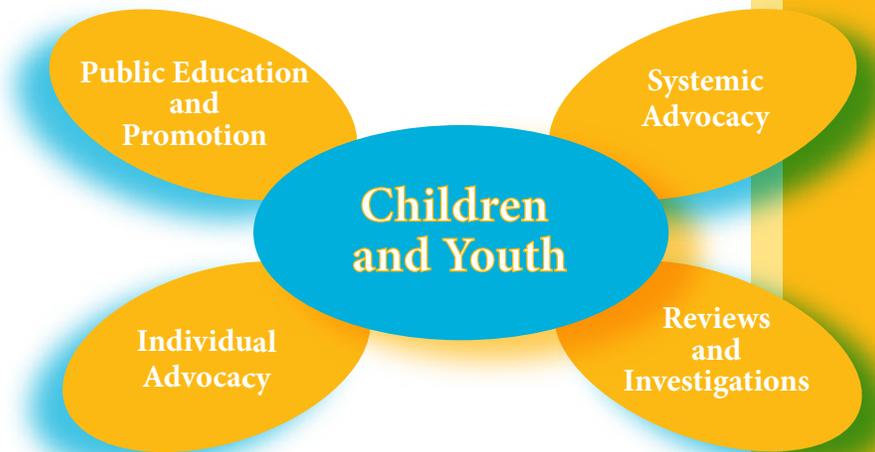
Advocacy services are provided to children and youth through a central office located in St. John's with outreach to all areas of the province. Services can be accessed by contacting the office by telephone, our toll-free number is available for people living outside the St. John's calling area, TTY Phone, office visits, email, website, and by in-person contact during advocacy outreach conducted throughout the province by advocacy staff.

The Office provides services to any child or youth under the age of 19 years old who is entitled to receive services from a department, agency or board of government. The age is extended to youth up to their 21<sup>st</sup> birthday where they are in a care or custody arrangement.

The Advocate engages in both individual and systemic advocacy, public education and reviews and investigations on behalf of children and youth in the Province.

The Office operates from a rights-based perspective and applies the United Nations Convention on the Rights of the Child (UNCRC) as the basis for its advocacy work. Canada has ratified the Convention and as a result, legislation, policies and procedures that govern services and programs for children and youth should be reflective of those rights.

The Advocate for Children and Youth provides advocacy services to children and youth in four main capacities:



## Restrictions and limitations of the Office:

*Section 15 (2), Sections 18 and 27 of the Act*

**The Advocate can determine based on the Act not to intervene in the following circumstances:**

- If the matter does not require investigating.
- A matter of which the complainant has had knowledge for more than one year before coming forth.
- The referral is felt to be frivolous or not made in good faith or concerns a trivial matter.
- If public's interest outweighs the complainant's interest.
- The law, or existing administrative procedure, provides an adequate remedy.

**Additionally,**

- The advocate cannot act as legal counsel, intervene in or change a decision of a court.
- The advocate or office staff cannot be compelled to give evidence in a court or judicial proceeding in exercising the functions and duties under the Act.
- The Advocate cannot investigate a matter where no government department, agency or board service is being provided.
- The Advocate cannot make or reverse a decision regarding services of government.

**Our work is guided by the following principles as reflected in the UNCRC:**

- Children and youth are our primary clients.
- Children and youth must be treated with respect and their inherent dignity as human beings recognized.
- The right of privacy of the child, as well as all parties involved, must be respected in the advocacy process.
- Children and youth have a right to speak, to be heard and to participate in decision-making processes.
- Parents, extended family and significant others are natural advocates for children and youth.
- Actions are based on empowerment.
- Interventions are respectful, understanding and compassionate.
- Cultural diversity is recognized and respected.



# INDIVIDUAL ADVOCACY

Individual Advocacy includes the provision of information, self-advocacy, and basic comprehensive advocacy services. Individual Advocacy differs depending upon the type of intervention provided.

**Information-** involves the provision of information and/or referral to another government department, board, or agency. These types of calls are usually opened and closed on the same day and involve very little action by the Advocacy Specialist.

**Self-Advocacy Assistance-** involves the provision of information regarding programs, services, appeal procedures, options, and strategies, and may include coaching. These types of cases are usually very short term and can be opened and closed on the same day. Information may be mailed or e-mailed to assist the caller further, such as a copy of a policy or information regarding services and supports.

**Basic Advocacy Intervention-** involves the provision of advocacy services requiring consultation and/or referral to other agencies and is usually completed within a short time frame. Individual Advocacy staff engage in problem-solving strategies; make initial calls to service providers; and provide self-advocacy assistance. The cases usually require phone contact with service providers, referrals to Child, Youth and Family Services and other agencies and are short term in nature.

**Comprehensive Advocacy Intervention-** involves the provision of intensive advocacy intervention when basic advocacy intervention and/or self-advocacy assistance is not sufficient. Comprehensive Advocacy Intervention may involve in-depth self-advocacy coaching; meetings with multiple service providers; meetings with the child or youth and/or his or her natural advocate; attending/arranging case conferences/ meetings; and engaging in alternate dispute resolution processes.

During the 2011-2012 fiscal year, a variety of services were provided on behalf of children and youth who required assistance, ranging from self-advocacy assistance, negotiation, liaison with multiple government departments and agencies and participation in meetings and case conferences.

"I have contacted a lot of people today about my problem, and very few took the time to listen because they felt that my concerns about my child did not fall within their mandates. This matter does not fall within your mandate either but you took 45 min. to listen to my concerns and to offer suggestions that is all I really needed."  
-Client

## DID YOU KNOW ?

The UN Convention on the Rights of the Child was ratified by Canada in December 1991.

## Case Examples

*Please note: References to names, ages, and, in some cases, gender were changed to protect the client's privacy.*

### Housing/Child Protection /Community Supports

#### Background

A mother of four was told she had to leave the family home with her children or they would be placed in care. The children had continuously witnessed domestic violence while in the care of both of their parents. The problem was, the mother had nowhere to bring her children aside from the local women's shelter, a temporary solution. This family could not avail of the services of Newfoundland and Labrador Housing Corporation because when they had resided in housing previously there had been a substantial amount of damage done to the home.

#### Intervention Provided

Service providers assisting this family included Child, Youth and Family Services, the Women's Centre, the Community Centre, and the shelter where the family resided. Staff from The Advocate for Children and Youth arranged a teleconference with representatives from these organizations as well as Newfoundland & Labrador Housing Corporation who all **recognized the right of each of these children to adequate housing.**

The damage to the previous unit had occurred during domestic disturbances and those professionals involved felt that Mom would no longer allow Dad in the home so such damage would not happen again in the future. These professionals came up with a plan to support the family that everyone, including Newfoundland and Labrador Housing Corporation, was comfortable with. Thanks to the help of all those involved, this family was approved for housing.



#### UNCRC Article 27:

Children have the right to a standard of living adequate for their physical, mental, spiritual, moral and social development.

**UNCRC:**  
**United Nations Convention on  
the Rights of the Child.**

## Child Welfare Allowance/ Permanency Planning

### Background

A woman contacted The Advocate for Children and Youth to discuss two-year-old Matthew, a child who had been in her care for about one year. This child's mother is an extended family member of the caregiver. Matthew was placed in her care by Child Youth & Family Services under a Child Welfare Allowance arrangement. A Child Welfare Allowance is an agreement between Child Youth & Family Services, the parent(s), and a family member involving a child's placement that does not require a warrant, an order of the court, or any court proceedings. The caregiver had been told Matthew could stay there for as long as she was able to provide care. The caregiver was concerned, as she was not in a position to adopt Matthew, but felt this child deserved to be placed in a permanent home. Matthew's father was not involved and his mother was showing very little effort to retain custody. The caregiver was concerned about permanency planning for this child.

#### UNCRC Article 21

speaks to a child's right to be adopted in cases where her or his parents are unable to provide proper care. All children have the right to be cared for.

*Please note: References to names, ages, and, in some cases, gender were changed to protect the client's privacy.*

### Intervention Provided

Conversations between Child Youth & Family Services and The Advocate for Children and Youth occurred. Permanency planning was discussed as well as the issues associated with keeping Matthew in this caregiver home indefinitely with no plan in place. A **child's right to a family** as well as stability was explored.

Child Youth & Family Services made many attempts to engage the mother and gave her numerous chances to prove she was making life changes. None of these attempts were successful. Child Youth & Family Services completed a warrant to remove, which was signed by a judge. The caregiver's home was approved as a significant other placement and the plan is for Matthew to be adopted as soon as possible.





#### **UNCRC Article 20:**

A child deprived of his or her parents is entitled to special protection and assistance.

## **Youth Services/Child Protection/ Community Supports**

### **Background**

Seventeen-year-old Jennifer contacted the Office requesting assistance. She was living on her own with her baby and received financial support from Youth Services. Due to protection concerns, Child Youth & Family Services put 24-hour supervision in the home. While Jennifer understood Child Youth & Family Services were doing what they felt was necessary to ensure her child's safety, she felt having someone in her home "watching her" all the time was intrusive. Child Youth & Family Services had been involved in Jennifer's life when she was younger and she was very distrustful of social workers and other professionals. Also, Jennifer was having trouble getting everything she needed for her and her baby with the amount of financial assistance available through Youth Services. She knew she was eligible for funding through Child Tax Benefit and the Progressive Growth program; however, she was unable to complete the necessary paperwork on her own.

*Please note: References to names, ages, and, in some cases, gender were changed to protect the client's privacy.*

### **Intervention Provided**

In this case, Jennifer and her baby are both under the age of 18 and have rights under the UN Convention on the Rights of the Child. Supervision was put in the home by Child Youth & Family Services to ensure the baby's **right to be safe and cared for** was protected.

Since Jennifer cannot live in her family environment, she is **entitled to special protection and assistance from the government.**

We contacted Child Youth & Family Services on the client's behalf and the social worker was happy to help Jennifer complete her paperwork and talk to her about the other supports she needed. We also contacted the local Women's Centre who offered to help collect furniture for Jennifer and connect her with the food bank. Jennifer resisted these supports at first; particularly help from Child Youth & Family Services. The social worker in this case did not give up on Jennifer and eventually she agreed to accept the assistance she needed.

#### **UNCRC Article 19:**

Children have the right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment while in the care of their parents, legal guardians, or any other person who has the care of the child.

*Please note: References to names, ages, and, in some cases, gender were changed to protect the client's privacy.*

## Education

### Background

Jason was fourteen years of age when his mother contacted The Advocate for Children and Youth with concerns about access to education. Due to exhibiting inappropriate behavior including physical violence and bullying within the classroom, Jason was often suspended from school and he was falling behind academically. While Mom understood that Jason's behaviors were often times unacceptable within the classroom, she was concerned that the only measure the school was taking to resolve the situation was limiting his time to half-days in school. Mom saw this inaction as being problematic for a number of reasons, including the negative impact on Jason's academic and social progress. Additionally, Mom felt that since Jason did not enjoy going to school, limiting his time spent in school as of a result of his inappropriate behavior seemed like a "reward" for Jason. Mom was unclear regarding alternative options for Jason's education.

### Intervention Provided

As a result of Mom's concerns, The Advocate for Children and Youth requested a meeting with school and district officials including the Guidance Counselor, Principal, and Educational Psychologist to discuss the best possible educational options for Jason whereby he could thrive academically and interact in positive social ways with his peers. As a result of the meeting and in-depth discussions regarding Jason's **right to an education**, an application for District School was completed and Jason was accepted for the following academic year.

**UNCRC Article 28:**  
Education is a child's right.



## Education/Youth Services/Justice

### Background

Sixteen-year-old Ashley had been "kicked out" of her family home and was receiving financial support from Youth Services while she finished high school. Youth Services is a program under Child Youth & Family Services that provides support to youth who are unable to live with their parents. Ashley was involved in basketball for years and was a valued member of the team. As Ashley had no parent available to sign the required permission slip, the school would not allow her to travel to away games with her team.

### Intervention Provided

The Advocate for Children and Youth made several telephone contacts on Ashley's behalf. Youth who are legally emancipated can sign their own school forms; however, a youth in receipt of Youth Services is not necessarily legally emancipated from her parents. As emancipation is a legal issue, we assisted Ashley in exercising her **right to access a lawyer when needed**. The lawyer contacted the school and the youth was permitted to travel with her sports team and sign any other permission slips on her own behalf for the remainder of the school year.

**UNCRC Article 40:**  
Children have a right to help with legal matters.

## In Care/ Mental Health and Addictions/Interprovincial Agreement

### Background

Mary, a fifteen-year-old youth in care, admitted to being a serious drug user. The drugs involved were highly addictive and improper administration could lead to disease or death. The youth's self-proclaimed habit put her foster family at risk since harmful drug paraphernalia was often found in the home. Also, any negative associations this youth made while obtaining or using these drugs could be a threat to the family as well. Mary's foster parents cared for her a great deal. They recognized these issues were likely a result of Mary's earlier life experiences; however, Mary had refused to take advantage of the community supports available.

### Intervention Provided

The Advocate for Children and Youth made regular contacts to Child Youth & Family Services to discuss a plan for this youth. **Government services are obligated to protect children and youth from use of illegal drugs.** After a lot of encouragement from the professionals involved, Mary agreed to participate in an addictions assessment through Health and Community Services while Child Youth and Family Services explored appropriate treatment options. Mary is now receiving out-of-province treatment to help deal with the issues that led to her drug use. Her foster family supports her through this process and plan to welcome her back to their home when she returns to the province.

#### UNCRC Article 33:

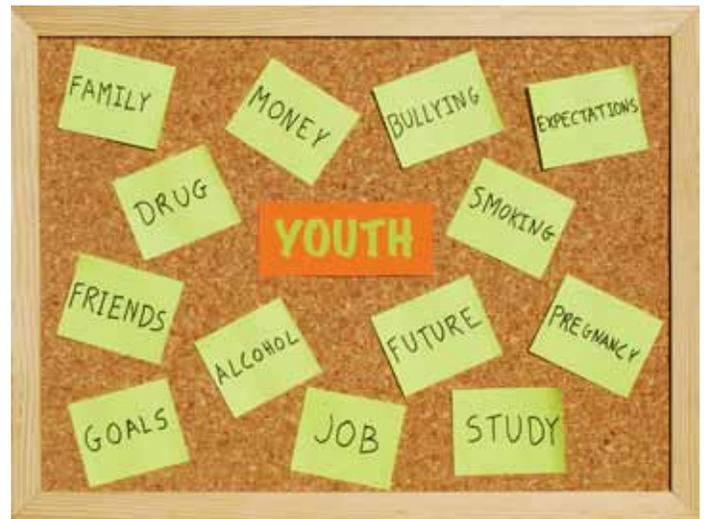
Governments shall take all appropriate measures to protect children from the illicit use of narcotic drugs and psychotropic substances.



"I needed a bit of help and I called you because you helped me out before."  
- Client

*Please note: References to names, ages, and, in some cases, gender were changed to protect the client's privacy.*

"The OCYA may not have been able to solve my problems, but they were one of the only places that were compassionate and caring about my situation. They always took the time to listen to what I had to say."  
- Client



## Justice/ Secure Custody

### Background

Seventeen-year-old Jeffrey had been found guilty of committing various criminal offences and was serving his sentence at the province's secured custody facility for youth. Other charges were still pending and Jeffrey had to be transferred to his hometown for court. Jeffrey had requested he attend court via video conferencing so he would not have to be transferred and temporarily detained in the adult holding facility during the court proceedings. The judge asked that Jeffrey attend court in person for the initial appearance and they could look at video conferencing for future court dates. Jeffrey contacted the Office to ensure his rights were protected during the transfer and his stay at the adult holding facility.

### Intervention Provided

The UN Convention on the Rights of the Child states that every child deprived of liberty as a result of coming into conflict with the law should be **treated with humanity and respect** and in a manner which takes into account the needs of a person his or her age. Newfoundland and Labrador has a secure youth facility located in the Eastern region of the province. It is sometimes necessary; however, for a youth to be transferred to an adult holding facility for a short period of time. To ensure the youth's rights are protected, the adult lockup must follow the **Standards of Care for the Operation of Police Lockups as Designated Places of Temporary Detention and Secure Custody for Young Persons**. As part of our advocacy role, we made certain Jeffrey would be transferred by a peace officer and his stay at the lockup was no longer than necessary and did not exceed the maximum of 96 hours. We also followed up upon his return to the youth facility to ensure all standards had been followed and Jeffrey was doing well. During the court proceedings, the judge agreed to use video conferencing from that point forward so Jeffrey could remain at the youth facility for all future court dates.

#### UNCRC Article 37:

In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so.

*Please note: References to names, ages, and, in some cases, gender were changed to protect the client's privacy.*



## In Care/ Right to be heard

### Background

Chris, age thirteen, contacted The Advocate for Children and Youth on the advice of a Youth Care worker employed in the Alternate Living Arrangement where Chris resided. Chris was living in the Alternate Living Arrangement placement under a temporary protection order put in place by Child Youth & Family Services. The order was coming to an end within a few weeks and Child Youth & Family Services was recommending that Chris and his four siblings be transitioned back to the care of their parents. While Child Youth & Family Services did not reveal any further protection issues in their assessments and Chris's siblings were not bringing forth concerns, Chris did not feel safe returning home.

### Intervention Provided

Chris wanted to bring forth his concerns and his wishes to remain in care despite this disagreement with his siblings. The Advocate for Children and Youth supported Chris's **right to be heard** and commended him for his bravery. A meeting was arranged with Chris, his assigned Social Worker, and the Individual Advocacy Specialist involved to discuss his protection concerns, his wishes, and potential options. As a result, Child Youth & Family Services applied for and was granted an additional temporary order for Chris to remain in care.

*Please note: References to names, ages, and, in some cases, gender were changed to protect the client's privacy.*

#### UNCRC Article 12:

A child has a right to express her or his own views freely in all matters affecting the child.



# SYSTEMIC ADVOCACY

The Advocate for Children and Youth regularly monitors issues that appear to be impacting a group or groups of children and youth. These issues may require further research to determine if they are of a systemic nature. Often, individual files highlight issues which require further advocacy work. At the call of the Advocate for Children and Youth, issues that are being assessed as possible systemic matters, may require systemic files be opened and assigned to a Systemic Advocacy Consultant for more comprehensive involvement.

Systemic files are opened when issues presented to The Advocate for Children and Youth impact a group or groups of children and youth and require advocacy from a systemic perspective. Systemic issues occur when policies and practices of government departments and agencies interfere with the delivery of services and programs intended to support the quality of life for children and youth.

A systemic approach is used to influence programs and services, identify gaps, and determine the impact of the delivery of services and programs on children and youth in the Province. This is accomplished by providing recommendations to government regarding the challenges and changes needed to practices, policies and procedures.

During the 2011-2012 fiscal year, The Advocate for Children and Youth conducted systemic advocacy through research, meetings, consultations, and reporting on multiple issues involving government departments affecting children and youth.

**"We can call the Advocate's Office; we've had some success after we have contacted them"**  
**- Collaborative Professional**





## Systemic Advocacy Highlights:

### Outdated Housing Transfer Policy:

#### Newfoundland and Labrador Housing Corporation

The Advocate became aware that the policy for transferring housing units (“Transfer Policy”) was outdated and not meeting the needs of children and youth in the province. The Advocate met with the CEO of the Newfoundland & Labrador Housing Corporation and addressed the issue and was assured that the policy was under review and would be revised. The Advocate for Children and Youth followed up, obtained and reviewed a copy of the updated policy and determined that it now met the needs of children and youth. The file has since been closed.

### Closure of the School for the Deaf:

#### Education

In August 2010, the Department of Education announced that the Newfoundland School for the Deaf would be closing. Concerns were expressed to The Advocate for Children and Youth regarding the supports and services necessary and available for children and youth within the province who would have attended the Newfoundland School for the Deaf (deaf or hard of hearing). By monitoring this systemic issue, The Advocate for Children and Youth ensured that all children and youth affected by the closure of the Newfoundland School for the Deaf had access to appropriate and adequate supports and services to receive their education. As there were no further concerns brought forth, The Advocate for Children and Youth closed this systemic file in December 2011.

**“You are the first person that I had spoken to that would actually give me any answers.”**  
-Client

#### DID YOU KNOW ?

As children grow and mature they have more responsibility to make choices and exercise their rights.

"I hope we are able to work together again and I will let my team know of the benefit from working together..."  
- Outside Professional



## ATV & Snowmobile Safety:

### Justice/Child Youth & Family Services /Health

Despite legislative changes to the *Motorized Snow Vehicles and All-Terrain Vehicles Act* in 2005, The Advocate for Children and Youth continues to see reports of injuries of children on these recreational vehicles. The Office completed extensive research on the use of ATVs and snowmobiles by children and youth and reviewed related legislation, policies, and practices by multiple government departments in the province. Rights-based, youth-friendly information on ATV and snowmobile safety has been included in a booklet about children and youth rights that is set to be distributed next year by this Office. Currently this file is being monitored by the Office and information will continue to be gathered throughout the 2012-2013 fiscal year.



## Standards of Care under the Youth Criminal Justice Act:

### Justice

Youth who are arrested under *the Youth Criminal Justice Act* may be held for court or other meetings in a facility designated as a place of temporary detention for young persons. These facilities are guided by the **Standards of Care for the Operation of Police Lockups as Designated Places of Temporary Detention and Secure Custody of Young Persons**. Through the individual advocacy branch of the Office, The Advocate for Children and Youth became aware that in some cases these standards were being violated. The Advocate reviewed the standards of care and consulted with officials from the Department of Justice. The Advocate proposed recommendations to the Department of Justice as a result. The recommendations were accepted. The Advocate for Children and Youth continues to follow this file to ensure recommendations are implemented provincially.

### DID YOU KNOW ?

The Advocate for Children and Youth provides advocacy services to young people up to age 19 and to age 21 if a young person was in care or custody.



## Health and Well-being of Aboriginal Children & Youth:

### Child, Youth, and Family Services/ Health/Aboriginal Affairs

This file resulted from the publicly highlighted gas sniffing incidents in Natuashish in December 2010. As a result of this information and a subsequent discussion with the Integrated Manager for Health Canada and Indian and Northern Affairs and Northern Affairs Canada, the Advocate initiated further discussion with the three Provincial Government Departments involved: Department of Health and Community Services, Department of Child, Youth, and Family Services, and the Department of Labrador and Aboriginal Affairs. These discussions were to ensure that the children and youth of Natuashish, particularly those who had been identified by the community as involved in the solvent abuse activity, were able to access programs and services they required to assist them in dealing with their addictions. Representatives from the Office of the Advocate for Children and Youth visited Natuashish in the spring of 2011 to see first hand the circumstances being experienced by the Mushuau Innu children and if any community supports were in place. A confidential document was prepared for the Advocate to report on the findings from the recent trip to Natuashish, Labrador. The Advocate continues to monitor the situation for children and youth in Natuashish.

## Inter-provincial Agreements:

### Child, Youth, and Family Services

The Advocate for Children and Youth was engaged in several individual advocacy cases with children and youth who were placed in residential placements outside of this province to receive specific services not available in Newfoundland and Labrador. Through these cases, the Office became aware that children and youth from this province were being placed in other provinces without inter-provincial agreements in place. These agreements, which are mandated by Child Youth & Family Services policy, are important to ensure the provincial government meets obligations to children and youth who are in care in another province. The Advocate requested that the Department of Child Youth & Family Services clarify their responsibility for out-of-province placements and provide the Advocate with a list of current children and youth residing in out-of-province placements. The Office monitored this systemic file until it was confirmed that each child and youth had an updated inter-provincial agreement.



## Systemic Research

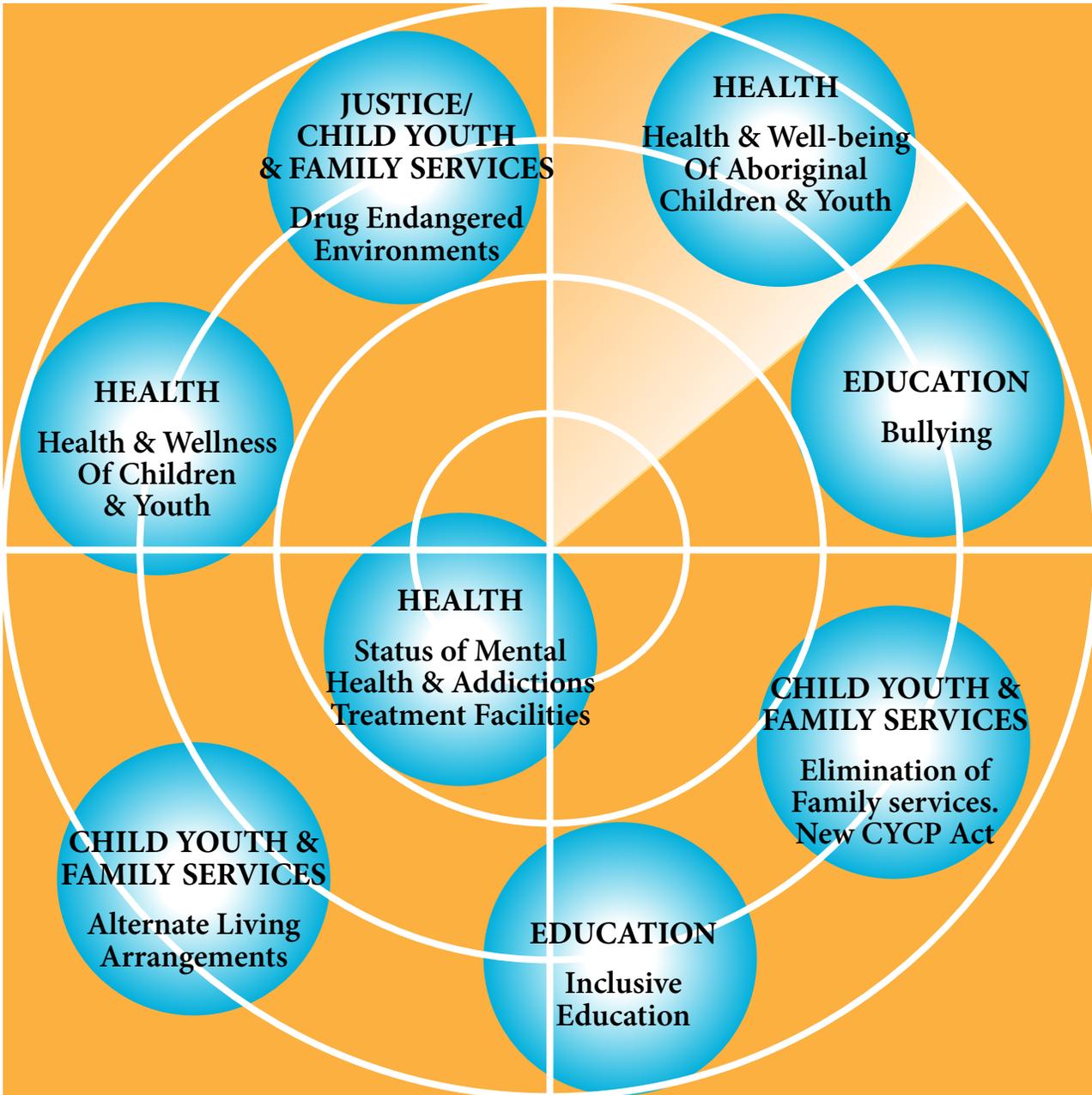
Systemic Advocacy Consultants are responsible for conducting background research and providing analysis on a variety of systemic issues impacting children and youth. In addition to reviewing local points of interest, Consultants inform the Office on current national and international systemic trends and how they relate to the local context. Creating a knowledge base within the Office of best practice and evidence-based services for children and youth enhances the advocacy role of the Advocate for Children and Youth.

### Research areas explored in the 2011-2012 fiscal year included:

- Bill C10: *Safe Streets and Communities Act*
- Bill C4: An Act to Amend *The Immigration and Refugee Protection Act, The Alternate Living Arrangement Refugee Reform Act* and *The Marine Transportation Act*
- Paris Principles: The principles and guidelines on children associated with armed forces or armed groups
- Adoptions (domestic, intra-provincial, intra-country)
- Childhood Development of Empathy (evidence and programming)
- Child and Youth Care (roles, responsibilities, governing bodies)
- The Every Child Matters Project (Child Welfare League of Canada)
- Early Years Study (Collaborative study on early childhood learning research and recommendations)
- Rights Respecting Schools–UNICEF Canada
- Publication bans of children and youth (legislation review)
- Out-of-Province Residential Treatment (guidelines and protocols)
- Services available for youth transitioning out of care (national trends)
- Mental health services available to children and youth (national trends)
- Drug Endangered Environments
- Crime Reduction Board (Canada)

## On the Radar

The Advocate for Children and Youth is continually identifying, assessing, and monitoring systemic issues impacting children and youth in Newfoundland and Labrador. Key systemic issues that were “On the Radar” for The Advocate for Children and Youth during the 2011-2012 fiscal year are listed below. These issues will continue to be addressed by the Office over the next fiscal year.





# REVIEWS & INVESTIGATIONS

Reviews and investigations are carried out pursuant to Section 15 (1) sub-section (c) of the *Child and Youth Advocate Act*. The Advocate for Children and Youth may review or investigate a matter on behalf of a child or youth, or group of them, whether or not a complaint has been made and may conduct an investigation if advocacy, mediation, or another dispute resolution process has not resulted in an outcome satisfactory to the Advocate.

## DID YOU KNOW ?

Advocacy is about finding solutions not blame!

The process for reviews and investigations is based on a comprehensive framework that may include review of documents, interviews of individuals, analysis of facts, and release of findings and recommendations to government, agencies and the public and follow up respecting the recommendations. As necessary, the Advocate can subpoena individuals to be interviewed.

The Advocate for Children and Youth has completed five reviews in the 2011-2012 fiscal year involving services provided by the Department of Justice and the Department of Child Youth and Family Services.





An investigation is an independent and formal review of a matter concerning a child, youth or group of children or youth receiving services from any department or agency of government. An investigation can determine if a decision, recommendation, act or omission that is the subject of the investigation appears to have been contrary to law, unreasonable, unjust, oppressive, improperly discriminatory, based in whole or in part on a mistake of law or fact, or wrong. The *Child and Youth Advocate Act* SNL 2001 provides the Advocate for Children and Youth with the legislative authority to conduct investigations if she deems it appropriate to do so.

In the past fiscal year, The Advocate for Children and Youth completed two outstanding investigations and commenced work on the third outstanding investigation. The Advocate called another investigation in December 2011. The Advocate for Children and Youth has committed to completing the two remaining investigations.

Follow-up processes have been developed and will commence this year on recommendations put forth in all investigations completed by The Advocate for Children and Youth.





# EDUCATION

## DID YOU KNOW ?

Every young person under age 18 has rights and responsibilities; these rights are protected by The United Nations Convention on the Rights of the Child.

Section 3 of the Act requires the Advocate to “protect and advance the rights of children and youth.” The education and promotion role of the Office is inclusive to all regions of the province through Advocacy Outreach.

Advocacy Outreach provides opportunities for in-person contact with individuals, groups and agencies throughout the province as well as opportunities to promote the Office and educate the public about The Advocate for Children and Youth’s role, mandate and about children’s rights. This is accomplished through Outreach, by developing relationships with service providers and engaging children and youth in their environment. This includes proactively finding opportunities to engage individuals at all levels by community capacity building, regional visits, volunteer initiatives and discussions and consultations regarding issues affecting children and youth in Newfoundland and Labrador.

Educational activities ensure children, youth, their families and service providers know:

- How to access our advocacy services;
- The role and mandate of the Office;
- The rights of children and youth and how to advance those rights; and to develop an awareness of government services and programs available to meet their needs.

Since the Office opened in 2002, the staff have participated in many activities to educate children and youth, parents, youth-serving agencies, government departments, boards and agencies and the general public. These activities include school presentations, meetings with service providers and distribution of brochures and promotional items.





## Education and Promotion Program

In addition to conducting presentations and meetings during the fiscal year 2011–2012, The Advocate for Children and Youth reviewed past educational activities with the goal of improving education and enhancing communication. As a result of this review, the Office developed an Education and Promotion Program. The Program has further developed and expanded outreach, liaison, and engagement and includes quarterly planned regional initiatives, monthly liaison with specific youth-serving centers, monthly individual outreach activities and educational sessions throughout the Province. The Advocate for Children and Youth will provide an update on these educational initiatives in the Annual Report for 2012-2013.

## Booklets

During this fiscal year The Advocate for Children and Youth has been engaged in the development of three booklets to help educate children and youth regarding their rights and their legal entitlements under various circumstances. These booklets are in the final stage of development and will be ready for distribution during the fall of 2012.

## Brochures and Promotional Items

During this fiscal year all of the existing promotional items were reviewed and many new items were added to reflect the various developmental levels for children. The Office brochures were also revised and updated with a focus on children's rights and voice. The new brochures and promotional items will be available in the fall of 2012.

## Calendar Project

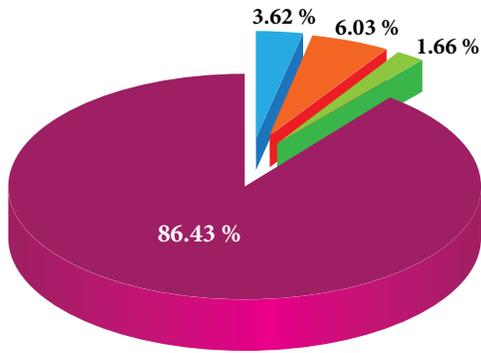
For the eighth year, the Office invited schools across the Province to participate in the Child and Youth Advocacy Calendar Project by submitting artwork entries depicting this year's theme of "Let My Voice Be Heard". The Office received a significant number of excellent pieces of artwork, from which 12 were chosen for the Advocacy Calendar. This calendar is distributed Province wide to schools, government departments and agencies as well as community organizations. The artwork submissions can be viewed on our website:

[www.childandyouthadvocate.nl.ca](http://www.childandyouthadvocate.nl.ca)

### DID YOU KNOW ?

You should get special help  
if you cannot live with  
your family.

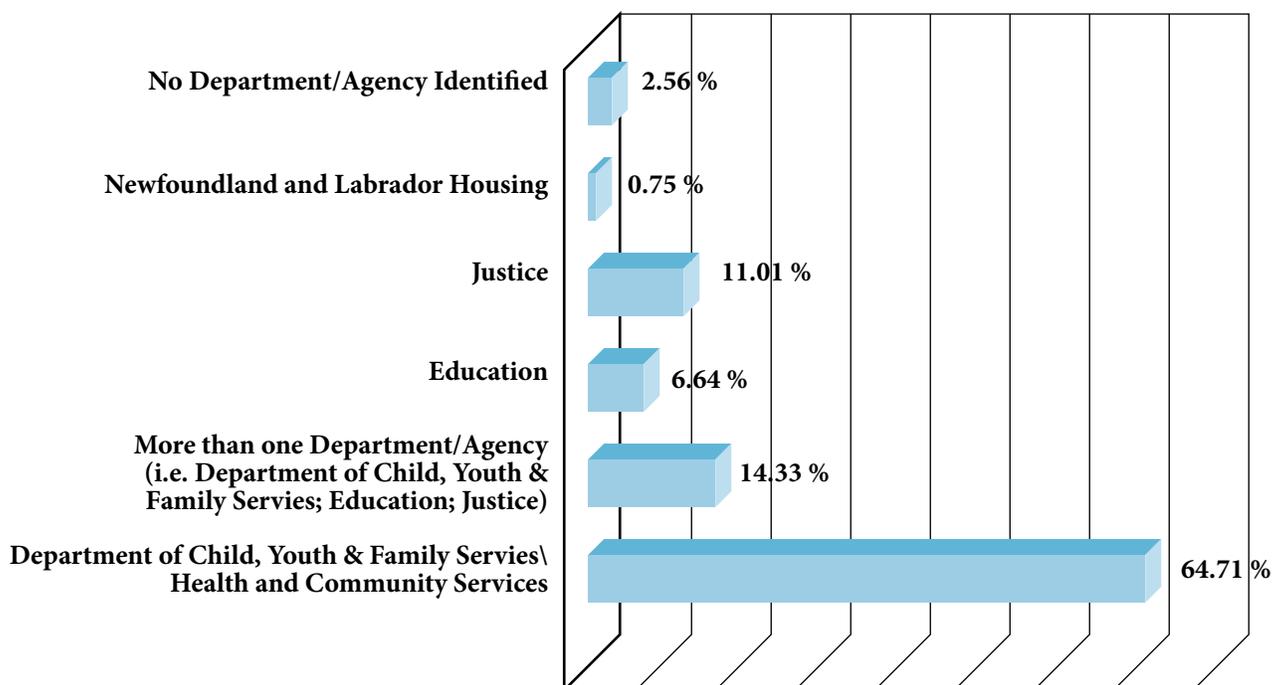
# STATISTICAL SUMMARY



For the Fiscal Year April 1, 2011 – March 31, 2012 The Advocate for Children and Youth received a total of 663 complaints regarding children and youth in receipt of, or entitled to, government services in Newfoundland and Labrador.

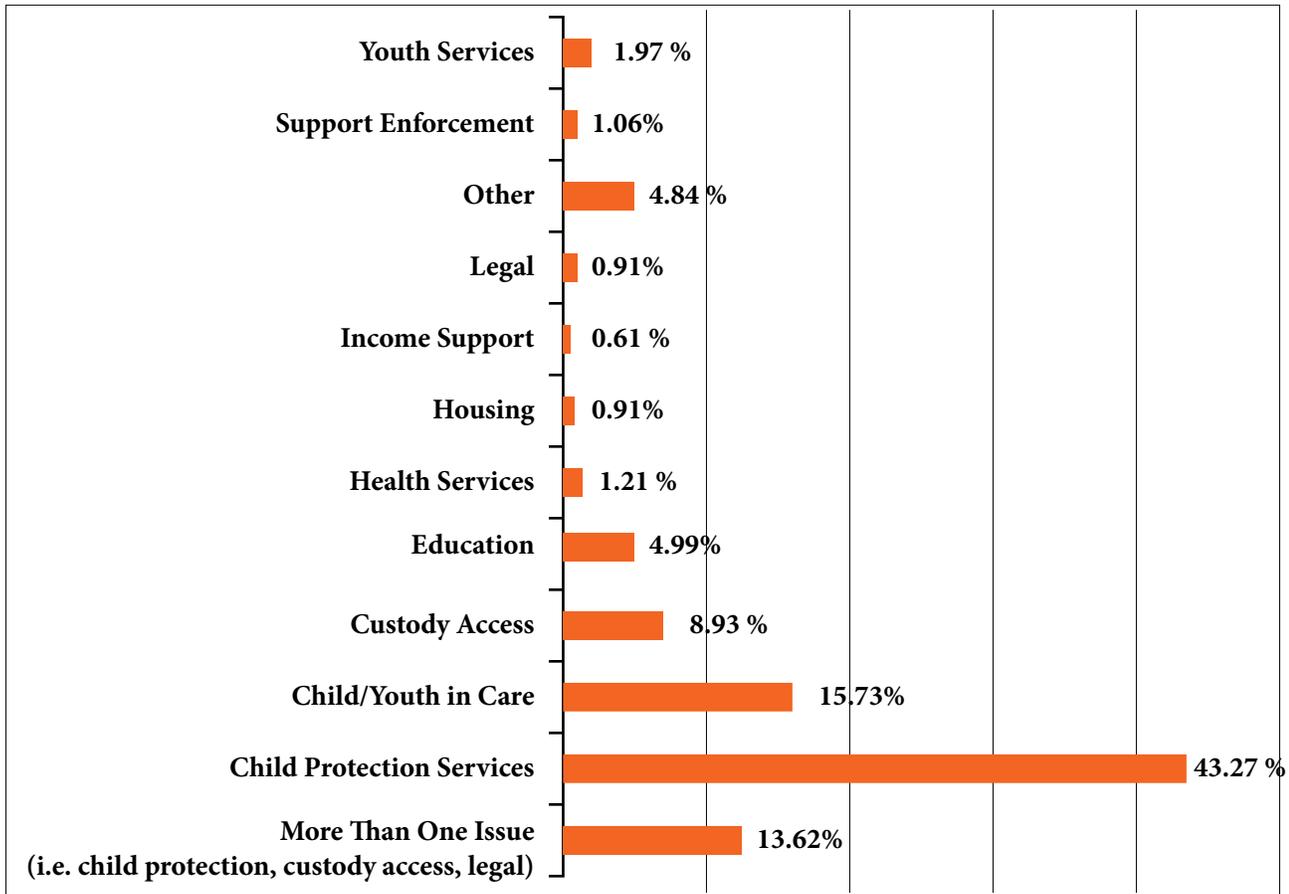
The majority of the complaints received were in relation to services being provided by the Department of Child Youth and Family Services (64.71%).

## Department or Agency Concerned



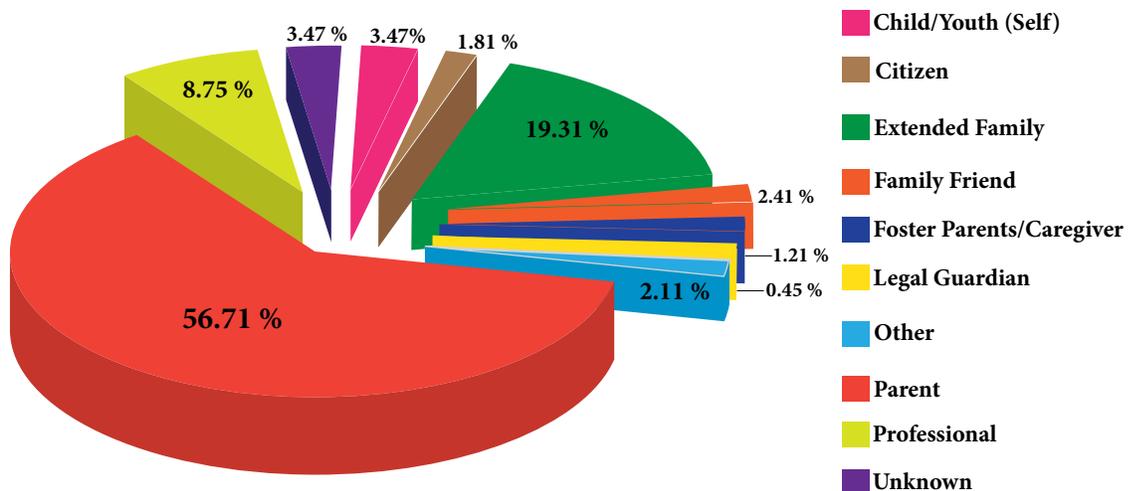
The most frequent complaint was related to Child Protection Services at 43.27%.

## Nature of Complaint



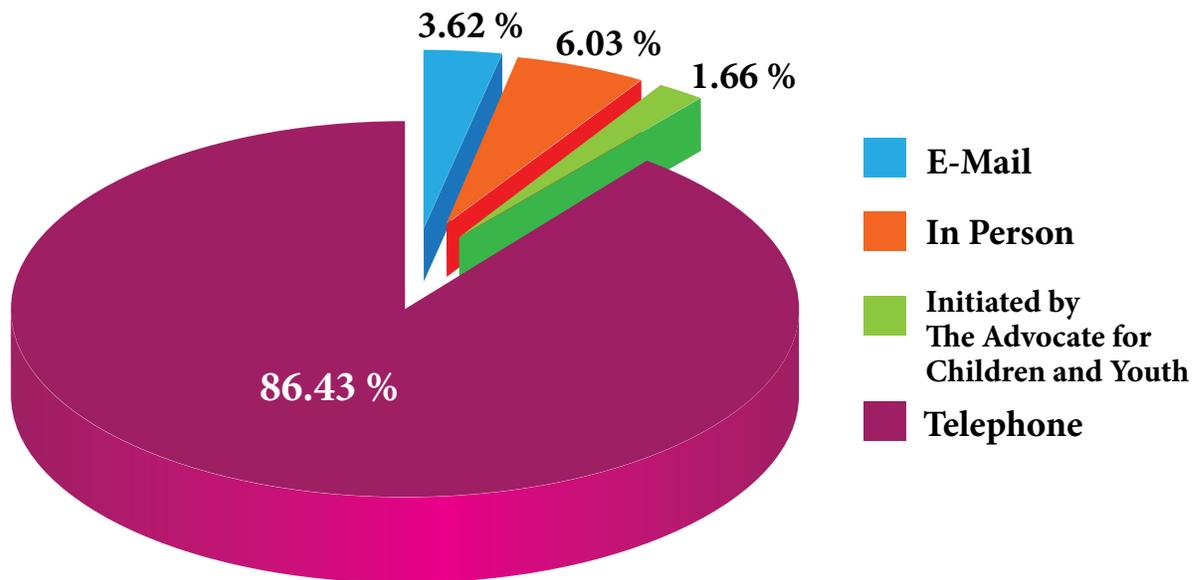
The most frequent referral source was the parent of the child/youth at 56.71% and the child/youth's extended family at 19.31%.

## Referral Source



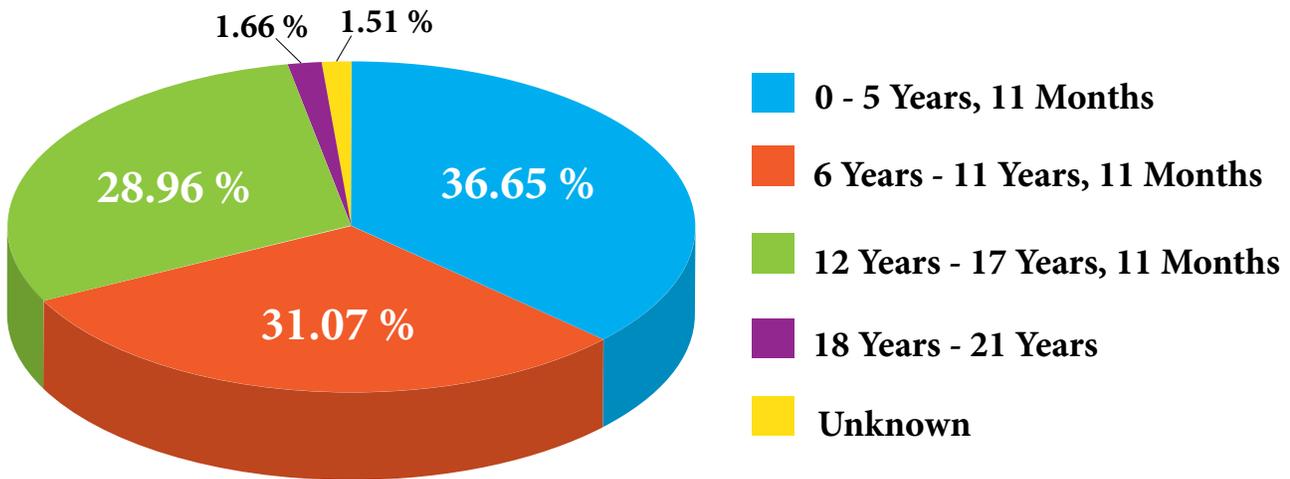
The most common type of initial contact was by telephone at 86.43%.

## Type of Initial Contact with The Advocate for Children and Youth



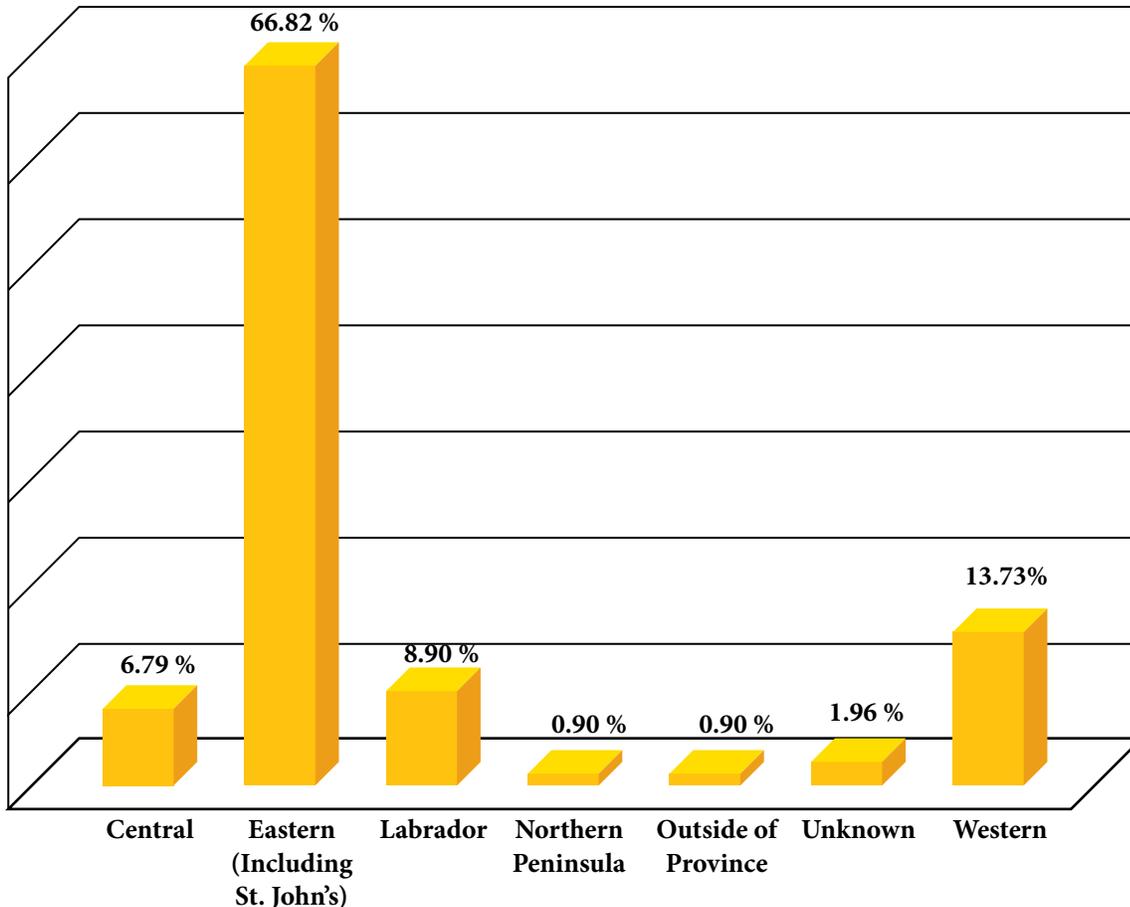
Of the advocacy work completed by the Office 67.72% was for children under the age of 12.

### Age of Client



Of the referrals received, 66.82% concerned children/youth residing in the Eastern Region of the province.

### Region in which Child/Youth Resides





# CONNECTING

## Meetings/Presentations with Child and Youth Serving Agencies:

- Choices for Youth.
- Family and Child Offices of the Newfoundland & Labrador Legal Aid Commission.
- Day Camp staff, Town of Paradise.
- Day Camp staff, Town of Portugal Cove.
- New Social Workers (Child, Youth and Family Services).

## Presentation at Navnet Workshop:

On September 28, an Individual Advocacy Specialist presented at the Navnet Workshop in St. John's, which was attended by service providers from community agencies and government departments. Navnet (Navigators and Networks) is an initiative that was established to address system barriers affecting individuals with multiple and complex needs in St. John's.

The main focus of the workshop was to create networking opportunities as well as an awareness of the services offered by different agencies.

### Other presenters included:

Stella Burry Community Services, Canadian Mental Health Association Newfoundland & Labrador, The Murphy Centre, and Planned Parenthood Newfoundland & Labrador.

The Office's presentation was well received and generated good discussion and questions from those in attendance. Our Office was invited to present at the next Navnet workshop!



From left to right: Bonnie Poole, Carol Chafe, Janice Mullins, & Heather Lannon.

### In-House Presentations/Sessions:

- The Advocate for Children and Youth hosted a Community Youth Network “networking session”. The session was well received by those in attendance and feedback indicated it provided an opportunity to meet new contacts, to learn about the services of our Office as well as an opportunity to learn about the other service providers in attendance.
- Mr. Lens Simms, Chairman/Chief Executive Officer, Newfoundland & Labrador Housing Corporation gave a presentation to the Advocate and staff on the various services provided through the Corporation.
- Information session presented by Child, Youth and Family Services staff on the new *Child and Youth Care and Protection Act*.

### Speaking Events:

- The Advocate gave an address at the Opening Session of the Child and Youth Care Association of Newfoundland and Labrador’s Annual General Meeting and Conference–“Renewing Our Commitment: Seeing The Hard Work With New Eyes”.
- The Advocate brought greetings at the Opening Ceremonies of the Newfoundland & Labrador Foster Families Association’s Annual Symposium–“Sharing Our Vision–Families Helping Families”.
- The Advocate gave an address at the Child Welfare League of Canada, Atlantic Forum, which was held in St. John’s. The Forum focused on family-based care in Canada. At the Forum, the Child Welfare League of Canada unveiled the new phase of its “Every Child Matters” foster care project.
- The Advocate participated as a member of the panel for the opening plenary at the Biennial National Conference of the Canadian Council of Child and Youth Advocates held in New Brunswick.

“I really appreciate your advice”, “you’re great”, and “you do a wonderful job.”  
- Client



The Advocate for Children and Youth staff during an education session.

### Awareness Building:

- Day Break Parent and Child Centre (introductory meeting with the Advocate).
- Western Health (introductory meeting with the Advocate).
- Newfoundland & Labrador Association of Social Workers (introductory meeting with the Advocate).
- The office set up an information booth at Confederation Building as part of a Public Expo held during Public Service Week.

### Networking & Educational Opportunities:

- **“Lunch and Learn”** hosted by the Community Youth Network. The event provided an opportunity to learn about the programs available to youth through the Murphy Centre.
- **“Social Media”** session hosted by the Community Youth Network. The discussion focused on the ethics, privacy considerations and potential risks, particularly for youth, associated with using different forms of social media.
- **“Roots of Empathy”** Babies Celebration.
- Day Break Parent and Child Centre Annual General Meeting.

**“You have been great throughout all of this. Don't know how it would have ended up without you. Thanks so much for all your hard work”.  
- Client**

## CASEY Poster Launch:

On February 9<sup>th</sup>, an Individual Advocacy Specialist attended CASEY's Poster Launch.

CASEY is the Coalition Against the Sexual Exploitation of Youth and includes professionals from various agencies that work with youth at risk of exploitation, and their mission is to address issues related to the sexual exploitation of youth through advocacy and education. The group had observed that there were no posters or other information in locations such as doctor's offices highlighting the challenges these youth face.

As a solution, CASEY unveiled a poster that reads "Sexual Exploitation Is Here" with a St. John's skyline as the background, thus dispelling the myth that exploitation is not happening in our province.

The poster also explains how and why youth end up in this lifestyle.

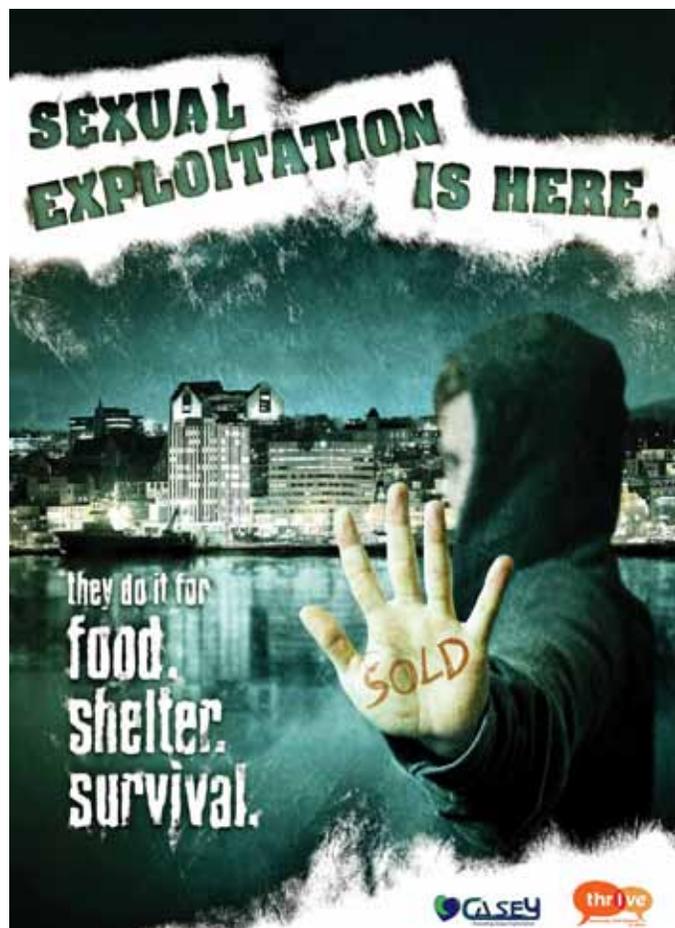
The launch was attended by media, MHAs, other government representatives, and community representatives and was an excellent opportunity to bring attention to this important issue.

## Thrive Community Youth Network Annual Professional Development Day:

On February 14<sup>th</sup>, an Individual Advocacy Specialist attended Thrive Community Youth Network's annual Professional Development Day. Thrive Community Youth Network is the St. John's Chapter of the Community Youth Network.

The event offered various educational workshops, such as: "Introduction to Restorative Justice"; "Enveloped in Pain: Care for the Helping Professional" – which talked about the warning signs of compassion fatigue; and the "C.R.A.P.P. Workshop" – which focused on understanding how you get "stuck" in stress so you can become "unstuck".

The event was a great opportunity for learning and networking.



### DID YOU KNOW ?

Rights are things that every child should have or be able to do.

## Collaboration/Consultation:

- Participated in a consultation session hosted by Health & Community Services regarding an e-mental health program for Newfoundland & Labrador.
- Participated in a focus group hosted by Public Legal Information Association of Newfoundland & Labrador for service providers working with Aboriginal youth in conflict with the law.

## Inter-professional Education Module, Memorial University Newfoundland & Labrador.

Over the past seven years the Office has participated in the development and delivery of an inter-professional education module at Memorial University, “**The Health and Well-Being of Children**”. This blended learning module involves web-based learning through a case study assignment and small group discussion, prior to the face-to-face component of the module. Students from the School of Social Work, School of Nursing, and the Police Studies Program learn the importance of an inter-professional team and collaborative approach to working with and for children at risk and their families.

## Newfoundland & Labrador Youth Centre:

The Office has a very positive working relationship with the Youth Centre and has collaborated with the Centre regarding issues affecting youth. Our staff have visited the Centre many times and have involved youth in focus groups to seek input regarding content and design of pamphlets being developed by our Office.

## Newfoundland & Labrador Youth Centre events attended by the Advocate and Staff include:

- Barbeque lunch to commemorate the end of the school year and National Aboriginal Day.
- Remembrance Day Assembly.
- Christmas Celebration.





## Conferences/Workshops:

### Biennial National Conference of the Canadian Council Of Child and Youth Advocates

• The Conference was held in Fredericton from September 20<sup>th</sup> to 22<sup>nd</sup> and was hosted by the New Brunswick Child and Youth Advocate. The Conference Theme was “How to be an Advocate – Defending the Rights of the Child” and it provided learning and networking opportunities with our counterparts across Canada. The Advocate, the Director of Strategic Development and Planning and two staff attended.

### “Sharpening Your Teeth: Advanced Investigative Training for Administrative Watchdogs”

- In November, the Advocate and the Director of Reviews, Investigations and Systemic Advocacy attended a training session “Sharpening Your Teeth: Advanced Investigative Training for Administrative Watchdogs”. The session was hosted by the Ontario Ombudsman Office and covered advanced approaches to administrative investigations, with a focus on systemic issues.

### 2012 “Kids Not Cons” Summit, Toronto (March 21<sup>st</sup>-23<sup>rd</sup>)

- The Advocate and the Director of Reviews, Investigations and Systemic Advocacy attended the “Kids Not Cons” Summit, which was held in Toronto from March 21<sup>st</sup>-23<sup>rd</sup>. This was an expert-led summit and was attended by approximately 350 people. The summit was very timely with respect to investigative work currently ongoing at the office and all topics/ presentations were very relevant and provided excellent information. The focus of the summit was the prevention and treatment of childhood aggression and anti-social behavior; and experts shared their experience, knowledge and research findings as well as best practice and evidence-based services in their respective areas of expertise. The overall theme that was evident throughout the presentations was “it’s never too late” to break the cycle and to help a child or youth.

### UNICEF Canada Children’s Rights Training Session “Children’s Rights: A Paradigm Shift”, Fredericton (March 21<sup>st</sup> & 22<sup>nd</sup>), hosted by the New Brunswick Child and Youth Advocate’s Office.

- The Director of Individual Advocacy and Outreach and an Individual Advocacy Specialist attended the training session and both felt it was a great opportunity to focus on the rights of the child as well as an opportunity to network with the other participants who were representing a variety of government departments and agencies and other advocate’s Offices.
- The course facilitators focused on the Convention on the Rights of the Child and how to use the Convention through a Child’s Rights Situation Analysis. Other topics included causal analysis and the importance of stakeholder identification, as well as Child Participation and the Child Rights Impact Assessment.

### Staff Development Days:

- The staff participated in two days of staff development. Topics covered during this session included, Rights of Children and Child Rights Impact Assessment, documentation standards and critical analysis.

### In-House Documentation Training Session:

- The Advocacy staff participated in a full-day interactive session focused on documentation standards that incorporated sample files and a list of acceptable abbreviations as learning tools.



# Canadian Council of Child and Youth Advocates

The Canadian Council of Child and Youth Advocates is a national alliance of ten Child and Youth Advocates. Each Advocate is legally appointed by their own province or territory with similar mandates to promote and protect children's rights.

The Council meets three to four times a year. During this Fiscal Year, the Advocate attended Council meetings in June and September 2011; and in January 2012.

## Alternative Report presented in Geneva

On February 6<sup>th</sup>, the Canadian Council of Child and Youth Advocates tabled a special report on Aboriginal Children—"Canada Must Do Better: Today and Tomorrow" at the United Nations Committee on the Rights of the Child. Ontario's Child Advocate, Irwin Elman, attended the session and presented the report on behalf of the Council.

The report documents how Aboriginal children in Canada are disproportionately represented in the youth justice and child welfare systems. Not only do they have poorer health status, they lag significantly in educational outcomes, and they are too often the victims of sexual exploitation and violence. Their rates of death and injury are disproportionately high.

This Office issued a press release on February 6<sup>th</sup> in support of the Council's message to the United Nations that Canada must do better to improve the lives of Aboriginal children.

This report can be viewed on our website at:

[www.childandyouthadvocate.nl.ca](http://www.childandyouthadvocate.nl.ca)

### DID YOU KNOW ?

Every young person should  
know his or her rights  
- so spread the word!

## DID YOU KNOW ?

There are 54 articles  
in The UN Convention  
on the Rights of the Child.

### “Youth in Transition Project”

“The Review of Income Security Programs for Youth in Care Transitioning into Adulthood in Canada” is a study being conducted by the Child Welfare League of Canada on behalf of Canada’s Child and Youth Advocates and 11 provinces and territories to document the supports and processes of income security programs, resources available to youth leaving care, and the number of youth who participate or are excluded.

The Advocate for Children and Youth of Newfoundland and Labrador is participating in this study, and as a result, specific information regarding this province will be included in the final Report.

The Advocate is also a member of the Project’s Advisory Committee.





# BUSINESS HIGHLIGHTS

## Budget:

The House of Assembly Management Commission approved a budget of \$1,332,200 for The Office of the Child and Youth Advocate for fiscal year 2011-2012. The details are noted below:

Salaries	\$993,900
Employee Benefits	\$5,000
Transportation and Communications	\$85,000
Supplies	\$10,000
Professional Services	\$30,000
Purchased Services	\$203,300
Property, Furnishings and Equipment	\$5,000
<b>TOTAL</b>	<b>\$1,332,200</b>

*Please note for detailed expenditure and revenue figures please refer to The Advocate for Children and Youth's 2011-2012 Annual Performance Report*

# Status of Goals and Objectives 2011-2012.

BUSINESS GOAL	OBJECTIVE	RESULT
<p>1 By March 31st, 2014, the advocate for Children and Youth will have improved the structure and process to provide and support services.</p>	<p>By March 31st, 2012 the Advocate for Children and Youth will have implemented a new organizational structure to support services.</p>	<p>As of August 2011, the new organizational structure was in place with the three (3) Director positions filled, Director of Individual Advocacy and Outreach, Director of Systemic Reviews and Investigations and Director of Strategic Development and Planning.</p>
<p>2 By March 31st, 2014 the Advocate for Children and Youth will have enhanced investigation/review protocol and processes.</p>	<p>By March 31, 2012, the Advocate for Children and Youth will have the outstanding investigations completed.</p>	<p>There were three (3) outstanding investigations called prior to the appointment of the current Advocate. In addition, the Advocate called another investigation in December 2011. Two (2) of three (3) outstanding investigation were completed in 2011-2012 with the other two investigations currently underway.</p> <p>In addition, five (5) case reviews were completed with a total of 31 recommendations for government departments.</p>
<p>3 By March 31st, 2014 The Advocate for Children and Youth will have further enhanced overall systemic advocacy.</p>	<p>By March 31st, 2012, the Advocate for Children and Youth will have researched initiatives to address systemic issues productively.</p>	<p>Due to other priorities, resources etc. a decision was made to delay research of initiatives until the following fiscal year (2012-2013) when the initiatives will be implemented.</p>
<p>4 By March 31, 2014, The Advocate for Children and Youth will have expanded public education and promotion program.</p>	<p>By March 31st, 2012 The Advocate for Children and Youth will have implemented a public education and promotion program.</p>	<p>As of March 31st, 2012 a comprehensive organizational liaison and outreach program was developed, targeting visits to all regions of Newfoundland and Labrador throughout the fiscal year 2012-2013.</p>

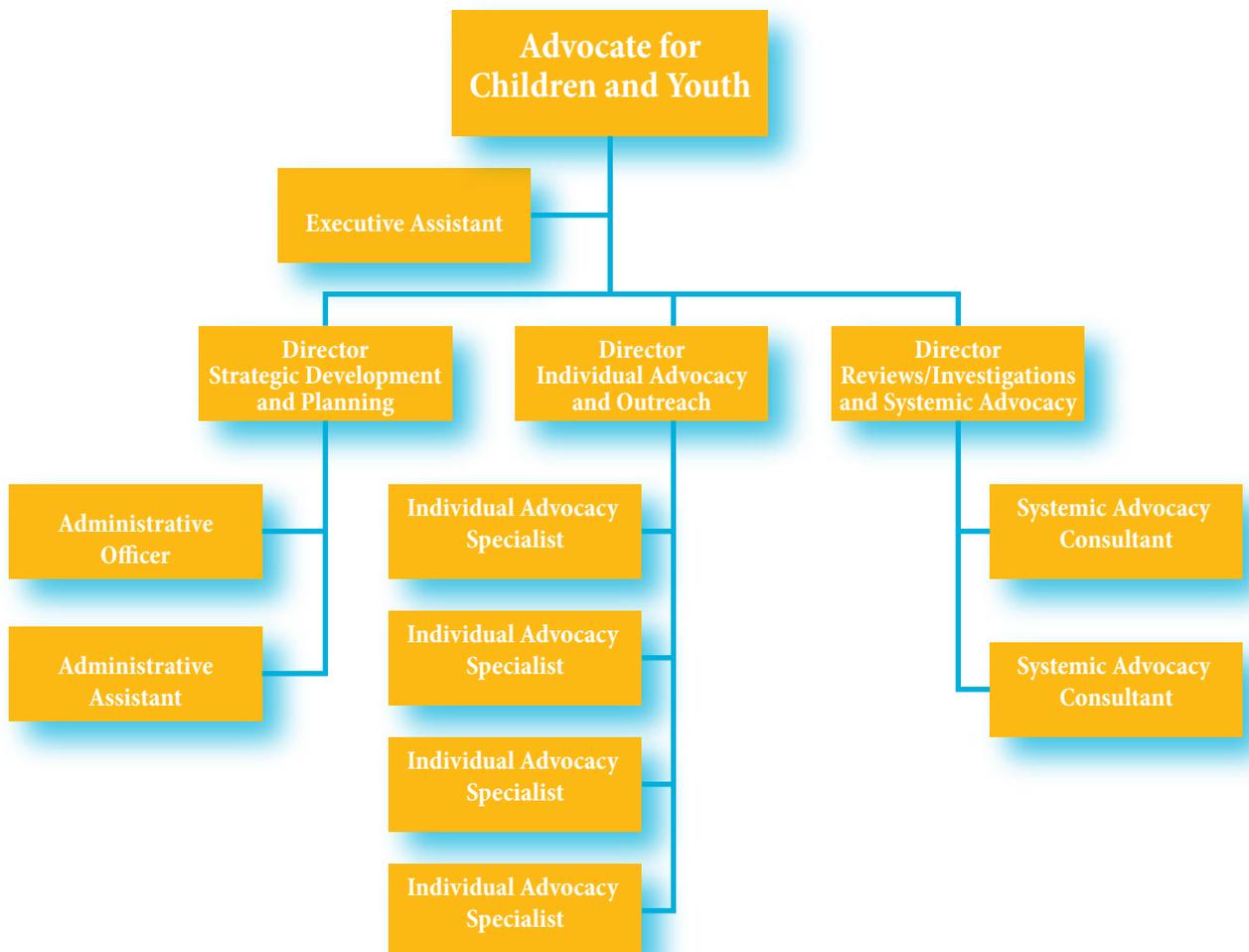
*Please note for detailed information regarding achievement of goals and objectives for 2011-2012 please refer to the Advocate for Children and Youth’s 2011-2012 Annual Performance Report.*



# WHAT'S NEW?

## New Organizational Structure

A new organizational structure was implemented resulting in three divisions with three Directors responsible for the day-to-day operations. The Advocate for Children and Youth is now operating under the divisions of Strategic Development and Planning, Individual Advocacy and Outreach and Reviews/Investigations and Systemic Advocacy.



## DID YOU KNOW ?

You have a right to good health care.

## Policies and Procedures

To ensure consistent and effective practices were in place, policies, procedures and protocols were developed by each division and implemented by March 2012. These policies, procedures and protocols are related to the administrative processes and the program areas of the Office.

## Intake Panel

A panel process was implemented during the fiscal year to ensure that the Office provides a standard, effective, efficient and quality intake and assessment approach to all requests for advocacy services. The Intake Panel consists of three Directors and meets daily with the Individual Advocacy Specialist to review and assess referrals. The process has established procedures and defined roles and responsibilities for the Directors and the Individual Advocacy Specialist conducting Intake.

## Quality Assurance

A standardized quality assurance process was implemented during 2012 to measure, compare and monitor services provided by the Office. After much research and testing, a Quality assurance tool was developed. Currently, the Quality Assurance process is conducted on Individual Advocacy Files. Advocacy staff administer the tool on a monthly rotating basis, under the supervision of the Director of Strategic Development and Planning. More Quality Assurance initiatives will be developed in the coming fiscal year.



ADVOCATE  
CHILDREN YOUTH  
NEWFOUNDLAND & LABRADOR

## We will Advocate for your rights

Protect and advance your rights.

Ensure your voice is heard and respected.

Inform and advise government about gaps in services.

Ensure access to government services and programs.

# You Have Rights!

[www.childandyouthadvocate.nl.ca](http://www.childandyouthadvocate.nl.ca)  
(709)753-3888 • Toll Free: 1-877-753-3888 • TTY:1-709-753-4366  
193 LeMarchant Road, St. John's, NL A1C 2H5



# THINGS TO COME

## **Biennial Conference of Provincial Child and Youth Advocates-2015**

The Advocate for Children and Youth Newfoundland and Labrador will host the 2015 conference in St. John's. Discussions and planning have commenced and we look forward to working on this initiative and welcoming our colleagues to the province.

## **Staff Training**

The Advocate for Children and Youth is committed to providing opportunities for staff to enhance and advance their learning in the area of advocacy and children's rights. Every possible opportunity to engage in training will be pursued.

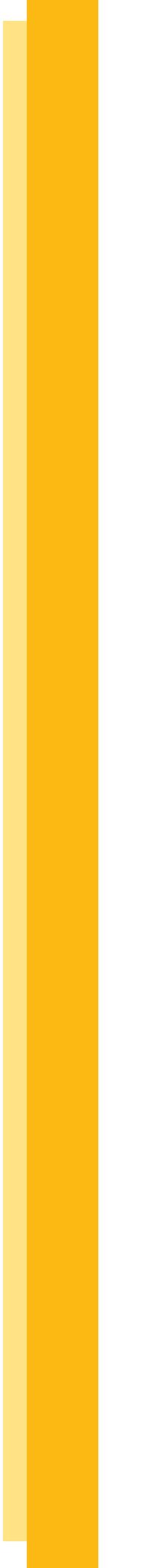
## **The Advocate for Children and Youth Newsletter**

The Office will release its first newsletter in the fiscal year 2012-2013. The newsletter will be distributed on a quarterly basis and highlight events and activities of the Office.

## **Re-branding**

The Office is updating its current education, promotion and communications strategy and will be unveiling this work in the fall of 2012.

The Advocate for Children and Youth partnered with Instructor Mr. John Barry of The College of the North Atlantic and his Graphic Design students to develop a new logo for the Office.





**Contact the Advocate  
for Children & Youth  
if you or someone you know  
is in need of help:**

**Phone: (709) 753-3888**

**Toll Free: 1-877-753-3888**

**TTY: (709) 753-4366**

**Fax: (709) 753-3988**

**Email: [office@ocya.nl.ca](mailto:office@ocya.nl.ca)**

**Website: [www.childandyouthadvocate.nl.ca](http://www.childandyouthadvocate.nl.ca)**

**Or drop by and speak with someone  
in our office:**

**193 LeMarchant Road**

**St. John's, NL A1C 2H5**

**8:30 am - 4:30 pm**