



*A Voice for Youth*

## ***MEDIA RELEASE***

315 25<sup>TH</sup> Street East, Saskatoon, SK • S7K 2H6  
Telephone: (306) 933-6700 • Fax: (306) 933-8406

1-800-322-7221 • www.saskcao.ca

### **NOT FOR RELEASE PRIOR TO:**

May 15, 2006

1:30 p.m.

### **CHILDREN'S ADVOCATE TABLES 2005 ANNUAL REPORT**

Marvin Bernstein, the Saskatchewan Children's Advocate, today released his 2005 Annual Report.

"Since beginning my tenure as Children's Advocate in September 2005, I have been extremely impressed with the scope of work and the number of significant recommendations made by the Children's Advocate Office to ensure the health and well-being of the children and youth of this province. This year is no exception. We have addressed a number of significant issues throughout 2005." Bernstein said.

Bernstein went on to say that the title of the report, "*The Right Balance; Theory and Practice*" was selected to stimulate dialogue regarding the need to achieve the right balance between government policy and its application to practice. "There are many times where there is good, credible policy in place, but yet there is non-compliance with that policy, which can have negative and damaging consequences for young persons in this province. Similarly, there are times when policy needs to be developed, often expeditiously, to ensure the protection of potentially "at risk" young persons, but is not."

"For example, one of our recommendations, CDR.42 (99,00), (full text of which can be found on page 30 of the 2005 Annual Report), calling for the development of new child welfare policy, was made to the Department of Community Resources to address those circumstances where children who remain in chronic neglect and abuse situations, within their homes, are not afforded the same level of comprehensive management review as children who are placed in care. This recommendation has been rejected on two different occasions by the Department. Not only did this recommendation come from two separate Child Death Reviews, concerns regarding inadequate assessment or intervention by various service providers to children living in abusive and neglectful family homes were an issue in over 41% of the last 56 Child Death Reviews reported upon by my Office. These two reviews highlighted the fact that there is nothing more devastating than the loss of the life of a child and we are concerned that there may be more deaths or critical injuries of children in the future if this recommendation continues to be rejected." Bernstein said.

"A second example of where government has failed to follow a Child Death Review recommendation calling for new policy is CDR.68 (01), (the full text of which can be found

on page 34 of the 2005 Annual Report), which addresses those situations where children are placed with extended family or significant other persons without the same assessment of safety and risk as provided to those children placed in government approved resources. While the Department of Community Resources has stated it is still considering this recommendation, my Office made this recommendation in 2004 – almost two years ago. Other jurisdictions have felt the devastating effects of not paying sufficient attention to this issue. In Ontario, the death of Jeffrey Baldwin, while placed in the care of his grandparents, has sparked law suits, Public Inquiries and serious reconsideration of the process followed when placing children in the care of extended family members.

Similarly in British Columbia, the Hughes Report, which was presented last month and made 62 recommendations to the government of that province concerning its child welfare system, was the result of the death of Sherry Charlie, a young child who was placed with an extended family member and died at the hands of her uncle. The confusion within government concerning kinship care and the use of PSI's (Persons of Sufficient Interest) to avoid or change the status of "in care" children leads me to conclude that there is and will continue to be a heightened risk of serious harm to the children in this province until such time as government takes the necessary corrective steps. This level of heightened risk is further aggravated by the fact that 37% of the children living with extended family have been identified by the Department of Community Resources as having child protection involvement" Bernstein said.

He also stated that his Office is currently reviewing its policy regarding its protocols for investigations. "The process that we have been involved with does not function in a timely manner. In fact we have seen delays of up to three years. Our recommendations have often become stale dated while we wait for government departments to complete internal reviews prior to proceeding with our own independent reviews. The long delay of time between the child's death or critical injury and the reported recommendations leaves too much opportunity for another tragic event to occur before recommendations are developed, considered and/or implemented. The process must be more expeditious to serve better the interests of children and young persons of this province."

"As well, the scope of our investigations in circumstances where children have been receiving government services needs to be broader in order to capture a larger segment of child deaths than those currently being reviewed by my Office. There are a number of child deaths and critical injuries that we are not seeing because the current protocols used between my Office and government militate against them being referred for review. I intend to evaluate those protocols with a view to ensuring that the right number and right kind of independent investigations are being conducted in order to ensure the prevention of future deaths and critical injuries of children and young persons. This is even more important since Saskatchewan has one of the highest rates of infant mortality in the country." Bernstein said

He then stated, "On a more positive note, I want to commend Saskatchewan Learning for its intention to develop a comprehensive policy to address the issue of bullying and harassment in schools. That Department's commitment to use the United Nations *Convention on the Rights of the Child* as the back drop for this policy is particularly commendable as, once

implemented, it will become the first policy in Saskatchewan to do so, and thus ensuring the comprehensive rights of young persons are respected and protected. I also wish to acknowledge that there are many recommendations made from my Office that government has implemented, the details of which are contained within my Annual Report.”

“The protection of individual rights, particularly of vulnerable groups, such as young persons, is not an easy task. It requires the continuous diligent effort of all people, including our legislators, to ensure that people are respected, treated with dignity and heard. As we saw with *The Youth Drug Detoxification and Stabilization Act*, we cannot let our vigilance slip. We cannot substitute the perception that there is a “greater good’ when, in fact, it is not a reality. Experience has shown us that we should never use this claim as reason to justify the violation of individual rights.” Bernstein said.

The Saskatchewan Children’s Advocate was established in 1994 as an independent Legislative Officer under *The Ombudsman and Children’s Advocate Act*. The mandate is to promote the interests of, and act as a voice for, children and youth who have concerns about provincial government services and recommend improvements of programs for children to the government and/or the Legislative Assembly.

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**NOTE: Immediately following tabling of the Annual Report, Marvin Bernstein will hold a ‘Media Scrum’ in the Rotunda area outside the Chamber at the Legislature. He will also be available for individual interviews and will be in Saskatoon Tuesday, May 16 and available for further interviews.**

For Further Information Contact:

Rick Jorgensen, Director of Communications

Tel: (306)933-6700

Fax: (306)933-8406