



*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

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### **CHILDREN'S ADVOCATE CALLS FOR A "CHILD FIRST" FOCUS AND A COLLABORATIVE PARTNERSHIP TO SUPPORT SEXUALLY EXPLOITED CHILDREN**

Saskatchewan Children's Advocate, Marvin Bernstein, tabled two reports following his Office's investigation into the Oyate Safe House for sexually exploited children in Regina. The first report addresses the Oyate Safe House and its operation specifically, while the second entitled "Beyond 'at risk' Children", makes recommendations to address the broader issue of sexual exploitation of children in Saskatchewan.

"It became apparent during the course of our investigation into the allegations concerning the operation of the Oyate Safe House and the safety of the children residing at the house, that the Board of Directors of Oyate and the Department of Community Resources did not have a collaborative partnership with a shared vision for the facility, nor a shared set of service delivery principles." Bernstein said. "Without a collaborative partnership that has as its core principle a "child first" focus that works toward a common goal of the best interests and well-being of children, there is unlikely to be a successful outcome. And, as is the case with Oyate, it is children who pay the price."

Bernstein said, "My biggest concern is the children; their safety and well-being. It is obvious to me, that if the respective parties are unable to work together in a collaborative process, in a culturally sensitive way, putting the best interests of children as the primary consideration in all decisions – funding for the Oyate facility in Regina should be terminated; and, an alternative service solution sought through a new Request For Proposal process. We need to stop drawing lines in the sand, that turn into crevices into which our children fall. It is time to put our children first and rhetoric last."

He went on to say, that it is important to note that Oyate is only one facility, in one community, dealing with a specific group of vulnerable children. "There were significant, more systemic issues that arose from the investigation that were flagged by my investigative team during the course of their work. These have much broader implications and, as a consequence, are more concerning to my Office as they affect the well-being and best interests of all sexually exploited children in Saskatchewan."

“For example, case management with regard to a permanency plan for the child is a significant issue that does not appear to be addressed in any consistent manner. In fact, the experience of my Office indicates that there continues to be a “family centred” philosophy without regard for the best interests of the child in the application of policy by the Department of Community Resources. We have seen the results of this philosophical approach in a number of Child Death Reviews conducted by my Office. I am extremely concerned that the consideration of what is best for the child may not be the same as “the family”, yet this fact continues to be overlooked, even when the child has paid the ultimate price with his or her life. Therefore, I have made several recommendations concerning amendments to the *Child and Family Services Act* and to the policy manual of the Department that will ensure a child focus philosophy, in a culturally sensitive way, is paramount in every decision taken. Children should not be returned to families where a pattern of abuse and neglect continues.” Bernstein said.

“I respect the good work that the government has done in response to the *Special Committee To Prevent The Abuse and Exploitation of Children Through the Sex Trade* of five years past that dealt with many of these same issues and made significant recommendations that have yet to be implemented. It is obvious that more needs to be done, and quickly. There is not a continuum of services in this province that meets the needs of sexually exploited children. There continues to be significant gaps in service delivery; continued stigmatization of sexually exploited children as the authors of their own misfortune; and, it appears, differential treatment regarding their rights and entitlements.” he said.

The Children’s Advocate made 21 recommendations, 9 specific to the Oyate Safe House operation and 12 systemic recommendations to government and the Department of Community Resources concerning issues affecting the sexual exploitation of children.

The Saskatchewan Children’s Advocate was established in 1995 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: Full Report Available at [www.saskcao.ca](http://www.saskcao.ca) link to Publications Oyate Investigative Report; and, “Beyond ‘at risk’ Children, Systemic Issues Report regarding Sexually Exploited Children**

**NOTE: Executive Summary of Recommendations Appended to this Media Release**

For Further Information Contact:

Rick Jorgensen, Director of Communications

Tel: (306) 933-6700

Fax: (306) 933-8406

## Summaries

### 1. Oyate Investigative Report

#### FINDINGS

1. That Oyate did not deliver adequate services to sexually exploited children.
2. That Oyate did not meet its obligation to staff the facility with personnel capable of delivering the services and meeting the program objectives.
3. That Oyate provided services beyond the parameter of the Service Agreement.
4. That Oyate staff did not prohibit the sexual exploitation of children in its care.
5. That Oyate did not prevent dangerous articles and drugs from entering the home.
6. That Oyate did not document an integrated, family centred case management process.
7. That Oyate did not meet the formal case planning conference process following admission as outlined in the Service Agreement.
8. That Oyate did not ensure each child had appropriate legal status upon admission.
9. That Oyate files did not document that a primary worker was assigned to each resident.
10. That Oyate provided residential services primarily to Aboriginal children and did not exclude other cultures.
11. That Oyate did not notify the Department of significant changes in circumstances, specifically of disclosures of sexual abuse.
12. That DCR did not meet its obligation to ensure that the services paid for by DCR complied with the Service Agreement.
13. That DCR complied with its obligations, as defined by the Service Agreement to provide senior program consultation.
14. That DCR did not investigate concerns of children who are alleged to be victims of sexual exploitation on both new and active cases.
15. That DCR did not develop case plans to adequately address the risk factors associated with the child's sexual exploitation.
16. That DCR discontinued case planning by closing files with full knowledge that the child continued to be a victim of sexual exploitation.

## RECOMMENDATIONS

### 1. Recommendation SYS.06(06)

*That Oyate and DCR develop a comprehensive programming model, having regard to the following elements:*

- (a) Effective admission criteria and screening processes that identify risks to the child and considers the appropriateness of the placement;*
- (b) Individual case planning and management that includes:*
  - Cultural sensitivity appropriate to the individual child.*
  - Transitional strategies for the child.*
  - Appropriate counseling by trained professionals.*
  - Ongoing risk assessment;*
- (c) Safety and security concerns including:*
  - Control of contraband materials entering the facility.*
  - Control of weapons and other dangerous material entering the facility.*
  - Background and police checks of all staff, Board members and any other personnel, including family members, in contact with the children; and*
- (d) Effective communication protocol that includes:*
  - Sharing of information between DCR and the facility.*
  - Proper documentation and tracking of case plans and strategies.*

### 2. Recommendation SYS.07(06)

*That DCR and Oyate develop an operational protocol, having regard to the following elements:*

- (a) Clearly defined roles and responsibilities for the Board and staff;*
- (b) Job descriptions for all staff members;*
- (c) Clearly outlined reporting responsibilities and processes;*
- (d) A schedule for ongoing staff development and training; and*
- (e) Regularly scheduled meetings.*

### 3. Recommendation SYS.08(06)

*That DCR and Oyate sign a new service agreement that:*

- (a) Clearly identifies and defines the roles and responsibilities of Oyate and DCR in the context of The Child and Family Services Act;*
- (b) Clearly articulates the role of DCR in case management and planning;*
- (c) Provides for a screening protocol (Placements Committee) that clearly defines the parameters for services delivered at the facility and a referral protocol for those services that fall outside of those parameters;*
- (d) Contains a formalized 'duty to report child protection issues' clause; and*

*(e) Involvement of DCR and experiential youth on the Board of the Safe House.*

#### **4. Recommendation SYS.09(06)**

*That all recommendations of the Children's Advocate and Provincial Auditor be implemented prior to the resumption of operations at the Oyate Safe House. Failing such implementation, that DCR discontinue both the placement of children and the funding of the Oyate Safe House.*

#### **5. Recommendation SYS.10(06)**

*That Oyate Safe House staff be permanent and that Oyate Safe House staff include appropriate gender role models and be reflective of the children's culture and life experiences.*

#### **6. Recommendation SYS.11(06)**

*That each and every child upon admission to Oyate be assigned a primary case worker on a consistent basis.*

#### **7. Recommendation SYS.12(06)**

*(a) That the Oyate Safe House improve the safety and security of residents by reducing 'runs', interpersonal conflicts and providing enhanced protection when residents are away from the facility; and*

*(b) That improvements identified include:*

- Alarming all external exits to increase the safety of children.*
- Making staff aware of children exiting and entering the facility.*
- Developing a risk assessment tool to determine the level of supervision that is required when residents attend outside programming (school, family visits).*

#### **8. Recommendation SYS.13(06)**

*(a) That Oyate Safe House admission criteria be developed that clearly identify the children who would best benefit from placement at the Safe House; and*

*(b) That admission criteria include a screening protocol and level or classification system that strives to place children who are stabilized in their addictions and interested in exiting the street.*

#### **9. Recommendation SYS.14(06)**

*That the Department of Community Resources and Oyate establish a collaborative partnership process within 60 days of the date of issue of this report, to develop a shared vision and common service delivery principles for Oyate:*

*(a) That this collaborative partnership process also include experiential children;*

*(b) That a new service agreement be signed between the two parties (Oyate and DCR) that incorporates the recommendations set out in the respective reports of the Children's Advocate and the Provincial Auditor; and*

(c) *That DCR report its progress on this process to the Children's Advocate by December 31, 2006 for inclusion in the CAO Annual Report.*

**OR ALTERNATIVELY**, in the event of a failure on the part of DCR and Oyate to arrive at a collaborative partnership process with a shared vision and common service delivery principles:

(d) *That the Department of Community Resources discontinue all funding and placement of children at the Oyate Safe House permanently; and*

(e) *That a new Request For Proposal be circulated, with a stronger emphasis being placed on the selection of qualified candidates with demonstrated experience in the area of service delivery to sexually exploited children.*

## **2. Beyond 'At Risk'; Systemic Report**

### **RECOMMENDATIONS**

#### **1. Recommendation SYS.15(06)**

*That the Government of Saskatchewan restate its commitment and re-establish its priority to address the issues of sexually exploited children and the recommendations presented by the Special Committee in its final report, as initiated in its 2002 Saskatchewan's Strategy to Prevent the Sexual Abuse and Exploitation of Children Through the Sex Trade.*

#### **2. Recommendation SYS.16(06)**

(a) *That the Government expand the mandate and participation of its Interdepartmental Steering Committee to include: Aboriginal representation; experiential youth; enforcement agencies; community based organizations; and other relevant stakeholders.*

(b) *That this Committee be supported with the resources and priority to establish a process of collaborative partnership of culturally sensitive service delivery to meet the needs, best interests and well-being of sexually exploited children through government departments, agencies, Aboriginal communities and community based organizations on a provincial basis;*

(c) *That the Committee review its communication process for information sharing and implementation process between itself and the Regional Intervention Committees;*

(d) *That DCR be identified as having the responsibility of 'lead liaison department' in the coordination of action, planning and implementation of services stemming from this committee; and*

(e) *That DCR report its progress to the Children's Advocate by December 31, 2006 for inclusion in the CAO Annual Report.*

#### **3. Recommendation SYS.17(06)**

(a) *That the expanded provincial inter-departmental, multi-disciplinary and inter-agency committee envisioned in CAO Recommendation SYS.16(06) be charged with the task of developing a service delivery model for Safe Houses with shared service delivery principles to address the*

*complex needs of sexually exploited children that are culturally sensitive, but keep the best interests of the child as the principle of paramount importance; and*

- (b) That this committee develop the service delivery model of Safe Houses from a provincial perspective with a view to networking, sharing experiences, information and learning.*

#### **4. Recommendation SYS.18(06)**

*That the Department of Community Resources develop a new child-focused definition of permanency planning that is neutrally stated and consistent with the best interests of children, having regard to the following elements:*

- (a) An integrated system of review procedures;*
- (b) A full range of preventive and in-home services;*
- (c) Case management and case planning that are culturally appropriate;*
- (d) Strategies to minimize the length of time that a child will live in a setting that lacks the promise of being permanent;*
- (e) The full spectrum of permanency planning including placing the child with biological parents, relatives, permanent foster parents, adoptive parents, or foster/prospective adoptive parents;*
- (f) Active collaboration among key community agencies; and*
- (g) Active participation of the family, child and the community in planning.*

#### **5. Recommendation SYS.19(06)**

*That the Department of Community Resources develop an action plan regarding permanency planning, having regard to the following requirements:*

- (a) That the action plan recognize the need for thorough and timely assessments, which identify both the risk to the child and the existing parenting capacity;*
- (b) That this comprehensive assessment lead to inclusive, intensive and timely intervention and permanency planning;*
- (c) That this action plan be applied across all cases involving child protection issues, including those of sexual exploitation;*
- (d) That the planning be based on the actual situation of the child, including her/his personal, family and social situation; and*
- (e) That DCR report its progress to the Children's Advocate by December 31, 2006 for inclusion in the CAO Annual Report and provide a copy of its definition and final action plan on permanency planning as soon as is practicable.*

#### **6. Recommendation SYS.20(06)** [This recommendation replaces the current CDR.42 (99,00)]

- (a) That the Department of Community Resources undertake to regularly identify and review, at a management level (i.e. beyond the supervisory level), those cases*

*where children are repeatedly subjected to neglect or abuse over a significant period of time and where the Department of Community Resources has received repeated referrals of child protection issues;*

- (b) That this review be intended to ensure that interventions are “as complete and as intensive as necessary, reflecting the best interests and well-being of the child, to bring about needed change to reduce risks and ensure the ongoing protection and safety of the child”; and*
- (c) That this review be conducted in the context of a permanency plan for the child that includes the elements outlined in Recommendation SYS.18(06).*

## **7. Recommendation SYS.21(06)**

- (a) That the interdepartmental, multi-disciplinary and inter-agency committee outlined in Recommendation SYS.16(06) with DCR as lead liaison, develop a continuum of service strategy that is consistent with, and complimentary to, the Government action strategy released in 2002<sup>1</sup>, including safe houses, longer term housing for sexually exploited children, educational support, mental health, addiction services and health services, counseling and therapeutic resources, regardless of age or gender; and*
- (b) That this strategy have at its core:*
  - i) a policy that speaks to the ‘best interests and well being of the child’ as being the paramount consideration;*
  - ii) that the service strategy be child-focused, family centred and culturally sensitive;*
  - iii) that specific strategies of case planning and management, based on risk assessments regarding the family, extended family and other living environmental conditions, be initiated to protect the child from further sexual exploitation, abuse or harm; and*
  - iv) **that the safety parameters utilized in other residential care facilities concerning age appropriate and gender mixing, be incorporated.***

## **8. Recommendation SYS.22(06)**

- (a) That the definition of “child” in section 2(1)(d) of The Child and Family Services Act be amended for, among other reasons, consistency with the definition of “child” as set out in both Saskatchewan’s The Age of Majority Act and Article 1 of the UNCRC; and*
- (b) That DCR report its progress to the Children’s Advocate regarding Recommendations SYS.21(06) and SYS.22(06) by December 31, 2006 for inclusion in the CAO Annual Report and prepare the legislative amendments as soon as is practicable.*

## **9. Recommendation SYS.23(06)**

- (a) That proposed amendments to The Child and Family Services Act be introduced by the Minister of DCR to codify a list of guiding principles, which can be used at all decision-making*

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<sup>1</sup> Government of Saskatchewan. Executive Council, Media Services.  
<http://www.gov.sk.ca/newsrel/releases/2002/03/22-183-attachment.html>

*points under the legislation, with the most important principle being “the paramount purpose of the Act shall be to promote the best interests, protection, safety, and well-being of children”;*

- (b) That proposed amendments to The Child and Family Services Act be introduced by the Minister of DCR to codify a list of service delivery principles with the common objective of reinforcing the government’s obligations to provide services in a respectful and culturally sensitive manner; that reflect the need for active participation and planning by aboriginal communities in respect of aboriginal families and children; and that optimize maximum participation and representation for both children and their families; and*
- (c) That further proposed amendments to The Child and Family Services Act be introduced by the Minister of DCR to codify the rights and entitlements of children in the care of DCR. This may be in the form of a Preamble, Declaration of Principles, or preferably, a new Part of The CFSA, ideally incorporating the principles set out in the United Nations Convention on the Rights of the Child.*

## **10. Recommendation SYS.24(06)**

- (a) That the Department of Community Resources (DCR) provide a more prominent child focus to its family-centred policy manual (i.e. Family Centred Services Policy and Procedures Manual) and incorporate the phrase, “child focused, family-centred and culturally sensitive”, in order to achieve the right balance among these various considerations;*
- (b) That DCR give paramount consideration to promoting the child’s best interests in accordance with Article 3(1) of the United Nations Convention on the Rights of the Child and the child welfare legislation in most other provincial jurisdictions; and*
- (c) That DCR report its progress on Recommendations SYS.23(06) and SYS.24(06) to the Children’s Advocate by December 31, 2006 for inclusion in the CAO Annual Report and prepare the legislative amendments as soon as is practicable.*

## **11. Recommendation SYS.25(06)**

- (a) That Section 11(a)(iii) of The Child and Family Services Act be amended to make it easier to establish that a commercially sexually exploited child is a child in need of protection by using the language of ‘sexual exploitation’;*
- (b) That the amendment eliminate the use of the stereotypical language of ‘youth prostitution’ and the mandatory requirement of linking the sexual harm back to the action or omission of a child’s parent or caregiver as the activating causal circumstance;*
- (c) That such an amendment provide that a child be found to be in need of protection “if the child has been, or is likely to be physically harmed, sexually abused or sexually exploited by another person and if the child’s parent is unwilling or unable to protect the child”<sup>2</sup>; and*
- (d) That such an amendment also set out definitions for both ‘sexual abuse’ and ‘sexual exploitation’.*

## **12. Recommendation SYS.26(06)**

- (a) That the Department of Community Resources (DCR) conduct mandatory training program to educate current and new department employees, agents, service providers and community*

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<sup>2</sup> The Child, Family and Community Service Act, R.S.B.C., 1996, C. 46, s. 13(1)(c).

*based organizations of DCR, who participate in the delivery of services to sexually exploited children regarding the victimization of these children;*

- (b) That the goal of changing attitudes and responses to these child victims be the focus of this training by eliminating the terms 'working', 'prostituting', and other derogatory terms used to describe sexually exploited children who are victims of adult perpetrators;*
- (c) That the training include instruction concerning appropriate recording techniques and language for current and new department employees, agents, service providers and community based organizations of DCR who participate in the delivery of services to sexually exploited children, having regard to case recording best practice; and*
- (d) That DCR report its progress to the Children's Advocate regarding Recommendations SYS.25(06) and SYS.26(06) by December 31, 2006, for inclusion in the CAO Annual Report and prepare the legislative amendments as soon as is practicable.*