



A Voice for Youth

News Release

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Interim Program Allows for Child and Youth Legal Representation

Regina... A joint program initiative by the Children's Advocate Office (CAO) and the Canadian Bar Association (CBA), Saskatchewan Branch, will make access to justice, through pro bono legal representation, available to Saskatchewan children and youth, involved in child welfare proceedings.

The program is viewed, by the Children's Advocate Office, as an interim initiative until Saskatchewan can amend current child welfare legislation to allow children and youth independent legal representation in court proceedings that directly affect them.

"Independent legal representation for children and youth in child welfare proceedings, under the Saskatchewan *Child and Family Services Act (CFSA)*, is an issue that has been identified within the Children's Advocate Office for systemic advocacy. This is due in large part to the individual advocacy cases handled by the CAO, where young persons state that their voices are not being duly considered within the court process in child welfare proceedings," Marvin Bernstein, Children's Advocate stated.

"Unlike child welfare legislation in most other Canadian jurisdictions, the current Saskatchewan child welfare legislation fails to explicitly make children parties to these court proceedings, regardless of age; fails to stipulate any clear authority for independent child representation to be ordered by the court; fails to set out any criteria for a court to consider before deciding on the value of such independent representation; and fails to ensure that there is a level playing field of uniform jurisdiction in all courts across the province to order such legal representation."

A training program for lawyers who have signed on to the pro bono roster will take place today as part of the initial workshops for the CBA Saskatchewan Mid-Winter Meeting in Regina. The training is intended to better enable lawyers to represent and understand this special area of law that specifically allows children and youth to be independently represented and endorses their right to be heard in appropriate child welfare proceedings consistent with the *Canadian Charter of Rights and Freedoms* and the United Nations *Convention on the Rights of the Child*.

“We are hopeful that the government will review and amend the current legislation so that meaningful law reform can be accomplished to support independent legal representation for Saskatchewan children and youth and, more particularly, to ensure that their right to be heard in child welfare proceedings is recognized and protected,” Bernstein said. “I wish to acknowledge the tremendous support of the CBA, Saskatchewan Branch, in collaborating on this very important program and thank the lawyers participating in this training program today for their interest and support of Saskatchewan children and youth.”

A copy of the background paper on this issue is contained in the January 2008 issue of CAO Perspectives, entitled *Access to Justice: The Right of Saskatchewan Children and Youth to be Heard in Child Welfare Proceedings*, and can be found on the CAO website at www.saskcao.ca

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The Saskatchewan Children's Advocate Office was established in 1994 as an independent Office under The Ombudsman and Children's Advocate Act.

