



A Voice for Youth

MEDIA RELEASE

DO NOT RELEASE PRIOR TO:
10:30 a.m., December 3, 2009

Children's Advocate Calls for Government of Saskatchewan Implementation of the *Children and Youth First Principles*

SASKATOON — Marvin Bernstein, Saskatchewan's Children's Advocate, tabled his fourth annual report in the Saskatchewan Legislature today with a commentary that highlighted the work of the Children's Advocate Office in 2008 and some more recent announcements made by the Government of Saskatchewan in regards to children's services in the province.

"It would be fair to characterize the year 2008 as a time when the Children's Advocate Office laid the groundwork for some serious and significant decisions subsequently made by the Government of Saskatchewan and its child-serving ministries," said Mr. Bernstein. "That includes the announcement of the adoption of the *Children and Youth First Principles* in February 2009; a significant investment in expanding residential resources and foster home capacity in the 2009-10 budget; and the announcement in November 2009 that a 'landmark' independent provincial child welfare review would be initiated in 2010."

Mr. Bernstein noted that the child welfare review is an important opportunity for the provincial government to implement the *Children and Youth First Principles* by making them the guiding principles for the work of the review panel.

"This could be the first step to developing a broader vision and action plan that would fulfill the previous commitment of the Government of Saskatchewan to use the *Children and Youth First Principles* as a guide in examining policy and legislation, and in developing and implementing both policy and legislative changes," said Mr. Bernstein. "The application of the Principles to the child welfare review would also underscore the importance of child and youth participation in this process."

"The provincial government can help facilitate that participation by ensuring that the independent panel running the review specifically listens to the experiences and opinions of children and youth, and meaningfully involves them in the process," said Mr. Bernstein. "The voices of current and former children and youth must be heard, as they are the 'experts' when it comes to observing and recounting the impacts of government services upon their daily lives and their futures."

Mr. Bernstein stated that it would also be important for the independent panel to set a priority list as to what should be addressed more quickly, and to fast-track certain more critical policy shifts and legislative amendments, such as those related to independent legal representation. Doing so would ensure that children do not remain at risk of harm or unsupported in the court process for excessive periods of time. The vehicle of an interim report, with carefully defined immediate action steps, might be one method of achieving this objective.

Another issue raised in the *2008 Annual Report* was a proposal made by Mr. Bernstein and Kevin Fenwick, Saskatchewan's Ombudsman, to the Government of Saskatchewan in May 2008, to enact a series of amendments to *The Ombudsman and Children's Advocate Act*. The most significant of these is to split the *Act* in two to recognize each of the distinct roles and responsibilities the two offices have mandated. Once split, the two new pieces of legislation would, at a minimum, retain the statutory authority that each office now enjoys.

"I felt that it was important that we take the time to examine *The Ombudsman and Children's Advocate Act* and propose a series of amendments to our 15 year-old legislation that would enable us to serve the interests of children and youth in Saskatchewan more effectively," said Mr. Bernstein. "This was done in

relation to the mandate letter sent by the Premier to the Minister of Social Services in November 2007, in which there were two directions that related to the responsibilities and authority of the Children's Advocate Office."

The first was that the Children's Advocate investigate and report publicly on the quality of care in facilities that deliver care to children at-risk. The second was to provide the Children's Advocate with the authority to undertake random checks of safe houses and other provincially-funded facilities that provide services to children at-risk. This latter direction is particularly timely in view of the number of group homes and other residential facilities being established in a relatively short period of time in response to the foster home overcrowding issue. In that case, Mr. Bernstein cautioned that we need to be vigilant that we do not inadvertently substitute one problem for another.

Mr. Bernstein also indicated that he would look forward to immediately resuming discussions with the provincial government regarding the mandate letter and other proposed legislative changes to *The Ombudsman and Children's Advocate Act* in order to plan for any additional resourcing that may be required to implement any expansion of the responsibilities and authority of the Children's Advocate Office.

In his commentary in the *2008 Annual Report*, the Children's Advocate also profiled a fairness investigation conducted by the Office involving five Taylor* siblings, who were the subject of court orders, which, among other things, compelled specific action steps to be carried out by the Department of Community Resources (now Ministry of Social Services). The investigation revealed that the continuum of permanency planning, and adoption in particular, are areas that require focused attention and priority. In this case, the Department significantly delayed registering the three youngest children for adoption and implementing a permanent adoption plan as expeditiously as the Court had ordered.

"The lessons learned about fostering and adopting from the Taylor fairness investigation are timely, as Saskatchewan embarks upon its child welfare review and considers legislative amendments to both *The Child and Family Services Act* and *The Adoption Act*," said Mr. Bernstein. "If timely adoption registrations did not occur in the face of explicit court orders in a well-publicized case like the Taylor matter, then that raises some doubt as to how quickly other children, in more obscure cases, are being registered and placed for adoption. This also has significant implications in terms of contributing to the problem of foster home overcrowding, in those circumstances where permanent wards are remaining in foster care, rather than being registered and placed for adoption; and in underscoring the need for children to have legal representation in order to independently safeguard their interests and to ensure that both court orders and plans of care presented to the courts are being implemented, without undue delay."

Bernstein noted that the staff of the Children's Advocate Office views the child welfare review as a unique opportunity to effect real change and positive outcomes for Saskatchewan's most vulnerable citizens, our children and youth. The Office will use its nearly 15 years of experience in conducting individual, group and systemic advocacy, as well as child death, critical injury, systemic, and fairness investigations like the Taylor case, to inform a formal presentation and written submission to the panel in spring 2010.

"We look forward to supporting the work of Mr. Pringle and the entire child welfare review panel and in engaging with the broader child-serving community—including current and former children and youth in care—to achieve meaningful and lasting change in Saskatchewan," said Bernstein.

* Names have been changed to maintain confidentiality

- 30 -

For the full report please visit: www.saskcao.ca.

For more information contact:
Laura Beard, Director of Public Education and Communications
(306) 933-6700

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