

Children's Advocate



Annual Report
1997-1998



This is the ninth annual report of the Children's Advocate. It reports on the fiscal year April 1, 1997 - March 31, 1998 during which time the Minister of Family and Social Services was the Honorable Dr. Lyle Oberg. Just prior to the printing of this report the Alberta Government announced a reorganization of government departments including the creation of a Department of Children's Services. The Children's Advocate will now report to the Minister of Children's Services, the Honorable Iris Evans. Therefore, it is to the Honorable Iris Evans that this report is respectfully submitted.

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Introduction

This annual report represents the work of all staff employed in the Office of the Children's Advocate. It seeks to give a voice to those children and youth in the care of the Child Welfare system in Alberta. It also seeks to share observations made in the course of advocating for young people who did not perceive that the system charged with looking after their best interests was really doing so. All too often those perceptions are based on experiences that confirm the validity of the perception. Our mission is not to condemn child welfare practitioners and those to whom they report as not caring about the young people for whom they have some responsibility. We do not believe that to be the case. Nor is our mission to congratulate those who work tirelessly and well with young people every day. Our experience shows us there are many in that group. Our mission is to describe the ways in which many young people experience the Child Welfare system as an entity that does not seem to listen to them, and that does not adequately fulfil its legal responsibility to provide them with support, care and protection.

It has been said that advocacy should bite the hand that feeds it, or at least growl occasionally. While it is laudable that Government, through establishment and funding of a Children's Advocate Office, endorses the need for a voice for vulnerable young people within the child welfare system, it also needs to take action to address identified problems. The purpose of our annual report is to draw attention to those aspects of Child Welfare services that need improvement. Our obligation under the Child Welfare Act is to "advise the Minister on matters relating to the welfare and interests of children who receive services under this Act and the provision of those services". The comments that follow should be viewed as feedback on behalf of the clients of the Child Welfare system, the young people who look to that system for support and too often find it unresponsive to their needs.

Since my introduction to the office in September 1997, I've learned about the past experience of the office in seeking to effect change in child welfare services. I've come to understand in a new way that many of the issues and deficiencies in the child welfare system are long-standing. It has become a challenge each year for the office to

find different ways of essentially saying the same things. Our key approach this year is to reflect back on past annual reports which commented on continuing problems in child welfare. Too many of those issues remain unresolved and were observed as continuing problems throughout the year.

It is likely that most people involved in the child welfare system have the best of intentions. Why then do things not seem to change for the better? The Child Welfare Act requires that all people making decisions under the Act with respect to children do so in the best interest of the child. Much of what follows in this report recounts recurring indication of inappropriate placement, lack of permanency planning and action, and reluctance to serve older adolescents. How does one reconcile the requirement to act in the best interests of children with examples of the contrary? It is doubtful that the well-intentioned people who are responsible for service provision choose to have services that do not satisfy the best interest requirement of the Act. So why does this continue to be the state of affairs?

The demands on the child welfare system and the many dedicated staff who work in it, are overwhelming. Child welfare workers carry heavy workloads, the work itself is emotionally draining, there are seldom sufficient and appropriate placement resources, and budgets are often under pressure in those areas of the province facing the greatest demands for service. In a system under pressure people cut corners in order to survive. Placement decisions are made based on what is available more than on what is appropriate. Permanency planning may not occur because there are more urgent priorities. Where case plans exist there may not be time or means to implement them. Adolescents (whose behaviour may be a product of past abuse) may be refused services if they are considered uncooperative. The common element in these symptoms of distress is a shortfall in resources. Staff time, money for appropriate placement resources, and funding for support services are all under pressure to meet steadily increasing needs.

While additional funding may be required, it makes sense that a better understanding of what is giving rise to the increased volume of child welfare cases is prerequisite to directing efforts at causative factors. While appropriately targeted early intervention programs are vital to reducing future child welfare involvement, more effective responses for those young people currently in the Child Welfare system are also required. There is a need for a substantive shift in orientation that changes systems to ones that seek to respond to the needs of children and youth as opposed to systems under pressure that seek to find ways to exclude them from services.

In Alberta we are at the beginning of change to a different and hopefully more responsive approach to serving children and families. Regional Authorities and delegated First Nations Child Welfare Agencies will be responsible for child welfare services and, in many cases, other services for children and families. In order that the best intentions of these bodies can be realised, they need to be properly funded and supported in their work. They also need to be appropriately monitored to ensure that the responsibilities they have been delegated by the Minister are carried out in accordance with the standards of service required. Without the tools to translate their good intentions into a responsive service system, it is not likely that services to children and youth will be much improved.

On behalf of all the young people served by the Children's Advocate during the 1997/98 fiscal year and those served in the past, please listen to our representation of their experience.

Bob Rechner
Children's Advocate

“He listened to what I had to say and I liked that.”

A youth

Goals of the Children's Advocate

The Children's Advocate program was introduced through an amendment to the **Child Welfare Act** in 1989. Since its inception, it has dedicated its resources toward two primary goals:

Individual Advocacy

- To provide advocacy for children who are receiving services pursuant to the **Child Welfare Act** and who require the assistance of an advocate to ensure due consideration of their rights, interests, and viewpoints when decisions are made.

Systemic Advocacy

- To identify issues and provide information and advice with respect to the nature, adequacy, availability, accessibility, effectiveness and appropriateness of services which are offered to children under the **Child Welfare Act**.

Individual Advocacy

An advocate may simply be defined as someone who speaks on behalf of another or assists another to speak on their own behalf. Parents are usually viewed as a child's primary advocate.

Unfortunately some children require protective services under the Child Welfare Act because their parents are unable or unwilling to protect the child or provide appropriate care. In these circumstances the parents may not be capable of being the child's advocate. Fortunately there are other adults who become involved in the lives of these children who can "speak" on their behalf. Foster parents, Child Welfare workers, supervisors and other service providers can be, and usually are, effective advocates for the children they serve.

Why then would a child require the more formal advocacy efforts of the Children's Advocate?

There are several reasons why the Children's Advocate may provide individual advocacy services:

- There may be conflicting opinions among those involved with the child as to the most appropriate course of action or plan for a child.
- The child is opposed to a decision being made regarding his/her care that could have a significant impact on their future.
- There is a concern that those responsible for the child are not able to adequately meet the child's needs, are not protecting the rights of the child, or may not have all the relevant information before them prior to making crucial decisions.

The Children's Advocate has no authority to make decisions regarding the welfare of children. By relying on other decision makers, the Children's Advocate is free to focus exclusively on the child; to ensure the young person's opinions are presented and heard when they are capable of having a say in their affairs, to influence decision makers by providing information on the interests of a child unable to speak for himself/herself, and to protect the interests and rights of the child.

"I am a child. I am entitled to be one and enjoy my childhood fully and safe from those who would harm me. I have the right to be heard and to have what I say considered."

National Children's Day, 1998

*“I liked that she listened,
treated me as a person and
helped me be heard.”*

A youth

Whenever possible we promoted the commitments of foster parents and others to represent those children who had their confidence and trust.

In order to ensure that the Children's Advocate is empowered to serve children effectively, legislation provides that the Children's Advocate may:

- have access to a child, the guardian or another person representing the child;
- have access to information relating to a child that is in the possession of those serving the child;
- at the request of a child, or any person acting on the child's behalf, receive, review or investigate and make recommendations regarding any matter relating to the child protective services being provided to the child;
- on his own initiative, or at the request of a child, assist in appealing or reviewing a decision of a Director under the Child Welfare Act; and
- provide assistance and advice to an Appeal Panel or a Court.

During the year my staff were under pressure to respond to increasing demands for services to individual children flowing from the growth of the provincial Child Welfare caseload. Whenever possible we promoted the commitments of foster parents and others to represent those children who had their confidence and trust. The program has reached its maximum workload capacity given the resources it has and will need to find ways to accommodate the caseload growth projected for the next several years.

Individual advocacy services were provided through our offices in Edmonton and Calgary. Five advocates in the Edmonton office served residents of Edmonton and northern Alberta. Four advocates served Calgary, and the central and southern areas of the province.

Caseload Activities 1997-98

Case Activity*	HQ	South	North	Totals
General Inquiry [†]	66	85	97	248
Miscellaneous [○]		356	466	822
Opened Cases		287	405	692
Closed Cases		286	370	656

* Cases may include more than one individual

[†] A general inquiry represents a request for information about the Children's Advocate Program or other services for children

[○] Miscellaneous cases represent those situations where upon gathering information, the Children's Advocate determined that further services were not required.

Ages of Children Served 1997-98

Open Advocacy Cases

Ages Category	South	North	Totals
0 - 5 years	130	120	250
6 - 11 years	130	210	340
12 - 17 years	400	589	989
18 - 20 years	32	47	79
Over 20	5	0	5
Totals	697	966	1663

Racial Origin 1997-98

Origin	South		North		Totals
	Open	Closed	Open	Closed	
Other	4	1	4	0	9
Aboriginal	100	103	214	197	614
Caucasian	196	205	208	202	811
East Indian	1	1	1	1	4
Unknown	37	31	59	42	169
Metis	1	1	0	5	7
Mixed Race	8	3	12	8	31
Negroid	1	2	6	5	14
Oriental	1	1	1	1	4
Total	349	348	505	461	1663

Sources of Referral 1997-98

Source	South	North	Total
3rd Party*	334	358	692
Anonymous	0	6	6
Mandatory**	47	95	142
Own Motion	1	7	8
Self-Referral	191	309	500
Totals	573	775	1348

*A 3rd party referral source is anyone other than the young person. Most of these referrals come from Child Welfare workers and individuals caring for the young person.

**Child Welfare workers are required by policy to make a referral when certain circumstances exist.

“The Advocate helped me to know what my limits were. I also think it helped me to understand life.”

A youth

Our objective is not to ensure the wishes of every child is fulfilled but rather to ensure their positions are made known and given consideration.

Young people who become recipients of individual advocacy services presented a wide range of issues that they were encountering. Some of the more common ones presented during the year were:

- disagreement with the Child Welfare workers proposed case plan, such as placement of the young person,
- unable to access siblings/relatives, and
- disagreement with the court application being pursued by the Child Welfare worker (e.g. extension of temporary guardianship, application for permanent guardianship, application for a secure treatment order).

Most of the services provided to young people were concluded after the issue(s) were resolved to the satisfaction of the young person. Our objective is not to ensure the wishes of every child is fulfilled but rather to ensure their positions are made known and given consideration.

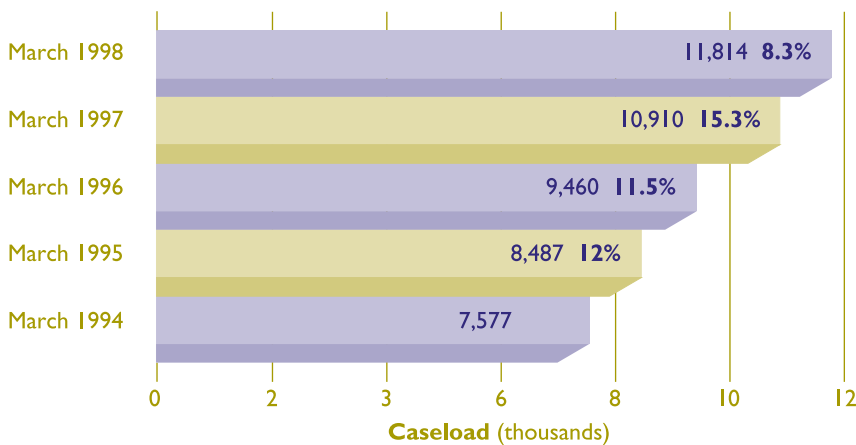
While many youths are grateful that their wishes have been realized, others are thankful that they were respected by being an active participant in the decision-making processes.

Systemic Advocacy

Child Welfare Caseload Growth

The most serious problem within the Child Welfare system is the growing numbers of children it has a responsibility to serve.

The Child Welfare caseload increased during the 1997-98 fiscal year by 8.3% over the past year. On March 31, 1998, there were 11,814 children in receipt of child protection services compared to 10,910 the year before. Since March 1994, the provincial Child Welfare caseload has increased by 55.9%.



The consistent growth of the provincial caseload has resulted in tremendous pressure on children in need of protective services, their families, Child Welfare staff, and community service providers. Caseload growth in recent years has caused expenditures to increase beyond the annual budget allocation. Although the Government has increased funding each year based on the previous year's expenditures, the system is always under pressure:

- Caseloads become excessive contributing to overburdened staff and subsequently a high turnover of Child Welfare workers.
- Staff feel pressured to find ways to reduce costs to remain within budget.
- The resource system for children is taxed heavily, particularly placement resources.

“The Department is in the midst of significant staff turnover at all levels, increased workloads, increased complexity of cases, and a shortage of appropriate placement resources.”

A Review of the
 Child Welfare Program
 January 1998
 Coopers and Lybrand

While there is much speculation on why the caseload has increased so significantly, an independent review to identify contributing factors is warranted so that appropriate measures can be taken to reduce the need for Child Welfare involvement. Regardless of the reasons for the dramatic growth in the Child Welfare caseload, the resources necessary to properly respond to children and youth in need of services must be put in place.

“We did not find evidence that the Department had a systematic approach to understanding the root causes of increasing caseloads and costs per case.”

A Review of the
Child Welfare Program
January 1998
Coopers and Lybrand

This scenario impacts children in a negative manner:

- Young people are often denied the stability afforded through a relationship over time with one social worker.
- Young people are often denied access to services because staff believe there are not sufficient funds available within their budget.
- Young people are provided reduced services because of budget pressures (e.g. treatment sessions with a therapist may be reduced).
- Young people are subjected to multiple placements while in the care of the Child Welfare system pending access to a resource that appropriately meets their needs.

While there is much speculation on why the caseload has increased so significantly, an independent review to identify contributing factors is warranted so that appropriate measures can be taken to reduce the need for Child Welfare involvement. Regardless of the reasons for the dramatic growth in the Child Welfare caseload, the resources necessary to properly respond to children and youth in need of services must be put in place.

Child Welfare Must Do More Than Protect Children

The responsibilities of the child protection system as mandated in the Child Welfare Act are very diverse. Its primary purpose is to ensure children are protected from immediate or future harm. It must, however, strive to do more than that; it must also attend to the ongoing needs of children taken into care. Addressing such matters as their place of residence, treatment needs, mental, social and physical developmental needs, and long-term plans for their security are key responsibilities assumed by the system for children taken into care. Based on our experiences with young people receiving protection services, it appears that the system is generally more successful in protecting children than it is in addressing their needs once in care.

How do you feel being in care has affected your life? "It (society) looked at me as a 'troublemaker' and 'different'."
"Yes, it taught me the hard way of life and how to be a survivor."

Kidspeak 1997

Critical Systemic Issues: Yesterday and Today

Primary systemic issues that have been noted in previous Annual Reports continued to be evident throughout this year:

- A lack of appropriate placement resources for children in care,
- Insufficient attention towards planning for the long-term security of children in care,
- The reluctance to adequately serve youth over the age of 16.

Insufficient Placement Resources

The serious lack of appropriate placement resources has been a consistent issue within the Child Welfare system over the past several years. As the Child Welfare caseload continues to increase, there has been corresponding pressures on the system to find sufficient placements. To recap comments in previous Annual Reports:

"...our observations indicate that Child Welfare workers sometimes have difficulty accessing appropriate placement resources for children."

(Children's Advocate Annual Report 1989-90)

"It seems to be increasingly difficult for the Child Welfare system to accommodate the children for whom it is the parent or custodian."

(Children's Advocate Annual Report 1990-91)

"While residential beds are being decreased, a corresponding expansion of appropriate foster home beds has yet to be realized." (Children's Advocate Annual Report 1992-93)

"There appears to be insufficient placement options for adolescents."

(Children's Advocate Annual Report 1993-94)

“A shortage of adequate foster homes is putting children at risk.”

A Social Worker

“Children were temporarily placed in hotels because there were no foster homes or group home spaces available.” (Children’s Advocate Annual Report 1995-96)

“With the increasing numbers of children requiring protection from their parents we continue to witness the difficulties Child Welfare workers experienced in securing appropriate placements for children removed from the care of their family.” (Children’s Advocate Annual Report 1996-97)

During our work with young people this year we have observed many facets of this issue:

- Children repeatedly have their schooling disrupted due to placement changes.
- Without placement options, older youth in the care of a Director of Child Welfare who are also in custody as young offenders remain incarcerated when they could be returned to their community.
- Child Welfare workers are reluctant to take custody of older youths because there is no place to put them.
- From time to time young people have been placed in facilities used as shelters for adults.
- Children are forced to move frequently because many of the initial placements are not consistent with the needs of the child. (i.e. placement decisions are made by bed vacancies rather than in accordance with the child’s needs.)
- Marginal foster homes are retained because of the severe shortage of foster homes.
- Some youth had their services prematurely terminated by the Child Welfare system in order to create placement vacancies. These youths often become homeless.

The challenge of securing appropriate placements for some young people in care is overwhelming because of their needs:

- many have serious mental health problems such as depression and suicidal ideation
- many have been diagnosed as having Attention Deficit Disorder, Attention Deficit Hyperactivity Disorder, or Fetal Alcohol Syndrome
- many are not attending school and require special educational or training programs
- 50% are in permanent care and need the security of a long-term placement

The Department recognized there were serious problems in meeting the placement needs of children in care. While the number of children requiring out of home care was steadily increasing, the system was already in a deficit situation in terms of appropriate placements for them. As a result, two independent consultants were asked to review the placement situation and make recommendations for improvements. While their report was completed in March 1998, we are not aware of any actions being initiated within the Department that were based on this review. It is critical that once a child is taken into protective care there be an appropriate placement available.

Since the responsibilities for delivering Child Welfare services are being delegated to Regional Authorities and to many First Nations, these bodies will now be responsible for ensuring that there are appropriate placements for the children in their care.

Permanency Planning

Permanency planning within Child Welfare is based on the notion that children disrupted by separation from their families require placements that provide them with a sense of security and stability. Without a long-range plan being implemented, children tend to drift from placement to placement causing long-term damage to the child's sense of well-being. The inability of the system to attend to this need has been a long-standing concern to this office:

“In the course of our case specific advocacy work we have become aware of a number of systemic barriers to timely planning and decision making which supports the child's right to permanence.” (*Children's Advocate Annual Report 1990-1991*, page 14)

“The issues discussed in our last report, i.e., the availability of appropriate placements, resources for children; the system's approach to adolescent clients; the achievement of stable, permanent placements for children; and systemic delays in decision making; continue to represent significant concerns in 1991-92.” (*Children's Advocate Annual Report 1991-92*, page 11)

“While some children are drifting in care without a permanency plan, others have a plan which is not being implemented.” (*Children's Advocate Annual Report 1993-94*, page 9)

“Many cases involved children in permanent care who are aboriginal and have been placed in non-aboriginal foster homes because culturally

It is critical that once a child is taken into protective care there be an appropriate placement available.

“Offices indicated that finding placements take considerable resources because it is time consuming and the ongoing need for more foster homes may result in children being placed in more expensive group care resources.”

File Review Project on
Child Welfare Services
November 21, 1997

appropriate placements were not available. When the foster parents are committed to adopting these children or maintaining a long-term foster home status, there are issues around the merits of this permanency plan versus returning the children to their Band. These cases are frequently more difficult because of long-standing relationships with the foster parents and the special needs of the children.” (*Children's Advocate Annual Report 1993-94, page 9*)

“Many children we have served were young people who had been identified as candidates for adoption, however, this plan had not been implemented.” (*Children's Advocate Annual Report 1995-96, page 14*)

Fifty percent of the children in the care of the Child Welfare system are the subjects of a permanent care order or agreement (approximately 2500 children).

From the perspective of this office, as stated previously in this report, the Child Welfare system has primarily focused on the protection of children. The tasks associated with screening reports of children being neglected and/or abused, the investigation of these complaints, and implementing immediate plans to protect the child are all critical to ensuring children in every community are safe. These responsibilities traditionally consume the system's staff and attract the most attention by management. Unfortunately, those children who end up depending on the system for long-term care are the ones most affected by staff turnover, inadequate/inappropriate placements, and lack of long-term planning. Many of these children drift in care and move from placement to placement.

From our perspective, there is a need to provide those serving children in care with training on the practices that constitute sound permanency planning.

Over the years we have advocated for increased efforts towards the adoption of many of these children. There appears to be significant differences of opinion within Child Welfare as to what constitutes sound permanency planning for children. We also saw situations where everyone involved agreed to the permanent plan for the child, however, the plan was never implemented. It was anticipated that the retention of a consultant to review the Department's adoption program would contribute towards improving that program's outcomes. Although a report was completed, it has not been released at the time of the writing of this Annual Report. From our perspective, there is a need to provide those serving children in care with training on the practices that constitute sound permanency planning.

We continue to be concerned about the future of some First Nations children where there are parties competing to provide for their long-term care. Typically, those situations arise when the child is in a non-Aboriginal foster home and the Child Welfare worker is trying to formulate a long-term plan. First Nations are strong in their position of wanting to protect the cultural identity of the child and tend to advocate for the child being returned to the Reserve. Other parties involved place greater emphasis on the child's need for stability through continuity of care and tend to advocate for the child remaining in the foster home. While compromises are reached in many of these situations, we remain most sympathetic to those children who become caught in these highly emotional conflicts between adults.

In February 1997, the Department initiated a policy whereby a child who is a Band member could not be adopted without the consent of the Band. This directive was seen as helpful as it ensured that inexperienced Child Welfare workers, not fully appreciative of the culture of the First Nations, engaged the Band in a decision-making process for the child's long-term care. The directive was to serve as an interim policy for one year while the Department and the First Nations and Metis Peoples sorted out ways of ensuring effective planning for Aboriginal children in care. At the time of writing this report the interim policy now appears to have become permanent. Without a process to expedite decision making for permanency, many children remain in limbo.

“In the case of a First Nations child under permanent guardianship of a director under the Child Welfare Act, the Authority must ensure that the child is placed for adoption only with the consent of the child's Chief, Council, or the delegate of the Chief and Council.” (Standard 3.5.11, *Provincial Standards for Services for Children and Families*, April 1998)

In the Speech from the Throne (January 27, 1998), the “Forever Homes” initiative was announced as a commitment to keep the Department focused on permanency planning for children.

“Our Government will aim to keep children physically, mentally and emotionally safe through a “Forever Homes” initiative that serves them until their original home is healed, or an adoptive home is found to nurture them for the long term.” (Speech from the Throne, Alberta, January 27, 1998)

“This new strategy, Forever Homes, reflects the key role Child Welfare staff play beyond removing children from danger. The positive role of Child Welfare workers involves permanency planning to build safe, stable homes for children.” (Message from Dr. Oberg to all staff with AFSS, January 28, 1998)

“The reality for almost all cases in which I have become involved or aware of, is that adoption is not an option and alternative plans to try and ensure long-term stability does not appear to be readily available and/or sanctioned and/or agreed to by the Bands, or department or youth.”

An Advocate
Children's Advocate Program

Without a process to expedite decision making for permanency, many children remain in limbo.

The notion of every child in care having a forever home was raised in our 1996-97 Annual Report where an aboriginal child was anxious to be adopted and wrote, "It doesn't matter whether a home is Indian or white, I just want a forever home." We applaud the government for acknowledging the importance of permanency for children. It will have meaning for children when substantive action is taken.

Since the Forever Homes initiative was announced, it appears that there is some confusion as to what it is really intended to do. Accepting Dr. Oberg's statement on permanency planning, the child welfare system needs to focus effort on ensuring that permanency planning and follow through occurs for all children in care.

Services for Adolescents

Unfortunately, we have seen over the years, a system that generally is reluctant to respond to the needs of adolescents. This has been noted in previous Annual Reports.

"Services to Adolescents ...A significant proportion of children receiving Child Welfare services are between 12 and 17 years of age (44% at March 31, 1991). Adolescents make up sixty (60%) percent of referrals to the Children's Advocate. This older population of youth presents the system with complex behavioural and developmental challenges, yet based on our case experience, the practices, approaches, and resources of the system have not kept pace with the realities of their characteristics."
(Children's Advocate Annual report 1990-91, page 11)

"Services to Adolescents ...It is becoming apparent that, despite the legislative mandate of the Child Welfare Act, adolescents are facing major barriers to receiving services from the Child Welfare system."
(Children's Advocate Annual Report 1991-92, page 13)

"Within the Child Welfare system, we witness a hesitance and sometimes a strong reluctance to assist youth in need." (Children's Advocate Annual Report 1994-95, page 13)

"While Child Welfare has demonstrated reluctance to provide services to 16 and 17 year olds for a number of years, this reluctance has now extended to 13, 14, and 15 year olds." (Children's Advocate Annual Report 1995-96, page 16)

"...youths who should be taken into the custody of a Director of Child Welfare are often left to fend for themselves as there is nothing better to offer." (Children's Advocate Annual Report 1996-97, page 21)

Although the Child Welfare Act defines a child as someone under the age of 18, but extends capability to assist youth who have been in care beyond this age, we continue to encounter many young people who:

- Cannot access services in spite of there being no adult in their lives willing to assist them. Increasingly, there has been a strong reluctance by the Department to provide any financial assistance to young people who may be capable of protecting themselves but have no funds to meet their basic needs for food, clothing and shelter. Child Welfare is reluctant to intervene because there are few (if any) placement options, and there is a general attitude that Child Welfare practitioners must exercise caution in order to limit the caseload growth and the corresponding budget pressures.
- Cannot retain services through Child Welfare. Youth over the age of 16 are preparing for adulthood. They are beginning to formulate their own opinions and initiate their own actions. During this difficult phase of their maturation they are bound to make mistakes. Advocates encounter many of these young people who live in constant threat of having the services they receive through Child Welfare terminated because they have made a bad decision. Frequently our work with individuals involves supporting or assisting young people to have decisions reviewed through an administrative review process or appealed through the Child Welfare Appeal Panel after a decision to refuse new services or terminate existing services has been made by the Child Welfare worker. It is acknowledged that many of these young people present major challenges to their social worker. When conflicts occur between workers and young people the worker has the power/authority and the outcome often is to refuse the youth further services.
- Are placed in Supported Independent placements before they are capable of managing the responsibilities that accompany this type of living arrangement. The promotion of the use of these resources for youth reduces demands on other scarce placement resources. The concern is that for many of these young people they are set up to fail and the last thing they need is another failure experience.

So much of any service provider's approach to youth is determined by their attitude toward young people. Unfortunately we see evidence of a public attitude that seeks to get tough with young people. If they require help, they should receive it from their parents; if they break the law, they should be severely punished; if youth receive help they must be polite and grateful. These expectations fail to acknowledge and consider the often tragic backgrounds of these youth. At this critical stage of development it behooves society to invest in assisting these young people to develop into responsible and self-sufficient adults. Outright rejection of their pleas for help is short-sighted and destructive and may prove to be socially and financially expensive in future years.

“The majority of participants said that it has had a negative impact on their lives. These youth express that they are set up to fail in the system. The result is youth are not prepared to survive in a society that is unaware and intolerant of their issues. A small number did point out that being in care saved them from the abuse they suffered at home.”

From Kidspeak '97

At this critical stage of development it behooves society to invest in assisting these young people to develop into responsible and self-sufficient adults.

Encouraging Initiatives

In my commitment to raise matters that are harmful to the lives of young people, I may appear to be problem focused and not to be recognizing the numerous services that are benefiting children. Young people who come to us for assistance are seeking help with problems and we are reporting on their experiences. We acknowledge that progressive steps are being taken in some areas. For example, an initiative was undertaken this year to prevent the permanent damage inflicted on children as a result of Fetal Alcohol Syndrome. This across Ministries initiative, is intended to enhance training programs for teachers, doctors, and social workers so that they are better able to recognize and respond appropriately to children that suffer as a result of prenatal alcohol consumption. Another good example is the Department's work toward implementing services that represent a serious intention to offer alternatives and support to young people who have drifted into prostitution and a destructive lifestyle by necessity or by choice.

Wednesday's Child, a weekly television program promoting the adoption of special needs children, should assist in the securing of permanent homes for some children. This year the Dave Thomas Foundation for Adoption provided a grant enabling the Department and the media to continue this very successful program. This is a positive example of a partnership in the interests of children.

Other Systemic Issues Pursued by The Children's Advocate

In the preceding pages we have highlighted three major systemic issues made known to us through our work with young people. These are long-standing issues and will require extensive commitments if they are to be resolved.

There are, however, other issues we identified that were more readily addressed. Some of these are reported below.

1. We were of the opinion that the new Protection of Persons in Care Act could apply to some young people continuing to receive services under the Child Welfare Act beyond their 18th birthday. We advocated that Child Welfare determine the potential for these young people to utilize the legislation and for information to be provided to Child Welfare staff. An information piece was subsequently prepared and distributed to Child Welfare staff.
2. We became aware of several young people who have been denied contact with their family members as a form of discipline by staff in a few residential treatment centres. As this practice is contrary to the standards utilized by these centres, the matter was brought to the attention of the Department. An appropriate reminder on this matter was published in several newsletters that were distributed to provincial child care centres.
3. The Child Welfare Act requires that the child be consulted before entering into a custody agreement with the parent(s), if the director is of the opinion that the child is capable of expressing an opinion. After several young people informed us they had not been consulted, we apprised Child Welfare of this issue. Subsequently, information went out to all Child Welfare staff reminding them of this legislated requirement.
4. Some youths in the care of a Director of Child Welfare are placed in custody under the Young Offenders Act because of offences they had been accused of committing. Provisions within the Young Offenders Act enable a guardian to sign for the release of the offender back into the community pending disposition of the charges during a court hearing. Child Welfare policy did not allow for a Child Welfare worker

to sign such releases. We saw this situation as discriminating against young people in care and advocated successfully for the policy to be revised to enable a Child Welfare worker to sign for the release of a youth when the worker is confident the youth will make the required appearances before the court.

5. During the fall of 1997, a Committee of MLA's conducted a review of the mandate and operation of the Maintenance Enforcement Program for the purpose of providing advice to the Minister of Justice. In addition, the committee examined the issues of parental access to children when a relationship breaks down. The Children's Advocate program made a submission to this committee on the matter of child access. In our submission we stated that in our experience there are three overarching concerns:

- The current system for determining custody and access has the potential to make chattels out of children in an ongoing battle which plays out unresolved conflict between parents.
- Children are not adequately represented in both informal negotiations and court proceedings which determine "custody and access".
- Under the current system there is no legal mechanism through which children can seek enforceable access to siblings separated through marriage dissolution.

The committee's findings, released in June 1998, included recommendations that addressed two of our concerns:

"The committee recommends that both federal and provincial legislation provide that one of the factors to be considered by courts in making custody and access orders is the child's right to maintain relationships with siblings and extended family members, and that the legislation provide a mechanism for enforcing such a right."

"The committee recommends that resources be provided to ensure that access to mediation facilities are available in the resolution of family law disputes at any stage." (*MLA Review of the Maintenance Enforcement Program and Child Access, Alberta Justice May, 1998*)

The program also made a similar presentation to a Federal Joint House Committee on the same subject.

Challenges Ahead for The Children's Advocate

In the fall of 1994, work commenced within the Department and in communities throughout the province, in preparation for Regional Authorities to assume the responsibility for delivering children's services. Throughout 1997-98, extensive work was undertaken by Steering Committees in each of the 18 regions to complete Service Plans which would, once approved by the Department, become the basis for the appointment of a Regional Authority Board. The Board will then recruit a Chief Executive Officer and complete a Business Plan. Once this plan is accepted by the Department, responsibilities for the delivery of Child Welfare services and other Ministerial services for children (e.g. Daycare, Services for Handicapped Children, Family Violence) will be transferred to the Regional Authority.

The office of the Children's Advocate was invited by many Steering Committees to assist them with their work. These activities afforded us further opportunities to inform people about the role of the Children's Advocate and the potential contributions formal and informal advocacy services can provide in the lives of our most vulnerable children.

We are pleased that almost all of the Service Plans recognized that the Children's Advocate program will continue to be an integral part of the Regional services for young people. We were further impressed with the intent of many Regions to enhance advocacy services for children at the community level through the development of community based advocates who might have more power in their voices by virtue of residing within a community. We welcome the challenge in the future to develop closer working relationships with each of the Regions as their Boards are appointed and the Chief Executive Officers are engaged.

As the Regions completed their Service Plans, it was noticed that many of them foresaw the Children's Advocate assuming a broader mandate. As Regional Authorities are expected to integrate services for children,

We welcome the challenge in the future to develop closer working relationships with each of the Regions as their Boards are appointed and the Chief Executive Officers are engaged.

they have foreseen the Children's Advocate as having a mandate that includes other children beyond those in receipt of services through the Child Welfare Act. The Growth Summit held in Edmonton also made a resolution that the mandate of the Children's Advocate should be expanded. Generally accompanying this vision is the view that this office should report to the Legislature rather than the Minister responsible for the administration of the Child Welfare Act.

These suggestions represent potentially significant changes to this office that can only be considered and decided by others. There are other groups of young people disadvantaged because their parents are unable or unwilling to represent their interests and opinions. However, the current mandate is clearly defined in the Child Welfare Act as an advocate for those young people receiving services under that Act.

By virtue of my career in the Department, I have an appreciation of the challenges faced by those responsible for the delivery of Child Welfare services. These burdens have historically been borne primarily by the Department but this will change as communities assume their new roles through Regional Authorities. My office will be required to advocate not only at the Department level but also at the community level for the resolution of systemic issues that prevent services from effectively helping young people.

From time to time the system has acknowledged problems in vital areas such as placement resources or adoption, and undertaken to have an external review. Critical analysis of areas believed to be in need of improvement is a positive process. Unfortunately, reports that identify problems and propose alternatives too often are not made public and the problems persist. In the interests of improving services to children and youth it is crucial that problems be acknowledged, that information is openly discussed, and that constructive action is taken.

Appendix A
The Child Welfare Act
Section 2

Matters to be considered

- 2 A Court and all persons shall exercise any authority or make any decision relating to a child who is in need of protective services under this Act in the best interests of the child and in doing so shall consider the following as well as any other relevant matter:
- (a) the family is the basic unit of society and its well-being should be supported and preserved;
 - (b) the interests of a child should be recognized and protected;
 - (c) the family has the right to the least invasion of its privacy and interference with its freedom that is compatible with its own interest, the interest of the individual family members and society;
 - (d) a child, if the child is capable of forming an opinion, is entitled to an opportunity to express that opinion on matters affecting the child and the child's opinion should be considered by those making decisions that affect the child;
 - (e) the family is responsible for the care and supervision of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end
 - (i) if protective services are necessary to assist the family in providing for the care of a child, those services should be supplied to the family in so far as it is reasonably practicable to do so in order to support the family unit and to prevent the need to remove the child from the family, and
 - (ii) a child should be removed from the family only when other less intrusive measures are not sufficient to protect the survival, security, or development of the child;
 - (f) any decision concerning the removal of a child from the child's family should take into account
 - (i) the benefits to the child of maintaining, wherever possible, the child's familial, cultural, social and religious heritage,
 - (ii) the benefits to the child of stability and continuity of care and relationships,
 - (iii) the risks to the child if the child remains with the family, is removed from the family or is returned to the family, and
 - (iv) the merits of allowing the child to remain with the family compared to the merits of removing the child from the family;

(d) a child, if the child is capable of forming an opinion, is entitled to an opportunity to express that opinion on matters affecting the child and the child's opinion should be considered by those making decisions that affect the child;

- (h) any decision concerning the placement of a child outside the child's family should take into account
- (i) the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage,
 - (ii) the benefits to the child of stability and continuity of care and relationships,
 - (iii) the benefits to the child of a placement within or as close as possible to the child's home community,
 - (iv) the mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development, and
 - (v) whether or not the proposed placement is suitable for the child;
- (i) the provision of protective services is intended to remedy or alleviate the condition that caused the child to be in need of protective services;
- (j) if a child is being provided with care under this Act, the child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources;
- (k) if a child is being provided with care under this Act, a plan for the care of a child should be developed that will address the child's need for stability and continuity of care and relationships;
- (l) a person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage;
- (m) there should be no unreasonable delay in making or implementing a decision affecting a child.

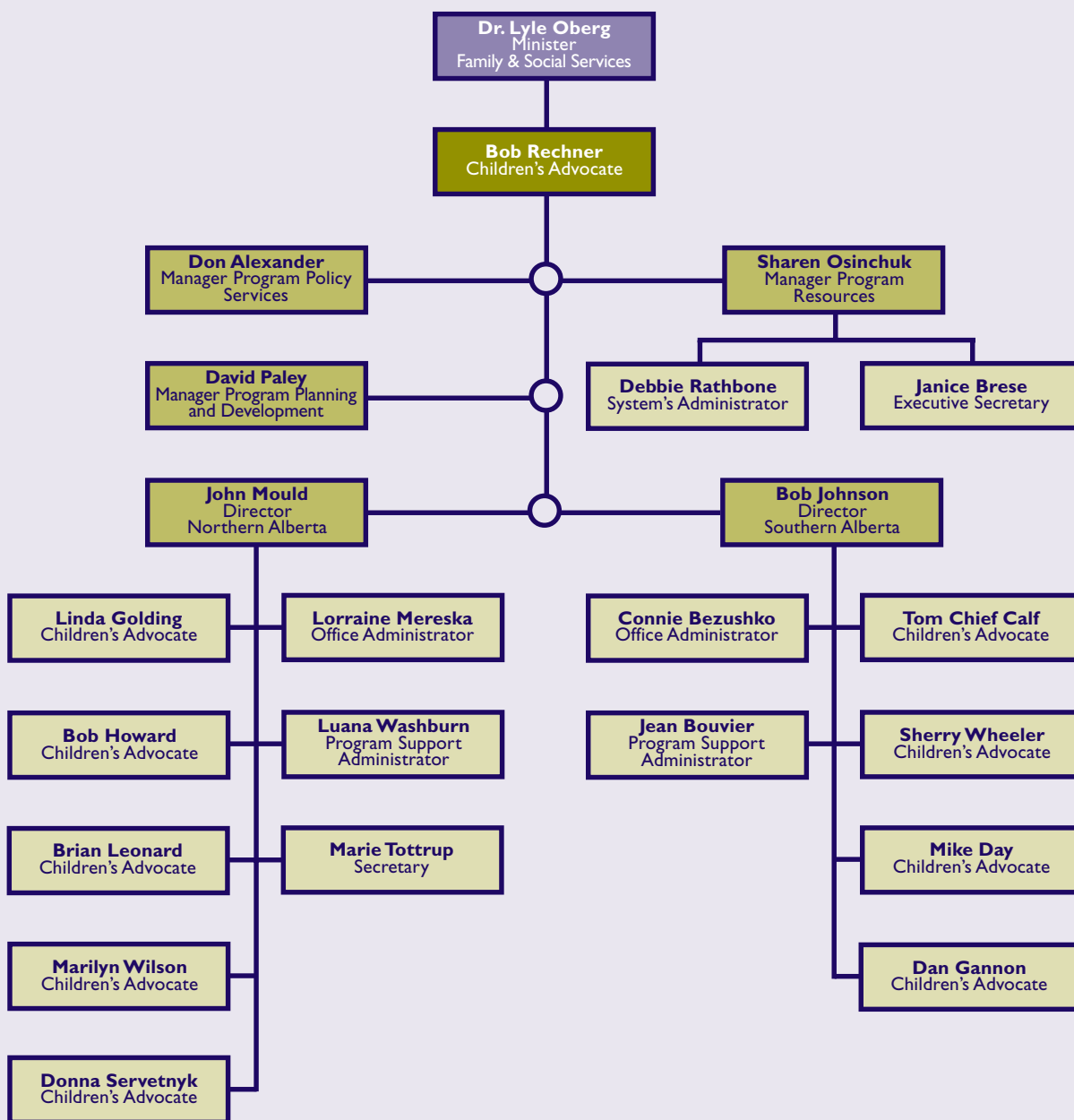
Appendix B
Activities of the Children's Advocate

	Individual Advocacy	Class Advocacy	Systemic Advocacy	Consultation
Definition	Advocacy on behalf of an individual with any number of issues	Advocacy on behalf of a group of individuals with at least one common issue	Advocacy on behalf of the Child Welfare System at a broad government or community level	Providing information and/or advice on the provision of services to children
Advocacy Activities	Instructed Advocacy <ul style="list-style-type: none"> youth directs the actions of the advocate advocate will support the youth in the expression of their views/opinions 	Instructed Advocacy <ul style="list-style-type: none"> all or a representation of the group direct the action of the advocate advocate may support the youths in the expression of their views/opinions 	Raising concerns and/or promoting innovations to enhance the effectiveness of the system in serving children.	Responding to individuals/or groups with information on advocacy, Child Welfare services and the like. Advice may represent experiences within the Children's Advocate program or otherwise.
	Non-instructed Advocacy <ul style="list-style-type: none"> advocate protects the rights of the individual advocate represents the interests of the child. 	Non-instructed Advocacy <ul style="list-style-type: none"> advocate represents the interests of the group and seeks to protect the rights of individuals. 		
Desired Outcome	To influence people involved in a decision making process that will impact an individual.	To influence an individual or body responsible for particular services to a defined population.	To influence those in positions of authority to make decisions that improve services to children.	To share the expertise of individual employees of the Children's Advocate Program with others.
Examples	Johnny Jones (a resident of a group home) <ul style="list-style-type: none"> disagrees with case manager about future placement plan feels he is being denied access to a brother in another placement feels the actions taken by staff in disciplining him are unfair 	Johnny Jones, Jimmy Stewart, Jason Jackson, Jeromy Wilde <p>All are residents of the same group home.</p> <ul style="list-style-type: none"> all four residents feel that they are being subjected to inappropriate forms of discipline 	Discussion with the Deputy Minister on the pressures being exerted on Child Welfare workers due to caseload increases. <p>Participation on the Interdepartmental Committee guiding the development of provincial standards.</p> <p>Advising department management of the impact of fiscal and program decisions on the lives of children served by the Department.</p>	To provide feedback on a Child Welfare program initiative.

Notes:

1. A young person in receipt of individual advocacy may also be included in a class advocacy activity.
2. A young person involved in a class advocacy activity may, at any time, receive individual advocacy services when the person encounters a unique issue.

Appendix C Organizational Chart



Appendix D

Information list

1. The Need For Balance: A Discussion Paper on Approaches to Alberta's Child Protection System, Children's Advocate Program, April, 1996
2. Standing Up For Kids: Case Advocacy for Children and Youth: Strategies and Techniques, Margo Herbert, M.S.W., R.S.W., for the Office of the Children's Advocate
3. The Children's Advocate: A Discussion Paper on the Future of Advocacy For Children, Children's Advocate Program, April, 1996
4. The Children's Advocate: A Program Consultation on the Future of Advocacy for Children in Alberta, Children's Advocate Program, February 1997
5. Working With Young People: A Guide to Youth Participation in Decision Making: Canadian Mental Health Association, 1995
6. Bridging the Gap: Goals for the Development of Youth Policy, Canadian Mental Health Association, 1992
7. Getting Together: Towards Partnership with Youth, Canadian Mental Health Association, 1993
8. Changing the Way Things Work: A Young People's Guide to Social Action, Canadian Mental Health Association, 1992
9. Listening To Youths; (our own video on the Children's Advocate)

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