



Legislative Assembly of Alberta

The 29th Legislature  
Third Session

Standing Committee  
on  
Legislative Offices

Child and Youth Advocate Act Review

Wednesday, May 17, 2017  
7 p.m.

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**Legislative Assembly of Alberta  
The 29th Legislature  
Third Session**

**Standing Committee on Legislative Offices**

Shepherd, David, Edmonton-Centre (ND), Chair  
Malkinson, Brian, Calgary-Currie (ND), Deputy Chair

Drever, Deborah, Calgary-Bow (ND)  
Ellis, Mike, Calgary-West (PC)  
Horne, Trevor A.R., Spruce Grove-St. Albert (ND)  
Kleinstieber, Jamie, Calgary-Northern Hills (ND)  
Littlewood, Jessica, Fort Saskatchewan-Vegreville (ND)  
McIver, Ric, Calgary-Hays (PC)\*  
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Orr, Ronald, Lacombe-Ponoka (W)\*\*  
Pitt, Angela D., Airdrie (W)  
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Woollard, Denise, Edmonton-Mill Creek (ND)

\* substitution for Mike Ellis

\*\* substitution for Glenn van Dijken

**Also in Attendance**

Sucha, Graham, Calgary-Shaw (ND)

**Legislative Officer**

Del Graff Child and Youth Advocate

**Support Staff**

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Shannon Dean	Law Clerk and Director of House Services
Trafton Koenig	Parliamentary Counsel
Stephanie LeBlanc	Parliamentary Counsel
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Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
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7 p.m.

Wednesday, May 17, 2017

[Mr. Shepherd in the chair]

**The Chair:** Well, good evening, everyone. I'd like to welcome the members, staff, and guests to this meeting of the Standing Committee on Legislative Offices. Of course, my name is David Shepherd, MLA for Edmonton-Centre, chair of the committee.

We'll just take a moment, then, to have members and those joining the committee at the table introduce themselves for the record. I'll start to my right.

**Mr. Malkinson:** Good evening, everyone. I'm Brian Malkinson, MLA for Calgary-Currie, deputy chair.

**Mr. McIver:** Ric McIver, MLA, Calgary-Hays, substituting for Mike Ellis, one of the PCs that usually sits on this committee.

**Mr. Orr:** Ron Orr, Lacombe-Ponoka, substituting for Glenn van Dijken.

**Mrs. Pitt:** Angela Pitt, MLA, Airdrie.

**Mr. Sucha:** Graham Sucha, and I'm here as an observer.

**Mrs. Littlewood:** Jessica Littlewood, MLA for Fort Saskatchewan-Vegreville.

**Drever:** Deborah Drever, MLA for Calgary-Bow.

**Mr. Horne:** Trevor Horne, MLA for Spruce Grove-St. Albert.

**Ms Woollard:** Denise Woollard, MLA, Edmonton-Mill Creek.

**Mr. Kleinsteuber:** I'm Jamie Kleinsteuber, the MLA for Calgary-Northern Hills.

**Dr. Amato:** Good evening. Sarah Amato, research officer.

**Dr. Massolin:** Good evening. Philip Massolin, manager of research and committee services.

**Ms Dean:** Shannon Dean, Law Clerk and director of House services.

**Ms Rempel:** Jody Rempel, committee clerk.

**The Chair:** Excellent. Thank you, everyone.

Just to note for the record, as has been noted, Mr. McIver is here as an official substitute for Mr. Ellis and Mr. Orr as a substitute for Mr. van Dijken.

Before we turn to the business at hand, just a few operational items. The microphone consoles are operated by the *Hansard* staff. Please ensure that all electronics are in silent mode. Just to note, audio and video of the committee proceedings is streamed live on the Internet and recorded by *Alberta Hansard*. Live stream links and meeting transcripts may be obtained via the Legislative Assembly website.

I believe that we have the agenda in front of everyone. A draft agenda was distributed for this meeting. I expect that most of our time will be focused on agenda item 4; however, I suggest that we plan to move in camera with at least 15 minutes remaining before we adjourn to ensure that we are able to address items 5 and 6 as well.

Are there any objections to that plan? Excellent. If not, if a member could move a motion, then, to approve the agenda as distributed. Ms Drever. Thank you. All those in favour? Any opposed? That motion is carried.

We also distributed a set of draft minutes from the March 7, 2017, meeting for everyone's consideration. Has anyone noted any errors or omissions in the minutes? If not, do we have a member that would move to approve the minutes? Ms Woollard. Thank you. All those in favour? Any opposed? That motion is carried. Excellent.

That brings us to item 4, then, a continuation of our review of the Child and Youth Advocate Act. At this point we're returning to that review; however, before we begin organizing our deliberations, I just want to note for the record that the committee has received written follow-up information from both the office of the Child and Youth Advocate and from the Premier's Council on the Status of Persons with Disabilities as well as a summary of issues and proposals as prepared by research services.

First of all, we have the identification of issues. To help us ensure that our deliberations this evening could be well organized and that we'll be able to keep focused – because, of course, we do just have a couple of hours that we'd like to try to accomplish our work in tonight – we asked members to provide a list of significant issues related to our review of the Child and Youth Advocate Act. Earlier today I had the committee clerk post a compiled list of these issues on the internal website for everyone's reference. Just to note, this list does not limit our discussion tonight, but it could perhaps give us a bit of structure and a starting point for our deliberations.

Are there any objections to taking a look at that list and just sort of taking a quick roll through that before we open the floor up to other issues? No? Excellent.

All right, then. Pardon me. I'll just get my copy of that list. I misplaced it here.

**Mr. Malkinson:** Mr. Chair, you can borrow mine for the moment.

**The Chair:** Thank you.

Excellent. So, then, we have the list of issues here. Is there anyone that wanted to open discussion on this? Mrs. Littlewood.

**Mrs. Littlewood:** Thank you, Chair. I just wanted to give some brief comments on why I think it's important to just talk about what the committee has heard. Before we name the issues that the committee wants to prioritize, I want to acknowledge how incredibly grateful we are that there were so many people that gave submissions and came and presented before the committee, people that have first-hand experience of these systems and people that deliver services on behalf of government and really care for these children that are in the care of Alberta.

Not only did we hear from the Child and Youth Advocate, but we had 66 written submissions and two full days of hearings with stakeholders. We heard from First Nations and Métis families. We heard from members, also, of newcomer communities. And the committee received recommendations from front-line workers, educators, lawyers, social workers, psychologists, health care providers, elders, and many, many other people that came and joined us here at the Federal building. I want to thank them for coming forward with their experiences to our committee – some were invited to be part of these conversations for the first time – so that we could have an informed review of the Child and Youth Advocate Act.

I would like to thank the advocate, Del Graff. Thank you for being part of this and for bringing your expertise to bear on our work. I just want to thank everyone, including yourself, for all of the work that you do on behalf of Alberta's children.

With that, I'll conclude. Thank you, Chair.

**The Chair:** Thank you, Mrs. Littlewood.

I saw Mr. Horne.

**Mr. Horne:** Yes. Thank you, Chair. You know, after I received the ministerial panel's recommendations, I have been taking some time to reflect on that. As we have two MLAs in the room from that panel, I wanted to first take a moment to thank all of the members on the ministerial panel for the work that they've been doing on that.

I noticed in reading through the first set of recommendations that there's quite a bit of overlap, and I just wanted to take a moment to highlight some of that overlap. In particular, I wanted to take a moment to highlight recommendations 4 and 5 from the panel; namely, the "accessible, inclusive family supports" and "culturally competent reviews," that cover several of the issues that we've heard in this committee.

The panel recommended that the office of the Child and Youth Advocate develop and implement policies and processes that would help engage families, communities, front-line workers, and band designates, when applicable, of course, in its work. Because of the panel recommendations for the office of the Child and Youth Advocate to include that cultural competency in its work – and I think the advocate himself is already fairly strong in that, but ensuring that that is there. It's important to ensure that that cultural competency in the advocate's work is there in order to meet the needs of the family, the community, and, of course, the child's background.

It appears to me that if these two recommendations were applied, this will help address many of the concerns that were brought forward to this committee, especially around cultural barriers. I also think that they help make some strides toward the Truth and Reconciliation Commission's call to action. Therefore, I think it's great to see that families, communities, and involved front-line workers will be appropriately involved along the way while cultural sensitivity is actually being considered and respected.

So I just wanted to take a moment to thank the panel for that great work.

7:10

**The Chair:** Thank you, Mr. Horne.

We have, then, the list of issues that were identified by members of the committee. Does anyone want to begin, I guess, with any particular issue in terms of consideration or discussion? Mr. Malkinson.

**Mr. Malkinson:** Thank you very much, Mr. Chair. I think on this, you know, thinking back to our deliberations, we were talking about aligning age limits. I think that is one that, if I remember from our discussions, we heard in depth about. This was a key recommendation of the advocate, and it was one of the major issues that we heard repeatedly throughout the presentations. I would say that it's probably the most common issue that was identified through our two days of public meetings with stakeholders and public presenters. I think that specifically aligning those age limits to the age of 24 would be something that, from what we heard, would be a very good recommendation, that I think there might be support for in the room.

Now, would this be the time to make motions, or are we not quite there yet, Mr. Chair?

**The Chair:** Certainly, Mr. Malkinson, if you have a motion you'd like to move in general terms, then counsel would be available to help tweak that if needed.

**Mr. Malkinson:** Okay. Well, just from the issues recommended there, you know, aligning age limits to age 24, perhaps I could propose something like this, that

the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to expand the definition of "child" to include persons under the age of 24 years old in order to align the age limit with the Child, Youth and Family Enhancement Act.

Again, this was a recommendation we heard over and over again during the debate, and I think there would be a lot of agreement in the room about it, I would imagine. So I leave this open for any further discussion.

**The Chair:** Thank you, Mr. Malkinson.

The floor is open for discussion on the motion. I will just remind members that we do have Mr. Graff here to offer expertise if any is needed as well as representatives from Children's Services. Do we have any discussion or questions, comments on the motion? Mrs. Littlewood.

**Mrs. Littlewood:** Thank you, Chair. I would have to go back to probably a lot of the *Hansard* that talked about this. I know this was something that came up over and over again. There was an issue of age alignment for care being provided in the province, and there were multiple recommendations to align that so that the systems that youth access when they have needs as they age – they have different age limits for different services that they can be given. I remember 24 being the overwhelming age that was recommended. I know there were some Canadian pieces in there as well at the federal level.

I'm just looking at aligning age limits. The Child and Youth Advocate noted that support and financial assistance is available to youth under the age of 24, not 22. As currently identified in the CYAA, the change in age to 24 was made to the Child, Youth and Family Enhancement Act but not to the Child and Youth Advocate Act. It was also recommended by human services as well as a couple of others as well as Alberta Health Services.

I would absolutely be in favour of aligning it to 24 years of age.

**The Chair:** Thank you, Mrs. Littlewood.

Any other comments, questions on the motion?

If not, is it fair to say that members are prepared for me to call the question? All right. All those in favour of the motion as it stands? Any opposed? That motion is carried. Thank you.

Do any other members wish to address any of the issues from the summary? Ms Woollard.

**Ms Woollard:** Okay. Thank you very much. Along with the motion on changing the legal limit for advocacy to include persons up to the age of 24, one of the things that came up and was discussed was the fact that we need to make sure that the advocate has the ability to appoint or arrange for legal representation or support for children, in this case people up to the age of 24. So it goes along with it. Along with increasing the age, we're saying that we want to make sure that they're going to have the ability to be legally supported up to that age. I think that's one that we talked about and that was recommended, actually, by many different people – the Child and Youth Advocate, the Alberta College of Social Workers, AHS, and a number of others, too – so it was well supported.

**The Chair:** Excellent. So you would be interested to see a motion moved in that regard?

**Ms Woollard:** I would.

**The Chair:** Okay. I believe counsel may have a draft motion.

**Mr. Malkinson:** May I, Mr. Chair?

**The Chair:** Yes, Mr. Malkinson.

**Mr. Malkinson:** Ms Woollard, would you happen to have an idea of a motion prepared that you might like to read in?

**Ms Woollard:** Yes. Absolutely. Okay. I would move that the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to provide that the advocate can appoint lawyers to represent children of all ages for matters related to . . .

And I didn't mention that specifically.

. . . the Child, Youth and Family Enhancement Act except for adoptions or for matters related to the Protection of Sexually Exploited Children Act.

That is a really important area for children to be able to have legal representation for.

**The Chair:** Thank you, Ms Woollard.

We have the motion, then, as proposed by Ms Woollard. It will be coming up. Here we are. Excellent. Do any members have thoughts, comments regarding the motion as proposed? Mrs. Littlewood.

**Mrs. Littlewood:** Thank you, Chair. I know that this is also something that came up again and again, and it is the terrible situation of ending up caught up in the justice system, that can happen with youth in care in the province. I know that in the summary of issues document that we have here, under (d) in the column it's talking about what the advocate was saying about it.

Since children are involved in child intervention system to the age of 24, this recommendation, [if it were] implemented, would permit the appointment of a lawyer for children who are up to the age of 24.

This is something also that would help align systems so that for children who would not otherwise either have the means to access those sorts of services or would not have someone that is ensuring that someone is representing that youth while they're in the justice system, the advocate would be able to do that work.

With that, I will just speak in favour of the motion.

**The Chair:** Thank you, Mrs. Littlewood.  
Mr. McIver.

**Mr. McIver:** Thank you, Chair. I'm in favour of the motion. You'll have to forgive me because I'm substituting here, so if somebody has to catch me up on something, I'm fine with that. The only thing that sounds odd is that we're calling them children up to the age of 24. Is there a definition change that is needed to call them youth instead of children, or is there some legal or administrative or other reason why we're going to call them children up to the age of 24?

**The Chair:** Counsel, do you have a comment?

**Ms Dean:** I think that to address that point, we could have a friendly amendment to the motion so that it says: to represent children and youth of all ages. Again, I mean, I think this whole concept of aligning the ages is interconnected with a number of these issues that are coming forward. I think that will capture your concern.

7:20

**Mr. McIver:** Chair, can I just ask: is that helpful, or is that just going to make me happy? If it's just making me happy, let's not do it. If it's actually helpful, let's do it.

**Ms Dean:** Well, it's kind of complicated. I mean, perhaps the advocate could be invited to the table to give his comments.

**The Chair:** Certainly.

Mr. Graff, would you like to comment?

**Mr. Graff:** Thank you. Currently the act speaks to the definition of a child as being a person under the age of 18 years, including a youth. A youth means a child who is 16 years of age or older in the legislation as it currently is. So a child is inclusive of both a child and a youth, but a youth is 16 years of age or older. That's outlined in the act currently.

**Mr. McIver:** So adding the phrase "and youth": Mr. Graff, would that be helpful or insignificant?

**Mr. Graff:** I don't know that it would add anything to what's already there.

**Mr. McIver:** Right. Okay.

**The Chair:** Thank you.

**Mr. Orr:** I hear what has just been said legally, but I don't know. I just feel like it's worth advocating for the youth themselves in terms of their sense of being respected, of just how they're spoken to and addressed. I mean, some of them may actually at some point read some of this stuff, so I think there is a social human value, not necessarily a legal value, to adding the word "youth."

**The Chair:** Thank you, Mr. Orr.

**Ms Woollard:** And that's a good point. I taught junior high for many years, and they would not have appreciated being called children, the students at that age.

But in the first motion we had here, it expanded the definition of child to include persons under the age of 24 years old. We have to make sure that we align things.

**The Chair:** All right. Thank you, Ms Woollard.

We have the motion as it stands. Is there anyone that wishes to move a friendly amendment, or do we wish to vote on the motion as it is?

**Mrs. Pitt:** Sorry. Can we put it back on the screen?

**The Chair:** Can we have the motion back on the screen, Clerk, please?

**Ms Rempel:** Mr. Chair, I would be happy to read it out again for you, but we're having a bit of a technical issue.

**The Chair:** Technical difficulties? No problem. For the time being, then, we will go in voice mode.

**Ms Rempel:** Okay. I believe Ms Woollard has moved that the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to provide that the advocate can appoint lawyers to represent children – and we may be adding "and youth" – of all ages for matters related to the Child, Youth and Family Enhancement Act except for adoptions or for matters related to the Protection of Sexually Exploited Children Act.

**The Chair:** Excellent. My understanding would be that at this point, since we are not drafting legislation but merely making recommendations that will then be folded into a report, it would not necessarily have an implication as to which word was used there in that respect.

Okay. I will leave it to the members. That is the motion. The motion as it currently stands uses the word “children.” If anyone wishes to move a friendly amendment to add “and youth,” they certainly have that option.

**Ms Woollard:** I would be quite happy to phrase it as: “to represent children and youth of all ages.”

**The Chair:** All right. Ms Woollard would like to make that a friendly amendment, then.

Are you wishing to speak or just indicating support?

**Mr. Orr:** I’ll second it if that’s what you’re after.

**The Chair:** Okay. Thank you.

All right. We have an amendment, then, from Ms Woollard to add “and youth.”

Do we need to vote on the amendment before we can vote on the motion?

**Ms Rempel:** Thank you, Mr. Chair. If it’s a friendly amendment that was just made during the discussion process, you know, then we’re fine.

**The Chair:** Okay. Excellent.

Is there any further discussion, then, on the motion? If not, I will call the question. All those in favour of the motion? Any opposed? That motion carries. Thank you.

All right. The floor is open, then, if we have another member. Member Drever.

**Drever:** Thank you, Chair. I would like to move a motion under investigations. I can read out the motion if you’d like.

**The Chair:** Okay. Certainly. What was the motion?

**Drever:** That

the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to clarify that the reference to health in the definition of serious injury include significant impairment to a child’s physical or mental health.

This amendment speaks to a very important proposal put forward by the advocate and would more holistically define serious injury. The committee heard from various stakeholders and individuals who encouraged that the definition better capture what constitutes a serious injury to a child and that it can include mental as well as physical injury. This motion aims to honour these suggestions.

That is my motion.

**The Chair:** Thank you, Member Drever.

Do we have any comments, questions, discussion on the motion?

**Mr. Orr:** Yeah. I guess that in some ways I don’t have a problem with the holistic idea. My challenge is: how do you define that particular addition, the mental health piece? How do you diagnose, how do you define what that means? I wonder if the office of the Child and Youth Advocate would have thoughts on whether this makes it easier or harder for them to function, simply.

**The Chair:** Mr. Graff, perhaps we should just invite you to join us at the table though the exercise is always good. If you would perhaps like to make some comment to clarify things for Mr. Orr.

**Mr. Graff:** What I would hope is that this amendment would help us to clarify that we need to define mental health as being within the parameters of serious injury as defined by our legislation. There are a number of different ways to do that, but what would be helpful

in terms of defining serious injury would be to put the onus on us to define that mental health is included in serious injury because currently it’s not. Currently any reference to mental health is really not part of what we define as serious injury.

**Mr. Orr:** May I follow up on that?

**The Chair:** Yeah, if you have a follow-up, Mr. Orr, and then Mrs. Littlewood.

**Mr. Orr:** Actually, it just escaped my brain. I looked from him to you, and I lost it. I’ll come back.

**The Chair:** No problem. We’ll go to Mrs. Littlewood, and then we’ll come back if it comes back to you, Mr. Orr.

Mrs. Littlewood.

**Mrs. Littlewood:** Thank you, Chair. This was something that actually was, I’m sure, the same as for many members on this committee, very important to me. You know, the more that we talk about these issues and the more research that’s done and the more experience that we understand from people that have come to present to the committee, an injury is an injury is an injury, that it doesn’t matter if it’s physical or mental. Well, it does matter, but it’s all an injury. We need to look at how we care for those people. No matter what their age is, we need to look at how we address that.

You know, it’s a little bit off topic, but people that are in law enforcement, people that are in corrections: they suffer all sorts of injuries that are not physical. Legislation and supports have been lagging incredibly behind to address that, so I’m really glad that this came as a suggestion, a recommendation from the Child and Youth Advocate, because it shows that the office understands that.

You know, the more that we understand through experience, through cultural experience, then the more we can figure out how we start to address those problems when they are injuries that are mental that come from being taken out of your culture, taken out of your faith, taken out of the underpinnings of your community and of your family. I am not going to pretend to know how to put those linkages back together, but I do know that, like, this is what we’re trying to do.

7:30

You know, the more that we can understand what kinds of injuries have been inflicted that create mental and physical harm – I mean, physical injury can be a result of mental health issues – then the better we can try and put communities back together and try to stem the tide of the overrepresentation that we have of indigenous youth in care.

**The Chair:** Thank you, Mrs. Littlewood.

Next we have Member Drever.

**Drever:** Thank you, Chair.

**The Chair:** I apologize, Member Drever. Sorry; I misread my list. Apparently, I have Mr. Orr.

**Mr. Orr:** No, I’m good. Thanks.

**The Chair:** Oh, Mr. Orr is good. Then we have Member Drever.

**Drever:** Okay. Thank you, Chair. Yeah. I just wanted to note that, you know, looking at a child’s physical and mental health, that can encompass a wide range of different – it’s on a spectrum which would include sexual abuse, neglect, maltreatment, or injuries that are painful to the child, that would leave marks on the child’s body.

These are just some examples that would be in that category. Am I correct in saying this?

**Mr. Graff:** I suppose if there's one thing that is important for me to say, it's that today we examine serious injury that is either life-threatening or is going to impair a young person's health over time. Today those injuries are ones that need to be observable. We need to be able to see how they have been injured. Oftentimes we don't see trauma in children that is experienced and unresolved and unattended to, and then it's later that we see those physical, serious injuries, but the trauma is really where we need to look more and more with young people who are struggling with these issues. The legislation is very clear that it needs to be, you know, life-threatening circumstances or a circumstance that causes impairment over time.

So what we're suggesting with our recommendation is that that includes problems that are associated with mental health that are life threatening, as they can be, or that occur and stay with young people over time. We're talking about the most serious of serious injuries, and they're not always just physically based.

**The Chair:** Thank you, Mr. Graff.  
Anything else, Member Drever?

**Drever:** Oh, I thank you for your comments. That's really what I was trying to get at, so thank you.

**The Chair:** Thank you, Member Drever.  
I have Mr. McIver.

**Mr. McIver:** Yeah. I'm going to speak in favour of this. Not all injuries can be seen with the eye or even seen with an X-ray, particularly mental health issues. Certainly, it looks from what I see in front of me that it is a recommendation from the office of the Child and Youth Advocate. As such, I think we need to respect that and put that in the Child and Youth Advocate's tool box as something that he has identified that will be useful in helping him do his job. I think in 2017 we need to recognize that a mental health injury is a real injury, and we need to put the Child and Youth Advocate in a position to recognize it, deal with it, and make recommendations based on what he sees and learns and understands from how children present.

**The Chair:** Thank you, Mr. McIver.

We seem to have general agreement, so perhaps I'll test the floor, then, with the question. All those in favour of the motion as proposed? Any opposed? That motion is carried. Thank you.

All right, then. The floor is open.

**Mrs. Pitt:** I'd like to move a housekeeping motion . . .

**The Chair:** Sure.

**Mrs. Pitt:** . . . if I may, requested by the advocate. I'll just read it out. I move that

the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended so that the advocate can delegate the responsibility of administering the oath of confidentiality to others within the office of the Child and Youth Advocate.

**The Chair:** Thank you, Mrs. Pitt.

Do we have any discussion, questions, comments on the motion?

**Mr. Kleinsteuber:** Could I please get Mrs. Pitt to repeat that? Oh, okay. Never mind. It's coming up on the screen. We're good.

**The Chair:** Okay. No trouble. All right. We'll get that up on the screen.

Mrs. Littlewood.

**Mrs. Littlewood:** Yeah. I would absolutely support this, and it's good to have these notes for reference. Yeah, it would allow the advocate to be able to delegate the responsibility to others within the office to administer the oath of confidentiality. I know that, you know, sometimes you are one. You are one advocate, and when we were in the Select Special Ethics and Accountability Committee, one of the issues that came up was: what if the Public Interest Commissioner is sick? Just a totally normal thing to happen. I'm glad that we're addressing this so that somebody can help with that.

Thanks.

**The Chair:** Mr. Kleinsteuber.

**Mr. Kleinsteuber:** Yeah. I'd just like to voice my support as well. I think this seems to be a straightforward and practical recommendation, and it does go back to the summary of issues and proposals, where, as Mrs. Littlewood mentioned, it recommends that: "The Advocate explains that these changes will 'allow [him] to delegate the responsibility to others within the office to administer these oaths of confidentiality.'" I'd be supportive of that as well.

**The Chair:** Thank you, Mr. Kleinsteuber.

We have the motion. Mrs. Pitt, does this wording of the motion match what you were looking for?

**Mrs. Pitt:** Yes.

**The Chair:** Excellent. If there is no further discussion, then I'll call the question. All those in favour of the motion proposed? Any opposed? That motion is carried. Excellent. Making good progress.

Do we have another member that would like to make a motion? Mr. Kleinsteuber.

**Mr. Kleinsteuber:** Okay. Also on the topic of administrative matters I'd like to bring up an issue specifically about records management, and I've got a motion that I'd like to read out along those lines.

**The Chair:** Please go ahead.

**Mr. Kleinsteuber:** I'd like to move that the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to include a provision for records management requirements that would parallel that which is in place for other officers of the Legislative Assembly, whereby the standing committee may make an order respecting records management on the recommendation of a Child and Youth Advocate as outlined on pages 18 and 19 of the advocate's submission.

**The Chair:** Thank you, Mr. Kleinsteuber. We'll get that captured here in just a moment.

**Ms Dean:** Mr. Chair, just a minor tweak to the proposed wording. Mr. Kleinsteuber referenced officers of the Legislative Assembly, and the correct terminology is officers of the Legislature.

**The Chair:** Thank you, Ms Dean. We'll make that adjustment.  
Mr. Malkinson.

**Mr. Malkinson:** Thank you very much, Mr. Chair. While the clerk is getting that typed up so we can see it, you know, I think this is, as Mr. Kleinsteuber pointed out, a very straightforward recommendation, and it was part of the advocate's submission. As soon

as we see the wording up on the screen, I think I would be willing to support it.

**The Chair:** Thank you, Mr. Malkinson. I think we're just about to get it up on the screen here. And there we are. We have the motion from Mr. Kleinsteuber that

the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to include a provision for records management requirements that would parallel that which is in place for other officers of the Legislature whereby the standing committee may make an order respecting records management on the recommendation of the Child and Youth Advocate.

Do we have any further discussion, questions regarding that motion?

If not, I will call the question. All those in favour? Any opposed? That motion carries. Thank you.

I believe Mrs. Littlewood, you had a . . .

7:40

**Mrs. Littlewood:** Yes. Thank you, Chair. Under the subsection of postinvestigative reports I would like to make a motion based on the Child and Youth Advocate's recommendations. Can I go ahead and read out the motion?

**The Chair:** Yes. Please go ahead.

**Mrs. Littlewood:** That

the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended in section 15 to allow the office of the Child and Youth Advocate to release a report with no recommendations when completing investigations.

Just to reference a couple of items that were part of our summary on this from the presentations, the advocate's recommendations were saying that

Investigative reviews proceed on the basis of identifying potential systemic issues arising from the serious injury or death of a child receiving designated services. There are occasions where . . . issues initially identified are not confirmed. The result is that there may be no recommendations.

Further,

There is currently no provision . . . to enable the public release of an investigation without recommendations.

This was also recommended by another report. LAA – I'm sorry; I can't remember what the acronym stands for. However, the recommendation was for the act to "be amended so that the Advocate can report on investigations arising from issues related to a designated service even when a serious injury or death has not occurred."

Yeah. With that, I will conclude my remarks.

**The Chair:** Thank you, Mrs. Littlewood. I've been advised by counsel that LAA is Legal Aid Alberta.

**Mrs. Littlewood:** Oh, thank you.

**The Chair:** All right. Do we have any comments, questions, discussion on the motion?

**Mrs. Pitt:** I'll speak in favour of this. Simply, we shouldn't be making recommendations for the sake of making recommendations. There's a lot of really important work that needs to be done. I think this is a good motion, and I will support it.

**The Chair:** Thank you, Mrs. Pitt.

Any other discussion?

If not, I will call the question. All those in favour of the motion? Any opposed? That motion carries. Excellent.

Do we have any other members that would wish to address one of the topics?

**Mrs. Pitt:** I'll move a motion. I should have done it maybe two ago as it deals with mental health. I'll just read the motion. I move that the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to expand the definition of designated service to include mental health services for children and services under the Family Support for Children with Disabilities Act.

**The Chair:** Thank you, Mrs. Pitt. Did you wish to make any comment on the motion?

**Mrs. Pitt:** Sorry. I don't have a reference either. It's just a recommendation that the advocate proposed in the submission. I'm trying to not speak to panel recommendations but rather just focus on this office and this scope at this point. I realize there are some complications outside of what is happening, but at this point this is something that I think we heard in the interview process throughout, with the visitors coming to visit and, of course, the advocate recommendations as well. Regardless of what is happening outside of this committee, this is an important one to make a motion for in this committee today.

**The Chair:** Okay. Thank you, Mrs. Pitt.

We should have the motion up here in a moment.

Again, I believe the gist of the motion was to include children's mental health services and family support for children with disabilities as part of the scope of designated services for the Child and Youth Advocate's office.

Oh, here we are. We have the motion up. Are there any members that have any thoughts on that? Do we have any discussion? Mr. Malkinson.

**Mr. Malkinson:** Thank you very much, Mr. Chair. I'm just seeing now what's on the screen there and making sure I understand it for my comments.

This is a bit of an interesting recommendation. I very much appreciate this recommendation. We always want to make sure that the advocate plays a very important role in providing advocacy services to children. Advocacy support can certainly be provided in regard to a whole range of services and supports, specifically around children with disabilities. I have many PDD providers in my riding and, in fact, they were some of the first groups through my door after the election. I definitely got myself very quickly up to date on PDD-related issues. I'm sure many of us did when we got elected. We suddenly knew a lot about stuff we didn't know about before.

I was thinking, to speak to your point of the panel, you know, that the panel just made recommendations to the advocate's mandate. That first recommendation, my understanding of it, was that the advocate is the primary authority for the child death review process. I think we can all agree from the debates we've been having in the House that that's incredibly important work and, I'm sure, will require a lot of additional resources and focus from the advocate, you know, to be able to undertake those mandatory reviews of child deaths.

I get your initial hesitancy to try and combine issues, but I don't think we can think of them in isolation from each other. That recommendation to expand the definition of designated services that you've brought forward is quite valuable, but I want to make sure that the advocate's efforts are focused on work for children who are the most vulnerable, and those are children in government



care. I know that we have many things in the Legislature for advocates for those with disabilities, perhaps, that may not pass.

The point I'm getting at is that I think we should support the panel's recommendation to ensure that this advocate is focused on the child intervention system as his primary authority. I'm not necessarily suggesting that this is, you know, going to be something that we don't think about in the future, but I think that for now, sort of seeing the other moving pieces, I'm not sure if I'd be willing to support this recommendation. I think we might have a bit too much of a broadening of scope. You know, his primary authority is for those children in government care and in the child intervention system, and I want to make sure that the advocate focuses on those.

**The Chair:** Thank you, Mr. Malkinson.

Do any other members have thoughts, comments on the motion?

**Mrs. Pitt:** Thank you for your comments. I appreciate that. I think more specifically I'm referring to potential legislation in the House in regard to the advocate for persons with disability. In my opinion, it's better to separate internal government processes into independent offices where there's given space between the two offices, the government and the independent office. I think this provision allows for advocacy and protection of children with disabilities and also gives them that independent office option as well.

7:50

I'd like to see the removal – this is tough. We know that there's legislation on the table in the House that hasn't passed yet. It's similar in nature, and it's very, very good legislation. I don't know the scope of what we can talk about in here. The issue that I have with the legislation in the House right now is that it's not an independent office whereas this, I think, would address some of the concerns that I have. What harm can be done by offering or expanding the scope to more children, especially to those that are of a more vulnerable population?

**The Chair:** Thank you, Mrs. Pitt.  
Mr. McIver.

**Mr. McIver:** Yeah. I'm going to speak in favour of this. I would rather have some overlap here in this particular case and particularly with a children with disabilities act. The last thing a child with disabilities or a family with a child with disabilities needs when they're in the system or being considered is to be shuffled from pillar to post. If the Child and Youth Advocate can make recommendations for a child that comes to his attention, I would like him to be able to do that rather than to be thinking: well, I'd like to recommend health services for this disabled child, but I can't because he has to go to this other place.

I think this is one of those cases where kids with disabilities: I'd rather have them have two places to go rather than one. If they've got disabilities, they're already at a big enough disadvantage, in my estimation, and I would just as soon have them have more than one place to go for help since they're, by definition, as I say, at a disadvantage in many ways compared to other kids.

**The Chair:** Thank you, Mr. McIver.  
Mr. Horne and then Mr. Sucha.

**Mr. Horne:** Yeah. Thank you, Chair. I appreciate where Mrs. Pitt and Mr. McIver are coming from although I do share some of the concerns that Mr. Malkinson was raising earlier. I think that it is certainly very important for, really, anybody with mental health concerns or with disabilities to have access to an advocate. You

know, we currently have a bill in front of the Legislature dealing with disabilities more broadly.

But more to the point, I suppose, we currently have the panel recommendations coming forward and looking at, and rightfully so, expanding the scope of the Child and Youth Advocate to be the primary advocate on deaths of children in care. Given that expansion I think that right now is not necessarily the time to get every point. So while I would be interested in exploring this question in the future, I'm a bit concerned about the timing. You know, I'm sure everybody in this room can appreciate when your mandate expands very rapidly. I think that right now it would be prudent for us to hold off on this and come back to this question after the panel and after a bit of time for that adjustment period.

**The Chair:** Thank you, Mr. Horne.

**Mr. Sucha:** I want to thank Mrs. Pitt for bringing this motion forward. I think it's something important for us to really dig deep into and to address. One of the main concerns that we heard when we were discussing issues in the panel – there was a lot of concern that we were actually creating more issues for ourselves because of the duplication of reviews and duplication of services. So one of the things that we moved forward with was looking at ways that we can strengthen the advocate specifically there.

The concern I have is that we have Ms Jansen's bill on the floor that, if passed, would also provide reviews and be an advocate for those with disabilities. So I think that this is an important issue that Mr. McIver and, through your caucus, Mr. Nixon can really start evaluating as we review in the panel. I would caution the committee here, as I'm not a voting member, on moving forward on this as the unintended consequences I could see occurring from this are the potential duplication of services and overcomplicating a system.

I think it's something that within the panel we need to review more thoroughly. I thank you for bringing this forward because it's definitely something that I'm going to keep on my radar, but I would hesitate as the committee to move this recommendation forward.

**The Chair:** Thank you, Mr. Sucha.

Any other members have any thoughts or comments?

**Mrs. Pitt:** One of the concerns that I have is: what other opportunities are we going to have to be able to amend this legislation or make recommendations? If this is the opportunity to do so, I fear that we will be missing out by not putting this forward and not passing this. I understand that the legislation that is before the House right now will very likely move through the House and become law. I'm not all familiar with the panel work; however, if we are to cover this portion here, then I'm fairly certain that the panel will be made aware of the work that is being done here and the recommendations made to the Assembly, and then that box can be ticked off within the work of the panel. My fear is that maybe this is going to be a missed opportunity should this not proceed. That would certainly be a shame.

One of the things to note with this motion is that this was one of the three options that the advocate proposed for consideration in regard to the scope of designated services. So this has been identified as a need and has been a recommendation by the advocate. Again, I just caution on a missed opportunity here. That's what I have to add.

**The Chair:** Thank you, Mrs. Pitt.

**Mr. Orr:** We're not actually writing legislation here. We're making recommendations for the government to take into account

at a later date. I mean, surely, they would take that into account, if the other bill goes forward, to make sure there's not a duplication. Is there not a way that we could suggest the recommendation and realize that they'll take that into account?

**The Chair:** Mr. Orr, you're just saying, then, that this could be something that's simply included as – it's not something that the government is required to act on.

**Mr. Orr:** Exactly.

**The Chair:** Okay.

**Mr. Malkinson:** You know, listening to the points that have gone through, Mr. Horne did mention that as we go forward on this, there definitely would be options to explore this in the future. Mr. Horne also brought up, I think, a point that I heard a bit here. The problem, perhaps, of having a rapid expansion, especially considering what's going on with other recommendations that we've already brought forward and, I imagine, have also come forward through the panel recommendations, is that it might be a bit too much. You know, to sort of reiterate my original point, the advocate's efforts need to be focused on the work for children who are most vulnerable, and those are, you know, children in government care. I worry about expanding the scope in this way.

**8:00**

I mean, I know, Mrs. Pitt, that me and you have chatted before in the House. This recommendation is, you know, definitely coming from a place that is important. Those with disabilities very much need an advocate. I get that. It sounds like you're – we don't, of course, want to talk about legislation that's before the House, but I can tell that all members at the table, including yourself, are passionate about that bill that is before the House. Like I said, I don't want to prejudge what that outcome is.

With the recommendations, I want to make sure that the recommendations are tight and achievable for what we would want in the advocate and what we've been seeing from the panel. That's sort of where my reluctance to support this is. I feel like this would be an expansion of scope that's perhaps outside of what would be the intention of the Child and Youth Advocate. Like I said, it's relatively likely that it will be dealt with elsewhere. I mean, it seems to me that the primary purpose of the advocate's mandate is, you know, for those children in care. The panel recommendations that we've been talking about, that the advocate is the primary authority for the child death review process: we've already made some recommendations to that effect in regard to the report that comes from the Child and Youth Advocate on this.

I feel like this might be a bit too much. It's not to knock the importance of those with disabilities having support. I just don't think this is the spot to do it. That I don't want to expand the scope too much in our recommendations is at the end of the day, you know, the point of sort of my opposition.

**The Chair:** Thank you, Mr. Malkinson.  
Mr. McIver.

**Mr. McIver:** Yeah. Listen, I was just a little blown away by Mr. Malkinson's suggestion that kids with disabilities are somehow less vulnerable than other kids. Also, this is something that grew out of one of the Child and Youth Advocate's recommendations. Could I ask the Child and Youth Advocate what the consequences might be of not going forward with what's being suggested here?

**The Chair:** Mr. Graff, do you have a comment?

**Mr. Graff:** What I can say is that we put forward options, three options for the consideration of this committee, because we wanted to be able to respond to the calls that we were getting in our office. I recognized when we were making those options that they meant different things in terms of organizational change, the transformative stuff that we would need to go through to accommodate it, the change of practice that would be required depending on which option was chosen.

What I can tell you is that when we were putting those options forward, what we were thinking of was the vulnerability of children. One of the things that we see in my office is that while those children who are involved with the child intervention system are a vulnerable population – there is no question about that – we hear from other populations that are vulnerable. We hear from young people who are trying to access mental health, and they can't because of the barriers that are put in their way. So we are concerned about the vulnerability of those kids.

One of the things that we were thinking of when we put forward those options was that the way that our legislation is shaped now, I don't have the feeling that I am dealing with the most vulnerable children because sometimes kids with mental health concerns who can't get the services they need are absolutely more vulnerable than a child who's in the intervention system and doesn't get the number of parent visits they're entitled to. There is a distinction between the vulnerability of those kids, and I can't make decisions about how to advocate for them based on their vulnerability today.

It wasn't something where it was: you know, I have to have mental health access. We put forward options. For example, the first option was to create exceptions so that when there was that circumstance that was absolutely extreme in another area, we could do something about it. So the options were presented as a measure to try to do something about some of those vulnerabilities that we see now but that aren't included within our designated service group.

**Mr. McIver:** Based on that, I think that what the advocate just said is the opposite of what the speaker before me suggested, that somehow these kids are less vulnerable. I think we just heard the advocate say that they are way more vulnerable and more in need of the help. I think the last thing that any of us want to read when the Child and Youth Advocate writes a report is: I really would have loved to help this child, but the child was beyond my scope because he's got disabilities, so he wasn't vulnerable enough.

I will continue to support this. I don't know what the process is, Chair, for asking for a recorded vote on this, but if I'm able to do so, I would sure like to.

**The Chair:** Thank you, Mr. McIver.

I have Mr. Malkinson, Mr. Orr, and then Mrs. Littlewood.

**Mr. Malkinson:** Thanks very much, Mr. Chair. I would like to of course correct the record on the assertion of the member who spoke before me. At no point did I, you know, suggest that those who are disabled are somehow less vulnerable. I was speaking more to what I saw as the scope of the CYAA. So I want to very much correct that record and put that out there.

I notice that there are a bunch of other speakers, so I'm going to make that correction, and I'm sure I'll have more to say as the discussion goes on.

**The Chair:** Thank you, Mr. Malkinson.

Mr. Orr.

**Mr. Orr:** Thanks, Mr. Chair. If I may, Mr. Graff, of the three options you put forward, do you have a preference?

**Mr. Graff:** It's hard to define a preference because of the implications of those decisions. I do want to have more options than I do today to deal with the most vulnerable circumstances of young people, if that's by a designation change or if it's by exception or if it's by some other kind of change. That's what I want. How that happens is really something – the reason we put options in front of this committee is because we don't have a clear answer for how it should happen.

**The Chair:** Thank you, Mr. Graff.

**Mr. Orr:** If I could go one step further with regard to the question of expansion. I don't know how to word this. This is maybe too blunt, but is the expansion something manageable for your office? I mean, how much is your office going to have to expand to handle the expanded mandate?

**Mr. Graff:** Well, my concern is a bit about not knowing how large that expansion is going to be and what those parameters are. Certainly, we've been through a transformative change in the last number of years. We've had our first legislation come forward. We've had amendments to that legislation that have changed the scope of our practice already. We anticipate having some other amendments to our legislation given the child death review panel and its decisions or recommendations. We are concerned about the level and amount of change that's coming to us, so I don't know what it will take. What I believe is that if this committee says, "Here's what we want to have happen in this province in terms of an independent advocate's office," then we will do what we need to do to make that happen. I wouldn't want to say that we couldn't do it, but I also have been through enough change in my office to know that these changes are large. They have a serious impact.

**Mr. Orr:** Yeah. Okay.

**The Chair:** Thank you, Mr. Orr.  
I have Mrs. Littlewood.

**Mrs. Littlewood:** Thank you, Chair. I was just wondering. You were saying that there were three options. Would you be able to elaborate on what those three options are, please?

**Mr. Graff:** Certainly. The first option was to create the capacity for my office to have a system in place where we could create exceptions to our designated service. For example, if we had a young person who was under severe stress – and I can give you an example. I had heard about a young person who was cutting herself on a fairly regular basis, and her parent wasn't able to get her help. They went to the hospital repeatedly, the parent and the child. The hospital would do the first aid. They would give her bandages. But there wasn't anything that they said they could do for that child beyond that. Their decision point was to admit or not admit. That's what happens when young people go to emergency. This mother actually ended up in the media, saying: all I could get for my child was a Band-Aid, and I need more help than that.

**8:10**

It's in that circumstance that we were thinking about: it would be helpful to create an exception so that I could apply the advocacy of my office to that situation. That doesn't mean expanding the mandate completely, but that was the first option that we had put forward. That, to me, allows us to help some young people who are in very vulnerable circumstances on an exceptional basis. We would develop criteria, all of the things that we'd need to do that.

The second option was to say that we would have our designated services expand into those two areas, mental health and family

supports for children with disabilities. Some of the distinctions between those programs are that family supports for children with disabilities have more natural advocates than young people generally do in the child intervention system. There's more parental involvement. There's more relative involvement. There tend to be more supports around those children. That's a distinction from the child intervention system. But it's also a high service need in those provinces that do provide those kinds of advocacy for that population.

For the kids with mental health we just see that there's a vulnerability when they can't access or find the services that they need and their natural advocates aren't able to help them do that either. So that second option was really about an expansion of designated services because of where we were seeing vulnerable populations, notwithstanding the fact that they also have different levels of support.

The third option was one that was based on our understanding of what other provinces have in place. Some of the other provinces in the country have a broad mandate, and then the advocate has to decide which young people receive the support and resources and which ones don't.

**Mrs. Littlewood:** If you had to make some predictions based on what you encounter currently in children that you make contact with, I guess would be the way to say that, that you're unable to help because the legislation ties your hands in those cases but you were to assist in those exceptional cases, what would be the resources that you would need to have brought to bear in those different options?

**Mr. Graff:** I'm not sure I understand the question.

**Mrs. Littlewood:** You were talking about an exceptional basis, which would not be a general broadening of the mandate like the motion would say.

**Mr. Graff:** Yes.

**Mrs. Littlewood:** So I would presume that there would be a different staffing need for an exceptional circumstance versus a broader mandate.

**Mr. Graff:** Oh, for sure. When we were envisioning an exceptional circumstance, we were envisioning actually quite a small number, that wouldn't have that large-scale kind of resource that the mental health and disabilities group would demand. What we were more concerned about was: what would the process be to identify what is an exceptional circumstance?

Today it's not like they don't get anything from us. We make referrals to other community agencies. But in that circumstance I was mentioning with the young person who was cutting herself, there just weren't any agencies that were able to provide the kind of advocacy that that situation demanded. I mean, from my point of view, ours was the right agency, the right organization to do that, but we didn't have the capacity to create an exception. I mean, I wouldn't be seeing huge numbers of exceptions because for the most part we make referrals on a regular basis to other agencies who work with these families. But when those circumstances of exception show themselves, they're very acute, and it's just heartbreaking sometimes.

**Mrs. Littlewood:** Can I respond?

**The Chair:** Yes. Please go ahead, Mrs. Littlewood.

**Mrs. Littlewood:** Okay. The mechanisms to achieve something where you would be able to advocate in those exceptional circumstances: would that be a means of amending the legislation, or is that something that you would do internally?

**Mr. Graff:** We would want the legislation amended to give us the authority to do that.

**Mrs. Littlewood:** Okay. Would it be something that would be included with this through amending what it says, or would I be able, to the chair, to defer this and then look at what an amendment would look like that would look at exceptions?

**The Chair:** You're asking, then, Mrs. Littlewood, if there's the option for the committee to defer the motion and then reintroduce it and reconsider it at a future point?

**Mrs. Littlewood:** Just to defer this one and then discuss what a motion would look like to provide exceptional case circumstances as a separate motion.

**The Chair:** Okay. So you're asking about the possibility of adjourning this motion in order to discuss the possibility of a different motion that might capture the sentiment but perhaps more in the form that you were just discussing with Mr. Graff.

**Mrs. Littlewood:** Yes. Thank you.

**The Chair:** I believe that would be possible.

But we do have some other speakers lined up as well. I have Mr. Malkinson, Mr. Horne, Ms Woollard, Mr. McIver, and then Mrs. Pitt.

**Mr. Malkinson:** Okay. Thank you very much, Mr. Chair. Thinking back, you know, listening to some things that the advocate had said earlier, I mean, Mr. Graff, you had mentioned that you were not sure how big the changes were possibly going to be, coming through the panel. I just want to make sure that you have the tools and that you don't suddenly have a gigantic increase in scope so that you wouldn't be able to focus on those children in care, be able to do those death reviews.

I mean, we've already in our recommendations talked about aligning the age limits up to age 24, being able to help those children who are in the justice system by being able to appoint legal representation. There is a lot going on. Of course, with the panel's recommendations in regard to focusing on children, you know, at the end of the day it's children, and specifically it's children in care, those like Serenity, those who are in the youth justice system.

I feel like this is an expansion that – I get where it's coming from, and I see why you are wanting to put this in there, but I also see how it is very likely going to be addressed elsewhere. That's sort of what I worry about, having a duplicate scope and perhaps widening your focus a bit too broadly since, by your own admission, you're going to have a lot of big change coming your way.

Those are my thoughts to the committee, and that's where my opposition to this particular motion comes from.

**The Chair:** Thank you, Mr. Malkinson.

Mr. Horne.

**Mr. Horne:** Yeah. Thank you, Chair. You know, I've been contemplating this particular amendment, and I've got a couple of questions for Mr. Graff. I don't know if it's best if I ask them all at once or if I ask them one at a time.

**The Chair:** Certainly. Please go ahead.

**Mr. Horne:** Okay. First, I was wondering if you have any indication or any estimate of how many resources an amendment like this would require of the office. You were commenting earlier that your recommendations were based on calls to the office where you haven't been able to act, so I was wondering if you have an estimate based on those.

8:20

**Mr. Graff:** We could identify an estimate, but it would take some time. We wouldn't have that readily at hand.

**Mr. Horne:** Okay. My second question was, you know, especially with mental health and with disabilities, that there are a lot of instances where I would imagine not necessarily your office but anybody could end up between the family and the youth. I was wondering if there are any unintended consequences that you've experienced or that you can foresee in intervening between the families as opposed to focusing on the youth, focusing on either a youth without a family or a far more co-operative situation?

**Mr. Graff:** What I could respond with is that our approach to advocacy often is such that we are trying to advocate for young people within the context of their families. We recognize that oftentimes families are natural advocates who are absolutely capable of advocating on their own behalf. We've also been part of helping parents to develop advocacy skills to enable them to do that more effectively for their children. So it's not an unfamiliar area for us. We wouldn't anticipate that that would be an additional challenge that we couldn't manage because we are quite familiar with dealing with children within the context of their families. While there may be some distinctions in those other populations, it wouldn't be something that we're totally unfamiliar with.

We've had to make the adjustment, for example, of dealing with young people in the youth justice system. The way that we would advocate in the child intervention system has some consistencies with youth justice, but there are also some unique factors in youth justice that we needed to make some adjustments for. Generally with our approach we have seen consistency although there are some of those adjustments for those specific young people in those specific circumstances.

**Mr. Horne:** Okay. Thank you for that answer.

Now kind of jumping back a bit to resources, a bit more broadly defined. You know, your office currently does a lot of work on behalf of Albertans, certainly very important work. While we're considering addressing your mandate, I was wondering if you could provide some insight on what pressures currently exist in terms of both time and cost pressures.

**Mr. Graff:** Sorry. I was trying to get to some information that we've been doing some work on around the increases to the demand for our services. They have been significant in the past year.

In the service areas where we provide most direct service to young people, they are through the LRCY program or through advocacy. Just as an example, in the last fiscal year we've had a 15 per cent increase in the use of legal representation for children and youth and a 22 per cent increase in the number of young people that have accessed that program. We've received a significant increase as well in terms of individual advocacy. In the last year there was an 18 per cent increase in the amount of advocacy that we've provided on an individual basis. Those are examples of some pretty significant pressures. I had talked recently about our intakes. Our intake pressures have gone up over 20 per cent, so the number of intakes also.

We're a busy, busy office as we are today, and that demand for our services has just increased over time.

**Mr. Horne:** I just have one final question, kind of building off that one, and thank you for the insight. Is there currently a wait-list for your office, and is that a common situation for accessing the services of the advocate?

**Mr. Graff:** We don't have a wait-list, no.

**Mr. Horne:** Okay. Thank you.

**The Chair:** Thank you, Mr. Horne.  
I have Ms Woollard next.

**Ms Woollard:** I will cede the floor to someone else for right now.

**The Chair:** Certainly.  
Mr. McIver.

**Mr. McIver:** Well, thank you. I tried to listen carefully. If it comes to resources, I wouldn't want the first place we cut resources to be from looking after disabled kids that need health care and taking away an advocate's ability. As I understand it, in B.C. and Ontario the advocate has the ability to look after children with disabilities. In B.C., Manitoba, and Ontario they have the ability to look after mental health for kids.

I appreciate that I'm just filling in on this committee, Mr. Chair, but I'm getting some help from my researchers here. What this committee has heard, as I understand it, before I was here is that – it says in the one piece: “The Child and Youth Advocate (and others who make similar recommendations, where applicable, indicated in parenthesis).” These other groups that have asked for the same thing as what the office of the Child and Youth Advocate has to this committee, as I understand it, are no other than the Alberta College of Social Workers, the Horizon school division, the St. Albert school division, the Child and Family Services Council for Quality Assurance, the youth justice system, the College of Alberta Psychologists, the Premier's Council on the Status of Persons with Disabilities – so that should mean something to our government members; it's the Premier's council that has agreed with giving the advocate the ability to look after these people – and an organization called Align.

I think we all do our best to do what's best. But when you look at that wide range that I've just named of professionals that are in the trenches, in the fields, looking after kids with disabilities every day, who are agreeing with the office of the Child and Youth Advocate, I don't know about you, Mr. Chair, but I don't have the courage to say no, which is why I intend to say yes.

**The Chair:** Thank you, Mr. McIver.  
Mrs. Pitt.

**Mrs. Pitt:** Thank you, Mr. Chair. We are in the midst of a mental health epidemic in this province and in this country, and if we want to do something to take a big step forward in reducing the stigma around mental health, this motion should be supported. If we want to take care of the vulnerable persons in our population, this motion should be supported.

We've clearly heard from the advocate's office that these types of phone calls or this type of support is quite often sought after through the office and is currently referred to different community associations. Whether or not those needs are met when those persons meet those agencies, we don't know. But we do know that where people go for help is to the office of the Child and Youth Advocate.

They will certainly have to increase their scope – we understand that – and their ability to keep up with the demand in the office, and this will definitely expand that. However, the systems and the expertise that the office already has and as requested by the office of the advocate certainly makes the case that this is a welcome change to what could be added onto the office. It's currently something that doesn't exist. This is very difficult to find outside in our communities.

**8:30**

You know, this is a great opportunity, like I said, to make a difference in a mental health epidemic. We need to, above all else, make sure that we are taking care of our most vulnerable population, and I think everyone here would agree that children with disabilities fit into that population.

I'm going to support this. I urge everyone here to support this. I think this is important. We can look at other ways to help many, many more people, but here at the table right now we have an opportunity to do something great, and I urge you all to support this motion.

**The Chair:** Thank you, Mrs. Pitt.  
Mrs. Littlewood.

**Mrs. Littlewood:** Thank you, Chair. I was just going to suggest a five-minute, 10-minute break just so that I can take a break and not miss what's going on in the committee.

**The Chair:** I guess I'll put it to the floor. How many members would like to take a five-minute break? Those opposed? That motion is carried.

We'll take a quick five-minute break.

[The committee adjourned from 8:32 p.m. to 8:38 p.m.]

**The Chair:** All right. We'll call the meeting back on the record.  
Mrs. Littlewood.

**Mrs. Littlewood:** Thank you, Chair. I'm just reflecting on the different options that the Child and Youth Advocate, Del Graff, was putting forward. It sounds like there are different options with different implications for not just his office but potentially for the bill that we have before the House in having an advocate for people with disabilities. Also, we do have a mental health advocate as well.

Given that this goes into all of those areas, I just want to ask a quick question before I finish my thoughts. Chair, do we need to finish all of our recommendations this evening, or can we have another meeting to discuss further recommendations? I mean, you know, this is a big job to try and get together in two hours. Do we need to finish this tonight, or is tonight just, you know, the potential first two hours and we could have another meeting to put more recommendations forward?

**The Chair:** My understanding – and counsel can correct me if I'm wrong – is that we would have until the end of our mandate, which I believe is June 22, to complete our work.

**Mrs. Littlewood:** Okay. It's May 17, so I would want to defer or adjourn debate, I guess I'm trying to say, on this recommendation and then discuss further recommendations and come back to this at another meeting.

**The Chair:** If I understand you correctly, Mrs. Littlewood, you wish to make a motion to adjourn the current motion?

**Mrs. Littlewood:** Yes. I would like to get more background and have some more time to discuss exactly what the implications are

for the different options that the Child and Youth Advocate has put forward.

**The Chair:** All right. So you're making a motion, then, to adjourn debate on the motion that's currently before us. Thank you, Mrs. Littlewood.  
I have Mrs. Pitt and Mr. McIver.

**Mrs. Pitt:** I withdraw.

**Mr. McIver:** Well, I'd be prepared to work on this tonight because so many people went to quite a bit of trouble to bring me up to speed before this evening. I would settle for a recorded vote on this, Chair, if that's possible.

**The Chair:** A recorded vote on the motion to adjourn?

**Mr. McIver:** Yes, sir. If that's okay, Mr. Chair.

**The Chair:** I believe that's in order.

All right. Any further comments, then, on the motion to adjourn debate?

Hearing none, then we will proceed with a recorded vote. We'll begin to my right and just ask each member, then, to state their name and their vote for the record.

**Mr. Malkinson:** Brian Malkinson. On the motion to adjourn debate at this time on this particular item, yes.

**Mr. McIver:** Ric McIver. No.

**Mr. Orr:** Ron Orr. No.

**Mrs. Pitt:** Angela Pitt. No.

**Mr. Nixon:** Jason Nixon. No.

**Mrs. Littlewood:** Jessica Littlewood. I vote to adjourn, yes.

**Drever:** Deborah Drever. Yes.

**Mr. Horne:** Trevor Horne. Yes.

**Ms Woollard:** Denise Woollard. Yes.

**Mr. Kleinsteuber:** Jamie Kleinsteuber. Yes.

**The Chair:** That motion is carried. We will adjourn debate on this particular motion.

We are coming up against the clock for the remaining items of business that we have, but we do have a couple of minutes remaining. Are there any further comments or motions anyone wishes to bring forward regarding the issues we had discussed and highlighted?

Hearing none, are we prepared, then, to move on to the next item on the agenda? All right.

**Mr. McIver:** I have a motion here. Sorry.

**The Chair:** Oh, sorry. Mr. McIver.

**Mr. McIver:** Yeah. If I'm out of order, again, I'm new here. Just tell me, and I'll take your instruction, Chair.

**The Chair:** Not at all. Certainly. Please proceed, Mr. McIver.

**Mr. McIver:** On 6(f), a review of the act, I move that the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended so that a

committee of the Legislative Assembly conduct a comprehensive review of the act every five years.

That's only to keep it fresh with changes in technology, changes in social standards, changes in potentially new treatments, new strategies that the office of the Child and Youth Advocate may have that may require an update of the legislation so that he may be able to be as effective as possible.

**The Chair:** Thank you, Mr. McIver.

**Mr. McIver:** I was waiting for you to tell me it might be out of order. I didn't hear that.

Thank you, Chair.

**The Chair:** No, I believe that's certainly within the scope of our review of the act.

So we have the motion on the floor, then. We're just getting that on the screen. It's essentially a motion that the act be reviewed every five years. Do we have any comments, questions?

**Ms Woollard:** I'll support this motion. It sounds sensible to me.

**The Chair:** Thank you, Ms Woollard.

**Drever:** I'd like to echo Ms Woollard, and I would like to support this motion.

**The Chair:** Excellent. I believe the motion is just coming up on the screen now. If there's no further debate, we have the wording here. I'll call the question. All those in favour of this motion? Any opposed? That motion is carried.

Do we have anything further, then? Mrs. Pitt.

8:45

**Mrs. Pitt:** Yes. I'd like to make a motion.

**The Chair:** Certainly.

**Mrs. Pitt:** It's on the spot here. It's not cleared yet, so I hope this is okay. I move that

the Standing Committee on Legislative Offices recommend that we amend the act to enable the advocate to identify exceptional circumstances within the advocate's sole discretion where advocacy can be provided for young people for specific advocacy issues not within the scope of designated services.

**The Chair:** Thank you, Mrs. Pitt.

So we have another motion. The clerk is just typing that up.

Did you wish to add any further comment or explanation on that, Mrs. Pitt?

**Mrs. Pitt:** Yeah. I mean, we all just heard what Mr. Graff said about issues that are not within the scope of the Child and Youth Advocate Act at this point in time yet are sorely needed. Certainly, for children with disabilities who need to access mental health services in general, I'm sure there's a whole scope and range of other services that the advocate would like to be involved in where the legislation prohibits advocacy in those areas. I think that as an officer of the Legislature there's certainly a level of trust and discretion that we have given to the advocate to be able to decipher what those exceptional circumstances might be. I think this is just an opportunity for us to be a surrogate advocate for vulnerable children within Alberta and give the office of the Child and Youth Advocate the ability to do so.

**The Chair:** Thank you, Mrs. Pitt.

Mr. Horne.

**Mr. Horne:** Yes. Thank you, Chair, and thank you to the member for bringing forward this motion. You know, I'm intrigued by the motion, but I'm also a little bit concerned that this committee just adjourned debate on a similar motion. So while I am open to considering it, I don't think it's prudent to consider this amendment when we have another amendment currently adjourned. I think it would be best for this committee to take some time and consider these two amendments. So I would move

to adjourn debate on this motion.

**The Chair:** Thank you, Mr. Horne.

Mr. Horne has moved that we adjourn debate on this motion.

**Mrs. Pitt:** Is there discussion? No?

**The Chair:** So we proceed directly to the vote.

**Mr. McIver:** But I can request a recorded vote, right?

**The Chair:** Yes. A request for a recorded vote. Certainly.

We will vote, then, on the motion from Mr. Horne to adjourn debate on the motion proposed by Mrs. Pitt. I'll start again to my right.

**Mr. Malkinson:** Yes to adjourning debate on this particular motion.

**Mr. McIver:** No.

**Mr. Orr:** No.

**Mrs. Pitt:** No.

**Mr. Nixon:** No.

**Mrs. Littlewood:** Yes.

**Drever:** Yes.

**Mr. Horne:** Yes.

**Ms Woollard:** Yes.

**Mr. Kleinsteuber:** Yes.

**The Chair:** Thank you. That motion, then, is carried. The motion from Mrs. Pitt will also be adjourned.

At this point I would suggest that perhaps we consider moving to the final items of the agenda since we are going to be returning to consider the adjourned motions. At that time we'd also have the opportunity to consider any further motions. This would allow us, then, to complete our business within the time limit if all members are in agreement with that. Thank you.

Looking ahead at our next two items of business, that being selecting a firm to audit the office of the Auditor General, followed by a matter regarding the officers of the Legislature, I think it would be an appropriate time for the committee to consider moving in camera as we may need to discuss details of the quotes that were received through the request for quotation process as well as the contracts of the officers of the Legislature.

Do we have a member that would like to move that motion? Mr. Orr moves that we go in camera. All those in favour? Any opposed? We'll move in camera.

I'd just like to thank Mr. Graff and his staff and the staff from Children's Services for making themselves available this evening.

[The committee met in camera from 8:50 p.m. to 8:58 p.m.]

**The Chair:** All right. We are back on the record. I believe we have two motions to consider.

Ms Woollard, you had a motion?

**Ms Woollard:** Yes. I would move that the Standing Committee on Legislative Offices negotiate an agreement with St. Arnaud Pinsent Steman to complete the annual audit of the office of the Auditor General pursuant to the request for quotation SCLO1/17, dated January 9, 2017, including a provision for a one-year engagement with a four-year option to renew.

**The Chair:** I believe we were going to forgo the one year.

**Ms Woollard:** That sounds great.

**The Chair:** Excellent.

Clerk, if you could read the full motion.

**Ms Rempel:** Thank you, Mr. Chair. I believe that Ms Woollard has moved that

the Standing Committee on Legislative Offices direct the Legislative Assembly Office to negotiate an agreement with St. Arnaud Pinsent Steman chartered accountants to complete the annual audit of the office of the Auditor General pursuant to the request for quotation SCLO1/17, dated January 9, 2017.

**The Chair:** Thank you.

All right. I will call the question. All those in favour of the motion? Any opposed? That motion is carried.

I believe we have one further motion regarding a search committee for a candidate for the position of the Auditor General. Who would like to move that motion? Mrs. Littlewood.

Okay. Clerk, could you read the motion?

**Ms Rempel:** Thank you, Mr. Chair. I believe that Mrs. Littlewood is intending to move that

the Standing Committee on Legislative Offices recommend to the Government House Leader that a motion be introduced in the Assembly to establish a select special committee to search for a candidate for the position of Auditor General.

**The Chair:** Thank you, Clerk.

All those in favour of the motion? Any opposed? That motion is carried.

All right. That brings us, then, to other business. Is there any other business committee members wish to raise?

Hearing none, I would just like to say thank you to all members for their work tonight and in particular Mr. Orr and Mr. McIver, who were substituting this evening but still provided some excellent insight. I appreciate the time you took to bring yourselves up to speed on the subject.

**Mr. McIver:** Thank you, Chair.

**The Chair:** Do we have a motion to adjourn? I see several motions to adjourn.

**Ms Rempel:** Who made that motion, Mr. Chair?

**The Chair:** We will attribute that to Mr. Kleinsteuber.

All those in favour? The committee will adjourn.

Thank you.

[The committee adjourned at 9:01 p.m.]











