



Legislative Assembly of Alberta

The 30th Legislature  
First Session

Standing Committee  
on  
Legislative Offices

Monday, January 20, 2020  
9 a.m.

Transcript No. 30-1-4

**Legislative Assembly of Alberta  
The 30th Legislature  
First Session**

**Standing Committee on Legislative Offices**

Ellis, Mike, Calgary-West (UCP), Chair  
Schow, Joseph R., Cardston-Siksika (UCP), Deputy Chair  
  
Goodridge, Laila, Fort McMurray-Lac La Biche (UCP)  
Gray, Christina, Edmonton-Mill Woods (NDP)  
Irwin, Janis, Edmonton-Highlands-Norwood (NDP)\*  
Lovely, Jacqueline, Camrose (UCP)  
Nixon, Jeremy P., Calgary-Klein (UCP)  
Pancholi, Rakhi, Edmonton-Whitemud (NDP)\*\*  
Rutherford, Brad, Leduc-Beaumont (UCP)  
Schmidt, Marlin, Edmonton-Gold Bar (NDP)  
Shepherd, David, Edmonton-City Centre (NDP)  
Sigurdson, R.J., Highwood (UCP)  
Sweet, Heather, Edmonton-Manning (NDP)

\* substitution for Christina Gray

\*\* substitution for Marlin Schmidt

**Legislative Officers**

Jill Clayton	Information and Privacy Commissioner
Del Graff	Child and Youth Advocate
Glen Resler	Chief Electoral Officer, Election Commissioner
Marianne Ryan	Ombudsman, Public Interest Commissioner
Marguerite Trussler, QC	Ethics Commissioner
W. Doug Wylie	Auditor General

**Office of the Child and Youth Advocate Participant**

Terri Pelton	Executive Director, Child and Youth Advocacy
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**Support Staff**

Shannon Dean	Clerk
Stephanie LeBlanc	Clerk Assistant and Senior Parliamentary Counsel
Teri Cherkewich	Law Clerk
Trafton Koenig	Parliamentary Counsel
Philip Massolin	Clerk of Committees and Research Services
Sarah Amato	Research Officer
Nancy Robert	Research Officer
Michael Kulicki	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Jeanette Dotimas	Communications Consultant
Tracey Sales	Communications Consultant
Lyndsay Tischer	Director of Human Resources
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>

## **Standing Committee on Legislative Offices**

### **Participants**

Ministry of Children's Services

Joni Brodziak, Executive Director, Policy, Practice and Program Development

Rae-Ann Lajeunesse, Assistant Deputy Minister, Child Intervention



**9 a.m. Monday, January 20, 2020**

[Mr. Ellis in the chair]

**The Chair:** All right. Thank you. Good morning, everybody. I'd like to welcome members and staff and guests to this meeting of the Standing Committee on Legislative Offices.

My name is Mike Ellis, MLA for Calgary-West and chair of this committee. I'd like to ask the members and those joining the committee at the table to introduce themselves for the record – and we'll hear from those on the phone as well – starting to my right.

**Mr. Schow:** Joseph Schow, Cardston-Siksika.

**Mr. Sigurdson:** R.J. Sigurdson, Highwood.

**Ms Goodridge:** Laila Goodridge, Fort McMurray-Lac La Biche.

**Ms Lovely:** Jackie Lovely, Camrose.

**Mr. Rutherford:** Brad Rutherford, Leduc-Beaumont.

**Ms Sweet:** Heather Sweet, MLA, Edmonton-Manning.

**Mr. Shepherd:** David Shepherd, Edmonton-City Centre.

**Ms Pancholi:** Good morning, everyone. Rakhi Pancholi, Edmonton-Whitemud.

**Member Irwin:** Janis Irwin, Edmonton-Highlands-Norwood.

**Ms Robert:** Good morning, everyone. Nancy Robert, research officer with the Legislative Assembly Office.

**Ms Tischer:** Good morning. Lyndsay Tischer, human resource services with the Legislative Assembly Office.

**Ms Cherkewich:** Teri Cherkewich, Law Clerk.

**Dr. Massolin:** Good morning. Philip Massolin, clerk of committees and research services.

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

**The Chair:** I believe we do have a member on the phone. Mr. Nixon, if you can introduce yourself.

**Mr. Jeremy Nixon:** Jeremy Nixon, Calgary-Klein.

**The Chair:** Great. Thank you very much.

For the record I'd like to note the following substitutions. Ms Pancholi is substituting for Mr. Schmidt, and Member Irwin is substituting for Ms Gray.

Before we turn to the business at hand, a few operational items. Please note that the microphones are operated by *Hansard*. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Please set your cellphones and other devices to silent for the duration of the meeting.

Next we'll move on to the agenda. A draft agenda has been made available to committee members. Would anyone like to propose any amendments to the agenda? Yes, Mr. Shepherd.

**Mr. Shepherd:** Thank you, Mr. Chair. Not necessarily a specific amendment, but I just wanted to note for procedural reasons on the record that we will be hearing the presentations from the Child and Youth Advocate and the staff from Children's Services before we get to the consideration of the subcommittee's report. Now, given that the subcommittee's report contains the recommendations on

what our focus for this review would be and that will not take place till after we have heard from these parties, it would be my assumption, then, that we will have the ability as a committee to recall the Child and Youth Advocate and staff from Children's Services at a future date depending on what the will of the committee should prove on what the focus of the review is if there should be further questions.

**The Chair:** I think that's an option if that is the will of the committee.

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

**The Chair:** Thank you.

Any further discussion points?

Okay. Would a member move a motion to approve today's meeting agenda as circulated? Yeah. Okay. Thank you very much. Ms Goodridge to move that the January 20, 2020, meeting agenda of the Standing Committee on Legislative Offices be approved as circulated. All those in favour, say aye. Any opposed? On the phone, Mr. Nixon?

**Mr. Jeremy Nixon:** Aye.

**The Chair:** Thank you very much, sir.

All right. That motion is carried.

Next we'll go to the approval of the meeting minutes. Minutes from our last meeting were also distributed for consideration. Are there any errors or omissions to note? Seeing none. If not, would a member move approval of the December 4, 2019, minutes as distributed? Okay. Ms Lovely, I see your hand go up there. Ms Lovely to move that the minutes of the December 4, 2019, meeting of the Standing Committee on Legislative Offices be approved as distributed. All those in favour, say aye. Any opposed? On the phone?

**Mr. Jeremy Nixon:** Aye.

**The Chair:** Thank you very much, sir.

That motion is carried.

Next we will move on to the review of the OCYA annual report 2018-2019, the presentations. Moving on to our main item of business today, the review of the office of the Child and Youth Advocate annual report 2018-2019, at this point I'd like to invite our presenters to join us at the table while I make a few opening remarks. Mr. Graff, thank you.

Committee members will remember that at our previous meeting, in December, a motion was passed to invite officials from the office of the Child and Youth Advocate and from the Ministry of Children's Services to provide a briefing on the 2018-2019 annual report of the office. In response to our invitation officials from both organizations have joined us today. I'll remind committee members that in order to assist them with their preparations, both organizations have received a copy of the December report of the subcommittee. This is the same report that was distributed to committee members last month and will be presented by the chair of the subcommittee later in our meeting.

We will begin with the advocate, and then we will hear from the ministry officials, after which I will open the floor to questions from committee members. I would also anticipate a short health break once this agenda item is completed. In preparation for today the office of the Child and Youth Advocate has provided the committee with a slide presentation and a briefing document regarding their report.

Mr. Graff, the floor is yours, sir, for the next at least 20 minutes or so. Please begin by introducing the officials from your office that are here with you today. Thank you very much, sir.

**Mr. Graff:** Good morning, Chairperson Ellis and committee members. Thank you for the opportunity to meet with you. With me today is Terri Pelton, who is our executive director of child and youth advocacy. You'll remember Terri from our previous presentation to this committee.

Today we'll provide an overview of the 2018-19 annual report of the office of the Child and Youth Advocate. As well, we will include information about our organization and our direct advocacy work with specific groups of young people, including our efforts regarding youth opioid use, our investigations, and our recommendations.

In 2018-19 we underwent significant organizational change. Part of that change was revising our vision, mission, and values to better reflect how our organization advocates for young people. We used information from communities, stakeholders, and young people. We looked at the submissions made to this committee from the review of our legislation. We included our Youth Advisory Panel in the process, and our staff were fully engaged. Our vision is that young people in Alberta succeed in their lives and communities. Our mission is simply this: we stand up for young people. The values we uphold are rights focused: accountability, respect, and integrity.

We also updated our advocacy practice framework, which guides our work. As we support young people, we strive for our approach to be principled, holistic, relational, and balanced. The advocacy practice framework helps people understand how we advocate for young people, and it also helps everyone within the OCYA to see how their work contributes to helping the children and youth that we serve. A full description of the framework is available on our website.

In 2018-19, to meet our expanded mandate, we recruited staff and obtained resources, including office space, furniture, and computers for them to do the additional work. We developed a new memorandum of understanding with Children's Services and worked with the young offender branch to develop our first information-sharing agreement with them. We worked on our five-year strategic plan and our three-year business plan. We increased our quality assurance capacity for timely, effective, and meaningful evaluation and reporting of our services, and we implemented a new organizational structure, moving from four divisions to three teams.

Terri will now talk about direct advocacy services.

**Ms Pelton:** Thanks, Del. Good morning. Each area of direct advocacy services has a unique role in advocating with and for vulnerable children and youth, helping us to better understand how issues impact them individually and to consider the broader implications for the systems and organizations that serve them. Today I'm going to highlight our activities and experiences with indigenous young people, youth leaving care, and LGBTQ2S-plus young people.

In 2018-19 we provided advocacy services to over 1,600 indigenous young people, which was 59 per cent of those we served. This is similar to the proportion of indigenous children and youth involved with child intervention services. During this same period there were 14 presentations to over 300 participants across the province on our special report *Voices for Change: Aboriginal Child Welfare in Alberta*. In completing this report, we involved more than 700 people across the province, including treaty areas and Métis settlements, resulting in eight recommendations related to how child welfare services could be better delivered to

indigenous people in the areas of governance, resources, services, and accountability. Since releasing the report in 2016, we have done over 100 presentations to more than 2,500 people.

Our office has a specialized Indigenous Engagement Team that provides learning opportunities for our staff and helps us build relationships with indigenous communities, leadership, and elders throughout the province. We have mandatory training for our staff at Blue Quills university and Blackfoot Crossing, led by elders, so that we have an organizational understanding of the history and unique rights and the interests of indigenous people.

#### **9:10**

The legal representation for children and youth program, or LRCY, provided new appointments to just over 1,100 indigenous young people, which was almost half of our new appointments. LRCY lawyers also received training to support their work with indigenous young people, similar to the training that we provide to our staff. Our leadership team connects with indigenous leaders throughout Alberta to build relationships and maintain those, which results in better outcomes for young people.

In addition, we have a number of information sources on our website, including videos about our special reports, our office, and advocacy. Two of these videos explaining how we help young people have been translated into Cree and Blackfoot languages. Along with the Child and Youth Advocate Act our work is guided by the United Nations convention on the rights of the child and the United Nations declaration on the rights of indigenous peoples.

As young people reach their 18th birthday and adulthood, they often move into more independent living situations, and Children's Services can provide support and financial assistance agreements up to the age of 24. However, after 18 they are no longer considered to be in care, and this stage is commonly referred to as aging out. The advocate has been concerned about the issues facing these young people for a number of years. Our first special report, *Where Do We Go From Here?*, was released in 2013 and focused on the supports and services they need to be successful. While we noted progress following the report, there were growing concerns about the needs to recognize emerging adulthood as a distinct stage of development. Over the period of this annual report we worked on a second special report about young adults leaving care. A *Critical Time: A Special Report on Emerging Adults Leaving Children's Services Care* was released this past November. There are around 600 young people each year who age out of care, and most of them enter into support and financial assistance agreements. Currently there are more than 2,100 young people who are being supported through these agreements.

A *Critical Time* involved investigative reviews of six young people, 18 to 23 years old, who passed away over nine months along with the experiences of 102 young people who worked with individual advocates during that same period on advocacy issues related to their move to independence. The report resulted in three recommendations regarding how this population should be supported as they transition away from Children's Services.

We also work with another particularly vulnerable group, LGBTQ2S-plus youth. In November 2017 we released our special report *Speaking Out: A Special Report on LGBTQ2S+ Young People in the Child Welfare and Youth Justice Systems*. It speaks to the importance of identity, safety, appropriate places to live, and services and support. To guide our efforts, we formed an external advisory group that included a range of individuals with expertise working with this population, those with lived experience and others who are allies. We completed a video to accompany the report. Both have been very well received, and Children's Services uses the video in their training for caseworkers.

Over the following year we delivered 28 presentations across the province on the Speaking Out report, reaching close to 600 people. We also hosted five community conversations, resulting in a follow-up report, Community Conversations on Speaking Out: Ideas for Taking Action, that was released in January 2019. This process provided a better understanding of the readiness, needs, and resources within communities.

Our office has a sexual and gender minority inclusion and diversity plan that provides guidance to our staff, and our Youth Advisory Panel and LRCY lawyers also receive training. Our intake procedures have been adapted to reflect pronoun preferences. We have gender-neutral washroom options, and our resource materials have been updated to include the LGBTQ2S-plus symbol. We are a safe and welcoming space for these children and youth.

In summary, we work with many young people who are indigenous, LGBTQ2S-plus, and/or who are aging out of care. We know that these groups are often more vulnerable and face unique challenges, particularly when they are involved in the child welfare and youth justice systems. As a result, over the past several years the advocate has released special reports relevant to these young people informing the government and others about the issues they often face and providing recommendations to improve services.

Del is going to talk about LRCY and investigations.

**Mr. Graff:** Thank you, Terri. To briefly summarize our LRCY program, I can tell you that in 2018-19 we provided 1,420 new appointments serving 2,336 young people, which is an increase of 22 per cent over the previous years. As we previously raised when we met with this committee in November, LRCY is facing service pressures to which we are responding with cost containment and budget adjustment measures.

I'll now speak about our systemic and mandatory reviews. Since 2012 we've conducted systemic reviews into serious injury or death of young people. These reviews specifically apply to children who received child intervention services at the time of their serious injury or death or who passed away within two years. We also conduct these reviews for young people who died while in the custody of youth justice. In March 2018 our act was amended to require a mandatory investigative review when a young person passes away while receiving services as a child in need of intervention at the time of their death or within two years. Mandatory reviews must be publicly released within one year of notification of a young person's death.

In 2018-19 we received 69 notifications of young people who were seriously injured or died. This included 11 injuries, 33 deaths that occurred while receiving services, and 25 deaths within two years of receiving services; 21 of these notifications met the criteria for mandatory reviews and 48 for systemic reviews. Fifty-seven per cent of notifications of child death or serious injuries were related to indigenous young people.

Before I discuss the impact of legislated amendments on our office, I would like to highlight one of our systemic reports, Into Focus: Calling Attention to Youth Opioid Use in Alberta, that was released in June 2018. Over a nine-month period we received notifications of 12 young people who died from opioid poisoning, and we decided to conduct a systemic review. We reviewed the circumstances of each young person, spoke with their family members and professionals involved with them, and talked with subject matter experts, including elders. We reviewed literature and research related to youth opioid use. We also met with youth and parent groups and community stakeholders across the province who were responding to the opioid crisis.

Prior to releasing the report, we met with the Minister's Opioid Emergency Response Commission three times to discuss our

interest in a crossministry youth strategy. We met with the Minister of Health, who committed to co-ordinating the government's response and implementation of our recommendations. A crossministry group was formed to collaborate on the five recommendations identified in the report and determine responsibilities for implementation. We've met with them three times, and we continue to explore ways to collaborate. Since the release of the report, we've received three notifications of opioid-related serious injuries and nine notifications of young people who passed away from opioid poisoning. This continues to be an issue that impacts all Albertans.

I want to talk about the significant impacts that legislative changes from 2018 have had on our office. As a result of these changes, there are additional complexities to our processes for investigative reviews such as different criteria and reporting requirements for systemic reviews and mandatory reviews. As well, there have been changes to notification requirements at the beginning and conclusion of our reviews. There's an additional volume of reviews that are publicly reported on. In 2018-19 we completed 17 mandatory reviews and four systemic reviews. Stays were applied to four notifications of child deaths. Mandatory reviews will be released in the consolidated report twice a year, in March and September, because of the volume of reviews. As we now conduct systemic and mandatory reviews, we've identified the similarities and differences in these processes. For example, while systemic and mandatory reviews both include similar ways of gathering information, there are different considerations for how that information is reported.

Lastly, we have expanded and strengthened our relationships by providing groups with information about our investigative review purpose and process, particularly those who may not be familiar with our legislation, by meeting with family members throughout the review process, by informing ministry staff before publicly releasing a report so that they hear directly from us first – we also do this with our own staff – and by formalizing relationships with groups like law enforcement agencies, the Fatality Review Board, and vital statistics.

9:20

With respect to resources for investigations, I believe that we currently have adequate resources to complete our investigative work. However, serious injuries and deaths are not predictable. We cannot look to the previous year to estimate child injury or death, nor can we look to the number of children in care or even the services available to vulnerable children. If the number of children who are seriously injured or die increases significantly, we may have difficulty meeting our legislative requirements with our current resources.

Terri will now talk about our recommendations process.

**Ms Pelton:** Thanks, Del. Since becoming independent in 2012, there has been a significant evolution in how we make recommendations and how we assess progress on them. Early recommendations were made with input from external stakeholders who are not part of government such as subject matter experts and elders. This was intentional as we established our independence and moved away from being part of the Ministry of Children's Services.

Our current practices now involve discussions, input, and feedback from relevant ministries as well as the external stakeholders we continue to consult with. We are in regular contact with leadership from Children's Services, Justice and Solicitor General, Alberta Health, and Alberta Education. The advocate meets with the Children's Services deputy minister regularly. Recommendations for indigenous young people are informed by

members of their communities, including elders, and recommendations for nonindigenous children and youth are also informed by members of their communities. We rely significantly on research, information about best practices, and current trends to support our recommendations.

Our reports include what is working well and the desired outcomes related to them; however, our recommendations are not binding. Our role is one of influence. Public bodies can decline to accept or implement our recommendations. To provide time for ministries and public bodies to take action, there is a six-month window for us to receive their response regarding what actions they are taking to address the recommendations. We assess the responses twice a year, at the end of March and at the end of September. The advocate's assessment of progress is posted on our website every six months.

Del is going to talk about the impacts and outcomes of our work.

**Mr. Graff:** Thanks, Terri. Since becoming independent, the office of the Child and Youth Advocate has made 113 recommendations. This chart shows the progress by government organization on implementing our recommendations. You'll see that there has been a significant increase in the number of recommendations met over the last two and a half years. In our September 2019 assessment of progress, 71 per cent of the recommendations were met, and another 8 per cent were substantially completed. We believe this improved progress is directly related to the collaborative relationships that we've formed.

Over time we've seen our recommendations result in positive change from government. For example, *A Stronger, Safer Tomorrow*, a public action plan which was released in 2018, addresses many of the recommendations we made in our special report *Voices for Change. Building Strength, Inspiring Hope: A Provincial Action Plan for Youth Suicide Prevention 2019-2024*; this report was released in 2019. It addresses many of the recommendations we made in our report *Toward a Better Tomorrow*. Children's Services is currently piloting a revised kinship care assessment and support model that can be directly related to many of our recommendations dating as far back as 2013, with our first systemic review, called *Remembering Brian*.

I want to point out that our recommendations have also had influence in other parts of the country. Our investigative review *Baby Dawn* made a recommendation to create policy that caregivers not be allowed to bed-share with infants. As a result, in New Brunswick children's services changed their policy. In September 2019 the Canadian Council of Child and Youth Advocates, for which I am the president, released a paper on youth suicide in Canada, and many of our recommendations are referenced in that report.

In conclusion, I am honoured and grateful to do this work. The office of the Child and Youth Advocate is deeply committed to the young people we serve. We'll continue to advocate on their behalf so they can receive the very best support possible to help them succeed in their lives, in their communities.

Chairperson Ellis, thank you and this committee for the opportunity to be here today. We'll welcome any questions that committee members may have for us this morning.

**The Chair:** Okay. Thank you very much, sir, and thank you for the presentation.

We're going to get to our next presentation, and then we will take questions from committee members to both of our guests and everybody else at the table here today. At this point I'd like to welcome Ms Rae-Ann Lajeunesse from the Ministry of Children's Services. We've allotted up to 10 minutes or so for your remarks

this morning. If you can please introduce any of your colleagues that are here with you today and begin with your presentation when you are ready. Thank you very much for being here.

**Ms Lajeunesse:** Sure. Thank you, Mr. Chair, and thank you to the committee for having us. I am Rae-Ann Lajeunesse. I'm the ADM of child intervention. With me here today is Joni Brodziak. She is the executive director of policy, practice, and program development. This is a unique opportunity for us to present to you today as the advocate operates independently of the ministry. We actually have no input into the annual report that we're here to discuss, nor would we want to have any input. The independence of the advocate is an important structural component of the system. However, we do welcome speaking to the work of Children's Services as it relates to the information in the annual report and answering any questions you may have as a result.

Every year we receive 50,000 calls and actively serve approximately 11,000 children and families, often while the child remains at home and sometimes while in government care. This work is complex and requires assessment, planning, and decision-making from the individual child level all the way to large, systemic shifts. The information in the advocate's annual report about an increase in the number of children and youth who access services is consistent with the increase in the number of children and youth receiving child intervention services overall. Obviously, the number of children that we serve will rise with the growth in population, and it has remained steady at 1.7 per cent of Alberta's child population overall.

This work matters to Albertans, and the ministry is constantly engaged in robust quality assurance and continuous improvement processes to ensure that we are doing the best we can to support vulnerable children and their families in a way that is both responsive and publicly transparent. This includes internal quality assurance functions such as the internal child death and serious incident review process; the public, online posting of data and notification of death, serious injury, and serious incidents; and our use of standards.

Part of the ongoing, continuous improvement process includes receiving input from oversight bodies through the Fatality Review Board, through the office of the advocate and the office of the Auditor General. This input can come as recommendations for systemic improvement, through special investigative reports from the OCYA, as Del briefly spoke about, or it can come from recommendations from provincial judges through fatality inquiries or via a particular line of inquiry from the Auditor General's office. Government welcomes input from these oversight bodies and appreciates their role in strengthening the systems that support children, youth, and their families in Alberta.

The office of the Child and Youth Advocate interacts with the child intervention system in several key areas. This includes, as Terri and Del both spoke about, direct or individual advocacy for children and young people receiving services from child intervention. This means helping children question decisions, having decisions reviewed, and supporting young people in having their voice considered in planning and overall decision-making. When there's a disagreement over a plan for a child and/or the child disagrees, Children's Services caseworkers are required to notify the office of the Child and Youth Advocate so they may appoint an advocate.

Because of the unique role and perspective that staff from the OCYA have with individual children, young people, and ministry caseworkers, they are able to identify themes or potential systemic issues. The office of the Child and Youth Advocate regularly shares observations and potential systemic issues with ministry staff for

our consideration. In the current annual report the advocate identifies examples on page 17 as the survivors' benefit and access to therapy. There are also less formal mechanisms in place to provide advice to government through regular meetings at the management level that both help influence changes in the system and informally resolve emerging issues in a responsive manner whenever possible.

Another area of interaction is the assignment of legal counsel for children and young people who are involved in court matters under the Child, Youth and Family Enhancement Act and the Protection of Sexually Exploited Children Act, through the legal representation for child and youth program, that Terri discussed. Children's Services caseworkers are able to refer children and youth knowing that the lawyers representing young people have knowledge and expertise in the circumstances facing young people who are involved in our child intervention system.

9:30

Finally, we interact through the review of serious injuries and deaths of children currently or previously involved in the child intervention system through mandatory, investigative, and special reports.

The ministry and the OCYA operate independently of each other. However, we share a similar overall goal, to improve outcomes for vulnerable children, youth, and their families and increase the likelihood for longer term success. Because of this shared goal, it's extremely important that the OCYA and government have a productive relationship with clearly defined roles. Over time the OCYA and government have developed processes to ensure the timely flow of information and data through reporting, notification of reportable events, understanding and responding to recommendations, and providing updates at both the case level and a system level. We manage these processes and arrangements through a variety of mechanisms, including memorandums of understanding, access to a common electronic case management system, the development of standardized processes and schedules as well as regular standing meetings between management of both the OCYA and the ministry.

Work is also ongoing to assist staff at a case level to understand their role as responsible for delivering services versus advocates who may become involved to ensure the voice of the child is considered. At both the system and child-specific case levels, conversations can be difficult to navigate. However, we welcome the diversity of opinions and perspectives because they ultimately lead to better decisions and systems for the kids over time.

Where it makes sense to partner to meet a common objective in a way that doesn't blur the obligations of government or the independent oversight functions of the OCYA, we take those opportunities. One of the best examples of this is the collaboration to create the Children Have Rights and Youth Have Rights handbooks, which the advocate speaks to in his annual report. Government also seeks input from the OCYA on system improvements. For example, OCYA staff were invited to participate in the review of caseworker training for sexually and gender-diverse children and young people receiving services.

As it relates to systemic, mandatory, and investigative reviews, government has a legal responsibility to notify the OCYA of an incident, serious injury, or death; provide all relevant case and policy information; participate as required in the investigative process; and respond to any recommendations that are made to us.

When government is making decisions about what action we will take on recommendations received, it considers the scope and intent of the recommendation as well as the timing and sequencing of any actions to be taken. It is extremely important to consider

government's ability to be able to manage and support important changes and shifts in a way that can successfully become integrated into actual practice rather than exist as a policy that doesn't result in or lead to the intended outcome.

We also look at resourcing in the context of other ministry and government priorities and required improvements and the current context of recent improvements or other planned improvements or shifts as a result of any other quality assurance activities that are under way. This helps to identify opportunities to build the recommendations into or add onto work that is already under way or planned. This is done with rigour to ensure that we understand the intent of the recommendation and that we have completed a thorough analysis on the impact of any actions government commits to.

A response is then drafted that outlines our acceptance of both the intent and action or of the intent only and alternate action or that government does not accept the recommendation and rationale behind those decisions. This response, by law, is required to be publicly posted within 75 days of receiving the report. The ministry develops work plans and tracks all public recommendations received, including but not limited to those received from the OCYA. On a biannual basis the ministry provides an update on actions taken to fulfill the commitments that government made in the public response. The OCYA reviews the updates submitted, asks for further information or meetings, and then adjudicates our progress, which is then posted on the OCYA website, as Del described.

It is important to note that because the OCYA is an independent office of the Legislature and the annual report does not include recommendations, Children's Services does not provide a response to this report.

What I have shared today provides a high-level overview of Children's Services' relationship and interactions with the office of the Child and Youth Advocate. Ms Brodziaik and I are available to answer any questions you may have as a result.

Thank you.

**The Chair:** Thank you very much.

At this point I'd like to open the floor for questions from committee members. If you'd like to be on the speakers list, please just catch my eye or send the committee clerk a quick e-mail. We'll start with – who would like to go first? Ms Sweet, go ahead. Thank you very much.

**Ms Sweet:** Thank you, Mr. Chair, and thank you to the Child and Youth Advocate office for being here again as well as the staff from Children's Services. I have a lot of questions, as usual, but first off I just want to say thank you for all the work that you do. Again, coming from working within Children's Services, I recognize the complexity of the work, working across ministries, as well as the benefit of the Child and Youth Advocate in advocating for children and youth in care as well as outside of care.

I did want to focus a little bit on the overrepresentation of indigenous children in care, specifically as we look now at the changes that have just recently been occurring through the federal legislation, Bill C-92. I recognize that it's a brand new piece of legislation, and of course the advocate as well as the ministry probably aren't exactly sure how it's going to be implemented at this point. Looking at the fact now that we're going to be looking at three different levels of legislation implemented in the province and the relationship with children on-reserve and off-reserve, I'm just wondering, looking at all the reports that have happened and the recommendations that are currently existing that are still outstanding with indigenous children in care, if the advocate or

the ministry has any thoughts about things that can happen as we move forward around C-92 or about concerns that might be happening that need to be looked at in provincial legislation to make sure we're aligning all of those supports and those new recommendations.

**Mr. Graff:** It is a very important question and something that I will need to be a bit ambiguous on in terms of my response. Bill C-92 certainly provides some new parameters for First Nations child welfare, for indigenous child welfare, throughout the country. There is a significant lack of information, though, in some key areas, areas such as resources, areas such as the relationship between the province, the federal government, and First Nations communities and leadership. Those kinds of questions are being addressed, I'm confident, currently and will continue to be addressed over time. In my view, it's a piece of legislation that will evolve, and we will be learning, just like everyone else, about what our role is within that.

One of the things that, for me, is critically important is that there be the recognition that indigenous people need to be able to lead what takes place with their children and families. Certainly, our Voices for Change report reflects that, our recommendations have reflected that, and our behaviour has reflected that for some time, so there is some congruence with respect to the intentions and the wording and the approach of Bill C-92 with many of the things that we've been advocating for for many years.

Did you want to add to that?

**Ms Lajeunesse:** Sure. Thank you. As Del mentioned, the entire situation around C-92 is a bit ambiguous. It lacks a bit of clarity for us on what it means going forward. But it did take effect January 1, and it does at this point have a number of minimum standards attached to it. When we look at those minimum standards, we are in high alignment, with our current provincial legislation, with those standards. From that perspective, we have a high degree of confidence that we continue to be on the right track with C-92.

What I think will be an outstanding point of clarity – to your specific question about the potential for services to be undertaken by indigenous governing bodies and what that means: we can't predict what that would look like in the future. There is a window of opportunity for First Nations and indigenous governing bodies who wish to undertake these services on their own to serve notice to the federal government, and upon that notice and upon being recognized as a body eligible to undertake those services, there is a year's time frame where a co-ordination agreement is anticipated, hoped to be developed with the federal government and the provincial government. But it's not binding, and if after a year that agreement is not in place, the proposal by the indigenous governing body takes precedence and comes into existence.

**Ms Sweet:** Can I have one more follow-up?

**The Chair:** A follow-up? Go ahead.

**Ms Sweet:** Just a quick follow-up to that, then. Based on the mandate of the Child and Youth Advocate and the fact that indigenous communities may be providing services through their own governing bodies, would that impact the ability of the advocate to look at services being provided by those agencies? Like, do you have that mandate and that scope, or is that something that needs to be evaluated in the future as these First Nations communities take on the lead in providing services?

**9:40**

**Mr. Graff:** My sense is that it would be evaluated over time, that it will take some time to sort out those questions and many questions that are similar to that that have not been sorted out.

If there's just one thing I could add as well. The standards under Bill C-92 and the movement forward in terms of implementation is a shared interest for both the advocate's office and for Children's Services. One of the things that's really true is that while we are independent of each other, we do have a shared interest. We were just talking, before we came to the table, about the orientation that they are doing, that they've invited us to participate in. It's one of the ways that we can mutually learn about how this process is going to move forward.

**Ms Sweet:** Thank you.

**The Chair:** Thank you very much.

Mr. Sigurdson, you're next.

**Mr. Sigurdson:** I'm going to just kind of track back here, I guess. Of course, Government Motion 40 was to review your report; that is, 2018, ending March 31, 2019. I'm going to kind of direct my questions directly to that so that we can get back to the review of your report and what we're here to do. You were mentioning about your engagement, your engagement process. I guess I'd like to hear a little bit more about that. In those years, 2018-19, you were noting some impressive engagement: 100 presentations to over 2,500 people for indigenous; on LGBTQ2S-plus, an external advisory report. Can you just kind of speak to how in those years, in that time frame, you used that engagement and how you're going to continue to use that engagement to build on the OCYA?

**Mr. Graff:** Certainly, we can do that. We have an education and engagement group within our organization, whose role it is to provide presentations to groups of stakeholders regarding the rights of children, regarding issues like the overrepresentation of indigenous children in care, across a whole range of issues. Their efforts are often in the form of presentations, but they also go to events like conventions and will have a booth there. You know, teachers will come to our booth. They'll learn about children's rights, and they'll take some of the children's rights booklets that we have, those kinds of things. We have a whole unit that really works hard to engage stakeholders in an education process.

Not just adults; we do that with young people, too. Our office has gone around to, I think, 117 group homes to informally meet with the staff and young people of those group homes and to make sure that people are aware of who we are and what kinds of services are available to young people. We do something called School at the Leg., with grade 6 students, and, you know, our folks are there to make sure that they understand that the young people have rights and about the importance of rights.

All of those activities are intended to increase the awareness of young people and the rights that they have, to increase awareness of who we are in case there should be a need for our services, and to also help people understand that, in fact, there are many positive things that are preventative in nature that can be done to make it so that young people don't end up in difficulties. There's a whole array of public education information and presentations that we do.

One of the things that Terri mentioned was the videos that are on our website. One of the key things that is very helpful to young people is those videos. If they want to understand what happens if they call the advocate's office, they can go to our intake video and look at it online and see, like, a four- or five-minute description of what takes place. It just is really reassuring for them. That helps, I

think, support them with better information so that they will make the call when they need to.

Does that answer your question?

**Mr. Sigurdson:** Yeah, it does. But just one quick follow-up. I mean, engagement is incredibly important. I think it's really important to hear from those communities across Alberta. How much weight do you take from that when you're adjusting the OCYA and how you're dealing with issues and building as you move forward?

**Mr. Graff:** It impacts us incredibly. I mean, I just think about the young people who speak to us about what their interests are and what their concerns are and the way that that shapes our thinking. You know, we've had to struggle with a whole range of different kinds of issues with young people. They come to us and they say: well, we'd like for this to happen. A good example is our Youth Advisory Panel. They provide us with advice all the time that is, in fact, incredibly important to us, and we make use of it. They were involved in the development of our vision, mission, and values statements and helped us tremendously. So in every kind of area that we can, we try to make it so that their voices are part of the process. When we hire new workers, for example, we always make sure that there's a young person who's part of that hiring process and that they're an equal partner with all of the rest of the panel members to make sure that who we hire is in fact aligned with the interests of young people and that young people can see that. Those are incredibly important things that we do.

**Mr. Sigurdson:** Excellent. Thank you.

**The Chair:** Member Pancholi.

**Ms Pancholi:** Thank you, Mr. Chair. Thank you to Mr. Graff for being here on behalf of the advocate's office and to Ms Pelton as well as to Ms Brodziak and Ms Lajeunesse. I really appreciate it. I want to echo my colleague's comments about appreciating the significant and important work that you do and that it is very complex and that there are no easy solutions, but your continued advocacy both from the ministry as well as from the advocate's office on behalf of vulnerable children is appreciated by all Albertans. I appreciate your being here today to speak to the annual report of the advocate's office.

I want to pick up on something that was referenced in the annual report with respect to the investigations that your office conducts, Mr. Graff, in particular the reference to examining post-18 supports for young people. You both referenced the supports for young people who are in government care receiving services under the Child, Youth and Family Enhancement Act to transition into adulthood – the lights just dimmed a little bit there – in particular that important phase, as you said, that emerging-into-adulthood phase and that aging-out phase.

Of course, we see as part of this annual report that the recommendations that your office issued were part of A Critical Time: A Special Report On Emerging Adults Leaving Children's Services Care. This report was issued in November 2019. As we know, just a few weeks prior to that the government did announce a policy change, which reduced the eligibility age for young people transitioning into adulthood to access supports and financial assistance agreements. In particular, it lowered the age from 24, which meant that young people could access those agreements up until the age of 24, to the age of 22. In reviewing the report and the recommendations related to that, it appears as though that change was not contemplated within the scope of that report, that the report seemed to be premised on the assumption to some extent that those

services and those supports would continue to be available until the age of 24.

I have a few questions related to that. The first is whether or not the advocate's office was, I guess, involved. We've heard a lot of discussion about the special relationship and the input that is sought from the advocate's office . . .

**Mr. Sigurdson:** Point of order, Chair.

**Ms Pancholi:** . . . when policy changes are made.

**The Chair:** A point of order.

**Mr. Sigurdson:** Under 23(b), as I referenced before, I'm just referring to the fact that Government Motion 40 was generated to review the report based on 2018-2019, ended March 31. This appears to be quite beyond the time frame of that report. Nothing that I've heard in this questioning refers to that report at all, being the fact that this is referring to things that happened far later than the report issued, so I would just point this out as relevance.

**The Chair:** Okay. From the opposition? I saw Mr. Shepherd's hand go up first, but Ms Sweet.

**Ms Sweet:** Thank you, Mr. Chair. Just to respond to the point of order, I think we need to go back to the referral to the committee and the intent of the committee. The intent of the committee in the way that it is written is that it is the report by the Child and Youth Advocate and anything related to the report in the context of what is referenced within the report. The references within the report actually speak to every single report that the Child and Youth Advocate has written over the last year. The hon. member is referencing a specific report within the report, and if you actually reference the page – can I see that for a sec, Rakhi, please? If you could just look at the actual annual report for 2018-2019, it is referenced here, "Examining Post-18 Supports for Young People," on page 31. So it is relevant to the discussion. The hon. member has every right to be asking questions as it is directly found within the report.

**The Chair:** Okay. Thank you. I'm actually prepared to rule on this. The member started off by referencing that page, and I do recall that, so I will say this. I will ask the member, certainly, to get to her question in regard to one of our guests here, but I think she is in order by referencing the report itself. I'd just ask that she not go too broadly past, really, the scope of what we're talking about. However, I find that the question is in order, and I ask her to continue.

Thank you very much.

**9:50**

**Ms Pancholi:** Thank you, Mr. Chair. To continue with my question, there was reference to the special relationship between the Ministry of Children's Services by both presenters today, and I'm wondering whether or not the advocate's office can speak to whether or not there was discussion about this policy change prior to it being announced or prior to the decision just with respect to that special relationship.

**Mr. Graff:** What I can tell you is that we have for many years had an agreement with the ministry that we would have no surprises between us. So when we are going to do something that we think will impact the ministry in a significant way, we inform them of that beforehand, and they do the same with us. Just prior to its announcement I was provided with information that that was in fact going to be what the announcement was and a bit of information

about what that actual information was going to be. Subsequent to it I met with the ministry again to talk about my concerns with that. Certainly, that was the extent of my involvement prior to it being announced.

**Ms Pancholi:** Thank you.

Would you then say that perhaps the recommendations that were made as part of that report which is referenced in the annual report would be different or might have been affected had the cut-off age for eligibility been part of the consideration? I realize that's a bit hypothetical, but the report does seem to be premised on the idea that the supports are still available to the age of 24.

**Mr. Graff:** I can be clear about what my thinking was at that point in time when I made those decisions to release the report. My thinking was that based on all that we had learned and what we had gathered for information, the developmental phase of emerging adulthood doesn't change because a program changes parameters. Whether those services are provided within one ministry or provided within, you know, multiple ministries, there's still a need for support for that age group of young, emerging adults. So I decided that it would be best for us to make that visible regardless of the decisions that were being made and announced.

**Ms Pancholi:** If I may, I just would like to . . .

**The Chair:** Very brief because others have questions.

**Ms Pancholi:** Yeah.

To that extent, I note a number of your recommendations around young people aging out of care are that specific training is required for people, for staff, who are working with those young people aging out of care because of their unique needs. Do you believe that it would be just as important for that sort of training and supports to understand the specific needs of these young people to be available in other ministries? As you said, the program age may be changing, and they may be dealing with another ministry. Should those ministry staff, then, make sure that they understand and have the training and supports? Would that be a recommendation to deal with these young people?

**Mr. Graff:** Certainly, I would have interest in making sure that people who are supporting these emerging adults were trained in terms of: what are the specific tasks that those young people are trying to achieve in their lives in terms of developmental processes? One of the things that I should note is that there's been a lot of work done in Alberta on brain science, on the ways that brains of young people develop. We've spent a lot of energy focusing on the early ages, early stimulation for children, the serve and return around the kinds of communication learning and the meaning that children derive and the ability of their brains to develop in a healthy way. Well, that brain science also applies to older adolescents, and it's just as valid for them, but it hasn't received the same amount of attention as it has for early childhood development. I wanted for this to bring attention to that late adolescence, or emerging adulthood, as it's being called now, as an important developmental phase that we need to pay attention to.

**Ms Pancholi:** Thank you.

**The Chair:** Thank you.

Mr. Rutherford, you're next on the list.

**Mr. Rutherford:** Thank you, Mr. Chair. Thank you for being here to take some of our questions. I just wanted to expand on something you touched on before and get a bit more in depth on it. If you could

talk about the effectiveness of your outreach on the youth opioid crisis and what strategies have been most effective as well, please.

**Ms Pelton:** I think it's early days. The ministry has had six months to pull their stuff together. I think the most impactful piece is the crossministry collaboration, that Alberta Health has taken the lead on. We haven't seen our recommendations met yet, but we believe that there is an elevated understanding of the impact that opioids are having on our young people. Because our young people today are our adults tomorrow, there's been a lot of energy put on adults – and it needs to be – but we need to do some more stuff with the young people.

**Mr. Rutherford:** Okay. In just over, I guess, the next year or more how do you plan on improving the outreach? Like, specifically, what strategies are you going to implement or improve?

**Ms Pelton:** We need to get out to communities and talk about the opioid report. We need to elevate the issues that they're facing. The number of notifications of death and serious injury since the report was released hasn't decreased. Young people are still dying. So we need to work more with Alberta Health, Alberta Education because it starts with teaching kids at a young age healthy ways of coping so that they don't feel the need to use substances. Education related to any substances needs to start young and in school. We'll work with Alberta Education and Alberta Health. We need to get out to more communities and raise the issue.

**Mr. Graff:** One of the things that we were doing as an initial kind of movement forward was speaking with Education about the curriculum and about changes to the curriculum. As you know, there are some posits there; we don't quite know whether our interests are going to be pursued further in terms of the school curriculum. But it was really an effort to get upstream and to help young people be educated about substance use generally as a preventative measure. Currently there is a lot of education that goes on, but it's not mandatory, and it's not standardized. It's one of the things that we thought was a pretty important consideration moving forward. So we're taking action like that.

There is also quite an array of resources through Alberta Health. One of the things that we are seeing as important is to take those and develop a strategy. The more strategic a system is about serving young people, the more effective they are likely to be. So we are asking for that crossministry group to develop a youth strategy for this issue.

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

**The Chair:** Member Irwin, did you have a question? Go ahead. Thank you.

**Member Irwin:** Thank you for being here today. I appreciate so much your office, Mr. Graff, prioritizing supports for LGBTQ2S-plus youth, and I also appreciate Speaking Out and the follow-up addendum. I'd read it when it first came out, in 2017. So as a member of the community I thank you for that.

In the addendum to Speaking Out you mention that young people's basic needs must be met before focusing on their sexual and gender identities and that often for those who are in care, placement providers and front-line staff were notified of an LGBTQ2S-plus young person's gender or sexual identities prior to that young person coming into a placement, which of course takes away the ability of that young person to disclose on their own terms, which could put their safety at risk. My question for you is: have you done any work with the ministry on this particular issue in

regard to changing those policies so that we can ensure that young people are protected?

**Ms Pelton:** Yes, we have worked with the ministries. Justice and Solicitor General, the young offender branch: they've amended their policies. Children's Services pays attention to young persons' diversity. I don't know – Joni?

**Ms Brodziak:** Hi. Maybe I can fill in some blanks. As it relates to responding to the Speaking Out report and, of course, our obvious interest in ensuring that kids and families that are served in our system are supported well, we have made some adaptations to policy. We've actually added particular sections to our electronic case management system that speak specifically to desired pronouns, who safe people are for young people; trained staff on the fact that a case conference is about sharing information but to be super clear with the young person what information they're willing to share with whom; as well as developed some very intensive training for staff that dives very deep into some of the issues, including the kinds of health products that you might be requested to buy for a particular person who is expressing a gender other than the one that they had in the past.

**10:00**

We've done a fair amount of very operational policy things to support improved outcomes for kids and families in this situation and have done a lot of training. This is training that, as in Rae-Ann's comments, we actually invited the OCYA to participate in because lots of the resident expertise in that area came from that office. We wanted to ensure that the training was comprehensive and hit the right tone.

**Member Irwin:** Great. Yeah. That's related to my follow-up question. I know that in the report there was the recommendation to ensure that the ministries were receiving appropriate training. It sounds like Children's Services is. Do we know if the Justice and Solicitor General ministry is also engaged in that type of training?

**Ms Pelton:** They've indicated that they have training and that their policy has been adapted. I'm not sure how many young people have taken advantage or disclosed a need for that. Of course, we have to start with a young person's privilege and confidentiality, too.

**Member Irwin:** Do you anticipate following up with, say, that ministry just to see if they are acting on that recommendation? Do you have a pretty close relationship with the Justice and Solicitor General's office so that you can say, like, "We've obviously encouraged that; we've seen that Children's Services is taking the recommendation seriously"?

**Ms Pelton:** Yes, we do. I meet regularly with the young offender branch's executive director, and we are in regular contact. Certainly, we have prioritized that, and we'll continue to engage in those conversations.

**Member Irwin:** Right. Recognizing that it's, I mean, obviously not binding but that you've got that influence. Okay. Thank you for that.

**The Chair:** Thank you.

Ms Lovely, go ahead, please.

**Ms Lovely:** My colleague had asked some questions regarding opioid use, and I just want to hop back to that topic. How have you collaborated with the government on this work so far?

**Mr. Graff:** Well, as we outlined, we met with the Minister's Opioid Emergency Response Commission a couple of times in preparation for the report for a couple of reasons. One was to identify what their priorities were but also to help identify kind of how our priorities would intersect with theirs. They are certainly focused on providing an emergency response, if you will, to adults who are dying from opioid poisoning, and that was their priority. We suggested that a youth strategy would be a key component of how we move forward because, as I think Terri indicated, you know, the 16-year-olds today are going to be the 36-year-olds of tomorrow, and if we don't move forward with those 16-year-olds, there could be greater difficulty. That's one of the ways that we've collaborated.

Another way is with respect to the working group. My staff have met with that working group to help convey additional information about what we were hearing in the opioid report that wasn't necessarily kind of written, that was part of our perceptions, and to help to try to understand: how does a crossministry youth strategy make a difference for young people? How do we make sure that we engage with the appropriate young people so that we can get to the places we want? We've been consulting and talking about that a number of times. There have been those kinds of levels of engagement and then, as I mentioned earlier, with Alberta Education in terms of trying to move the curriculum forward.

Those are some of the activities to date. We've had some presentations that we've been involved in with some indigenous communities who have had interest in our report and have in fact invited us to speak with them about that report. When we go out to communities to talk about our office, we'll often provide them with a message to invite us to speak about any of the reports that we provide. There are a number of vehicles that enable us to elevate, I guess, the issues related to opioid use for young people.

**Ms Lovely:** Thank you for your work.

**Mr. Graff:** Thank you.

**Ms Lovely:** No further questions.

**The Chair:** Thank you very much.

Ms Sweet.

**Ms Sweet:** Thank you, Mr. Chair. I just want to look at recommendations on page 48, which were related to 16-year-old Dillon. Right now there's been significant progress in the recommendation, which is:

The Ministries of Children's Services, Health, Education and Community and Social Services should establish or strengthen policies and protocols so information is shared and used to coordinate service plans for young people with complex needs.

I recognize that we have the complex case resolution process, where the different ministries come together and look at how they can provide services to different youths, but as we look at, like, the opiate crisis, going back to the conversation of the hon. member from the government side, but also look at mental health support services, I appreciate that the opiate crisis is definitely an issue that needs to be addressed for youth.

I'm just wondering if there's been any progress under this recommendation or maybe other recommendations in relation to younger children that are struggling with mental health concerns that may have supports from their parents but aren't able to access the services and supports due to, you know, no beds in emergency or not being able to access specialists due to changes within different medical services. Is there something that's being worked on or addressed across the ministries to help work with those families that may not necessarily need intervention services in a

more traditional sense but in a more, like, family enhancement sense than a protective sense? Does that make sense?

**Mr. Graff:** I'm a bit uncertain about your question. Is your question related to: are we involved with trying to advocate for younger children who are in need of access to mental health services?

**Ms Sweet:** Well, I guess my question is on whether there is work being done and are you advocating in the sense of – when I look at this, specific to young adults with complex needs, there's also the same need for children that may not have been identified as young people. So is this a big, overarching policy recommendation that's being looked at from zero to 24 – 22 now, I guess – or is it just specific to young people with complex needs? I think that there is a gap where we have children with mental health concerns that should not be in intervention services but need advocates for access to mental health services. Does that make sense?

**Mr. Graff:** Yes, it certainly does. I saw Joni nodding her head, so maybe I'll respond for the moment and then Joni. I can tell you that with respect to mental health services in young people, we've been advocating for a very long time that young people with complex needs require additional supports. When the mental health review was going on in this province, myself and a colleague took two young people with us to do a presentation to explain how we thought those kinds of services could be provided, recognizing that there was a bit of a vacuum there. Young people have talked with us many times about what they receive when they go to an emergency room and how inadequate it is in terms of a response to their complex mental health needs. We've been advocating for a very long time about that.

One of the things that I should note is that mental health – our designated services in terms of the responsibilities of my office do not include mental health by itself. Why I say that is that mental health combined with child intervention involvement or mental health combined with youth justice involvement would enable us to participate, but mental health on its own would not. I can give you an example of that. We heard some time ago about a mother who was in a community and whose daughter had some very, very difficult mental health challenges. She was hurting herself, slicing, cutting herself, and the mother would take this daughter to emergency repeatedly, probably six to eight times, not finding any support at all for what her daughter was going through. She raised it to the level of the media, and that's where I heard about it. When I looked into it, there wasn't anything that we could do to in fact enable our advocacy to be applied to that mother's and that child's interest directly because they didn't have those other involvements. That's a problem. It's something that we've raised to this committee before, and it's something that currently continues to exist in Alberta.

Did you have a response to that, Joni?

**10:10**

**Ms Brodziak:** MLA Sweet speaks from obvious experience in this area. While the response to Dillon related to escalation of matters that are sort of grey, on the outskirts of margins of folks' mandates for young adults, the processes that we're establishing internally around escalation of matters that no one owns is intended to be applied across age ranges, not exclusively for young adults.

Of course, child protection should be the system of last resort with respect to, you know, that creating a record that a family has done something or has failed to do something for their child can't be as a consequence of not having the right services available to them. So it's an ongoing effort. We do have funding for mental health hubs that's just been released into communities that will help

link, particularly in those circumstances that Del talks about where you go to a hospital and are discharged into nothing, potentially – these hubs are a source of support and ongoing referral for families postinvolvement. We're hopeful that some of those things will make a difference in that particular population.

**The Chair:** Do you have a follow-up, Ms Sweet? No? Okay. Thank you very much.

We have two more people on the list, and we do have a lot on the agenda here. I will go to Mr. Schow and then Member Pancholi, and then as far as I'm aware, we can conclude that and move on to one of our next agenda items. Seeing nobody shaking their head, okay.

All right. Mr. Schow, go ahead.

**Mr. Schow:** Thank you, Mr. Chair. I just have a quick question.

If you can tell me: have any recent legislative changes impacted your ability to fulfill your mandate?

**Mr. Graff:** No.

**Mr. Schow:** That's it.

**The Chair:** Do you have a follow-up?

**Mr. Schow:** No.

**The Chair:** No? Okay.

Member Pancholi.

**Ms Pancholi:** Thank you, Mr. Chair. I just have some questions. I want to follow up on some of the comments about the legal representation – I'm going to get the acronym wrong; I tend to do that – the LRCY. I just want to touch a little bit on that because it does seem like that is a growing area of work for the advocate's office. I think there was a reference to the increase in number of appointments by 22 per cent. I think that's probably a positive thing – right? – although it does mean that there are more children maybe as a result of a mandatory notification, but the idea that a child can be represented and have their interests represented by legal counsel is a good thing, I think, in the process.

The question I have is around the increase in the number of appointments. Have there been challenges related to finding appropriate legal counsel? I know that sometimes finding external counsel who have the appropriate expertise to take on these matters and perhaps even have a lot of the training that you've talked about has been so important for staff at the OCYA as well as legal counsel. Has that been a challenge at all, or how have you found your ability to meet the increased appointments with respect to legal counsel?

**Ms Pelton:** I think I can answer that. I was previously responsible for that program. The roster of lawyers currently is around 60, and if we have any challenges, it's around appointing local lawyers for remote communities or indigenous lawyers for indigenous children. I think we've got two indigenous lawyers who will travel across the province. But in terms of specialization, most of our lawyers have been on the roster since we started in 2006 and are very, very specialized in child legal representation. They all take at least six hours of training a year; plus, they're really passionate about working with kids. It's quite fun to see lawyers embrace young people the way they do. Yeah, we do have the expertise I think we need. It's about: how do we get some more local lawyers in those remote communities? Sometimes it's not even that remote. Fort McMurray: I think there's one lawyer. Grande Prairie: I think

they've just brought one new lawyer, not that remote but far enough that we're paying travel costs.

**Mr. Graff:** The other thing that I would add is that we have a system of mentor lawyers. So when there is a new lawyer that comes to the roster, there's a mentor lawyer who's got lots of experience who helps them along that path.

The other thing I should mention is that other provinces have looked to Alberta, because we've been providing legal representation to children since 2006, for the expertise that we've developed over time in terms of child legal representation on these matters.

**The Chair:** A follow-up?

**Ms Pancholi:** Just a quick follow-up. Just because it does seem like you have a very solid roster of very committed and passionate lawyers so that there doesn't seem to be a need for internal legal counsel, perhaps, to provide that support inside the advocate's office – or do you believe the needs are being met right now by the external counsel?

**Mr. Graff:** Two different things. One is a program that provides legal representation for children, and the other, if you're talking about legal counsel for my office . . .

**Ms Pancholi:** No. I mean external, like, to serve some clients if you're having difficulties finding external counsel.

**Mr. Graff:** The roster system seems to work well. We've considered kind of looking at different ways of doing that work, but the roster really does work well.

**Ms Pancholi:** Thank you.

**The Chair:** Thank you very much, and thank you for being here today.

As we wrap up the item on the agenda, I'd like to once again thank all of our presenters for joining us here today. Thank you very much. If you wish to observe, of course, the rest of the meeting, you are more than welcome to move into the gallery or to the back of the room. Otherwise, we wish you the best for the remainder of the day.

As previously noted, I'd like to just call a five-minute recess. We'll take a health break, and we'll return in about five minutes.

Thank you.

[The committee adjourned from 10:17 a.m. to 10:25 a.m.]

**The Chair:** Welcome back, everybody. It looks like all of our members are present and accounted for, that I can see.

Up next we have the report of the subcommittee on committee business from December. The subcommittee was formed in December for the duration of our review of the annual report of the office of the Child and Youth Advocate. The subcommittee met in December and issued a report, which was distributed to committee members about a month ago.

At this point I would like to invite Mr. Sigurdson as chair of the subcommittee to make a few comments regarding the report. Mr. Sigurdson, the floor is yours.

**Mr. Sigurdson:** Thank you, Chair. At the December 4, 2019, meeting this committee appointed a subcommittee and tasked it with assisting with the organization of the review of the 2018-2019 annual report of the office of the Child and Youth Advocate by making recommendations as to the scope of this review. The

subcommittee met on December 16, 2019, to discuss issues for consideration during the review and to identify potential stakeholders the committee may consider for participation in the review process. The subcommittee issued a brief report, which was distributed to the committee members. Copies of the report were also provided to the office of the Child and Youth Advocate and to the Ministry of Children's Services to assist them in preparing their presentations.

Thank you, Chair.

**The Chair:** Well, thank you very much, Mr. Sigurdson.

Thank you to all the members of the subcommittee for the time on this. I am confident your work will be valuable as we move on and to determine the next steps in our review process.

The next steps in the review process. Now that we've heard from both the advocate and the Ministry of Children's Services, we're in a position to further clarify the scope of our review and narrow down our focus issues. As previously noted, this is the first time this committee has conducted a review of this nature, and we must report within 15 days of the commencement of the spring session. This means that due to the constituency week beginning on March 9, we need to have our report tabled in the Assembly no later than March 16, 2020. With this time frame in mind the committee needs to determine its next steps in the review process.

The subcommittee outlined some initial focus issues in its report. With the additional information we have received today, does anyone have any thoughts on how we could further define the scope of our review? Mr. Schow.

**Mr. Schow:** Mr. Chair, I would move that as we discuss the scope of the review, we move in camera.

**The Chair:** So you're making a motion to ask the committee to move in camera for discussions? Is that correct, sir?

**Mr. Schow:** Correct.

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

Go ahead.

**Mr. Shepherd:** We are at the point of speaking to the motion, Mr. Chair?

**The Chair:** Yes. Go ahead, sir.

**Mr. Shepherd:** Thank you. I would say that I would oppose this motion, Mr. Chair. I'm surprised. Well, perhaps I am; perhaps in some respects not. But I don't understand why we would need to move in camera for a discussion that has previously been on the record. This is not an issue that involves any sort of secret information. This is something, I think, that is part of this committee's work, that indeed is directed to the public. Certainly, our members on our side have nothing to hide from the public. We believe in transparency in our work on these committees. Indeed, this being a public report and a public discussion, any stakeholders which will be called in for this committee will indeed testify publicly. Their testimony will be made public. All aspects of this report will be public.

So I can only imagine that members of government have something they want to hide if they feel that we must go in camera and are unwilling to actually have this discussion on the record as to what reasons they may have for what issues would be in scope for this committee in our review of, again, this public review of these public documents.

So I would invite Mr. Schow, if he wants to move this motion, to perhaps put some reasons on the record for why he feels it's necessary to hide these discussions from the Alberta public.

**The Chair:** Sure. Thank you very much for those comments. I just would caution the member to not, of course, insinuate any, you know, false motives against another member. Those same rules apply in this committee as they would apply, of course, in the Chamber.

Mr. Schow, I do invite you or any of the government members to add to the comments.

**Mr. Schow:** I appreciate the member's comments. My motion stands. I believe that the report will be made public, and at that time the public will hear the report. I allow my motion to stand, to move in camera for the discussion.

**The Chair:** Well, we'll put it to a vote.

Do we have any other comments from the government side? Mr. Sigurdson.

**Mr. Sigurdson:** I'd just like to comment that I agree with going in camera on this. As the chair of the subcommittee that drafted up the subcommittee recommendations, there was a lot of debate within that subcommittee meeting about what is and isn't relevant to this report. I believe that discussion should be had in camera so as not to confuse anybody out there of what actually applies to our mandate here and what we're doing. I'm in support of pulling this in camera, and after the decision is made, then we can – like I said, the report is going to be public and go public. I think, just due to the subcommittee and a lot of the debate that happened there about what is and isn't relevant, we should kick it in camera to be able to have that discussion and then come back with how we feel we move forward.

**The Chair:** Okay.

Member Pancholi.

**Ms Pancholi:** Thank you, Mr. Chair. I am a substitute on this committee, so this is my first time on this committee; however, I do sit on a number of other committees. I'm quite astounded that the government members would put forward a motion to go in camera, to go off-record, with very little explanation why other than we should just kick it in camera because it's a matter of debate. Well, that's what we are elected to do, to debate these issues openly and publicly.

I think this is quite a disturbing precedent to set, that whenever the government members decide that their discussions should be off-record, by a simple majority vote – when we know that, you know, there are numbers there; obviously, the government typically has the majority and is able to outvote – the government can just simply make a decision that their discussions should not be privy to *Hansard*, to public scrutiny. I think that's a really troubling precedent, that we should all be deeply concerned about.

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

The motion has been put on the table, so we'll go to a vote if there are no other comments.

Ms Sweet.

**Ms Sweet:** Can we have a recorded vote, please?

**The Chair:** Yeah. Absolutely.

Okay. Any other comments?

The motion has been put on the table to go in camera regarding the discussion for the next steps in the review. All in favour, say aye. All opposed, say no. Okay. On the phone?

Now we'll do the recorded vote, starting on my right. Certainly, you do have the opportunity or ability to abstain if you so wish.

**Mr. Schow:** Yea.

**Mr. Sigurdson:** Yea.

**Ms Goodridge:** Yea.

**Ms Lovely:** Yea.

**Mr. Rutherford:** Yea.

**Ms Sweet:** Nay.

**Mr. Shepherd:** Absolutely no.

**Ms Pancholi:** Nay.

**Member Irwin:** Nay.

**The Chair:** On the phone?

**Mr. Jeremy Nixon:** Yea.

**The Chair:** It's 6 to 4. We will be going in camera. I would like to ask those members who are not part of the in camera session to please exit the committee room.

[The committee met in camera from 10:34 a.m. to 11:36 a.m.]

**The Chair:** Thank you very much. We have now returned from our in camera session. Just of note, the committee has agreed unanimously to extend the committee meeting as we were scheduled to conclude at 11:30. We will continue to press on.

I guess that next up we will talk about a possible motion that we had some discussion on in regard to the subcommittee report, and this had to do with the identified issues. Is there any member that would like to make a motion in regard to the identified issues? Mr. Shepherd would move that

the Standing Committee on Legislative Offices consider the following focus issues during its review of the office of the Child and Youth Advocate annual report 2018-2019 and the list of the four recommendations.

Let me just read them into the record.

1. The direct advocacy work of the office of the Child and Youth Advocate with respect to indigenous youth, individuals who have aged out of care, and LGBTQ2S-plus children and youth.
2. The advisory role of the office of the Child and Youth Advocate with respect to youth opioid use and the effectiveness of its outreach and education work.
3. The investigative capacity of the office of the Child and Youth Advocate and, in particular, the impact of recent legislative changes to the advocate's mandate. Does the advocate have adequate resources to fulfill his mandate?
4. The ways in which government ministries and the office of the Child and Youth Advocate collaborate and co-ordinate to address and implement the advocate's recommendations.

Okay. With that, all in favour, say aye. Any opposed? On the phone? Thank you.

That motion is carried.

As noted previously, the subcommittee recommends that the committee consider hearing from additional stakeholders. Are there any issues on which we require the additional stakeholders'

participation, and if so, what format should this take? Do we want to request written submissions from designated stakeholders, or do we want to invite additional presenters? I know, again, that there was robust discussion from the subcommittee in regard to a list of stakeholders. Is there a possible motion that somebody would like to put forward in regard to that? Mr. Schow. Sorry; we do have a possible motion if you may or may not be okay with it.

**Mr. Schow:** Please.

**The Chair:** It would be: Mr. Schow moved that the Standing Committee on Legislative Offices invite the following stakeholders. Of course, the list of stakeholders would include, one, the Youth Advisory Panel, office of the Child and Youth Advocate; two, Skipping Stone foundation; three, Travis Plaited Hair; four, Elder Francis Whiskeyjack; five, iHuman Youth Society; six, Ministry of Justice and Solicitor General; seven, Ministry of Health; eight, Ministry of Community and Social Services; and there was a ninth. What would be the wording on the ninth? A parent . . .

**Mr. Schow:** This was not the motion. My motion was simply that we do not invite stakeholders.

**The Chair:** Okay. So that would not include the said – I'll read it again. Mr. Schow would move that the Standing Committee on Legislative Offices not invite stakeholders.

**Mr. Schow:** Correct.

**The Chair:** Okay.

**Ms Sweet:** Mr. Chair?

**The Chair:** Yes. Go ahead, please, Ms Sweet.

**Ms Sweet:** Thank you. Typically it's out of order to have a motion that is in the negative, of not inviting. Typically you would put a motion on the floor that says: we will invite. If members of the committee choose to vote it down, they can, but it's typically out of order to have that done that way.

**The Chair:** I'm just going to hear what the clerk has to say if you don't mind, please.

That's a good point. That's what I actually thought and actually had forgotten about. It is not typical that there is a negative when it comes to a motion. I mean, certainly, we would never presuppose the outcome of anything, but in the original motion that I was presenting, the committee members have an opportunity to vote yes or no, depending on the will of that particular committee.

Mr. Shepherd, go ahead.

**Mr. Shepherd:** That being the case, Mr. Chair, I would be happy to move the motion that you reference, the proposed motion from the clerk with the list of nine stakeholders that were mentioned, the motion being that the committee would invite those nine stakeholders to provide a submission in regard to the report.

**The Chair:** Mr. Schow, are you . . .

**Mr. Shepherd:** Sorry. My apologies, Mr. Chair. To clarify, that would be an oral presentation.

**The Chair:** Okay.

Are you withdrawing your . . .

**Ms Rempel:** It's out of order.

**The Chair:** It's out of order. Okay. All right. Fair enough.

Mr. Shepherd will move that

the Standing Committee on Legislative Offices invite the following stakeholders:

I'm going to list them again.

one, the Youth Advisory Panel, office of the Child and Youth Advocate; two, Skipping Stone foundation; three, Travis Plaited Hair; four, Elder Francis Whiskeyjack; five, iHuman Youth Society; six, Ministry of Justice and Solicitor General; seven, Ministry of Health; eight, Ministry of Community and Social Services; and . . .

What will be the wording for number 9?

**Ms Rempel:** Thank you, Mr. Chair. I believe number 9 would be identified as

. . . a parent mental health advocate identified by Member Pancholi . . .

**The Chair:** Okay. Just to confirm with the clerk, is that the wording?

Mr. Shepherd, is that the wording that you'd like to see on that?

**Mr. Shepherd:** Yes, indeed, Mr. Chair. It would be. Thank you.

**The Chair:** Okay. We have the nine presenters and then:

. . . to make presentations to the committee at its next meeting as part of the review of the office of the Child and Youth Advocate annual report 2018-2019.

As presented, Mr. Shepherd, does that look okay to you, sir?

**Mr. Shepherd:** Yes, Mr. Chair. Thank you.

**The Chair:** All right. Thank you.

As presented, all those in favour, say aye. All those opposed, say nay.

That motion has been defeated.

11:45

**Mr. Shepherd:** May I request a recorded vote, Mr. Chair?

**The Chair:** Yes, sir.

We will do a recorded vote, starting with Mr. Schow to my right.

**Mr. Schow:** No.

**Mr. Sigurdson:** Nay.

**Ms Goodridge:** No.

**Ms Lovely:** No.

**Mr. Rutherford:** No.

**Ms Sweet:** In favour.

**Mr. Shepherd:** Yes.

**Ms Pancholi:** Yes.

**Member Irwin:** Yea.

**Mr. Jeremy Nixon:** No.

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

That motion has been defeated.

Okay. Given that there are a few of us that have another committee meeting appointment coming up in, like, the next hour and a half here and with other scheduled appointments that people have – I know that we do have other business to attend to – I

certainly would ask any members if they would like to make a motion, of course, to possibly adjourn this meeting in order for us to return at a date, I will say, sooner rather than later so that we can discuss the very important matters of a couple of reappointments to this committee.

**Ms Sweet:** Mr. Chair, can I just clarify? Did we also vote on whether or not we will be accepting written submissions? I think we want to deal with that piece of business first if we could.

**The Chair:** Sure. Yeah. Thank you very much for bringing that up. So a possible motion regarding written submissions: would somebody like to move that?

**Ms Sweet:** I'll move the motion that the committee accept written submissions in regard to the office of the Child and Youth Advocate report. Do you need a date?

**The Chair:** Yeah. I have something: to provide written submissions to the committee by January 31, 2020, as part of the review of the office of the Child and Youth Advocate annual report 2018-2019. Does that sound okay to you?

**Ms Sweet:** I will accept that, yes.

**The Chair:** Okay. Thank you very much. Just to clarify, it would be Ms Sweet to move that. Ms Sweet, are these the same nine, or is this a different list?

**Ms Sweet:** Mr. Chair, I would just like to say: "community members" or "the general public." Like, how would we normally word that?

**The Chair:** "Members of the public"? Okay.

**Ms Sweet:** So "members of the public," and then it opens it up to whoever wants to submit. Thank you.

**The Chair:** Okay. All right. We'll see what the clerk has here. Ms Sweet to move that  
the Standing Committee on Legislative Offices invite members of the public to provide written submissions to the committee by January 31, 2020, as part of the review of the office of the Child and Youth Advocate annual report 2018-2019.

Okay. All those in favour, say aye. Any opposed? Okay. On the phone? Okay. Thank you.

**Ms Sweet:** A recorded vote, please.

**The Chair:** A recorded vote? Okay.  
We'll start the recorded vote with Mr. Schow, to my right.

**Mr. Schow:** No.

**Mr. Sigurdson:** Nay.

**Ms Goodridge:** No.

**Ms Lovely:** No.

**Mr. Rutherford:** No.

**Ms Sweet:** Yes.

**Mr. Shepherd:** Yes.

**Ms Pancholi:** Yes.

**Member Irwin:** Yea.

**Mr. Jeremy Nixon:** No.

**The Chair:** Okay.  
The motion has been defeated.  
Thank you very much.

I will just say that in regard to the next possible meeting I'll have the committee clerk send out some possible dates, again something that is sooner rather than later because we do have, obviously, some unfinished business that we were unable to get to today.

Again, I guess we'll now continue on for a possible motion to adjourn.

**Ms Goodridge:** Mr. Chair, I'd like to move a motion to adjourn the meeting.

**The Chair:** Okay. Thank you very much. All those in favour, say aye. Any opposed? Hearing none, the meeting has been adjourned.  
Thank you very much.

[The committee adjourned at 11:51 a.m.]



