

Annual Report

2002 - 2003



Child and Youth
ADVOCATE

Province of Newfoundland and Labrador



Office of the Child and Youth Advocate Province of Newfoundland and Labrador

March 1, 2004

The Honourable Harvey Hodder, M.H.A.
Speaker of the House of Assembly
P.O. Box 8700
St. John's, NL A1B 4J6



Dear Mr. Hodder:

I have great pleasure in submitting the first Report of the Office of the Child and Youth Advocate for the Province of Newfoundland and Labrador.


I draw your attention to the fact that this Office will table its Annual Report on a Fiscal Year basis. You will note, therefore, that since this Office opened in late November 2002, this Report covers only the approximate four-month period to March 31, 2003, the end of the Fiscal Year 2002-2003.

There is convincing evidence of the need for and importance of this Office from the volume, complexity and serious nature of the matters that, in only four months, have been dealt with by our advocacy staff. In this short time, we are pleased to advise that we have been able to make many improvements in the lives of a significant number of our most vulnerable children and youth.

I am further pleased to state that there has been a broad and overwhelming positive response to the establishment of the Office of the Child and Youth Advocate. We continue to receive outstanding cooperation and encouragement, not only from citizens from all parts of the Province of Newfoundland and Labrador, but equally, from many Departments of Government and its many Boards, Agencies, and frontline workers. We are, of course, grateful for the support and cooperation and that augurs well for the building of partnerships and a more collaborative approach. Over time, this will ensure that the voices, rights and needs of our Province's truly greatest resource, our children and youth, are better served. Their lives will be enriched by society's dedication to their development, which will ensure they are being presented with the opportunity of achieving, for themselves, the very best quality of life attainable. This must remain the most essential commitment we all share in truly making our Province an even finer place for our citizens of all ages and circumstances.

While this Report is, of necessity, somewhat limited for reasons mentioned above, there is no question that our next and first full-year Annual Report will be most informative and challenging. It will address, in depth, many areas of great need with respect to the Office's legislated mandate around both individual and systemic issues of advocacy work.

Yours sincerely,


LLOYD L. W. WICKS (Judge - Ret'd)
Child and Youth Advocate

Office of the Child and Youth Advocate

Mission Statement

Province of Newfoundland and Labrador

The Office of the Child and Youth Advocate ensures that the voices and rights of children and youth are respected and valued and their needs are met. The Advocate's Office helps children and youth express their opinions and views, or if they are unable to do so, speaks on their behalf.

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Acknowledgements

As the first Child and Youth Advocate for the Province, I wish to extend sincere thanks to all who have been so generous in sharing their vast experience and knowledge leading to the start-up of our Office. Special thanks to Saskatchewan's Advocate, Dr. Deborah Parker-Loewen and Deputy Advocate, Glenda Cooney and to Manitoba's Advocate, Janet Mirwaldt, for their exceptional cooperation. I express sincere appreciation to all colleagues of the Canadian Council of Provincial Child and Youth Advocates, who, in addition to their wise counsel, have been most gracious in their welcome to me. Warmest thanks....merci beaucoup.

Also, on behalf of the Office, I extend our gratitude to the many government and non-governmental agencies and individuals with whom this Office has interacted during this period. We have had overwhelming cooperation and support. It is clear that there are many dedicated people delivering child and youth programs who are committed to working with children, youth and their families to enhance their lives. We look forward to continued partnership building with these and all agencies and organizations to the end that every child and youth in the Province of Newfoundland and Labrador achieves his or her own personal best in life.

Background

There has been considerable support in recent years for the establishment of a Children's Advocate for the Province of Newfoundland and Labrador. Numerous individuals and organizations had lobbied government and recommendations for a Children's Advocate were included in the *Select Committee's Report on Children's Interest* (1996). Consultations leading up to the drafting of the *Child, Youth and Family Services Act* (1998) also revealed keen interest and support for an Office of a Child and Youth Advocate in this Province. In February of 2001, government's plan to move forward with advocacy legislation was announced. The Department of Health and Community Services was delegated to carry out the policy development and a broad-based consultation was held in March 2001 to solicit input on the legislative framework. The consultation process pointed to the need to have an Office that would be independent of government with a mandate to provide individual and systemic advocacy on behalf of children and youth.

The *Child and Youth Advocate Act* was assented to on December 13, 2001, and proclaimed on May 12, 2002. Lloyd L.W. Wicks (Judge - Ret'd) was sworn into the position on September 16, 2002, as the Province's first Child and Youth Advocate. The Office officially opened on November 18, 2002. As recommended in the consultation process, the Advocate is an Independent Officer of the House of Assembly and reports directly to the Legislature by means of an Annual Report. The *Child and Youth Advocate Act* provides an effective and comprehensive mechanism to

Only as Far as I Reach

Only as high as I reach
Can I grow
Only as far as I seek
Can I go,
Only as deep as I look
Can I see,
Only as much as I dream
Can I be



represent the rights and interests of all children and youth. The Advocate may respond to individual inquiries and review systemic issues related to all government services, programs, policies and practices. Services are provided to children and youth up to the age of 18 and this is extended to the age of 21 where the young person is in a care or custody arrangement.

Newfoundland and Labrador is pleased to join seven other jurisdictions in Canada that provide advocacy services to children and youth. This Province has a strong legislative base which reflects best practice and provides a strong foundation for a comprehensive system of advocacy services for children and youth.

This report will provide an overview of the activities of the Office for the four-month period of operation during the 2002/2003 fiscal year. Included will be statistics and examples of individual advocacy issues which have come to our attention.

The Office has also become aware of a number of systemic issues. To date, work on these issues has been preliminary. Discussion of these systemic and other emerging issues are highlighted in this Report.

In addition to our individual and systemic advocacy work, the Office also has a mandate to engage in educational activities and create public awareness. Highlights of promotional activities undertaken to date are described in the "Public Education" section.

What is Advocacy?

During the first months of operation, the Office of the Child and Youth Advocate engaged in a planning process to determine how our services should be delivered to ensure the achievement of our mandate.

We reflected on our mission statement and the underlying principles of advocacy with and on behalf of children and youth. The primary mandate of the Child and Youth Advocate is to advance the rights and interests of children and youth. As well, we took into consideration the *United Nations Convention on the Rights of the Child*, to which Canada is a signatory partner. This convention explicitly outlines the social and protective rights of children and youth including: a right to education; recreation; health and basic income maintenance; protection from violence and abuse; and economic and sexual exploitation. Through this planning process, it was determined that the Office of the Child and Youth Advocate would operate from a rights-based perspective and use the *United Nations Convention on the Rights of the Child* as a basis for its advocacy services.

Children and youth lack political, social and economic power and, as such, are vulnerable. Advocacy is one means by which we can work with and on behalf of children and youth to ensure appropriate attention is paid to their social and protective rights. Advocacy is defined as representing people's rights and helping individuals access services to which they are entitled. This Office is pleased to be able to supplement and enhance current advocacy actions occurring within our Province.

The following principles guide the work of our Office:

- Children and youth are our primary clients.
- Children and youth have a right to information regarding government services and programs designed to meet their needs.
- Children and youth have a right to speak and to be heard by those who make decisions affecting their lives.
- Children and youth have a right to participate in decisions which affect them.
- Parents, extended family, others significant to the child or youth and community are the natural advocates for children and youth.
- Children, youth and their families are, wherever possible, in control of the advocacy process.
- Actions are to be based on empowerment.
- Information will be treated as strictly confidential, unless there is risk to a child or youth.
- Interventions are respectful, understanding and compassionate.
- There is respect for and recognition of the diversity and importance of culture.



The Best Interest of the Child

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child should be a primary consideration."

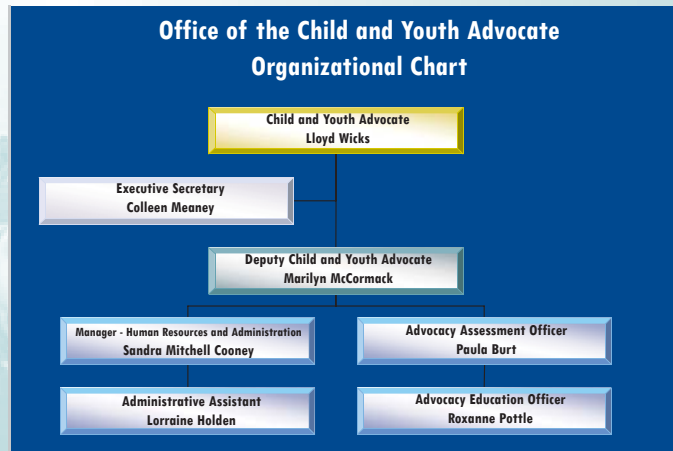
United Nations Convention on the Rights of the Child Article 3(1)

Organizational Structure

Following the appointment of the Child and Youth Advocate in September 2002, the Internal Economy Commission approved the following positions for the Office of the Child and Youth Advocate:

- Deputy Child and Youth Advocate
- Manager - Human Resources and Administration
- Executive Secretary
- Administrative Assistant
- Advocacy Assessment Officer
- Advocacy Education Officer

The chart to the right illustrates the organizational structure under which these positions operate.



The Child and Youth Advocate Team



Front left to right: Colleen Meaney, Executive Secretary; Lloyd L.W. Wicks (Judge - Ret'd), Child and Youth Advocate. Back left to right: Sandra Mitchell Cooney, Manager - Human Resources and Administration; Lorraine Holden, Administrative Assistant; Paula Burt, Advocacy Assessment Officer; Marilyn McCormack, Deputy Child and Youth Advocate; Roxanne Pottle, Advocacy Education Officer.

The Manager - Human Resources and Administration and the Deputy Child and Youth Advocate conducted interviews between November 2002 and January 2003 for the four positions of Executive Secretary, Administrative Assistant, Advocacy Assessment Officer and Advocacy Education Officer; all staff were hired by February 2003. The persons hired in these positions have formed the "core team" of the Office of the Child and Youth Advocate.

It has become apparent, even at this early stage, that the demands on the Office are and will be significant. The requests for services will be carefully monitored so that we can be strategic in identifying our human resource requirements.

Budget

To carry out the process of opening the Office, the Legislature, with the approval of the Internal Economy Commission of the House of Assembly, provided the Office of the Child and Youth Advocate with a start-up budget of \$462,664 as "seed money". These funds were used mainly to acquire office space, purchase the necessary equipment, and hire the core staff to commence operation.

As illustrated in the table to the right, this entire process was achieved by expending only \$309,194. This prudence enabled the Office to forego from its start-up budget an amount of \$150,000, thereby allowing the House of Assembly to meet certain unexpected financial shortfalls it was experiencing in other areas.

Office of the Child and Youth Advocate Expenditures for the Period November 18, 2002 to March 31, 2003	
Start up budget allocation.....	\$462,664
Salaries.....	\$167,744
Transportation & Communications.....	22,052
Supplies.....	36,619
Professional Service.....	12,880
Purchased Services.....	34,990
Property, Furnishings & Equipment.....	34,909
Total.....	\$309,194
Returned to the House of Assembly.....	\$153,470

Individual Advocacy

Statistics 2002-2003

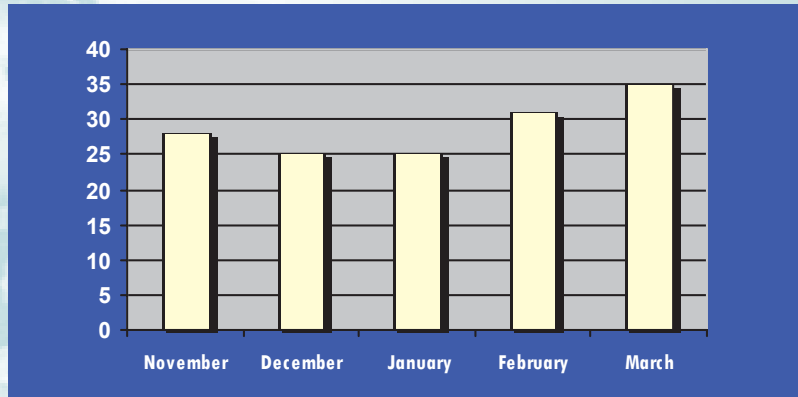
In the reporting period from November 18, 2002 (office opening) to March 31, 2003, the Office of the Child and Youth Advocate received a total of 148 complaints and opened 140 individual files and 8 systemic files. During this period, 67 files were closed, leaving 81 files to be carried over into the next fiscal year. In addition to complaints, there were 33 requests for general information. These statistics do not include four requests for service made to the Advocate prior to the official Office opening.

Statistics 2002 - 2003	
Total number of files open	148
Total number of individual advocacy	140
Total number of systemic advocacy	8
Total requests for general information	33
Total number of files closed	67
TOTAL carried over to next fiscal year	81

As indicated in the table below, the first month of operation saw a significant demand for services with over 25 new referrals. Although new referrals dropped for December, a steady increase was noted in the following months.

It is anticipated that as promotional and educational activities continue, requests will continue to increase.

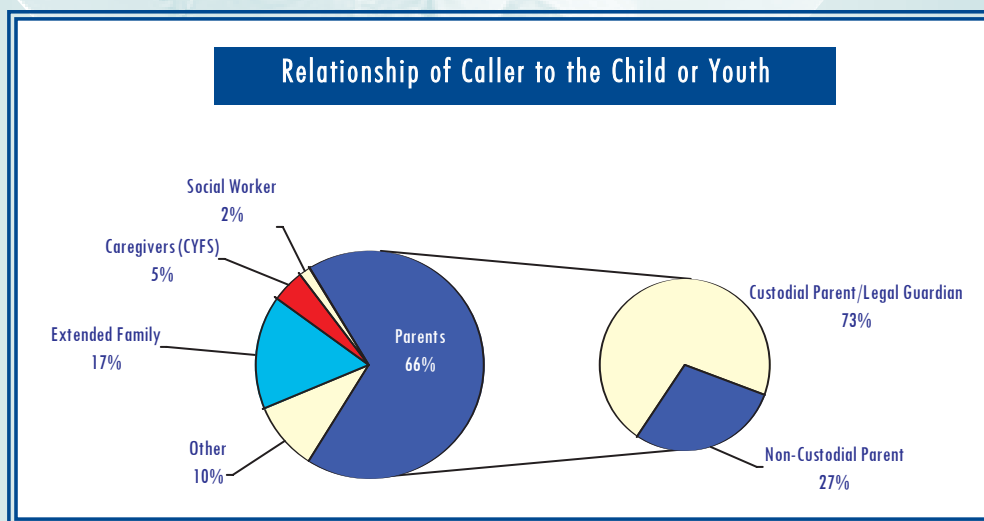
Number of Referrals by Month



Who is Calling?

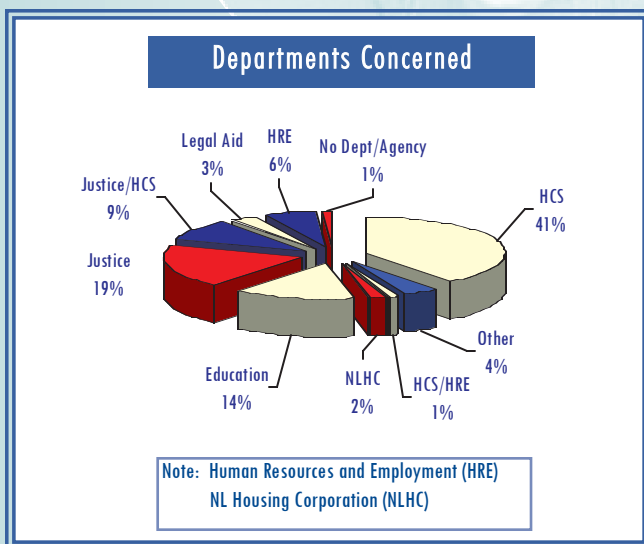
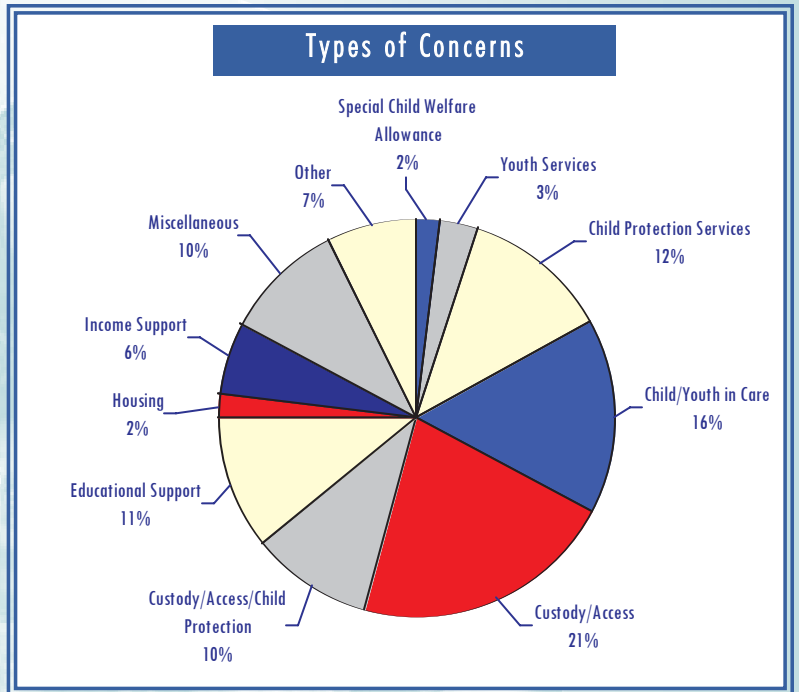
The Office can receive referrals from children and youth directly or from others who act on their behalf, including natural advocates and service providers. The Act also provides for a matter to be referred by a Minister or the Lieutenant-Governor-in-Council. As can be seen in the chart below, *Relationship of Caller to the Child or Youth*, the majority of referrals (66%) to date have been made by parents. The *Other* category represents calls from neighbours, Members of the House of Assembly, support workers, family friends and children or youth. In all cases, they represent a small percentage of the total callers. The Advocate's Office will, in the upcoming year, determine strategies for increasing awareness of the Office to ensure that children and youth from all parts of the Province are able to access directly the services of the Office of the Child and Youth Advocate.

Relationship of Caller to the Child or Youth



Why are They Calling?

The Child and Youth Advocate has the legislative mandate to intervene and advocate for any child or youth who is receiving or is entitled to receive services provided by the Province through government departments, boards, or agencies. As indicated in the chart below, to date, there has been a broad range of concerns expressed, with the majority being in the area of custody and access, children and youth in care or custody, child protection and educational support. The *Other* category (7%) includes a wide range of issues, each representing a small percentage of the total calls received. These issues included school conflict, Children's Dental Program (CDP), support enforcement, child care services, community supports, legal issues and hospital services. The *Miscellaneous* category includes calls which were outside our mandate and the caller was referred to other community or government resources.



As illustrated in the chart to the left, the majority of concerns expressed (41%) relate to the Department of Health and Community Services (HCS). This is not surprising given the wide range of health and community services this department provides to children and youth. The department is responsible for the following issues identified in this report: child protection; services to children and youth in care; services to children with disabilities; community supports; youth services; special child welfare allowance; hospital services; CDP and child care services. Requests were also received related to most other government departments that provide services to children and youth.

How We Respond



Individuals contact our Office through a variety of mechanisms including telephone, e-mail and Office visits. Upon receipt of a complaint, our Advocacy staff complete a brief intake process and, in consultation with the caller, identify the most appropriate way of addressing their concern. Following our principles and guidelines, our efforts are usually aimed first at providing individuals with the information they may need to successfully resolve their issue on their own. For example, callers may not be aware of appeal processes that may be open to them. In these cases, we would provide this information and encourage the caller to explore these avenues.

In other instances, it may be evident that people have exhausted all avenues of appeal open to them but continue to feel their issue has not been addressed adequately. In these instances, we may move towards a more intensive intervention which may include contact with service providers, file reviews, facilitation of case management meetings or some other means of intervention. When appropriate, we facilitate opportunities whereby we can have direct contact with the children and youth concerned so that we are confident their wishes and voices are heard and respected.

Should advocacy, mediation or some other form of alternate dispute resolution not result in a satisfactory outcome, the Advocate may conduct an investigation. To date, it has been the experience that the majority of cases are resolved through less intrusive means of intervention.

One investigation is currently being conducted; the decision to do so was based on the belief that the child's experiences would indicate

the need to thoroughly review the matter to determine what improvements could be made in government systems to prevent similar occurrences in future.

The table below reveals that for the files closed during this reporting period, the majority of interventions focused on providing information or facilitating a referral to another agency. The advocacy interventions provided ranged from contacting service providers to attending or initiating case conferences and mediating disputes.

Type of Intervention	
Information only	28
Referral to outside agency	19
Advocacy intervention	14
Self-advocacy assistance provided	2
Outside mandate	1
Client withdrawal	1
Office information only	1
Investigation	1
TOTAL closed in 2002-2003	67

Individual advocacy is the basic foundation of our work, and children and youth who require individual assistance are responded to in a timely manner. The number of requests received (n=148), in the first few months of operation, reflect the need for the service. While the difficulties experienced by children and youth are sometimes rooted in systemic issues, they often cannot wait for systemic change, as their needs are immediate.

The following case summaries are samples of individual advocacy issues and interventions this Office provided:

Case Summary - Educational Support

Background

The mother of a fourteen-year-old youth with special needs was concerned that her daughter was only attending school for one hour a day. An Integrated Support Services Plan (ISSP) was developed, but the parent did not feel that it was adequately meeting her daughter's needs.

Intervention Provided

In consultation with the client, it was agreed that this Office would provide advice, information and guidance to support the self-advocacy efforts of the family. The family was successful and the young person returned to school full time with an appropriate ISSP.

Case Summary - Special Transportation

Background

The mother of a kindergarten student contacted our Office concerning her child who was diagnosed with asthma and required school transportation during the winter months. Her efforts to access the Special Transportation Program were unsuccessful and the child had not been in school for two months.

Intervention Provided

Contact with service providers revealed that the child did meet the requirements for eligibility, but the appropriate documentation had not been provided. The mother was supported in meeting the policy requirements and providing the necessary documentation. The child did receive special transportation support and returned to school.

Case Summary - Newfoundland and Labrador Housing Corporation (NLHC)

Background

The mother of an eight-year-old child with chronic asthma was concerned that her current housing unit had problems with mold and this was negatively affecting her son's condition. Her request for a transfer, based on health considerations, had been approved, but no housing units were available.

Intervention Provided

Contact with NLHC revealed that the transfer was approved, but they were unable to initiate the move due to a lack of vacancies. The child's health condition was reaffirmed and it was agreed the family would be given priority due to medical reasons. The transfer occurred within two weeks.

Case Summary - Child with Learning Disability - School Supports

Background

A mother of a young boy with a diagnosed learning disability contacted the Office concerned that her son's new school did not have the educational supports that had been available in his previous school. She felt her son was struggling academically and socially without these supports.

Intervention Provided

As a result of our advocacy intervention, the young boy received the in-class supports and the computerized program that was previously available to him.



Case Summary - Legal Aid

Background

A grandmother called to advise that her two grandchildren were residing with her for three years by virtue of a custody order. The children were in her care because of the parents' inability to care for them. She had recently been served with notice that a parent was asking for regularly scheduled access. The grandmother indicated the parent's circumstances had not changed and the children were very upset. The grandmother sought legal representation from Legal Aid, but had been advised that, because of her income, she was not eligible.

Intervention Provided

Contact with Legal Aid revealed that with respect to determining eligibility based on income, each case is reviewed on its own merit. Upon a request to review the matter by our Office, legal representation was provided.

Case Summary - Child Welfare Allowance Program

Background

The grandmother of a fifteen-year-old youth contacted our Office to request support in accessing a tutor. Her grandson had been residing with her since birth and was experiencing significant challenges in school. The need for tutoring support was acknowledged by many of the professionals involved, including the social worker and school personnel. However, none of the agencies included tutoring in their mandate. The social worker had advocated, both within the organizations and with the community, without success.

Intervention Provided

Contact with Child, Youth and Family Services (CYFS), the school and various community groups revealed that there exists a significant lack of tutoring supports available to students. Advocacy intervention with CYFS resulted in an approval being granted under the Child Welfare Allowance Program, based on the exceptional circumstances.

Case Summary - Child Placement

Background

The Advocate became involved in the case of a twelve-year-old-boy in the continuous custody of the Director of Child, Youth and Family Services. The boy was admitted to the children's psychiatric unit and because an appropriate placement to meet his needs could not be found, he was being placed in a facility outside the country.

Intervention Provided

The Advocate became involved and intervened to increase his psychiatric stay with the hope that an appropriate residential support could be identified. It was indicated that the Province did not have the necessary residential and medical services to meet his needs and he was eventually placed in a facility outside the country.

The Province does not have the appropriate continuum of residential and treatment programs and there are other children and youth who have had to be placed outside the Province. The Department of Health and Community Services is reviewing current residential care options for children and youth with the aim of making recommendations regarding new options which should be developed.



Case Summary - Early Intervention

Background

The mother of a four-year-old-child recently diagnosed with autism expressed concern with time delays in accessing early intervention services. She had been advised that a three-month wait list existed. The mother asked for our assistance in support of her request to begin the process of hiring and training a home therapist, pending acceptance to the program.

Intervention Provided

Intervention included facilitating a discussion between the mother and relevant service providers and approval was given for the mother to proceed with hiring a home therapist.

Case Summary - Psychiatric Services

Background

A mother of a four-year-old child contacted our Office with concerns that her child was not receiving appropriate mental health services. The child had been on a wait list for six months for a psychiatric assessment. The mother and other professionals were concerned due to the child's escalating behaviors. Other services were awaiting the completion of the assessment to determine what supports were required. Contact with the Janeway Child Health Centre Psychiatric Unit revealed that there is an average of a one-year wait list for assessments, unless a situation is considered an emergency.

Intervention Provided

Advocacy interventions were not successful, as a request to review resulted in a determination that the circumstances did not warrant an emergency designation. The issue speaks to the significant shortage of child psychiatry services.



Case Summary - Child Care Services

Background

The mother of a pre-school child contacted our Office with concerns that appropriate action had not been taken following an incident where her child was physically restrained by the staff at a pre-school. The mother was concerned the restraint might occur again if the staff were not made aware of the serious nature of the issue.

Intervention Provided

As a result of our intervention, the mother was connected with a social worker from Health and Community Services to provide ongoing follow-up of the case and support and/or counseling for the mother and the family.

Summary

Every day, the Office of the Child and Youth Advocate receives numerous requests for support in accessing the services of the Provincial Government and its Departments and Agencies. Fortunately, many of these issues are quickly and satisfactorily resolved following the provision of information and advice from this Office. In other instances, more intensive advocacy intervention is required. The children, youth and families we encounter are often stressed by the barriers they experience in attempting to access appropriate services. The provision of advocacy services is necessary in ensuring that children and youth have another avenue by which they attempt to resolve their difficulties.

Systemic Issues

The Office of the Child and Youth Advocate is mandated, through Section 3 of its legislation, to provide systemic advocacy on behalf of children and youth. In this regard, the Office is established to ensure children and youth have access to services and to provide information and advice to government, agencies of government and communities about the availability, effectiveness, responsiveness and relevance of services to children and youth. Systemic issues have been identified through individual advocacy efforts and direct referrals from concerned persons. To date, a total of eight systemic files have been opened and efforts are under way to determine the role the Office might play to address these. In some of these matters, interventions are already under way; where this is the case, a short summary is provided. In addition to these eight systemic issues, other matters have been brought to the attention of this Office. We are in the process of examining these issues to determine if they would be appropriate to address as systemic issues or what, if any, actions should be taken by this Office. These matters are referred to as “Emerging Issues” and brief summaries of some of these issues are provided.

Issue: Use of Police Dogs to Search for Drugs in School

Background

A referral was made as a result of a police search with a canine unit of a grade 7 - 12 school, for the purpose of determining if there were drugs on the premises. A parent of one of the school children brought the concern to the Office, as it was felt that the children's rights had been violated because they had been detained during the period of the search without warrant.

The question was raised as to whether the *Canadian Charter of Rights and Freedoms* was contravened in relation to these children.

Intervention Provided

The Office first determined whether there were available administrative or appeal processes to address this issue. The parent had made a complaint to the local school board and was assured this type of action would no longer be taken.

The parent also had contact with the police who indicated to them that they would be continuing

this practice. The concerned parent made a referral to the Chief of Police, but was unsatisfied with the response. Following that, the parent appealed the decision to the Police Complaints Commission. The Office of the Child and Youth Advocate agreed to conduct a review of school board policies regarding this issue and to await the outcome of the Police Complaints Commission hearing to determine what, if any, further action would be required.



Issue: Sexual Education in School

Background

A referral was received from a Justice of the Supreme Court following issues identified during a sexual assault trial. In this case, it was questioned whether children have the information they require to determine what are appropriate versus inappropriate adult interactions. The Justice asked that the Advocate review the sexual abuse education programs existing in the education curriculum; how uniformly these programs are applied throughout the Province's schools; and, what improvements are necessary.

Intervention Provided

The Office contacted the Department of Education and was provided with information regarding education curriculum which addresses issues related to sexual education and/or sexual abuse. Further follow-up will include a process to determine the uniformity and effectiveness of the curriculum and will involve contact with the Directors of Education, School Councils and the Newfoundland and Labrador Teachers' Association.



Issue: Services to Children and Youth with Disabilities

Background

Advocacy support was provided to a number of children and youth with disabilities who have been accessing or attempting to access a variety of government services. Concerns expressed included: a) the wait list for Applied Behavioral Analysis for pre-school children with autism; b) the unavailability of Applied Behavioral Analysis for school-age children; and c) income testing for disability-related supports, particularly the Special Child Welfare Allowance Program.

Intervention Provided

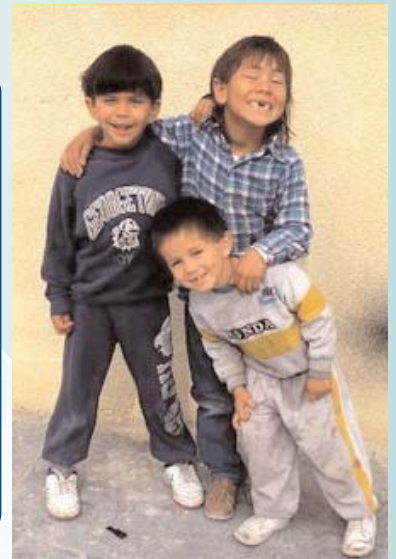
Interventions provided in these matters have generally been from an individual advocacy perspective and have resulted in varying degrees of success. It had become apparent that inaccessibility and unavailability of services required a more systemic analysis. The Office has made representation to the Deputy Minister of the Department of Health and Community Services and discussions are now ongoing regarding these matters.



Emerging Issues

Children Living in Poverty

Representation has been made to the Office by the Food Security Network of Newfoundland and Labrador expressing concerns with the significant numbers of children in our Province who are living in poverty. Statistics Canada (2000) indicates that 21.6% (24,000) of children in Newfoundland and Labrador live in poverty. The number of school lunch programs operating in the Province and the number of families using food banks clearly indicates the challenges families are facing in meeting their children's most basic needs. The Kids Eat Smart Foundation is to be commended for the work it is doing. Its efforts need to be supported by the public and private sector and its services expanded to schools without the program. Living in poverty, in many instances, negatively impacts child development. While there have been many positive gains in enhancing early childhood development programs, serious efforts have to be made to ensure families have adequate incomes by which to meet the basic needs of their children.



Mental Health and Addictions Services for Children and Youth

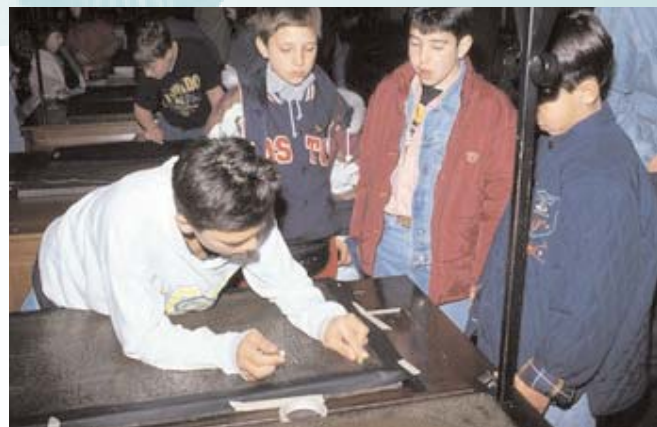
A number of families and agency representatives have approached this Office to express concerns regarding the availability of adequate and appropriate mental health and addictions services. There are indications that wait lists for mental health services may be in excess of six months in some regions of the Province. Children and youth outside metropolitan areas often face the added challenge of having to travel considerable distances to obtain services. In addition, there is a lack of in-patient mental health services for youth aged sixteen to eighteen years who are deemed too old for the children's program and too young for the adult programs. In-patient addictions programs do not exist in the Province and youth and their families have to access services in other provinces at considerable emotional and financial expense.

The Advocate is aware that mental health and addictions services in this Province are currently under review and plans to avail of opportunities to participate and advocate for enhanced services for children and youth. As well, in an effort to learn more about the issue, the Advocate will be having discussions with appropriate government officials, service providers and children and youth to determine how we may be able to assist in these matters.

Services to Children and Youth at Risk in Labrador

Concerns have been expressed regarding delivery of child, youth and family services in Labrador. It has been indicated the current staffing levels in these programs do not allow for prevention and early intervention activities or the appropriate levels of child protective interventions. The negative effects of the absence of these programs is particularly evident in many of the Aboriginal communities. These concerns have been validated by consultants external to government who have reviewed staffing levels in these communities.

The Advocate will be engaging in a consultation process with community members, band councils and service providers to determine how the Office may be able to assist in ensuring that the legal, policy and practice standards are being provided to the children and youth of these communities. Efforts in this regard will commence in the coming year.



Accessibility of Schools

The Advocate has been made aware that many children and youth with physical disabilities are unable to attend their neighbourhood schools due to a lack of building accessibility. In some instances, children who attended primary and elementary school with their neighbourhood friends are unable to carry on with these same friends to the feeder school because that school is inaccessible to them. The lack of physical accessibility of some schools has caused considerable upset for many children and youth; they are denied opportunities to form friendships with neighbourhood peers and are unable to maintain established friendships at critical transition times in their lives. The Advocate is aware of efforts being undertaken within some school districts to address these issues and will be engaging in discussions with school board authorities to ensure these efforts continue.

Child Protection Services

There have been many calls of concern regarding the delivery of child protection services. Concerns expressed include: turnover of social workers; lack of prevention, early intervention and family supports which are available; as well as the inability to contact social workers. As well, concerns regarding the impacts of workload and caseload on practice have been brought to the attention of the Advocate.

The Advocate will continue to review child protection matters to determine the further role this Office may play, including research and consultation.



Summary

As can be seen from the foregoing concerns, in the short lifespan of this Office, a significant number of systemic and emerging issues have surfaced. There are others that we know will become matters of interest over the coming months. Many of the systemic issues which have been brought to the attention of the Advocate have been identified within the community and government agencies for some time. The existence of the Advocate's Office provides a systematic way of identifying and tracking the barriers which children and youth are facing as they attempt to access government programs and services. While individual advocacy has been and will continue to be the focus of our work, systemic approaches, which are successful, will allow for greater impacts on groups of children and youth.

It needs to be said that reviews and investigations of systemic issues are very labour intensive and, thus, time consuming in achieving appropriate outcomes. These matters will present serious challenges to the human resources of the Office of the Child and Youth Advocate, with many of them crying out for prompt consideration. The nature of these issues requires significant investigative effort to enable our advocates to reach appropriate conclusions. All of these matters impact, to varying degrees, on the lives of our children and youth. This Office will strive to accomplish the best possible results for these children and youth.

Public Education

In accordance with *Section 15 (1) (f) of the Child and Youth Advocate Act*, the Child and Youth Advocate has been involved in public education with respect to the role and mandate of this Office and the rights of children and youth. It is readily apparent, just from the number of presentations and appearances made to date, that the Child and Youth Advocate has been in significant demand to address many groups and organizations, as well as being available to the media. A great deal of work has been accomplished during the first five months in order to raise the profile of the rights, interests and voices of children and youth in Newfoundland and Labrador. Fulfilling the public education role is an important goal of this Office. Public education highlights the establishment of this Office, its role and responsibility to children and youth of this Province and our involvement with government service providers.

When the Office officially opened its doors on November 18, 2002, the first item of business was “to get the message out” to as many people as possible throughout Newfoundland and Labrador. Newfoundland Power generously offered to produce an insert that was placed in monthly electrical bills and sent to customers on the Island. Newfoundland Hydro graciously agreed to distribute this insert to its customers in Labrador.

The Advocate and staff have had the opportunity to present information about the mandate of our Office and children’s and youth’s rights to numerous government departments, boards and professional groups throughout the Province of Newfoundland and Labrador during the reporting period. It is worthy to note that the Advocate has found, at every step of the way, a very positive and welcoming response from all groups encountered. The CYA web site went online February 2, 2003. In addition, three brochures and a poster directed to children, youth and adults were designed and produced. These publications have been distributed during attendance at information sessions, conferences, and workshops. Information packages were sent to numerous schools, agencies and government departments upon request and summaries on the work of the Advocate were provided to a number of other organizations for inclusion in their newsletters. In addition, the Advocate initiated mail-outs to foster families, social workers and teachers within Newfoundland and Labrador.

It is very much apparent from these activities that a long public hunger existed for Child and Youth Advocacy services in the Province. This type of program will continue at an ever increasing level so that the message is appropriately delivered in all areas of the Province of Newfoundland and Labrador.

Advisories

- All Family Resource Centres
- Open Custody Facilities/Assessment Centres and the Whitbourne Facility
- Law Society of Newfoundland and Labrador
- Child Care Centres across the Province
- Community Youth Network Coordinators
- YM-YWCA's
- Boys' and Girls' Clubs
- Newfoundland and Labrador Youth Advisory Committees
- Allied Youth Advisory Committee
- Provincial Youth Council
- Supreme Court Judges
- Provincial Court Judges
- Trade Unions
- Various Youth-Related Community Groups, Associations & Organizations
- Transition Houses
- School- Related Associations (including School Boards)

Ongoing public education will continue to provide accurate and objective information to children and youth, as well as professionals and the community.

Presentations to Community Groups

- Provincial Association of Family Resource Centres, St. John's
- Youth Group, Newfoundland School for the Deaf, St. John's
- Eastern Residential Integrated Services Management Team, Carbonear
- Child and Youth Care Association, NL - Annual General Meeting, St. John's
- St. John's Integrated Services Management Team

Presentations to Government Departments/Agencies

- The Janeway Child Health Centre - Senior Administration, Clinical Staff, St. John's
- Newfoundland and Labrador Teachers' Association - Provincial Executive and Senior Staff, St. John's
- Department of Youth Services and Post-Secondary Education - Provincial Integrated Services Management Team, St. John's
- The Janeway Child Health Centre - Community Mental Health, St. John's
- Health and Community Services, St. John's - Professional Staff, Children's Programs, St. John's
- Progressive Conservative Caucus, St. John's
- Department of Health and Community Services - Minister, Executive and Senior Staff, St. John's
- Newfoundland and Labrador Youth Centre - staff and residents
- Royal Newfoundland Constabulary Managers, St. John's
- Janeway Child Health Centre - Child Protection Coordinating Committee



Media Appearances

- VOWR Radio Station, St. John's
- Radio Noon/Cross Talk Phone-In Show
- Telegram interview
- Television interview - Out of the Fog - Rogers Cable, St. John's
- CBC Radio Morning Show Interviews, St. John's, Gander, Corner Brook, Happy Valley - Goose Bay
- VOCM Radio Open Line Talk Show
- Western Star feature article, Corner Brook
- Interview - The Express, St. John's
- NTV News, St. John's

Other Groups

- Canadian Bar Association, St. John's
- Irish Delegation - Planet Partnerships, St. John's
- Mediation Newfoundland and Labrador, St. John's
- St. John's Rotary Club

Advocacy Services in Labrador

From the very beginning, the Advocate has emphasized the belief that one of the most important challenges to the Office of the Child and Youth Advocate would be in trying to impact positively on the serious child and youth concerns and indeed family concerns in the great Labrador portion of the Province. This has already become extremely apparent. The complexity and enormity of the long-standing issues will be most challenging indeed. That alone, however, should never dispel us from making the best possible effort to bring relief to the people so affected.

It is clear that there continues to be a significant number of children and young people at serious risk and we must find ways to empower these people in building the capacity that will enable them to enjoy a better life. We recognize the very significant efforts being made by a number of dedicated people in our Labrador communities. They are genuinely the real hope for future endeavours. Additionally, new ways are needed for many of our Aboriginal people in particular, to embark upon a healing process that restores safety, health, and dignity for all.

The next Annual Report this Office prepares will undoubtedly show in a more significant manner the depth and magnitude of the issues in Labrador especially in more isolated communities. The level of substance abuse, the problems in family life, the difficult educational issues and the suicide rate in some areas are greatly troubling. Ways



must be found to restore hope. All levels of Government and their agencies must find collaborative methods to walk side by side with the people in these communities so that for those whose world is "always dark and grey and never bright and blue" there can be a new start leading to greater opportunities to share the quality of life that most take for granted. To this end a satellite office in Labrador is essential.

Perhaps reading the following poem written by a twelve year old will capture for many the seriousness of the situation.

*And here's to you fine people,
How much you really care.
Listen hard you people,
Imagine if you dare.*

*I was born mostly by mistake,
By my mother I was told.
She never spoke a kindly word,
Always harsh and cold.*

*There never was a quiet night.
Always filled with booze and hate.
Every night when she returned,
Was with a different mate.*

*Then came another child
Into this world of pain.
To suffer for his mother's sins
Forever and again.*

*My father was away a lot,
So he never knew.
My world was always dark and grey,
Never bright and blue.*

*So save all your false tears.
They've come way too late.
I don't know very much,
But I've learned how to hate.*

(This was the winning entry in a contest held by the Labrador Inuit Health Commission. The winner of the contest was twelve years old. The poem is unnamed.)

Conclusion

Priorities for the Upcoming Year

- Develop and finalize policies and procedures to guide the provision of Advocacy services to children and youth.
- Develop protocols with relevant government departments and agencies.
- Continue to promote the services of the Office, including targeted public presentations and enhancements to promotional materials and web site.
- Develop a strategy for increasing awareness of the Office by children and youth with particular emphasis on reaching vulnerable children and youth, such as those in care and/or custodial arrangements.
- Develop partnerships with community advocacy organizations.
- Develop a formal framework for systemic reviews.
- Increase efforts in community capacity building to develop community advocacy mechanisms.
- Develop a process and appropriate protocols for Child Death Reviews and ensure training for Advocacy staff.
- Finalize tracking system to facilitate workload management and public accountability through reporting.
- Develop rights-based promotional materials for children and youth.
- Increase outreach to all regions of the Province to promote the activities of the Office and make the service accessible provincially.
- Establish a Labrador satellite office and increase efforts to mobilize strategies and resources to empower and build capacity for improved quality of life within our aboriginal population.

While this report is for a short four-month period, it was felt important to provide the public, through the Legislature, with a report of our activities to date. We believe this Report gives an overview of some of the issues facing our children and youth.

The first four months of operation can be best described as a time of learning. Our experiences, to date, have reaffirmed the need to have an independent body which provides advocacy services to the children and youth of our Province. We already have success stories which confirm the important advances that can be made through advocacy intervention. During this time, we have also been able to identify many systemic issues which are creating barriers for the children and youth of our Province and look forward to opportunities, in future, to work with others in addressing these issues.

The work of our Office is centred on advancing the rights, views and needs of children and youth. As a means of ensuring that their voice is heard and considered in the delivery of advocacy services from this Office, the Advocate will be establishing a Youth Advisory Council. The Council will provide input into the policies which govern our Office, ensure a youth voice is evident and provide feedback regarding issues of importance to children and youth. It is our hope that the Youth Advisory Council will be operational in the near future.

It has also become apparent that an emphasis must be made on outreach to all regions of the Province. Delivering advocacy services through a centralized location creates significant challenges which require innovation and creativity. Over the coming year, we will be strategizing as to how we can effectively reach the many areas of the massive geography of the Province of Newfoundland and Labrador for which this Office has responsibility.

While there have been many challenges identified over the four months we have been in operation, it is also true that there have been many positive examples of effective collaboration with government departments and agencies and other advocacy groups within the community. The Office is pleased to build on and support the self-advocacy efforts of children, youth, their families and the community. As well, where necessary, we have and will continue to show leadership in addressing critical issues, and advancing the rights and interests of children and youth, in the fervent hope of making their world better and their lives full of opportunity and contentment.

UN Convention on the Rights of the Child

In Child Friendly Language

Article 1

Everyone under 18 has these rights.

Article 2

All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis.

Article 3

All adults should do what is best for you. When adults make decisions, they should think about how their decisions will affect children.

Article 4

The government has a responsibility to make sure your rights are protected. They must help your family to protect your rights and create an environment where you can grow and reach your potential.

Article 5

Your family has the responsibility to help you learn to exercise your rights, and to ensure that your rights are protected.

Article 6

You have the right to be alive.

Article 7

You have the right to a name, and this should be officially recognized by the government. You have the right to a nationality (to belong to a country).

Article 8

You have the right to an identity - an official record of who you are. No one should take this away from you.

Article 9

You have the right to live with your parent(s), unless it is bad for you. You have the right to live with a family who cares for you.

Article 10

If you live in a different country than your parents do, you have the right to be together in the same place.

Article 11

You have the right to be protected from kidnapping.

Article 12

You have the right to give your opinion, and for adults to listen and take it seriously.

Article 13

You have the right to find out things and share what you think with others, by talking, drawing, writing or in any other way unless it harms or offends other people.

Article 14

You have the right to choose your own religion and beliefs. Your parents should help you decide what is right and wrong, and what is best for you.

Article 15

You have the right to choose your own friends and join or set up groups, as long as it isn't harmful to others.

Article 16

You have the right to privacy.

Article 17

You have the right to get information that is important to your well-being, from radio, newspaper, books, computers and other sources. Adults should make sure that the information you are getting is not harmful, and help you find and understand the information you need.

Article 18

You have the right to be raised by your parent(s) if possible.

Article 19

You have the right to be protected from being hurt and mistreated, in body or mind.

Article 20

You have the right to special care and help if you cannot live with your parents.

Article 21

You have the right to care and protection if you are adopted or in foster care.

Article 22

You have the right to special protection and help if you are a refugee (if you have been forced to leave your home and live in another country), as well as all the rights in this Convention.

Article 23

You have the right to special education and care if you have a disability, as well as all the rights in this Convention, so that you can live a full life.

Article 24

You have the right to the best health care possible, safe water to drink, nutritious food, a clean and safe environment, and information to help you stay well.

Article 25

If you live in care or in other situations away from home, you have the right to have these living arrangements looked at regularly to see if they are the most appropriate.

Article 26

You have the right to help from the government if you are poor or in need.

Article 27

You have the right to food, clothing, a safe place to live and to have your basic needs met. You should not be disadvantaged so that you can't do many of the things other kids can do.

Article 28

You have the right to a good quality education. You should be encouraged to go to school to the highest level you can.

Article 29

Your education should help you use and develop your talents and abilities. It should also help you learn to live peacefully, protect the environment and respect other people.

Article 30

You have the right to practice your own culture, language and religion - or any you choose. Minority and indigenous groups need special protection of this right.

Article 31

You have the right to play and rest.

Article 32

You have the right to protection from work that harms you, and is bad for your health and education. If you work, you have the right to be safe and paid fairly.

Article 33

You have the right to protection from harmful drugs and from the drug trade.

Article 34

You have the right to be free from sexual abuse.

Article 35

No one is allowed to kidnap or sell you.

Article 36

You have the right to protection from any kind of exploitation (being taken advantage of).

Article 37

No one is allowed to punish you in a cruel or harmful way.

Article 38

You have the right to protection and freedom from war. Children under 15 cannot be forced to go into the army or take part in war.

Article 39

You have the right to help if you've been hurt, neglected or badly treated.

Article 40

You have the right to legal help and fair treatment in the justice system that respects your rights.

Article 41

If the laws of your country provide better protection of your rights than the articles in this Convention, those laws should apply.

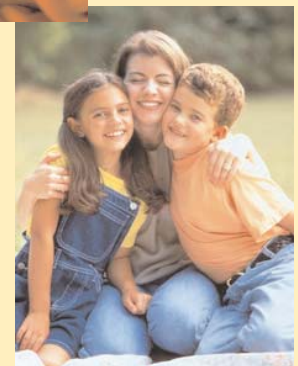
Article 42

You have the right to know your rights! Adults should know about these rights and help you learn about them, too.

Articles 43 to 54

These articles explain how governments and international organizations like UNICEF will work to ensure children are protected with their rights.

(Source: www.unicef.ca)





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A sanctuary where the voices and rights of children and youth are respected and valued.↑