



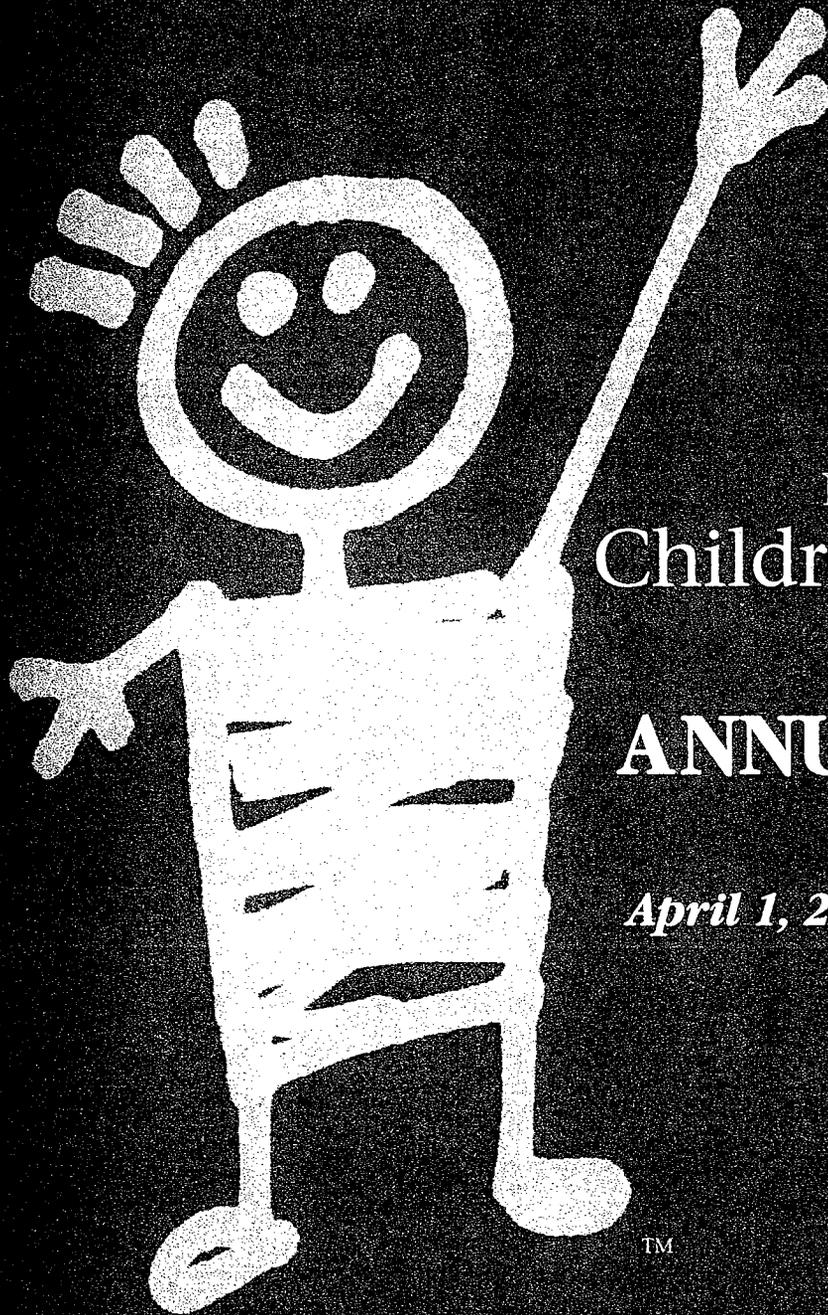
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COMMISSION OF INQUIRY INTO THE CIRCUMSTANCES  
SURROUNDING THE DEATH OF PHOENIX SINCLAIR

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**Commission Disclosure 0220**

unless you  
listen, you  
can't hear  
**ME**<sup>TM</sup>



MANITOBA'S  
Children's Advocate

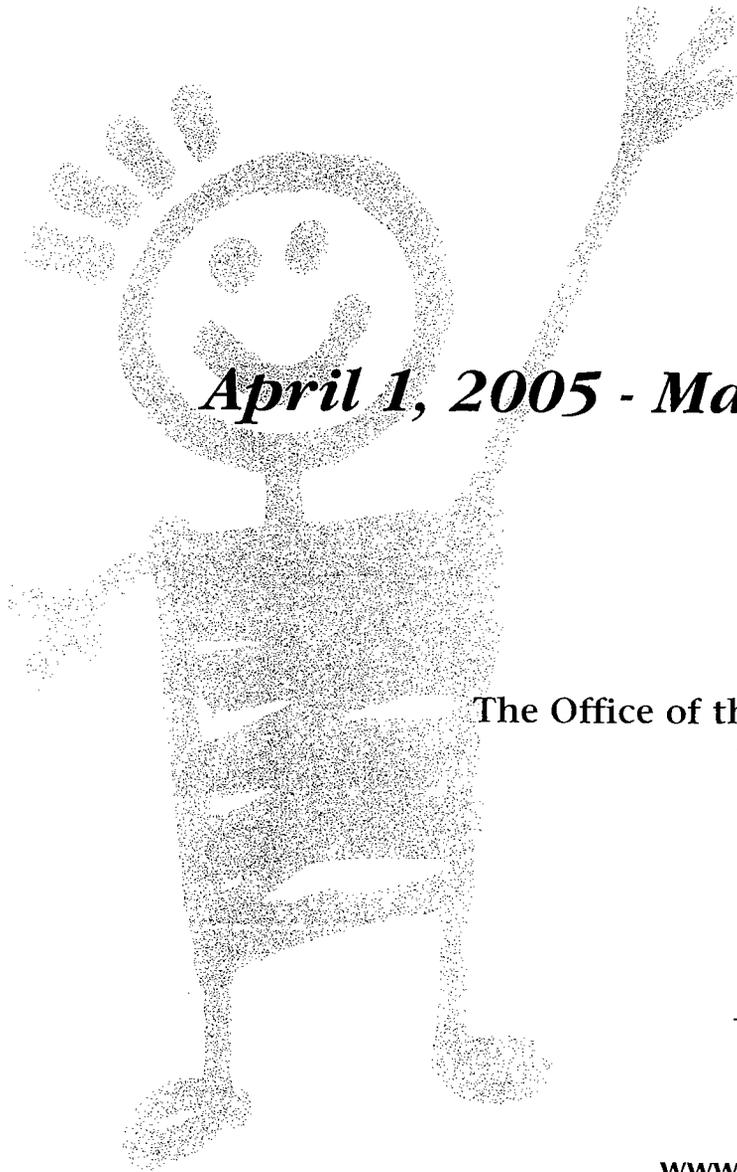
# ANNUAL REPORT

*April 1, 2005 - March 31, 2006*

TM

**Annual Report  
of the  
Office of the  
Children's Advocate  
of Manitoba**

*April 1, 2005 - March 31, 2006*



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***Billie Schibler, the Children's Advocate wishes to acknowledge:***

- The Legislative Assembly for providing me with the privilege to work as the voice of children and youth in Manitoba.
- The Speaker of the House, the Honourable George Hickes.
- The staff of the OCA who have demonstrated their unwavering commitment despite exhaustive demands.
- Trevor Sinclair, who represented the OCA in Halifax as the Youth Representative for Manitoba.
- Simon and the other Lost Boys who shared their stories so bravely.
- Our three Faculty of Social Work students, Crystal Hansen, Chrissy Balness & Deb Babey who spent their practicum at the OCA.
- Terri Hammerback and Jill Perron for twelve years and 6 years of dedicated service at the OCA, respectively. Best wishes to each as they pursue new challenges.
- Mr. Fred Bryans, Executive Director, Administration and Finance, Legislative Assembly and his staff.
- My colleagues at the Canadian Council of Provincial Child and Youth Advocates.
- My children who continue to teach me.
- My family, friends and Elders for their support and encouragement.
- The management & staff of the Child Welfare Agencies, Authorities, the Child Protection Branch, and collateral service providers for their very hard work and their belief in a better and safer world for children.
- Janet Mirwaldt, my predecessor, for all her hard work, her commitment to the children of this province, and for paving the early path of the OCA's journey and evolution. I wish her much success in her future endeavors.
- Most importantly, all of the children, youth and families who have entrusted our office to hear their concerns and to advocate on their behalf.



## The History and Role of the Children's Advocate in Manitoba

The Office of the Children's Advocate (OCA) was created under *The Child and Family Services Act* and proclaimed April 1, 1993. The office operated under the umbrella of the Department of Family Services and the Children's Advocate reported to the Minister of Family Services. In 1996, consistent with legislative requirements, an all-party committee was established to conduct a review of the office with public hearings commencing in May 1997.

On March 15, 1999, in response to recommendations arising from the review, the Office of the Children's Advocate became an independent office of the Legislative Assembly. It currently operates in an arm's length relationship with the child and family services system. It exists to represent the rights, interests and viewpoints of children and youth who are receiving, or entitled to receive, services as prescribed under *The Child and Family Services Act* and *The Adoption Act*. The Children's Advocate is empowered to review, investigate and provide recommendations on matters relating to the welfare and interests of these children. The Children's Advocate prepares and submits an annual report to the Speaker of the Legislative Assembly.

On April 8, 2005, the Lieutenant Governor in Council appointed Ms. Billie Schibler as the Children's Advocate for a three year term on the recommendation of the Standing Committee of the Assembly on Privileges and Elections.

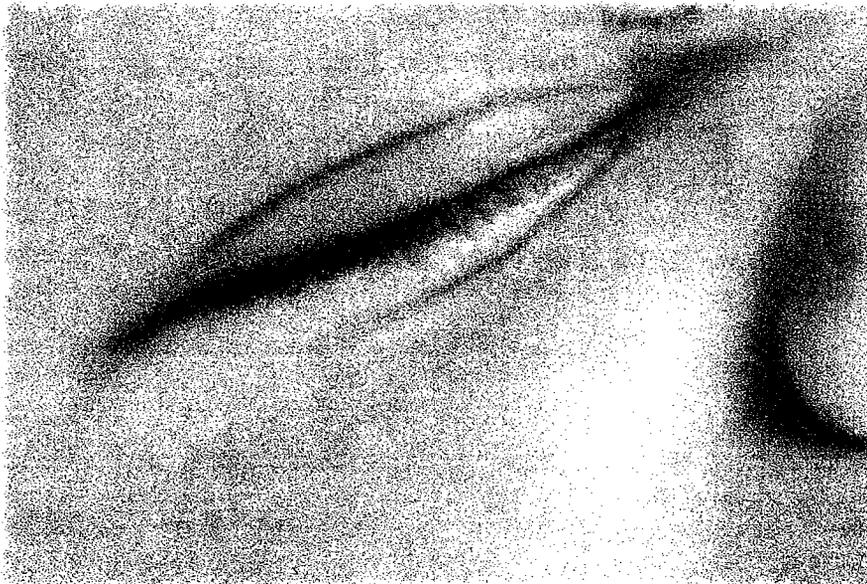
## The Importance of Having an Independent Children's Advocate



Advocates challenge the system. They point out current practices, policies or legislation that are not meeting needs and expectations. Advocates work for change ... and change is not always easy for people to accept. Advocacy can create tension, but can improve the system.

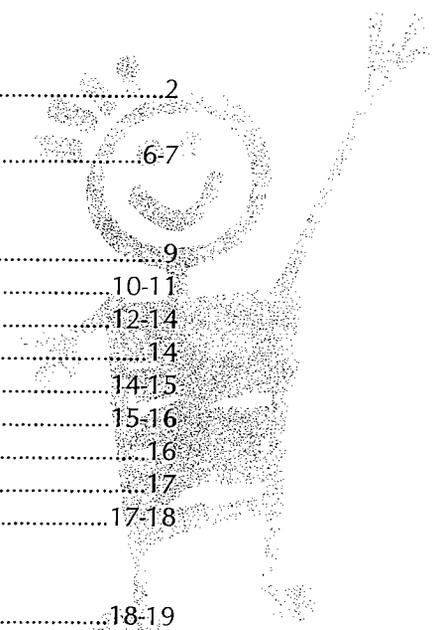
Children especially need advocates. They live in a world where adults make decisions about their lives. They have a voice but they have virtually no legal power to make anyone listen to that voice. Our experiences speaking with children and youth in the child and family services system have shown us they often feel they have no say in what happens to them.

Our mission is to animate their voices and ensure their rights, interests and viewpoints are valued, respected and protected. Our advocacy efforts and services are child-centred, family-oriented and anchored in the community. They are delivered in an ethical, culturally sensitive and respectful manner.



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## A Message from the Children's Advocate

In accordance with Section 8.2 (1)(d) of *The Child and Family Services Act*, I respectfully submit this document as my annual report for the time period beginning April 1, 2005 to March 31, 2006.

I was sworn into the legislative appointment as the Children's Advocate for Manitoba on April 8, 2005. I accept and recognize the honor and responsibility of this position and vow to fulfill the expectations to the best of my ability.

On the day of my official appointment, I was presented with an eagle feather that was sent to me by an Elder I have yet to meet. I was asked to never forget who I am and where I came from, and to always remember that I am here to represent all of the children of Manitoba, the children belonging to each color of the four directions and each cultural and ethnic background.

The skills I bring to this position come to me from my life experience and professional experience. I am an Aboriginal woman and a mother. I have been a foster parent and caregiver to many children. Having received my Social Work degree from the University of Manitoba, I am a social worker by profession. My journey has taken me down many roads over more than half a century in time. I have been a service provider and a service recipient in the child welfare system. I have always given thanks for all my experiences, the good ones and the difficult ones, for they have made me who I am today and have given me a broad perspective to bring to this office.

Over many years of working in child welfare, I encountered situations where people were living in challenged circumstances. Always I remember, "But for the grace of God go I." It is not my role to judge, but to understand, be approachable and assist.

In following Aboriginal Sacred Teachings, the information contained within this report has been produced with the full intent of Truth, Humility, Wisdom, Honesty, Bravery, Love, and Respect.

- Truth - the information, accounts, and statistics are fact-based and undeniable. However, this report also contains statements that are based on information provided to the OCA and should be understood in that context.
- Humility - it is with humbleness that I have accepted this appointment and the responsibilities that accompany it. It is hoped that with some humility we can accept what needs to change, and by doing so, grow from it in a positive way.
- Wisdom - each of us carries both personal and professional wisdom rooted in our life's experiences. No one individual possesses all of the

knowledge but in joining together, our collective wisdom is the fuel that can continue to propel our journey through the ground-breaking child-welfare development that has occurred in this province, particularly over the last year.

- Honesty - so we can work together from our spirit with honor and integrity to learn from the past and make every effort toward improvement.
- Bravery - that we have the courage to hear what must be heard, see what must be seen, and speak what must be said. And with that same bravery, be able to face challenges without intimidation, but with the intent of best practice.
- Love - that we work from our spirit to demonstrate our love for all children; *it is our children who represent the future and the spirit of our communities.*
- Respect - for the diversity that exists among the service recipients of child welfare, and also among the service providers. This diversity is not only identified by cultural and socio-economic differences, but as diversity in one's life experiences. These differences have shaped our values and beliefs. Understanding and respecting these differences will go a long way toward identifying the common ground required to find better ways to help protect and understand children and youth.

*Respectfully Submitted by*

Billie Schibler  
*Children's Advocate*

## A Prayer for Children

*Ina J. Hughes*

*We pray for children*  
whose tears we sometimes laugh at and whose smiles can make us cry...

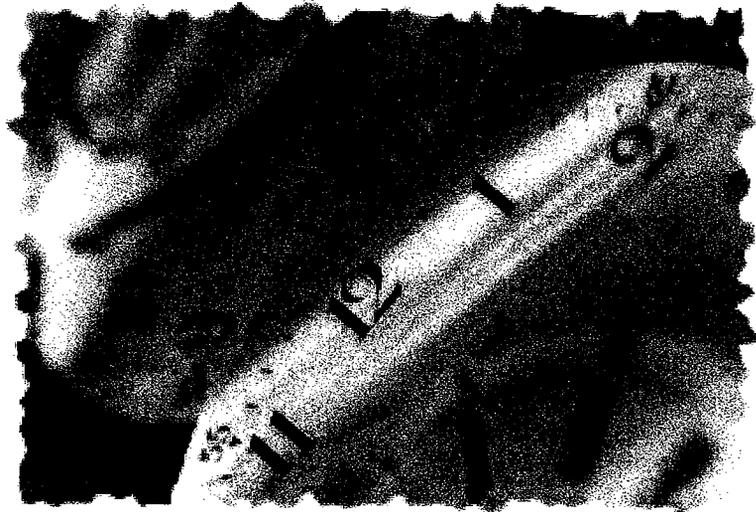
*And we pray for those*  
whose nightmares come in the daytime  
who will eat anything  
who have never seen a dentist  
who aren't spoiled by anybody  
who go to bed hungry and cry themselves to sleep  
who live and move, but have no being

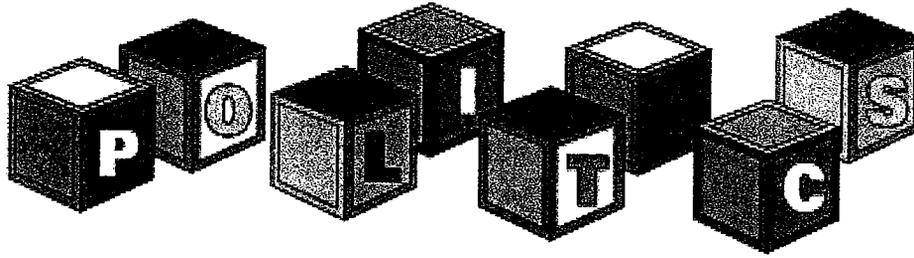
*We pray for children*  
who want to be carried and for those who must  
for those we never give up on and those who don't get a second chance...  
and for those who will grab the hand of any body kind enough to offer it.

*Amen*

**AN OVERVIEW OF THE MAJOR INITIATIVES  
UNDERTAKEN BY THE OCA**

**2005-2006**





## The Politics of Child Welfare

It is no revelation that if everyone in the child welfare system works together with respect, acceptance and cooperation, some great things can be achieved.

As I entered my first year as Children's Advocate, our number one goal was to approach all of the agencies and authorities with courtesy and respect. Our hope was to work collaboratively on child welfare issues that would be in the best interest of children, especially at a time when agencies were facing dramatic changes as a result of the restructuring that flowed from the AJI-CWI. These changes created an environment where it felt like everything and everyone was under a microscope.

While our experiences over the last year have shown that there were people who were not always acting in a unified fashion and where their agenda did not always seem to necessarily put children first, it was recognized that the changes to the child welfare system created tremendous stress on those working within it. The manner in which professionals dealt with those stresses was not always the most productive.

In the process of transition, people transferring cases felt that they would be judged on how well they had attended to the cases being turned over to new case workers and/or new authorities. Those receiving the files felt they would be judged on how well they would be able to service those cases. The result was a huge amount of stress and distrust in the transition. It became difficult for these professionals not to personalize. Even the most grounded person in any career and walk of life are subject to feeling some amount of insecurity. They may fear being judged when compared to others without realizing that these feelings can become very counter-productive.

While there was excitement and anticipation for the long-awaited change and the desire to do the kind of work that would provide excellent service to children and families, there was also the grief of losing something familiar, such as relationships with children, families and co-workers. This combined with the fear of the unknown, as well as feelings of anger and disappointment when it was discovered that expected resources didn't exist.

As a result of this stress, heavy caseloads and the fear of change, people were often overwhelmed and did not always act in the most professional manner. Some people felt defensive and would become reactive and even combative.

We found instances where people refused to work with other agencies, refused requests for information sharing, or failed to attend or excuse themselves from important scheduled meetings. Some did not return phone calls and some became rude and adversarial.

Some Agencies did not want to report to the new Authorities as they saw the Authorities as a new level of bureaucracy, one that might possibly curtail their autonomy. In turn, the Authorities struggled to establish relationships with their new Agencies, while at the same time trying to balance their responsibility and accountability back to the Department of Family Services & Housing.

It must also be noted that the Department's Child Protection Branch faced its own challenges as new lines of communications were being established. No longer would the Branch be dealing directly with Agencies, therefore new relationships and trust would have to be built with information flowing back and forth through the four Authorities.

Ultimately it is a delicate balance to not offend, appear condescending or untrusting of new people, while maintaining final accountability for the children within the child welfare system of this province.

While most clients were given their choice through the Authorities Determination Process (ADP), some clients lost all that was familiar and were outside of their comfort zone, having to become accustomed to new workers, new agencies and new philosophies.

But who is this system for? It is for children and youth. If educated professionals, adults, parents, foster parents and caregivers became angry and confused, how must young people have felt and reacted? These children felt like they were being uprooted again and this is one thing that many of these children know well. Change is the constant in their life, having been separated from their families, with many having undergone multiple placements and multiple changes in workers.

What opportunity were these children and youth given to be heard or to express their feelings and concerns regarding their transition to new Agencies and Authorities?

This is where the role of the OCA was vital in ensuring that the voices of those children could be heard. For example, some came to us because they were very confused and did not know who to turn to in the new system. Some did not know who their new worker was. They were concerned because their plan of care had changed as a result of the change of Agencies. Some had family visits cancelled while in transition. Many felt their plan was in limbo throughout the transition period.

In living through the process, and working through the personal challenges that were created as a result of all the changes, some professionals in the child welfare system lost sight of their vision and are now having to rediscover it or recreate it.

In October 2005, The Centre of Excellence for Child Welfare, along with the Child Welfare Leagues of Canada and America, the First Nations Child and Family Caring Society and the National Indian Child Welfare Association, held a leadership conference entitled "Reconciliation: Looking Back, Reaching Forward - Indigenous Peoples in Child Welfare".

The conference was a "coming together for the purpose of moving forward in a better way to a better place". It was about "bringing together people with diverse experiences and perspectives" for an honest and open dialogue in the hope of initiating "a process of positive change in social work across North America".

It was recognized that due to the painful history of our Indigenous peoples, it was "necessary to build relationships by engaging in dialogue to begin the process of reconciliation". Furthermore, it was understood that "this dialogue must be characterized by respect, understanding, inclusion and truth. It involves a confirmation of, and learning from, our historical experiences and moving toward a new sustainable relationship" with the ultimate goal being "unity in child welfare in order to support the successful development of all children".

The reality is we all need each other if we are to work effectively to achieve the ultimate and intended goal - improving the system and services to children and youth.

## "It Takes A Village To Raise A Child"

Many people believe that raising a child is not solely the responsibility of parents. Extended family, neighbours and community all play a vital role in shaping a child's life, as do those within community-based organizations such as schools, recreation centers, churches, and daycare.

Yet it often seems that this is not necessarily true when the child comes into contact with or is in the care of a child welfare agency. When the child becomes the responsibility of the government child welfare system, the village that once raised that child often dissipates. They retreat into the shadows, the periphery. That's because many people we serve fear, distrust and resent the child welfare system. This is one of the most common themes that people bring to the Office of the Children's Advocate when they come seeking our assistance. As a result, people are often extremely reluctant to reach out for any support resources within that system.



Children who may need help may be afraid of losing the life that they know and the "village" that surrounds them. They might also be afraid of the repercussions of being seen as the one who has upset the delicate and often precarious balance of life that exists around them.

The paradox of child welfare is that parents often become suspect if they contact an agency indicating that they are struggling and require some assistance. In these situations, the parent becomes a voluntary client and the agency opens a service file on the family. An open service file often means that the parent is not allowed employment within the child welfare system, nor allowed to be a foster parent while that file remains open.

Should a friend, neighbour, or other concerned citizen or service provider feel that they are seeing a parent struggle and call the child welfare professionals to provide assistance, the family would then be on record as possibly requiring protection services, which would be seen by society as being quite unfavourable to the parent. It somehow suggests that the parent "must have done something very wrong and shameful" if the child welfare officials have had to intervene.

Foster parents have also told us they worry about being viewed as problematic or unskilled if they request help from an agency. Perhaps the needs of the child may not be a good match for the foster family. Further resources might be required to help the child transition into the new foster family environment, but the families are afraid to speak out about it. As a result, things go unresolved longer and create greater tensions, often resulting in a placement breakdown.

In fact, some foster parents who have had children in their homes without great challenges for long periods, sometimes since infancy, have still experienced placement difficulties later. For example, FASD and identity issues for the child can suddenly emerge during adolescence and manifest themselves in the adolescent's behavior, creating problems. Foster parents are often afraid to raise these new concerns for fear that it will be interpreted that they have lost their commitment to the child or it might be perceived that their family is malfunctioning or having a "meltdown". Incredible strain is put on the entire foster family because the foster parents are often afraid to come forward.

It is no wonder that fear, anger and distrust permeate the system. How does any of this, best serve the children of this province? Perhaps we should be more open to the idea that identifying one's limitations and reaching out for help is a strength, rather than a weakness, for it is a decision centered upon the best interests of the child.

Parenting, while very rewarding, can often be challenge upon challenge for even the most educated, affluent and well-prepared members of our society. There is no sure-fire handbook to guide us. Perhaps some parents are attached to a greater support system or have managed to stay below the radar. Even specialists in this field don't claim to have all the answers. In their attempt to raise children to adulthood as healthy, functioning, and independent beings, child welfare agencies with a multitude of resources at their disposal, also struggle to achieve success.

As a result, child welfare workers, the people at the front lines of child welfare, are more often than not seen as the "bad guy" even though they are simply trying to carry out their mandated responsibilities. The vast majority are well-deserving of society's respect and gratitude for the job they do under trying and difficult circumstances. Yet the workers are the faces that the majority of families see and therefore represent the system that is seen by the family as interfering or unable to provide the support they need.

The interaction between all these forces is tenuous, complex and difficult to change. But unless the system demonstrates a shift in philosophy and practice, it will continue to create a reciprocal breakdown in the "trust relationship" and effective problem solving, driving a deeper wedge between service recipients and service providers - and children will be the ones who continue to suffer.

It's all about balance. In several Western European countries it is expected that families will struggle from time to time with the challenges of parenting. It is anticipated that during these times the child welfare authorities would be called upon as a support. Asking for this support is largely viewed as socially acceptable and very much a societal responsibility toward raising a child.

In contrast, Manitoba's child welfare system is largely focused on protection, with little resources allocated for prevention. This creates an environment that suggests that no person should struggle in their role as parent. Is this reality? How do we balance prevention and protection services? Authoritative and supportive roles? These are philosophies that must be addressed. We must achieve this balance if people in distress are to make contact for services without fear.

The Act and the child welfare system in Manitoba were designed to rescue children. So from the time that workers come into contact with a family they are actively looking for signs of neglect and abuse. They are actively documenting any of these signs and activities in case they have to go to court to obtain a temporary or permanent order of guardianship and in order to justify any possible removal of these children from their family homes. This is understandable because there is tremendous pressure upon workers and the system to always err on the side of caution, for the safety of the child. Should a child be harmed, the family and the Agency will immediately be blamed for neglect. This is a necessary reality of child protection, but it also creates an immediate adversarial tone and an environment of mistrust. We believe that in addition to seeking to protect the child, workers must also look for positive signs and strengths in the family home and for ways of supporting the family. It is necessary to build upon these strengths so the partnership between the system and the family is enhanced and people on all sides are working to keep the family unified.

Most professionals in the system know and understand that the philosophies and the system need to change, and each person working within it must be an agent of change. We believe that in order to change the child welfare system, professionals have an obligation to ask themselves at the end of the day, **"If roles were reversed, would I feel confident in the ability of my own agency to deliver services to my family?"** If not, then they must ask themselves, **"What needs to change and how can I make a difference?"**

### **So, What is Child Welfare?**

At the OCA we become so immersed in the day-to-day realities of child welfare that we forget most people in the general public or other professional backgrounds have no real knowledge of the intensity, complexities, and quite frankly, the ugliness that can exist in the world of child protection.

In Manitoba, we have 21 mandated child welfare agencies. According to the 2005 - 2006 statistics provided by the Child Protection Branch, there were 6,629 children in the care of the province under temporary and permanent wardship, as well as voluntary services. Many of these children have complex medical, emotional, and behavioral needs. Providing services to meet those needs challenges the child welfare system as well as the health, education and justice systems.

As described in the previous section of this report, there are cases where a struggling parent may simply require some support. Perhaps interventions might be required. However, front-line workers also enter into highly dangerous situations to protect children. They see the results of the very worst of atrocities committed against children: sexual violations against children as young as babies; children who are savagely beaten or tortured at the hands of their parent, caregivers or other members of their community. Children who are battered and bruised; children who have evidence of cigarette burns, adult bite marks, and broken bones at various stages of healing; children who are grotesquely neglected with evidence of lice infestation, body sores, and who are malnourished to near starvation. Some of these children have been abandoned, locked in their rooms or left unattended in their cribs for so long they don't bother to cry anymore. Some of the children are damaged to the very core of their little spirits and so delayed it seems almost miraculous that they can recover. This is the reality of child welfare and for a number of the children who may be coming into care.

Historically, these types of tragic cases came to the attention of the public as isolated occurrences. Sadly, at this present time child welfare systems across the country are overwhelmed and under-resourced to handle the number of calls they receive.

### **Who Are These Child Protectors?**

It is a widely held belief among social work professionals that child welfare is the best place to begin your social work career, as you will be forced to quickly establish many of the skills required for work in other specialized service systems. Unfortunately, it is often not a place where people can stay long because they can not endure the high emotional stress that comes with all they see and experience in their job.

In my years of experience working in child welfare, most everyone I encountered was working in the system because they truly wanted to make a



difference in our world. They genuinely enter social work wishing to help children, youth and families attain better lives. As such, they enter the profession with the belief that people have the capacity to change and that they, the professionals, would be the "change agents".

Sadly, many child welfare workers feel that once hired, they receive little or no training and mentoring prior to making life and death decisions. They suggest that employees in fast food restaurants may be receiving more training than they receive in preparation for their case load responsibilities. Often if they are filling a vacant position, other overworked staff will have been filling the void while awaiting the new staff person to be hired and commence work. Once the new person arrives, he or she will most often have to immediately attend to a high case load or backlog of work. These child welfare workers often must rely on good common sense and, hopefully, some sound life experience.

The only significant training through the Province's Module Training of Core Competencies usually comes after workers have been delivering service for more than six months. Once that training is completed, there is little opportunity for further training and skill development.

### **Concerning?**

Due to the intense demands of the career, there is a high burnout rate and a high turnover for child welfare social workers. Yet, we know children and families need and desire some consistency in the service providers assigned to them. A youth who recently left the child welfare system stated, "I never really knew my workers and they didn't know me. I don't know why. I was always here. I didn't go anywhere."

This is obviously a situation that has a huge impact upon the children and youth in care.

It is important to note that this is not a criticism of the present workers, management or the present government. This has been the reality in child welfare and one that has not changed much over many decades. Will this look different under the new Authorities? Will the Authority leaders collectively find a successful way to address this throughout all of their agencies? Time will tell. There is a responsibility by the government to support the Authorities in building capacity and skill levels in staff province-wide.

We need to find a collective approach to attracting, mentoring, training, retaining and supporting workers so they can be the stable, strong and ongoing influence that so many of the children, youth and families in our system need, to help them heal and move forward.

### **The Role of the Office of the Children's Advocate**

How then does the Office of the Children's Advocate find balance in its role of addressing deficits in the services of the child welfare system through recommendations toward improvement for children, youth and families, while also providing support for positive changes to the system?

Consistent with the fear and distrust that permeates the child welfare system, we find that many service providers are afraid that the Children's Advocate's involvement will be adversarial and a criticism of their case management decisions and abilities. As a result, they may not contact us for assistance or they may resent our involvement.

The intent of the OCA is not to be critical of individuals or agencies. Our objective is to identify where deficit may exist and help to address those deficits through support. At times our Office can even become an advocate for the agencies and workers themselves when they have come up against barriers in the system that prevents them from delivering effective services for children, youth and families.

As in the earlier statements, the balance of authority and support can hopefully be better achieved once more trust begins. The service system must understand the purpose of the Children's Advocate's role in representing children and youth. It must recognize that our intent is to build on existing strengths in the system rather than focus solely on identified deficiencies which affect the services being delivered.

### **Do We Need a Children's Advocate?**

There is no denying that anyone working within the child welfare system is already an advocate for children.

"The Children's Advocate is empowered to review, investigate and provide recommendations on matters relating to the welfare and interest of children and youth receiving or entitled to receive services from the provincial child welfare system."

The OCA is an independent body charged with monitoring accountability for case management, decision-making, and service delivery affecting children and youth.

It was understood that to be allowed the freedom to conduct its duties without perceived bias or prejudice, the Office of the Children's Advocate would need to operate at arms length and be independent from the child welfare system.

The sheer volume of calls received everyday from youth, families and the community, as well as the serious nature of their concerns, is evidence of the need for a Children's Advocate.

As previously indicated, going into 2006, there were more than 6,600 children in the care of child welfare agencies in Manitoba. This does not include all of the children in the province who are in the care of their families but who are receiving services. Nor does it include all of those children who are entitled to receive child welfare services. The mandate of the OCA indicates that we are to be the voice for these children or to ensure that their voices are being heard. Our legislative responsibility is vital yet, as has been historically stated by my predecessor, the OCA is significantly understaffed with a half dozen Officers to fulfill this duty for the entire province.

The issues presented to our office are increasingly serious and urgent. A great number of these children present as medically fragile or come to us with combined medical, mental health and behavioural needs. As such, our role has been largely to navigate through multiple systems on behalf of service providers & caregivers who come to the OCA with the hope that we can ensure these children are receiving the services to which they are entitled.

**It is our belief at the OCA, that every child in Manitoba is entitled to a Provincial Advocate.** Yet with the limitations of our present mandate and without the resources to make this belief a reality, it remains little more than a notion.

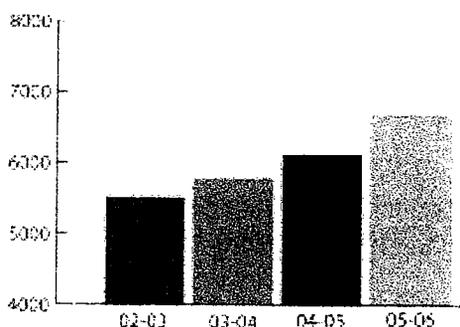
## Who Calls?

Calls received at the OCA are from those who wish to remain anonymous to the child welfare system, those who do not trust the child welfare system, or from those who feel they have exhausted every other avenue in an attempt for resolution to their concerns for children and youth. Some calls also come from the service providers themselves who, while working within the system, feel that they are facing systemic barriers to providing "best practice" service that is in the best interests of the children, youth and families they serve.

Our investigations are conducted at the request of various parties including caregivers, collateral service providers, family members, concerned citizens, government officials, or the children and youth themselves. In many cases the conclusion of our investigation supports the child welfare service system in their case planning and commends those agencies and workers for demonstrated "best practice".

In some cases however, our Office becomes the intervener or mediator who challenges the child welfare system to review a matter from the perspective of the best interest of the child, and will conclude with recommendations that are case specific or are advocating systemic changes. These recommendations are not made with the intention of chastising individual workers, agencies or authorities. As an independent quality assurance body, our intent is to safeguard the best interests of the child or children involved in the case and to recommend changes that can improve the services being provided by the child welfare system.

## Devolution - Were we ready?



As earlier stated, according to the 2005-2006 stats from Manitoba's Child Protection Branch, there were 6,229 children in the care of child welfare agencies within this province. This compares to 6,118 children in care for 2004-2005, 5,782 for 2003-2004 and 5,533 for 2002-2003. The number of children in care is growing rapidly. Why do we have almost 511 more children and youth in care in fiscal 2005-06 than we did the year before? That's a huge jump from the previous year's increase of 336 children. At present, over 5,500 of these children are of Aboriginal descent.

Aboriginal children have historically been over-represented in Manitoba's child welfare system. The recommendations of the Aboriginal Justice Inquiry (AJI) were not necessarily to suggest that there would be less Aboriginal children in care with the Aboriginal Authorities in place, but that the planning for these children would be made with cultural appropriateness through the Aboriginal agencies.

May 16, 2005 was the date when services in Winnipeg were officially transferred to the Agencies and four Authorities identified through the ADP (Authority Determination Process). Never before has a province in Canada created a shift in child welfare services to the magnitude seen on that date and for the many months that followed.

The actual conceptualization began with the recommendations that came from Justice Hamilton and Judge Sinclair through the Aboriginal Justice Inquiry which led to the signing of the Memorandums of Understanding (MOU's) in 2000. Over the next five years, intense dialogue and planning continued as everyone began working toward the intended target transfer date.

Approximately 2,500 case files were involved in the transfer. An astounding amount of details and specifics were to be included in those files. Clearly, every potential glitch of the devolution could not be anticipated. As a result, it is doubtful that any amount of preparation would have created a perfect transition.

However, according to information presented to the OCA through intake calls, and subsequently substantiated through OCA investigation, there were some obvious oversights. While the OCA must highlight any service deficits we identify, we do so with the intent of working collaboratively from the strengths of both the agency and the family, and in the best interest of children.

The identified oversights could be grouped into the following themes:

- There were numerous files that were not adequately transferred, and contained inadequate and incomplete information;
- Many new workers, seconded workers, long-term workers, middle-management, families, foster families, and children/youth in care were indicating to us that they did not feel supported during the process;
- Children and families were uncertain as to who their new case worker was, or they were in limbo awaiting their new worker;
- Staff were not adequately trained to deal with the volume and intensity of the cases;
- Strained inter-agency/inter-authority relationships, relationships between existing agencies and their newly appointed Authority, and relationships between the Authorities and the Child Protection Branch all had an impact on human resources and morale;
- Funding disparities between agencies and between jurisdictions created dissension;
- Some agencies are unionized, while others aren't. Some agencies were long established while others like the Métis CFS were new. These factors created an uneven playing field in terms of resources, remunerations and responsibilities given to people doing parallel jobs in different jurisdictions;
- There was a lack of resources to follow cases, particularly in remote communities;

### ***Systemic Issues:***

#### **Use of Hotels**

Inadequate placement resources results in the continued reliance on hotels for emergency placements. The question still posed to OCA is why the Seven Oaks Youth facility was eliminated by government as an emergency placement resource if the alternative was to use shelters and hotels for high needs youth. Many contracted caregivers have limited skills or training to meet the high needs of this volatile setting. Continual staffing rotations prevent consistency in care-givers. We have heard it referred to as the "out of the frying pan" response. Could the financial resources spent on these placements, costing hundreds of dollars per day, not be more effectively utilized in supporting

these children in their homes or communities through professional therapeutic interventions, therefore preserving more families wherever possible rather than causing them further trauma?

In the first half of 2000, the OCA reviewed the Winnipeg Child and Family Services Agency's use of hotels as emergency placements for children and youth. In 2004, the OCA reviewed the Emergency Assessment Placement Department (EAPD) Shelter System. Eighty recommendations were made. The government accepted most of the recommendations, including the hiring of more staff, better monitoring and the transfer of 50 bed spaces to non-shelter care. With the changes that took place in the CFS system to create the four new authorities, work on the recommendations seems to have largely been stalled as a result of staffing and union contract negotiations.

How much has changed since 2000? The Children's Advocate intends to revisit the findings generated from the OCA regarding emergency shelter and hotel use. In the near future, the OCA will be reviewing the progress that government has made on implementing the OCA's past recommendations. A public report on our findings will follow our review.



### **Lack of Age of Majority Planning**

Many youth have grown-up in the child welfare system and have been severed from their communities and families of origin. As they are reaching age of majority, we are finding that adequate planning has not been put into place to support these young people in becoming strongly rooted in the adult world. These young people are often left to fend for themselves with no support system or family as they now become severed once again - this time from the child welfare system. These youth frequently are marginalized by additional social, developmental or medical needs, yet most do not qualify for formal supports in the adult system. Therefore they may remain limited in their capacity to succeed. Some youth are reaching age of majority and transitioning from the child welfare system while in correctional facilities. Quite often there is no evidence of proper planning or supports in place for the youth once released from the justice system. They appear to be abruptly abandoned because they have become adults and become discharged from agency care while incarcerated.

### **Dual Mandate Involvement: A Need for Expansion**

The OCA continues to receive requests to advocate for children and youth within the systems of Youth Justice, Children's Mental Health and Education. Presently, we can represent children within these systems, but only when it is determined that these children are also receiving or are entitled to receive child welfare services. Unfortunately, we frequently receive requests to advocate on behalf of other children and youth who do not meet the criteria under our present authority. The provincial government departments must consider the need for an expanded mandate for the OCA and additional resources to address these requests. The role of the provincial Children's Advocate should not be to exclusively advocate for children in need of child welfare services. All children should have the right to an Advocate.

*All children  
should have  
the right  
to an  
Advocate.*

## **Education**

There are often requests for the OCA to become involved in matters related to children who are demonstrating behaviors or needs which the education system is unwilling or unable to address.

The Children's Advocate's experiences to date suggest that some of these youth have very significant social needs that may be compounded by dealing with traumatic life experiences or hidden disabilities such as FASD, ADHD and ADD.

These children do not fit the standard mold upon which the education system bases its policies and practices. Generally we find that those with behavioural challenges are not afforded the same consideration and support afforded youth with physical and intellectual disabilities. The truth is that behavioural and emotional challenges are little understood or tolerated.

Engaging the youth in a supportive learning environment and exploring what might possibly be the root cause of their challenging behaviours is time-consuming, complex, and will require additional resources - commodities that always seem to be in short supply in our educational system. The system policies subsequently create barriers that discourage these young people from remaining in school.

If they don't fit the mainstream requirements, these youth may end up out of school, which compounds issues for them. This results in many of these young people being denied their fundamental right to an education as laid out in the Convention on the Rights of the Child.

This past year saw the introduction of Bill 13, an amendment to The Public Schools Act, which emphasizes the philosophy of inclusive education. While Bill 13 also provides a dispute resolution process for individuals to bring forward concerns regarding the appropriateness of a student's educational programming, the OCA has received concerns regarding this process. The reality is that, while Bill 13 represents a positive step forward, the appeal process still remains a highly complex and insurmountable system. It becomes even more challenging, for example, for those that may not have the ability to put their concerns in writing, as required under the Bill.

Many of the young people that the OCA is asked to assist come from homes where their parents or caregivers have English as a second language, have been victims of residential schools, or feel intimidated and ill-equipped to challenge a large system on behalf of their children as natural advocates.

If the OCA can not find evidence that the children and youth in question are in need of child welfare services, their matter falls outside of our present mandate - and we can not help them. The questions remain - what happens to these children? Who is their voice? Who is their advocate? What exactly will be the cost to society in turning away these youth and forcing them out into our communities, rejected and uneducated?

## **Justice**

Toward the end of 2005, the OCA was requested to look into matters relating to the care, treatment, and rights of youth in Correctional Facilities. While many concerns were brought forward to the OCA, we were only able to advocate on behalf of youth who were receiving or entitled to receive child welfare services. Unfortunately we were unable to assist those youth who did not meet the child welfare criteria of the OCA's present legal mandate.

Some of the concerns brought forward related to:

- Withholding rights and privileges through excessive use of power and authority,
- Females monitored by male staff ( i.e.: camera surveillance of cells, including their lavatory areas),
- Inadequate level of services to a population of highly challenged youth, some with mental health issues, Fetal Alcohol Spectrum Disorder (FASD), and suicidal ideations,
- Due to the justice system's limited capacity for crisis response, maximum security facilities are used to house very volatile, fragile, emotionally charged youth and to ease overcrowding at other facilities,
- Lack of adequate psychological/psychiatric assessments and programming. There is a need for a more therapeutic intervention through integrated services/team consultation with those in areas such as medical units, chaplains/ Spiritual Leaders, Psychologists/Psychiatrists and Unit Supervisors.

These concerns were followed up jointly by the OCA and the Child Protection Branch. It is the position of the Children's Advocate that many of these youth have been victims of the abuse of power (either physical or sexual) prior to their incarceration. It is also our belief that all youth, despite their crime, are entitled to fair treatment and the right to effective, therapeutic rehabilitation. Failure to acknowledge and provide these rights contravenes the importance of teaching these youth respect toward themselves and respect in how they treat others.

As similar concerns had been raised and investigated in the past, these matters have been referred to the Department of Justice for further review. **To date, we have not received information regarding their follow-up in addressing these matters.**

### **The Need for an Independent Voice to Represent Children in Custody Disputes**

While outside of our mandate to assist, the OCA continues to receive calls from parents and extended family members who are involved in custody disputes. The children involved in these disputes may or may not be receiving services through the child welfare system. The requests that come forward suggest the need for these children to be represented by an independent, impartial person who can legally advocate on behalf of the children's best interests and, if necessary, represent them in the judicial system at custody court hearings, ensuring that their voices are heard.

### ***FURTHER SYSTEMS ISSUES***

#### **Jordan's Principle**

Jordan's Principle states: "The well-being and safety of the child must be the paramount consideration in resolving jurisdictional disputes - the child must come first in all instances." ("WEN:DE We are Coming to the Light of Day" - First Nations Child and Family Caring Society of Canada).

This year Manitoba came together with other provincial advocates through the Canadian Council of Provincial Child & Youth Advocates to jointly support *Jordan's Principle*.



Jordan was a young, medically-fragile, First Nation child from Manitoba who passed away while awaiting decisions in jurisdictional funding disputes between the federal and provincial governments which would have allowed him the opportunity to finally live with his family in his community. While funding responsibilities volleyed between the governments, tragically Jordan's time ran out. He was never allowed the opportunity to live in a family environment as he awaited the decision of who would pay for "at home costs".

### **Lost Boys & Girls:**

In September, 2005, the OCA had the opportunity to attend a conference on War Affected Children, hosted by the University of Winnipeg. Throughout the conference, information was shared regarding the experiences of young people who have come to Canada to seek refuge from the horrors of wars that exist in their home countries.

Their journey was a heart-wrenching tale of how many had lost their families and homes, ravished through the war. They had travelled with other children as young as 4 and 5 years old. They travelled from one country to another on foot, crossing rivers, travelling through jungles, seeking safety and refuge. They witnessed the slaughtering of their loved ones and the loss of their companions through attacks by wild animals, exposure to the elements or through drowning in the fast moving rivers. For some it took years of travel before they were taken into refugee camps and cared for, while awaiting a country that would accept them and offer them a better opportunity to life.

You may be asking yourself, "What does this have to do with child advocacy in Manitoba? How does this affect Manitoba? And what are our provincial responsibilities in these matters?"

Sudan has had the longest civil war in the history of Africa - 20 years. There are approximately 10,000 Lost Boys. We are told they are referred to as "Lost Boys" because they have lost everything, including their childhood. In 2003, over 600 Lost Boys came to Canada as refugees. Approximately 200 came to Winnipeg. We had the honor of meeting some of these young men at the conference. Within the weeks that followed, several attended the OCA to share their stories with the hope that we could advocate on their behalf.

Although they are extremely grateful and appreciative to be in Canada and in Winnipeg, it became obvious to us at the OCA that there were many things that we could have done as a province to support these young people to ensure they had a good start.

- They have come with **no support system** aside from the other Lost Boys and Girls that arrived with them. They have not been nurtured or cared for in a family environment for many years. Perhaps host families could have been arranged for them.

***The Manitoba OCA  
strongly supports  
that no child should  
be denied the right to  
services and quality  
of life while these  
jurisdictional  
disputes happen.***

- Through the efforts of the Needs Centre and Welcome Place, they are set up in apartments and registered in school. Yet, we are told that they do not qualify for subsidized **housing** and they are limited on how many can reside together for additional moral support.
- ESL (English as a Second Language) programs are not equipped to deliver services in their **language**. For most, English is their 4th not 2nd language.
- They have survived an incredible journey with significant psychological trauma. Many have fear / distrust of police and government. Yet they indicate they have never received any form of **grief counseling**.
- We are told that the Federal government has been billing them approximately \$2,000 for the travel costs of bringing them to Canada - a huge **financial burden**. They apparently receive this bill within a year after they have settled in Canada, yet many are living on social assistance while they attend school to gain the education they were denied or lost in Sudan.

Unfortunately, the youngest to attend the OCA turned 18 years old less than two months after he contacted our office. While we no longer could provide advocacy under our mandate, we were able to make some referrals for support. In December 2005, a letter was sent to the Minister of Labour and Immigration with a list of questions and concerns we felt should be brought to the attention of the provincial government. In January 2006, we received a response from the Minister indicating that many of these matters crossed jurisdictional responsibilities and that a future meeting would be arranged with our office for further discussion. **We continue to await a further response.**



*Xmas 2005 OCA gathering to honour the "Lost Boys"*

## ACTIVITIES AND COMMUNITY DEVELOPMENT INITIATIVES



*Provincial Advocates and staff at the  
2005 CCPCYA Annual Meeting in Halifax.*

## ACTIVITIES AND COMMUNITY DEVELOPMENT INITIATIVES



*Trevor Sinclair, Manitoba Youth Delegate and Senator Landon Pearson at CCPCYA Annual Meeting, Halifax, Nova Scotia.*

## **Community Involvement:**

### **National**

- Canadian Council of Provincial Child and Youth Advocates, Executive Meeting in Toronto and Annual Meeting in Halifax.
- First Nations CFS Policy Workout, Ottawa.
- UN Secretary General's Study on Violence Against Children Conference, Toronto.
- Looking Back, Reaching Forward, Indigenous Peoples and Child Welfare - Reconciliation Conference, Niagara Falls, Ontario.

### **Provincial**

- Opikihiwawin and Resources for Adolescent Parents Program Pow Wow for New Directions.
- Keeping the Fires Burning, an event to honour Aboriginal Community Elders.
- Agassiz Youth Cultural Days Pow Wow.
- Awasis Annual General Meeting.
- Intertribal CFS Open House.
- New Directions Annual General Meeting.
- Winnipeg Boys and Girls Clubs Annual General Meeting.
- Community Partnerships-Walking the Talk.
- Honouring Our Spirit, St. Amant Centre.
- Conference on War Affected Children, University of Winnipeg.
- Inner City Campus for Social Workers opening/Dedication of the William Norrie Centre.
- West Region Annual General Meeting in Waywayseecappo.
- Reclaiming our Voices 7, West Region CFS, Russell, MB.
- Rossbrook House Annual Open House.
- Poverty Barometer release - Social Planning Council.
- Student applicant paper screening for Inner City Social Work program.
- St. Boniface General Hospital Social Work Week Panel Discussion.

### **Committee Involvement**

The staff of the OCA participates on the following community committees:

- Child Inquest Review Committee (CIRC)
- Provincial Advisory Committee on Child Abuse (PACCA)
- Voices, Manitoba Youth in Care
- Canadian Council of Provincial Child and Youth Advocates
- Advisory Committee for Sexually Exploited Youth
- Child Health Committee, Children's Hospital
- Media Awareness Initiative about Sexually Exploited Youth (MAISEY)
- Social Planning Council Committee
- Circle of Courage

## ***ACTIVITIES***

### **Youth Suicide Intervention Strategy Gathering**

The Children's Advocate is a member of the Child Inquest Review Committee (CIRC). CIRC is chaired by the Chief Medical Examiner and includes police, medical, child welfare and justice officials, along with an advisor from the Assembly of Manitoba Chiefs. All unnatural child deaths are reviewed, including deaths of children involved with a child welfare agency.

Over the past year, the child deaths reviewed included many that were suicides. One was as young as 8 years of age. The method of suicide differed, but hanging seemed more prevalent. Aboriginal children were highly represented in these numbers. The number of non-Aboriginal youth was just as concerning. Almost equal numbers of males and females had committed suicide.

These young people came from various socio-economic backgrounds, representing urban, rural, and remote communities. While some came from solid, seemingly functional families, others had tragic histories and at-risk lifestyles. Some were studious high-achievers while others struggled in many aspects of their life. Some had earlier signs of distress or suicidal ideation while others appeared as outwardly happy and carefree, showing no warning signs. While some left notes describing their anguish, others left no hint as to what prompted them to such desperate, drastic actions.

We were sadly bewildered as there did not appear to be a common thread to determine the contributing factors of these suicides. The only confirmed fact was that we, Manitobans, were tragically losing our children at their own hands, month after month.

As a result, the Children's Advocate organized a gathering of service providers and stakeholders from various disciplines to discuss our shared concerns about youth suicide in our province. The gathering took place on February 24th, 2006 and was hosted by the MaMaWichiltata Center. The goal was to take a collective approach to address the issue and seek solutions.

This gathering included participants from Child Welfare services, collateral service providers to children, youth and families, Youth Justice, Winnipeg Police Services, Children's Mental Health, Medical professionals, the Offices of the Ombudsman & Chief Medical Examiner, Education, Youth Residential Treatment, Youth Suicide Prevention and Youth Crisis Intervention programs, Aboriginal Elders and several other concerned individuals. It was discovered that although there were a variety of valuable initiatives taking place throughout the province, there had been no previous opportunities to interconnect and share experiences, resources and ideas on suicide prevention across the spectrum for those providing services to youth.

The intent of the gathering was to share our knowledge and experience to determine what direction we could take in jointly developing a provincial prevention strategy. By the end of the gathering it became evident that the majority of those in attendance had experienced, either personally or professionally, the loss of a young person through suicide. It was also evident that we as adults were in much emotional pain as we faced the reality of not knowing all the answers, nor having a clear comprehensive strategy toward effective prevention.

What we do know for certain is that our children are in such a state of despair that many are unable to see a glimmer of hope in their future. How have so many of those young spirits become

extinguished? How can we, as adults/as professionals, find the answers that will provide the direction we need in order to save our children? We have agreed that the answers must come from the children & youth themselves. We must give them more opportunities to tell us how they feel, what they want, and what they need. And, we must listen!

Volunteers stepped forward from the gathering to form a committee that would seek greater input from children and youth. In order for young people to feel safe enough to share highly personal information, an anonymous questionnaire/survey was to be created to hear from youth regarding their experiences in facing a crisis. It would also identify whether they had a support network or someone to whom they could turn in helping them through a crisis. The survey would ask them to provide details on how they would assist a peer or friend who was also facing a crisis by sharing information that may have been helpful or effective in their own personal experience. It was agreed that the surveys would to be distributed through the Teen Touch website.

In addition, the Office of the Children's Advocate offered to be a central gathering point where committee members could forward their program information. Once all the resource information had been gathered it would be forwarded electronically to the committee members.

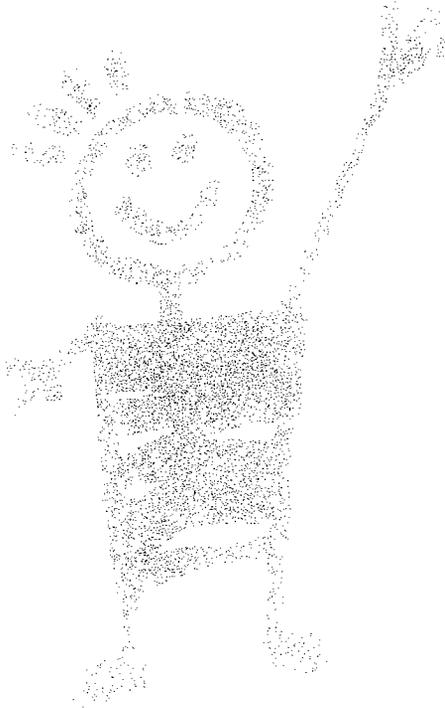
### **Youth Rights Pamphlets**

In November, 2005, three Youth Rights Pamphlets were launched through a joint collaboration of the Manitoba Human Rights Commission, the Office of the Manitoba Ombudsman and the Office of the Children's Advocate. These pamphlets titled **The Rights of Youth: You and School**, **The Rights of Youth: On the Job** and **The Rights of Youth: Human Rights**, were developed in consultation with youth and are now available through each of our web-sites.

# Year-end Statistical Analysis of Children's Advocate Cases

*April 1, 2005 to March 31, 2006*





*Over the last seven years the OCA served approximately 4516 children and youth.*

**CALL MANAGEMENT 2005-2006**

First Level Requests for Service	775
Second Level Requests for Service	544
Total Call Management Services	1319
First Level Requests for Service Resolved	775
Second Requests for Services Resolved	184
Total Calls Resolved in Call Management	959
Calls Referred to Third Level	360
Calls Awaiting Resolution at fiscal year end	-

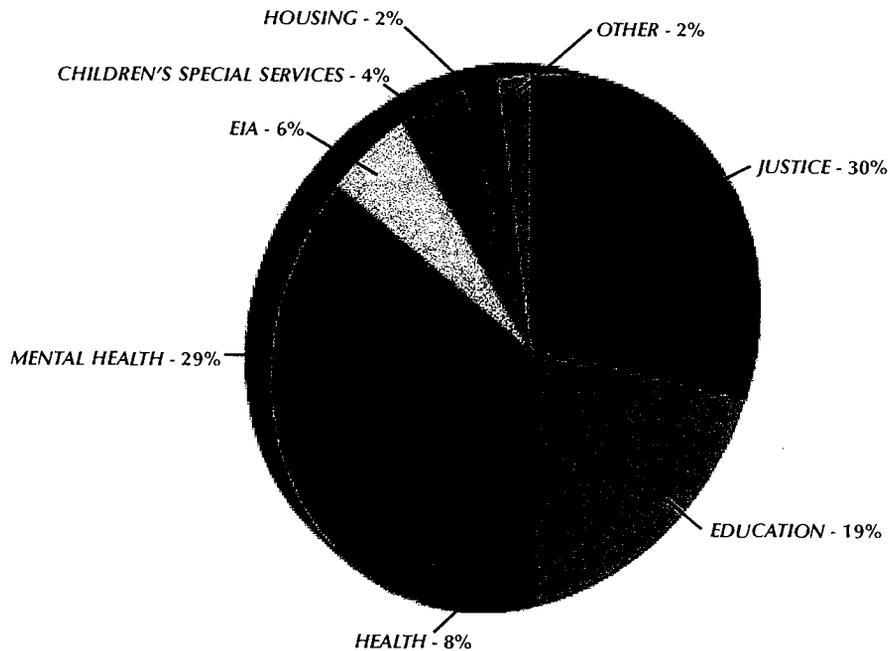
**CASE MANAGEMENT 2005-2006**

Case Files open from previous year	174
Case Files Opened - ISAA	564
Case Files Opened - BS/AI	106
Total Case Files Opened	670*
Case Files Closed - ISAA	317
Case Files Closed - BS/AI	212
Total Case Files Closed	529**
Case Files Remaining Open at end of fiscal year	315

\*Does not include 3 CIRC files and 2 Systemic Issue files.  
 \*\*Does not include 4 CIRC files and 2 Systemic Issue files.

- Files are only reflective of the files open and not necessarily the number of children served or the complexity of the case. Files are open on (multiple) sibling groups but only one file is opened on the oldest sibling.
- Most Advocacy issues are common across the sibling group. For example, access by parent to the child. However, if another sibling in the group requires additional advocacy services and their issue is a separate issue a second file is opened.

**Dual Mandate Cases: (n=63)**

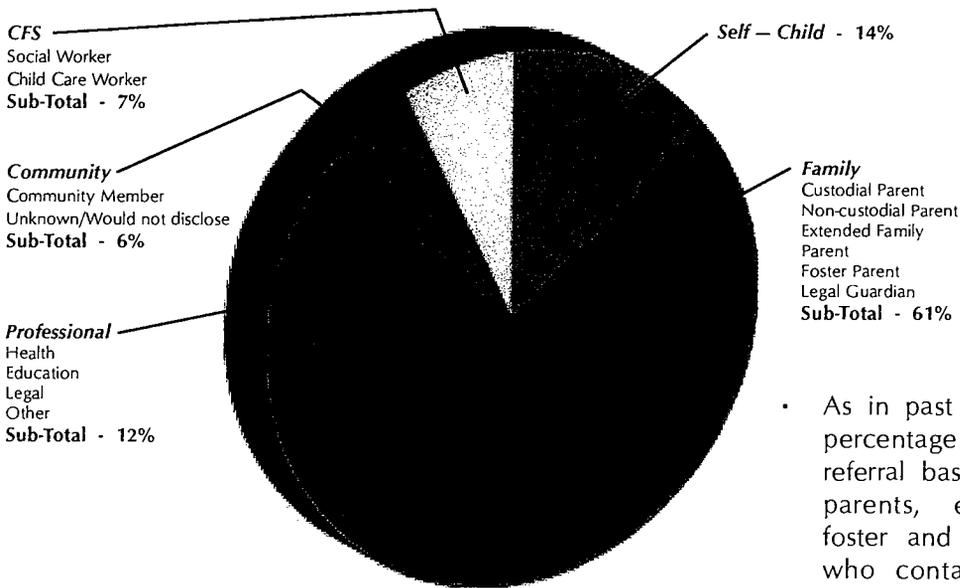


- Dual mandate cases comprise approximately 10% of the total case files opened to the OCA.
- The majority of these cases fall into the youth criminal justice system.

**Dual Mandate**

- Dual mandate category refers to those cases open to the OCA and involved not only with the CFS agency/regional office but also involved another child caring system.
- Child and youth involved in the CFS system often have multiple service providers. The advocacy issue may be central to the CFS system or to other child caring systems.
- Though CFS workers may be the individual who holds final, often definitive responsibility to and over the child, their ability to influence, control and or direct resources of another system to address the needs of the child are in many cases limited.
- To be considered a dual mandate case, the case characteristics need to include:
  - (i) Child/youth had to have current involvement with the CFS system.
  - (ii) Child/youth is not involved with the CFS system but entitled and refused services by a CFS agency/Regional Office or First Nations agency prior to referral to the OCA.
  - (iii) The case issue resulting in a referral to the OCA was identified as cross-jurisdictional involving another child caring system other than CFS.

**Who Contacted the OCA: (n=670)**



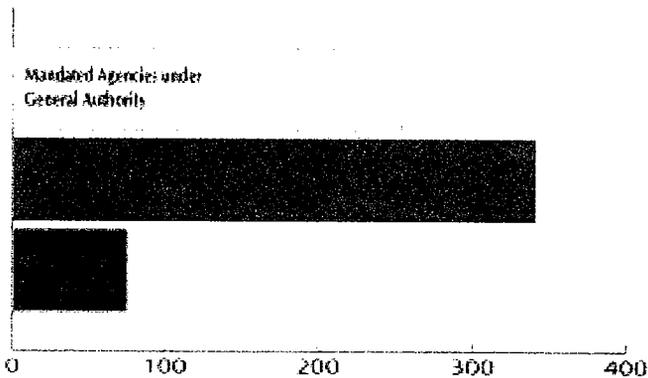
- As in past years, the largest percentage or 61% of our referral base is made up of parents, extended family, foster and adoptive parents who contact the OCA on behalf of a child and or youth.

**Case Category/Involvement: (n=670)**

CFS Case Category	Number	Percentage
Adoption	3	1
Child in Care	349	52
Protection	212	32
EPS	3	-
VFS	29	4
No current CFS involvement	74	11
<b>Total</b>	<b>670</b>	<b>100%</b>

- 596 or 89% of the cases opened to the OCA had open and active CFS involvement with a CFS agency or regional office.
- 564 or 84% of the cases open to the OCA were open to a CFS agency or regional office as an active protection file prior to requesting advocacy services.
- As we saw in previous years, we again see a substantial increase in requests for our services concerning children already in care.

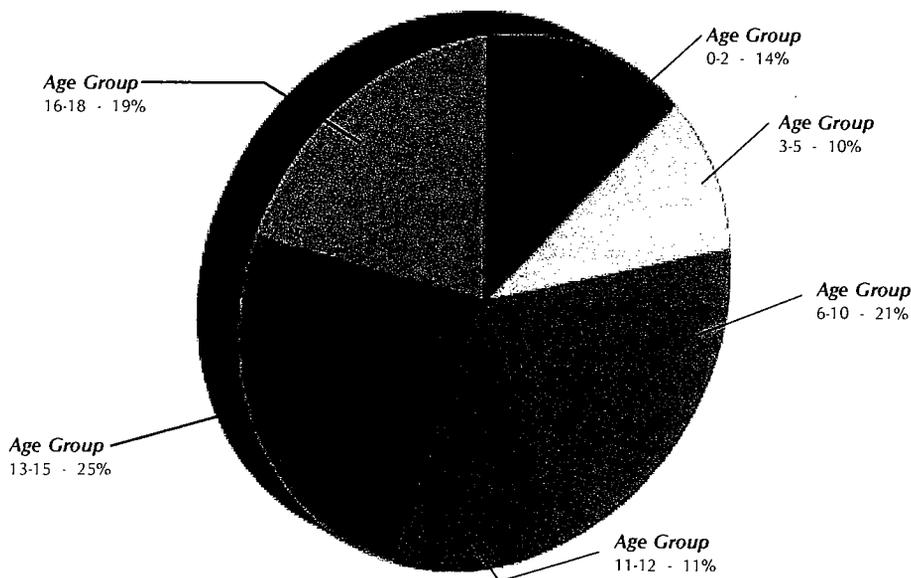
**Case Breakdown of CFS Agencies: (n=670)**



- 38% (254) of the cases were regarding services through Mandated Agencies under the General Authority;
- 51% (341) were regarding services through First Nations/ Métis Agencies;
- 11% (75) were regarding cases with either no agency assigned or were out-of-province matters.

As the AJI-CWI process unfolded the number of cases being served by First Nation or Métis agencies and opened to the OCA increased. This is a reflection of case files being transferred from non-Aboriginal agencies to First Nations agencies.

**Child's Age and Gender: (n=670)**



- Most years, the OCA serves relatively equal numbers of males and females. This year, we served more females. The increase is showing up primarily in the teenaged population where the OCA provided more service in response to calls concerning teenaged females than males.
- The OCA provided advocacy services to 177 females between the ages of 13-18 years of age or 26% of the total files opened. While only 113 males between the ages of 13-18 years of age or 17% of the total files opened.
- 13 to 15 years of age: 99 F, 67 M
- 16 to 18 years of age: 78 F, 46 M

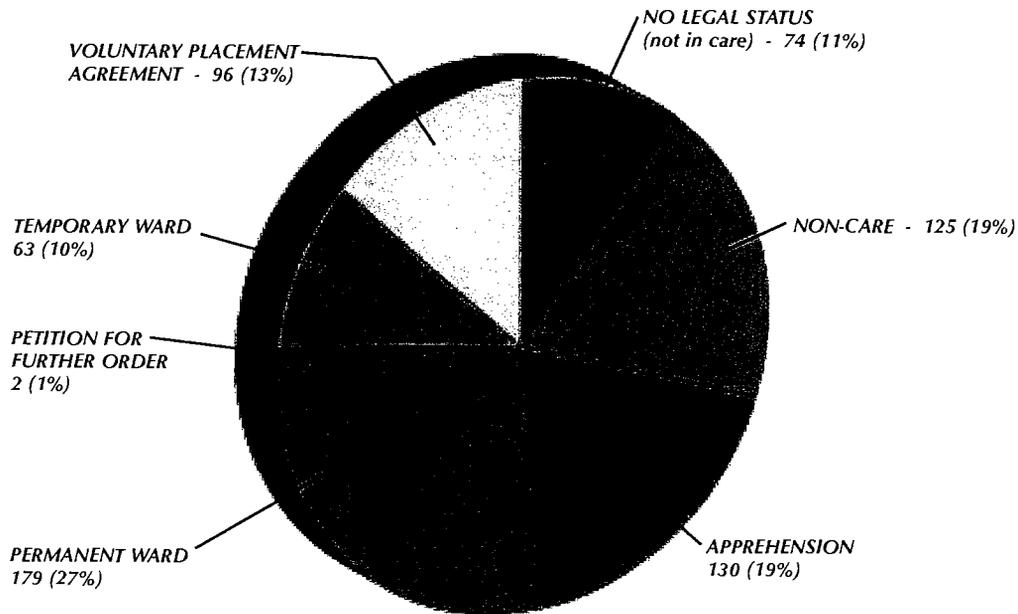
**Racial Origin:** (n=670)

<b>Racial Origin</b>	<b>Number</b>	<b>Percentage (ST)</b>	<b>Percentage of Total</b>
<b><u>Aboriginal</u></b>			
Status	325	73	
Non-Status	25	6	
Inuit/Dene	1	-	
Métis	92	21	
Unknown	-	-	
<b>Sub-Total</b>	<b>443</b>	<b>100%</b>	<b>66%</b>
Caucasian	143	92	
Visible Minority	12	8	
<b>Sub-Total</b>	<b>155</b>	<b>100%</b>	<b>23%</b>
<b><u>Unknown</u></b>			
Unknown/did not disclose	72		
<b>Sub-Total</b>	<b>72</b>	<b>100%</b>	<b>11%</b>
<b>TOTAL</b>	<b>670</b>	<b>100%</b>	<b>100%</b>

- Racial origin is not determined by the OCA. Individuals must self-declare.
- Declaration of racial origin is not used to determine the provision of advocacy services.



**Legal Status of Child: (n=670)**



- 471 or 70% of the children and youth involved with the OCA were children in care with the CFS system where the system had a legal responsibility over the child
- Over the last seven years the OCA has been primarily involved with children and youth in the care of an agency or regional office living away from parent.

**The Whereabouts of Children/ Youth When Advocacy Files Were Opened**

Often when people call the OCA their situation has reached a crisis point. Many youth have run from placement or left home. Parents at times will and have removed children from care situations approved by a private agreement or other formalized custodial arrangements.

We determined where a child is supposed to be living as approved by parent, caregiver or agency. This is called the Intended Placement.

**Intended Placement: (n=670)**

Placement Type	Number	Percentage
Parent/Guardian	194	29%
Non-Relative Foster Home	212	32%
Relative Foster Home	56	8%
Receiving Resources/Shelter	28	4%
Group Home	28	4%
Residential Facility	20	3%
Relative/Friends	28	4%
Hotel/Motel	18	3%
Place of Safety	38	6%
Youth Correctional	14	2%
Adoptive Home	5	1%
Mental Health Facility	2	-
Hospital	1	-
On Own	18	3%
Unknown	5	1%
Other	3	-
<b>TOTAL</b>	<b>670</b>	<b>100%</b>

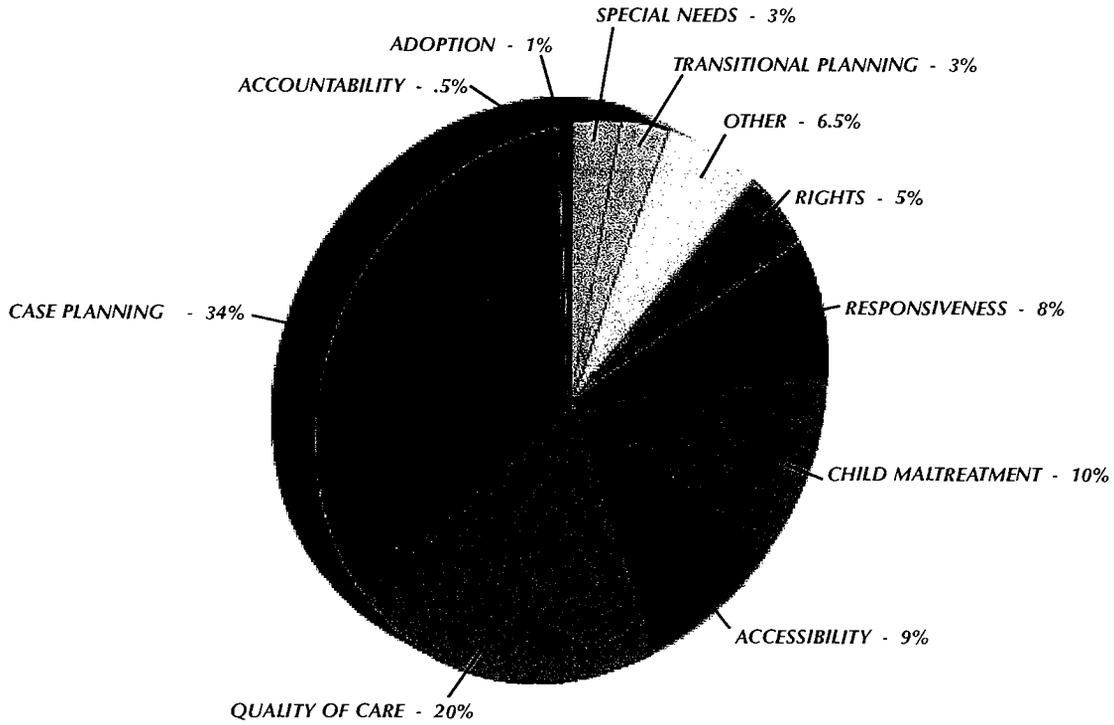
- In 2005-2006, 8% (52) of the children and youth served by the OCA were not residing in their intended placement.

**Whereabouts other than Intended Placements:**

	0-2	3-5	6-10	11-12	13-15	16-18	18+	Total	%
Parent/relative	1	3		2	2	4	5	17	33%
Friend/Community					4	8		12	23%
AWOL					6	2		8	15%
Street Shelter			1	2	7	2		12	23%
Other				1	1			2	4%
Would Not Disclose					1			1	2%
<b>Total</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>23</b>	<b>17</b>	<b>0</b>	<b>52</b>	<b>100%</b>

- In 2005-2006 we see an increase in younger youth (ages 13-15) that are not residing in their intended placement.

**Top CFS Related Concerns by Category:**



**Total CFS Related Concerns by Age by Category: (n=859)**

ISSUE	0-2	3-5	6-10	11-12	13-15	16-18	18+	UK	ST	%
Accessibility	4	6	11	11	27	20	0	0	79	9%
Accountability	2	0	0	1	2	0	0	0	5	.5%
Adoption	2	2	3	0	1	0	0	0	8	1%
Case Planning	46	39	45	24	81	57	0	0	292	34%
Child Maltreatment	5	15	29	12	15	12	0	0	88	10%
Quality of Care	10	5	17	22	77	37	0	1	169	20%
Responsiveness	10	11	10	11	18	13	0	0	73	8%
Rights	10	6	13	2	7	7	0	0	45	5%
Special Needs	2	2	4	1	8	3	0	0	20	2%
Transitional Planning	1	1	1	1	2	19	0	0	25	3%
Other	6	7	6	5	15	16	0	0	55	6.5%
<b>Total</b>	<b>98</b>	<b>94</b>	<b>139</b>	<b>90</b>	<b>253</b>	<b>184</b>	<b>0</b>	<b>1</b>	<b>859</b>	<b>100%</b>

- Consistent with past years, Case Planning, Quality of Care and Child Maltreatment were the top concerns of 2005-06.
- Case Planning speaks to issues arising in an agency, regional office, or First Nations case plan for the child, youth and family. We typically noted a lack of an individualized case plan for the child,

youth or family. As well, we also noted a number of issues that have affected case planning, most specifically the lack of child and youth participation in planning.

- In a number of situations we also noted that agencies and regional offices were planning in a child or youth best interests. Calls to the OCA were typically from parents, guardians or extended family members who disagreed with an agency's actions in the matter. In these cases we found the Agency was proceeding in a course of action that did meet a child's best interests.
- Quality of care issues was tracked but only for those children in the care of an agency or regional office. These issues included not only the quality of the care provided but also spoke to the lack of appropriate placement resources for children and youth.
- The OCA also tracked issues relating to child maltreatment which are concerns received with respect to allegations that a child or youth is being neglected or abused in the community or while in the care of the CFS system. Such concerns are reported to an agency or regional office for follow up investigation.
- Accessibility to services is also a key issue that was raised to the OCA over the last seven years. Accessibility issues are related to the refusal of services; the lack of services or the ineligibility of a child or youth to receive services.

#### **ISSUES IN TRANSFER CASES**

April 1, 2005 to March 31, 2006

- Mother has been denied visitation since file was transferred.
- No planning for youth reaching age of majority.
- Receiving agency's refusal to extend care of youth beyond the age of 18
- Foster parent planned to adopt but plan changed when case transferred. Mother expresses interest in reunification.
- Foster parents not happy with new agency response to their concerns.
- Mother requested change to authority of record/service due to lack of communication with CFS worker and barriers to parental involvement.
- Parents do not recall doing the ADP or signing documents agreeing to maintain a particular agency through choice of authority.
- Placement breakdown at time of transfer and plans not followed up.
- Receiving agency not following case plan.
- Conflict between Mom and Dad as to agency of choice.
- Sending agency not addressing child's needs – waiting for transfer to take place.
- Source of Referral (SOR) signed ADP form but changed mind and wanted file to remain with current agency.

- An agency asked Intake to apprehend a child but Intake said the original agency has to apprehend.
- Transfer agreement with another province not being met.
- Transfer of case occurred before agency had funding in place to receive the new case.
- Agency did not acknowledge transfer and sending agency closed file.
- Unhappy with new worker wanted old worker back. Requested transfer to agency where old worker was working.
- Receiving agency changed placement plans from sending agency.
- SOR was concerned that the case plan had changed when the new agency took over.
- Agency did not process Place of Safety on family nor provide funds in a timely fashion.

## **WHAT DO THE NUMBERS REALLY SAY**

Although the OCA was never intended as a crisis response service, this past year has seen an increase in urgent requests, indicating imminent risk to children. Matters became more complex and time consuming as we faced the challenge of attempting to sort through the confusion of new workers, no assigned workers, a lack of or outdated CFSIS information, and/or incomplete file transfer information.

### **Themes Identified by the Stats**

#### **Placement Planning Issues:**

- Inappropriate child placements (skill level of foster parents not appropriately matched to high needs of children, lack of training and support).
- Log jam in youth correctional facilities due to unavailability of placement in the child welfare system.
- Lack of appropriate planning, resources and placements for children/youth that are leaving the children's mental health system and returning to their communities.
- Lack of appropriate placements and resources for children requiring treatment programs in remote communities.
- Lack of placement and support resources to allow young expectant mothers to remain in their communities and lengthy waiting lists for those awaiting pre-natal placements in the city.
- One of the most common and concerning issues surrounding placement is the continued use of emergency shelters and hotels.

### Service Planning Issues:

Our experience this year has shown there is a:

- Lack of involvement for children, families, and foster families in case planning.
- Poor change of placement planning with children and foster parents, including a lack of proper closure
- Service disparities often exist, particularly for agencies serving remote communities, because government funding does not sufficiently factor in the level of travel necessary to ensure representation at planning meetings affecting children, their community, and access to services.
- Agencies, attempting to acknowledge the rights of children and youth to their culture and heritage, have at times become over zealous in moving children from their placements and back to family and community with very little notice or preparation and without shared planning. Some of these children have little or no established ties with their former family and community. Consideration must be given to the needs of the children by recognizing that these new placement relationships must be developed over time and the existing ones must be phased out gradually to avoid plummeting these children into another separation crisis.
- Many foster parents/caregivers support the plan of reunifying the children with their families and communities, but feel they are viewed as the enemy who is resisting the reunification. They feel quite often politics interfere with the best interest of children and little recognition is given to the attachment of children to their cross-cultural caregivers.
- There are also occasions when foster parents have a difficult time accepting that their foster children will be leaving to return to their birth families. Agencies must do a better job in helping foster parents understand that while they are encouraged to love and care for these children during the stay in their homes, the intended goal will always be the reunification of child with their birth families, wherever possible. Agencies need to demonstrate to the foster parents that careful consideration has been given to assessing the safety of the children as they plan toward reunification. They need to work collaboratively in supporting foster parents to accept that these decisions for reunification are being made in the best interests of the child.
- One of the most concerning and common issues in planning surrounds inadequate preparation for youth transitioning from the child welfare system.

### Lack of Resources and Support to Children and Families:

- Frequent staff turnover created an inconsistency in services and support to children and families.

***There should never be a situation where response to the protection of children is not available due to staffing vacancies, vacation periods and times such as Special Holidays when large numbers of staff are away.***

- It is a definite indication that services are lacking when requests for information and assistance are being met with responses such as "we don't have anyone assigned to that matter yet" or "we don't have anyone available in that community".

### **Discharging from Mental Health and Treatment Services**

- One of the most concerning issues surrounds the lack of continued mental health supports when children leave the Children's Hospital (PY1) and the Manitoba Adolescent Treatment Centre (MATC).
- In addition, youth leaving residential treatment programs and provincial youth addiction programs are often returning to communities where support and follow-up services are minimal or do not exist. Frequently, this presents a potentially dangerous situation as these young people are at high risk of volatile behaviour, self-harm, and continued alcohol or substance abuse.
- We **recommend** that Manitoba Health and Manitoba Family Services and Housing work together with the First Nations and Inuit Health Branch (FNIHB) to develop a collaborative approach to addressing the needs of this very vulnerable population of young people.

### **Web Site Statistics:**

Our web site continues to be very popular. This year the site received more than 80,000 visits from Manitoba, Canada and around the world.

<b>MONTH</b>	<b>SITE HITS</b>
April	7,582
May	10,161
June	7,540
July	5,715
August	6,724
September	4,724
October	5,245
November	6,148
December	5,110
January	6,362
February	6,634
March	8,704
<b>Total</b>	<b>80,647</b>

## Year in Review Statistical Analysis April 1, 2004 to March 31, 2005

The completion of the previous Children's Advocate's term coincided with the year-end for 2004 - 2005. In last year's Annual Report, statistics were only provided for a nine-month period ending on December 31, 2004. These were the most current stats that could be produced in order to complete the Office's Annual Report prior to her departure. We thank Ms. Mirwaldt for her dedication to completing her Annual Report and are pleased to report the final numbers for the complete twelve-month fiscal period below.

	2004-2005
First Level Requests for Service	833
Second Level Requests for Service	545
<b>Total Call Management Services</b>	<b>1378</b>
First Level Requests for Service Resolved	833
Second Requests for Services Resolved	182
<b>Total Calls Resolved in Call Management</b>	<b>1015</b>
Calls Referred to Third Level	363
Calls Awaiting Resolution at fiscal year end	-
<hr/>	
Case Files open from previous year	261
Case Files Opened - ISAA	525
Case Files Opened - BS/AI	182*
<b>Total Case Files Opened</b>	<b>707</b>
<hr/>	
Case Files Closed - ISAA	342
Case Files Closed - BS/AI	452
<b>Total Case Files Closed</b>	<b>794**</b>
<hr/>	
Case Files Remaining Open at end of fiscal year	174
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\*Does not include 3 CIRC files and 4 Systemic Issue files.

\*\*Does not include 2 CIRC files and 4 Systemic Issue files.

# The Fiscal Year Budgets for The Office of the Children's Advocate

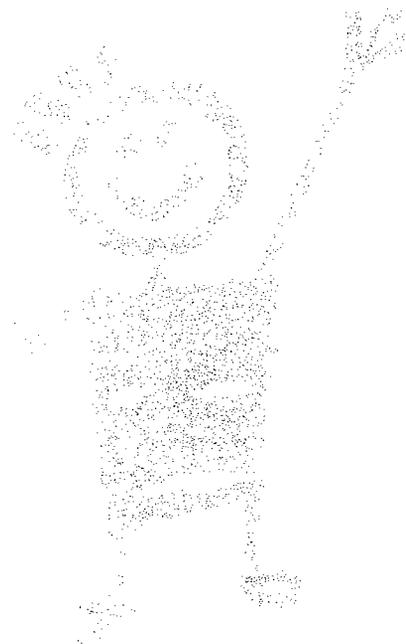
Expenditures	\$(000)	FTE
<b>2005-2006</b>		
Total Salaries and Employee Benefits	549.8	8
Total Operating Expenses	193.7	

## The Office of the Children's Advocate Staff List

Billie Schibler, Children's Advocate  
 Bonnie Kocsis, Deputy Children's Advocate  
 Thelma Morrissette, Children's Advocacy Officer  
 Nelson Mayer, Advocacy Assessment Officer  
 Rosie O'Connor, Children's Advocacy Officer  
*(commencing November 2005)*  
 Jacek Beimcik, Children's Advocacy Officer  
*(commencing October 2005)*  
 Patsy Addis Brown, Office Manager  
 Debra Swampy, Administrative Secretary

Melvin Armstrong, Children's Advocacy Officer  
*(Contracted/casual, part time)*  
 Don Mathieson, Children's Advocacy Officer  
*(September 2004 to April 2005)*  
 Jill Perron, Children's Advocacy Officer  
*(October 1999 to August 2005)*  
 Terri Hammerback, Children's Advocacy Officer  
*(May 1993 to October 2005)*

Crystal Hansen, Social Work Student, Southeast Cohort Program  
 Chrissy Balness, Social Work Student  
 Debra Babey, Social Work Student





*We all have a hand  
in it!*