



*A Voice for Youth*

## MEDIA RELEASE

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### **Children's Advocate Tables 2009 Annual Report: Celebrates Gains Made, But Cautions the Journey Just Begun in Truly Putting *Children and Youth First* in Saskatchewan**

SASKATOON — Marvin Bernstein, Saskatchewan's Children's Advocate, tabled his fifth annual report in the Saskatchewan Legislature today with a commentary that highlighted the significant events that positively impacted the children and youth of Saskatchewan in 2009.

"From the release of our report on foster home overcrowding and the adoption of the *Children and Youth First* Principles by the Government of Saskatchewan in February, to the announcement of the child welfare review and the 15<sup>th</sup> Anniversary of the Children's Advocate Office in November, attention was focused throughout 2009 on the many and varied issues affecting young people in this province," said Mr. Bernstein.

"The tabling of our report, *A Breach of Trust: An Investigation into Foster Home Overcrowding in the Saskatoon Service Centre*, in February 2009, served as a catalyst for change by drawing attention to numerous systemic issues plaguing the child welfare system over the past two decades," said Mr. Bernstein. "While the focus of the investigation and report was on foster home overcrowding, many of the broader findings and recommendations addressed everything from a fundamental lack of financial and human resources in the child welfare system, to a call for the Ministry of Social Services and Government of Saskatchewan to make children and youth a priority and establish a clear children's agenda on which a stronger and more stable child welfare system can be built."

Mr. Bernstein commented that in addition to the adoption of the *Children and Youth First* Principles, the Government of Saskatchewan responded to the tabling of *A Breach of Trust* by infusing new money into expanding residential resources and foster home capacity, and initiating a broad restructuring of the Ministry of Social Services. In November 2009, the Ministry of Social Services announced that a comprehensive review of the child welfare system would be undertaken in 2010.

"We were buoyed by the news that the Ministry of Social Services would be expanding its previously announced legislative review of *The Child and Family Services Act* and *The Adoption Act*," said Mr. Bernstein. "Our hope is that along with other stakeholder groups and individuals, our collective experiences can inform significant, sustainable change to a child welfare system that has too often, and for too long, failed our children and youth."

Mr. Bernstein stated that the Children's Advocate Office has presented an oral submission to the Child Welfare Review Panel last week, and will be making a written submission that will reflect on the advocacy, investigation, research, advisory and public education efforts of the Office over the past 15 years. Representative in those submissions are the voices of over 10,000 children and youth estimated to have been served by the Office during that time.

"We certainly are encouraged that the Panel adopted Terms of Reference that include the *Children and Youth First* Principles as a foundation for their work; and hold out hope that some issues, such as independent legal representation for children and youth, can be fast-tracked through an interim report in June," said Mr. Bernstein.

While Mr. Bernstein applauded the milestones reached in the past year, he cautioned that the journey has just begun toward a better child welfare system in Saskatchewan.

“Even more so than 2009, the events of 2010—namely the submissions to, results of and response to the child welfare review—will impact current and future generations of children and youth in this province,” said Mr. Bernstein. “We need only to look at the high rates of children and youth coming into care, infant mortality and child poverty in this province to understand the importance of this work.”

The year 2009 was the busiest to date for the Children’s Advocate Office with the total number of requests for service reaching 1,858, which was a 26.4 per cent increase over 2008. Cases requiring intensive advocacy services for children and youth increased from 248 in 2008 to 625 in 2009, which was a 152 per cent increase in one year. Looking back to 2007—the second highest year ever for intensive advocacy cases at 449—the increase to 2009 is 39 per cent.

Reflected in those numbers are advocacy case studies incorporated in the *2009 Annual Report*, including the story of brothers Kevin\*, age 13 and Ray, age 10. In 2009, several referral sources reported to the Children’s Advocate Office that the Ministry of Social Services had decided to leave Kevin and Ray, two long-term wards, in a foster home where they had been residing for four years and where four other children placed in the home on a short-term basis had disclosed physical abuse and been subsequently removed. The Family Services workers for the four children who had disclosed physical abuse were able to successfully advocate for their removal.

While the brothers had not reported any physical abuse, the Advocate’s review of the foster home file found that there was an extensive, 20-year history of allegations of abuse and mistreatment of children documented without any evidence that the Ministry had addressed the concerns. A number of meetings and discussions followed between the Advocate and Ministry of Social Services regarding the continued placement of Kevin and Ray in the foster. Eventually, the police laid assault charges against the foster father, who agreed to leave the home. Ten days later, the Ministry removed Kevin and Ray from the care of the foster mother and found an appropriate placement with caregivers of extended family on their reserve.

“Cases like Kevin and Ray’s illustrate that while we have raised awareness of many issues in the foster care system, there remains much work left to do to ensure children and youth in care are safe and that their well-being and best interests are put first in decision-making,” said Mr. Bernstein. “Confusion still exists as to who the primary client of the child welfare system is and we continue to see a lack of proper placement matching, non-compliance with contact standards and, as this case demonstrates, allegations of abuse by foster parents treated as a quality of care issue, rather than as a protection investigation conducted with the same rigor as if the alleged abuse of the child or youth was committed by their birth parent.”

“Children placed in foster care are entitled to a higher standard of care than children in the community, but this was clearly not the case here,” said Mr. Bernstein. “This case also raises the question of whether children, who have short-term status and assigned Family Services workers, receive a higher level of service and are better protected than children who are long-term wards in the same foster home.”

During times of increased demand for advocacy services from the Children’s Advocate Office, priority is given to serving children and youth directly. This may result in staff having less time to deliver public education, which is reflected in a decrease in the number of public education requests and events attended from 134 in 2008 to 108 in 2009. Correspondingly, when the Office undertakes a major systemic investigation, such as examining overcrowding in foster homes, less emphasis may have to be placed on individual investigations.

Mr. Bernstein also cited the case study example of Justine, age 12, whose serious critical injury occurred in 2005. The Children's Advocate Office investigation of services provided to Justine and her family began in 2007 and was completed in early 2009, meaning it took just over four years from the time of injury for any findings and recommendations to be completed by the Office. The tragic case of Justine being stabbed by her stepfather, led to his conviction for attempted murder.

The Department of Community Resources (now Ministry of Social Services) internal review and the Children's Advocate Office's investigation included significant findings about deficient child welfare practices in: conducting risk assessments; investigating protection concerns, including failing to interview Justine or her siblings about any of the abuse allegations; decision-making, including allowing unsupervised contact between the stepfather and Justine after disclosure of abuse; high turnover in the case workers, leading to lack of continuity and a loss of essential information in the management of the case; disregarding the information and opinions of collateral organizations as to the level of risk posed by the stepfather, without including this information in its risk assessment and case planning; and failing to retain important historical documentation on file.

Mr. Bernstein highlighted the continuing need for a comprehensive review of the Premier's 2007 mandate letter and proposed amendments to *The Ombudsman and Children's Advocate Act* to establish a foundation for future programs and services provided by the Children's Advocate Office to the children and youth of Saskatchewan. Additionally, Mr. Bernstein notes that there are other initiatives that the Government of Saskatchewan could immediately undertake that would clearly demonstrate a commitment to putting children and youth first in our province, including:

- Legislative reform of *The Child and Family Services Act* that includes a child-centred and best interests paramount purpose, and allows children and youth to be given legislated rights while in care, including the right to independent legal representation and to be made parties to their own child welfare proceedings, among other long overdue changes.
- Legislative reform of *The Adoption Act* to expand permanency planning options, such as open and custom adoption, while building more safeguards into the adoption process to ensure First Nations children have ongoing access to their culture, community and identity.
- Implementation of a fully-funded program of independent legal representation for children and youth involved in child welfare proceedings and equitable access to justice in all courts in Saskatchewan.
- Meaningful examination of the real resourcing needs of the child welfare system, including exploration of reducing worker caseloads and alternative funding models for delegated caregivers.

"It is my firm belief that we are on the cusp of change in this province, should the government and people of Saskatchewan truly put *Children and Youth First* in 2010," said Mr. Bernstein. "If we can successfully achieve a new Vision and Action Plan for children and youth in this province, it would be a fitting milestone accomplishment for this year, which has been proclaimed by the United Nations as the *International Year of the Youth*."

- 30 -

For the full report please visit: [www.saskcao.ca](http://www.saskcao.ca).

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\*All names have been changed in case studies included in the 2009 Annual Report to maintain confidentiality.