

First Session - Fortieth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Ms. Melanie Wight
Constituency of Burrows

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS**

Friday, June 8, 2012

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Melanie Wight (Burrows)

**VICE-CHAIRPERSON – Mr. Mohinder Saran
(The Maples)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Chief, Hon. Ms. Howard

*Ms. Blady, Mr. Dewar, Mrs. Driedger, Messrs.
McFadyen, Marcelino, Mrs. Mitchelson, Mr.
Saran, Ms. Wight, Mr. Wishart*

APPEARING:

Ms. Darlene MacDonald, Children's Advocate

MATTERS UNDER CONSIDERATION:

*Annual Report of the Children's Advocate for the
fiscal years ending March 31, 2009 and March
31, 2010 (combined report)*

*Annual Report of the Children's Advocate for the
fiscal year ending March 31, 2011*

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Clerk Assistant (Ms. Monique Grenier): Good morning. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a Chairperson. Are there any nominations for this position?

Mr. Gregory Dewar (Selkirk): I nominate Ms. Wight.

Clerk Assistant: Ms. Wight has been nominated.

Are there any other nominations? Hearing no other nominations, Ms. Wight, will you please take the Chair.

Madam Chairperson: Good morning. Will the Standing Committee on Legislative Affairs please come to order.

Our next item of business is the election of a Vice-Chairperson. Are there any nominations?

Mr. Dewar: Madam Chair, I nominate Mr. Saran.

Madam Chairperson: Mr. Saran has been nominated.

Are there any other nominations? Hearing no other nominations, Mr. Saran is elected Vice-Chairperson.

This meeting has been called to consider the following reports: Annual Report of the Children's Advocate for the fiscal years ending March 31st, 2009 and March 31st, 2010, combined report; Annual Report of the Children's Advocate for the fiscal year ending March 31st, 2011.

Before we get started, are there any suggestions from the committee as to how long we should sit this morning?

Mrs. Bonnie Mitchelson (River East): Welcome to the Chair.

I think that we've—can just go through the questions and maybe assess things at 11:30 and see, you know, whether we need to go any longer than that.

Madam Chairperson: All right, is that—[Agreed]

We will revisit then at 11:30.

Are there any suggestions as to the order in which we should consider this report?

Mrs. Mitchelson: If we can, can we just, if it's all right with the advocate, just sort of go globally and ask questions around the last annual report and, at the end of it, make a decision?

Madam Chairperson: Agreed? [Agreed]

Does the honourable minister wish to make an opening statement, and would she please introduce the officials in attendance?

Hon. Jennifer Howard (Minister of Family Services and Labour): I'll let the Children's Advocate introduce her officials when she makes her statement. But we all know the Children's Advocate, Darlene MacDonald, and want to welcome her to committee today. I know she's been in her role for a while now, so we will consider her a veteran after her time.

I am not a veteran in this role, and I just want to say that I've had some very good meetings with the Children's Advocate and find her advice and her experience in the child welfare system and her advocacy for children to be very helpful and very constructive. You know, I know in one of our meetings we had a good discussion about, particularly, youth in care and youth aging out of care and what more we can be doing with respect to making sure that those young people get the best kind of start, the best support to be successful. And we talked about the Youth in Care network, Voices, the Youth in Care network, and I had a great meeting with them. And this morning, I noticed they've started a Twitter account, and so I tweeted their—retweeted their tweet. And, anyways, it's a brave new world of communication.

I also just want to congratulate the office on the tremendous work they've done in eliminating the backlog in special investigation reviews. I know that it's been something they've been very dedicated to doing, and I know those—doing those reviews is extremely challenging. Reading them is extremely challenging. So, I'm sure actually doing the investigation is very, very hard work, and the office has done incredibly good work in eliminating that backlog.

And, I also want to say, I certainly appreciate—I know it's been a goal of the Children's Advocate office to communicate in many different ways and many different formats. Certainly appreciate the—this year's annual report and the format, being very readable, very well done, and very clear.

So, with that, I will be quiet and look forward to what the Children's Advocate has to say and what committee members have to say today.

Madam Chairperson: We thank the honourable minister.

Does the critic for the official opposition have an opening statement?

Mrs. Mitchelson: Madam Chair, I just, again, want to welcome Darlene MacDonald to the table and her staff, and indicate that last year, I know you were fairly new in the office, and we had a good discussion at that time. And I know there were some concerns that were raised at the last committee meeting that I'd just like to follow up on and see whether things have moved in a different direction.

I also want to thank the—your office, you and your office, for the meeting that we had, and my

ability to tour and talk to those that are working within the system and it's a very difficult—we all know, as the minister knows, and I know, challenging when you're dealing with children that are troubled, that are in crisis sometimes, and that need support and help, and families, also, that need that.

So, I just want to commend you and thank you, and again, echo the minister's words, in the great job that's been done in clearing up the backlog on the child death reviews, and I know that was a significant undertaking. And, hopefully, it'll allow some of the focus to be on what you really want to do, and what you really need to do, and is—that is to be the voice for children within the system that need someone to hear them and need someone to support them as they move through some challenging times.

So just with those comments I'll leave it and I will just have some questions on the report. It's well put together—well done. And, so, I want to thank you for that, and I think it gives us the ability to see, very clearly, what is being done, what needs to be done, where improvements need to be made, and important that we all work together to try to ensure that, first and foremost, it's the children within our Manitoba community, within the child and family services system, that need our support. And that was the intent of the Child Advocate's office, and we're just hopeful that you will be able to focus on what you really need to do and really want to do for children in Manitoba. So thank you.

Madam Chairperson: We thank the member.

Does the Children's Advocate wish to make an opening statement?

Ms. Darlene MacDonald (Children's Advocate): Yes, I do.

Good morning. I'd like to thank the Standing Committee on Legislative Affairs for this audience today. And I'd like to introduce three of my staff members that I have with me: Patty Sansregret, my office manager; Ainsley Krone, special investigation unit; and Angie Balan, a program manager with intake and advocacy.

Our office recently tabled an annual report for the fiscal year 2010-2011. Having been appointed as the Children's Advocate at the end of March 2011, this report covers the work of the office for the year just prior to my arrival. Bonnie Kocsis was the acting Children's Advocate during this period and I'd like to thank her for her leadership.

As you know, our office 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. Our office is empowered to review, investigate and provide recommendations on matters relating to the welfare and interests of these children.

*(10:10)

During the year of this tabled report, we responded to 2,299 requests for advocacy services. Our mandate also includes a review of services after the death of a child who was, or has been, receiving services through the child welfare system within one year of the date of death. This review is known as a special investigation review. The purpose of this review is to identify ways in which programs and services under review may be improved to enhance the safety and well-being of children. Of the 164 child deaths in Manitoba during the year of this report, 53 cases were eligible for special investigation.

As you can see, the theme of this annual report is our recommitment to children and youth. It emphasizes that we can never rest feeling that we're doing good enough. We have to continually push ourselves to make sure we're fulfilling our mandate. As a result of our self-examination, we embarked on such things as additional outreach activities, an improved website and strengthening the office relationships with youth-centred organizations such as Voices.

It's difficult, complex work ensuring the best interests of children. Many of the recommendations our office makes are in collaboration with social workers on the front lines, who see first-hand where the system is difficult to navigate, where needed resources are strained, or where they don't exist at all. The themes and recommendations the OCA has made in this report point to issues that are not new. Many improvements to the child welfare system have been, or are in the process of being made, but we still have a long way to go ensuring the needs of the province's most vulnerable children and families we meet are met. We need to better ensure that children in care who are turning 18 get the supports and services they need to successfully transition into adulthood. We need to improve our ability to assess risk. And we need a new and more effective approach to serving youth with complex medical and social and emotional needs. Finally, we need to help

families, caregivers, and the general public find their way through a child welfare system that has become increasingly large and complex to ensure that they have access to service when they need it.

I look forward to responding to your many questions today. Thank you.

Madam Chairperson: Thank you. The floor is now open for questions.

Mrs. Mitchelson: I want to thank you for your opening statement. And I know—I'll just—I'll try to be brief in my questions, and just sort of relate to some of the comments that have been made in the annual report. And one of the comments, of course, that was made, it said that the system is very complicated, complex, and very hard to navigate. One of the recommendations was that a full-scale audit of how the Province informs Manitobans of its child welfare system is needed to simplify the lines of communication to the public.

And I do get calls. I'm sure that many members of the Legislature get calls from families. A lot of my calls come from foster families that are having difficulty navigating the system and figuring out where to go. And I know that there have been some improvements made on the website within the department, but it still seems to be quite confusing. And the audit, the full-scale audit, sounds like a good idea. Has there been any progress made on that, or has there been a process set up in order to accomplish something like this?

Ms. MacDonald: Minister Howard and I have had a few conversations. Just as you're receiving phone calls, it's been new for our office, we receive constant phone calls, people trying to navigate the service, and it has really become a role of our office to get people to the right places. So we do really see value in the website, but we're still saying it is a complicated issue. So I'm not quite sure what improvements have been made to streamline that approach. But the calls that we receive constantly: Isn't there one place we can call to be directed to services? And, of course, that hasn't happened, with the exception of ANCR, the All Nations Coordinated Response team for intake, where they may be able to direct people, but that doesn't help in all cases.

Mrs. Mitchelson: I guess that's the question that the minister and I probably should have some discussion about, because it does seem to me that, when you are busy answering calls trying to help people navigate the system, where there might not be an actual need

for a role for the Child Advocate's office to play, that appears to me to be using the time and the resources and the expertise that you have, or are developing in your office to focus on your real mandate, and so there—I guess the question would be then: Has there been sort of a response, or a willingness, to move forward with any kind of full-scale audit that you're aware of, or is that something that we need to pursue in the Legislature?

Ms. MacDonald: I'm not sure there's been any direction on a full-scale audit, but I know the minister, just being new in her role, too, has seen how complicated the world of child welfare is and the need for the public to be able to navigate the system a little bit more clearly.

Mrs. Mitchelson: I thank you for that answer. And I know that we often talk about how there should be a one-stop shop somewhere for people to be able to call when there are crisis situations, especially when it's involving children, and so I will pursue that. I thank you for making that recommendation, and could I ask whether you're seeing those calls reduce in any way for—of individuals looking to navigate the system, or are they increasing, remaining stable? Do you monitor that?

Ms. MacDonald: I'm not sure we completely monitor that but, no, I think it's safe to say we're still receiving a number of phone calls and a number of requests from people to say, can you just give me one person, or can you take on this information, and can you get in contact with the person that I need to be in talk—need to be talking to?

Mrs. Mitchelson: Can I just ask, is there anything you'd like to expand on in your comments about the system being hard to maneuver other than just the calls that you're getting in? Do you get any calls that come back after the fact when people have tried to get answers within the system and can't figure out where to go?

Ms. MacDonald: I would believe that would be then our role if people—we—if there are concerns raised, we direct people back to the appropriate agency and attempt to deal with the situation that way. If they're still not getting the answers, we urge them to go up the line to the authority, and we will also take on that role in contacting both the agency and the authority so that the service needs are met.

Mrs. Mitchelson: I want to thank you for that answer.

I just want to move on to the information on child deaths in the annual report, and we all know that most of the child deaths in Manitoba are of natural causes and, you know, several accidental. We'll discuss suicides maybe in a bit.

Five of the cases in 2010-2011 were homicides; 24 were undetermined; and I guess I might just ask whether of those 24 that were undetermined, have we since determined a cause of death?

Ms. MacDonald: Could you please tell me what page you're on?

The Chief Medical Examiner determines the manner of death, and he uses five categories: natural, accidental, suicide, homicide and undetermined. The undetermined category includes all those deaths where none of the other categories can be used with assurance. It includes, say, for example, SIDS deaths.

* (10:20)

Mrs. Mitchelson: So, then, in the child death review process that you go through, you may or may not—you do review the deaths of those that were undetermined? I guess I'm just looking for the—

Ms. MacDonald: If they were involved with the child welfare system. I think—I believe the stats that you were looking at would have been all the child deaths in Manitoba, and we would only have been involved in the ones that were involved with child welfare.

Mrs. Mitchelson: Thanks. Do you have a breakdown, then, of the 24 that were undetermined, how many would have been involved with the child welfare system? Or—

Madam Chairperson: Mrs.—if you actually—maybe I could just ask if, whenever you're ready to speak, if you'd just give me a hand and I'll know that you're ready to go. Thanks.

Ms. MacDonald: The staff have supplied me with the information of the 13—13 were undetermined out of 53 deaths.

Mrs. Mitchelson: Okay, thank you, and I'm just trying—because numbers sometimes can be a bit confusing, so 13 of the children that were determined by the Chief Medical Examiner to have—were undetermined causes; 13 of those—13 out of the 24 had been involved with the child and family services system. And so your death reviews would've been done on those 13 children, and, as a result of those

reviews, were you able to determine the cause of death?

Ms. MacDonald: No, we were not.

Mrs. Mitchelson: Yes, can Mrs. MacDonald tell me in the death-child death reviews that were done for children involved or-with the child and family services system, what number of them were in foster care versus how many of them would've been in-with birth parents who were receiving supports from the child and family services system?

Ms. MacDonald: I'm not sure I can determine that at this point in time, unless my staff bring me the information.

Of the eight child-in-care deaths that occurred, three were natural, one was suicide, two homicide and two were undetermined.

Mrs. Mitchelson: Okay, thanks, and I hope I've asked a clear question, and even if we don't have the information today, if it's something that you do have available, we could-you know, you could always provide that for me.

Ms. MacDonald: It is actually the OCME who determines the cause of death; we don't.

Mrs. Mitchelson: Yes, and thanks for that clarification.

Now, in the annual report, I think you indicated that there-one of the deaths was as a result of suicide in that year, 2010-11. I think that was the number that you gave me, and there always has been concern about the number of suicides in the system. And I know last year-I think it was Bonnie Kocsis in the committee talked about the two different aggregates that were being done on suicides. And I-just in reading that back over-sort of thought, I'm not sure I understand exactly what an aggregate is, and so I was wondering whether maybe you could explain that to me. And I know they were being worked on last year-I think one in the south and one in the north-and so if you could just explain to me briefly exactly what is happening or has happened.

And are-you know, are they completed, the studies that were being done?

Ms. MacDonald: There-an aggregate is a number of reports that are looked at over a period of time that have similar themes, one being suicide; yes, and that report has been completed and has been sent to the minister.

Mrs. Mitchelson: I know it's not probably something that you could answer, but would it be up to the minister to determine whether she would release that report publicly, or is it a report that would normally be for public consumption?

Ms. MacDonald: It would, of course, be up to the minister to release the report. However, what our office is doing, as I said, are looking at themes, and we are going to be releasing that information publicly, of course taking out the confidential nature of the names, et cetera, et cetera, but looking at the themes and releasing it publicly.

Mrs. Mitchelson: And because the report has been completed, is there anything generally that we can be told here today that you have found?

Ms. MacDonald: I believe a number of the issues just revolve around, I mean, lack of recreation for kids, poverty issues, drug and alcohol abuse. Clearly, when people with family members who commit suicide are, you know, nine times more likely than any others to kill themselves, and people with drug and alcohol problems are at greater risk than the general population, and, I mean, we are aware of both provincial strategy to address suicide and federal strategies to support prevention efforts in Manitoba reserves. So I think those are some of the themes that would be coming out in our report.

Mrs. Mitchelson: Thanks for that. And were there recommendations as a result of the reviews that were done? Were there recommendations to government on what might be able to happen to reduce the numbers?

Ms. MacDonald: The recommendations are with the minister, so it would be up to the minister to share, but they're not all directed towards government. Some are directed towards agencies as well.

Mrs. Mitchelson: And I would think, when it comes to suicide, it doesn't only happen with families or children that are involved in the child and family services system. It's an issue that's bigger than that, and so any recommendations from any reviews that you have done could also be very helpful or very beneficial to the broader community at large where we're seeing suicide.

So, I mean, I just think it might be a very valuable thing for all of us to have information on, but that's something, you know, the minister and I can talk about, you know, at another time and see-we would hate information to be available with recommendations that could help other families that

don't become involved with the child and family services system to—and the community at large, because it is everyone's concern and issue when children find their lives so desperate that they, you know, take their own lives.

So, anyway, I want to thank you for that, and I know that it is, you know, an issue that is troubling for those of you that are working in the system, and so I thank you for the work that you have done and look forward to seeing the recommendations.

* (10:30)

A couple of other things, and I often get, you know, calls from families that have—are still struggling with the whole issue of having been long-term foster parents and, you know, sensing that a proper plan or transition plan has not been put in place. And most foster parents that I talk to know that fostering is not a long—not necessarily a life-long venture and that they are not always going to have that foster child in their home. They go into fostering with the understanding that it's a temporary placement and, you know, hopefully reunification can happen with a family that's in crisis, and we know that sometimes that can't happen and doesn't happen. But I think that's always the end goal or the end result, is to get a child and a family healthy enough to be able to continue to be a family.

And so foster parents and—I mean, I'm not sure I could do it. I think it's a very difficult undertaking to, you know, have children come into your home, to become attached to them and then to see them move on. But it would be okay if you knew that that child was going to be moved to a healthy home and be able to grow and flourish and continue to thrive, as a result of the care that they've been given in that foster home. And I hear often that there's a decision made almost overnight or maybe a call or a letter that says we're going to be moving this child from your home within a month without any plan or any transition plan.

Now, I don't know how old you have to be to bond with a family. I mean, maybe a young infant wouldn't know the difference if they were moved from one loving home to another, but as children get older and come to know a family as their parents, for lack of not having any other parental connection, you know, I think those children deserve to be able to transition out in a very caring way from that foster home into their new placement, whether it be back with the birth family or into another foster home. And we're seeing, and I have seen, some children

that have become just absolutely devastated as a result of a move that hasn't been planned.

And I guess I'd just like to ask whether—and I know that the advocate's office and it was before your time in the office—did indicate too that a plan was important from day one, and I think we probably talked about that last year and that was reiterated again, and when a child comes into care, that permanency plan, whatever it is, should be started at day one, and it sometimes changes based on circumstances.

But there needs to be that planning process, and there needs to be—all foster parents that I have ever talked to want to be part of that transition plan and they want to see that child move in a way that's going to be beneficial to that child. And what we're seeing in the system today is that not happening all too often.

And so I'm wondering if you're hearing those kinds of things or whether you've had opportunity to look at files or talk to agencies or work with agencies to try to impress upon those working in the system how important it is to have that plan, and is there any way that you can work with or hold agencies accountable for not doing that work. Is that the job of the department or maybe you could just tell me what your role might be or have you encountered this kind of issue?

Ms. MacDonald: Of course, that—a lot of our work at the office, we are obviously complaint-driven, and so a lot of the phone calls we get are with regards to the fact that either children are being removed too quickly or that there isn't planning happening or that the child themselves, more importantly, are not part of the plan. They don't know what the case plan is.

So, yes, we do our best to address that through the agencies, the authorities, and also my regular meetings with the Child Protection branch.

We had been very hopeful at our office with the foster home appeal process that would improve timelines if, in fact, a child was removed from a home, that there would be quick resolution, and that hasn't been the case. So our office has written to the Child Protection branch asking them to review that and hopefully resolve the issue so that there are very tight time frames around any investigations that do happen, but yes, we do see concerns.

Mrs. Mitchelson: Yes, thanks for that, and it's something that, you know, we've had ongoing dialogue through the Estimates process and probably

in question period from time to time, not, maybe, with this minister, but with previous ministers.

And I just want to state publicly that I think that sometimes, you know, the wishes of adults—and for whatever reason, I don't know—get in the way of providing and looking at what's in the best interests of the child, and sometimes the child gets forgotten. And so I'm sure you see that, and I'm sure—I just would like the minister to hear that, and I know that she would be as concerned as I am that, you know, a child would regress or not continue to thrive and to grow as a result of adults, from wherever, making decisions without considering that child as the first and foremost priority.

And that's always where I come from when I'm questioning and asking what is happening because I know that there is no system that is perfect, and there isn't anyone that works in a system that is perfect. None of us are perfect. But what we need to do is always put that litmus test there and look at that child as our primary focus. And so I'm hopeful that in most cases we will see that happening.

I know that there still is a lot of issues within the system, and we've seen recommendations and reviews that have happened. I have been on the record as saying that I was never opposed to devolution of the child and family services system, but I felt that it was rushed in a way that set agencies up to fail because they didn't have staff that was trained to do the kind of work that needed to be done to ensure that children were safe. And we've seen, and we continue to see, the significant amount of turnover that happens on the front lines in our agencies.

And, you know, when agencies are scrambling to find the trained staff that are needed to do work that impacts a child's life and future, and they don't have the proper training, and they are put in a position to make such significant decisions around a child's life, and make the wrong decisions because they don't have the experience or the expertise, then we've got some serious issues and some serious questions about what's happening within the system.

And so I'm hopeful that, you know, the minister, with fresh eyes, will take a look at what has happened over the years and review the whole issue and ensure first and foremost that, you know, and if there's something wrong within the system, have the courage to try to fix it and find ways to make it better because it's not good enough if we don't put children first.

* (10:40)

And I know that in the Child Advocate's office, there's a lot of work happening now to ensure that voices, children's voices, are being heard, and that children are being cared for and looked at, based on ensuring safety and security is the first and foremost priority. So I have confidence that that is happening, and I would hope that we just have as much information as legislators to question what might not be right within the system, and to try to make things right, and work towards that. And I know the minister is committed to that too. So I'm looking forward to that kind of a working relationship and—in the best interests of the kids.

I know, last year, I think, we've talked about—I think it was last year in committee—the advocate was pleased with the Child and Family Services Standards Manual, and especially around how it pertained to removal of foster children and that there are very clear guidelines for the process of removal as well as establishing clearer dispute resolutions and appeal processes. And I know the advocate, last year, was hoping that these revisions would result in improvements in how to manage these situations. And I guess I would just like to follow up on that and ask whether she feels that these—this is working, or are we still experiencing significant difficulty in the system?

Ms. MacDonald: I think I referred to that in my last answer, where we're seeing—we were hopeful that the timelines would improve the situation. I think we've seen circumstances where that's not been the case, and our office has referred that to the Child Protection branch and they are reviewing.

Mrs. Mitchelson: I guess it was last year in committee, and it was the former minister that—and I'll maybe just quote what he said: He's come to the firm conclusion that we all have to do a better job to ensure that the team approach is built into all that everyone does in child—in the child welfare system so that foster parents are a better part of the planning process, particularly when children have to be moved. And so, that partnership is intended to be strengthened by the—several developments. First of all, the introduction of the idea of caregiving agreements so that the agency and the foster parents know what the mutual expectations are to define that partnership and responsibilities. And that was on the record last year.

I wonder if the advocate could indicate to me: Are the caregiving agreements that the former

minister spoke of last year being used today by each agency? Does she have any idea? Has she seen any caregiving agreement? And are they being widely used in the system?

Ms. MacDonald: I'm not so sure I've seen one per se, but part of the standards certainly discuss the care plan for the child, and addresses what will be done to meet the needs of the child in the care of the agency, including the need for a parent-child relationship continuity and permanency in the cultural, linguistic, racial and religious heritage. And it—this also would include age-of-majority planning for any child at the age of 16. So it—as—the one thing I would like to say is as the authorities have stabilized, I've been really impressed with the training that they are providing to their social workers. And around that training is the service plans and the safety plans and the care plans for children, so we're seeing many plans.

Of course, it's not a perfect world yet, nor will it ever be, but, yes, we are seeing an increase in care plans. I know the general authority has actually come out with an outcomes metrics where they're going to be measuring with regards to how often a plan is made for the child and what the outcomes are based on that plan.

Mrs. Mitchelson: I'm glad to see that's happening in the general authority. Is there any indication that that's happening in any of the other authorities to date?

Ms. MacDonald: Yes. Before I came here I pulled off, for instance, the Southern First Nations Network, their training calendar, September the 11th to June 2012. You can just see by the look of it how extensive it is.

And I believe, where they were overtraining social workers at first, they certainly have a very good schedule happening, where a worker comes into the agency and is not given a case until they have some appropriate training. But the training is staged through periodical—periodic times so that it's more relevant to where they're at in the system; how long they've been in the system; what type of training they need; do they need suicide training at this point in time, or is that after a year of being in the field?

Mrs. Mitchelson: I'm encouraged to hear that. So that is the southern authorities.

So we have, then, the Métis authority and the northern authority. Do you sense that there's movement in that direction in those two authorities?

Ms. MacDonald: Yes, I believe that. I'm impressed with the training that all the authorities have been putting together, and they meet on a regular basis and exchange their training schedules as well.

Mrs. Mitchelson: Thanks. Are we still seeing the amount of turnover in staff on the front lines in the agencies that we had heard about?

I know through some of the reviews, and the only reviews that have been made public—or recommendations—were the ones from the Phoenix Sinclair death and then Gage Guimond. Of course, we had, you know, a full report, and there were recommendations and it talked about turnover at the front lines. And I still hear anecdotally from many families that I talk to, that their social workers—their worker changes on a regular basis. So they have one worker for a short period of time and they've—there seems to be just a revolving door of new workers for one family or one child. So are we seeing any improvement in that? Or is it getting worse or better?

Ms. MacDonald: I just attended an AGM for CFS of western, which is in Brandon, the other evening. And I know one of his concerns he stated was the retention of social workers and the recruitment of social workers, particularly in the rural areas.

However, that being said, the other thing that has happened is with the funding formula. I know the CEO Dave McGregor was able to say that, given the extra funding, they were able to hire more social workers so that also adds to the problem with recruitment. But it's as he indicated, it's a happy problem.

Mrs. Mitchelson: Thanks for that, and are we seeing—and I don't know, is there a shortage of trained social workers? Are we training enough? How are the training programs going? I know that there were some programs started that were two-year programs, I believe, for social work. Is that—maybe if you can just talk a little bit about that. And are we finding that, you know, the training up front or as they enter the system is adequate to get them started?

Ms. MacDonald: I wouldn't have that at my fingertips but I know there isn't a number of long distance education. And I think at the University of Manitoba we always felt that it was very limited, the number of people that they accept. And granted there's a large number of social workers around, but not everybody wants to, or is equipped to, do child welfare.

So, given what happens in the media, given what happens with the Sinclair inquiry, people are quite concerned taking jobs in the front lines. So I think we're always going to have that problem as opposed to, you know, are there enough social workers in the field? Are there enough child welfare protection workers, I think is probably more the question, yes.

* (10:50)

Mrs. Mitchelson: And I just want to say thanks for that answer.

I know we talked about case planning, we've talked about it today and we talked about it, you know, for a significant amount of time last year, and I wonder if you could just indicate to me whether you feel that, you know, case planning has improved over the last year. And I think we've talked a little bit about some improvements that have been made and that agencies are better trained, but, overall, would you say that there is better case planning?

Ms. MacDonald: I think, given the training that social workers are receiving and the accountability by both the authorities and CEOs of the agency, I do believe there is a real focus on face-to-face visits with children, with having a detailed case plan in place, and outcomes for children. And I believe most of the authorities are trying to measure that, so I think we'll have more of a complete picture in the next couple of years.

As far as I'm concerned, the authorities are just, really, starting to stabilize, and that's what we have to see in child welfare in Manitoba. There've been so many changes, and I think we're finally getting to a point—in a good place where we see things stabilizing and adequate training being given to social workers and also, hopefully, a reduced caseload so that we can hold people accountable and we can attempt to meet some of the standards that are outlined.

Mrs. Mitchelson: And I know that we have good standards in place, but the issue is, if the standards aren't being followed, then what is happening within the system? And if you don't have the training, if you don't have the proper staff resources, front-line staff to do the job, and the caseloads are high, then what gets missed? And there always is something, and it's the child, obviously, that isn't receiving the kind of support that they should be.

Last year, too, you said that you wanted to do more strategic planning with the Child Protection branch. In particular, I think you talked about developing a three-year plan. Is that happening?

Ms. MacDonald: Actually, the strategic plan I was speaking about last year would have been with my own office, and, yes, that definitely did happen and we do—we will have a finished product on June the 14th.

We were able to create a new mission and vision and, I think, refocused our office on, as I said, the theme recommitting to children. But, as part of that too, it's about relationship building, and I do meet regularly with the four CEOs of the authorities and also the Child Protection branch on a regular basis so they can keep me informed on what changes are happening in the system, so.

Mrs. Mitchelson: I'm glad to see that that plan is coming along and will be in place. I want to commend you for that. It's important that the leadership at the top and the staff work as a team, and I guess everyone's been involved in that process, so congratulations to you on making that happen.

And the one thing, I guess, when you talked about that, it was the scope creep that we had talked about last year. And we've talked a bit about that today too in, you know, the number of phone calls and you having to help people navigate the system rather than focusing on what you need to do and what you should be doing best.

So I guess in a previous answer you may have answered this for me, but are you seeing any improvement, then, in that scope creep, or are we making any progress?

Ms. MacDonald: I believe, with the scope creep, we're trying to narrow what we're doing at our office—not narrow, but giving back to the authorities and the agencies the responsibilities that they do have. So I think we're able to focus our office a little bit more.

We clearly—some of the scope creep we, of course, take on ourselves, for instance, our office is really mandated just to be involved with children up to the age of 18. As you are aware, there are a number of extensions of kids in care that we really commend. It's very necessary. But we will be also approaching the minister with—I don't know the legal word—if it would be a friendly amendment of the legislation that would, you know, continue or allow our office to continue with kids in care up until the age of 18.

Now, having said that, we are currently doing it, but we know that we could have push back from the agencies, the authorities, because we technically

don't have the right to be involved with a child once they reach adult. But we have actually been embraced by most of the agencies asking for our continuing involvement to make sure that that supportive planning is happening for kids.

But, again, that is a piece of the scope creep that, I think, we are willingly taking on.

Mrs. Mitchelson: And I do commend you for that, because you've seen the need and, you know, hopefully that will be able to be worked out, and I'm sure that the minister has heard your request.

The whole aging-out-of-care issue is a big issue. And I know that was alluded to in the report, that you're seeing more and more requests for support and—from your office. Are we seeing—and you had indicated, too, that it could become a major resource issue if it continues. What—you know, where are you seeing this going?

Ms. MacDonald: As I said previously, we're quite pleased to see the number of extensions of kids in care. However, it does impact the resources; it does impact the resources for foster care. You know, there still isn't enough resources out there.

As we would know, with our own children turning 18, there are lots of times they're back and forth at home, and the issue with once a child leaves care, they can no longer come back. Also, for extensions of care, right now, it's only for permanent wards, so our office would like to see that change for either temporary wards or kids in care under a VPA who still need that transitional planning. So there are, certainly, some concerns that we're seeing, you know, in respect to that.

Mrs. Mitchelson: And are we seeing more planning—more transition plans today? I know that there have been several extensions, so I guess there is a transition plan in those instances. But are we seeing a lot more that don't have transition plans?

Ms. MacDonald: Yes, I believe our office—mainly when we're getting phone calls, it is because a child is turning 18 in the next few days, and there hasn't been any transitional plans. There certainly is a push and a hope—again, I'm familiar with the general authority that planning needs to start at 16 and look at what needs—what resources need to be put in place for that.

Mrs. Mitchelson: And as we see—and I see there would be a real need, because we all know that kids today, at 18, are not necessarily ready to be out on

their own. They seem to be staying at home, in a normal circumstance, much longer these days than we did, for instance, when we were growing up.

And for those that are troubled and have been a part of the system, I can see it being even more difficult and more of a challenge for them to be having to make decisions, sometimes on their own, that are in their best interests.

And, so, I guess, I would ask what it will do to you, as we continue to see the number of youth increase that need the kind of support as they age out of the child and family services system. What will that—what implications will that have for your office, if we continue to see those numbers grow?

* (11:00)

Ms. MacDonald: Obviously, we would welcome this, but it obviously would mean an increase for us with our, you know, limited resources that we have with staff time as well. But we would like to think that, if the authorities and the agencies start regular planning at age 16, then it would be a seamless transition for children. Still realizing, of course, that sometimes children come into care not until age 17, right, so there was no time for the agency to be able to put that planning in place.

Mrs. Mitchelson: So what you're seeing, then, is those children that really don't have a plan and don't know where they're going to go or what they're going to do, and those would be the ones that you would get involved with. If there is a transition plan, there's no need really to have advocacy on their behalf. So it is a matter, then, of working with the agencies and the authorities. Am I correct in that understanding?

Ms. MacDonald: Yes, I believe you're correct. Sometimes, though, what we see happen is to the best of the ability, the agency has tried to work with the child, and the child is, I want my freedom, as my child probably did at age 18, but then when reality sets in, basically, says, oh, I'm scared now. I want to stay in care. So there really wasn't the time for the agency to have a good transition plan as well.

Mrs. Mitchelson: And I have dealt with a few young people within the system that, you know, and sure it's—I'm sure it's very difficult because they don't really seem to know what they want and they don't always have the confidence to reach out to a stranger somewhere to try to get some support or some help. And that's—I know as you, as an office, speak to children—and I mean, your first line of

communication should be to the children that are in the system that need to have their voices heard.

It's sometimes difficult as a member of the Legislature, and someone who is there to help, to try to figure out. You know, our first reaction is to phone and get some help and some support for this person, but I think—and rightly so because I have been in touch with your office around some of these cases. And it's important that the child reach out and try to seek that support because we all know that very often, despite all of the things we try to do to facilitate a positive solution in a child's life, if they don't want to see that positive solution happen, it's not necessarily going to happen.

So, anyway, I will continue to hope that those that—within the system that are transitioning out have the kinds of supports and services that are needed, and it's good to see that that age of 18 has increased. And I know we probably will see more to come.

Yes, just back to the system as a whole, I know that we had over 9,000—I don't know the exact number of children in care in 2011–2010–2011. This was the annual report. Are we seeing the numbers of children in care increase beyond that, or are we seeing any decrease, do you think, in the numbers?

Ms. MacDonald: I wasn't able to obtain the numbers. I've heard that basically numbers have stabilized in the general authority, the Métis authority and the southern authority.

Mrs. Mitchelson: I think if we look at the history, and I haven't got the numbers in front of me, has it been the northern authority that's seeing increase in growth, the most significant increase in growth, over the years? And I just don't have that.

Ms. MacDonald: I also don't have that in front of me. I think there have been—okay, I'm going to have it in front of me, apparently.

We don't have the numbers in front of us. We do have some issues that we really do feel that there is further research that's needed with regards to the northern authority, and we wondered if the northern authority's database reflects their population as accurately as other authority databases. And we wondered, with regards to the manner of death, do they differ in proportion among children served by different authorities, and that was probably about the only thing, so I think she thought we had numbers, but we really didn't, so with regards to children's deaths, so.

Mrs. Mitchelson: Thanks. That just leads me to, are we finding that agencies are using the CFSIS system? I know that in remote communities it's not that available, and are—what kind of paper trail or paperwork are we seeing or planning? Are we seeing if we—or can we monitor that if they're not hooked into CFSIS?

Ms. MacDonald: My understanding is that most are on CFSIS, and I am certainly aware because I was copied on a directive that was sent to the authorities from the executive director of the Child Protection branch indicating they were directed everyone had to be on CFSIS and there may have been some connectivity problem in rural areas, but they still felt—the Province still felt it was doable.

Mr. Hugh McFadyen (Leader of the Official Opposition): Firstly, I would just comment that the member for River East (Mrs. Mitchelson) has asked a lot of the salient questions and you've done a good job of providing responses to those questions. I was a member of this committee in years gone by, and I would just want to make the observation and provide the compliment that the report is well presented, and we have expressed frustration in the past that's difficult for there to be accountability and difficult to have a fact-based discussion of the issues when there isn't clear reporting. And so I want to compliment you and your staff for making progress on that front. I think it—accountability for all of us, by human nature, makes everybody do their jobs a little bit better.

And so I want to compliment you on the report and the forthright presentation of the facts that are relevant to these really important and sensitive discussions, and also just to thank and acknowledge you and your staff for progress that's been made under your office in a variety of areas, which is evident in reviewing the numbers and listening to your responses. So compliments to you on that.

The—we also recognize it's not within your mandate to make government policy, although it's within the mandate to comment on policy where that's appropriate. And one of the issues that was just raised by the member for River East that I just want to follow up on is just—you had made the comment about not having access to numbers of children in care.

* (11:10)

Can you elaborate on that and just indicate whether that—you expect that to be forthcoming, and

just elaborate on that, the lack of availability of that information? Is that information you've been requesting but have not been able to obtain to date or just provide us with some information on the circumstances around that omission in terms of the data?

Mrs. MacDonald: I should clarify. I'm sure I would be able to get that information. It was just not something that I had at my fingertips coming today. And it was more a question I asked, with the growing numbers, if there was a trend with any particular authority. So that was more the information I was looking for.

Ms. Howard: Just briefly, certainly, you know, there'd be no difficulty providing any information in terms of numbers, as it's available. I don't think we have the latest number available.

But I know we had a substantial discussion of this in Estimates about, in terms of numbers of kids in care. And, certainly, any information that the Children's Advocate ever requires, our office is happy to provide.

Mr. McFadyen: I thank the minister for that response and undertaking.

Moving on to a broader topic which has been a significant matter of debate in the province now for a number of years, and it relates to the weight that is attached to safety and stability issues when decisions are made about moving a child from one family or one circumstance to another.

We have had concerns, which the member for River East (Mrs. Mitchelson) has expressed, as have others, about the apparent shortchanging of those considerations when decisions have sometimes been made within the system to transfer children. And it appears to us, anecdotally at least, that there continues to be too many examples of kids being transferred out of apparently safe and stable family situations into circumstances where there may be a higher level of risk.

The introduction of cultural factors has been an important one in the debate. We agree that it's an important factor in decision making, but it would seem that it's a higher order issue. The cultural factors are not going to be relevant if a child's life is endangered, or if a child is put into a situation where abuse is part of that reality. And those circumstances, I think, all of us would agree would have to trump other considerations.

I want to just ask whether you're satisfied that the issue of safe—that the factors of safety and stability are being given appropriate weight in these decisions currently. Are we moving in the right direction or the wrong direction on that front? And what is your take on that balance that we're looking for to achieve the right sorts of decisions from a safety perspective?

Ms. MacDonald: As I said, I think as the authorities and agencies stabilize, and I think more emphasis is on training with the social workers, I think we're moving in the right direction. Obviously, there oftentimes—not oftentimes—but there are cases where children are just moved and it seems for no apparent reason. And, of course, probably that is why our office is in existence, to be able to monitor that.

But, as I said, there are a number of situations where I've seen Aboriginal children stay within foster parents, and that is going to be their—in foster parents' homes, and that is going to be their permanent plan so that they are not just being moved back to the community, although, you know, I realize the focus and a need is to look at community, because children after the age of 18 often just return. So, if there can be a connection kept with family, I think that is being supported and necessary.

I certainly know that across the street from where I live is a foster parent who has a, you know, a permanent ward living with her, but her birth parents come to visit on a regular basis, and we know them. I think that's ideal, and would like to see that be the future, that, just as anybody would, that you get the best part of all at that point in time.

Mr. McFadyen: Can I just ask whether your office is playing any role in connection with the Phoenix Sinclair inquiry?

Ms. Macdonald: You're probably aware our office was involved; particularly, the last Children's Advocate, Billie Schibler, had commissioned a number of reports to be done with regards to the Phoenix Sinclair inquiry. So, yes, it would be—actually Billie, in her role, would be called as a witness, and our office did not seek standing because of the number of the reports that have been commissioned, with over 200 recommendations. But we play a role with respect to the authorities and the Child Protection branch in making sure that the recommendations are being implemented.

Mr. McFadyen: One of the concerns that we have expressed—and we think you've got a very significant

role to play in terms of steps taken to move forward in terms of child protection within the province of Manitoba. And we see the inquiry as an opportunity, not just in terms of blame laying or making examples of people, but as a way of establishing the facts around that case so that we can learn lessons and move forward in a positive and constructive way. And we have been of the view that the inquiry presents significant opportunities to learn really important lessons, and that, for apparently fairly parochial reasons, steps are taken through that process to delay it. And I wonder if you have any comment on the delays and—or any concerns that you can share in terms of the delays to date in getting that inquiry under way.

Ms. Macdonald: I think probably all the social workers that would be involved in the case are concerned with the delays of the inquiry. It's been a long time coming. I think the public has the right to know. I understand why the government called the inquiry. I think people just want to go ahead and, you know, basically see if any other recommendations, although there were a number, like you said, over 200, made prior to this inquiry—so they'd like to see if there's any other new information that can come out. But, clearly, I think the public has the right to hear about the case. I just personally worry about the sensationalism of the media, and I would think, if you see any fear of social workers, it's not about factual storytelling of the case, I think it is about how it is going to be portrayed and sensationalized. And I think that doesn't do anyone any good, including little Phoenix.

Mr. McFadyen: Yes, and I agree, and I think it's in everybody's—it allows people to get beyond sensationalism once it gets under way because it allows everybody to testify and put facts on the record in a non-sensationalized way that I think will help everybody move beyond the tragedy. And so I appreciate the comments.

And I want to just move on to another topic that you've raised in the report, quite removed from the immediate CFS issues, and that's around the issue of water safety.

* (11:20)

And you've made a comment about the number of deaths of children at a very young age, and the preponderance of those taking place within First Nations communities. And, certainly, as somebody who has had the great privilege of travelling through communities around the province, many more

remote communities are built on large lakes that are deep and cold with rocky shores, and you can certainly see why there would be a risk around those bodies of water.

I wonder if you could just outline, to the best of your knowledge, what steps are being taken to try to reduce that risk, and whether progress is being made in that area, and, if not, what other steps could be taken to make kids safer in those circumstances.

Ms. MacDonald: I know that there are constant mail-outs to foster parents with regards to pamphlets on water safety. Also, the northern training unit advise that their workers are assisting communities and getting information out to families on water safety. They actually hired someone specifically to go into communities and work with foster parents, and first aid and CPR training was also being offered. The Winnipeg Aboriginal sports association has also been working with communities in the north about water safety, and there is a north summer camp, teachers from Shamattawa, Pauingassi, they choose students who have shown excellence in participation, and they fly students to Winnipeg for a rural camp and to take leadership opportunities talking about water safety and bringing that back to their communities, and there are youth from communities also learning about canoe safety as part of the curriculum. That was the information I was able to gather on some of the improvements about water safety.

Mr. McFadyen: Thank you, and just a final question. I think the indication in the write-up was that you've been involved in the world of social work and child protection for over 20 years, and you've been in this job now for 15 months, and I think somebody who's had the odd job along the way, myself, every new job presents surprises and both sometimes pleasant, sometimes unpleasant. I wonder if you can just indicate in your 15 months on the job so far what has surprised you in terms of what you've seen for better or worse.

Ms. MacDonald: There's lots of surprises and on a daily basis. I think the biggest awakening for me is if you look at my career path it was in child welfare but in a specific area. I think now I have a global perspective what's happening in child welfare and all the authorities, and I think sometimes we don't comment on—as I said, because we're complaint-based—we don't comment on some of the good work that is being done, and I think it's so important to recognize that as well, and I know somebody may

criticize that. Like, our office is definitely all about children, but if social workers don't have the tools that they need for their job, then they're not going to be able to help the kids and then the children suffer in the long run.

So I think it's just a more global perspective that I've had and—but really want to see child welfare in Manitoba stabilize because I think it has gone through—my life in child welfare has gone through—many, many, many changes, and I think that has delayed progress.

I think there are many, many good things, but I think it has delayed progress, the constant changing, not tweaking to the system, but the constant overhaul and changing. But I'm very pleased to be in this job, and each day brings new excitement.

Mr. McFadyen: I just want to just thank you and wish you well as you go forward.

Mrs. Myrna Driedger (Charleswood): For about 12 years, I was involved in a children's organization called Child Find and certainly felt, as I was in that organization, that I became a children's advocate of sorts.

We were dealing with the highest runaway rate per capita in Canada, and we never really looked at the kids as to whether they were in care or not. But I'm sure that it would've been helpful for us as an organization to have maybe delved deeper into some of the issues, but we didn't have the resources to do that.

We were seeing more and more kids involved in child prostitution, child pornography, child abuse. It was startling to see and hear that, you know, there was a kiddie track where there was child prostitution occurring in Winnipeg, where kids were 10 and 11 years old.

Does your office deal at all around the issue or with kids that are involved in child prostitution?

Ms. MacDonald: Yes, a number of cases we're involved with, and we have a particular social worker who is connected with working with street youth. So, yes, we do see an awful lot of that through the doors of our office. And we're involved with a variety of organizations that would support kids involved in—support kids getting out of, not support kids involved in, prostitution.

Mrs. Driedger: Do you see the numbers going up or down in that area?

Ms. MacDonald: My program manager is indicating, no, that she doesn't have the numbers at this point in time.

Mrs. Driedger: Do you have a sense that there are enough programs in Manitoba, particularly in Winnipeg, to help deal with helping these children to get out of prostitution or to control the people that are—or work with the people that are putting them in that position?

Ms. MacDonald: I can probably say that there would never be enough programs, but my—but I do believe that we've made substantial gains in Manitoba with working with street youth, through a variety of programming.

Mrs. Driedger: What is the youngest child that you have seen being sexually exploited like that?

Ms. MacDonald: Sexually exploited out there, or sexually exploited ever?

Mrs. Driedger: Oh, right now, within the job that you're dealing with through the Children's Advocate office, and the kids that you're dealing with here right now, what is the youngest age you've come across—that you've seen a child, you know, being put on the streets to be sexually exploited?

Ms. MacDonald: I believe cases that come to mind were 11- and 12-year-olds.

Mrs. Mitchelson: Just when your report was issued, and the department commented, they did say that the recommendations from your report would be reviewed by the four child welfare authorities and the department.

Have you been informed of a process that's been put in place, and if there's any time frame on and, you know, what review means? Is there a time frame? Are they going to get back to you with a time frame on recommendations that you've made? Has there been any discussion around that?

Ms. MacDonald: You're speaking with—specifically about the report? *[interjection]* No, I have not heard of any.

Mrs. Mitchelson: Obviously, the four child welfare authorities would have received a copy of your report. Has there been any discussion with your office on the process for review that they are undertaking?

Ms. MacDonald: I meet with the four authorities on a regular basis. I've had very positive comments about the report, and also we are, unlike in the past,

attempting to establish a relationship so that we can work together.

One of the things that we have developed is the joint protocol on the child death reviews. And, prior to them receiving the final copy, we meet, as an agency authority, our office, to discuss recommendations so that we are, hopefully, making more measurable attainable recommendations. And so that's been very beneficial. It's not specifically out of the report, but it is sort of relationship building, that has come together.

Madam Chairperson: Thank you.

It was agreed by the committee that we would review at 11:30, and it is 11:30. So what is the will of the committee?

* (11:30)

Mrs. Mitchelson: If I could just make a couple of final comments, I think we're ready to complete today's meeting.

Madam Chairperson: Is that agreed? *[Agreed]*

Mrs. Mitchelson: Anyway, thanks. Thanks, Madam Chair, and I just want to reiterate how pleased I am to see the progress that's made in the office of the Child's Advocate over the last year or so. I was very encouraged by your comments to my leader when he asked that question. It was a tough question, I think, and you answered in a way that certainly, to me, indicated that you are enthusiastic and, can I say, enjoying the challenge.

But the challenge is there, and I think you've risen to the challenge of trying to ensure that the office is the very best that it can be and that the staff that is in your office are working with you on behalf of the children in the province of Manitoba that need our help.

So I want to say thanks to the staff and thanks to you for the good job that you're doing, and we look forward to these annual meetings in the future, and, hopefully, we'll continue to see progress. And, where there isn't progress being made, we need to know and we need to try to figure out how we can, in this province, do things better on behalf of children.

So thank you for the work that you're doing and look forward to continuing to work with you.

Madam Chairperson: Thank you.

Is it the will of committee to pass any of the reports? *[Agreed]*

Combined Annual Report of the Children's Advocate for the fiscal years ending March 31st, 2009 and March 31st, 2010–pass.

Annual Report of the Children's Advocate for the fiscal year ending March 31st, 2011–pass.

The hour being 11:32, what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 11:32 a.m.

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