

Second Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mrs. Sarah Guillemard
Constituency of Fort Richmond

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Forty-First Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Monday, January 23, 2017

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mrs. Sarah Guillemard
(Fort Richmond)**

**VICE-CHAIRPERSON – Mr. Bob Lagassé
(Dawson Trail)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Fielding

*Ms. Fontaine, Mrs. Guillemard, Messrs. Kinew,
Lagassé, Ms. Lamoureux, Mr. Martin,
Ms. Morley-Lecomte, Messrs. Smith, Wiebe,
Yakimoski*

APPEARING:

Ms. Darlene MacDonald, Children's Advocate

MATTERS UNDER CONSIDERATION:

*Annual Report of the Children's Advocate for the
fiscal year ending March 31, 2015*

*Annual Report of the Children's Advocate for the
fiscal year ending March 31, 2016*

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

Our first item of business is the election of a Vice-Chairperson.

Are there any nominations?

Mr. Blair Yakimoski (Transcona): I nominate Mr. Lagassé.

Madam Chairperson: Mr. Lagassé has been nominated.

Are there any other nominations?

Hearing no other nominations, Mr. Lagassé is elected to Vice-Chairperson.

This meeting has been called to consider the following reports: Annual Report of the Children's Advocate for the fiscal year ending

March 31st, 2015; Annual Report of the Children's Advocate for the fiscal year ending March 31st, 2016.

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

Mr. Shannon Martin (Morris): Until the work of the committee is done, Madam Chair.

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

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

Mr. Martin: I'd recommend a global perspective, Madam Chair.

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

Global.

Okay, does the honourable minister wish to make an opening statement, and would he please introduce the officials in attendance?

Hon. Scott Fielding (Minister of Families): Sure, I will. I'm just trying to see—I think we have back there—first of all, Scott Fielding, Minister of Families. We do have a couple officials here. Just on a process basis, do they normally sit up here, or do we—how does that—is it similar to Estimates, or is it—

Madam Chairperson: Mr. Fielding?

Mr. Fielding: Thank you very much, and, yes, I guess we will call our officials up here as well.

Jay Rodgers is our Deputy Minister of Families. Jay, if you want to come up here, we're going to have you sit over here near the hot seat. That's right.

And Diane. Is Diane here, Diane Kelly? She's coming? Okay.

Okay, well, thank you very much, and first of all, I'm very pleased to be joined by Darlene. Darlene, thank you very much for coming to join us to speak to this important issue.

And I'd also like to welcome staff from the Children's Advocate who are here with us today. So thank you very much.

First, like to express our gratitude for the work of the Children's Advocate has done over the last year and since we've been in office as well as for many, many years before that. Very impressed by the success of the 'hansing'—the visibility, I guess, I would say, really, of the community in providing advocacy supports to people in the community, increasing the number of children and youth in Manitoba.

I want to thank the Children's Advocate for the work that she has done on this annual report and the reports to continue to provide the child-welfare system with, really, constructive ways to improve which, I think, is important. You learn something from all these areas, and several reports have been provided by the Children's Advocate during the past year which will be used to improve and co-ordinate our services in a more—a variety of ways, a variety of issues, namely, suicide prevention permanency, the issue faced by youth who are involved in the criminal justice system. Our government priorities align with these, and we are committed to addressing the needs of Manitoba's most vulnerable children and continue to work with the children and family services authorities, agencies and other stakeholders to improve the child-welfare system as a whole.

We realize that many of these issues require fundamental change. We're confident that The Protecting Children Act, the information-sharing act that was passed unanimously in the House fairly recently will provide kind of timely information sharing, access to all sectors of government services, services delivered and by providing children in the child welfare, the justice, the education, mental health and addictions in the best interests of children.

I do appreciate the meeting that I've had today with—I do appreciate the meetings that I have had with the Children's Advocate over the last, I guess, nine months, since we've been in office, and we've had a very open and, I think, important dialogue in working together on items and addressing some of the issues, the important issues that you've raised.

And, on a further note, I'd want to thank you. I know your time as advocate is coming to end, so I want to say thank you very much for all the work that you've done over the years, whether it be in this role or other roles that you've had in the government. And I think you've done a fantastic job in providing the information that's there and getting the information relevant out and providing that advocacy for people in the child-welfare system.

* (10:10)

You know, just looking at some of the reports that you done, actually, I was reading through the general reports last night in preparation for this, and I was looking at one in particular, the special reports and permanency, which I think—I thought was extremely well done.

So I want to thank you for all the work that you do on an annual basis, and we're excited to move in a, you know, an area that we think we can be more effective in terms of the child welfare. It's obviously one of the most impactful areas of government in terms of everything we can do. We think that we have a good team.

We're happy that Mr. Jay Rodgers has come on board with us as the Deputy Minister and he's got some fantastic experience not just as the authority—head of the authority, the CEO of the general authority, but also with an agency. So it brings a good perspective and so, you know, I think we have a good team going forward and we think as a government we're off to a good start with The Protecting Children Act. And we, obviously, you know, want to enhance some of the aspects that we put forward in terms of the new legislation which we identified in our Throne Speech in terms of, you know, providing more independence for your office and—in a whole bunch of ways which we think can be a more effective, you know, approach based off some of the recommendations of the—obviously, the Hughes inquiry. I think it's close to 13 or 14 of the recommendations can be accomplished by introducing the new legislation.

So we're happy to be part of that. With that those are my comments. Thank you.

Madam Chairperson: We thank the honourable minister.

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

Ms. Nahanni Fontaine (St. Johns): So, good morning to everyone and, of course, good morning to the two of you.

I just, first and foremost, want to acknowledge all of the phenomenal work and dedication and commitment that you've put into your role as the Child's Advocate. Certainly, anybody that's worked with children and with families knows that it is an extremely rewarding job, but it's also a very difficult job. It's a difficult job emotionally, mentally and

spiritually. And so I just lift both of you up and actually all of your staff who work with children directly providing a voice and advocacy for the most vulnerable of Manitobans. And so I just really, really honour you for that.

I know that the office is in transition as we prepare for a new Child's Advocate to come on. I want you, Darlene, to know—and the staff to know—that as legislators those of us that—and there's a couple of us around the table that sit on the committee looking into the next—hiring the next Children's Advocate. It is something that we take very, very seriously, and will endeavour to have somebody that will follow in your footsteps and show that commitment to children.

And I just want to acknowledge the importance of the Children's Advocate office. It is so vital to the health and well-being of children in Manitoba and to families that are trying to navigate through what are very difficult situations. So just know that as a legislator—and on this side for sure that, I imagine, everybody is so supportive of the office and recognize its vital, vital importance.

And so with that, I will just leave it there and I look forward to our questions back and forth.

Miigwech.

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.

I'm joined here today with Ainsley Krone, who is a manager of Communications, Research & Public Education; and behind me is Patty Sansregret, who's a manager of Special Projects.

So good morning. I'd like to thank the Standing Committee on Legislative Affairs for this audience today. This annual report will be my final meeting with this committee in my capacity as Manitoba's Children's Advocate.

With the end of my second and final term approaching in April, the next annual report which covers 2016-17 activities of the office and which describes my final year of leadership at the OCA will actually come out under the next Children's Advocate who'll take up the reins after my term ends.

So for this report I focused on areas of child welfare where we have significant concerns for how

children and youth are being cared for by the system. I chose three specific areas: balancing confidentiality and transparency, and how this relates to public confidence in child-welfare system; how delays in the foster parent appeal process can leave children in care in unacceptable states of limbo; and, lastly, the treatment of youth in the justice system, especially when youth involved in justice have significant trauma backgrounds and present with mental health concerns.

I have learned many lessons over the more than three decades working with children and youth in child welfare. One of the most important things is as adults we collectively hold the responsibility to ensure that the decisions and actions we take reflect our understanding that what we do can either make things better or worse for children.

As decision makers and legislatures, each of you hold the power. And one of the things our province needs is more politicians who are 'willding'—willing to spend their political capital on the sides of children and youth.

Working from a child centre to mandate, the primary goal of our office is to ensure that the voices of the children are heard and the decisions that are being made about their lives. Our experience speaks with children and youth often reveal that they feel they have no say in what happens to them.

During this year of the tabled report, we received 2,546 requests that qualified for advocacy support services. This is equal to an 18 per cent increase over the past two reporting years. The workload at my office is growing rapidly, and staff are very busy responding to the needs of young people. We travel extensively throughout the province responding to requests, especially in Manitoba's North where child-welfare services are compounded by reduced access to essential support services for rural and remote populations.

This is one of the reasons I've recently put forward a proposal in partnership with the Ombudsman's office to LAMC for a shared northern office. It's a challenge for all of us as public service—servants to ensure that no matter where they live in our province, people who need help can reasonably access support.

Our advocacy for children, youth and their families also involve child death reports. Under our mandate, child deaths reviewable by my office are those where any of the following are met: when a

child in care dies; when a child in care dies and there's an open family service file with an agency in the province; or when a child dies and there's an open service file that has been closed within a year preceding the death of the child.

When we conduct investigations and compile reports following the death of the child, in addition to looking for gaps that must be fixed we look at things that work well and we highlight those examples of good practice that reflect the system's demonstrated understanding and appropriate responses to the needs of young people and their families.

Of the 160 Manitoba child deaths that occurred during the year of this report, 61 of those deaths met the criteria for review by my office; 14 of those deaths were kids in care.

Two areas of specific concern that we note, our safe sleep for babies continues to be an area of concern. Of the 28 deaths that were deemed to have undetermined manner of death; the child's sleeping environment was a concern in 14 of those deaths. The other area of significant concern we note in the numbers is that we lost 22 young people by suicide. While all deaths of children are tragic losses, the loss seems even more tragic when we look at issues like safe sleep environments and suicide, because we know that much can be done to prevent these deaths.

Increasingly, Manitoba recognizes our office as a key source of knowledge on the child-welfare system and other youth-involved public services. As a result, our public education efforts continue to be in high demand. From information summaries and position statements to special reports and systemic research projects, we dedicate considerable resources to helping the public understand the experience of children and youth.

On pages 15 to 17 of this year's report, you'll see some major overviews of four special reports, including long-term planning for youth in care, crisis-orientated nature of the child-welfare system, suicide risk factors and why the adversarial nature of the court system does not meet the needs of families. Many of our public reports we make include evidence-informed recommendations to government for improving services for children and youth. You can find full versions of these reports, actually, on our website.

*(10:20)

So, just before I conclude my comments, I want to turn to one issue that lingers unaddressed where all members of the Manitoba Legislature must take decisive action. It has been three years since Commissioner Hughes gave the government his final report from the Phoenix Sinclair inquiry. And all of you know it contained 62 recommendations, 20 per cent of them urging the government to expand and strengthen mandate of the Children's Advocate.

In the three years since those recommendations were made and the government announced they accepted them and would immediately act upon each of them, much has been said, studied, discussed and debated on what to do and how to do it. Consultants have been hired. Meetings have been called and four separate bills have been written to address the outstanding recommendations. And yet, in the years that have transpired since the Hughes' report was released to the public, I sit here with all of you and there's been no changes to my mandate. We're still struck-trapped inside a small legislative box, working feverishly to respond to the growing and compounding needs of children and youth from a very narrow and limited mandate.

All of the meetings and announcements and promises to date have not improved the outcomes for kid—for children and youth. It confuses and confounds those of us who work in advocacy here in Manitoba and across the country why our province is taking so long to enact these necessary changes. By way of comparison, some of the—you know that in 2006 Commissioner Hughes headed a similar commission in BC which resulted in him making recommendations to that province. It's important to understand that BC, working across party lines, gave royal assent to new legislation for the creation of the BC child and youth advocate's office less than three weeks.

In Manitoba, can you imagine three weeks? So in Manitoba we are at least at 155 weeks and counting, and no changes have been made. Children, youth and families need a stronger mandate from the Children's Advocate, and if it was up to us as experts in that work, we'd have made the changes. But it isn't up to us; it's up to each of you and your elected colleagues. Young people need your leadership, your wisdom and your decisive action.

So I want to thank you for allowing me to have this opening speech. And, also, at the end of the meeting, I've brought packages that also contain our

child rights calendars which I'm pretty excited about. So we'll hand them out at the end of the meeting.

And I'm prepared to take any questions that you may give—throw my way. Thank you.

Madam Chairperson: Thank you, Ms. MacDonald.

The floor is now open for questions.

Ms. Fontaine: Miigwech for your opening statement.

How would you describe the main functions of your office, and how have these functions changed, if at all, over the course of your mandate as an advocate?

Ms. MacDonald: I think the main functions of my office are advocating on behalf of children and youth, advising the minister on, you know, cases and situations that may occur, also reviewing child death reports and recommendations.

One of the other things—since I came into the job, I've initiated a protocol with the authorities on talking about the draft reports. Prior to coming, actually, they would've just received a report with no say in any of the recommendations, and now we sit together looking at the reports. And it isn't that I may change the recommendations, but I think the recommendations have become stronger because we have dialogue together and the authorities are feeling that they can include information that my investigators may have missed.

And, oh, one of the things I take great pleasure in is the amount of youth contacting our office. There has been a huge increase in youth coming forward.

Many presentations that are now being offered, I think, gives us a good place in the community. We are constantly asked to travel to give presentations on our office and, more importantly, looking at children's rights.

Ms. Fontaine: So I wouldn't mind discussing a little bit in further detail in respect of the protocols with the agencies in respect of the draft that's presented. And, you know, maybe just a little bit more detail there, but also what you've seen in respect of the relationships between the agencies enacting this protocol, your working relationship with them.

Ms. MacDonald: I believe our working relationship has greatly improved since coming to the office. And I look at my experience when I was CEO of Winnipeg Child and Family Services and I would

receive these reports. I would immediately go to the recommendations. I would probably immediately be a little annoyed, thinking they haven't got all the information, and no one's ever sat down to talk to me and my staff about what happens and to feel what our involvement was.

So I took that with me when I became Children's Advocate and sat down, talking to the other CEOs, and talked about my experience and how we could do things better. And so I did come up with this protocol that, in fact, has been signed by all the authorities and people are feeling that it is a much better process.

Again, it's not about changing recommendations or—it's about hearing and, you know, it is a concern if things aren't written down, but, actually, if things aren't written down then people at least do feel that they have a chance to sit back and give pieces of missing information or give their perspective. And also, at this point in time, people are coming to us, too, saying, can you help me make a recommendation; can you help me make a recommendation maybe to change our funding, to look at things; help me get more resources or let's look at doing things differently. So it's been quite excellent.

Ms. Fontaine: Miigwech for that.

I—probably going to go back and forth between this and then things that are coming from in response—in your responses.

So I do want to kind of touch base in respect of, or touch on in respect of—and you noted it a couple of times—the increase in the number of youth that are calling the office. And so maybe just kind of an environmental scan of what, you know, on the spectrum, what are those calls for advocacy, and, I guess, as well, what you feel or believe is the reason for the increase in calls to your office?

Ms. MacDonald: I would like to think that we have done a good job in reaching out to children and youth and making our office much more visible. And so these phone calls are peers hearing from other peers contacting our office and asking for help, asking for help for our advocacy team to come forward to meet with them, to help them in court situations, to sit in court with them; or also to come with them for meetings with the agency, and really unclear of their rights and what they can ask and how to proceed during the system, like, if their worker is not visiting with them. And we also try and help youth become self-advocates, to give them

information on how to call the agency, but, if they're not able to do that, we will sit with them and do it with them as well.

And I think it has been visibility and travelling throughout the province, and also our presentations in schools as well, I think gives more visibility to the office. And also I think that the youth—and they do, indeed, teach us valuable lessons—and we have been holding a number of focus groups on—I'm just in awe of what they teach me and teach our advocates as well.

Ms. Fontaine: So, and again, I want to just touch upon, in respect of the need, from your perspective, to expand your mandate in respect of different areas, and, of course, I've—we've met and I've read all of that.

And so I just want to—if—so this need to expand the mandate, how does that relate in respect of the calls that you've received? And, then, once you have these calls, what do you do when you're not necessarily able to kind of advocate in respect of some of those different fields or different areas?

Ms. MacDonald: Well, I feel the need to expand outside of child welfare. Child welfare is very, very vulnerable population, but at the same point in time we do receive calls from children that aren't involved with child welfare and they are asking for our help. A number of children involved in the youth centre who may not have a child-welfare component, we can't really help them. We will actually offer them resources though. But some of these calls are coming indicating that they aren't visiting with their families or with siblings.

* (10:30)

So we feel we do a very good job for children involved in child welfare, but there are a number of children out there that aren't involved and still looking to our office. And we feel pretty inadequate when we need to just offer resources or here, phone this number, rather than working with the child.

Ms. Fontaine: So other resources available—and I can imagine how that must feel that you're not necessarily able to kind of offer those direct resources. But what are some of the other resources that you kind of connect youth when they do call you?

Ms. MacDonald: We connect them depending on the situation. There are sharing circles that we can connect them to. There are Ma Mawi Wi Chi Itata.

There are outreach services for youth. There are a number of different organizations that we can refer them to.

Ms. Fontaine: So what are some of the emerging areas of need and importance that are arising in your work at the office?

Ms. MacDonald: It varies from day to day. Certainly, looking at situations that happen, for instance with, say, regards to certain situations that happened, and if it's happening more than once we may look at a systemic issue, like, for instance, the one that we were working on with Justice and with the Ombudsman with regards to pepper spray there were 19 different individuals who contacted us. So we look across the spectrum to say, okay, if it's happening we need to do more outreach towards this so we may develop—open a systemic file and do reports on that. But the emerging themes that are actually happening are with regards to justice, health and education.

Ms. Fontaine: Sorry, what do you mean when you say you open a systemic file? Is—how does that work?

Ms. MacDonald: For instance, lots of our work at the office is done on case by case. Someone who's calling us about a specific issue when we're dealing with a issue. If there are a number of things that we see happening, like, for instance, in this particular case, a number of children calling about isolation or pepper spray, right? In Justice the intake team will bring that to me through their supervisor indicating I think we have to look at this more in depth, and then what we do is offer a systemic file. And so we will do a complete investigation on that.

It's the same with suicide as well. We look at that and it's an emerging theme, and we have an open file on that which may develop into a specific report.

Ms. Fontaine: So I did actually want to touch base in respect of suicide. And if you could perhaps provide a little bit more in-depth detail in respect of what are—because I understand there are 22 deaths from suicide and you know, what the office has seen in the lack of resources and a comment on that.

Ms. MacDonald: Yes, we—it continues to be a concern and, as you would be aware, it's a concern all across this country.

And in coming into the role we felt that we had to get some public education out there with regards to suicide, so we started a project that we developed

into three phases and the first phase was looking at 50 children who died by suicide.

And our second phase of that was then in reaching out and working with the University of Manitoba to look at a control group of 50 children who also were involved in the child-welfare system but did not die by suicide, and we looked at some of the factors that were involved: the prevalence of alcohol abuse or drug abuse, most of these children not attending school, you know, violence in the family.

And then the third phase we were looking at is resources, working with a number of different individuals and organizations like child mental health association and trying to come up with resources to get into our schools and to get out to the public at large.

We also just completed a project on the language of suicide and were able to translate that into Cree-Ojibwa and Ojibwa-Cree?

An Honourable Member: Oji-Cree.

Ms. MacDonald: Oji-Cree.

Ms. Fontaine: Can you provide a little bit more information in respect of the language of suicide piece and what's disseminated?

Ms. MacDonald: Yes. Actually, because most—or, you know, either media or people speaking about suicide end up talking about committing suicide rather than using the words like attempt suicide, or people will use words like successful suicide. Well, what does successful suicide mean? It means death. Like, that's not very successful.

We have a—we did a YouTube video that is up that I would invite you to watch and very much talks about the proper usage of words, and people have been quite interested in using it.

Ms. Fontaine: Miigwech for that.

So balancing the needs of confidentiality and transparency in the child-welfare system is always, obviously, a quite difficult process. So what are the general considerations should be used in trying to find that right balance?

Ms. MacDonald: It's definitely a concern, and I understand that The Child and Family Services Act certainly has the confidentially—confidential clause that indicates that no one can talk about a case as such. However, I think we would all look at the

Phoenix Sinclair situation where the public were actually advised of quite a substantial amount of information with respect to that case. I think the public has, you know, begun to demand hearing information. And I think it is concerning, and we wrote to the last government as well as this government to indicate that they find—they have to find a balancing act, and it's about the confidentiality of families. We don't want to be giving information out there, but when it becomes a balancing act—so that the public at least has some confidence in the child-welfare system, and I think that's what has happened, it has eroded the confidence.

And I think if our government just sits there and indicates that it's confidential and we can't give them any information, then people just feel that things are being hidden. And what our office has been suggesting by writing letters is that you need to give some information. At least talk about what happens in a child-welfare case. Talk about the steps that are made if a child has been hurt or if a child has died. What does the social worker do? What does the agency do? What does the authority do? So it gives people some confidence that people are just not hiding and trying to hide information.

I think there is a balancing act where I wouldn't want my own personal information on the front page of the paper or talk about, you know, what my situation involves. But, yet, I would think I would be comfortable to say, okay, the child-welfare agency is looking into the situation, here are the steps that they've taken: the siblings are safe; we will get to the bottom of it; and we will give you information as we go forward.

But I think the silence just continues to erode the confidence that people do have in child welfare.

Ms. Fontaine: Can you identify instances where the balance between confidentiality and transparency has been successfully pursued in the last number of years?

Ms. MacDonald: My understanding is a number of years ago one of the agencies did release a section 4; I think it was the southern authority that released a section 4 on—to the public. And so people were able to see the steps that were taken in the investigation.

Ms. Fontaine: Can you identify instances where the balance between confidentiality and transparency has not been successful in the last number of years?

* (10:40)

Ms. MacDonald: I think recently there have been some cases. I know just in the past month or so an executive director had come forward when it was learned about a child, age of 18, who had been in care, had the—had recently died and the RCMP were investigating. And he had come forward to indicate that he had asked the Children's Advocate to do an investigation in that report, but government remained silent. The only comments that were made were that the fact that, you know, we can't give out any information, it's confidential. And—but yet you had an executive director who had come forward. I think that could've been handled much differently.

Ms. Fontaine: And so what do you see are the, like, the more—the immediate impacts of that? In this not being able to disseminate or share some information, what are the impacts on that? And, I guess, as well, you know, what are the impacts in respect of, you know, those immediate ones, but also in respect of safeguarding children in its totality?

Ms. MacDonald: I believe, as I said before, I think it erodes the public's confidence in child-welfare system. So, therefore, I think if some information could be shared about the safety of the child and that there will be an investigation and what steps are going to be made, I think that would help a little bit more with public confidence.

And I do believe that if our legislation is changed and that the advocate has the mandate to be able to talk about a case in certain respects or also with regards to public reports, I think there has to be a balance of sharing confidential nature of the family. But, at the same point in time, I think if one could show the steps that were being taken, it would help. It would also—I think we would learn from that and also, hopefully, safeguard situations from happening that previously happened in the past.

Ms. Fontaine: So I'm just—and I'm not sure if you have these particular statistics—but I'm wondering, in respect of the children, all the calls that you receive and all the children that you advocate for, what is the percentage or numbers in respect of indigenous children?

Ms. MacDonald: Basically, it would reflect the number of indigenous children that are in care. It'd be about 87 to 90 per cent of the children that call our office are indigenous.

Ms. Fontaine: What would be the number of children that are calling or families that are calling in

respect of the newcomer community? And have you seen those numbers increase in the last several years?

Ms. MacDonald: Yes, we have seen those numbers increase.

Ms. Fontaine: Do you have any sense of the numbers or percentages of children?

Ms. MacDonald: I can certainly get them for you and send them to you after this meeting—if you can make a note, Ainsley.

Ms. Fontaine: Miigwech.

So what role do consultations in various communities across Manitoba and across the country play in formulating policy for the Children's Advocate office?

Ms. MacDonald: Basically, as I said, we travel throughout the province and we are well informed by the community, and certainly people do ask us to review our policies and procedures. And also we use focus groups to help us talk about, say, our advocacy services and what we should be doing differently. What we should be doing differently—for instance, I have also reorganized my office with respect to communication and quality assurance. And our quality assurance looks internal at our office and so we have travelled to the community for focus groups to say, what's working well, what's not working, and taking that information and redevelop both programs with respect to child death reviews and our advocacy reviews.

So I would say that by using our consultations and travelling throughout the province they do really inform the role of the office. We don't want to just stay as we are. We want to evolve and we want to meet people's needs, also, we're very respectful and hear about how we should enter communities, as well.

Ms. Fontaine: What—and maybe we can discuss that in a little bit more detail. But, like, what are—what role do consultations with indigenous groups and indigenous communities, particularly, as you just said, going into indigenous communities—not everybody understands that there are protocols and proper ways and respectful ways of going into the communities. And so what does some of that work look like, and how does it manifest itself in respect of then what's executed from your office?

Ms. MacDonald: Basically, I can just give an example of two of my staff in Oxford House last week and were invited in to meet the chief and

council, but then were asked to stay to be part of the meeting. And we also, you know, travel to many, many communities and make sure that our presence is known or people are aware of when we're coming, and we sit and develop and talk about how to work with communities properly, and I think it has quite a bit to do with what our office can offer.

Mr. Matt Wiebe (Concordia): You mention in your opening statement about a request for a northern office, an office that would give you some, you know, front-line service ability in the North. Can you just give us a little bit more information on what you envision that office to do in terms of outreach to those northern communities?

Ms. MacDonald: Okay. We travel extensively to the North and we are spending phenomenal amounts of money in just flying back and forth, and we feel, although we work with people and they know when we're coming there, we just feel that if we had an office or a satellite office people would be more familiar with when we're coming into the community. And I also reached out to the Ombudsman for fiscal responsibility and talking about a shared office so that we could have people at the time trained to do intake for both offices, but it would be triaged back to the Ombudsman, back to the advocate, and we feel it would be more effective. And what I was looking at is a two-year project in order to get it up and running. And our people are still flying there anyway so they would be in the community, but our hopes would be to actually hire people from the community to man those offices.

Mr. Wiebe: When you talk about costs related to travel, can you—do—I'm not sure if you have those figures in front of you of what you're currently spending on travel in the North, or maybe just give us a sort of a sense of some of the costs related to that. Obviously, it would be more than just the airfare, which I would imagine is probably sizable in and of itself. But can you give us some idea of some of the costs related to travel for sending your folks up into those northern communities?

Ms. MacDonald: Right here I have a total of \$75,000 was spent in travel, 215–2015-2016. Oh—so that was what we spent on travel, and travel to the North was \$29,000 compared to combined of eight. So the travel to the North is much higher than anywhere else we're travelling.

Mr. Wiebe: How long is the plan? You mentioned reaching out to the Ombudsman and, obviously, this is a plan that's been in the works for a while. Can you

talk about how long you've been developing this plan and some of the steps that you undertake to make sure that, you know, it was based on a need and some of the outcomes that you can expect from opening an office?

Ms. MacDonald: There were a number of studies that have been done, actually, with Brad McKenzie who's a university professor. He had done a research project about the feasibility of moving into the North, so to speak, with the office. When Irene Hamilton was the Ombudsman, I had just come into office, and I talked to her about the possibility of us opening a northern office together. She had felt at that point in time they didn't have the work that was necessary, but she felt, you know, if you build it, it will come, and she wondered why she wasn't getting the information or, you know, to point to a northern office.

* (10:50)

And, when Charlene came into her role—the current Ombudsman—she and I began to talk, and she was quite enthusiastic about the two of us going in and doing this pilot project.

Mr. Wiebe: So, obviously, there's some changes coming very shortly in your office and some change in leadership. Would you anticipate any difference in the new leadership coming in and their feel for the need for an office in the North? Would there be—would you anticipate any drastic change in a need for that office or, with the new leadership, any kind of change in direction?

Ms. MacDonald: I certainly would hope not. I know that the new advocate's going to take a little bit of time. However, I worked extremely hard. I have reorganized that office. It's got a solid foundation. My staff are solid. They've identified this as a need over many years, and, as I said, advocates before me have identified. We have over 60 calls a month from the North, and I would just hate to see us put it on hold. All new advocates are going to have to get up to speed. But, with a solid office behind us, I think we need to move ahead.

Mr. Wiebe: Another thing that you mentioned in your opening statement was the increased need to outreach and communicate with youth. I'm just wondering if you can talk a little bit about some of those needs and how you hope to meet those needs.

Ms. MacDonald: We've actually been working with a number of youth with our focus groups. Any of the papers that you'll see that I'll leave with you

afterwards contain focus-group information. So, like I said, it's been a—certainly a unique learning experience for me, especially if you ever try to edit what they've told you, you'll get blasted and be told: You know, don't write like a professor; these are our thoughts and our words and we want to tell it exactly as it is.

So one of the things that I have hoped to accomplish during my time and, unfortunately, haven't is to have a youth advisory committee. We work very closely with Voices, but, as Voices said, that the office needs their own advisory committee. So we are actually working with the other advocates across Canada. A couple of them have established youth advisory councils. It's not easy. Certainly, we need to surround and give all kinds of support, but it's something that is necessary and has to happen.

Oh, also, we work very closely with the Aboriginal Youth Opportunities, Michael Champagne, as well, so.

Mr. Wiebe: In establishing a youth advisory committee, would you require any staffing to support that? Is that something that would be useful in terms of boosting that kind of engagement at the youth level? Is there any staff that would enable that or help facilitate that?

Ms. MacDonald: Yes, for sure, we have been using STEP students in the past, which are in university but bring a very youthful perspective. I also approached LAMC with the addition of what we call two youth amplifiers, which would bring the voices of youth, and the purpose of that was to help us establish a youth advisory council.

Ms. Fontaine: So you've received over 200 cases that were out of the scope of your mandate in 2014-2015, I believe. How would an increased mandate for your office help to meet the needs of these youth?

Ms. MacDonald: Basically, if we have an increased mandate, we would be able to offer services to those children that we haven't been able to offer or that we've been just able to, you know, give them phone numbers and send them on their way. So increased mandate, particularly in justice and education, I think, would help us to be able to reach out to these children who don't have advocates.

Ms. Fontaine: Do you see that that increased mandate would require additional supports or additional staff?

Ms. MacDonald: Yes. I think that we would include additional—or we would need additional staff in order to expand our mandate. However, I have done reorganization at our office and looking at efficiencies and, just for example, currently there are nine of my staff who work feverishly answering reports, child death reports. I average about 60 child death reports a year. If this mandate changes and it's into public reporting, although we will look at each and every child death that comes into the office, we wouldn't necessarily be doing full reports. So I think there can be some reorganization there.

And, also, as you can imagine, it's very daunting for the staff to continue to do reports like this time and time again and, therefore, many of them have taken on special projects, like some of the reports that you will read later today, that they use their research and put their energies into having a little break from child death reports and putting their information into researches—into research that come—that that help us develop papers to release to the public.

Ms. Fontaine: So I know that there's been some discussion, some preliminary discussions, and I'm sure that it's—there's been discussions in the office in respect of the potential to report on sexual assault, sexual abuse of children. Has there been any more discussion on that? Has there been any—and why would you see that as being important in respect of children's rights and advocacy for children?

Ms. MacDonald: I would see it as extremely important. I mean, these are very vulnerable young women. And, I mean, the majority of them already are involved in the child-welfare system. And so, therefore, you know, to—and just recently we did put out a paper—that you were involved with—talking about the vulnerabilities and how we need to work differently and how we have to honour these children and let them know that there's a place for them. And I think it's so important that we put out more work in papers with regards to working with these children and find good resources for them, as well, and to give them hope and, you know, what they need to be able to go forward in community and be the wonderful leaders of tomorrow.

Ms. Fontaine: In order to execute that type of work, what resources would the Children's Advocate office need?

Ms. MacDonald: Right off the top of my head, I'm not quite sure, with the exception of working with community and finding what's available there and

creating resources, and more public education—I think allowing—or letting the public know what has to happen. I think people in public have stereotype versions of these young women. And I think education around that, and some of the traumas, the life experience they've experienced at very early ages, I think we need to bring that to the attention of the public and be out there in—also, with regards to—right now we don't have critical incident reporting, and that is extremely important for us to be able to tell the story of what's happening to vulnerable young women.

Ms. Fontaine: So what would you need to be able to have these critical incident reporting mechanisms or to be able to execute that?

Ms. MacDonald: Well, we would need the agencies, the authorities or the department to be sending us that information, first of all, because at this point in time we don't receive it.

* (11:00)

Ms. Fontaine: Do you hope that this is perhaps something that the new advocate will continue to look at and, hopefully, pursue in respect of the Children's Advocate office?

Ms. MacDonald: Yes, and I hope that it will be part of the new legislation and mandate so that the new advocate can begin to follow up on this.

Ms. Fontaine: There have been recent attempts made by the Manitoba court system to ease the backlogs with respect to child-welfare cases. Can you explain the impact that these delays have on children?

Ms. MacDonald: There are huge delays on children, and I was very pleased to see that the judges are going forward with less delays. I mean, when I was practising social work in child welfare, it was important that cases immediately get resolved. There was talk of case conferencing. That never did really go along, and cases are taking way too long before the courts. And, you know, years and—or a year and a half will go by sometimes, and people aren't adhering to guidelines. And so I think it's extremely important that they are looking at the backlogs of cases and to go forward very quickly because children need to be reunited with their family or need to know what situations have to be remedied before families can be reunited.

But these months after months or lawyers not talking to lawyers or families is very problematic.

And, as you know, a child needs to be returned as quickly as they can. The more in saturated it becomes in the system, the longer the child stays.

Ms. Fontaine: In your view, have the moves toward easing the backlog adequately addressed what you identified in the 2015-2016 report as the harmful consequences of an adversarial court-based approach to resolving child-welfare issues?

Ms. MacDonald: No, I don't believe so. I think this is just a recent step that I've read about, and, basically, in our experience and working with David Milward, you know, we see other opportunities that are necessary rather than just the court system, the way it is set up now. We see about family conferencing. Different ways to take it out of the adversarial court altogether would be really important.

Ms. Fontaine: And so have you seen any movement or any increase in respect of case conferencing in your tenure since you've been Child Advocate?

Ms. MacDonald: One of the things that I think our office does well is able to bring people together. And so we have been able to bring service providers together, which would include lawyers and, in some respects, contact with judges. And so I have seen an increase. But, like I said, this, what I've been reading about in the papers is really something that's just happening and being identified, that we have to move more quickly than what's happened in the past.

Ms. Fontaine: Would you be able to describe the importance of permanency beyond foster care, and what options should the Manitoba government support to ensure that children in care can access permanency planning?

Ms. MacDonald: I'm not quite sure the question you're asking. Are you asking about children that are over the age of 18 that are on—that are being cared for?

Ms. Fontaine: Yes.

Ms. MacDonald: Basically, we have seen a great improvement with respect to children that are turning 18 and then are often—are offered support beyond termination of guardianship. And there are a number more children going to university. So, from the time I started as Children's Advocate, I can tell you that probably every Friday afternoon, I'd start out with the fact that we would be hearing a child, as they called it, aged out, and there wouldn't be any supports, and we would spend the time contacting

the agency or the authority, indicating that, no, there has to be a plan in place for this child.

We have actually found a big improvement with, you know, children being able to attend university and these extensions being provided. However, at the same point in time, just recently I've talked to people, an authority that says their budget is fixed and there's only so many children they can offer this to. So there are some children that are being caught not having the potential of going to university, which is concerning. But we will then advocate for them.

Ms. Fontaine: So what additional supports would your office see as critical and necessary once a child turns 18 to be able to continue to support that child? Because you're absolutely right. We know many, many cases where children have kind of just—well, even though they're adults, but they're still children—have kind of fallen through the cracks. So what are some additional pieces that you think are very critical?

Ms. MacDonald: We would say that looking at the age of these extensions to age 25. And, personally, I'm not so sure it has to be child welfare offering these, but community supports. But the child needs—you know, my child at home isn't on her own yet, attending university and whatever. And so I think, you know, a long time ago kids were leaving home at 16, 17. They no longer are doing that at all. And I think with children who have experienced difficulties within the child-welfare system from either their home life or growing up, needs additional supports. So we would be looking at an increase to age 25 with these supports surrounding them.

Ms. Fontaine: Can you describe the top CFS-related concerns that your office receive?

Ms. MacDonald: The top concerns are usually about case planning and also about children's rights with respect to not visiting with their family or siblings.

Ms. Fontaine: What trends or themes did your office note in gathering this type of data in respect of CFS calls or complaints?

Ms. MacDonald: What trends or themes? Basically, it would be children calling, not understanding what the plan is: if they don't know when they're going home, if they're going home. Also a big concern about, you know, is—family visits, siblings, those would be the majority of the themes. But more so the case planning, just not understanding that they have a right to know, to talk to their social worker, to indicate, like, why am I not visiting with my parents?

Why am I not having monthly contact? Why am I moving so often? Why is my social worker changing? Those are the concerns. Why do I have to change schools?

Ms. Fontaine: So we know that the office gets a variety of different calls on top of CFS, and so justice-related calls, health-related calls, education-related calls. So can you provide for, let's say, you know, justice, health and education, some of the calls or the trends or the themes that you're seeing in each of those, and then why it would be important for your office to have that extended mandate to be able to advocate in respect of those?

Ms. MacDonald: With respect to education, we do get phone calls for children trying to access—well, trying to access school, because they may be living in a—in one area of the city and they've been told that they can't continue to, say, continue to attend the same school that they've been attending, or if they have moved. So they do contact our office saying how do—how can you help us to maintain us remaining in the same school.

* (11:10)

With justice, there are a number of calls about the fact that I'm not seeing my parents. I'm not able to visit with my siblings. I'm not able to contact my parents and—or that they are not getting mental health—the mental health attention that they need as well.

Ms. Fontaine: In respect of, you know, some of the calls that your office gets in respect of, you know, the—justice, do you get any advocacy calls in respect of youth wanting help to be able to, you know, deal with conflict in—conflict with the law in a more restorative-justice piece? So trying to get advocacy in respect of looking at diversion or any of that?

Ms. MacDonald: I can't say off the top of my head that I've received those phone calls but, at the same point in time, you know, am very concerned even with children in child welfare saying, I'm turning 18, you know, I have nowhere to go, they're just going to close my case because I'm 18. I'm still looking at, you know, at information to try and help children with respect to that as well.

Ms. Fontaine: So I just have a couple more questions and I'm going to see if it's opened up for any of my colleagues here. But I guess, you know, as you are getting prepared to go onto a new path, a new journey, what do you feel is some really critical characteristics and roles that the new Children's

Advocate needs to be able to do this job in a good way with the best interest of children?

Ms. MacDonald: I feel that this advocate needs a new expanded mandate in legislation so that she can be an advocate or he can be an advocate for all children, not just children in the child-welfare system.

Ms. Fontaine: And what would you feel is some of your legacy that you've offered and you've given Manitoba children as you kind of get ready for this new path of yourself?

Ms. MacDonald: Well, I would like to think—and we have increased the youth presence in our office. I do feel that we have more indigenous people working at our office, and I think just laying a very strong foundation and doing some internal restructuring, I think the office is in a better place to take on situations that will improve outcomes for children.

Ms. Fontaine: I have a couple more questions.

So what role do first-person testimonials play in formulating policy in your office?

Ms. MacDonald: I'm not sure I understand what you mean by that first-person testimonial?

Ms. Fontaine: So, you know, when you're looking at—when you're working with children and they're providing you their particular narratives and their experiences, like, what is the role in respect of how that translates into policy for the Children's Advocate office then?

Ms. MacDonald: I believe, as I said, with focus groups, certainly the children—certainly I mean the children have talked to us, in particularly about looking at changing the age from 21 to 25, for instance. And we always listen to the voices of youth, that's been paramount, and so we take what they have to say and that is where we advocate from.

Mr. Wab Kinew (Fort Rouge): Yes, with respect to the extensions of care moving from age 21 to possibly moving up to age 25, have other jurisdictions in Canada done that?

Ms. MacDonald: Yes, they have.

Mr. Kinew: What can you tell us about the experience of those jurisdictions, and what can you tell us about the outcomes for children and youth when that's happened?

Ms. MacDonald: In BC, it's just been recent, so I wouldn't have that information. They have extended

up to age 25, particularly with regards to children with disabilities, and I believe Ontario has just done this as well. And so, like, we don't have much data; it's just something fairly new.

Mr. Kinew: So it'd be fair to say that if Manitoba moved in the same direction, it'd be one of the first provinces in Canada to do so?

Ms. MacDonald: Yes, it would be among the newer ones.

Mr. Kinew: And do you have any idea what sort of resourcing that's required in the other provinces to do that? Has that been significant amount of new investments, or has it been relatively easily met with, I guess, the existing funding?

Ms. MacDonald: The BC office and Ontario office have a huge staff component as compared to the Manitoba office.

Mr. Kinew: Sorry, with respect to the extensions of care, do you know if that's been a huge financial burden for those provinces?

Ms. MacDonald: My understanding is they have the budgets that, certainly, they can accommodate this.

Mr. Kinew: How big of an investment would it be for Manitoba in terms of money, if any, to extend the age from 21 to 25?

Ms. MacDonald: I'm not sure of the amount of money that would be needed.

Mr. Kinew: Could you maybe talk about what sort of provision—what sort of services would have to be provided if that—an extension was made or what sort of programs would have to be expanded? Like, what exactly is, you know, I guess, within the purview of these extensions of services and then if we were to contemplate extending by four years, you know, what, you know, just sort of explain what those programs would be in, what that would entail.

Ms. MacDonald: I would think there'd have to be more opportunities for universities to be able to have more placements of youth in universities, to be able to get their tuition paid, to be able to live in residential facilities with the university, you know, or to be able to be maintained in their foster placements.

Mr. Kinew: So, currently, in those tuition-waiver programs at the universities and colleges, the authorities pay for, you know, the cost of living, essentially, but the universities and colleges pay for the tuition through money that's privately fundraised.

Do you know if it's—like, I know Ontario, the province fully funds all of the services, but do you know if it's the same in BC or is there privately fundraised money at work there for the kids in extensions to care?

Ms. MacDonald: I am not sure. I'd have to look at that information, but I can get it to you after this meeting. *[interjection]*

Madam Chairperson: Mr. Kinew.

Mr. Kinew: Sorry.

And you're recommending this. Is that a good model, in your estimation, where some of the money's privately fundraised, or do you think that it should be fully provided for?

Ms. MacDonald: I certainly would advocate for a community to be able to do this, in some respects to have the funding available or have the resources available for these children whether it's apartment buildings or whatever, where they would have wraparound services so that a child, you know, all their needs can be met whether it's a job, school and education.

Mr. Kinew: So, when you say community, can you just explain, like, in terms of who would be footing the bill, for lack of a more tactful way of saying it?

Ms. MacDonald: I'd like to see some resources out there. There's certainly good community organizations that I think would be able to operate situations for children. So it wouldn't necessarily have to be the child-welfare system as such. I certainly think that if we had good tenants, a good-landlords for these children who would look at their needs and put in good resources for them, I think that would be unique and very helpful. I think that some of these children really do need a wraparound service and it should come from the community.

Mr. Wiebe: Can you update the committee on phase 3 of the youth suicide strategy beyond what's in your annual report?

* (11:20)

Ms. MacDonald: Were you asking about phase 3 of the annual report, phase 3 of the suicide? We do have a number of situations happening where we have worked with people to do, say, a hip hop video, to give some ideas of the outcomes of suicide in—and also we have some YouTube videos coming out. And we are actually currently working with the child mental health in looking at kits being put together for

young people, the ages of eight to 10 and—yes, it's what you just handed me there—for eight to 10 talking about, you know, some of the things that young children need to focus in on, what gives them strength, what gives them hope. And so this is a project that we're looking at, joint funding together to be able to get into the schools as well as other areas of the community.

Mr. Wiebe: And so you identified in your annual report that the challenge of reaching youth who are particularly at risk because their attendance at school isn't—is usually an issue as well. I hear you saying that you're using social media, other formats.

Can—do you have any evidence of the success of reaching out to youth through these new media or other ways? Is there anything that you've learned since undertaking that sort of outreach?

Ms. MacDonald: I think the one thing we did learn, and, as you mentioned, you know, the schools do a really, really good job, but, unfortunately, a number of these children aren't attending the school. So it is by working with other community leadership that we attempt to get more information out there. We work with some of our collateral agencies who talk about new ways of getting information to children, and part of it is by social media. And I guess calls from the youth rose from, like, 16 per cent to 42 per cent. So I guess what we're trying to say is our social media outreach has probably brought more children to the office as well.

Mr. Wiebe: I'm not sure what you mean by collateral agencies. Can you just talk a little bit about that? And have you looked at other jurisdictions to see how, you know, some of the successes that they've had in reaching out?

Ms. MacDonald: Yes, we're constantly looking at other jurisdictions. I actually sit with the rest of the advocates about three times a year to learn from them as well about what we can do differently. And in some projects are just happening—and I've lost my train of thought on that.

Mr. Wiebe: Collateral agencies.

Ms. MacDonald: Pardon me?

Mr. Wiebe: Sorry, I just wanted—collateral agencies, are you talking about the authorities, is that—or are these other jurisdictions? I'm just not quite clear about that.

Ms. MacDonald: I'm thinking of people like Wanda Phillips-Beck and Carla Cochrane and people like that, that we work together in trying to get the information out and learned—I know that they had some suicide education but felt that it wasn't reaching the people correctly. So they're looking at redoing things and meeting with us and working together. So that's what I meant about collateral.

Mr. Wiebe: So do you anticipate any formal analysis of phase 3 and how it's performing or how it's meeting your standards? Is there any—going to be any kind of formal review and report that would be available in the future?

Ms. MacDonald: Yes, we do.

Mr. Wiebe: And do you have an idea of the timeline to get that information? And would that be included in a future annual report or a separate report that'd be available to the committee?

Ms. MacDonald: We'd be looking at March 2017, so, hopefully, before the end of my term.

Mr. Wiebe: So, again, back to my first question, then, I mean, is there any sneak preview that you can give us in terms of any hard data that you've collected or, again, even in a general sense, you know, any more information you can give us on how effective the implementation of phase 3 has been?

Ms. MacDonald: Basically, it'll be in the package that I actually give you at the end of this meeting, so the changing face of suicide.

Ms. Fontaine: So I believe that this is going to be our final question for you. So what does the role—what is the role of the Children's Advocate office in respect of the larger process of reconciliation brought from the Truth and Reconciliation Commission, and, obviously, in particular, in respect of children? What would you see that role as?

Ms. MacDonald: The role of the Children's Advocate is to continue to have the voices of children heard. I actually have worked—I was one of the three people on a committee with the Truth and Reconciliation and had the wonderful opportunity of going to Ottawa and attending both the opening and closing ceremonies. And with the advocates, too, we have put together a statement on reconciliation with respect to children and we were able to attend and put that in the Bentwood Box. So, clearly, I've also included a copy of that statement in our package that I'll give you at the end. And it is to continue the

Truth and Reconciliation, in particular, with children's rights.

Madam Chairperson: Seeing no further questions—oh, sorry, Ms. Morley-Lecomte.

Ms. Janice Morley-Lecomte (Seine River): I thank you. Children's Advocate is wanting to be a stand-alone committee. Can you explain why that would be a better forum for the committee?

Ms. MacDonald: A stand-alone because currently—our current legislation is embedded under The Child and Family Services Act, and one of the first obligations is to report to the minister. And, although that's extremely important, I think it is much more important for us to be an independent office.

Ms. Morley-Lecomte: Why now? Why want that committee to be a stand-alone now?

Ms. MacDonald: Because I think public perception is that we are not an independent office if we are embedded in—within Child and Family Services.

Madam Chairperson: Seeing no further questions.

Annual Report of the Children's Advocate for the fiscal year ending March 31st, 2015—pass.

Shall the Annual Report of the Children's Advocate for the fiscal year ending March 31st, 2016 pass?

An Honourable Member: Pass.

Some Honourable Members: No.

Madam Chairperson: I hear a no. The report is not passed.

Now this concludes the business we have before us.

Just a reminder to committee members that there is material to distribute, so don't leave before that has been handed to you.

Before we rise, it would be appreciated if members would leave behind any unused copies of the reports so they may be collected and reused at the next meeting.

The hour being 11:30, what is the will of the committee?

Some Honourable Members: Rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 11:29 p.m.

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