

March 15, 2012

Ms. Loredana Catalli Sonier

Clerk

Legislative Assembly

Province of New Brunswick

Fredericton, NB

Madam:

Pursuant to Subsection 25(1) of the *Child and Youth Advocate Act*, I have the honour to present the second Annual Report of the Child and Youth Advocate for the period of April 1, 2010 to March 31, 2011.

Respectfully submitted,

A handwritten signature in red ink, appearing to be 'CW' with a flourish.

Christian Whalen

Acting Child and Youth Advocate

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## Message from the Advocate



### Haiku:

The stormy winds blow  
 The spring flowers bloom quickly  
 The winter winds blow

Poem by Dayton Flowers

The United Nations declared 2010-2011 the International Year of the Youth, under the slogan of “Dialogue and Mutual Understanding”. With this theme as our backdrop, the Office of the Child and Youth Advocate worked diligently to strengthen the voices of young people across New Brunswick this past year. In fact, we collaborated with youth and adult allies on a proposed youth engagement framework for the province. We are pleased to present a review of these efforts, and to celebrate the unyielding enthusiasm of childhood that is so well illustrated in the Haiku poem of sixth grade student Dayton Flowers. As a visually impaired child, Dayton has a unique perspective on life, but he chose the wind as the theme of his poem, an earthly element that unites and touches all of us. Dayton’s haiku also reminds us of how quickly time races by, and of how we must act quickly to improve the quality of childhood before it has passed.

In this regard, I must remind elected officials and public administrators of the plight that continues to burden Aboriginal children in New Brunswick. In this last year of Bernard Richard’s term as New Brunswick’s first ever Child and Youth Advocate, our office placed particular emphasis on our advocacy efforts for First Nations children. Our 3<sup>rd</sup> annual State of the Child report, which focused on Article 30 of the UN *Convention on the Rights of the Child, The right to identity, culture and language: A child’s path to development* was released in November 2010. Also, in March 2010, we published an update on the progress made on our recommendations in the *Hand-in-Hand* report on the welfare of children and youth on First Nations in New Brunswick. We are pleased to see the sharing of record management systems within the Child and Family Services agency at St. Mary’s First Nation, the revival of the Indian Summer Games, the hire of new First Nations consultants within the Department of Social Development, and the launch of a Healing to Wellness court initiative at the Elsipogtog First Nation. Yet, there are many recommendations still to be implemented. In particular, it is time that New Brunswick declares its commitment to *Jordan’s Principle* in all matters pertaining to youth, and creates a single provincial office to better oversee family and children’s services as recommend in Mr. Richard’s report.

In 2010-2011, New Brunswick continued in its pioneering role as a leader on youth files within the francophone world. In fact, as the president of the Association of Ombudsmen and Mediators within the Francophonie (AOMF), Mr. Richard prioritized matters of childhood development and well-being. During this period, New Brunswick officials chaired both the Francophone Council of Education Ministers, and the Francophone Universities Association. In October 2010, the Child and Youth Advocate hosted institutional leaders and young people from nearly 20 countries to a symposium in Moncton to discuss the state of children's rights within the Francophone world. A resolution adopted in Moncton called for the creation of a Working Group on Children's Rights within the Francophonie. The group recently met and established an operating structure. It will work collaboratively to develop mechanisms for cooperation and development for children around the world.

In March 2010, Mr. Richard and Shirley Smallwood, with the assistance of the Office of the Ombudsman and Child and Youth Advocate, published a special update report on the development of a Centre of Excellence for youth with complex needs, as recommended in our *Connecting the Dots* report.

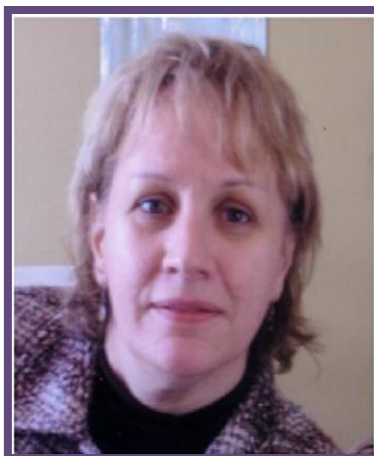
Finally, it was another busy year in which we saw an increase in the number of requests for individual advocacy, and in which New Brunswick's contribution to the defense and promotion of children's rights was felt near and far. Though retired, Mr. Richard's commitment to the cause endures as he continues as: president of the above mentioned Working Group on the Rights of the Child within the Francophonie; President of Plan Canada; and Founding President of the First Nations Children's Futures Fund. For my part, I would hope to work with the same dedication he has shown, in following up on the many recommendations and initiatives of this Office undertaken in the past five years, to step up also to the new challenges which will present themselves during this interim appointment, while still putting first and foremost, as did Mr. Richard, the voice and interests of our most vulnerable children and youth.



Christian Whalen  
Acting Child and Youth Advocate



## In Loving Memory



On February 2, 2011, Sylvie Hébert, our friend and colleague, left us after a tenacious battle with illness. During her three years as a delegate of the Child and Youth Advocate, Sylvie distinguished herself by the quality of her actions, the wisdom of her advice, and her team spirit. In addition to her ready availability and willingness to listen, her co-workers will remember her radiant smile and infectious sense of humour. She will be sorely missed.

## Our Team

### Name

Albert, Jessica

Allison, Anne-Drea†

Basque, Lyne

Bourque, Annette

Cronkhite, Amy

Daigle, Jennifer

Dickison, Julie

Doyle, Anne†

Gilliland, Steve

Guthrie, Janel†

Hébert, Sylvie†

Lafrenière, Robert†

LeBlanc, Mélanie

Levert, François

Levesque, Marie-Josée\*

McGraw, Denise†

McKinney, Lori

Murray, Jennifer\*†

Richard, Bernard

Savoie, Robert

Whalen, Christian

Woods, Marcelle†

### Work Title

Investigator

Delegate

Investigator

Clinical Director

Administrative Assistant

Investigator

Executive Secretary

Delegate

Executive Director

Administrative Assistant

Delegate

Delegate

Delegate

Senior Investigator/Legal

Officer/Delegate

Investigator

Receptionist

Delegate

Investigator/Legal Officer

Ombudsman/Child and Youth Advocate

Investigator

Legal Counsel

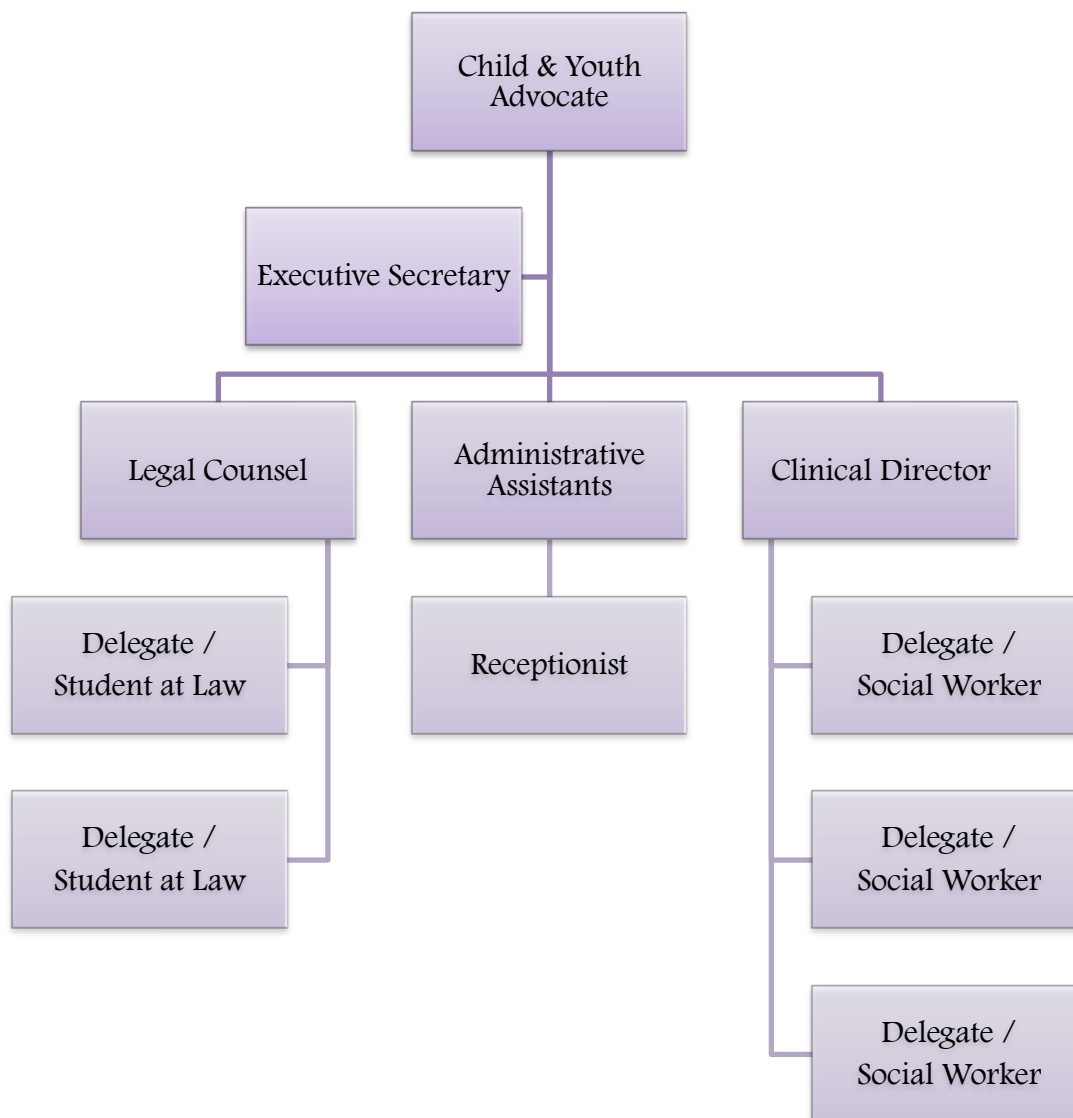
Delegate

\*Part-time

†Part of the year



## Organizational Chart



**We Want to Hear From You!**

**Mailing Address:**

P.O. Box 6000  
548 York Street  
Fredericton, NB  
E3B 5H1

**Phone:** (506) 453-2789

**Toll-Free:** 1-888-465-1100

**Fax:** (506) 453-5599

**E-mail:** [advocate-defenseur@gnb.ca](mailto:advocate-defenseur@gnb.ca)

**Website:** <http://www.gnb.ca/0073/Child-YouthAdvocate/index-e.asp>



## The Child and Youth Advocate

The Office of the Child and Youth Advocate was established in 2006 as an independent office of the Legislative Assembly. The Child and Youth Advocate is appointed upon recommendation of the Legislature, with a mandate to defend the rights and interests of all children and youth.



### The Child and Youth Advocate:

- **Protects** the rights and interests of all children and youth;
- **Promotes** the views of children and youth in matters of public policy; and,
- **Educates** the public about issues pertinent to child and youth rights.

**We strive to provide accessible and effective services to every child and youth.**

### We Advocate for YOU:

- Every child and youth who seeks or receives government services in New Brunswick.
- Children and youth in conflict with the law (secure custody, detention, open custody, community supervision, and probation).
- Children and youth in child welfare (foster home, group home, residential care and kinship care) or who receive any other service under the *Family Services Act*.
- Children and youth who receive mental health services (secure treatment, residential care, therapeutic foster homes, and family care).
- Children and youth with special needs who attend a school or learning centre.
- Homeless youth or unattached children.
- Aboriginal children and youth (on- and off-reserve).

### Our Advocacy:

- We defend the rights of individual children and youth on a case-by-case basis.
- We promote the collective rights of children and youth through the review of systemic abuses, and through public education initiatives.

The Child and Youth Advocate conducts independent and confidential case reviews, in order to best promote and protect the rights and interests of children and youth in need.

The Child and Youth Advocate reviews policies, procedures, legislation, and regulations to advance the interests of children and youth. Where appropriate, the Child and Youth Advocate provides advice to government agencies and officials about the accessibility, effectiveness and responsiveness of their services, as they concern the rights of children and youth.





*Photo by Communications New Brunswick.*

### *Child and Youth Advocate Act*

The *Child and Youth Advocate Act* received Royal Assent on June 30, 2004. On October 26, 2006, provincial Ombudsman, Mr. Bernard Richard, assumed the additional responsibility of Child and Youth Advocate. Since its inception, the role of the Child and Youth Advocate has been to ensure that the rights and interests of children and youth are protected in all government policy, programs and services.

### *Requests for Advocacy*

The Child and Youth Advocate receives requests for advocacy directly from children or youth in need. However, the vast majority of requests come from an individual concerned with the welfare of a child. Regardless of from where a request originates, the focus of the Child and Youth Advocate is to protect the best interests of the child or youth at all times.

The advocacy process can be lengthy at times. It is important to maintain the relationship and stay in regular contact with the child or youth concerned. Confidentiality is extremely important in all Child and Youth Advocate cases. We operate with the utmost professionalism when given sensitive personal information.

The

***"Children are not the people of tomorrow, but people today. They are entitled to be taken seriously. They have a right to be treated by adults with tenderness and respect, as equals."***

***- Janusz Korczak***

## Voice of Youth: Year in Review

As a strategic priority for 2010-2011, the Office of the Child and Youth Advocate emphasized the need for youth in New Brunswick to have their voices heard.



The Office of the Child and Youth Advocate continued its work on behalf of individual children and youths who needed an advocate on their side. Regardless of whether a request for advocacy came from a parent or concerned adult, an increased effort was made to meet with, and listen to, individual children and youths in need.

The Child and Youth Advocate and his delegates visited the New Brunswick Youth Centre and the Restigouche Hospital Centre more often than ever before to meet with youth-in-care. Meetings with youth in group homes, youth shelters and alternatives education sites also increased. Also, the office supported more youths than ever before in case conferences and focus group sessions, as well as in their dealings with the youth criminal justice system.

*Photo by Communications New Brunswick.*

### Advocacy versus Investigation

Our office understands that true advocacy requires on-going intervention on behalf of children and youth in need. Our investigators now take on the role of delegates of the Child and Youth Advocate. Along with the change in name comes a shift in focus towards proactive systemic review. We are committed to ensure that all children and youth in New Brunswick receive effective and reliable services from their government providers.

In 2010-2011, The Office of the Child and Youth Advocate continued to speak about the role of our office, and how we can best uphold our mandate to children and youth. In our internal discussions we highlighted our accomplishments, but also identified the gaps that must be filled in order to best defend the rights of children and youth.



*Photo by Communications New Brunswick.*

## How the Child and Youth Advocate Strengthened the Voices of Youth

**What's my role?** *A Youth Guide to Child Protection (p. 13)*

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**Petits d'hommes:** *An International Symposium on the  
Rights of Children and Youth (p. 14)*

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**The Right to Identity, Culture and Language:**  
*A Child's Path to Development (p. 17)*

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**Staying Connected:** *A Report of the Task Force on a Centre of Excellence  
for Children and Youth with Complex Needs (p. 20)*

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**Hand-in-Hand: One Year Later:**  
*An Update on the Progress of the Hand-in-Hand Recommendations (p. 21)*

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**Youth Diversion Initiative:** *Development of a Model for a  
Community Youth Justice Committee (p. 23)*

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**Youth Engagement in New Brunswick:** *Development of a Framework (p. 24)*

### Building Relationships in Support of our Partners

The Office of the Child and Youth Advocate recognizes that defending the rights and interests of children and youth requires working closely with community partners to collaboratively engage in a child-centered, strength-based approach to advocacy.

We continued to convene sessions with departmental and agency officials, non-governmental organizations, researchers and experts, as well as communities leaders to discuss how best to find joint solutions to problems that exist. Collaboration has become a trademark of our office.

In 2010-2011, the Child and Youth Advocate and his delegates met with, attended, hosted, and spoke in support of many interested individuals and community organizations that support young people in our communities.



## Where the Child and Youth Advocate was in 2010-2011

### In the Community:

- *Fredericton Community Youth Action Team*—2010-2011
- *Provincial Caring Partnerships Committee*—2010-2011
- *21Inc.*: Leadership cohort participant—2010
- *Partners for Youth: Violence Prevention in First Nations Pilot Project* launch (Esgenoopetitj First Nation)—June 14, 2010
- *New Brunswick Youth-in-Care Network* implementation—July 2010
- *Saint John Community Autism Centre: Art for Autism*—August 27, 2010
- *Social Work Practice in First Nations Communities* workshop (Kingsclear First Nation)—Fall 2010
- *RCMP Youth Approach* workshop—October 2010
- *DOTS NB: Connecting the Dots* march on the Legislature—December 8, 2010
- *Bullying Canada: Anti-bullying Day* –December 17, 2010



The Child and Youth Advocate was proud to stand with 1200 New Brunswickers to help “connect the dots” in December 2010.

### Conference Participation:

- *Winning Back our Youth*—May 12, 2010
- *First Nations Child and Family Caring Society of Canada: First Nations National Child Welfare*—June 1-3, 2010
- *Canadian Association for Civilian Oversight of Law Enforcement: Strengthening Public Confidence in Police*—June 7, 2010
- *Anti-bullying Summit*—June 17, 2010
- *First Nations Child and Family Caring Society of Canada: Caring Across the Boundaries* workshop training—June 28, 2010
- *Gignoo Transition House: Symposium on Violence against Aboriginal Women*—October 27-30, 2010
- *Renaissance College: “New World, New Skills” Community Perspective Workshop*—June 7, 2010
- *Petits d’hommes: An International Symposium on the Rights of Children and Youth*—October 21-23, 2010

### Presentations to our Partners:

- *Deputy Minister of Education*—May 6, 2010
- *New Brunswick Non-Profit Housing Association*—May 7, 2010
- *Report on the State of our Children and Youth: Measuring the Wellbeing of Children in New Brunswick*—June 9, 2010
- *House of Commons Standing Committee on Justice and Human Rights* as witness to Bill C-4: *An Act to Amend the Youth Criminal Justice Act*—June 10, 2010
- *Atlantic First Nations Child and Youth Mental Health and Addictions Network* (Atlantic Policy Congress of First Nations Chiefs Secretariat)—July 13, 2010
- *Association francophone des parents du Nouveau-Brunswick*—July 26, 2010
- *Dr. Everett Chalmers Hospital*—September 8, 2010
- *Caring Across the Boundaries* workshops (St. Mary’s First Nation, Tobique First Nation, Elsipogtog First Nation & Oromoncto First Nation)—September & October 2010
- *Centre de Bénévolat de la Péninsule acadienne: Table de Concertation de la petite enfance de la Péninsule acadienne*—November 2, 2010
- *3rd Annual State of our Children and Youth Address*—November 24, 2010
- *Carol Chafe, the Child and Youth Advocate for Newfoundland and Labrador*—January 25, 2011
- *Addiction and Mental Health Services*—February 14, 2011
- *New Brunswick Association of Social Workers*—March 16, 2011



Photo by Communications New Brunswick.

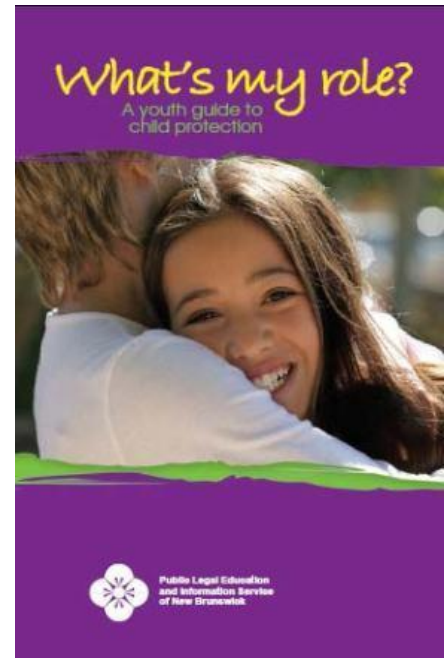
## *What's my role? A Youth Guide to Child Protection*

On May 12, 2010 the Office of the Child and Youth Advocate collaborated with the Public Legal Education and Information Service of New Brunswick (PLEIS-NB) on development of the booklet, *What's my role? A youth guide to child protection*.

The booklet was launched at the *Winning Back our Youth* workshop, which was hosted by the Fredericton Boys and Girls Club.

*What's my role?* explains rights and responsibilities to young people who are going through the experience of being placed in care. It clarifies elements of the *Family Services Act* and other elements of the law that guide and protect young people in the situation of being placed in care.

The content of the booklet was crafted after consultation with various government and community stakeholders, as well as feedback from two groups of youth-in-care. The young people commented on everything from the readability of the booklet to the relevance of the information included.



"Being taken into care can be a frightening and confusing experience, so the goal of this project was to create a plain language document for youth-in-care which explains child protection law and procedures, and answers some of the commonly asked questions about being taken into care. The booklet also provides information about resources and agencies that can help youth-in-care, such as the Office of the Child and Youth Advocate."—Bernard Richard, Child and Youth Advocate

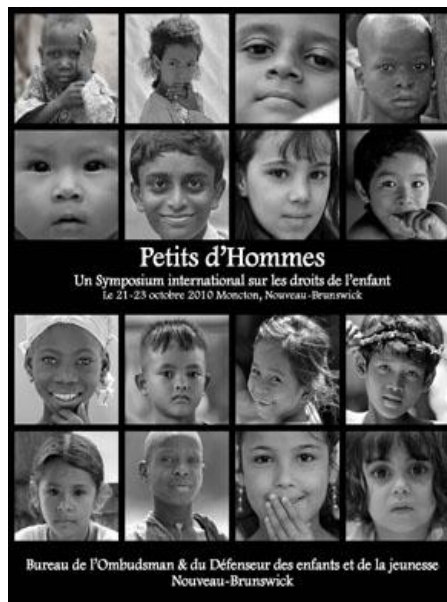


*What's my role?* has been distributed to young people and to child protection agencies who work with youth-in-care. It has also been shared with schools, lawyers and libraries, and community partners across New Brunswick.

*From left: Stacey Brown and Deborah Doherty, both of PLEIS-NB; Social Development Minister, Kelly Lamrock; and Mr. Richard.*



## Petits d'Hommes: An International Symposium on the Rights of Children and Youth



### International Symposium

From October 21-23, 2010, the Office of the Child and Youth Advocate hosted *Petits d'Hommes: An International Symposium on the Rights of the Child*, at the Université de Moncton.

Over 80 delegates from 17 countries, including more than 20 youth, participated in an intense three days of discussion focused on the rights of francophone children and youth and the institutional mechanisms necessary to implement and protect their rights. Particular attention was paid to the voice of youth in public policy development at home and abroad.

In conjunction with the UN *International Year of Youth 2010-2011*, symposium topics included protection of children's privacy, violence against children and youth, and the right to health services, all the while stressing the need for young people to be engaged in the decision-making processes of civil society. *Petits d'Hommes* was an opportunity for youth to meet and engage directly with representatives from many international bodies and institutions responsible for the promotion and protection of their rights.

### Thank You to our partners in this endeavor

- Organisation internationale de la Francophonie (OIF)
- Association des ombudsmans et médiateurs de la Francophonie (AOMF)
- Association francophone des autorités de protection des données (AFAPDP)
- Association francophone des commissions nationales des droits de l'homme (AFCNDH)
- Province of New Brunswick
- New Brunswick Youth Strategy
- Université de Moncton
- Centre d'excellence canadien sur la mobilisation jeunesse
- Fédération des Jeunes francophones du Nouveau-Brunswick
- UNESCO
- UNICEF

### *Petits d'Hommes Photo Exhibit*

To help celebrate children's rights in the francophone world, the Office of the Child and Youth Advocate was given a photo exhibit to display in conjunction with the *Petits d'Hommes* symposium.

Composed by UNICEF photographer Pierre-Jean Rey, the *Petits d'Hommes* photo exhibit consists of black and white portraits of children from around the world. The photos are accompanied by 10 poignant texts that highlight the underlying themes of the UN *Convention on the Rights of the Child*. These narratives were penned by Ombudsperson for the City of Paris, and former French Child and Youth Advocate, Claire Brisset.

The exhibit was displayed for free public viewing at the Olivier Soapery in Riverview from October 18 to 28, 2010. Admission to the exhibit was free. The exhibit was then moved to the Centre Communautaire Ste. Anne in Fredericton and is intended for use by the Office of the Child and Youth Advocate at future conferences and events.



*The Petits d'Hommes photo exhibit showcased at the Olivier Soapery in Riverview.*

### *Testimonials from Petits d'Hommes*

“We are delighted that Mr. Rey will be joining us from France to attend the exhibit. His probing photographs show all the joys and sorrows of being a child in today's world, and, along with Ms. Brisset's excellent texts, bring to life the issues that our symposium will be addressing.” –**Bernard Richard, Ombudsman and Child and Youth Advocate for New Brunswick**

“This will be a wonderful opportunity for youth to engage in processes to improve the lives of their peers. The Francophonie has opened many doors and perspectives for young New Brunswickers and we want that to continue.” –**Alexis Couture, Co-president of the Strategie Jeunesse du Nouveau-Brunswick.**

“Since the Francophonie Summit in Moncton in 1999, the university and the province as a whole have never stopped reminding heads of state of the importance of future generations and of making appropriate and responsible investments in their development. Université de Moncton is pleased to be a partner in this process which will allow children's rights advocates the world over to gather and promote ever more effectively the welfare of our children.” –**Yvon Fontaine, President de l'Université de Moncton**



*Alexis Couture, Co-president, New Brunswick Youth Strategy*



## Working group on the rights of the child within the Francophonie

*Petits d'Hommes* gave officials who work at the forefront of child welfare around the world the opportunity to come together and establish a working group on the rights of the child within the Francophonie. The Office of the Child and Youth Advocate was honored to have Child and Youth Advocate, Bernard Richard, named as chair of this group. The work of the group continued throughout the year under a broadly defined mandate which includes:

### *Coordination of Initiatives*

1. Ensure continuity and follow-up on the work undertaken within the institutions of the Francophonie: share data, tools, and resources; finalize an action plan as a follow-up to the *Petits d'Hommes* Symposium; hold regular meetings in person or through teleconferencing; organize workshops or conferences of institutional actors on annual or biannual basis; and establish periodic relations on an annual basis with the Délégation à la Paix, à la Démocratie et aux Droits de l'Homme.

### *National Children's Rights Advocacy Capacities*

2. Target and deal with the development of national legislation to establish children's rights advocacy institutions or functions.

### *Training*

3. Develop and give priority to the training and professional development of the members and staff of the various institutional actors within the Francophonie that are responsible for, and engaged in, efforts to promote and protect children's rights.

### *Documentation*

4. Identify, collect, share, and disseminate documents on children's rights available in connection with the NHRIs, as well as support the production of new documentary resources and pedagogical supports.

### *Youth and Child Civic Participation*

5. Undertake specific and sustained efforts to collect and share best practices and increase the commitment of all institutional actors in the Francophonie to address the challenges of youth civic participation and the right of children to be heard.

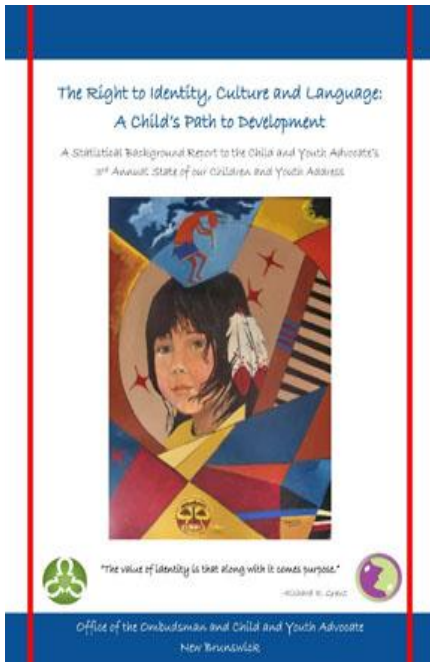
### *Relations*

6. Develop cooperative relations with the networks of the Francophonie, including the Association des ombudsmans et médiateurs de la Francophonie (AOMF), the Association francophone des autorités de protection des données personnelles (AFAPDP), and the Association francophone des commissions nationales de droits de l'homme (AFCNDH), as well as with similar networks world-wide.

### *Support and Solidarity in Crisis Situations*

7. Look into the possibility of implementing a cooperative program to help countries requiring assistance to establish mechanisms for ensuring the protection and preservation of children's rights in crisis situations.

***The Right to Identity, Culture and Language:  
A Child's Path to Development***  
***A Statistical Background Report to the Child and Youth  
Advocate's 3<sup>rd</sup> Annual State of our Children and Youth  
Address***



On November 25, 2010, the Child and Youth Advocate released the 3<sup>rd</sup> annual State of our Children and Youth report entitled ***The Right to Identity, Culture and Language: A Child's Path to Development***. The report was launched at an address delivered by Mr. Richard, to over 600 students, educators, government representatives, non-governmental and community stakeholders and community college students, at James M. Hill Memorial High School, in the Miramichi.

For the past three years, the Office of the Child and Youth Advocate has released this report as close as possible to November 20<sup>th</sup>, which is celebrated around the world each year as International Children's Day.

The United Nations signed the ***Convention on the Rights of the Child*** on November 20, 1989.

***The Right to Identity, Culture and Language: A Child's Path to Development***

The State of our Children and Youth Report is an opportunity for the Child and Youth Advocate to deliver an annual update on the well-being of young persons in New Brunswick. Traditionally the report has provided insight with regards to key indicators such as health, education, and social and living conditions of children and families.

With the help of numerous public sector and community partners, the Child and Youth Advocate opted to frame this year's report as the first in a series of annual thematic reports exploring the various rights guaranteed to children under the UN *Convention on the Rights of the Child*. The 2010 report, the first in this series, deals with the right to identity, culture and language guaranteed under Articles 8 and 30 of the *Convention* and with the right of children to have a voice and a say in decisions affecting them, as set out in Article 12. In particular, the report took stock of the rights of First Nations children in New Brunswick to preserve their identities, to enjoy their cultures and to speak their languages.

“While it is important to assess the overall condition of New Brunswick children, I believe it is imperative that we continuously monitor how First Nations children are faring due to the deep-seated issues affecting their communities: poverty, drug addictions, domestic violence, and the erosion of their cultures and languages.” –Mr. Richard



*Child and Youth Advocate, Bernard Richard delivers the State of our Children and Youth Address, November 25, 2010 in Mirimichi*

### Key Findings of the Report

- Aboriginal children are six times more likely to be taken from their homes and placed in care than other children in the province.
- Critical factors that lead to First Nations children being placed in care:
  1. Poverty
  2. Poor housing
  3. Substance abuse
- Six of New Brunswick’s First Nations communities rank among the 10 poorest in Canada (Kingsclear, Eel Ground, Tobique, Elsipogtog, Metepenagiag and Esgegnôpetitj)
- The median income in these communities is below \$14,000 (2006 data)
- New Brunswick is the most obese province in Canada:
  - 30% of New Brunswick children are obese
  - The national average is 18%



*Photo by Matthew Sherwood, Telegraph-Journal.—A mother and her son seen through one of the many holes in the walls of the two-story apartment building they live in on the Woodstock First Nation.*

#### Article 30

#### Minority & Indigenous Culture, Religious & Language Rights

*In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.*

### State of Our Children and Youth Address and Workshops

The State of our Children and Youth Address brought together students from eight high schools for a question and answer session followed by a series of youth-developed and youth-led workshops. Classes from Miramichi Valley High and Ecole Carrefour Beausoleil participated on-site with students from James M. Hill Memorial High School. Students from Dalhousie Regional High School, Cité des Jeunes A.M. Sormany, Bonar Law High School, Tobique Valley High School and North and South Esk Regional High School participated in the address and question period via a live feed to their schools.



*Students and on-lookers at James M. Hill Memorial High School*

#### *One of several Youth-Led Workshops*



For two months leading up to the event, over 25 youth facilitators and adult allies met regularly in Miramichi to organize seven different youth-led workshops

Working from the theme of the report, The Right to Identity, Culture and Language, youth developed and facilitated the following workshops: Connect 4, which focused on languages and holidays celebrated four different cultures; Traditional Medicine, which focused on traditional Aboriginal medicines; Diversity, which

celebrated both the differences and similarities between cultures; Dream Catchers, which offered students the history and meaning of dream catchers and gave them the chance to make one; Mi'kmaq History, which addressed facts and fiction about the past; Voice Extravaganza, which involved a discussion about youth engagement in the school and in the community; and a Youth Matters led workshop that explored how to create a youth network in the community.

More than 200 students participated in these workshops.



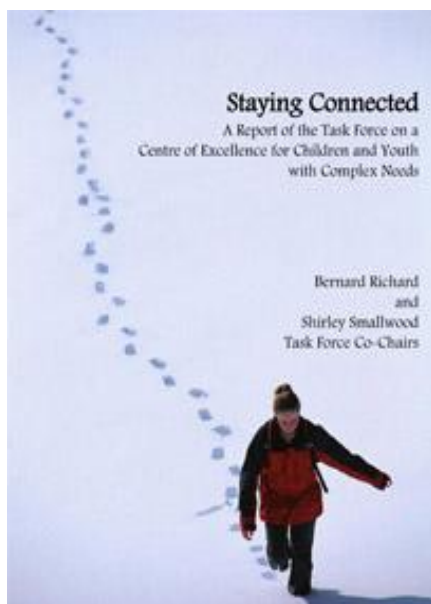
*James M. Hill's Boomerang Club members who volunteered during the event.*



*The Esgenoopeitij Wegatusgk Dancers who served as the opening act for the State of our Children and Youth Address.*



## *Staying Connected: A Report of the Task Force on a Centre of Excellence for Children and Youth with Complex Needs*



In July 2010, acting upon the recommendations of the *Connecting the Dots* report, the Province of New Brunswick committed to the development of a Centre of Excellence for Children and Youth with Complex Needs.

Child and Youth Advocate Bernard Richard, and Shirley Smallwood, a parent of a child with special needs, were named as Co-Chairs of a Task Force established to provide recommendations for the development of the centre, including: the services it should provide; its location; and its governance structure.

The task force put together an advisory committee, performed exhaustive research on complex needs and different models for a Centre of Excellence, met with experts in the field, conducted an online consultation, and held in-person dialogue sessions to better inform their recommendations.

The on-line consultation process ran from the end of October to the end of November 2010. Through an online questionnaire, a wide range of concerned citizens and organizations shared their views of what a Centre of Excellence should look like. On November 5<sup>th</sup> and 6<sup>th</sup> in Fredericton, a meeting was held with community stakeholders, parents, children and youth. The meeting was supported by the departments of Social Development, Health, Public Safety, and Education and Early Childhood Development.

On March 17, 2010, Mr. Richard and Ms. Smallwood released *Staying Connected*, a report that highlighted the recommendations of the task force on the development of the Centre of Excellence for Youth with Complex Needs in New Brunswick.

On December 8, 2010, over 1200 New Brunswickers assembled in Fredericton to “connect the dots”. They stood arm-in-arm from the Victoria Health Centre to the Provincial Legislature in support of the creation of the Centre of Excellence. This event served as the genesis of the grass roots organization DOTS NB, which was established to promote kids’ mental health through family empowerment.

*“I hope for greater understanding of the issues facing the youth with complex needs and the development of the best services for these youth.”*  
[Dialogue participant].

## *Hand in Hand: One Year Later*

### **Hand-in-Hand: One Year Later**

An Update on the Progress of the  
Hand-in-Hand Recommendations



March 31, 2011

Office of the Ombudsman and Child and Youth Advocate  
New Brunswick

On March 31, 2011, the Child and Youth Advocate released *Hand-in-Hand: One Year Later—An Update on the Progress of the Hand-in-Hand Recommendations*.

### **First Nations Children’s Futures Fund**

The report, which coincided with the retirement of Child and Youth Advocate Bernard Richard, helped propel the launch of the First Nations Children’s Futures Fund. The fund, a recommendation of the original *Hand-in-Hand* report, was established with the mission of ensuring equal access to play spaces, recreation, sport and cultural development, as well as promoting heritage and language retention and leadership advancement for First Nations children in New Brunswick. It supports investments in play infrastructure, culture and language preservation and promotion, First Nations child welfare and youth leadership development and the creation and

development of partnerships among First Nations and non-First Nations communities. The establishment of the fund served as the culmination of a year-long collaboration between the Office of the Child and Youth Advocate, Partners For Youth Inc. (the organization tasked with administering the fund) and many community partners and government stakeholders.

Aaron Barlow (left) and Bronson Acquin-Mandisodza (right) were on-hand to speak on behalf of First Nations youth in New Brunswick at Mr. Richard’s retirement and the launch of the First Nations Children’s Futures Fund.



### **Caring Across the Boundaries**

In July 2010, staff from the Office of the Child and Youth Advocate, the Aboriginal Affairs Secretariat and the Elsipogtog Health and Wellness Centre attended a training session in Ottawa on the “Caring Across the Boundaries” workshops developed by the First Nations Child and Family Caring Society of Canada.

In September 2010, the “Caring Across the Boundaries” workshops were rolled out by the Child and Youth Advocate in partnership with the First Nations Child and Family Services agencies in four First Nations communities in New Brunswick—St. Mary’s First Nation, Tobique First Nation, Elsipogtog First Nation, and Oromocto First Nation.

Post-workshop survey results showed increased communication and networking between First Nations communities and the non-profit sector.

### *Hand-in-Hand: One Year Later - Highlights*

In addition to the establishment of the First Nations Children's Futures Fund and the Caring Across the Boundaries project, the *Hand-in-Hand: One Year Later* report highlighted:

- A pilot case management system at St. Mary's First Nation
- Letters of offer issued by the Department of Social Development for two First Nations consultant positions it committed to hiring to form a new First Nations unit.
- Resources launched by the Public Legal Education and Information Service of New Brunswick and Gignoo House to prevent family violence in Aboriginal communities.
- Establishment of a health-to-wellness court in Elsipogtog First Nation.
- Development and implementation of an internal training session that focused on Aboriginal awareness.
- Establishment of a community services committee and an institutional services committee, to seek input and collaborate with First Nations people on issues that affect Aboriginals within the correctional system.
- Collaboration between the Department of Education and Early Childhood Development and First Nations education organizations on a project to acculturate the curricula from kindergarten to Grade 12 to identify where elements of First Nations culture and history exist, examine identified content for accuracy and relevancy, and make recommendations for the infusion of additional First Nations references.
- Launch of a First Nations Learning Resources website for New Brunswick educators.
- Revival of the Indian Summer Games in 2010
- Implementation of a project to support the revitalization of Aboriginal languages in the province.

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## Youth Justice Diversion Project: Development of a Model for Community Youth Justice Committees



In the fall of 2009, the Office of the Child and Youth Advocate was provided funding from the Federal Department of Justice to develop a community-based youth diversion model to keep more young people out of the criminal justice system.

In August 2010, a steering committee was established, with actors from: the Department of Public Safety; the Department of Justice and Office of the Attorney General; the Department of Health; the Department of Social Development; the Integrated Service Delivery Unit; the Community Non-Profit Secretariat; the Department of Education; and the RCMP. These collaborators provided guidance and direction to the project

team within the Office of the Child and Youth Advocate on all aspects of the Youth Justice Diversion Project.

The Youth Justice Diversion Project sought to enhance opportunities and mechanisms under existing legislation to divert New Brunswick youth from traditional interactions with the criminal justice system. In particular, the project proposed new models, policies and training programs for the proactive use of sections 18, 19 and 23 of the *Youth Criminal Justice Act (YCJA)*. Particular emphasis was placed on avoiding the criminalization of errant behavior by youth with mental health and behavioural disorders.

As a New Brunswick initiative to honor the *International Year of the Youth*, this project focused on community and family engagement in order to address and reduce factors that drive youth crime, build individual youths' strengths, and develop evidence-based programs and services to keep communities safer.

In March 2011, a New Brunswick *Community Youth Justice Committees Information Kit* was developed to guide the establishment of new Community Youth Justice Committees. Despite the on-going efforts of the RCMP to create Youth Diversion Teams in many regions of the province, there remains much work left to be done in the establishment of fully-sanctioned, fully-resourced Community Youth Justice Committees in New Brunswick.





## Youth Engagement in New Brunswick: Development of a Framework



**INTERNATIONAL  
YEAR OF  
YOUTH**  
AUGUST 2010-2011  
OUR YEAR OUR VOICE

From August 12, 2010 to August 11, 2011, the United Nations celebrated the *International Year of Youth*, dedicated to the theme of Dialogue and Mutual Understanding. Against this backdrop, the Office of the Child and Youth Advocate collaborated with government, non-government agencies, researchers, and youth to help define “youth engagement” in New Brunswick and develop a framework for youth consultation and input in decision-making processes.

Early in 2010, a steering committee of actors from the Department of Education, the New Brunswick Population Growth Secretariat, St. Thomas University’s Centre for Research on Youth-At-Risk, Youth Matters, the University of New Brunswick’s Renaissance College, the NB1 Youth Strategy, and the Federation des Jeunes Francophone du Nouveau-Brunswick, held several dialogue sessions and youth-adult forums to develop a mutual understanding of what “youth engagement” means.

Several questions asked of youth and adult-allies included: What does an engaged youth look like?; What does an adult ally look like?; How does your organization define youth engagement?; What barriers do adults face in creating opportunities for youth engagement?; What barriers do youth face trying to engage?; and, How do you know when your youth engagement efforts are effective?

***Youth should be given a chance to take an active part in the decision-making of local, national and global levels.”***

**United Nations Secretary-General, Ban Ki-Moon**

Following the final forum in April 2010, the steering committee decided that in order to define youth engagement for the broader community, a “document of principles” should be created. The Office of the Child and Youth Advocate proposed the Federation des Jeunes Francophone du Nouveau-Brunswick’s *Guide d’engagement jeunesse* as a possible model upon which the youth engagement principles document could be crafted.

The Office of the Child and Youth Advocate looks forward to the final version of a youth engagement framework for New Brunswick to share with policy makers and community partners in and out of government, in 2011.

## Individual Advocacy



The Office of the Child and Youth Advocate is accessible and responsive to requests for advocacy by children and youth themselves, or from someone calling on behalf of a child or youth.

In the period covered by this report, a total of **334 files** were opened under the *Child and Youth Advocate Act*. Delegates conducted **189 investigations**, responded to **127 inquiries** and directed **18 non-jurisdiction requests for advocacy** to other offices and government services.

Most requests for advocacy came from family members, and not from children or youths themselves. Several requests were initiated by concerned citizens or government officials.

### Types of Requests for Advocacy by Department

The following tables provide the number of requests for advocacy received by the Child and Youth Advocate, by type and by department investigated in 2010-2011. In consideration of the confidentiality provisions of the *Child & Youth Advocate Act*, only those departments with more than 10 complaints are set out in the tables below.

*Due to the mid-year implementation of a new case management system, the Child and Youth Advocate is not able to produce a breakdown of all cases by category. Also, new categories have been added to the new system and cannot be compared with old data.*

Department of Social Development	
Type	2010/2011
Adoption	3
Benefits – Delay	1
Benefits – Denied	2
Benefits – Discontinued – Reduced	1
Benefits – Eligibility criteria	5
Benefits – Long term needs	2
Complaints regarding staff	3
CSA – Procedures	1
Employment	1
Evictions	1
Housing availability	2
Medical Issues	2
Request information	1
Protection Services	94
Others	<u>52</u>
<b>TOTAL</b>	<b>171</b>

Department of Health	
Type	2010/2011
Admission-Discharge	2
Addiction Services	2
Administration	1
Complaint Regarding Staff	1
Medical Treatment	1
Mental Health	8
RHA – Extra Mural Services	4
RHA – Others	<u>1</u>
<b>TOTAL</b>	<b>20</b>

### New Brunswick Youth Centre

Type	2010/2011
Clothing and Bedding	1
Classification - Transfer	1
Discipline	1
Mental Health	1
Placement within Institution	1
Probation	1
Program Privileges	2
Request to see Nurse or Doctor	1
Staff Conduct and Department	1
Threat of Suicide	1
Visiting Privileges	2
Others	11
<b>TOTAL</b>	<b>24</b>

### Department of Education & School District

Type	2010/2011
Bullying	4
Children with special needs	13
Complaints regarding staff	5
Request information	2
Student Placement	1
Student Transfer	1
Suspensions	13
Others	10
<b>TOTAL</b>	<b>49</b>

There was a slightly smaller number of cases recorded in the case management system compared to last year (338), despite an increase in the number of calls made to the office. This phenomenon is explained by the fact that all delegates of the Child and Youth Advocate in 2010-2011 were specially trained and dedicated exclusively, for the first time, to matters of the Child and Youth Advocate. A new case management system encouraged delegates to address all matters in a single case file and ensure that outstanding issues were addressed prior to closing a file.

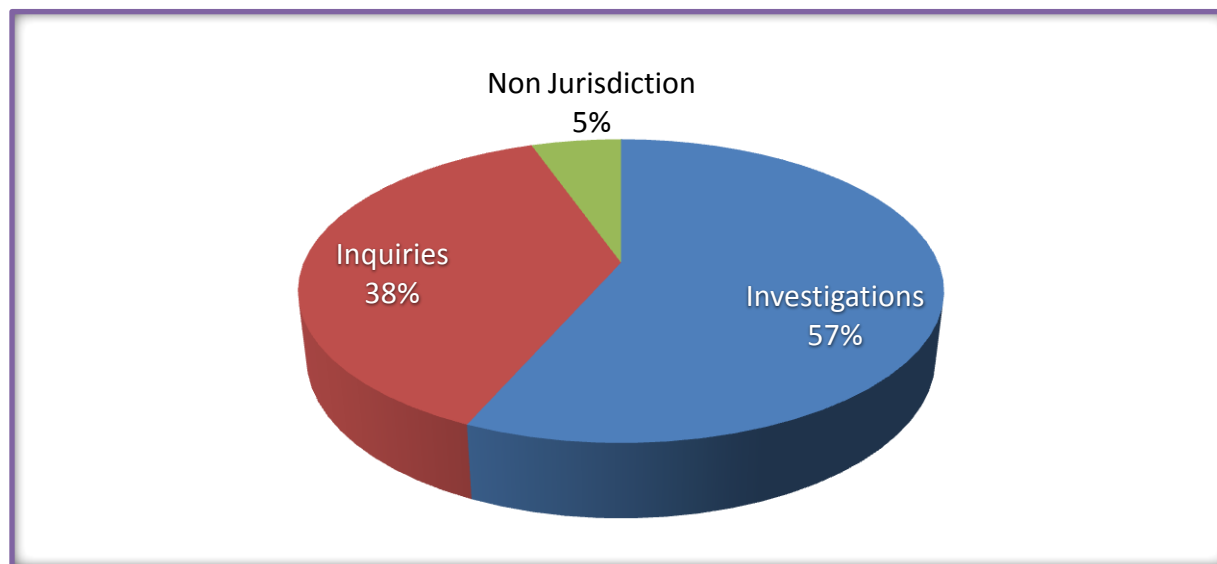
#### Individual Outreach



The Office of the Child and Youth Advocate is attuned to the fact that children and youth are still reluctant to make a request for advocacy themselves. It has been this office's experience that youth feel more comfortable calling when they know a delegate, staff member, or the Advocate, personally. Site visits to the New Brunswick Youth Centre and the Restigouche Hospital Centre have shown that youth will call more readily when they have met someone they will be speaking with over the phone.

Throughout 2010-2011, staff members from the Office of the Child and Youth Advocate visited youth shelters, alternative sites and several group homes to meet and speak with youth. The result has been an increase in the number of requests for advocacy that come directly from the youth visited.

## Requests for Advocacy by Intake Type



## Outcome of Requests for Advocacy within Jurisdiction

(Does not include inquiries or non-jurisdiction requests or requests still under investigation at year end)

Departments /Agencies	Total	Assistance Rendered	Recommendation Made	Referral Given/Clarification Provided	Not Substantiated	Discontinued by Client/ Advocate
Social Development	87	26	3	38	10	10
Health	17	7	0	7	0	3
New Brunswick Youth Centre	21	8	1	9	0	3
Education & School District	35	16	1	17	0	1
Others*	7	2	0	3	1	1
<b>Total</b>	<b>167</b>	<b>59</b>	<b>5</b>	<b>74</b>	<b>11</b>	<b>18</b>

\*This number includes Departments/agencies with 10 or less complaints during 2010/2011. 57 complaints were still under investigation at year end.

## Success Stories:

### A look at some case studies

#### A champion in your corner

Sometimes, the Child and Youth Advocate receives requests for advocacy where the child or youth in need has a strong adult champion in their corner. In situations where these allies are departmental agents, they often take the time to educate their colleagues on best practices that should be followed to ensure necessary interventions are tailor fit for the child or youth. In 2010-2011, one youth in particular benefitted from the dedication of the champions in his corner.

The youth in question had spent considerable time in a variety of hospital settings due to his psychological condition. Service providers, who were involved in developing his integration



plan into a residential setting, received the utmost support from clinical staff and the family of the youth. Because of the diligence of these professionals, who all believed that this youth had the right to live in the community instead of in an institution, the youth was able to leave the hospital setting.

Those implicated in the care of this youth understand that their involvement is ongoing...so does the Office of the Child and Youth Advocate.

**“I don’t want other youth to become lost like me (in a hospital). If I won lots of money, I would spend most of it on making sure they have a place to live in the community”.** Young adult with complex needs in a psychiatric hospital who was admitted as a teenager

#### There’s no place like home

A 13-year-old was experiencing difficulties at school and at home. In fact, he was no longer in school and his parents could no longer manage his behavior. The Department of Social Development had no available residential facility for the youth and he was placed in a hotel room with a security guard.

With the intervention of a delegate of the Child and Youth Advocate, a “wraparound team” was created, and the Department of Social Development developed an innovative plan to staff professionals in the youth’s home so he could return to live with his family.

The professionals in the home worked with the youth and the parents to create healthy behavior management strategies conducive to the youth’s needs. As services became better coordinated, different agencies came on-board to help the youth reintegrate into his school with ongoing professional support.

## A child is safe



An infant was discharged from hospital care into her parental home. Despite serious concerns from the Child and Youth Advocate and neo-natal care providers, child protection services approved the discharge plan. Within a month of launching an investigation into the home life of the infant, the infant was placed under child protection and removed from the unsafe home.

**“Life has been pretty much like a roller coaster ride, just not the fun part”.** 16-year-old with complex needs in several residential placements

### *“I want to go to college”*

With the support of his parents, the collaboration of Mental Health Services in two different regions, and a lot of negotiation and advocacy from the Office of the Child and Youth Advocate, a 17-year-old high school graduate who suffers from Aspergers syndrome and anxiety had the opportunity to move to another city and attend college. He lives in a residential facility that understands his needs and is provided with additional support from the Department of Social Development and his college.

### *“Clothing and schooling are important to me”*

A youth at a health facility was not even in receipt of his most basic of needs.

In conversation with Centre staff, the Child and Youth Advocate discovered that this youth seldom had contact with his family, was not provided new clothing with the change of season, and was not involved in any schooling. Advocacy on the part of the Child and Youth Advocate, with the support of the Department of Social Development, secured a clothing allowance. A social worker from the hospital centre advocates for services from the local school district and a tutor was found to work with the youth three times a week.



**“Going from the hospital to a visit in the community continues to be really hard for me. Things go too fast. All of a sudden and I don’t know what to do or how to react.”** Young adult with complex needs on 3-4 day passes to visit family



## One less worry

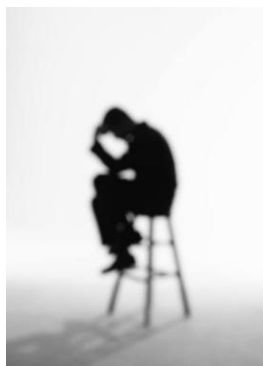


A 15-year-old learned she was being evicted from her apartment. The youth had no ties with her family and had lost her job working in a fast food restaurant. She was unable to pay her rent for the month and the building manager told her she had two days to vacate. She had no luck getting in touch with the Office of the Rentalsman.

A delegate of the Child and Youth Advocate contacted the Office of the Rentalsman, who then intervened in the matter. As a result, the youth was not evicted, and was able to make arrangements with the landlord while she obtained assistance from the Department of Social Development.

**“Me and my mom have reconnected. I did some really mean things to her and I can see that now. I am so sorry and wish I could take it back. She is the best and she is always there for me”.** 16-year-old youth in a psychiatric facility

## *“I need a home”*



A 16-year-old was living in adult shelters when the Child and Youth Advocate became aware of his situation. He continued to have some contact with his mother but couldn't live with her due to his behavior toward her. Without his basic needs being met and without adequate support to navigate the daily challenges he faced on the streets, he ended up being charged with a number of offences and was placed in the New Brunswick Youth Centre. The Office of the Child and Youth Advocate took the lead and organized a case conference where a number of different agencies and departments sat together to help develop a plan for this youth.

As a result of the conference, the youth was placed in a family environment, he served a community sentence rather than in closed custody, and school became an option for him once again.

**“I want to live in a family (foster family), not a group home!”**  
14-year-old in a group home

## Let's make a plan

The Child and Youth Advocate intervened in the sentencing of a youth at Portage Substance Abuse Rehabilitation Centre who was placed on probation for her self-harming and threatening behaviours. She was turning nineteen at the time.

A case conference allowed officials from Portage, probation services, the youth's foster parents, the Department of Social Development, and the youth herself, to come up with a plan for her transition to community living.

**“I can't trust adults who treat me like I am 5 years old. It doesn't help me when they tell me I need a time out or when they keep me in my room for three days. It just makes me more mad.”** A 14-year-old in a group home

## Another chance at life

The Office of the Child and Youth Advocate received a call from a parent concerned about her 18-year-old son. He was in trouble with the law and was no longer in school. He had experienced substance abuse problems and wanted help. He eventually made the decision to stop using and got himself on the waiting list of a rehabilitation centre. Because of this, the court was willing to give him another chance.



When the Child and Youth Advocate spoke with the youth, he explained that he had just received notice from the rehabilitation centre that he would have to wait another six months for treatment. The youth was at his wits' end and felt that he could not hold on any longer. He was breaking down. A delegate of the Child and Youth Advocate worked with the rehabilitation center to avail them of the acute circumstances facing the youth. The youth was then admitted to the rehabilitation centre that same week.

**“I find it difficult to understand why a kid with the same diagnosis and who did pretty much the same things as I did got to have a place in only 3 days and only spent a month at NBYC because the judge ordered people to find him a place when I had to stay much longer at NBYC and have been at the hospital for two years. How come they can't find a place for me?”** Young adult with complex needs





## Working Together

A situation that involved a youth who suffers from serious cognitive impairments was brought to the attention of a delegate of the Child and Youth Advocate.

The youth had recently been remanded to the New Brunswick Youth Centre (NBYC) for recurring non-violent breaches of a probation order. Once the delegate met with the youth, it became obvious that the youth did not possess the cognitive abilities to understand why this temporary stay in a closed-custody facility had been ordered. Moreover, it was suspected that this youth would not have been able to formulate the criminal intent to breach the conditions of the probation order. In fact, expertise on file warned that, although in mid-teens, this youth had the cognitive abilities and maturity of a child half that age.

The youth's actions had previously been deemed to be behavioural in nature, and the remand order to NBYC was to give this youth supports that were unavailable in the community. In short, the youth was incarcerated for all of the wrong reasons.

The Child and Youth Advocate's clinical staff with the cooperation of the NBYC clinical team gathered all available information on this young person in order to generate options that would set the stage for an effective release plan strengthened by community-based interventions, services and solutions. These actions led to one of the first formal uses of a case conference initiated by the Child and Youth Advocate.

Over 20 individuals—parents, departmental representatives, members of non-governmental organizations—interested in the well-being of the youth participated in the case conference. A community clinical plan was drafted and later presented to the youth court judge. The youth court judge released the youth back into the community after the probation officer involved presented a clinical plan that would ensure effective and continued services, as well as on-going collaboration between the various stakeholders.

***“I am a person concerned above all else with the problem of uplifting the lives of children...”***

***-Janusz Korczak***

## Individual Advocacy: Lessons Learned and Next Steps

### Lessons Learned



*Photo by Communications New Brunswick.*

\*Delegates, outreach staff and the Child and Youth Advocate, himself, need to be more visible to youth who may need help from the office.

\*All community stakeholders need to be involved in crime prevention and reduction (in the development of Community Youth Justice Committees), in order to keep more youth out of the criminal justice system.

\*There is an urgent need for a Centre of Excellence for Children and Youth with Complex Needs in order to provide proper assessment and treatment for mental health needs, and to end the practice of sending youth to an adult acute facility.

\*An examination—prompted by an increase in the number of requests for advocacy around issues of inclusion and reintegration—is needed within the educational system.

### Next steps

\*Increased public education on the mandate and role of the Child and Youth Advocate

\*Meetings with department officials, agency directors, program managers and supervisors.

\*Broader outreach to community stakeholders with a particular focus on the legal community, teachers and educators, and public health officials.



*Photo by Communications New Brunswick.*

## Looking Forward: The Year Ahead

2011-2012 will be a year of adaptation and renewed energy in the Office of the Child and Youth Advocate. With the retirement of Bernard Richard on April 30, 2011, and the splitting of the Office of the Ombudsman and Child and Youth Advocate, Acting Child and Youth Advocate Christian Whalen, along with delegates and outreach staff, will work hard to maintain the high standard of professionalism established under Mr. Richard's tenure in the office.

Of particular importance for the year ahead is increasing the public profile and enhancing the public understanding of the role and mandate of the Child and Youth Advocate. At the same time, the office will strive to provide the same diligent and comprehensive advocacy for all young people in need.

### Several projects for the year ahead include:

- The National Conference of the Canadian Council of Child and Youth Advocates, September 20-22, 2011, in Fredericton.
- A national review of Income Security Programs for Youth Leaving Care, commissioned by British Columbia's Representative for Children and Youth and other Canadian child and youth advocates, in conjunction with the Child Welfare League of Canada.
- Follow-up on recommendations made in the *Staying Connected* and *Hand-in-Hand* reports.
- The 2011 State of the Child Report and Children's Rights and Well-being Framework, in collaboration with the New Brunswick Health Council.
- The first annual Children's Rights Awareness Week in New Brunswick.
- Youth Engagement Framework for New Brunswick, in collaboration with Youth Matters.
- Monthly "Community Updates" that build on newsletters sent out to community stakeholders in July 2010 and April 2011.



*Photos by Communications New Brunswick.*

## Office Financial Information

In 2010-2011 the financial information of the Office of the Child and Youth Advocate was combined with that of the Office of the Ombudsman, which has responsibilities under the following statutes: *Ombudsman Act*, *Civil Service Act*, *Right to Information Act* †, *Archives Act* and the *Protection of Personal Information Act* †.

The following financial information is based on the operations of both offices and their responsibilities.

	Budget (\$)	Actual (\$)
Personal Services	1,429,600	1,485,501
Other Services	243,000	144,746
Materials and Supplies	30,500	21,520
Property and Equipment	26,100	17,042
Contributions and Grants	0	2,725
Debt and Other Charges	0	216
Total	1,729,200	1,671,750

†Part of the year