

ORAL QUESTION—JULIE GREEN, MLA YELLOWKNIFE CENTRE

QUESTION 606-18(3): CHILD AND YOUTH ADVOCATE

February 25, 2019

MS. GREEN: Mahsi, Mr. Speaker. My questions are for the Minister of Health and Social Services. During his almost eight years in his portfolio, has the Minister had any discussions about developing an office for child and youth advocacy in the NWT? Mahsi.

DEPUTY SPEAKER: Minister of Health and Social Services.

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. In the 16th Legislative Assembly I participated on a committee that did a review of the implementation and delivery of child and family services in the Northwest Territories. With the chair, who at the time was the honourable Member for Tu Nedhe-Wiilideh, we travelled throughout the Northwest Territories. We also travelled to many other jurisdictions and we talked to professionals about these services. One of the things that came up on a regular basis was the child advocate. We met with the child advocate in Alberta and we talked about the role of an advocate.

At that time the committee, based on their discussions, did not recommend an advocate, but rather in recommendation 25 of the report they recommended some changes to the legislation that would allow a child to have some representation, and that could have been a legal professional, extended family, a member of the parents' band council. There was also a second recommendation, recommendation 26, to establish a mechanism to ensure that every child's voice is heard and that the child understands what is happening to them at every level of the child welfare system. Those recommendations were accepted and enacted. There were changes to the Child and Family Services Act that allowed individuals to be there as an advocate for them. It wasn't a child advocate as the Member is describing, but we also moved forward in the Department of Justice and established the Office of the Children's Lawyer in 2011-2012 to allow for children to be appointed a lawyer in certain child protection issues.

I recognize that a children's lawyer is not a child's advocate, but when it comes to a child who has access to the legal system, they provide those types of services. So it doesn't get every child, as the Member is describing, but it certainly touches those who are engaged in the court system. Thank you, Mr. Speaker.

MS. GREEN: I appreciate the fulsome answer from the Minister. He said that he wants to make sure every voice is heard. I am wondering what the mechanism for that is without someone in a formal advocacy position.

HON. GLEN ABERNETHY: The Child and Family Services Act, after it was amended, actually allows for a child and each parent of the child to choose and be accompanied by an adult who may assist them in the expression of his or her views when engaging the courts and when engaging the system. It doesn't necessarily allow or support the child advocate as the Member is describing, but it does allow for advocacy.

The Office of the Children's Lawyer began serving clients in 2011. I understand, once again, that that is not a child advocate, but it does provide those services once a child has access to the court system through Child and Family Services. We are doing some of those things. The legislation allows us to have other people advocate on their behalf.

MS. GREEN: Given the two reports from the Office of the Auditor General which both feature concerns about children not being heard and not being in regular contact with authorities, I am wondering if the Minister is ready to revisit this discussion about having an independent, arms-length agency that is an advocate for children and youth?

HON. GLEN ABERNETHY: These were conversations that occurred both in the 16th and the 17th Legislative Assemblies. At that time, we did not move forward with the child's advocate. Neither the committee recommended nor the government of the day moved forward with it. The child's advocate is not a children's lawyer, as I have already indicated, but they are more comparable to an ombud with a focus or a specialization in children and youth.

If this Assembly were interested in pursuing that, it would require legislative changes or legislative drafting. It would require budgeting. It would require a number of things. We didn't contemplate that in the remainder of this Assembly. Instead, we are looking at other types of positions that can support families and children, like family support workers under the Child and Family Services Act and Building Stronger Families. We didn't contemplate that as a result of discussions in previous Assemblies, and we are focusing more on other types of positions that could provide those types of supports.

DEPUTY SPEAKER: Oral questions. Member for Yellowknife Centre.

MS. GREEN: Mahsi, Mr. Speaker. I think it is worth revisiting this conversation because of the number of things that have changed in the last one or two terms since the Minister was a Regular Member around having a child and youth advocate. As I indicated in my statement, there is considerable uptake in both the Yukon and Nunavut in having these services available to children. Given that interest, how can I, as a Member of the Standing Committee on Social Development, move this initiative forward so that we can engage in conversation with the Minister and his department? Mahsi.

HON. GLEN ABERNETHY: I appreciate the role of a child advocate. I did have opportunities to meet with child advocates in other jurisdictions and learn about the importance of them. I am not saying the Northwest Territories will never have a child advocate, nor should we never have a child advocate. The bottom line is, for the remainder of this term, we are already looking at our last O and M budget before us. It would take legislative drafting. Given the legislative agenda that is in front of us, it probably is not something we are going to be able to accomplish.

However, that doesn't mean we can't start looking at it. If this is something that committee would like us to put some attention on, at least do some research around the concept, what it would take, we are happy to look at those things. I don't believe we are going to be in a position to write legislation, pass legislation, or get it funded within the life of this government. We are certainly open to input from committee. Thank you, Mr. Speaker.

