



# young people have a voice



Just after I was hired as the Yukon Child and Youth Advocate I was approached by a complete stranger.

"Hi Andy, you don't know me but my husband and I started negotiating for the position of a child advocate back in 1983. I'm glad to see the long overdue position is finally being filled. Congratulations!"

She never did introduce herself, but to say the position of a child and youth advocate for the Yukon was "long overdue" had to qualify as one of the top understatements of that year. **Andrew Nieman, Child and Youth Advocate**

## A privilege and an honour

Child and Youth Advocate Message: Andrew Nieman

Fifteen years ago I wrote a university paper entitled *Who Will Still the Cry of a Hurting Child at Night?* Little did I know at that time that I would one day be in the privileged position to help children and youth who face the real life challenges that I wrote about back then. My work as the Yukon Child and Youth Advocate is truly both a privilege and an honour.

The Yukon Child and Youth Advocate Office became a reality and opened its doors to the public on April 1, 2010, the same day that the *Yukon Child Advocate Act* was proclaimed. In the 18 months since the Child and Youth Advocate Office was created much has been accomplished. Starting from 'scratch' the Office has, in a very short time, become fully engaged in providing advocacy support to children, youth (18 years of age and under) and their families

as they navigate their way through the Yukon child service system.

Despite the considerable public discussion that took place when the *Child and Youth Advocate Act* was being considered, it was surprising how many people are unaware of the Child and Youth Advocate or the role we play. An important early task was increasing awareness of the Office by providing information to communities, associations, First Nation governments and government departments, that the Office had been established and that we were fully engaged. To help clarify our role we adopted the slogan: **Young people have a voice!** As you will see from the community outreach noted in this Annual Report, numerous meetings have been held with a very broad range of groups and leaders concerned about the well-being of our children and youth.

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Child and Youth Advocate Message *continued*

Many of the children and youth I have come in contact with are more vulnerable than others and require help accessing the supports and services provided by the Yukon government. Many of these children face uphill battles due to poverty, abuse, addiction, family violence and isolation. The system of supports available to children, youth and their families can appear confusing and complex, especially in more remote Yukon communities where services and information available may be limited. I have heard children, youth and their families tell us they feel like they have no say in what happens to them. These young people need advocates and it is immensely important that the Yukon Legislature has created our Office to help them.


Our initial work has focused on our primary role: individual advocacy—representing the interests of and assisting children, youth and their families in understanding and resolving concerns accessing Yukon government services. Most often, we help our clients by providing them with the information or assistance they need to have their voices heard

and considered when accessing assistance. In some instances, our advocacy will become more concerted as a child or a youth may require more assistance to ensure their voice is heard. In promoting the rights and interest of the children and youth eligible to receive designated services, we strive to support collaborative solutions with the department or agency providing the service. This may result in the use of informal dispute resolution.

I will continue to build on and enhance our advocacy program. I will be expanding our community outreach program to ensure that children and youth in all regions of the Yukon have access to advocacy support and service. My Office will increase the awareness of children's rights generally and of the United Nations Convention on the Rights of the Child. The Convention sets out the basic rights of children everywhere including the right to be protected from harmful influences, abuse and exploitation. I will continue to consult with communities, First Nations and individuals to help identify their advocacy information needs while encouraging and

supporting the development of community-based advocacy programs.

Our legislation also provides that the Advocate may review and provide advice on substantial issues of public interest, whether it is policy or systemic issues that may be identified in the course of performing our duties. I am giving greater attention to collecting and analyzing information gathered from individual advocacy cases. The initial analysis we have conducted has identified several areas of concern including: mental health services for children and youth, services for children with special education needs and youth in care, teen pregnancy and child protection and intervention. In the coming months I plan on putting more emphasis on the learning that results from our analysis. I intend to put a more concerted focus on systemic issues that have been identified and on providing advice to government with regard to information and concerns that have come to my attention.



Andrew Nieman

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**The Advocate's primary concern is to ensure that:**

**a child or youth's rights, views or preferences are heard and considered in decisions that affect their lives; and,**

**that all relevant information about a child or youth has been properly considered when a decision is made regarding them.**



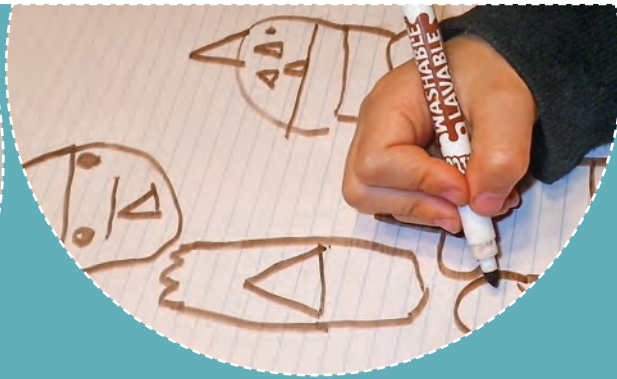
# supporting our children and youth

The need for a child and youth advocate was identified in many of the consultations held with lawyers specializing in family law, foster parents, school councils and boards, children and youth, parent and grandparent groups, the Ombudsman and the general public when the Yukon government considered revisions to the *Child and Family Service Act*. The 2009 *Child and Youth Advocate Act* resulted in the appointment of Andrew Nieman in April, 2010 as the Yukon's first Child and Youth Advocate. The Advocate Office is an independent agency which reports annually to the Legislative Assembly and is expected to make a difference in the lives of children and youth.

Now, every child and youth in the Yukon has the right to request support, assistance and information for programs or services provided by government departments, schools and First Nations service authorities. The made-in-Yukon Child and Youth Advocate role addresses the cultural and social uniqueness of the Yukon. The primary role of the Advocate is to forge working partnerships with children and youth, their families and service providers to ensure that the voices of children and youth are heard.







## what we do:

The Advocate Office can support, assist, inform and advise children and youth with respect to government services including:

- providing information and advice related to how to effectively access government services and any process for review of decisions respecting the service;
- working with the child or youth to ensure that their views and preferences are heard and considered;
- promoting the rights and interests of the child or youth to be safe, healthy, educated and heard;
- working with the child or youth to resolve issues using an informal dispute resolution process; and,
- reviewing and providing advice in respect to issues with the department, First Nation service authority or school board in regard to policy or systemic issues that the Advocate Office notes to be of public interest.

The Legislative Assembly or a Minister may refer to the Advocate Office to review and report on any matter relating to the provision of designated services. A First Nation government or municipality may request that the Advocate Office perform their primary role for a child or young person receiving, or who is eligible to receive, programs or services provided by the First Nation or the municipality.

The Advocate gives priority to children and youth who do not have others who can assist them to advocate for their rights, preferences and interests.

## why we do it:

The Advocate Office services Yukon's children and youth by striving to protect their rights and interests as well as empowering them to receive the benefits of designated government services.

By providing information, support and advocacy, the Advocate Office will act with and on the behalf of children and youth to ensure that they receive appropriate designated government services, and in doing so, have their voices heard and their rights respected.

Designated services are government-funded services or programs for children and youth including but not limited to: education, child protection, foster care, adoption, guardianship, disabilities, mental health, addiction services and youth justice.





## how we do it:

In determining whether or not we have a role, the Advocate first seeks to understand the views of the individuals involved including the youth or child, the service provider and family members. Based on the initial assessment the Advocate's involvement may include providing advice, coaching on effective self-advocacy, requesting and/or attending planning meetings and if required, advocating directly on behalf of the child or youth.

- Anyone can contact the Advocate Office on behalf of a child or youth.
- Children and youth are encouraged to contact the Advocate Office (when possible) on their own or with someone's assistance.
- The Advocate will listen to ensure that children and youth have a full opportunity to express their views and feelings.
- After carefully considering the information and circumstances, the Advocate will provide support for the child or youth in accessing the service provider.
- The Advocate Office may contact the government agency, department or First Nation regarding a concern with the delivery of a designated program or service.
- Information will be clarified and the steps taken by the department or service provider will be reviewed.
- Follow up with the service provider and the youth/child.

## what we don't do:

- Influence or override decisions made by the government organization that provides designated services to children and youth.
- Provide child protection services, financial assistance or counselling.
- Speak for children and youth in a court of law or influence a legal decision that has been made in their regard.
- Take action or interfere with a tribunal or court process that has jurisdiction regarding the programs and services for children and youth.
- Represent children and youth in custody matters.
- Change custody and access arrangements.
- Interfere with or impede the work of agencies providing designated services.

The Advocate has the discretion not to take any action when he is of the opinion that a request is trivial, frivolous or vexatious. If the circumstances indicate that involvement is unnecessary, frivolous or vexatious, that a person making a request does not have sufficient or legitimate interest in the child or youth, or if the knowledge of the matter is more than six months old, the Advocate may, in his discretion, not take or cease taking any action.





## our guiding principles:

1. The family is the primary source of nurturance, support and advocacy for children and youth.
2. Cultures, traditions, values and beliefs play a vital role in strengthening the identity and resilience of children and youth.
3. Relationships based on trust and respect enhance the will to cooperate and resolve issues.
4. First Nations have a responsibility for children and youth who are members of their First Nation and a desire to be involved in processes regarding the protection and realization of their members' rights and interests.
5. Children and youth are active participants in their own development and have an evolving capacity to form and express views.
6. Communication with a child or youth must be respectful and appropriate to the skills, abilities, and developmental maturity of the child or youth.
7. A child or youth-centred approach focuses on the interests, needs and rights of the child or youth and recognizes that a child or a youth grows and develops as part of a family, a culture and a nation.

# who we are:



Bengie Clethero, Andy Nieman and Tina Elias

## Child and Youth Advocate

### Andy Nieman

Andy is the first Child and Youth Advocate for the Yukon. Andy is of Northern Tutchone First Nations ancestry, born and raised in Whitehorse. He is a residential school survivor who also spent time in foster care and group homes throughout his younger years. He lived on the streets of Vancouver's Inner City District, addicted to drugs and alcohol.

Andy made a revolutionary change through his faith in God to turn his life around for the better and decided to pursue his Bachelor of Social Work degree. After receiving his degree he began working as a therapist at Kwanlin Dun's Community Wellness Program. He then worked with the Yukon Territorial Government as a therapist at Child Abuse Treatment Services. Through his career experience Andy has developed a trusted and respected reputation among the communities that he has served.

Andy is a husband, father, grandfather and Pastor. He is a revered member of the community, being clean and sober for over 17 years.

Integrity, commitment and compassion are the foundations of success for Andy. It is with these qualities at the forefront of his mind and heart that Andy approaches his work and all areas of life.

Andy believes that all children and youth have the right to be protected because they are a valued part of society and they deserve the highest standard of government programs and services available. He takes his position as the Yukon Child and Youth Advocate very seriously, stressing the need to protect the rights and interests of the children and youth that he serves.

## Deputy Child and Youth Advocate

### Bengie Clethero

Bengie Clethero was born and raised in Whitehorse. Bengie is of Northern Tutchone and Tlingit descent and is a member of the Crow Clan. She grew up in Whitehorse and has witnessed considerable change in our community and has first-hand experience in the education system.

Bengie was previously employed as the workshop coordinator for the Cultural Resilience Project with the Northern Cultural Expressions Society. The goal of this project is to build up the resilience of at-risk youth which in turn supports youth to make choices that result in positive and productive lives.

Prior to her work with the Northern Cultural Expressions Society, Bengie was employed for 14 years at the Whitehorse General Hospital, First Nations Health Programs, as the First Nations child life worker. A large part of her work was advocating for patients who required liaison with medical professionals, social workers, government agencies, local resource people, community people, First Nations governments and families.

As Deputy Advocate, Bengie is looking forward to working with Andy in supporting youth and children to have their voices heard.

## Office Administrator

### Tina Elias

Tina Elias is from the Wolf Clan, having both Tlingit (Carcross) and Nuxhalk (Bella Coola) roots. She was born and raised in Whitehorse and has also resided in Haines Junction and Old Crow.

Tina has worked as an office executive assistant for over 20 years with Yukon First Nations, territorial government and federal organizations.

She is a wife, mother and grandmother who understands the importance of family unity and relationships, and believes strongly that our Office can make a positive difference in the lives of Yukon children and youth.



# confidentiality:



## How is personal information protected?

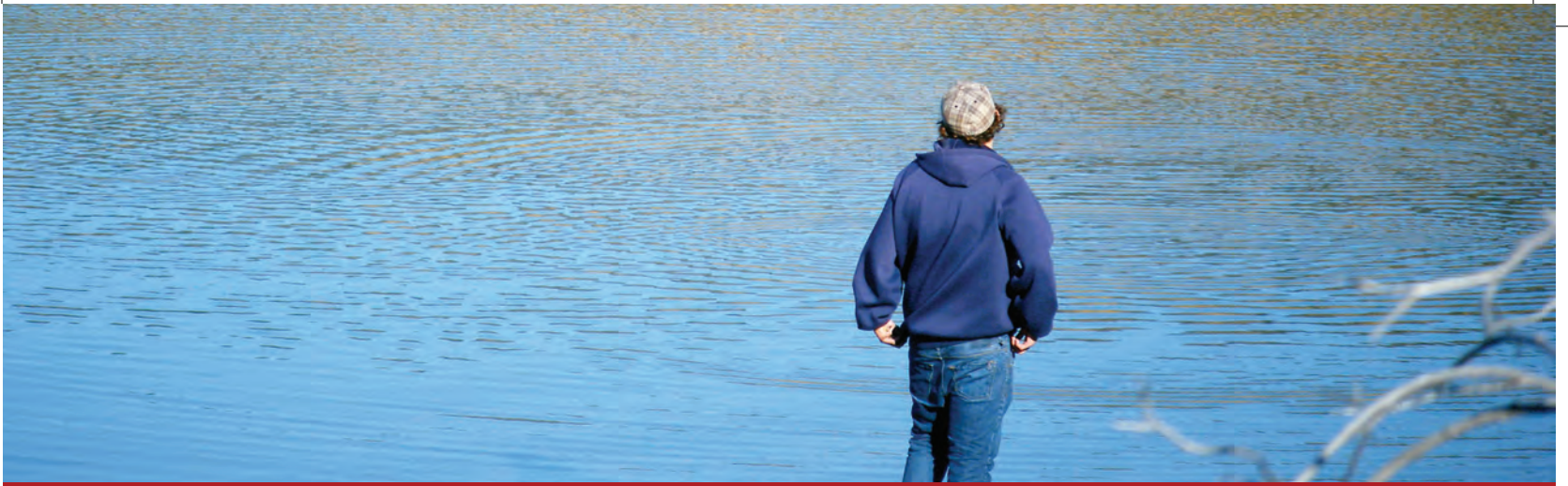
The *Child and Youth Advocate Act* provides that the Advocate has the right to any information in the custody and control of a public body to enable the Advocate to exercise his powers to perform his role. Yukon agencies providing designated services on behalf of the Yukon government have a legal obligation under the Act to provide requested information and respond to reasonable questions that the Advocate may have regarding any information that was provided. The Advocate can request disclosure of any information pertaining to a child or youth seeking assistance. The request for disclosure of information is not restricted to only that information pertaining directly to the child or youth and is permitted by the Act to extend to information regarding other persons related to the matter under consideration, if necessary.

The Yukon *Access to Information and Protection of Privacy Act* (ATIPP) applies to the Advocate. The ATIPP Act limits the unauthorized collection, use, disclosure, access and disposal of personal information. As information sharing is a critical component of the Advocate's role, care must be taken when personal information is disclosed. Personal information gathered and disclosed by the Advocate through formal or electronic correspondence is confidential and may not be disclosed unless authorized under ATIPP and the *Child and Youth Advocate Act*. Personal information includes information that can be linked back to, or can identify, a specific individual through association or inference.

All Child and Youth Advocate staff must maintain confidentiality in respect of all matters that come to their knowledge in the exercise of powers and the performance of functions and duties under the Act. This means that the Advocate and all other staff must not divulge to anyone information on confidential matters regarding their responsibilities related to their legislatively mandated duties and functions. The Advocate must ensure that all information in their control and custody is secure and appropriately protected.

The Advocate and persons employed by the Office of the Advocate must also take an Oath of Confidentiality that they will not disclose any information except as permitted under the *Child and Youth Advocacy Act*. The Advocate has established operational policy with regard to *Standards of Ethics and Conduct* expected by the Office.





## stories of success:

Susan\*, a pregnant 17-year-old in the care of Child and Family Services, phoned the Yukon Child Advocate. She was very upset because she heard that her baby was going to be taken away at birth and she wanted to keep her child. She could not think of any child protection concerns that would warrant her baby being taken from her.

Susan has lots of support from her biological family and the father's family. She did not have a problem with substance abuse and no mental health issues. Just because she was "in care" she felt this did not mean that she had no right to keep her baby.

**Action:** After speaking with the youth, the Advocate spoke with the families and the Yukon agencies involved to express the concerns of the mother.

**Outcome:** Once it was established that there were no child protection concerns, the youth was able to keep her child. Mother and child are doing well as of this writing.

According to Trevor's\* parent, he was suspended from elementary school because he told a teacher that two other students were acting inappropriately towards him. The parent called the Yukon Child Advocate, because he felt his child did not deserve to be suspended for doing what was right: speaking to a teacher about unwarranted behaviour.

**Action:** In meetings with the parents, teachers, principal, school superintendent and the student, the Advocate ensured that the views and preferences of the student were heard with regard to any decisions being made that would affect the youth.

**Outcome:** As a result of advocacy support, new options were identified which enabled school officials to make decisions which respected the rights of the youth involved and addressed the inappropriate behavior.

*\* Note: Actual cases resolved by the Yukon Child and Youth Advocate Office with names and genders changed to protect confidentiality.*

# community outreach:

The Yukon is a vast territory with a number of diverse and distant communities. The Advocate has made it a personal priority to travel to as many communities as possible and meet directly with people to provide an overview of his role and promote child and youth advocacy. In addition to working with the Department of Health and Social Services, the Department of Education, First Nations and numerous schools, the Advocate has spent considerable time meeting with community representatives, youth-serving associations, and other groups and individuals concerned about the well-being of children and youth.

The Yukon Child and Youth Advocate Office holds membership in the following professional groups:

- Canadian Council of Child and Youth Advocates (CCCYA)
- Child Welfare League of Canada (CWLC)
- National Youth In Care Network (NYICN)
- Canadian Coalition for the Rights of Children (CCRC)

## Meetings have been held with:

### YUKON FIRST NATIONS:

- Grand Chief and Chiefs
- Council of Yukon First Nations
- Health Commission, Council of Yukon First Nations
- Carcross/Tagish First Nation (Carcross)
- Little Salmon Carmacks First Nation (Carmacks)
- Kwanlin Dun First Nation (Whitehorse)
- Tr'ondek Hwech'in First Nation (Dawson)
- Vuntut Gwitchin First Nation (Old Crow)

### YOUTH GROUPS:

- B.Y.T.E. (Bringing Youth Towards Equality)
- Youth In Care Network
- Youth Achievement Centre

### CENTRES AND GROUPS:

- Yukon Ombudsman and Information and Privacy Commissioner
- Centre de la francophonie
- Association of Social Workers of Northern Canada
- Yukon College Social Work Law Class

### CONFERENCES AND WORKSHOPS:

- Yukon Poverty Coalition
- Choices, Youth Sexual Health Conference
- Missing and Exploited Children Conference
- Legal Fair (aimed at youth and focusing on disability issues)
- Education Department Open House
- Forum on Youth Corrections and Mental Health
- Social Inclusion Symposium
- Yukon Association for Community Living AGM





# reporting out:

## REQUESTS FOR ADVOCACY

Requests for and assistance providing information	70
Supporting self-advocacy (Advocate provides support but does not participate in agency discussions)	15
Providing basic advocacy support (Advocate ensures child or youth's voices are heard, and in instances where they have no voice or require support, speak for them)	20
Comprehensive advocacy (involving two or more issues and/or multiple government/ First Nation agencies)	21
Systemic advocacy (comprehensive issues arising about the availability, effectiveness, responsiveness and relevance of designated government services)	4
<b>Total</b>	<b>130</b>

Of the 130 requests for Advocacy assistance the vast majority of requests arise from:

58%	Family members
5%	The youth or child themselves
37%	Service providers, First Nations and other unspecified individuals

Of requests received, the most frequent issues involved:

48%	Child and youth custody and access issues
15%	Mental health, especially access to assessment and support services
12%	Access to learning assessments and support for children with learning disabilities
7%	Other child/youth program service requests
18%	Unique issues that could not be summarized under a general heading

In the last 18 months the Advocate received 130 requests for assistance of which 114 have been resolved. The Advocate currently has 12 active cases and an additional four longer-term files that remain open. Whitehorse residents represented 64% of the contacts made with the Advocate with the balance of contacts from both rural First Nations and non-First Nation Yukon communities.

As many of the custody and access issues brought to the attention of the Advocate are of a legal nature, where the subject matter of the request is before another body, tribunal or court, the Advocate will assess the information provided and may exercise his discretion to not take any action.



## contact us:

### **Yukon Child and Youth Advocate**

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