

August 23, 2019

COPY

Lorna Rosen
Deputy Minister of Health
22nd Floor, ATB Place
10025 Jasper Avenue
Edmonton AB T5J 1S6

Dear Lorna Rosen:

**Subject: Tyla Rain Rose Chipaway – Public Fatality Inquiry
Response to Recommendation**

Please find enclosed the Honourable Deputy Chief Judge L.K. McLellan's report to the Minister of Justice and Solicitor General regarding the public fatality inquiry into the death of Tyla Chipaway. Judge McLellan's report was publicly released on February 6, 2019.

The following recommendation may impact Alberta Health:

Recommendation #8

The child was regularly using drugs and consuming alcohol and not living with her guardian.

The Preamble to the *Protection of Children Abusing Drugs Act*, SA 2005 c 27.5 includes the followings:

Whereas the safety, security and well-being of children and families is of paramount importance to the people of Alberta.

Whereas children who abuse alcohol or drugs are a danger to themselves and require help.

This legislation allows legal guardians for children under the age of 18 years to apply for a Protection Order. Guardians provide evidence that the child's use of alcohol/drugs is likely to cause significant harm to the child or others. If the Protection Order is granted, the child is admitted to a Protective Safe House for up to 10 days where the child undergoes detoxification, stabilization and assessments with addiction counsellors.

Consideration should be given to amending the legislation to allow applications by the Director of Child and Youth Services if a child is under an Initial Custody Order pursuant to the Child, Youth and Family Enhancement Act.

I ask that you please advise the following:

1. Whether Alberta Health accepts, accepts in principle, does not accept, or has a different response to each recommendation;
2. A brief explanation of why that decision was made; and
3. If Alberta Health intends to accept the recommendation, or to implement different measures, what steps will be taken in that regard.

A response to this enquiry is not mandatory. However, be advised that this letter and any response received will be publicly released and posted on the Open Government Portal:

<https://open.alberta.ca/opendata/responses-to-public-fatality-inquiry-recommendations>.

If a response has not been received by January 6, 2020, that information will also be made publicly available.

Thank you for your cooperation in this matter.

Yours truly,

Jennifer Fuchinsky
Fatality Inquiry Coordinator
Enclosure