

March 12, 2021

Darlene Bouwsema
Deputy Minister of Children's Services
12th Floor, Sterling Place
9940 – 106 Street
Edmonton AB T5K 2N2

Dear Darlene Bouwsema:

**Subject: TDM, TCM, TMB, and DB - Public Fatality Inquiry
Response to Recommendations**

Please find enclosed a copy of the Honourable Judge J.E. Schaffter's three reports to the Minister of Justice and Solicitor General for the deaths of the above-noted four young persons. This report will be publicly released on April 2, 2021.

The following recommendations may impact Alberta Children's Services:

- The experts spoke at length about brain development research and research into the effects of trauma on children and the potential for long term negative impacts on the child in childhood and into adulthood. The greater the number of adverse childhood experiences the greater the potential negative impact. The Report, *Into Focus* by the Office of the Child and Youth Advocate states that "trauma, abuse, family breakdown, parental substance use and lack of connection to school may increase a young person's risk of substance use." Early identification of childhood trauma and education of individuals, professional and familial of the effects of trauma on a child will assist in helping the child to develop resiliency in order to mitigate the effects of the trauma. Programs such as Head Start are geared towards providing young children who are experiencing difficulties with additional supports. Operation of these programs largely falls to not for profit community groups and in smaller rural areas such a group may not exist. **Government ministries should investigate and actively facilitate the operation of early intervention services in rural areas.**

- Although it appears from the representations of the panel members that education on a trauma informed approach for professionals has increased over the last 10 years, **Brain Development and training in the trauma informed approach should be maintained and enhanced.**
- All of the Youth reviewed were or had been involved to some degree with Child Intervention Services. In one instance, a Permanent Guardianship Order was granted to the Director as a result of parental substance abuse and physical abuse. In the other three cases, Children's Services was involved with the family through Enhancement Agreements which were never followed through by the parents. Personnel from Children's Services were aware of the youths' substance use; having witnessed the youths apparently high on some substances at various times. Children's Services were aware that the youths had been admitted to the hospital for overdose, had been charged with criminal activity, were not attending school, were living at a residence that was well known as a "drug house". Children's Services felt that they were unable, because of legislation to intervene for the children in any greater way than to enter into an Enhancement Agreement which is a contingent upon a parent voluntarily entering the agreement and following through. The parents did not follow through on any of the terms of the Agreements and the youth continued to be at risk. Children's Services representatives advised the inquiry that they felt that their Ministry as well as guardians needed greater legislative assistance in dealing with youth who are struggling with substance abuse. *Protection of Children Abusing Drugs* legislation is designed only to provide detox services and was not implemented to assist in rehabilitation or ongoing safety for the youth.

The *Child Youth and Family Enhancement Act* provides in section 1(2) that a child is in need of intervention if there are reasonable and probable grounds to believe that the safety, security or development of the child is endangered because of any of the following:

- (a) the child has been abandoned or lost;
- (b) the guardian of the child is dead and the child has no other guardian;
- (c) the child is neglected by the guardian;
- (d) the child has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian of the child;
- (e) the guardian of the child is unable or unwilling to protect the child from physical or sexual abuse;

- (f) the child has been emotionally injured by the guardian of the child
- (g) the guardian of the child is unable or unwilling to protect the child from emotional injury;
- (h) the guardian of the child has subjected the child to or is unable or unwilling to protect the child from cruel and unusual treatment or punishment.

The inquiry was advised that this section was interpreted by the individuals from Children's Services to mean that Children's Services could not intervene in the family unless it was the actions of the parents that was placing the child at harm. The substance abuse of the youths reviewed which was putting the youth at risk and ultimately was the cause of death for the youth was not sufficient to allow intervention unless the parents voluntarily agreed through an Enhancement Agreement.

The Inquiry was advised that the *Child Youth and Family Enhancement Act*, formally the *Child Welfare Act* was amended in 2003 with the deletion of an additional provision that a child is of need of intervention if:

- (i) the condition or behaviour of the child prevents the guardian of the child from providing the child with adequate care appropriate to meet the child's needs.

This section was deleted with the amendments in 2003.

Youth Substance abuse is a growing concern for our society and is putting an increasing number of youth at risk. The state has a duty to intervene to protect children who are at risk. When parents are unable or unwilling to protect the child, the state should have the ability to step in to protect the child. **Children's Services should review the *Child Youth and Family Enhancement Act* or consider new legislation that would better able the state to intervene when it is the child's substance abuse that is putting them at risk.**

I ask that you please advise the following:

1. Whether Alberta Children's Services 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 Children's Services 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 August 3, 2021 (four months from the public release date) that information will also be made publicly available.

Thank you for your cooperation in this matter.

Yours truly,

Original Signed

Abid Mavani
Fatality Inquiry Coordinator

Enclosure