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CHILDREN'S ADVOCATE ISSUES HER FINAL REPORT

Document reviews accomplishments and makes recommendations

WINNIPEG - Janet Mirwaldt has issued her final annual report as the Children's Advocate in Manitoba. Her second and final term ends on March 29, 2005.

In the report, released today, she looks back at the accomplishments of the last six years since the Children's Advocate became an independent officer reporting to the Legislative Assembly. She also outlines a number of recommendations for the future of the office.

"It is particularly rewarding to note that many more children and youth now directly access the office when they feel they need help," Mirwaldt wrote. "As well, I believe some of our best efforts were directed at developing and providing public education material and rights based education programs for children and youth."

The report says that before 1999, fewer than 10 per cent of calls to the office came from children and youth. By 2004, that number had doubled to more than 20 per cent.

She said the Office has worked hard to build partnerships in communities, and especially to work closely with aboriginal communities and agencies.

"I believe that we have been able to accomplish a great deal within a limited resource base and in an environment impacted by a child and family services system that has been undergoing massive changes," the Advocate writes.

The report also outlines a case involving the practice of placing children under the age of 12 on the Provincial Child Abuse Registry. The Children's Advocate became involved in the case at the request of an agency that was considering placing the name of a child in its care on the registry list. The Office became the young person's "litigation guardian" in a court challenge to a child's inclusion in the registry.

The Court of Appeal ruled unanimously last October that the legislation does not exclude any age group from being registered and that the court cannot consider a child's best interests when reviewing a registration, because the legislation provides that such authority lies with an agency's child abuse committee.

Mirwaldt argues that the current legislation does not consider the vulnerable nature of these children and that registration may not reflect their best interests.

In leaving the office, Mirwaldt recommends an expansion not only in the budget and staffing levels of the Office, but also in the Advocate's mandate. She notes, for example, that recommendations of the Children's Advocate do not currently have to be implemented, and suggests steps be taken to ensure the Office has clear, comprehensive and adequate powers.

The report seeks a broadening of the scope of the Office, so that it can work on behalf of children in all government departments, not just those in the child and family services system. It also suggests legislation that would require service providers to notify children and youth of their right to access to the Children's Advocate.

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Media contact: Janet Mirwaldt, 945-1364 or 1-800-263-7146