

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 206

CHILD AND YOUTH ADVOCATE (PARENT AND
GUARDIAN ADVISOR) AMENDMENT ACT, 2024

MR. CYR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 206

2024

CHILD AND YOUTH ADVOCATE (PARENT AND GUARDIAN ADVISOR) AMENDMENT ACT, 2024

(Assented to _____, 2024)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends SA 2011 cC-11.5

1 The *Child and Youth Advocate Act* is amended by this Act.

2 Section 1 is amended by adding the following immediately
after clause (a):

(a.1) “Advisor” means the Parent and Guardian Advisor
designated under section 15.61;

3 Section 8(1) is amended by adding “, including the Advisor,”
immediately after “and those persons employed pursuant to the
Public Service Act”.

4 The heading immediately following section 8 is repealed and
the following is substituted:

Part 2 Advocate

Division 1 Role, Functions and General Powers

Explanatory Notes

1 Amends chapter C-11.5 of the Statutes of Alberta 2011.

2 Section 1 presently reads in part:

1 In this Act,

(a) “action” means action as defined in the Alberta Evidence Act;

3 Section 8(1) presently reads:

8(1) There may be a part of the public service of Alberta called the Office of the Child and Youth Advocate consisting of the Advocate and those persons employed pursuant to the Public Service Act that are necessary to assist the Advocate in carrying out the Advocate’s duties and functions under this or any other enactment.

4 The heading immediately following section 8 presently reads:

*Part 2
Advocate’s Role, Functions
and General Powers*

5 Section 10 is amended by adding “, other than the Advisor,” immediately after “The Advocate may delegate to any person”.

6 The following is added immediately after section 15.5:

Division 2 Parent and Guardian Advisor

Definitions

15.6 In this Division,

- (a) “child” means a person under the age of 18 years;
- (b) “family”, with respect to a person under the age of 18 years, means one or more individuals referred to in clause (c);
- (c) “member of the family” means an individual who
 - (i) is a parent, guardian, grandparent or sibling of a person under the age of 18 years,
 - (ii) stands in the place of a parent, within the meaning of section 48 of the *Family Law Act*, with respect to a person who is under the age of 18 years,
 - (iii) has a close relationship with a person under the age of 18 years, or
 - (iv) is a member of a prescribed class of individuals;
- (d) “administrative body” means an agency, board, commission or similar entity that exercises a statutory or regulatory authority under an enactment of Alberta or an Act of the Parliament of Canada.

Designation

15.61(1) The Advocate must, on the recommendation of the Standing Committee, designate an Advisor to carry out the duties and functions set out in this Act.

5 Section 10 presently reads:

10(1) The Advocate may delegate to any person any power, duty or function of the Advocate under this Act except the power

(a) to delegate under this section, and

(b) to make a report under this Act.

6 Division 2 Parent and Guardian Advisor.

- (2) For greater certainty, the Advisor
 - (a) is an employee of the Office of the Child and Youth Advocate, and
 - (b) is not an officer of the Legislature.
- (3) The Advocate may remove or suspend the Advisor for cause or incapacity.
- (4) The Advocate may designate, for a period no longer than 12 months, an acting Advisor if the Advisor is temporarily absent due to illness or any other reason.
- (5) An acting Advisor must carry out the duties and functions set out in this Act until one of the following occurs:
 - (a) a person is designated by the Advocate under subsection (1);
 - (b) the suspension of the Advisor ends;
 - (c) the Advisor returns after a temporary absence;
 - (d) the period referred to in subsection (4) has ended.

Purpose

15.62 The purpose of the Advisor is to

- (a) support families in nurturing, guiding and fostering the growth and well-being of their children,
- (b) support the stability of families as a critical component of a healthy society, and
- (c) carry out the duties described in section 15.63 in a manner that ensures that the best interests, safety and well-being of children are paramount.

Duties

15.63 The duties of the Advisor are to

- (a) provide information, assistance and referrals to families for the purpose of improving the well-being of children,
- (b) assist families with respect to an education program offered by a school, as defined in the *Education Act*, for

the purpose of promoting the academic success and well-being of children, and

- (c) identify systemic barriers with respect to Government programs and services that may be negatively impacting families and the well-being of children.

Functions

15.64 In carrying out the duties of the Advisor under section 15.63, the Advisor may do any of the following:

- (a) meet with families to understand the unique needs of each member of the family and provide information and assistance to promote the well-being of the family's child;
- (b) make referrals to organizations, programs and services for families and children, including with respect to
 - (i) mental and physical health,
 - (ii) spiritual support,
 - (iii) academic services,
 - (iv) human and social services, and
 - (v) language and cultural supports;
- (c) report to the Advocate on any systematic barriers identified by the Advisor with respect to Government programs and services that negatively impact families and the well-being of children;
- (d) perform any other function prescribed by regulation.

Limitations

15.65(1) The Advisor may not act as legal counsel in person or by agent.

- (2) Subject to subsection (3), the Advisor may not participate or assist in respect of a matter that is
 - (a) the subject of an investigation by a law enforcement agency to determine whether an offence under an enactment of Alberta or under an Act of the Parliament of Canada has been committed,

- (b) the subject of an investigation by the Advocate under section 9(2)(d) or a mandatory review by the Advocate under section 9.1, or
 - (c) under consideration by a court or administrative body, including any period of appeal in respect of a decision made by the court or administrative body.
- (3)** Despite subsection (2), the Advisor may provide information to families with respect to
- (a) the justice system and legal and administrative processes,
 - (b) updates on criminal investigations, court proceedings and fatality inquiries involving a family's child if the information is publicly available, and
 - (c) counselling or spiritual support.

Communications

15.66(1) All information provided by an individual to the Advisor in confidence and all documents and records created as a result of confidential communications between an individual and the Advisor are the privileged information, documents and records of the individual and are not admissible in evidence in any action without the consent of that individual.

(2) Despite subsection (1), the information, documents and records described in subsection (1) must be disclosed if disclosure is required under section 4 of the *Child, Youth and Family Enhancement Act*.

Annual report

15.67(1) The Advisor must, after the end of each year, prepare a written report on the exercise of the Advisor's duties under this Act and provide the report to the Advocate.

(2) The annual report referred to in subsection (1) must set out the following in respect of the previous year:

- (a) a summary of the Advisor's activities;
- (b) statistical information about
 - (i) the number of families who contacted the Advisor,

- (ii) the categories of information, assistance and referrals provided by the Advisor to families, and
- (iii) performance indicators measuring the effectiveness of the services provided by the Advisor to families, including satisfaction of families after receiving services from the Advisor;
- (c) details of any systematic barriers identified by the Advisor with respect to Government programs and services that negatively impact families and the well-being of children;
- (d) any other matter that the Advocate or the Advisor considers appropriate.

(3) A report made under subsection (1) must not include the name of, or any identifying information about, any individual who contacted or received information or assistance from the Advisor.

7 Section 21 is amended

(a) **in subsection (1) by adding** “and the report of the Advisor under section 15.67 that was provided to the Advocate for that year” **immediately after** “including each report under section 15.4 of a completed review under section 9.1”, **and**

(b) **by adding the following immediately after subsection (2):**

(2.1) The Advocate must publish the statistical information referred to in section 15.67(2)(b) on the Advocate’s public website as soon as possible after the Advocate’s annual report has been laid before the Legislative Assembly under subsection (2).

8 Section 22 is amended by adding the following immediately after clause (b.4):

- (b.41) prescribing a class of individuals for the purpose of section 15.6(c)(iv);
- (b.42) prescribing additional functions of the Advisor for the purpose of section 15.64(d);

9 This Act comes into force 3 months after the day on which this Act receives Royal Assent.

7 Section 21 presently reads in part:

21(1) The Advocate must report annually to the Speaker of the Legislative Assembly on the work of the Office of the Child and Youth Advocate, including each report under section 15.4 of a completed review under section 9.1.

(1.1) The Advocate must report in the Advocate's annual report under subsection (1) on the progress of the implementation of the Advocate's recommendations.

(2) The Speaker must lay each annual report before the Legislative Assembly as soon as possible.

8 Section 22 presently reads in part:

22 The Lieutenant Governor in Council may make regulations

(b.4) specifying the criteria for recommendations included in reports under section 15.4;

9 Coming into force.

Record of Debate

[illegible]