



Statement

April 28, 2022

For Immediate Release

In January 2021, my Office released a report that called on the provincial government to make changes to better protect the interests of children and youth when they are involuntarily detained under the *Mental Health Act*.

Detained: Rights of children and youth under the Mental Health Act (January 2021) explored the system for involuntary detention and centred the voices of youth who have experienced such detention. It highlighted their insights and raised significant questions about whether they are being made aware of their rights, whether their voices are being heard and acted upon, and what the long-term impacts of involuntary detention are on young people.

I am pleased today to recognize that government has taken a substantial step toward fulfilling a key recommendation from that RCY report by introducing an amendment to the Act that will enable children and youth who are involuntarily admitted to access support from an independent rights advisor. The free advisory service is expected to be operational by 2023.

This addresses Recommendation 5 from *Detained*, which called on “the Attorney General in partnership with the Ministries of Health and Mental Health and Addictions, [to] ensure that an independent body is notified every time a child or youth is detained under the *Mental Health Act* and that this body is mandated to provide rights advice and advocacy to children and youth.”

It also addresses a recommendation from the B.C. Ombudsperson’s 2019 report, *Committed to Change*, which called for an independent rights advisory and advocacy service to be provided.

As a result of this change, services will be delivered by a team of independent rights advisors who will offer information and answer questions about rights and options under the Act. The amendment will require that all patients detained under the legislation are asked if they would like rights advice and, if so, that they are connected

with an advisor. It also allows for advisory sessions for children and youth to involve a parent or caregiver.

As a rights-based advocacy organization, RCY is eager to engage with the Attorney General in understanding how these services will fulfill the needs of children and youth, and specifically First Nations, Métis, Inuit and Urban Indigenous youth. Our Office will carefully monitor how this service is working for all children and youth during the first year of implementation and provide feedback as required.

Sincerely,

A handwritten signature in blue ink, reading "J Charlesworth". The signature is written in a cursive style with a long horizontal flourish at the end. Below the signature is a thin horizontal line.

Dr. Jennifer Charlesworth
Representative for Children and Youth