

YOU SAID “Y.E.S.”. THEY SAID “NO”.

System Failures in the Youth Engagement Services Program
and an Appeal to the Legislature to Protect Children



Dear Members of the Legislative Assembly,

I am writing this report in the form of a letter to you. I am doing that because there is an urgency to what I am going to say, and I want the form to reflect that this is a personal appeal.

You collectively hold the executive branch of government accountable. You give them money and delegate power so that they will carry out the things you want done. My job is to watch those to whom you give power and money, and to tell you if they are treating the most vulnerable of your constituents without the care and compassion you expect.

Today, I am telling you that the treatment of vulnerable teenagers by some regional offices of the Department of Social Development falls short of any acceptable standard. It has been doing so for a long time. The problem is not only a shortage of resources, but also institutional complacency that is leaving children underserved.

This will not be a long report, because I want your attention. I have something urgent that it is my job to tell you. I will confess that I am rattled enough by what I am seeing that, even though I have no standing to tell you to respond, I really hope that you consider the actions I recommend at the end of this open letter.

Disclaimer

This report has been prepared using de-identified information to protect the privacy of individuals. Names, locations, and other potentially identifying details have been altered, generalized, or omitted where necessary to reduce the risk of identification. No material facts have been changed. The events described, the sequence of those events, and the substantive issues remain accurate.

The “YES” Program and How It Should Help Teens At Risk

When the Legislature adopted the *Child and Youth Well-Being Act* in 2022, Members were told that one important feature of the new law was that it would expand the ability of the Department to help teens at-risk make transitions to adulthood. Members of all parties expressed strong support for this goal.

The Youth Engagement Services (YES) program is the main program through which we help these teenagers. Its overarching goal is to “provide social services, including support, to encourage well-being and develop life skills”¹ to youth who “cannot live safely with their parent.”² It is a program for youth sixteen to eighteen who are homeless. The Department of Social Development describes the mission of the program as “ensuring sustained support and guidance during this critical developmental phase of their lives.”³ It also is meant to connect these teens with support for education and training, health and wellbeing supports, mental health and addiction services, and housing and financial help when they can’t get that from the adults in their lives.

The teenagers who look for help in this program have often been repeatedly failed by adults in their lives. The system has often failed to help them when they were younger. They will have high levels of distrust of everyone, with good reason. They are kids who have learned not to trust.

The YES Program is often our last chance to help them before they enter adulthood. Last year, the high school graduation rate of youth in care was only 29%. The Department of Social Development admits that “no flag exists internally” to assess the number of youth who become homeless after aging out of care when they turn nineteen. A point-in-time survey in 2023 found that 30% of individuals experiencing homelessness in the province’s three major cities previously lived in foster care or a group home, and 39% of those individuals became homeless within one year of leaving the Minister’s care. Given that the available statistics suggest that children who have been in care are more likely to become homeless than to graduate high

school, the YES program is crucial. There is a moral, societal and even financial interest in getting these youth help as soon as they ask.

Yet we are seeing regional offices of the Department of Social Development throw roadblocks in front of these kids, denying and delaying help until it is too late. I am going to share with you three current stories that cannot possibly be seen as reflecting the intent of the law the Legislative Assembly passed. It is hard to see these stories as anything but a complete abdication of legal responsibility by the Department of Social Development. Yet these three stories – occurring at the very moment I write this – are indicative of how we have repeatedly seen the YES program “implemented.”

Maddie’s Story

Maddie had a difficult home life. As a youth, she was the subject of several child protection referrals. Her mother moved to a different province without her. Maddie applied to the YES program for help living independently. Social Development refused, saying that Maddie should leave New Brunswick to live with her mother. Social Development took this stance even though they were aware that Maddie’s mother was living with a person who was facing sexual assault charges.

Leah’s Story

Leah is a minor who has been the subject of numerous reports from her schools over the years reporting signs of neglect. Her parents eventually broke off contact and she became homeless. Leah was told by a social worker that she would have to remain homeless for three months before they would accept a YES application from her, because the Department has created that rule. (To be clear, there is nothing in the Act or its Regulations stipulating that a youth has to be homeless for three months before accessing YES supports. There isn’t even anything to that effect in the Department’s Practice Standards. There is no legal or logical reason for it.) During this waiting time, school officials were reporting concerns that Leah’s mental health was worryingly deteriorating. Exactly three months later, Leah applied for YES again. Another two months passed without contact from Social Development. We were contacted, and we immediately contacted the Department. Social Development replied that the application was delayed because they had to assess whether or not Leah could return home, and the parents were avoiding contact so they couldn’t assess that. Leah remained pregnant and homeless. After the Advocate’s office called, the social worker spoke to the parents and made an initial finding that Leah indeed could not return home. A week later, Social Development called the parents again, and they said they would let Leah come home, which Social Development took at face value, and cancelled Leah’s YES application. Then the parents

changed their minds and didn't want Leah to come home. Under further pressure from the Advocate's Office, the Department eventually deemed Leah eligible for YES but said that, seven months after Leah first tried to apply, her application would have to start from the beginning again.

Bobby's Story

Bobby was born addicted to drugs, as his mother was using cocaine during pregnancy. He was taken into care but returned to his mother's care as a toddler despite written warnings from the family's doctor and support worker that there was neglect and instability in the home. Over his life there would be numerous referrals to Social Development expressing concern about him being neglected and unsafe. During periods when he lived in group homes his attendance and school marks would improve, but Social Development would return him to his mother's care and the school would note a severe lack of attendance again. Eventually, Bobby and his mother were homeless and living in a car, and health care providers reported that the mother disclosed that she was sharing drugs with Bobby. One night, Bobby was brought to the hospital in severe distress from a drug overdose. A social worker from Social Development was called and spoke with him, and as he recovered Bobby asked to get into the YES program so he could get financial support and addiction services. The social worker notes reflect that she told Bobby that because he was homeless and his mother could not be reached, he could not qualify for the YES program because they could not assess his home life. A few months later, Bobby died from a second drug overdose.

These Are Not Isolated Failures

I think the facts of these cases speak volumes. If you aren't already shocked, I probably can't add anything more. These cases show a mix of absurd practices combined with poor professional judgement and an appalling indifference to the suffering of children. These cases are only three we have seen since the Legislature adopted the *Child and Youth Well-Being Act* four years ago, and we have seen equally shocking ones, and have taken on cases of many other dubious refusals for help through the YES program.

Of course, the vast majority of application refusals would never come to my Office. It is alarming to contemplate the cases I don't know about, the ones where the youth simply gets turned away and quietly vanishes into poverty. What I can say from the dozens of YES-related files we have had since the new Act was passed is that:

- it routinely takes many months for Social Development to even assess a YES application, with youth waiting in often dire situations;

- youth often can't reach anyone at the Department to discuss a YES application;
- in some cases, youth age out of the cutoff before their application is processed and are then turned away for that reason;
- youth are not always meaningfully consulted (though required to be under the Act) during the assessment of their YES application;
- the requirement of a child protection investigation before YES approval often discourages young people from seeking help, or makes the reasons for the final decision questionable;
- youth receive unclear or no updates during the months of processing;
- homelessness is not treated as an urgent factor;
- the Department sometimes dismisses an application erroneously because they don't take the minimal effort to check the facts;
- youth are sometimes made to reapply even though their circumstances have not changed;
- when an application is denied, the Department's YES program assessment document for the case often doesn't make clear what the reasons for the decision are;
- there are inconsistent criteria, as we see similar circumstances and fact patterns between two youth leading to different YES decisions by the Department; and
- the Department changes its YES decision from a "no" to a "yes" after our involvement in a case, presumably because they have turned the vulnerable youth away for reasons they cannot justify under the scrutiny of a legislative officer.

The Will of the Legislature Has Been Ignored

I believe that our elected MLAs were promised four years ago that there would be improved services to get teens at risk safely into adulthood, and that those promises have not been kept. I believe that most elected MLAs will be bothered by these cases and limitations on access.

I also believe that most front-line social workers want to do well for children. Having worked with four ministers and three deputy ministers at Social Development, I also believe that senior leadership has repeatedly said they want a shift in culture and that they want regional leadership to start finding ways to intervene sooner, rather than later.

It is my opinion, four years into doing this job, that we have a broken culture and an ineffective structure that governs many of our regional Social Development offices. The problems I have cited are not anomalies. They have happened in different regions, and in every case, leadership was well aware of the facts and dug their heels in. It has in some cases taken personal appeals from me to the highest levels to get the regional offices to back down from indefensible positions.

The breakdown appears to be occurring between the middle levels of the Department and the top level of the regional offices. Accountability and reporting lines are unclear and there is no practical linking of outcomes, resources and processes.

It appears that the central departmental managers are proclaiming new buzzwords and outcomes without plans that link those to actual resources. The mismatch between goals and resources is managed by treating regions as autonomous bodies without proper reporting lines. Handed sweeping goals with too few resources and too much autonomy, regional offices simply control access to programs to match the resources. In short, the central office issues demands divorced from reality and compensates by simply looking away when regions don't meet the goals.

Cases like Leah, Maddie, and Bobby's stories are happening right now. I believe that the Department of Social Development has created a culture of governing to the rule book because it feels safer, rather than taking responsibility for finding ways to help children suffering before their eyes. This culture is, by all appearances, deeply engrained.

We can't keep having a system that turns away desperate kids instead of looking for ways to help. The Legislature and the ministers I have worked with have been clear that this is not their choice. I have noted that there has been great concern recently about the presence of homeless people and people suffering from addictions on the street. I would ask you to consider how many of those adults on the streets today were once desperate teenagers who did not get help. The numbers suggest that many of today's broken adults were once children depending on Social Development to care.

Now, elected officials have a choice as to whether or not they want to keep looking away or whether they are willing to actually hold people accountable.

There are three things I am hoping elected officials will do, immediately. I think they are doable.

1. The YES program should immediately have a third-party review of its eligibility and screening requirements and remove those that do not serve the policy goal in the Child and Youth Well-Being Act of getting teens at risk quick and immediate help, or that are

inconsistent with the Practice Standards. Strong considerations should be given to having eligibility screened by arms-length, community-based groups who work directly with children in care and teens at risk.

2. The Department of Social Development should immediately adopt a results-based accountability framework for zones, one that encourages upstream help and response times. This should also include a review of resources, assessment times and staffing levels. At a minimum, this framework should track YES applications, refusals, and processing times, and include an automatic audit of regional offices whose results lag behind standards. There should be spot audits of files with refusals. These measures should form part of the performance assessment of regional leadership.
3. I am asking all elected MLAs to task a legislative committee to hear testimony from me, from community groups that work with teens at risk and departmental leadership on the issues raised in this letter within the next thirty days. I believe the gap between what you voted for and what is happening requires you to be personally attentive to this matter as legislators. I believe that hearings held now, and again with the same witnesses in early 2027 to hear progress, would show a level of care from elected leaders that will send a message throughout the Department.

It seems to me that a lot of policies and procedures today are built to shield leadership from the human consequences of the rules they make. The suffering lands on front line workers and the children who they try to help. I think if you hear and see what I have heard and seen, you will demand change. On behalf of the Leahs, Maddies, Bobbies, and other youths desperately struggling to stay safe, I hope you won't turn away from this.

Respectfully submitted,

Kelly A. Lamrock, K.C.

Advocate

¹ Child and Youth Well-Being Act, SNB 2022, c 35, s. 30.

² Child and Youth Social Services Regulation, NB Reg 2024-6, s 5.

³ Department of Social Development, Youth Engagement & Young Adult Services Practice Standards, Nov. 38, 2024. [note: these Practice Standards must, according to the Child and Youth Well-Being Act, “be published by the Minister as soon as the circumstances permit on the Department of Social Development website” and yet, more than two years since the Act came into force, they have not been published].