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PRESS RELEASE

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For immediate release

PEI Child and Youth Advocate Releases Investigation Report into the Death of Olivia Rodd

The Child and Youth Advocate has released *Olivia's Legacy: Protecting and Supporting Children is Everyone's Responsibility*. This Report is the result of a thorough review and investigation into the murder of nine-year-old Olivia Ruth Rodd by her mother. Olivia's father described her as a girl who, "carried joy with her everywhere;" was strong, kind, and independent; and "made memories that will last forever." The Report recognizes the Advocate's solemn responsibility to honour Olivia's life and to advance recommendations that will collectively lead to children and youth being better safeguarded by government services in the future. "Olivia's legacy will be to impart many valuable lessons from this tragedy and for the government to implement safeguards for other children and youth," said Marvin Bernstein, Child and Youth Advocate.

This review and investigation involved analyzing case notes from government and public services that interacted with Olivia and her family, legislation and policies that shaped those services, and testimony from individuals who knew Olivia, provided services to her or her family, or were knowledgeable about those services. Like all work by the Office of the Child and Youth Advocate, Olivia's review and investigation were underpinned by the United Nations Convention on the Rights of the Child.

"Olivia's death was preventable. She should still be here," said Bernstein. The report notes 12 missed opportunities to potentially ensure Olivia's safety, often demonstrating an inequitable focus on Olivia's mother's interests, at Olivia's expense. These included multiple situations where individuals failed to follow the law and report child protection concerns to Child Protection Services or the police.

Additionally, the investigation identified barriers to reporting child protection concerns, including a misunderstanding of the legal obligation; a lack of training for service providers; prioritizing a parent's privacy over a child's right to protection; a disinclination to become involved and be potentially identified as the reporting source; and negative perceptions of Child Protection Services as ineffectual or prone to over-react. "None of these reasons are a valid justification for any person to forgo their legal duty to report child protection concerns to Child Protection Services or the police. Despite this legal duty, this investigation demonstrated that child protection reporting does not always occur," stated Bernstein.

Concerns with information-sharing are at the heart of this investigation. First, there was a failure to adhere to the clear legislated duty to report child protection concerns relating to Olivia to Child Protection Services, or the police under child protection legislation; secondly, there was the failure to share information relating to the best interests of Olivia among service providers, largely on privacy grounds, and thus the need for new legislation to streamline and clarify that process; and thirdly, the absence of sharing information by Child Protection Services with a third party or co-parent in circumstances where they could do so without consent on the basis of a reasonable belief that it was necessary to ensure Olivia's safety or well-being.

One of the Advocate's key recommendations is to call for new legislation, to be commonly known as 'Olivia's Law.' If enacted, Olivia's Law would establish a single test for determining whether information can be shared between service providers about a child, their parent or legal guardian or other family member, namely whether a professional reasonably believes that sharing information is in a child or youth's best interests. "Olivia's Law will override most privacy considerations and authorize effective communication across services to safeguard the wellbeing of children and youth, reducing potentially devastating consequences arising from siloed approaches and incomplete information," said Bernstein.

The Advocate has advanced 20 recommendations, summarized in this Report's Executive Summary, to address the barriers that prevented services and professionals from acting in Olivia's best interests. The recommendations aim to promote every child or youth's right to have their best interests given priority; enable appropriate information-sharing between service providers and from Child Protection Services to third parties and co-parents; improve reporting of child protection concerns; require professionals who are engaged with parents to work in a child-centred manner; and enhance the coroner's inquest process. The Advocate will monitor, evaluate and publicly report on the implementation of these recommendations pursuant to the *Child and Youth Advocate Act* after requiring written responses from all recommendation recipients within 12 months.

The Advocate concludes that, "In honouring Olivia's life, it is imperative to remember, as the title of the Report suggests, that protecting and supporting children and youth is everyone's responsibility and not the sole responsibility of Child Protection Services. It is incumbent upon government to learn from Olivia's death and implement the recommendations put forth in this Report. I call on every resident of Prince Edward Island, including professionals who primarily serve adults, to recognize their responsibility to respect children's rights, including their right to be protected from harm."

The investigative report will be available online at <https://www.childandyouthadvocatepei.ca/> when the embargo expires.

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