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## **Official Report of Debates (Hansard)**

**Tuesday 10 May 2011**

## **Journal des débats (Hansard)**

**Mardi 10 mai 2011**

**Standing Committee on  
Social Policy**

Building Families and Supporting  
Youth to be Successful Act, 2011

**Comité permanent de  
la politique sociale**

Loi de 2011 favorisant  
la fondation de familles  
et la réussite chez les jeunes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON SOCIAL POLICY

## COMITÉ PERMANENT DE LA POLITIQUE SOCIALE

Tuesday 10 May 2011

Mardi 10 mai 2011

*The committee met at 1603 in committee room 1.*

### SUBCOMMITTEE REPORT

**The Chair (Mr. Shafiq Qaadri):** Colleagues and members of the public, welcome to the Standing Committee on Social Policy. As you know, we're here to begin public committee hearings on Bill 179, An Act to amend the Child and Family Services Act respecting adoption and the provision of care and maintenance.

Before inviting members to come forward and present, we have an order of business, as you'll know: the presentation of the subcommittee report, for which I will call upon MPP Johnson.

**Mr. Rick Johnson:** I will be presenting the report. I do have some potential amendments, but I will read the report on the advice of the clerk.

Report of the subcommittee on committee business:

Your subcommittee on committee business met on Friday, May 6, 2011, to consider the method of proceeding on Bill 179, An Act to amend the Child and Family Services Act respecting adoption and the provision of care and maintenance, and recommends the following:

(1) That the committee meet in Toronto for the purpose of holding public hearings on Tuesday, May 10, 2011, and, if required, Monday, May 16, 2011.

(2) That the clerk of the committee post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website, and the Canada NewsWire.

(3) That interested people who wish to be considered to make an oral presentation on Bill 179 contact the clerk of the committee by Tuesday, May 10, 2011, at 3 p.m.

(4) That witnesses be scheduled on a first-come, first-served basis.

(5) That groups and individuals be offered 10 minutes for their presentation. This time is to include questions from committee members.

(6) That the tentative deadline for written submissions be Thursday, May 12, 2011, at 5 p.m., and that this time may be extended if the additional hearing day is required.

(7) That legislative research provide a summary of presentations by 5 p.m. on the Thursday following the last day of public hearings.

(8) That, for administrative purposes, the deadline for filing amendments to the bill with the clerk of the com-

mittee be 5 p.m. on the Friday following the last day of public hearings.

(9) That clause-by-clause consideration of the bill be scheduled for either Monday, May 16, 2011, or Monday, May 30, 2011, subject to the number of public hearing days required.

(10) That the clerk of the committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceedings.

That is the report.

The amendment on which I would ask for consideration by the committee would be to number 9: That clause-by-clause consideration of the bill be scheduled for either Monday, May 16, 2011, or Thursday, May 19, 2011, from 9 a.m. to 10:15 a.m. and 2 p.m. to 6 p.m. This would be changing from May 30 to May 19 for the purposes—

**The Chair (Mr. Shafiq Qaadri):** That's fine. Would you just repeat that, Mr. Johnson, please?

**Mr. Rick Johnson:** That clause-by-clause consideration of the bill be scheduled for either Monday, May 16, 2011, or Thursday, May 19, 2011, from 9 a.m. to 10:15 a.m. and 2 p.m. to 6 p.m., subject to the number of public hearing days required.

**The Chair (Mr. Shafiq Qaadri):** Okay. Before I invite committee members to comment, just to let you know, we do have a reasonably full day of public hearings on Monday, May 16, so that will automatically invalidate the clause-by-clause consideration. So, as Mr. Johnson, on behalf of the government, is proposing Thursday, May 19, as opposed to May 30, I presume that's in the interests of actually moving the legislation forward, since the Legislature, as you know, will be breaking for the summer session I think three days, or whatever it is, after that.

Are there any comments or objections or interests? Mr. Prue?

**Mr. Michael Prue:** I wish the member had consulted me. I'm not available on May 19, and therefore I will not support the motion. I don't think it's very fair for the government to move the date that was agreed without consultation or bringing back the subcommittee. I don't know why you chose that date, but it is not a date on which I am available.

**The Chair (Mr. Shafiq Qaadri):** Thank you. Are there any further comments? Ms. Jones.

**Ms. Sylvia Jones:** My only comment is, I understood the reason we chose May 16 and May 30 is because legislatively those are committee dates that we can meet. So there would have to be some exceptional circumstances given to May 19.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Jones. Mr. Johnson, do you have anything to say before we—

**Mr. Rick Johnson:** Just that the purpose of this was to allow the legislation to proceed on May 30 as opposed to it being delayed, then, till May 31 or June 1, when we're running out of time.

**Ms. Sylvia Jones:** Although you still do have three legislative days, and if it helps, I fully intend to encourage a short third reading debate once we get through all the wonderful amendments that we will bring forward.

**Mr. Michael Prue:** If I could as well, the government has introduced a motion for extended night sittings in that final week. So there is no reason that this could not happen, leaving the schedule as was agreed in subcommittee. I'm at a loss to understand why the government would make this motion without consulting the other two parties. This is not the way things are done.

**Mr. Rick Johnson:** Well, my understanding was that a discussion has taken place, but—

**Mr. Michael Prue:** With whom?

**Mr. Khalil Ramal:** House leaders.

**Mr. Rick Johnson:** With the House leaders.

**Mr. Ted McMeekin:** Maybe your House leader has an answer.

**The Chair (Mr. Shafiq Qaadri):** Does the committee feel ready to vote on this particular amendment? Any further queries, comments?

**Mr. Michael Prue:** A recorded vote, please.

**The Chair (Mr. Shafiq Qaadri):** Recorded vote.

**The Clerk of the Committee (Mr. Trevor Day):** Just for the committee's information, May 19 is not a date on which this committee currently is authorized to sit. The adoption of this would be subject to authorization from the House to meet on that day.

**The Chair (Mr. Shafiq Qaadri):** All right. So is that understood?

**Ms. Sylvia Jones:** Does that have to be incorporated into the subcommittee report?

**The Clerk of the Committee (Mr. Trevor Day):** It would be helpful.

**The Chair (Mr. Shafiq Qaadri):** Subject to approval of the House, I guess.

**Mr. Rick Johnson:** Approval of the Legislature.

**The Chair (Mr. Shafiq Qaadri):** So we're all clear on what we're voting on right now? A recorded vote, as Mr. Prue—

**The Clerk of the Committee (Mr. Trevor Day):** Failing authorization of the House, do we fall back to the original dates that are in here?

**Mr. Rick Johnson:** Yeah, we'd have to.

**The Chair (Mr. Shafiq Qaadri):** Fair enough. If that's reasonably clear, a recorded vote, as requested by Mr. Prue.

## Ayes

Colle, Dhillon, Johnson, McMeekin, Ramal.

## Nays

Jones, Prue.

**The Chair (Mr. Shafiq Qaadri):** So amendment 9, as proposed, is adopted, subject to the permission of the House.

Are there any further comments on the overall subcommittee report before I move for its adoption? Mr. Johnson.

**Mr. Rick Johnson:** If that gets approved, then "(8) That, for administrative purposes, the deadline for filing amendments to the bill with the clerk of the committee be 5 p.m. on the Friday following the last day...." If May 19 becomes clause-by-clause, then Wednesday, May 18 at 12 noon would become the cut-off for filing amendments.

**The Chair (Mr. Shafiq Qaadri):** All right, we need to vote on that as well. Again, this is all subject to House approval. Do we need that to be repeated for members of the committee or has that been understood? Mr. Prue, are you content to vote on that or do you need it repeated?

**Mr. Michael Prue:** I'd ask for a recorded vote again because what you're doing is you're moving the whole schedule up. We had until the Friday following the last day of public hearings. Now you're moving it ahead at least two days, and you're moving it ahead of the day in which—I don't understand the rush. With whom did you consult on this?

**Mr. Rick Johnson:** Same thing.

**Mr. Michael Prue:** The House leaders said this?

**Mr. Rick Johnson:** That's my understanding.

**Mr. Michael Prue:** Again, on a recorded vote. I'm going to vote against it. I don't think that's fair, either to the committee members or to the people who are here in the room. People have come to the expectation that this is going to have a full and proper hearing, and now everything is being truncated, moved and squeezed so that we will not have a chance to properly understand what is being said, to listen to the deputations or to give full voice and effect to them.

**The Chair (Mr. Shafiq Qaadri):** Thank you. Before Mr. Johnson, Ms. Savoline.

**Mrs. Joyce Savoline:** I imagine that the member has his marching orders from his House leader, but I find it too curious that the other two House leaders have not notified the members of the committee that a change has been made. That's all I'm going to say. I just find it very curious that it didn't get that far. I can't wait to speak to our House leader.

**Mr. Michael Prue:** I'm going to speak him now, so I ask for an adjournment in order to go see my House leader. I cannot believe this has happened.

**The Chair (Mr. Shafiq Qaadri):** Mr. Prue is entitled, I'm informed, to a 20-minute recess before any vote, so that's what we'll do.

*The committee recessed from 1612 to 1618.*

**The Chair (Mr. Shafiq Qaadri):** Members of the committee, in the interests of efficiency, that 20-minute break was reduced to seven, so we'll now come back, with the will of the committee. Mr. Johnson.

**Mr. Rick Johnson:** Chair, I would like to say that we've had a discussion about this and have come to a meeting of the minds. I understand that this vote has to proceed, but we will not be supporting the amendment. After we defeat this amendment, I will propose another amendment that we go back to the original report for adoption.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Johnson. So, assorted sundry amendments, as we've itemized already, 9 and 8 etc.: Those in favour of those amendments? Recorded, as Mr. Prue asked earlier.

### Nays

Colle, Dhillon, Johnson, Jones, Prue.

**The Chair (Mr. Shafiq Qaadri):** Thank you. The amendments are now deceased.

**Mr. Rick Johnson:** I would like to move adoption of the subcommittee report as originally moved.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments? Mr. Prue.

**Mr. Michael Prue:** Do we not have to reopen the last vote?

**Mr. Khalil Ramal:** We defeated it; we didn't vote on it.

**Mr. Michael Prue:** Well, the last vote was voted on and—the first vote—

**The Clerk of the Committee (Mr. Trevor Day):** The vote now would be that the subcommittee report revert to its original form.

**Mr. Michael Prue:** All right. Okay.

**The Chair (Mr. Shafiq Qaadri):** So we're clear on that? Yes, Ms. Jones.

**Ms. Sylvia Jones:** Could I make one suggestion? Now that we know in fact that we are going to continue to have public depositions on May 16, that we just strike that date out of point (9); so, "The clause-by-clause consideration of the bill be scheduled for Monday, May 30...."

**The Chair (Mr. Shafiq Qaadri):** Mr. Kormos. Oh, I'm sorry. Are you finished?

**Mr. Peter Kormos:** I didn't mean to interrupt you.

*Interjection.*

**Mr. Peter Kormos:** Okay. I just wanted to be perfectly clear about what House leaders discussed, because the government House leader put to us the interest in the committee being flexible around accommodating participants, people who wanted to make submissions and clause-by-clause.

We in the NDP recognize that this bill should be passed for third reading before June 2 when the Legislature rises, and we're going to make every effort to ensure that that happens, but the House leaders agreed

that we would be supportive of any decision the committee made that might require the permission of the House; in other words, to sit outside of regular hours or on days when the committee didn't normally sit. We didn't intend to create the impression that we were accepting—because the government House leader, Ms. Smith, put forward a hypothetical calendar. Neither the Conservative House leader nor I, as I recall the meeting, committed ourselves to that. We agreed that that was one model and that if the committee required the House's permission to be adopted, I'm sure the committee, with its subcommittee, will work this out and everybody will be happy when all is said and done—not everybody. I'm not going to be happy until October 6, but by and large, people will be happier on this bill.

**The Chair (Mr. Shafiq Qaadri):** Mr. Kormos, we thank you for that clarity en route to your happiness.

I would now invite people to vote on the subcommittee report as originally proposed without the amendments. Those in favour, recorded, of the subcommittee report? Those opposed? I believe that was a recorded vote, but in any case the subcommittee report is adopted.

### BUILDING FAMILIES AND SUPPORTING YOUTH TO BE SUCCESSFUL ACT, 2011

#### LOI DE 2011 FAVORISANT LA FONDATION DE FAMILLES ET LA RÉUSSITE CHEZ LES JEUNES

Consideration of Bill 179, An Act to amend the Child and Family Services Act respecting adoption and the provision of care and maintenance / Projet de loi 179, Loi modifiant la Loi sur les services à l'enfance et à la famille en ce qui concerne l'adoption et les soins et l'entretien.

**The Chair (Mr. Shafiq Qaadri):** I will now move to invite our first presenters to please come forward. For all our presenters today, you'll have exactly 10 minutes in which to make your presentation. This will be enforced with military precision. Any time remaining within those 10 minutes will be divided evenly amongst the parties for questions and comments.

MS. GAIL AITKEN

MS. BIRGITTE GRANOFSKY

**The Chair (Mr. Shafiq Qaadri):** I now invite Professor Aitken as well as Birgitte Granofsky of Ryerson. Welcome, and your official time begins now.

**Ms. Birgitte Granofsky:** This is Gail Aitken, and I'm Birgitte Granofsky. Gail is professor emeritus from Ryerson's social work department; I'm a psychological associate. We're both members of the Children in Limbo Task Force and so are the others who are mentioned in our submission.

The Children in Limbo Task Force is a task force of the Sparrow Lake Alliance. The Sparrow Lake Alliance and the task force were founded by the late psychiatrist

Dr. Paul Steinhauer. It's a voluntary coalition of Ontario professionals of all stripes who work with children and for children. The task force meets to discuss how we as a society can best look after the needs of the children and youth in our care.

In front of you is our brief. Gail will now present you with its main points, but please read our arguments. Not least, read the quotations from kids and youth. They speak succinctly about what is important to them, as will the young people that you will hear from later on this afternoon.

**Ms. Gail Aitken:** Thank you for having us here today. We wish to commend you and the Minister of Children and Youth Services for taking action to improve the lives of some of the 9,000 children that are in the province's care as crown wards. We would like to draw your attention to a few of the points—we can't cover them all—that are in the brief.

We appreciate the fact that there's movement to extend the age of protection to 18, and extended care and maintenance should be available definitely until age 25, particularly for children, for youths who are in a full-time program. We would not cast our own 16-year-olds out to the winds to be on their own, nor should we do it to these children. The results and outcomes have given witness to that.

Another major point is that we want there to be pressure for greater stability, consistency and strong relationships because they're absolutely essential to a child's healthy development. We haven't seen, in the last few crown ward reviews—and one hasn't been out this year—that there has been improvement in the numbers of placements and the numbers of changes in workers that these children are subjected to. That is very destabilizing for them.

The granting of access orders is another big issue, and the process of implementing the access orders needs to be reviewed and revised. As the minister has stated, 75% of youths in care have access orders; many of them are implemented. The difficulty is that the basis on which these orders are granted is uncertain, unstable, inconsistent etc. What we need is a review of that whole process and also of the methods relating to the implementation of the access orders. Access visits are excellent for some children if they are well supervised and conducted consistently on a regular basis with some reliability, but the criteria for granting access seem to be inconsistent, the way they're carried out around this province is inconsistent, and follow-ups are often non-existent. So we would like some attention there.

Adoption with openness we feel is an optimal outcome for many children who are foster children. This is because the average age at which children become crown wards now is about eight. Also, this is an era of information access etc., so with these older children being the ones who are eligible for the permanency of adoption, openness in adoption is an excellent thing, but it has to be implemented properly with well-trained people trying to build supportive relationships between the parties in-

involved. If that does not exist, then the situation can be fraught with difficulties.

We want children also to be involved with the decisions that affect them. The bill that we've seen, Bill 179, suggests 12 years or over. We feel that many young children six or seven years of age have a right to have their say in the decisions that affect them. As it's appropriate to their capability, they should be consulted.

Adoption subsidies and post-adoption counselling are things that have been sadly neglected in this province. After adoption, especially when many of these are very troubled children, there needs to be supportive services. The kind of families who can adopt troubled children often may need some financial assistance, so this should be attended to. The CASs have to have the resources and the funding flexibility to be able to accomplish that, given that support.

Children urgently need "forever families." That's the phrase they're using now; they want forever families, and there are many methods of gaining this. We've said that we support openness in adoption. Adoption agreements, rather than orders, seem to be appropriate, but there are other ways. The kinship care arrangements that you know of can be, in some instances, very good for the children, but it has to be recognized that in that situation there's support required, as well as counselling.

Also, the legal guardianship arrangements, which are feasible according to the legislation currently, haven't been taken advantage of to the extent that they should be. There are many advantages to the legal guardianship arrangements, and they're often with tried-and-true foster parents who are given the position of being the legal guardian—we don't like the word "custodianship" but guardianship—of these children because it simplifies the arrangements for all the parties concerned and it makes them have an expectation of permanency—the youth and the family. This lets the youths know that this is their family and it's for keeps.

One thing we found in research is that children are not well informed. Children in foster families need to be well informed. The major complaint from foster parents that we hear is that they aren't kept informed by the agencies or by the workers about the circumstances around the child. They need better communications all the way around.

**1630**

The children's needs must come first. If we don't pay for the services and supports that they need now, we are going to pay later. Whether it's in correctional services or other ways, we will pay ultimately much more if we don't try to provide the help to children that we should while they are young and malleable. We recommend attention to funding and funding flexibility for the CASs, because without that, we as a society will rue the day and experience the effects.

We'll accept any questions that you may have on these points, and we'll do our best to give a response.

**The Chair (Mr. Shafiq Qadri):** Thank you very much. About 45 seconds a side: Ms. Jones.

**Ms. Sylvia Jones:** Very quickly, do you believe that the adoption subsidy should be in legislation or left to the flexibility of the individual CASs?

**Ms. Gail Aitken:** I think that there should be reasonable flexibility.

**The Chair (Mr. Shafiq Qaadri):** Mr. Prue.

**Mr. Michael Prue:** On that same subject of subsidies: Should it be in the legislation, or yearly, how much the subsidy is going to be? Because I'm very worried about governments of different stripes coming along and cutting the subsidy. That would be disastrous, if you're getting a subsidy and then lose it and then get it back again from another government four years later.

**Ms. Gail Aitken:** I don't think that it's probably feasible to legislate the amount of the subsidy, particularly by age group. Given that many of these children have physical or mental health problems and their needs can be very specific, the amount of funding available per child—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Prue. To the government side: Mr. Colle.

**Mr. Mike Colle:** Just thank you again for the heartfelt presentation. About the access orders: What's one thing that could be done to make them more consistent and more effective?

**Ms. Gail Aitken:** Judges' training. As well—

**Mr. Mike Colle:** That's fine. Okay, very good. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thanks to you, Professor Aitken, and Ms. Granofsky, for your deputation.

#### FOSTER CARE COUNCIL OF CANADA

**The Chair (Mr. Shafiq Qaadri):** I would now invite our next presenters to please come forward: Mr. Farrugia of Foster Care Council of Canada. Michele.

*Remarks in Italian.*

**The Chair (Mr. Shafiq Qaadri):** And colleague. Welcome, gentlemen. Your 10 minutes officially begin now.

**Mr. Michele Farrugia:** Hello, committee members and guests. It's an honour to speak on Bill 179 today.

My name is Michele Farrugia. I'm a 21-year-old former crown ward who currently lives in Peterborough, Ontario. I am here today in my capacity as the volunteer director of parliamentary research for the Foster Care Council of Canada, which is a not-for-profit group of former crown wards and their supporters who advocate for transparency and accountability of child welfare services.

We welcome the minister's stated intentions of Bill 179, which are said to permit youth over 16 who are no longer in the foster care system to return and ask for supports if they so desire, and to ensure that those children and youth in care whose families and community members are not utilizing their access orders are afforded "forever homes" through adoption.

I'll begin by addressing the issue of youth returning to their CAS for extended care and maintenance services.

When the minister introduced the bill, she stated, "Yet right now, a youth who leaves the care of a CAS is not allowed to come back for services." She also stated, "The act, if passed, would allow those youths whose CAS care or customary care ended at age 16 or 17 to return to their CAS and be eligible to receive benefits until age 21."

These statements are not completely accurate, nor do they reflect what is actually written in the bill.

Over the years, many youth in care groups, advocates and others, including the Foster Care Council of Canada, have advocated for extended care supports to be provided to youth up to, and including, the age of 24.

Disappointingly, the bill appears to continue the current and long-time practice of preventing 16-year-olds and 17-year-olds, native or otherwise, from returning for services before their 18th birthday because section 1 of the bill says, "A society or agency may provide care and maintenance in accordance with the regulations to a person who is 18 years of age or more...."

The proposed amendments in sections 1 and 12 of the bill, as it is worded today, do not offer any supports to 16-year-olds and 17-year-olds who return to their society seeking supports; that is, until they have turned 18, despite what the minister and other MPPs have alluded to in their statements to the Legislature.

If you pay special attention to the wording of sections 1 and 12 of the bill and compare them to the wording of the existing provisions in section 71.1 of the current act, the changes that are proposed in the bill will do nothing but add restrictions and confusion for CAS staff who have to interpret the newly amended section 71.1 when determining whether to support a returning youth over 18. These proposed changes add new and limiting eligibility criteria for youth over 18 that do not already exist in section 71.1.

Right now, under section 71.1 of the Child and Family Services Act, as it is written today, youth and native youth of any age over 18 have the right to return to their society for care and maintenance up to any age. There is currently no imposed limit on how old they can be to get services.

However, when you recall the minister's statements and those of other MPPs during introduction and debate, they have all clearly indicated the ministry's intention to limit extended care and maintenance services to youth until they turn 21, a limitation which is not in the statute today. With respect to this issue, we recommend the following:

—that the minimum age of eligibility for returning youth to return, apply for and receive services be set at 16;

—that the maximum age of eligibility for returning youth to return, apply for and receive services be increased to the entirety of their 24th year;

—that a society shall automatically and immediately accept and provide services to a youth of any age between their 16th and 25th birthdays upon their return and application for services at least once during this period.

In the interests of time, I have included the remaining recommendations on this issue at the end of our written submission for your review.

Moving on to the other issue presented in this bill: the hasty termination of children's access to their parents, brothers, sisters and grandparents in order to promote adoption. The shortened time frames and provisions for terminating existing access orders is of concern to the council because currently in child welfare proceedings, the courts regularly delegate their discretionary authority to the societies by letting them decide both the method and frequency of access between children and their loved ones. They do this by issuing orders which say "access at the discretion of the society."

While considering the proposed 30-day "with or without notice" termination of children's access orders to their parents, siblings, grandparents and loved ones—again, those access orders which have been left to the discretion of a society—please keep the following in mind: The council has witnessed parents', siblings' and grandparents' attempts to utilize their court-ordered access to their children being denied when the society intercepted letters, family photos and phone numbers, or refused to allow parents to arrange and pay for their own visit with their child, only to be told later by the society, after the family complained, that the family were the ones who were not utilizing their access order, that this has harmed the child, and, because of this, the society will no longer let them have access to their child. The blame is being redirected to the loved ones, and the children are being told their family does not want to, or is unable to, contact them.

1640

The council is also aware of the Ottawa CAS turning a mother away at the door when she came to visit her newborn baby as scheduled, wrongly claiming that the mother had been the one who cancelled her own visit, and to go back home.

In the interests of time, I will stop there and take any questions you may have.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Farrugia. Again, about 45 seconds a side, beginning with Mr. Prue.

**Mr. Michael Prue:** You made three very sensible recommendations; one, that any youth can apply to come back for services from the time of 16 on, but the third one was the one that got me: that they shall only grant it once. How you phrased it is, "upon their return and application for services at least once during this period." How did you settle on that number, that they have to act on it once?

**Mr. Michele Farrugia:** Can I please get back to you after the hearing?

**Mr. Michael Prue:** Absolutely. Thank you.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Farrugia. Mr. Colle.

**Mr. Mike Colle:** Michele, an excellent presentation. It was really thoughtful. I want to commend you and the council for what you presented.

I certainly will ask for staff to look at that need for clarification about access, or allowing the youth back until they're 21 to 24. I will get an answer for you on that and try and clear that up.

**Mr. Michele Farrugia:** Thank you very much.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Colle. Ms. Jones?

**Ms. Sylvia Jones:** My question relates to that 30 days for termination of the access orders. I think that you've hit on something. I'm wondering if you have an alternative number. If you think 30 days is not enough, what would be appropriate?

**Mr. Michele Farrugia:** If 30 days is not enough, 60 or 90 days.

**Ms. Sylvia Jones:** Thank you.

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Jones, and thanks to you, Mr. Farrugia, for your deputiation on behalf of the Foster Care Council of Canada, and to your colleague.

#### ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES

**The Chair (Mr. Shafiq Qadri):** I'd now invite our next presenters to please come forward: Ms. Ballantyne and Ms. Reitmeier of the Ontario Association of Children's Aid Societies. Welcome. Please begin now.

**Ms. Mary Ballantyne:** Thank you. My name is Mary Ballantyne and I'm the executive director of the Ontario Association of Children's Aid Societies. I have with me Kristina Reitmeier, who is the director of legal services with the Children's Aid Society of Toronto. She'll assist with answering some questions.

The Ontario Association of Children's Aid Societies would like to thank the Standing Committee on Social Policy for providing us with the opportunity to comment on Bill 179, the Building Families and Supporting Youth to be Successful Act.

OACAS is a membership organization, and we represent 51 of the 53 children's aid societies in Ontario. For 99 years, we have advocated on behalf of children and families.

The OACAS applauds the government for its introduction of Bill 179, for its intent to increase the number of children who find permanency through adoption and other permanency options, and for assisting youth in care as they transition to adulthood. The OACAS supports the passage of Bill 179, yet we offer input in the interest of strengthening this bill so that it can achieve its objectives.

First of all, regarding the pieces of the bill about youth in care, the OACAS recommends that all youth who are in the care of children's aid societies at any time at age 16 or 17 be allowed to receive support until 21. As the bill is proposed now, a youth who leaves care at 16 or 17 must return to receive service before the age of 18 in order to receive that support until age 21. Many youth may not be ready to return for support before the age of 18, so the OACAS recommends that Bill 179 be amended to allow youth to return for support at any time until the age of 21.

Secondly, those youth who never leave care at age 16 or 17 and are society or temporary wards should also receive support until age 21. Crown wards are guaranteed



this support through the CFSA, but society wards and youth in temporary care and custody should also be guaranteed this support, as they are all vulnerable.

Regarding the age of protection, the OACAS recommends that the Child and Family Services Act be amended to allow all children in Ontario to be protected from abuse and neglect until age 18. In Ontario, a child must be under the age of 16 in order for a children's aid society to respond to a child protection concern. A 15-year-old boy or girl who is being abused or neglected can receive protection from a CAS, but a 16-year-old cannot. This is inconsistent with the United Nations convention on the rights of children and many pieces of provincial and federal legislation that exist, including the Children's Law Reform Act, the Divorce Act and the Education Act. It is time for Ontario to allow all children to be protected from physical abuse, sexual abuse and neglect until the age of 18.

Regarding the issues of adoption addressed in Bill 179, we strongly support the removal of barriers that prevent children from finding permanency through adoption or other permanency options.

Bill 179 should be amended to strengthen the voice of adoptive parents. Their voice needs to be on equal footing with others. As a result, we recommend that Bill 179 be amended to require the court to be satisfied that adoptive parents have the ability to comply with and have consented to an openness order. As it is currently drafted, Bill 179 would require the court to consider only the ability of the adoptive parent to comply with an openness order. This does not place the adoptive parent's voice on equal footing with other voices. For example, a child who is 12 or older has to consent to openness, and the person who has the access order also has the ability to respond, so the court should be satisfied that adoptive parents are both able and willing to comply with the openness order, given the significant commitment that they are making.

The second point regarding adoption is that the OACAS recommends that Bill 179 be amended so that if an openness agreement is sufficient to provide a beneficial and meaningful relationship with the child, the court should not consider an openness order. OACAS supports Bill 179's requirement that CASs consider the benefits of both openness orders and openness agreements, but when an openness agreement is sufficient, the court should not consider making an openness order. This amendment would encourage matters to be resolved without unnecessary litigation, which may undermine the adoption.

The OACAS recommends that Bill 179 be amended to ensure that all children who receive notice of intent to place for adoption are provided with independent legal representation. Currently, no legal mechanism exists in Bill 179 for a child's legal representation to occur at this stage of the process. Legal representation for the child or children being adopted, as well as their siblings, ensures that their voices are being heard and considered by the court.

The fourth area under the adoption section is that for aboriginal children the OACAS recommends that the

First Nations be provided notice of intent to place for adoption and have the right to apply for an openness order. Currently, when a children's aid society intends to begin planning for the adoption of a child who is aboriginal, they must provide 60 days' written notice of their intention to the child's band or native community, and we, the OACAS, support this. However, with the intent of Bill 179, we believe that this is no longer sufficient. We believe that an aboriginal child's First Nation should also be provided with a notice of intent to place the child for adoption and the right to make an application for an openness order. That being said, many aboriginal children and youth will find permanency through customary care and not adoption; therefore, we believe that these families must be provided with the same supports and subsidies that will be provided to adoptive families.

In conclusion, in order to effectively implement Bill 179, the OACAS recommends a multi-year implementation plan, sufficient resources to implement it properly, post-adoption supports and subsidies for adoption and other permanency options, and that we allow youth to remain in foster care past the age of 18, until they complete their schooling.

The Ontario Association of Children's Aid Societies applauds the government for the introduction of Bill 179 and its intent to increase permanency for children and assist youth in care as they transition to adulthood.

Thank you for the opportunity to present. We'd be pleased to take your questions.

1650

**The Chair (Mr. Shafiq Qaadri):** Thank you. We have about a minute or so per side, beginning with the government. Mr. Colle.

**Mr. Mike Colle:** Thank you very much for your comprehensive overview and some very valid amendments that you proposed here.

The question I had is about legal representation of children in a proceeding. Normally, what happens in a proceeding? Essentially, the parents have legal representation, or the government has legal representation, and the child has no one acting on their behalf or protecting their interests?

**Ms. Kristina Reitmeier:** I can answer that. When there's a child protection proceeding before crown wardship, there is a mechanism in the act for the court to appoint independent legal representation, and there's an office in Ontario, the Office of the Children's Lawyer, that takes on the role of representing children in those proceedings. All we're recommending is that a companion type of provision allowing—

**The Chair (Mr. Shafiq Qaadri):** Thank you. To Ms. Jones.

**Ms. Sylvia Jones:** Again, I will ask about the adoption subsidy. Do you believe that should be at the flexibility of the individual children's aid society? Or do you want some specifics laid out in the legislation?

**Ms. Mary Ballantyne:** Laying things out specifically in the legislation would probably be too restrictive.

However, to the point that was made earlier, there needs to be some mechanism to ensure that if governments change, there's not going to be a change in that practice. So whether that happens through regulation—we'd certainly be willing to discuss that further, but we would want some consistency there.

**Ms. Sylvia Jones:** I'm not sure you need the number in there, but if you want consistency across the province, you're going to have to put something, legislatively, in there.

**Ms. Kristina Reitmeier:** Maybe a provision that allows the provision of post-adoption services compounded with regulation-making authority so that the minister could—

**The Chair (Mr. Shafiq Qadri):** Thank you. Mr. Prue.

**Mr. Michael Prue:** In terms of First Nations, you talked about more customary adoptions and having a different procedure. Are you looking for the band council or the extended family to have some say in this? I'm not exactly sure, from what you said, who would be the person who signs on.

**Ms. Mary Ballantyne:** Currently the First Nation itself, not necessarily the family, does have a legislative right to plan for the child. What we are saying here is that because they have that right, they should, if a child is being placed for adoption, have the right to have some sort of openness agreement for that child. If they go off to be adopted somewhere else, there would be an openness with the First Nation.

**The Chair (Mr. Shafiq Qadri):** Thanks to you, Ms. Ballantyne and Ms. Reitmeier, for your deputation on behalf of the Ontario Association of Children's Aid Societies.

MS. ANNE PATTERSON

**The Chair (Mr. Shafiq Qadri):** Ms. Patterson, are you there?

**Ms. Anne Patterson:** Yes, I am.

**The Chair (Mr. Shafiq Qadri):** Thank you. This is Dr. Qadri. It's the social policy committee. You're before the committee. You now have 10 minutes, and we'll have time remaining for questions and comments afterwards. I invite you to please begin now.

**Ms. Anne Patterson:** Thank you very much. I'm very pleased to have the opportunity to address this bill. I was, myself, fostered and adopted by CAS, and I also worked as a private investigator and a volunteer, reuniting others for almost 20 years.

I find some of the things in this bill very disturbing, particularly the language around it—the “forever safe, forever family” stance. Personally, I have never seen more cases of child abuse in my life as I have with those who have been fostered and adopted by CAS. Far too many of us have been abused, overall, and too many of us have suffered hugely due to CAS placements.

Frankly, I find it unconscionable that the ministry is saying adoption is safe. Both foster care and adoption

need to be included in real child abuse education, not exempt for false appearances, leaving children at real risk. Many do not end up in good homes. Where is the research about the real outcomes of adoption instead of the biased cookie-cutter nonsense that is “forever safe”?

To me, adoption should be about finding homes for children who need them when no one in their family, including both sides, can raise them; not a system to find children for those who want them.

The infertility and those-who-have-adopted panel, in my opinion, is very biased. Adoption is not, in fact, a cure for infertility.

In 2005, Deb Matthews said 9,000 crown wards were in this same position, and yet six years later and a mere few weeks before the end of the session, they want to ram this bill through. I really doubt that older crown wards will be adopted as the CAS proceeds to focus on younger children.

This bill gives the CAS sweeping power to capture people's children, and it leaves parents with a 30-day window to fight an agency that has no accountability, no transparency and no oversight to speak of. Does this sound fair to you? Does it sound reasonable? Criminals have more chance of appealing than this bill allots to parents who will have to fight them after their kids have been captured for the purposes of a fast-track stranger-adoption system.

Rosario Marchese has disclosed that the Child and Family Services Review Board has no teeth, period. It currently has 50 cases that it cannot even hear, and it cannot address problems that people are experiencing or any cases before the courts. It seems to me that it is nothing more than window dressing for appearances, and in fact it has been stagnant for over a year and was ineffective, in many people's opinions, in the first place.

In addition, Mr. Frank Klees also mentioned that social workers are not even properly registered. In fact, these agencies are virtually accountable to no one, and I would like to commend both Rosario Marchese and Mr. Klees for mentioning these very serious problems. I would also like to thank Peter Kormos, Michael Prue and other MPPs for additionally mentioning various problems during the Ombudsman bill debate.

It seems to me that the Liberal Party is actually taking active steps to circumvent the charter for children and their families to benefit CAS and others for financial gain. I really wonder, is this bill even constitutionally possible?

In addition, Minister Broten mentioned the coroner as an oversight mechanism. Well, I would say that is a bit too late, when a child has been killed under CAS care. From my own professional and personal experience, CAS has collectively broken every law in the book. In fact, historically, home studies were not done in many cases whatsoever.

I was invited to speak about this bill on a program called Just Right Media last week. Please listen to the program. It is available online, and it also covers the historical failures of CAS. I fear history will repeat itself.

CAS has farmed children over the borders before, and I really fear they're going to do it again. Politicians might ask if other illegal activities might even be going on as well. A Hamilton CAS supervisor was arrested a few years ago for shipping guns and drugs over the border. That CAS is just out of control speaks for itself. I am disgusted that the Ombudsman has been gagged and roped from investigating these very serious matters, and I have some serious questions for the committee:

(1) Why are private adoption brokers working in the Ministry of Children and Youth Services while they're also getting kickbacks to line their own pockets by doing private home studies?

(2) Why is the ministry responsible for children and youth even studying infertility in the first place? The child advocate, Irwin Elman, did a very disturbing report, citing that 90 dead children had occurred under CAS in one year, and I would hope it would be far more pressing to investigate precisely how that happened.

(3) The Globe and Mail had a front-page news story a few years ago that over half of crown wards themselves were being inappropriately medicated, and I have to wonder why the ministry wasn't under some type of a probe regarding this at that point. I fear that perhaps the two are somehow connected.

**1700**

(4) I actually have grave reservations about this in particular. On the sustainability panel that is currently reviewing children's aids is a former board member of the Toronto children's aid. That particular agency was cited for gross spending violations in the Ontario audit, including workers going on trips with children, which I find quite bizarre. To me, this in fact is very unethical, and I really hope that perhaps the PC critic could probe into it. To me, it's really questionable that it's this close of a relationship.

(5) I have questions as to the subsidies here in this bill. I'd like to know: Why are they going to be given to stranger adoptions? Grandparents have been fighting for a long time to get proper funding. I hope that these subsidies are going to be given to kinship care. Subsidies in the United States, for example, have resulted in numerous problems, including, in fact, a rash of child murders because strangers adopters have, unfortunately, sometimes adopted for nefarious purposes and simply for money.

Finally, if the Ombudsman is going to be barred from investigating, what I would really, really ask the committee to consider is, could we have the Integrity Commissioner review this matter? Or, if the CAS is actually exempt from that particular office, perhaps the ministry could be under some type of a criminal probe, along with the Toronto CAS in particular, considering the previous audit; or perhaps we could have a public legal inquiry before the past is able to repeat itself, which is really a chilling thought and a dire concern for many.

Finally, the horror of the system, from what I have seen in it, literally keeps me awake at night. There has been profound and widespread damage due to adoption.

I'm very, very concerned about this bill. I'm asking, in fact: Please stop this bill and prevent thousands of children from being adopted needlessly or being farmed out to abusive strangers so that, in my opinion, greedy baby brokers, CASs and others can profit. This bill seems to not really be about children; it seems to be about adults, which I find really sad.

Thank you for your time. I hope you will do the right thing. I'm also going to prepare a written submission.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Patterson. There's just time enough left on the clock to thank you on behalf of the social policy committee for your deputation, which has come to us via conference call. Thanks again, and we look forward to your written submission.

#### EXPERT PANEL ON INFERTILITY AND ADOPTION

**The Chair (Mr. Shafiq Qaadri):** I'd now invite our next presenter to please come forward: Mr. Cardozo, CEO of the Ontario Trillium Foundation, representing today the Expert Panel on Infertility and Adoption. Welcome, Mr. Cardozo. Thanks for your work at the Ontario Trillium Foundation, and please begin.

**Mr. Robin Cardozo:** Thank you, Mr. Chair. It's a pleasure to be here. I believe I have met many of the members of the committee as part of my role at the Ontario Trillium Foundation. But really, as you mentioned, that is not the capacity in which I am here today.

I had the privilege of being appointed by the Minister of Children and Youth Services a couple of years ago to serve on the Expert Panel on Infertility and Adoption. The panel, as I think you know, was chaired by Dr. David Johnston, who today is Canada's Governor General.

I think the experience on the panel was one of the most satisfying in my professional life. Every member of the panel was able to bring together our professional experience as well as our personal passions.

In my case, my own personal journey has included my experience as an adoptive parent. Ten years ago, my partner and I adopted two children from an Ontario children's aid society. At the time, they were seven and five. Today, they are 17 and 15, with all the wonders and all the challenges of teenagers.

Going through the process, I was struck by a couple of things: number one, how difficult it was for my partner and myself, two relatively well-educated Ontarians, to access the information we needed; just to find out how one goes about adoption. Once we got into it, we were also struck by how many older children are the responsibility of the CASs and, of those, how few were available for adoption by Ontario families.

So I was delighted with the legislative changes put forward by the Minister of Children and Youth Services in the Building Families and Supporting Youth to be Successful Act, specifically the change that will allow many children to be considered free for adoption and to

be adopted without losing the ties that are so meaningful to these young people—in many cases, ties to birth families and others whom they have had an association with for all their young lives.

My own observations as a private citizen going through the system and the research that we did at the expert panel brought home to me that there are thousands of young people who just want the stability of a forever home. There are countless families, just like my own 10 years ago, who want to open our homes and our hearts to waiting children. The journey was not easy.

If this legislation is enacted—and I certainly encourage you to do so—more than 70% of the 9,000 crown wards who were previously not considered adoptable because of the existence of an access order will now be considered and will be available for adoption.

Other changes in the legislation will make it easier for many 16- and 17-year-olds, as has been pointed out by earlier speakers, to return to the CAS and become eligible for financial and other supports. I understand that other changes being proposed will include better access to information about adoption for Ontario families; more frequent adoption resource exchange—ARE—gatherings; and portable home studies and reduced wait times for many families. The length of time just waiting for a home study is most frustrating, particularly when you know that there are children waiting on the other side. Being able to speed up that process, I think, could make a huge difference. And a review of adoption subsidies: again, an issue that we spent some time reflecting on in our report.

Taken together, this is a package of legislative and administrative enhancements that have the potential to change the lives of thousands of young Ontarians for the better. The benefits for these individuals, for their families and for our communities are enormous.

Speaking on behalf of my colleagues on the Johnston expert panel, I believe I can say that the members strongly support the proposed legislation. Our vision on the panel was that Ontario should aim to be the best jurisdiction in the world to build a family. I believe that the proposed changes will help to firmly move us toward that vision.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Cardozo. About a minute and a half or so per side, beginning with Mr. Prue.

**Mr. Michael Prue:** Some of the people have talked about the time frame for an openness order. Is 30 days enough to contact a parent who, thereafter, might lose their child forever?

**Mr. Robin Cardozo:** Speaking from my experience at the expert panel, we did not have a position on that, so I would actually defer that and say that I don't have a position on that. I would, in many cases, defer to the professionals in children's aid societies, who I think are closest to those families.

**Mr. Michael Prue:** One of the recommendations you did make was about having sufficient monies given to people who adopt, particularly children who have ex-

hibited problems or who have problems. There's nothing in the legislation that provides for that. Is that disappointing to you?

**Mr. Robin Cardozo:** There is nothing in the legislation that provides that, so that's a fair question. The minister, as I understand it, did announce in her announcement to the House that a number of the pilot tests that are under way in a number of CASs will be studied in the course of developing something—a process, I guess—that is revenue-neutral. We did have a recommendation in the report that suggested that appropriate subsidies would be in the range of 50% to 80% of the current amount provided to crown wards. From the expert panel's point of view, we stand by that recommendation, and we are hopeful that that will be developed as this review gets under way.

**Mr. Michael Prue:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Mr. Colle?

**Mr. Mike Colle:** Thank you, Mr. Cardozo, and thank you to you and all the members of the panel who served on this for about two years, if I'm not mistaken, and certainly Governor General Johnston—if you could pass on the appreciation of the time that you citizens gave.

I guess the question I have is: How do we, as a government or society, get more people who are willing to adopt and are financially, emotionally and lovingly capable of adopting children—how do we get them to think about adoption seriously? What barriers are there and what can government do to break down some of those barriers so these people will adopt a child?

1710

**Mr. Robin Cardozo:** We spent quite a bit of time reflecting on this at the expert panel. I might, perhaps, add my own personal experience. I think the biggest barrier is a lack of information. I'm constantly struck by the number of families who go overseas—to China, Russia, Ethiopia and other countries—looking for a child. When I tell them that our children were born in Ontario, they're actually shocked. When I tell them that there are a number of, particularly, older children—over the age of two or three—who are available in Ontario, they're often shocked. So I was very pleased to see the minister say that part of what was going to be done was developing websites and other information tools that would provide more information to Ontarians. Personally, I think the biggest barrier is a lack of information.

**The Chair (Mr. Shafiq Qaadri):** Ms. Jones?

**Ms. Sylvia Jones:** Thank you for your report. I as well have heard about those barriers: lack of information and inconsistency, depending on which children's aid society you're dealing with. Are there some specific suggestions that you would like to see brought forward as we review and bring forward amendments on Bill 179?

**Mr. Robin Cardozo:** A couple of specific suggestions—again, I was very pleased to see that the AREs will be expanded from twice a year to four times a year. There's a wonderful website run by the Adoption Council of Ontario: AdoptOntario. In many of the jurisdictions that we looked at, kids were actually much more—in a

discreet and appropriate way, there was information about available children on websites. I think the Adopt-Ontario website has huge potential that has not been fully developed.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Jones, and thanks to you, Mr. Cardozo, for your deputation.

MR. NEIL HASKETT

MS. TABATHA HASKETT

**The Chair (Mr. Shafiq Qaadri):** I would now invite our next presenters to please come forward: from Sudbury, via conference call, Mr. Haskett and Mrs. Haskett. Are you there?

**Ms. Tabatha Haskett:** Yes, we are.

**The Chair (Mr. Shafiq Qaadri):** Welcome to the social policy committee. You have exactly 10 minutes in which to present. I invite you to please begin now.

**Ms. Tabatha Haskett:** Thank you. Bill 179 concerns us for many reasons, first and foremost because we were wrongfully accused parents and nearly lost our identical twin girls to our local CAS because of lack of oversight and accountability.

Our first question to the committee is: With the current lack of oversight, we would like to know how the government can guarantee that any child who is wrongfully apprehended will not be adopted. We would like to bring to the committee's attention the current complaint system that is in place. I heard in the introduction of Bill 179 that if there was an issue with a child who is being adopted, the family can file an affidavit to the court within 30 days. We find this to be unacceptable because here is how the complaint will go: If you call the society to complain, the complaint will go nowhere. The society will become combative, and this complaint also is used against you in court.

Let's talk about the CFSRB, the Child and Family Services Review Board. They state right from the beginning that they will not hear anything that is currently before the courts or matters that have already been decided. As well, they will not listen to any matters that fall under other decision-making processes, which includes every single child protection case. This board is not a form of accountability.

Our second question with regard to complaints mechanisms, goes to the Ministry of Children and Youth Services: Has anyone ever tried to file a complaint with the ministry? I can say that we have. I have personally gone to the local offices as well as called the ministry and tried to file a complaint. Each time, they always say that all they deal with is funding, not complaints.

Our next question: It's also stated that the Ombudsman has oversight over the ministry as well as the CFSRB. If we, as parents, foster parents, foster children or a child in kinship care cannot complain to these mechanisms, how can Mr. Marin do an adequate job of oversight when clearly he has been blocked from ever hearing any complaints?

So it is a lie when Ms. Laurel Broten or any MPP states that there are oversight matters before the courts. There is case law that states that CASs do not have to follow judges' orders. The CASs, even when ordered to return children, have refused to do so. There is nowhere to turn to complain. This is a miscarriage of justice committed by the CAS and Family Court. This Bill 179 will only serve to break apart Ontario families, deeply affect the mental health of children and scar them emotionally in a permanent fashion. That is why this bill worries us.

Five years ago, my husband and I were wrongfully accused. Because, in the Family Court system, there is no factual evidence needed to convict someone, our case dragged on for two long years because of out-of-control workers acting in bad faith, heartless supervisors and an absent executive director who had chosen to turn a blind eye to our complaints. We were labelled, ridiculed, harassed, assaulted and embarrassed countless times while we were gathering evidence by audio and video taping. We were told through a court order that we had to stop recording the interactions that we had with the workers, which is against the law.

It was a sympathetic court staff who took us aside and explained to us that no one in this town would ever represent us because we were fighting to prove our innocence. He was the first person to listen to our complaints. Then he explained to us how to file private charges against these workers. If it were not for him, we would've lost our daughters to a wrongful adoption. The crown leaked our evidence to the CAS. Then the CAS suddenly went from wanting to have our girls placed as crown wards to immediately vacating our case and giving us our children back with no supervision order.

Moving on to the statistics that are currently available from the 2003 child abuse and neglect investigations in Ontario, it states that the number of substantiated cases was only 44%. Within this statistic, we have to keep in mind that this includes disgraced pathologist Charles Randal Smith's victims and also Gregory Carter of Whitby, who was also an unqualified person who the CAS was using with allegations against parents.

Without transparent, accountable public knowledge of what is really going on, how can the Ministry of Children and Youth Services or adoption charities push Bill 179 with a clear conscience? There have been numerous cases of sexual predators working as foster parents and adoptive parents. The CASs seek gag orders in courts to prevent the public from knowing to what extent this takes place. These cases are rampant. We want to know why most of these cases have gone unreported, why the CASs have sent in their lawyers to protect these predators' identities and why the minister won't release the real statistics to the public.

With this knowledge in hand, it is unacceptable to know that Minister Broten wants to adopt out more children. We cannot support Bill 179, knowing how many children have lost their culture, their identity, their family and their friends. We will not support Bill 179 knowing

that there are too many children who were not abused at home but were abused once in care or even died in care.

To reiterate my question from before, what are the minister and the ministry going to do that will guarantee wrongfully accused parents will not permanently lose their children to adoption? My suggestion to the Ministry of Children and Youth Services is this: First and foremost, allow the Ombudsman real access to complaints within the CFSRB, the Ministry of Children and Youth Services and the CASs.

Lastly, instead of removing children from a home due to a poverty situation and then paying a foster parent money, how about the Ontario government and the children's aid societies across Ontario help that family out instead with that money? Employment insurance does not cover families' living expenses; this is general knowledge. It is these families that are more likely to have involvement because they are an easy target for CASs. It is time that CASs maintained their mandate, which is to preserve families first and protect children.

What we ask of this committee is to listen to foster children who have been negatively affected by the lack of safety nets in the child protection system. Their stories are real. Their stories are painful and traumatic. These are the children who are negatively affected by the system that is originally designed to help them; who ended up hurt instead. There should be no such thing as collateral damage when it comes to Ontario's children.

Let this go on record to all political parties, especially the Minister of Children and Youth Services: You are responsible from this point on, especially if this bill gets pushed forward, for any negative outcomes that are sure to follow from your new and improved 1960s scoop. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Haskett. We have about a minute or so per side beginning with the government. Mr. Colle?

**Mr. Mike Colle:** I just want to thank you for your presentation. I appreciate the tragic situation you were in. It is very, very, very difficult to accept that that treatment did occur. Again, thank you for your presentation.

**The Chair (Mr. Shafiq Qaadri):** Ms. Savoline?

**Mrs. Joyce Savoline:** Just, Mr. Chair, to thank the Hasketts for sharing some very personal information. It's valuable information for the committee to have to go forward.

**The Chair (Mr. Shafiq Qaadri):** Mr. Prue?

**Mr. Michael Prue:** Yes. You appear to have had a great deal of difficulty, for some two years, with the courts. Would it have helped immensely had the Ombudsman had some form of oversight over children's aid societies?

**Ms. Tabatha Haskett:** Oh, we absolutely believe it would, because we would have had an adequate place to complain to. Every time we tried to complain, our situation only got worse. It escalated every time. It was like something from a horror movie. I would have loved to have had the Ombudsman to complain to. He would have been able to make adequate recommendations that

would have changed the situation dramatically from what we were in.

**Mr. Neil Haskett:** And keep it from ever happening again.

**Mr. Michael Prue:** Thank you very much.

**The Chair (Mr. Shafiq Qaadri):** Thanks to you both, Mr. and Mrs. Haskett, for your deputation to the social policy committee of the Parliament of Ontario.

MS. DARLENE HACHEY

**The Chair (Mr. Shafiq Qaadri):** Now I invite our next presenter to please come forward: Ms. Darlene Hachey, with your expert guide there. Welcome, Ms. Hachey. Please be seated, and please begin now.

1720

**Ms. Darlene Hachey:** Hello, committee members and guests. My name is Darlene Hachey, from Windsor, Ontario. It is an honour to have been given this chance to speak on Bill 179 today. I am an advocate for grandparents and children across Ontario, a Cangrand leader.

Let me start by saying that looking back, people have always looked to their ancestors. Older people taught the young to respect, love and survive challenges by listening, looking and doing, sharing traditions and values. Everyone has family roots, and they start when a child is conceived. These are brothers, sisters, mothers, fathers, aunts, uncles and grandparents. We teach what we have learned to future generations. We shared food, clothing, money and our homes. Elders had knowledge from learning and living. Extended family always knew their children's children and had a great influence on them. Their hearts were bonded together. That helped kids across families connect. Grandparents were of the most importance, teaching culture and giving love and support when the parents were busy. The doors were always open to relatives, neighbours and friends.

Lifestyles today are somewhat changed for so many. Family crises have caused some family bonds and structures to fall apart. Increased rates of divorce, single parenting, job losses and addictions have created problems financially, physically and mentally for so many families. Many children are often left torn, lost and confused, not understanding why they have been taken away from parents and grandparents they love. Grandparents have always come to the rescue—financially, emotionally and physically—bringing comfort, care and so much love and joy, and lessening the pressure and burdens of the child. Extended family has always been proven to produce a well-balanced, productive child.

Because our children are grown does not mean they are no longer our children, and once they become a parent, we become a grandparent. We have earned the word "grand" in front of "parent" because of knowledge, trial and error, mistakes we have learned from and corrected along the way. These grown children also deserve a chance, and if need be, grandparents should be able to help raise and care for these grandchildren.

Today, we have been challenged by our government. We have been turned down to push Bill 22 into third reading, an amendment to the Children's Law Reform Act in the best interests of a child so the child could see their grandparents. Other provinces across Canada have passed this into law, and this has still been sitting on a shelf waiting for third reading. We have been turned down for oversight to get accountability. We are being denied records, yet this law is supposed to be in the best interests of the children—taking children and putting them in foster care with strangers, when they could be with their grandparents.

The point I'm trying to get across is, what is in the best interests of these children? These children have been born with an identity. Taking a child and adopting it out in 30 days after being a ward does not even give a family member a chance to prove themselves. Grandparents or other family members have not even been put in Bill 179, yet you're so fast and willing to give children up for adoption.

This is a fast fix, making more children, in turn, rebel. Children always deserve family first or extended family. I am not here to point a finger at any one of you or to judge any one of you. We all have dysfunction somewhere in our lives, and actually putting our children's children to another parent, adoptive parent—we are all human: Who says they are in the best interests of that child? Who is to say they have no dysfunctions?

I have always said that becoming a grandparent is the best gift I have ever received, and it should never be taken away. My grandchildren are not for sale; I'm sorry. They are my life. They are my children's children. They are my family. This Bill 179 does not have children's best interests, and it is a fast, 30-day solution to a bigger problem down the road. Where do grandparents fit in here? Our grandchildren are our family. My father fought for freedom; I feel government is taking our freedom away.

How many of you here are grandparents? What gives me the right to tell any one of you that your grandchild is better off in an adoption?

Kim Craitor has presented this bill for six years now and it's still sitting on the shelf. I was here at second reading in September, to allow grandparents to see their grandchildren in their best interests, and it still sits there. Yet other provinces across Canada have put this bill through; four in the United States this year. I see nothing in Bill 179 for grandparents. Grandparents are most important in these children's interests, and even in our own children's.

Any questions?

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Hachey. About a minute or so per side, beginning with Ms. Savoline.

**Mrs. Joyce Savoline:** No questions, thank you.

**The Chair (Mr. Shafiq Qaadri):** Mr. Prue?

**Mr. Michael Prue:** Just a question. In discussions with Mr. Craitor, has he given any indication why his party doesn't want this bill to go forward? You're making a lot of sense.

**Ms. Darlene Hachey:** It's been sitting at the standing committee waiting for third reading. We've had over 10,000 signatures; we've had mayors and city councils endorse it. It's just been sitting there and it sat there—this is the sixth year. It sat there before. When an election comes up, it dies. There's no reason. It's been proven that grandparents and extended family are in the best interests of these children. We have no idea. Maybe you could ask the government.

**Mr. Michael Prue:** We have. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Mr. Colle?

**Mr. Mike Colle:** Thank you. As a grandparent, I'm going to ask you a question. I've got five grandchildren. Which provinces have adopted this legislation? Do you know which ones?

**Ms. Darlene Hachey:** I had it written down but I didn't—

**Mr. Mike Colle:** I can get it from—

**Ms. Darlene Hachey:** But the majority of them do, and I know Quebec has the strongest law: that for no grave reason should grandchildren not see their grandparents.

**Mr. Mike Colle:** Yes. Anyway, I'll find that out from Mr. Craitor. Thank you very much.

**The Chair (Mr. Shafiq Qaadri):** Thanks to you, Ms. Hachey, for your deputation.

#### WATERLOO REGIONAL FAMILIES UNITED

**The Chair (Mr. Shafiq Qaadri):** I now invite Mr. Carter on behalf of Waterloo Regional Families United. Please come forward. Welcome.

**Mr. Chris Carter:** Hello, Mr. Qaadri. I don't know if you remember me, sir. This is my third time presenting to the committee.

**The Chair (Mr. Shafiq Qaadri):** I'd invite you to officially begin now, Mr. Carter.

**Mr. Chris Carter:** Yes, sir. Every time that I've presented I've presented specifically on the issue of the children's aid societies' ugliness, their fraud, their criminality, but more than anything else, their unspeakable immorality.

Let's be honest. As much good as the children's aid society does from time to time, the issue of the damage that they do is very significant and, for whatever reason, has been refused to be acknowledged by the provincial government and by the establishment of Ontario. Let the record show that I'm showing the universal sign for greed and money, because I believe that is the reason why you are failing to address the issues of CAS ugliness, criminality, fraud, malfeasance, and the unnecessary brutality and destruction that they perpetrate against children and families on a regular and daily basis.

I swear to tell the truth, the whole truth and nothing but the truth, so help me, God.

My name is Chris Carter. I'm a soon-to-be 45-year-old father of four children: Mei, Connor, Liam and Colton. The children have been used and abused as commodities

by the Cambridge office of the Waterloo regional children's aid society since the unlawful apprehension of the three older children from my care on Friday, July 21, 2006.

In preparation for what became a 22-day trial at the children's aid society's business partner, the Ontario Court of Justice, I learned that the unregistered so-called social worker who apprehended the children, a Paulette Kane, had, in effect, been hunting the children and I for close to a year prior to pulling the trigger on the apprehension. Ms. Kane did not like the fact—could not stomach the fact—that three children were being raised in a post-marital separation, father-led family unit.

At the date of the apprehension, we were three weeks away from a Superior Court order which would have established shared custody of the children between myself and my former spouse, who is a Japanese national, with primary care and control of the children to me. Ms. Kane could not stand the fact that a father would end up with primary care and control of children and she, in a vicious and criminal abuse of power, apprehended the children from my care.

**1730**

Now, I wonder if any of you gentlemen who were present for the second reading and defeated vote on Bill 183, the Ombudsman's amendment act, last Thursday, May 5, recognize my voice. After the Speaker announced the defeat of the vote, I was the attendee who was up in the seating shouting, "You're out in October, Liberals," "Brotten, you are the child protection threat," and "Disgusting." Obviously, at that time, considering the Liberal government's actions, I spoke very, very euphemistically.

The Liberal government's defeat of Bill 183, which was the NDP's third attempt to give the Ombudsman the authority to investigate complaints against the private CAS corporations, is an issue of morality. The government demonstrated that not only is it not moral; it's not even wise. You should have passed that bill and allowed it to come to committee, at least, to give us an opportunity to voice our complaints. The fact that you didn't, I hope, is going to have severe consequences for you on October 6.

The Dombroskie children from the region of Waterloo, Jeffrey Baldwin, Randal Dooley, Jordan Heikamp and many other children whose painful deaths can be directly attributed to the callous disregard or incompetence of the CAS and its workers deserve to be avenged. The government and the establishment of this province have failed to do so.

On April 4 this year, 30 of us gathered outside the Ministry of Children and Youth Services' office. The Ministry of Children and Youth Services locked down their Wellesley Street office. Approximately 15 police officers were there to keep us from gaining access to that office. Later on in the day, two of my compatriots and I met with two senior Catholic Toronto CAS staff in their office. One of the questions I asked was, "How many times have the CCAS workers responsible for Jeffrey Baldwin's death been promoted since their tragic failure

of Jeffrey?" The staff refused to answer the question, which was in fact an answer in and of itself.

On April 4, later in that day, we visited with a Miss Denise Cole, who is a veteran government of Ontario bureaucrat and who is the executive lead of the government of Ontario's woefully inadequate red herring, the three-year commission to promote sustainable children's aid societies. In answer to my question, Miss Cole stated that the commission would not be exercising its option to hold public hearings. She stated that they had determined that public hearings would be cost-prohibitive. Miss Cole was of course merely following the direction established by minister for women's issues Brotten, who, as you know, also has the second portfolio of Minister of Children and Youth Services. Minister for women's issues Brotten, during the 2010 mandatory five-year review of the Child and Family Services Act, also refused to hold public hearings. Public hearings are not held because of your fear of the truth of our experiences being registered.

Now, speaking of minister for women's issues Brotten, what message does it send to the male children in the so-called care of the CASs that the government minister responsible for their so-called care has so offensively prioritized female issues over male issues, and why haven't you male Liberal MPPs been able to muster up the wherewithal on behalf of your male constituents involved in CAS-controlled child custody disputes to assert that MPP Brotten relinquish her minister responsible for women's issues portfolio? Is it the intent of minister for women's issues Brotten to prioritize achieving improvements for female crown wards over male crown wards? What other conclusion can we reach?

Recently in the Legislature, MPP Brotten has been making numerous statements with regard to independent oversight of the CASs. Most offensively to our families, minister for women's issues Brotten has very fallaciously claimed that the Ontario Court of Justice has oversight of the CASs. Give me a break. This is an ugly lie.

The evidence establishing that the Ontario Court of Justice is nothing more than the children's aid societies' subservient business partner is heavy. Just a couple of examples: The Ontario Court of Justice has been deliberately withholding judgements from some of its most deficient judges, judges who are openly aligned with the children's aid societies. There is a wicked one in the city of Cambridge by the name of Paddy Hardman. The Ontario Court of Justice has been deliberately withholding her decisions and other judges' decisions from Internet law databases. This has been established via correspondence between myself and the Ontario Court of Justice's Office of the Chief Justice executive senior legal counsel Ms. Susan Kyle. I've copied many of you MPPs with those letters.

Also, the Ontario Court of Justice alleges to be an entity that has been adjudicating CAS cases since 1975. Why, in that case, has this \$110-million entity only produced two reports, a 2005 annual report and a 2006-07 biennial report? There have not been any other reports, and I'll submit to you that the reason is obvious: because



covering up the fraud that they and their CAS business partner have been perpetrating against the children and families of this province is not as easy as they would have thought. That is why they are so late and so behind schedule on issuing this next report.

You heard Michele from the Foster Care Council of Canada, you heard Ms. Anne Patterson, and you heard the Hasketts confirm what I am saying about the ugliness, the manipulateness and the exploitativeness of the CASs. How dare the government—

**The Chair (Mr. Shafiq Qaadri):** Mr. Carter, with respect, I'll need to intervene there. That is the full 10 minutes. I understand that you will be furnishing the committee with a written submission, in addition to the materials that you have. I'd like to thank you on behalf of the committee for coming forward today for your deputation.

**Mr. Chris Carter:** I welcome questions.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Carter.

#### MS. REBECCA DAVIDSON

**The Chair (Mr. Shafiq Qaadri):** I now invite our next presenter to please come forward: Ms. Rebecca Davidson. Please begin.

**Ms. Rebecca Davidson:** My name is Rebecca Davidson. In February 2009, I was put in the foster care system, where I spent the next four months of my life. I am from Cambridge, Ontario. CAS destroyed my life. I am 15 years old.

I remember taking one last look inside my house with my mom, who tried to tell me everything was going to be okay. Even then, I knew she was going to have a hard time fighting the power of CAS. I held on to my little brother's hand, promising to protect him, thinking I was never going to let go of his hand. But let's face it: I don't have the power. We, the children, are not heard. You have given all this power to CAS, which they twist and use against families. They are not in it to help families; CAS makes their money on separating and destroying families—and it's because you have given them all this power.

You are responsible for this ongoing baby-snatching crime, and now you're just going to give them more power because they have successfully used all the power you have given them so far. They say they're in it to help, and you take their word for it. In reality, behind the shut doors of the hundreds of foster homes and group homes, you have no idea what's going on. We, the children, the ones you are helping with this bill, are not heard. Our stories of abuse are not told.

In my family's case, my story is filled with lies from the children's aid society of Waterloo region, and it's because you have given them this power. You are responsible for how I was unlawfully taken from a loving home. You hand out all this power to CAS, and it's not helping families. They're no longer trying to keep families together, but to separate and destroy us.

When you are put in the foster care system, you are disconnected from all your family. Even if you have a bad mom or dad, that doesn't mean that all your family is bad. When I was in care, my dad still had custody of my brother but wasn't allowed any contact with me. I had visits twice a week with my mom and my brother, no other family. All the other family that I grew up knowing I had no further contact with for the four months I was in care.

**1740**

You can't ever find a worker when you're in foster care. Everything needs worker approval, like field trips or sleepovers or going to friends' houses, but you can never find one. You are constantly given new workers and expected to trust them, even though they're trying to take you away from your family. Sometimes you have no worker. One would change and you would have no worker for that time, and your request cannot be processed until you get a new one.

The entire time you are in foster care, you, as a child, are not informed. Lawyers can only say what happened in court; workers never say, and if they do say, their information is often biased. When I was visiting my mom, it was said to be inappropriate to talk about what was going on. I had no idea where my brother was. I'd just hope he was okay.

Even when family offered to take you in, they were never approved. My grandma offered; my great-aunts offered. I had lots of family that offered to take me in, but the CAS deemed them unacceptable to be fit parents for me.

While I was in foster care, there were a lot of things that negatively impacted my life. I stopped going to church because my family went to church, and I was not allowed to see my family in the church building. When I was in school, I found it really hard to start focusing; there were more important things on my mind. When you're in foster care, you're surrounded by kids who have smoked pot and are thieves and criminals. These are the people who impact your life; these are the people who are your role models. Are they good role models? Do you want your kids around thieves, criminals and potheads?

Conditions in homes: You guys have no idea what goes on there. In my foster home, I was more like a slave. There were so many chores, and you weren't equal with the rest of the blood family that was there. There were strange rules, like having to change with the door open. Head lice were a major problem, and sheets weren't changed in between kids.

When I was in my group home, I was surrounded by older girls—criminals, druggies, thieves. While I was in my group home, I tried out drugs. I walked down a really bad path. Since then, I've tried to fix it. Group homes are not family-oriented. You become very independent at a very young age and you do things like cook your own meals.

If Bill 179 is meant to help kids, how come so many are unaware of what you're trying to pass by them? Even

as a teen, when I looked into it on my own, I found this bill very hard to read. It takes a lot longer than 30 days to apply for all this, and it sounds like you're just trying to buy kids off, giving them laptops: "Sorry, you won't ever see your family again, but here's a laptop, here's some money."

Don't you think that before a bill like this passes, someone should take a look into what happens in foster care? After foster care, most kids go home anyway. You're shortening the time that parents have to keep communication and a healthy relationship with their kids, so you never get to talk to your kids again. Are you okay with that?

No kid should lose somebody they have become accustomed to in their lives, they have come to rely on. You guys are taking that away from them. You are taking all their family, not just their mom or dad; you are taking grandparents, aunts, uncles and cousins away from them.

The "forever" families: How about the families they were born to? Surely, if CAS really wanted to help kids, there has to be a way without removing them from their families. There is no perfect family. Everyone has the right to try to the best of their abilities. Who are you to take that away?

They want more money to look after troubled teens and teens who have problems, but, in fact, most kids never see this money. There are 9,000 crown wards. You're telling me that of these 9,000 unfit parents, none of the family is okay to be guardians—that they all need to be given to strangers? To me, this just doesn't seem right.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Davidson. There's still time for questions, about a minute or so per side. Ms. Savoline?

**Mrs. Joyce Savoline:** Just to say thank you so much for sharing your story with us. I'm sure it took a lot of courage. I wish you the very best as you proceed in your life.

**The Chair (Mr. Shafiq Qaadri):** Mr. Prue.

**Mr. Michael Prue:** Your pain is very real and we all can feel it.

Have you gone back to your family or do you intend to?

**Ms. Rebecca Davidson:** After four months, I was given back to my family by a judge, because there was no actual reason for me to be taken away from my home, there were no opposing threats. Since that, I have been with my mom.

**Mr. Michael Prue:** And have things worked out okay?

**Ms. Rebecca Davidson:** Yes.

**Mr. Michael Prue:** I'm glad to hear that. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Mr. Colle?

**Mr. Mike Colle:** Thank you very much, Rebecca. You're very brave to come here today. I know it's not an easy place to be, but certainly, by you coming here, you're certainly sharing a very, very important series of good information that hopefully will help. I do appreciate you expressing your very, very tragic situation, and the

courage you exhibited is really commendable. Thank you for coming, Rebecca.

**The Chair (Mr. Shafiq Qaadri):** Thanks to you, Ms. Davidson, on behalf of the committee.

MS. CATHERINE FREI

**The Chair (Mr. Shafiq Qaadri):** I now invite our next presenter to please come forward: Ms. Catherine Frei.

Welcome. Please be seated and please begin.

**Ms. Catherine Frei:** Good evening. Thank you for the opportunity to speak today.

My name is Catherine Frei and I'm from the Waterloo region. My dealings with the Family and Children's Services of the Waterloo Region are what have brought me here today. I'm also a justice reporter for Canada Court Watch, and I have actually interviewed dozens of current crown wards as well as former crown wards. I have attended court with other parents and I am intimately aware of what goes on within the family courts.

In December 2008, my two children, who were at that time 14 years old and 20 months old, were taken from me. I can assure you that right from the beginning their plans to make them crown wards were made very clear to me.

The treatment that I received from the worker and the supervisor was less than desirable, and when you look at the role that a social worker has in society, these two individuals' actions were in very sharp contrast with what one would expect. Perhaps this is why, even though both of them have social work degrees, neither one of them are registered social workers—which is a big issue, actually, if you look at the unlawful act of practising social work when you're not registered. I can't really get into that; not enough time. But a child protection worker has only one role, if you look at the law, and that's under section 40: that is the initial apprehension to take the child to a place of safety. Beyond that, they should not be dealing with any family any further than that. It should be a registered social worker only.

On many occasions, they did their very best to incite anger and frustration in me, in an attempt to have me react. Thankfully I caught on to that game early on. Only being allowed three hours a week with my baby was painful and difficult for my son and myself. When I did see him, oftentimes he looked unkempt. I would have to clean and trim his nails. He just basically was not being well taken care of.

The moment my little guy went into care, he stopped talking. Only at visits with dad and I would he talk and, of course, the society made sure in court that dad and I were accused of being responsible for his speech being delayed, even though all medical records prior to his apprehension indicated that he was right on target for his age.

Also, one incident I'd like to mention is a cancelled visit that I had—and they did that often. Then, of course, when I got to court, it would be me who had cancelled

the visit. He showed up after the cancelled visit, and dad and I discovered eight large bruises between his neck and his waist, side to side across his back. For five days, I called relentlessly trying to get an answer as to why my son, who was two years old at the time, was covered in bruises. Five days later, another worker had looked into it, and when I requested that he see a doctor, I was told that wasn't up to me, it was up to them, and he was fine; he had slipped in the bathtub. And I said, "Did he slip in the bathtub eight times? Because I don't understand how a child can have eight visible bruises scattered all over his back from one fall in a bathtub."

My daughter's access was fair at the beginning, and then the last year of my 720-day battle she did not speak to me or have any contact at all. Today, I see her and speak to her a few times a week. My parents and the society were facilitating parental alienation, and as I have since discovered, bribed my daughter. When I asked my daughter why she chose to become a crown ward—because she now lives with my mother as a crown ward—her answer was, "I will get a better education, and Opa and Nanny have promised me a brand new Honda."

As for Ms. Broten claiming that the family courts have oversight over family court matters, that is a complete and utter lie. I had to fire one legal aid lawyer in court who is now under investigation by the upper law society due to many cases, not just mine.

I had a court appearance on July 13 of last year, and that resulted in my filing a judicial complaint. That judge is now being investigated. I don't think they had much choice, since I exercised my right under section 136 of the Ontario Courts of Justice Act and I recorded my proceedings in their entirety. That judge had their mind made up prior to my entering the courtroom. It was the most disgusting and pitiful display of so-called justice I've ever seen, and even my lawyer, who has been practising for 30 years, said they've never encountered anything like it.

**1750**

The charter, in section 7, states, "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

I did not take my son for a walk outside for 657 days; I was denied to take my son outside of the building. They very promptly turned around and not only gave me outside access—very liberal access—and within six weeks of that time, my son was returned to my care; they actually withdrew their motion for a summary judgment. The reason why was that they found out that I'd been recording them for a year: every phone conversation, every visit with my child, every court proceeding. That was the only thing that saved me and my family.

I have spoken to many parents who have been physically searched for recording devices. My question is, you are recording access visits—access visits too are another sticky topic. I don't understand: If an assessment is considered evidence in court, then why have we got the fox watching the chicken coop? Why are people having their visits inside a facility being watched by people who are

employed by the children's aid society, who have a vested interest in the outcomes because that's what produces their paycheque?

It's funny: Rebecca spoke about not going to church anymore. My visits were inside of a church. I have my grade 10 conservatory piano, and on a number of occasions, my son loved to sit on my lap while I played the piano for him. As soon as they started to see some of the joy and comfort it was giving him, I was told I was not allowed to do that anymore. I was met with opposition at every turn when it came to trying to do anything with my son, even making arrangements with a worker to take him out somewhere.

I was a full-time student—I just graduated from college—through this whole ordeal. It took me 10 days shy of two years to get my child back, and this bill here would put a parent in a position where they have 30 days to do that. For this bill to pass the way that it is would be completely reckless. I have to agree with Neil and Tabatha Haskett: This is just a new and improved 1960s scoop.

I honestly do feel that at some point down the road, whether it's Mr. Harper or another Prime Minister—June 11, 2008, was when he had to apologize to the native people in this country for what happened in the residential schools—there will be a Prime Minister making an apology much the same to Ontario families for what has gone on just up until this day.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Frei. About 45 seconds a side: Mr. Prue.

**Mr. Michael Prue:** You spoke with great passion. I don't know what to ask, but is there anything else you wanted to say? I want to make sure you get everything out.

**Ms. Catherine Frei:** I really do feel that crown wards who don't have any extended family, if proper investigation has been done and it has been deemed that it's necessary for them not to live with biological family, should have opportunities to go to school and to have the supports there. I certainly have no issues with that part of the bill. I think I made clear the issues that I do have. I think there are serious amendments that need to be made.

**Mr. Michael Prue:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Mr. Colle.

**Mr. Mike Colle:** Thank you very much for your presentation. Again, I just feel that you've gone through a very difficult time, and it's very courageous of you to come here today. Thank you for coming.

**Ms. Catherine Frei:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Ms. Savoline.

**Mrs. Joyce Savoline:** The same as Mr. Prue, I just want to commend you, first of all, for coming to tell your very personal story. If there's anything else that you wish to tell the committee in the time that I have, you're welcome to do it.

**Ms. Catherine Frei:** Thank you for the opportunity. I think it's a very important issue that needs to be considered.

**The Chair (Mr. Shafiq Qaadri):** Thanks to you, Ms. Frei, for your deputation.

Is our next presenter here, Ms. Andrea Armstrong? Going once.

### YOUTHCAN

**The Chair (Mr. Shafiq Qadri):** If not, then I would invite Mr. Diamond and Ms. Maitland of YouthCAN to please come forward.

Welcome. Thank you for coming forward, and please begin.

**Ms. Jade Maitland:** Hi. My name is Jade Maitland, and I'm a former crown ward of Brant CAS. I have two younger siblings who are also former crown wards of Brant CAS. Now I am a program coordinator for YouthCAN.

YouthCAN is a communication advocacy and networking program designed by and made for youth in care of children's aid societies across the province of Ontario. YouthCAN is supported by the Ontario Association of Children's Aid Societies and provides youth in care the opportunity to get together, to network and to learn. Youth develop lasting relationships, take part in new experiences and gain valuable skills. Most importantly, youth are empowered to use their voice to effect change locally, regionally and provincially.

One advocacy component of YouthCAN is the Youth Policy Advisory and Advocacy Group, YPAAG. The group was initiated following the Youth Leaving Care report of 2006 and after the youth presentation of recommendations for change at the June 2006 OACAS conference. YPAAG is designed to provide opportunity for interested youth in care throughout Ontario to use their voice by advocating, advising and policy-making, and putting forth recommendations to CASs, public officials, ministries and others.

Provincially, youth advocacy has focused on four main areas:

The age of eligibility: Provide protection to all children until the age of 18 and extended care maintenance to youth until the age of 25.

The second one is emotional support: Staying in foster homes past the age of 18 and more worker time once we turn 18, not less.

Educational support is the third one. Help us to get into and stay in post-secondary school, as well as help us to graduate high school.

Four is financial support: Help us to live safe and healthy lives while we transition into adulthood.

An overarching issue of agencies' and our system's culture towards youth is a major focus. The question, "What would a good parent do?" should be asked when making decisions and planning for the care of children and youth in care. Youth from CASs across Ontario take part in YPAAG because they are passionate about the issues. Youth commit to being contributing and productive members of the group, and work together to create a brighter future for youth in care.

**Mr. Adam Diamond:** My name is Adam Diamond, and I'm a former crown ward of Dufferin Child and

Family Services. I have five younger siblings, and without the support of CAS, I don't know where we would be today. None of my siblings nor I had the opportunity to be adopted, so personally I'm excited about some of the aspects of Bill 179.

YouthCAN supports Bill 179, An Act to amend the Child and Family Services Act respecting adoption and the provision of care and maintenance. This legislation will remove barriers, making it easier for crown wards to find permanency through adoption. This bill is also a step forward in supporting youth who are growing up with child welfare involvement but who may leave care between 16 and 18. Many youth may now have the opportunity to return for supports.

Our requests for areas that need to be looked at in Bill 179: Our first one is to protect children in Ontario until age 18. While we agree that this bill will help allow more youth to return for assistance from their children's aid society, there's still a gap where children who have not had child welfare involvement are left vulnerable between the ages of 16 and 18. While a 15-year-old child experiencing abuse in a home would be provided protection services from a children's aid society, a 16-year-old is not eligible for help. We ask that you align the age of protection with other legislation—for example, Bill 52, the Education Amendment Act (Learning to Age 18)—and raise the age of protection to age 18.

Other provinces that protect until age 18, or 19 even, are Alberta, Manitoba, British Columbia, Yukon, Quebec, New Brunswick and Prince Edward Island. That's from Human Resources and Skills Development Canada's Child Welfare in Canada, 2000.

Raising the age of protection to 18 will keep more youth off the streets who are trying to escape abuse and neglect. It will help save many more youth and create healthier, safer youth all over the province.

Our second point is to ensure the door is kept open to all youth to return for support. Under the proposed legislation, youth who leave the care of a CAS must return before their 18th birthday to be eligible for that extended care and maintenance support. But how it is currently, if a child stays in care until age 18, after age 18 they are able to leave and come back as long as they sign an agreement with their agency. So we would ask that this bill be changed to ensure that youth who leave care still have that opportunity to come back at any point until their 21st birthday.

Our third point was to normalize the process of returning to a CAS for support. We feel that if children do decide to leave at the age of 16 or 17—which involves, usually, a court process—if the child does return, that it be an easy process, that it's as smooth a transition as possible. For a child who is returning to their CAS voluntarily and for good reasons, having to sign a new agreement or enter into a new program can be very scary and overwhelming. Returning to care should be easy and youth-friendly so that youth can come back without feeling like they will be reprimanded for leaving and coming back.

Our final point is that extending the age of eligibility for youth to receive extended care and maintenance from 21 to 25 continues to be a top-priority issue for youth growing up in the child welfare system. Youth in care are behind their peers in reaching educational milestones—on average, about two years behind. In addition, these youth have generally experienced significant trauma earlier in their lives. Many are just starting to deal with some of their past at this age, and we expect them to be fully independent. Other youth, who are not university- or college-bound but who need help just to complete high school and find a job, require longer support systems to help them stay on the right track and deal with any issues such as mental health or dealing with past traumas.

In conclusion, YouthCAN does support this bill as it acknowledges the importance of permanency in a child or youth's life and that the government is taking action to improve outcomes for this vulnerable group of young people.

**The Chair (Mr. Shafiq Qadri):** Thanks. About a minute a side, beginning with Mr. Colle.

**Mr. Mike Colle:** I want to thank both of you for, again, an excellent presentation and for your success and for your achievement. I see where Jade—you have just completed a course at Mohawk?

**Ms. Jade Maitland:** Yes.

**Mr. Mike Colle:** Way to go.

**Ms. Jade Maitland:** Thank you.

**Mr. Mike Colle:** Adam, I see that you're very active. You won Canada's outstanding youth leadership award.

Keep being advocates. You're very articulate. You're passionate and you've walked the walk. Keep doing what you're doing, okay? Thank you very much.

**The Chair (Mr. Shafiq Qadri):** Ms. Savoline?

**Mrs. Joyce Savoline:** I, too, would like to thank both of you for being here today and for giving us some comfort that there are some good things coming out of the system too. I wish you all the success in any of your endeavours.

**The Chair (Mr. Shafiq Qadri):** Mr. Prue?

**Mr. Michael Prue:** In your time with the CAS, did you ever run into young people who, I guess, were a little headstrong, wanted to leave and then who turned around at 18 and discovered that maybe it wasn't such a good idea and then there was nowhere for them to go? Have you run into people like that?

**Ms. Jade Maitland:** I ran away at 17. I ran away to my uncle and aunt's house and I didn't get any support. Then I decided that I was going to move out on my own about six months after that. My worker, who had been there only about a year, decided that she would help me. She put me on independent living, which is not extended care maintenance but almost the same thing, just for younger youth who decide they're going to move out at 16 but stay with the CAS. I ended up staying with the CAS instead of moving out because of my worker. They provided me with financial help. Then my sister did the same thing and they did the same thing for her and helped her to stay with the CAS, get her schooling done. Yes, so I've come across it myself.

**The Chair (Mr. Shafiq Qadri):** Thanks to you, Mr. Diamond and Ms. Maitland, for your deputation on behalf of YouthCAN.

There are no further presenters today. Our committee is adjourned till Monday, May 16.

*The committee adjourned at 1804.*

#### ERRATUM

No.	Page	Column	Line(s)	Should read:
SP-22	SP-471	1	45-48	<b>Ayes</b> Hillier, Paul Miller.
				<b>Nays</b> Berardinetti, Dhillon, Johnson, McMeekin, Ramal.



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### **Also taking part / Autres participants et participantes**

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Mrs. Joyce Savoline (Burlington PC)

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Mr. Avrum Fenson, research officer,  
Legislative Research Service

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