



ISSN 1180-4319

**Legislative Assembly
of Ontario**

Second Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Deuxième session, 40^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 4 December 2013

**Journal
des débats
(Hansard)**

Mercredi 4 décembre 2013

**Standing Committee on
Regulations and Private Bills**

Child and Family Services
Amendment Act (Children
16 Years of Age and Older), 2013

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

Loi de 2013 modifiant
la Loi sur les services
à l'enfance et à la famille
(enfants de 16 ans et plus)

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Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ**

Wednesday 4 December 2013

Mercredi 4 décembre 2013

The committee met at 0901 in committee room 1.

CHILD AND FAMILY SERVICES
AMENDMENT ACT (CHILDREN
16 YEARS OF AGE AND OLDER), 2013
LOI DE 2013 MODIFIANT
LA LOI SUR LES SERVICES
À L'ENFANCE ET À LA FAMILLE
(ENFANTS DE 16 ANS ET PLUS)

Consideration of the following bill:

Bill 88, An Act to amend the Child and Family Services Act with respect to children 16 years of age and older / Projet de loi 88, Loi modifiant la Loi sur les services à l'enfance et à la famille en ce qui concerne les enfants de 16 ans et plus.

The Chair (Mr. Peter Tabuns): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order. We're here for public hearings on Bill 88, An Act to amend the Child and Family Services Act with respect to children 16 years of age and older.

FAY AND ASSOCIATES

The Chair (Mr. Peter Tabuns): I will now call on Fay and Associates, Fay Martin, to come forward. You have up to five minutes for your presentation, and any time remaining will be used for questions from committee members. Please state your name for Hansard and begin.

Ms. Fay Martin: Thank you for having me here today. My name is Fay Martin. I'm a social worker turned researcher with a long professional career serving marginalized people, mostly youth, some of the time within the child welfare system. Much of that career is in rural Canada, and I come to you today from Haliburton county, about three hours north.

I want to bring a rural perspective to this conversation, informed by recent research that I've done with youth raised rurally in my part of Ontario.

The Chair (Mr. Peter Tabuns): Fay, you may sit, if you wish.

Ms. Fay Martin: I can sit?

The Chair (Mr. Peter Tabuns): Yes, and just bring the microphone closer to you.

Ms. Fay Martin: That's better?

The Chair (Mr. Peter Tabuns): That's great. Good.

Ms. Fay Martin: I want to make three points, each illustrated by highlights from the narratives of youth who participated in that research. My first point is that rural youth who leave or are kicked out of their families need someone whose job it is to mind their business while they create surrogate or substitute families in their home communities.

My second point is that rural youth who are sent to urban centres to access needed resources that are not available in their rural communities have the right to that transition being guided and supported.

Thirdly, I want to remind us that a great deal of experiential learning happens in the years between 16 and 18, and that we have an obligation to be supportive of that learning, challenging as it is, for all youth, not just our own.

I'll end up by letting you in on a little-known secret about who these youth are, just to finish on an up note. Over the past couple of years, I've been engaged in a project called To Go or To Stay. It's a narrative-based enquiry, funded by the federal government's Homelessness Partnering Strategy, about how youth raised rurally in east-central Ontario think about and manage the decision to either stay where they were raised or leave to urban centres. I did in-depth interviews with 48 young people, ages 16 to 30, who were recruited both through youth-serving agencies and through social networks. Some of their stories, which cover a very broad spectrum of reality, bear really directly on Bill 88, and I'm going to tell you about three of them very briefly today.

The first issue: informal solutions to prematurely leaving home. In rural areas where there's a dearth of formal resources, youth whose home life becomes intolerable have to create their own options. The option of choice is to find or create surrogate or substitute families. Some youth do this quite successfully; they tuck into their friends' families or they find an extended family member who's up to the task. Some take on partners, and those relationships maintain over time. But others with less assets to bring to the negotiation are rendered very vulnerable. They are shopping in the social bargain bin, so to speak, and they have to really make do with what they can afford. At the same time, they're flying under

the radar, because they know that their circumstances are not likely to pass scrutiny.

When they have no choice, they have no power. When they have no choice, potential resources within the community, well-meaning citizens, are also powerless to help them. The youth are abandoned to whomever wants them for whatever reason.

If it's somebody's job to care about these youth, if somebody is charged with overseeing their situation, these youth have some power to push back against exploitation, and it might be that exploiters would be somewhat constrained by the possibility of exposure. When, as is currently the case, it's nobody's job to pay attention, we as a society send a tacit message that the youth is fair game.

Leeann was 26 when I interviewed her. Her parents separated when she was a toddler. She remained with her controlling dad through two successive relationships marked with domestic violence, becoming the eldest in a growing troop of children. At 15, she went to live with her mother. That arrangement lasted less than a year. She couch-surfed and worked while trying to complete high school, and then moved in with a much older boyfriend who subsequently had knee surgery and was unable to work.

Here's what she says, "When I was 17, in grade 11, I met with the school counsellor and she asked me what was going on because my grades were slipping"—

The Chair (Mr. Peter Tabuns): You have a minute left.

Ms. Fay Martin: Oh, my goodness. I won't tell you very much—okay.

The second thing is unsupported transitions to access urban resources: Rural communities often have fewer formal resources than urban communities. Youth whose needs exceed resources available in the rural community are involuntarily migrated to urban centres to access the necessary resources. Often there are little or no resources that are offered to support the transition. If youth become estranged from their family in this transition, they become very vulnerable. But in any case, they lose their social capital—their friends, the familiarity of being known. They suffer culture shock, and they're ill-prepared to manage urban life.

I have here the story of Manny, who was a flamboyantly gay kid who was sent to a school in Toronto that was gay-friendly, and who landed at Covenant House and lasted about three days before he got sucked into the underworld. For him, there was very little choice. There was not another high school within 100 kilometres.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martin.

Ms. Fay Martin: Thank you.

UNICEF CANADA

The Chair (Mr. Peter Tabuns): Our next presenter, from UNICEF Canada, please come forward. You have five minutes for your presentation. Any time remaining

will be used for questions from committee members. Please state your name for Hansard and begin.

Mr. Marvin Bernstein: Marvin Bernstein, policy adviser, UNICEF Canada. You have our written submission in front of you. In the time that I have, I want to just put on record the recommendations from UNICEF Canada that are set out on pages 18 and 19 of appendix A.

Recommendation 1 is that the United Nations Convention on the Rights of the Child be explicitly recognized as having application to Ontario's Child and Family Services Act. That has been done in part in Bill 88, and we certainly appreciate that.

I should say that UNICEF Canada applauds the spirit and intent of this bill. This is a long-standing issue affecting young people 16 years of age and 17 years of age in this province. UNICEF's recommendations that are being advanced are really to strengthen this bill and ensure that there is another cohort of young people who are 16 and 17 who are entitled to the same level of protection from abuse and neglect, even where they may not be consenting to enter into a temporary care agreement.

To continue, recommendation 2: that Bill 88 be amended to ensure that the United Nations Convention on the Rights of the Child is fully incorporated into all aspects of interpreting and applying Ontario's Child and Family Services Act and that the obligations under the convention apply to all decision-makers and adjudicators, and not just to service providers. The bill references service providers as being subject to the provisions of the convention. We're suggesting that there be broader application. We recognize that the bill relates to part II of the legislation, but really judges, the Child and Family Services Review Board—all actors within the child welfare system should be subject to the obligations to respect the rights of children.

Recommendation 3: that Bill 88 be amended to provide a new stand-alone subsection of the declaration of principles that would state or have language similar to: "In interpreting and applying this act, regard shall be had to the United Nations Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989, and to which Canada is a party." That language is taken by contrast from the Provincial Advocate for Children and Youth Act, which is a much stronger and broader application of the principles of the convention. We commend that to you.

Recommendation 4: that the upper age for legislated child protection intervention be raised from 16 years of age to 18 years of age in Ontario's Child and Family Services Act so as to be consistent with article 1 of the United Nations Convention on the Rights of the Child.

0910

Again, we appreciate and support the elevation of the age for child protection to age 18. It's a long-standing issue. When I worked at the Ontario Association of Children's Aid Societies, we prepared a comprehensive brief and supported the elevation of that age.

The Chair (Mr. Peter Tabuns): You have one minute left.

Mr. Marvin Bernstein: Thank you.

Recommendation 5: that the proposed legislative framework for allowing 16- and 17-year-olds to voluntarily enter into temporary care agreements with their local children's aid societies, as set out in section 2 of Bill 88, be implemented, subject to regulatory and Ministry of Children and Youth Services policy changes relating to the funding of its continued care and support for youth and renewed youth support programs.

Two more recommendations before I close. Recommendation 6: that Bill 88 be amended to provide a further avenue for court-ordered in-care protection and support services from children's aid societies for 16- and 17-year-olds who may be in need of protection, as defined by section 37(2) in part III of Ontario's Child and Family Services Act.

Lastly, recommendation 7: that Bill 88 be amended by further amending the definition of "child" in subsection 37(1) of the Child and Family Services Act, so as to be consistent with that of subsection 3(1), which defines a child as "a person under the age of 18 years"—

The Chair (Mr. Peter Tabuns): Thank you. I apologize.

Mr. Marvin Bernstein: Thank you.

MS. JANE SCHARF

The Chair (Mr. Peter Tabuns): Our next presenter is Jane Scharf. Ms. Scharf, you have up to five minutes. Any unused time will be given to one of the parties for questions.

Ms. Jane Scharf: I'll use all the time. I probably need five times as much.

The Chair (Mr. Peter Tabuns): Okay. Please state your name and proceed.

Ms. Jane Scharf: My name is Jane Scharf, and I'm presenting a brief to the committee that I can't possibly cover in five minutes, so I've asked the clerical staff to provide the committee members with a copy. There's a report we're calling *The Dam is Breaking*, and attached to that is an affidavit from Pamela Palmer, with some exhibits that go with the affidavit. Obviously, I can't go through all this material, but I'll just try to highlight what is in here.

We have put this document on a website, so if the public wants to look at the full version that the committee is going to see, they can look at it there. The website is under www.contactyourmpp.com, and the page title is "Standing Committee Brief." So the affidavit is there and the brief is there, as well. I'll just repeat one more time: www.contactyourmpp.com.

Primarily, we want to ask the committee to scrap this bill entirely. We think that there are serious problems with the administration of the children's aid societies that are well known to the public at this point. Until those problems are fixed, we don't want to see their jurisdiction expanded to include all youth aged 16 to 24, even those who were never in the care of children's aid, which Bill 88 would do.

We're making the claim here that in Rod Jackson's presentation to the public, he misrepresented the facts in his promotion of this bill. We want the committee to scrap the bill as well as to file a complaint with the Integrity Commissioner under section 30 of the Members' Integrity Act, because an MPP has an obligation to support the interests of the public and the government when they're undertaking a political activity, such as introducing a private member's bill.

This material that we're submitting is evidence, and like I say, we have sworn the exhibits. We have evidence—

Mr. Rod Jackson: Go for it.

Ms. Jane Scharf: Pardon me?

Mr. Rod Jackson: Go for it.

Ms. Jane Scharf: Go for what? Are you supposed to talk when I'm presenting?

The Chair (Mr. Peter Tabuns): No. Please continue.

Ms. Jane Scharf: I don't appreciate being interrupted, Mr. Jackson.

We have seven areas where we're providing proof of difficulties or misrepresentations. First of all, Mr. Jackson says that there is nothing for youth 16 years old, 17 years old, except if they're youth who are in the children's aid. We have presented here a document, put together by the Ottawa police—

The Chair (Mr. Peter Tabuns): One minute left.

Ms. Jane Scharf: —and it's Youth Resource List, and it's 27 pages long.

As well, there are documents here showing that there is welfare provision for 16 and 17, and they treat them as minors, not as adults, as Mr. Jackson suggests.

Basically, nothing in the promotion is true. It's all fabrication of fact, and this presentation demonstrates that.

As well, we've done a list of public information available to show that the CAS is not even following its own mandate—like, the auditors—the Ombudsman is having issues with them. The children's advocate has said he doesn't accept this bill in its current form.

In our brief, we have a statement from six advocates—or seven, including myself—

The Speaker (Hon. Dave Levac): Ms. Scharf—

Ms. Jane Scharf: —Robert McQuaid—just one second—

The Chair (Mr. Peter Tabuns): Thank you. I'm afraid that your time is up.

Ms. Jane Scharf: —Dorian Baxter—please let me—just two seconds here—

The Chair (Mr. Peter Tabuns): No. I've got Ms. Pamela Palmer on the line, coming up to speak next. I'm afraid you have to end.

Ms. Jane Scharf: Can you ask her to read the list of advocates?

The Chair (Mr. Peter Tabuns): She will speak as she sees fit.

MS. PAMELA PALMER

Ms. Pamela Palmer: Hello. Everything I speak to is found in the evidence presented to you minutes ago by

Jane Scharf, in my commissioned affidavit and on our website, contactyourMPP.com.

We have been in contact with many youth currently in the care of the CAS who have all complained about abuse and neglect they face in the care of the CAS. They even tried to be here today to present to you.

CAS is a private corporation that answers to no one, with the exception of lax oversight by the Ministry of Children and Youth but only when there appears to be problems with the financial management of the corporation. Not even an MPP can investigate the CAS nor intervene on behalf of a family or child. The Ombudsman does not have oversight, even though he has been fighting for years to oversee the CAS. Their only review board is internal and has zero power to force the CAS to act in accordance with their findings.

They currently receive \$1.2 billion a year of taxpayer money, yet over 80% of the street population comes directly from the CAS: youth who cannot secure income by any other means. The CAS has abandoned them. The CAS is not paying any money towards these kids, but it is collecting the money for these kids from the taxpayer. What will happen to their trusts and estates with this bill?

The youth in care represent less than 1% of the youth population, yet they are grossly overrepresented in the streets and prisons.

This bill should be about forcing them to clean up their act, not extend their power and jurisdiction through one of their ex-board members, Rod Jackson. This is a conflict of interest that needs to be investigated immediately.

Nine youth are represented in this bill, handpicked by the CAS—not the thousands of others currently in their care, in detention centres and jails, on the streets, or currently on OW or ODSP. None of those youth have been asked if they would want to go into the care of the CAS. I doubt any of them are here today to present, nor are there OW and ODSP workers, who will lose their jobs.

Much of the youth supports and shelters currently offered will be forced to close their doors. They have much better outcomes for the youth than the CAS. Why are they not being awarded this jurisdiction when their outcomes fare much better? Provincial advocate Irwin Elman said himself, “They do not have the capacity to support these youth 16 to 18, and I would like to see it mandated elsewhere.” He even wants this to bill die on the committee table.

Rod Jackson did not practise due diligence when researching and writing this bill. He has misled and misrepresented the facts to the public in legislation by failing to once mention the name “the children’s aid society” in one of his speeches to the Legislature. It has proven to the public he is not trustworthy and should be investigated by the Integrity Commissioner. In fact, we ask that you send a report to the Integrity Commissioner for further investigation.

This bill is nothing but a sneaky way to privatize welfare. Welfare is currently offered by the government.

CAS is a private corporation already profiting off the backs of our children and youth and families. Not even the courts can order the CAS to provide services to their clients. Section 51(3.2)(c) of the Child and Family Services Act forbids it. Will you be able to guarantee that these youth receive services and support? CAS has more power than the police. Section 40 of the CFSA: The CAS can enter your home with or without a warrant, use force with or without police presence and apprehend children with or without a warrant.

0920

In order for this to be a voluntary agreement, as it is being presented, there would need to be amendments to the OW and ODSP laws first, or this agreement is forced upon them by having no other means of support.

Let me leave you with this thought: The CAS has proven time and time again it fails—Jeffrey Baldwin, Randal Dooley, Katelynn Sampson and Matthew Reid, to name but a few. They will use their powers to abuse the funding process. See the Toronto Star article dated March 14, 2013—

The Chair (Mr. Peter Tabuns): Ms. Palmer, you have a minute left.

Ms. Pamela Palmer: —a leaked memo by the Peel CAS where they instructed their workers not to return any children home, so that they can retain their funding. That is the grossest form of abuse you can find from an agency that is supposed to protect and serve our most vulnerable. They obviously only serve and protect themselves. They will destroy the future of this province and potentially this country.

The only thing that should be done with this bill is scrap it. It is one page. Scrap it.

As we speak, our youth have rights and freedoms under the charter. Do not allow their rights to be taken away and their futures destroyed. Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Palmer. Your time is up.

ONTARIO ASSOCIATION OF RESIDENCES TREATING YOUTH

The Chair (Mr. Peter Tabuns): I will go to the next presenter, the Ontario Association of Residences Treating Youth. Mark Williams? Mr. Williams, as you know, you have up to five minutes. If there’s any time leftover, questions will be asked. Please state your name and proceed.

Mr. Mark Williams: Mark Williams, from the Ontario Association of Residences Treating Youth. Thank you for the opportunity to present today.

Last year, OARTY’s 70 member agencies provided over 800,000 days of care to more than 3,300 children and youth in the care of Ontario’s children’s aid societies, who turn to us when they lack the internal resources to handle their more challenging children. As per-diem-funded agencies, our members have been providing cost-effective, quality services to children’s aid societies for decades.

OARTY strongly supports Bill 88, which is designed to provide services to a very vulnerable group of young people who are currently falling through the cracks. Just because the system is identifying these kids for the first time at 16 or later doesn't mean they don't share many of the issues of the clients who are already in care. It's unlikely that these family issues that would drive a teen into the street have just popped up. It is certainly quite common for our members to report receiving requests for services for just this age group, who, without the resources they need, often end up in the care of hospitals, shelters and the youth justice system. Certainly, any child willing to walk out of home at 16 or 17 is clearly facing some genuine challenges, and as a society we need to both recognize it and support it, with homes, resources and a financial commitment. Given the age and emerging independence of this particular group, they may be unlikely prospects for traditional adoption or foster care.

OARTY has two items that we believe are critical: Bill 88 in its current form allows that a children's aid society may make a written agreement for the society's care and custody of the child over 16. We believe this wording suggests that the children's aid can choose whether or not to enter into an agreement, and we believe that this language could result in this very vulnerable group of young people not receiving services as budgets are tightened. To be perfectly explicit, if CAS budgets are tightened, would they be forced to defund or underfund this population that Bill 88 is being designed to protect? Without a requirement or a mandate to service this population, it's likely that this service stream would be one easily cut in times of austerity. OARTY would strongly advocate that the wording of the bill be amended to require the children's aid society to enter into an agreement at the request of the youth.

At a time when CASs are struggling with curtailed budgets, the prospects of adding an additional group of youth requiring care may certainly seem daunting. Other presenters today will undoubtedly talk about the need for additional funds to make Bill 88 a reality. Our second item is to strongly add our voice to those who weigh in on funding. We believe the government needs to fund this initiative as a separate line item for MCYS, and then the system needs to make the right choice about allocation of this funding.

Our membership has been providing quality, cost-effective service to this age group for decades. Our members have both the capacity and the capability to provide services immediately. Approximately 900 clients within this age group are served by our members every year, and of these clients, 500 have complex special needs. We have the sophistication required to support these kids.

The Drummond report called for many—

The Chair (Mr. Peter Tabuns): One minute left.

Mr. Mark Williams: —improvements in the strongest possible language. There was a strong suggestion to include the private sector to deliver public services. At any given time OARTY members provide residential services to approximately a quarter of the young people

needing such services in the care of the Children's Aid Society. OARTY recognizes the enormous challenges faced by MCYS in containing and managing the overall CAS expenditures, and we are confident that our sector can be part of the solution.

Thank you again for the opportunity to participate today.

The Chair (Mr. Peter Tabuns): Thank you. We have 20 seconds left. The official opposition, any questions? There being none, thank you very much. We'll go to our next presenter.

Miss Monique Taylor: Chair? I would just like to know if you can provide us a copy of your submission, please.

Mr. Mark Williams: We'll have a submission tomorrow by 5 o'clock.

Miss Monique Taylor: Thank you.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much.

PRO BONO LAW ONTARIO AT SICKKIDS

The Chair (Mr. Peter Tabuns): The next presenter is Pro Bono Law Ontario at SickKids. If you would please introduce yourselves for Hansard, you have up to five minutes. Any unused time will be given to the third party for questions.

Ms. Lee Ann Chapman: My name is Lee Ann Chapman. I'm triage lawyer at PBLO at SickKids. I represent patients and families at the Hospital for Sick Children. This is Kathy Netten. Kathy Netten is a medical complex care social worker at the Hospital for Sick Children.

As you've heard, Bill 88 allows for the care and protection by CAS of 16- and 17-year-olds on consent. We are coming today to ask you to make a further amendment to the CFSA, to extend the same care and protection to the most vulnerable 16- and 17-year-olds we see in our hospital. Those are young people without the capacity to consent either because of physical, mental health or development issues, who live in situations where they are abused or neglected, and whose parents or legal guardians—who are their substitute decision-makers—cannot or will not consent on their behalf to receive the care and custody of CAS under the current amendments.

Under the current system, the only alternative for these young people is to seek the services that they need through the Office of the Public Guardian and Trustee. This is a very cumbersome system, as Kathy Netten will illustrate.

We are coming here today asking for the apprehension powers and duties of the CAS to be extended to provide protection for incapable youth up to the age of 18. As well, we are asking that the duty to report suspected abuse and neglect be extended to those young people up to the age of 18.

Based on a recent case, Kathy Netten will provide you with some of the barriers in the current situation that these most vulnerable young people face in order to receive care and protection.

Ms. Kathy Netten: I would like to tell you very quickly about a family that I worked with. This was a young woman who was 16½ years of age, who was nonverbal and non-ambulatory. It was impossible to assess her cognitive capacity because she had hearing impairments and visual impairments and didn't respond to her name and only to touch by family members. She had no capacity for her own decision-making. She was living in a family where both parents had serious mental health issues. There was huge involvement from multiple services, and they would find her in dirty diapers. She was not being fed, and she was not getting medication.

What happened is that the parents were unwilling to allow additional supports, and we went to the Office of the Public Guardian and Trustee. This system, unlike the children's aid society, is a very lengthy process. It took over six months to have a transfer of decision-maker for this very, very vulnerable young woman. What happened is, there was a phone intake, which took two months. There was an investigation, and then it proceeded to court before someone could make decisions. That entire time, she could have been taken out of the hospital and taken to another country and been beyond any protection whatsoever. It took six months for the public guardian to assign a substitute decision-maker, and now that individual has gone into residential placement. The powers of the children's aid society, where there is an apprehension and then court, would have protected this individual from being taken overseas.

0930

The Chair (Mr. Peter Tabuns): Have you completed?

Ms. Lee Ann Chapman: Yes, we have.

The Chair (Mr. Peter Tabuns): Thank you. No questions?

Then we'll proceed with the next presenter. Is Archbishop Dorian Baxter present? No?

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES

The Chair (Mr. Peter Tabuns): We'll go to the Ontario Association of Children's Aid Societies, Mary Ballantyne. You have up to five minutes, and if you'd introduce yourself for Hansard. Thank you.

Ms. Mary Ballantyne: Good morning. My name is Mary Ballantyne and I'm the executive director of the Ontario Association of Children's Aid Societies. It's a member organization of children's aid societies across the province. I'm very pleased to be here today, accompanied by staff and youth: Wendy Miller, Virginia Rowden, Vera Williams, Thomas Nunno and Adam Diamond.

This is a very important day for children and youth. It's the first time we've had the opportunity to speak in the Legislature about legislation to protect youth aged 16 and 17. This change is something that children's aid societies, youth and advocates have long awaited, and we are hopeful that this bill will become law.

Why is it so important for youth? What do they tell us? They tell us that they can't stay at home sometimes. It's not safe, and they wish they had somewhere to go. They really would like to stay in school, but they can't because they don't have a safe place to live. They don't want to go on welfare because welfare will often make them go back home. They're afraid to stay in homeless shelters. It's scary. Often their things are stolen and it feels very unsafe. They really wish that help was there when they needed it.

Ontario is one of the few jurisdictions in Canada that's not able to offer this critical safety net for 16- and 17-year-olds, and it's time to move forward. Children's aid society staff work hard every day to help support families to keep children safe. Often in our work we encounter youth who have turned 16 and are coming to us for help for the first time. Sadly, under the current system, children's aid societies may not offer that service. These young people are forced to seek help through the adult system. Sometimes 16- and 17-year-olds need protection and they're part of a sibling group, so imagine the devastation of these children who are not only unable to be protected but are separated from their younger siblings. The younger ones are able to go on to safe places and the older ones are left to fend for themselves.

We refer to these young people as youth, but in fact they are still children and they still need our protection, care and guidance. You will hear from others today that these youth do struggle. They often have to run away from home, drop out of school and become homeless. Living on the street, they are exposed to dangerous circumstances and/or are at risk of exploitation. They are caught between two worlds—one which expects them to survive as an adult but for most purposes treats them as children. They need a guardian or a sponsor to access most services, to enter into contracts, to sign a lease and to register for utilities. Even to apply for welfare they need an adult to assist them. They may be able to withdraw from parental care, but they may not leave school until 18. These are only a few of the inconsistencies in expectations that youth of this age face daily.

The Ontario Association of Children's Aid Societies supports the overall intent of Bill 88. We agree that 16- and 17-year-olds should be able to access protective services and enter into temporary care agreements with children's aid societies on a voluntary basis for a maximum of two years.

The Chair (Mr. Peter Tabuns): One minute left.

Ms. Mary Ballantyne: Bill 88 is an important first step, and we urge its swift passage. We also suggest that implementation be accompanied by a process that would allow us—government, youth and other youth-serving organizations—to see how these changes address the problem. We need to see if this will allow children to be protected and whether there needs to be an additional authority to investigate and seek orders from the court. As was mentioned by the women from the Hospital for Sick Children, we would want to see if this might be necessary. If proclaimed, the lessons learned could also

help us to see whether these services would provide enough, or whether there should be further services, as are offered to current crown wards.

As this bill moves forward, the Ontario Association of Children's Aid Societies would be pleased to be involved in refinements to the bill and, if passed, the development of regulations to support the bill's successful implementation. Thank you.

The Chair (Mr. Peter Tabuns): Thank you for your presentation. It was right on the button.

OUR VOICE, OUR TURN

The Chair (Mr. Peter Tabuns): The next presenter: Our Voice, Our Turn. Are they present? Okay.

Michele Farrugia and Kayla Sutherland, you have up to five minutes to present. If there's time left over, you may be asked questions. Please give your names and we'll proceed.

Ms. Kayla Sutherland: Hello. My name is Kayla Sutherland. I have here My Real Life Book as my submission. Thank you.

Two years ago, I sat where you sit, on the panels team with the Youth Leaving Care Hearings, listening to submissions from youth all over Ontario as well as professionals and adults who had been in care for years before. We heard so many things. One of the big things that we heard is that youth want the option to be able to be protected past the age of 16, that 16 is not a good age to take care of yourself.

Does any one person here know a 16-year-old who knows how to completely take care of themselves? No. I don't think that you would put your child out on the streets. I don't think that you would expect them to take care of themselves and know how to get food, how to pay for rent and how to get a job. They're not even done school yet.

Many of them, because they're at risk, get children, and then they never get to see their children again. How are they supposed to be able to parent when they're still children? They're never given the chance. They were never taught.

As a province, we need to be helping our kids. It's not right that the province lets your kids out at 16 years old. As an individual, are you proud to say that your kids, the children of Ontario, are being found homeless, addicts or dead? Are you proud that those are your children? I hope not.

Mr. Michele Farrugia: Hi. My name is Michele Farrugia. Two years ago, I sat right here at the Youth Leaving Care Hearings. My testimony made a difference for me and for others already in the system, but today I'm here to advocate for those who are not in the system but wish they were, and to say that this option is not one-size-fits-all and needs to be tailored to individuals.

I think Bill 88 is a good bill, but it needs more teeth in the way of amendments to support the vulnerable youth who actually need the protection from their families and parents the most.

I am submitting the blueprint, of which I was one of the authors. Raising the age of protection is one of the recommendations. Thank you.

The Chair (Mr. Peter Tabuns): Thank you. You have a little over a minute left. Questions to the government.

Mrs. Amrit Mangat: Thank you for your presentation. I value your opinion. Thank you.

The Chair (Mr. Peter Tabuns): Ms. Damerla?

Ms. Dipika Damerla: That's all.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much.

Interjection.

The Chair (Mr. Peter Tabuns): No, we rotate it one party at a time.

Thank you very much for your presentation this morning.

OFFICE OF THE PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH

The Chair (Mr. Peter Tabuns): Our next presenter is from the Office of the Provincial Advocate for Children and Youth. As you know, Irwin, you have up to five minutes. If you'd state your name for Hansard.

Mr. Irwin Elman: Hi. I'm Irwin Elman, the Provincial Advocate for Children and Youth. I guess I want to say first, to Mr. Jackson, change is hard. You're just proving that today. This is a long discussion, over decades, really, and it's important for it to happen for the first time here at the Legislature. It's a historic moment in many ways.

I want to say that I support the bill in principle. I want to be clear: I do have concerns, and we will make a submission that speaks to them.

You've heard from Kayla for the young people who led the hearings and for people at the hearings; and Michele, who was on the working group for MCYS. Those young people have told us that they want this bill passed.

I asked my staff in my office to look at the kinds of calls we had and the young people we've heard from over the past some months who might be touched by this bill. I heard about a young man who was gay—he was kicked out of his home—who had called us, 16, looking for help and his rights.

0940

We heard about an unaccompanied minor who was a refugee claimant, who was in a shelter in Toronto with no status in Canada—a refugee claimant—yet no support anywhere, looking for assistance.

We heard, as has been mentioned, about a sibling who was 16. Her sister was removed from the home by the child welfare system, but she had to either stay at home or fend for herself on her own.

All of those young people and more—I can explain other situations—were calling to say, "If the option was there for us to be in care, we would take it." That is what

we think needs to happen and why we think this bill is important.

The piece that I think is really crucial, however, is that it remains voluntary, that young people, particularly 16- and 17-year-olds, have to choose that this is the option that is going to work for them. So I want that to remain. I also want this not to undermine other options so that their ability to access income support systems, like OW, is not compromised by the choice that they now have to enter care. That's important.

Yet the people who choose to enter care, I want them to have the full range of support that the system can offer. I want them to be able to access what used to be called extended care and maintenance, if they so choose. I want the voluntary agreements to be longer than two months the way it's written, and it could be 24 months if the young person agrees. I want the voluntariness of the act to be more in favour of the young person in the child welfare system, because we know sometimes we create policy or practice or legislation even, and on the ground it's not implemented in the way that it was intended. I want the child welfare system, if the young person wants to be in care, to be almost compelled to provide the support that that child needs, not for it to be arbitrary, so in keeping with some of the movement of principles and policies that have been put in place.

I want to say one more thing—two more—which is the issue of capacity of child welfare. In the My Real Life Book, young people spoke about being left out of their own lives. This is particularly important for young people 16 and 17, even more so for young people who have stayed at home in difficult situations, who have found a way to cope. It is really difficult to work in a way where you take away their control and power over their own life—

The Chair (Mr. Peter Tabuns): One minute left.

Mr. Irwin Elman: And so I would say that we need to build capacity in the child welfare system. There's not been any change in the culture of the way that the system works to support young people being actors in their own lives all the way through. We need to do that to make this bill really effective. I know that's not your job, but that needs to happen. And we can look to other agencies and other partners for children's aid who know how to do that better, how to work with this population better, to help with the implementation.

Finally, it is important to recognize MPP Jackson for taking this opportunity to listen to young people. I notice Monique Taylor is here, and she has a private member's bill as well, and so does Soo Wong from the governing party, another MPP who put a private member's bill. It is amazing that young people came to this Legislature—you welcomed them in, allowed them to make it their home—and three parties, in a non-partisan way—

The Chair (Mr. Peter Tabuns): Thank you.

Mr. Irwin Elman: —three MPPs, private members' bills—

The Chair (Mr. Peter Tabuns): Mr. Elman, I have to thank you, and I have to call up the next presenter.

Mr. Irwin Elman: I hope you know where I was going with that. Thank you.

The Chair (Mr. Peter Tabuns): Thank you.

MAPLEVIEW COMMUNITY CHURCH

The Chair (Mr. Peter Tabuns): The next presenter: Mapleview Community Church. As you've heard, you have up to five minutes to present. If there's any time leftover, it will go to the opposition. Please state your name for Hansard.

Ms. Laura Durst-Fess: Perfect. Thank you. My name is Laura Durst-Fess.

The macro-level principles of Canadian law can be found in the Charter of Rights and Freedoms, a sovereign document which guides the creation and implementation of subservient laws. Breaches to the charter, whether in the area of human rights or issues pertaining to natural justice, may be appealed so that all Canadians can be guided by a judiciary which is stable and just. However, there is a systemic gap in place which maintains minor Ontarians in a position of vulnerability, as access to protection services is restricted, based on age eligibility.

This systemic discrimination has been appealed since as early as the 1969 Report on the Age of Majority and Related Matters, in which the Ontario Law Reform Commission recommended that the then-titled Child Welfare Act of 1965 change the definition of "child" from 16 years of age to 18. As a result, when the Child and Family Services Act was published in 1984, it defined a child as anyone who was under the age of 18. However, although both the Age of Majority and Accountability Act as well as the CFSA consider children to be any individuals who are under the age of 18, there are still a number of conflicting rights that some children have access to while others do not.

A national report entitled A Canada Fit for Children states that it is the government's responsibility to provide for the care of children and to ensure their protection when the child's parents are unable to do so. In order to carry out that responsibility, the Ontario government has mandated the children's aid society as responsible for organizing adequate services while fulfilling the directives of the CFSA.

As previously mentioned, the CFSA does now define any child as an individual under the age of 18. However, in section 15(3)(b), the act states that the children's aid society is only to "protect, where necessary, children who are under the age of 16..."

In other words, although the government formally recognizes their responsibility to provide protection to minors, they forfeit that obligation when the child is 16 or 17 years old. Therefore, whereby a 15-year-old child being abused by a caregiver is allowed protective services under the act, a 16-year-old child suffering similar abuse is not. Thus, since not considered a child or an adult, 16- and 17-year-olds are pushed into a demographic of adolescents whose services are undefined, nor assigned to a governing body.

For young people who cannot access protection services due to age restrictions, homelessness is a natural by-product. According to the 2012 OACAS report, young people in need of protection “often respond by running away and living on the streets. The lack of protection limits their prospects of a healthy, productive adulthood and leaves them vulnerable to substance abuse, teen pregnancy, depression, dropping out of school, exploitation and involvement in criminal activity.”

Furthermore, the 2009 Raising the Roof report indicated that 67% of homeless youth grew up in a family that could not maintain safe housing; only 43% had previously been involved with CAS, not 80%; and 71% had been involved in the criminal justice system—clearly, a demographic of vulnerable citizens who are in need of protection.

The only escape from homelessness for 16- and 17-year-olds in need of protection is for them to attempt to access the adult welfare system. However, access is tedious and often too difficult to navigate unaided. Furthermore, unless special circumstances can be proven, the teen will not be eligible for support.

As previously mentioned, the overarching law through which the rights of Canadians are accounted for is known as the Canadian charter. According to section 15(1), “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination” and, in particular, without age discrimination. Clearly, protection and equal benefit are not being afforded to 16- and 17-year-olds who are stuck in a systemic gap which maintains them in a position of vulnerability.

In 1990 Canada signed on to the UN’s Convention on the Rights of the Child—

The Chair (Mr. Peter Tabuns): One minute left.

Ms. Laura Durst-Fess: —and became a ratified state in 1991. According to that agreement, “a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.” Furthermore, the monitoring body known as the Committee on the Rights of the Child has urged all ratified states to set the age of majority to 18 and increase protection for all children who are under 18.

In order to adhere to the recommendations of the UNCRC, the most viable option for lawmakers would be to amend the CFSA, allowing all children under the age of 18 to appeal to the society for the protection services.

Royal assent of Bill 88 would ensure that protection services are provided to Ontarian minors in accordance with the UN Convention on the Rights of the Child. Although many arguments presented today may be concerned with the future directives of such a change, lawmakers must acknowledge that within the CFSA, age-based systemic discrimination is occurring and make a change.

It should be noted that provinces such as Manitoba, Alberta, BC and Yukon have already implemented child welfare policies which reflect those recommended—

The Chair (Mr. Peter Tabuns): Thank you. I’m afraid we have to go to the next presenter.

Ms. Laura Durst-Fess: That’s okay. Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you very much.

MR. DON WEBER

The Chair (Mr. Peter Tabuns): Our next presenter: Don Webber. Mr. Webber, you have up to five minutes. Please give your name for Hansard. If there’s any time left at the end, you may be asked questions by members of the committee.

Mr. Don Weber: My name is Don Weber. Good morning. Thank you for the chance to make these remarks as an individual presenter.

I have been a case worker and manager with the children’s aid society in Ontario, primarily working with youth in care. In early social work training, I learned a time-tested concept especially important for developing teens. It is that people have progress in their lives if three factors exist: capacity, opportunity and motivation. Capacity means having ability and potential; opportunity is equal access to meaningful supports; and motivation is self-confidence, with goals, feeling hope, almost always linked to helping relationships.

Bill 88 intends to assist this formula for youth whose fate has been the absence of sufficient primary support. It is about serving individual youth and the family. With the present mandate, if a family of three children, for example, aged 12, 14 and 16, require protective services, only the youngest two are eligible. Younger siblings can be separated from a secure connection to an elder brother or sister—particularly distressing if that person has been a dependable substitute caretaker.

The bill proposes that youth have voluntary access to service—youth who recognize and agree to support. That is capacity and potential.

Opportunity: This is Bill 88’s key contribution, in my view, creating the legal doorway to already existing services. Services include: foster, kinship or community care; providing shelter, food and clothing; medical and dental care; counselling; recreation; driver’s education; links to school; and employment guidance. I suspect many of the items on this sound like a description of fundamental parenting to you. But not all youth need the full array of services. It can be much, much simpler, on their independent terms.

One morning, the phone was ringing as I arrived at the office. It was Caitlin, aged 17, a crown ward living valiantly on her own since 16. She was in care prior to her 16th birthday due to chronic homelessness and family drug addictions. Being very wary of CAS service, she bluntly said, “What are you doing right now? I forgot to set my alarm. I have a term English test in one hour and I won’t make it across town with two bus transfers. Can you drive me?” She has proudly become the first person in her family to complete high school. It is unlikely her future will involve the costly, long-term use of hospitals and courts. Teachers and friends have seen her need and

capacity and have given her added support—most importantly, hope to be motivated.

We cannot legislate hope, but opportunity and equal access to service can be legislated. I believe that's the intent of Bill 88.

The Chair (Mr. Peter Tabuns): Mr. Weber, thank you. As there is a division being called in the House, pursuant to standing order 128, I must suspend the committee meeting at this time to enable members to make their way to the chamber to vote. I'd ask members to return promptly, as the committee meeting will resume shortly after the vote in the House.

The committee recessed from 0953 to 1002.

The Chair (Mr. Peter Tabuns): I'd ask committee members to resume their seats so we can proceed. Mr. Fraser—

Interjection.

The Chair (Mr. Peter Tabuns): I know they're busy, but people want to make their presentations before we run out of time. If we can have the committee come back to order. Mr. Weber?

Miss Monique Taylor: He's done.

Mr. John Fraser: He's done.

The Chair (Mr. Peter Tabuns): The next, then, is Justice for Children and Youth, Johanna Macdonald. No?

Okay. Next, then, Quest Collegiate and Recovery Centres, Eileen Shewen. All right.

MR. NICOLAS STATHOPOULOS

The Chair (Mr. Peter Tabuns): We have Nicolas Stathopoulos by teleconference. Mr. Stathopoulos, can you hear me?

Mr. Nicolas Stathopoulos: Yes, I can. I was expecting to go on at 10 or 15 after, but I'm ready for you now.

Mr. Bill Walker: It's not loud enough.

The Chair (Mr. Peter Tabuns): We'll have to have the volume higher.

Mr. Nicolas Stathopoulos: Okay. I just mentioned that I was expecting to go on at 15 after. Am I on now?

The Chair (Mr. Peter Tabuns): We are moving you up because a number of other presenters weren't available. You have up to five minutes.

Mr. Nicolas Stathopoulos: All right, thank you. Ready?

The Chair (Mr. Peter Tabuns): Please proceed. State your name for Hansard.

Mr. Nicolas Stathopoulos: My name is Nicolas Stathopoulos, and I would like to thank the Standing Committee on Regulations and Private Bills for allowing me an opportunity to present my concerns and view on the subject of whether Bill 88 should be implemented into law. This committee's mandate to hear from the public is indeed a proper course to exercise in a democratic process, and in consideration of a variety of arguments or insights, either for or against the passing of any bill into law.

However, although I do appreciate the committee's function to gather a variety of views before the final

reading, I also believe that there was not enough time allocated for Canadians to express their views on the matter of Bill 88 in relation to the "yes" side's ability to stack the cards in their favour.

By that I mean that any present Internet search today on the subject of Bill 88 will yield documents, videos and an impression of overwhelming support for the yes side, as documented by several journalists, politicians and social worker lobbyists, who, for the most part, remain hidden, having a vested interest to see the bill passed—all this in absence of a visible argument against Bill 88.

What is becoming apparent is evidence of a campaign that appears to be perceptually managed and void of the little opposition against it. It's very simple in today's world to attain a consensus: All one has to do is work unilaterally, apply commonly known methods for radical or basic social change, and never or seldom inform the public until PR teams have completed their objectives and are in place. By the time public consultation is called, such as this committee mandate to document public views, it's often too late to put up an effective opposition and convincing arguments, principally because of the time constraints implemented against the opposing side.

Bill 88's objective would lead to—although not documented as such—the privatization of welfare for young people 16 to 24 years old under the auspice and management of a public-private corporation, CAS, children's aid society.

It also references the United Nations Convention on the Rights of the Child, which is a controversial document created by a body of unelected officials to influence global national policies on social care. Care of Children in Welfare is also a document that is used to support the passing of Bill 88. Now the question is, why are we not creating our own policies, independent of the United Nations influence?

The children's aid society will no doubt be awarded the management of overseeing the privatization of welfare for young people between the ages of 16 and 24 through Bill 88. Consider the controversies behind the many agencies of CAS to date—

The Chair (Mr. Peter Tabuns): You have a minute left, Mr. Stathopoulos.

Mr. Nicolas Stathopoulos: —that are reportedly acting without accountability and are void of transparency in the way that they perpetually conduct their cases, mostly against defenseless or low-income families. These are documented cases, one after another. In mainstream media, social networks, you name it, everything is very well documented as to their inability to function properly. What can then be expected to become of their role to manage this additional authority over the family unit or over people between the ages of 16 and 24 in the privatization of welfare?

I would also like to add that the University of Southampton in the UK, two and a half years ago, decided to scrap teaching the curriculum of social work in their university, citing that there is no credible evidence that social work is a viable discipline and—

The Chair (Mr. Peter Tabuns): Mr. Stathopoulos, I'm sorry to say that we've run out of time, and I have to go to the next presenter. Thank you.

Mr. Nicolas Stathopoulos: Thank you, sir, for your time.

JUSTICE FOR CHILDREN AND YOUTH

The Chair (Mr. Peter Tabuns): I have Justice for Children and Youth next. Johanna Macdonald, if you'd have a seat and state your name for Hansard, you have up to five minutes. Please proceed.

Ms. Johanna Macdonald: Yes, thank you. I apologize for our delay after the break.

I am Johanna Macdonald. I'm a street youth legal services lawyer at Justice for Children and Youth. Mary Birdsell, our executive director, is also here. Justice for Children and Youth is a legal aid clinic in Ontario representing children and youth. We are the operating arm of the Canadian Foundation for Children, Youth and the Law.

A key component of my work at Justice for Children and Youth is to present legal options to homeless youth in order to help them find stability and security in their lives. Many of the clients at Justice for Children and Youth are unable to access child welfare services simply based on their age. We're pleased to submit to you today our support of Bill 88.

We would like to highlight four recommendations required in order to fulfill the intention of the bill.

Recommendation number 1: JFCY is encouraged that Bill 88 recognizes the UN Convention on the Rights of the Child. This is a monumental and important step in this legislation. However, Justice for Children and Youth recommends that section 1 of the bill be amended to state that the Child and Family Services Act should be amended to include a subsection (1.1) and that this act shall be interpreted in compliance with the UN convention. Right now the bill reads that it should comply, and only in reference to services. The representative from UNICEF also made mention to this amendment. I'll direct you to pages 7 and 8 of our written submission in regard to that for further clarification.

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Recommendation number 2 will also link to other presentations from this morning. This bill does not alter the protection services available to young people, and only the voluntary services. Because of this, we feel that it's necessary to make these temporary care agreements voluntary for the young person—yes, checkmark—but mandatory for the society where the young person seeks assistance. This is important so that the vulnerable position of the youth vis-à-vis the society is not stepped aside, so that there may be an obligation on the society to present and give those services. This is outlined at pages 8, 9 and 10 of our written submissions. We've included in the written submissions some specific language that may be helpful to you if you're unable to make these next amendments.

Recommendation number 3 is important and was also highlighted in some of the other presentations this morning. The temporary care agreement arrangement currently does not allow for the extended services for youth after they turn 18. We ask that this be possible in this bill, to make an amendment so that extended care agreements can be made for these youth entering the temporary agreements in this bill, as it's highlighted. This is outlined at pages 10 and 11 of our written submission and there is some sample language in there as well.

The fourth amendment is critical and it's in regard to the time limits and restrictions of the current agreements. We ask that you look to page 12 of our written submissions in regard to—

The Chair (Mr. Peter Tabuns): One minute left.

Ms. Johanna Macdonald: —not having it be a limited six-month extended agreement but one that can continue on continuously so that youth are able to enter into agreements and feel the stability and support that these agreements are supposed to uphold.

These amendments are long overdue. Justice for Children and Youth has conducted cross-jurisdictional research on child welfare services in Canada and we found that Ontario remains the only jurisdiction in Canada that severely limits access to child welfare services in this way. A 16-year-old child in Ontario has fewer options available to them to obtain care as compared to every other jurisdiction in Canada. With the short turnaround, we were able to access a number of our partners throughout Ontario and Canada. Unfortunately, some of them weren't able to come today, but we have had a petition—

The Chair (Mr. Peter Tabuns): Thank you. I'm afraid I have to go to the next presenter.

Ms. Johanna Macdonald: —and we'll be sending that to you. Thank you very much.

The Chair (Mr. Peter Tabuns): Good shot.

Quest Collegiate and Recovery Centres? Not here?

CANADIAN HOMELESSNESS RESEARCH NETWORK

The Chair (Mr. Peter Tabuns): Canadian Homelessness Research Network. Sir, if you would introduce yourself for Hansard and have a seat. You have up to five minutes.

Mr. Stephen Gaetz: Thank you. My name is Stephen Gaetz. I'm a professor at York University and director of the Canadian Homelessness Research Network. At the CHRN, we strongly believe that government policy and service practice must be informed by research. When we formulate our positions, we don't just say, "I read a paper"; we actually read them. We strongly support this proposed bill because we absolutely believe that changes are needed to our child protection laws in light of the evidence that suggests both that transitions from care are contributing to youth homelessness and also that changes in our social and economic structure in Canada necessitate changes in how we think about child protection.

Research consistently points to the high percentage of homeless youth who have had some involvement with child protection services, including foster care, group home placements and youth custodial centres. I have references for all of that; I've got about eight from Canada. I personally have conducted three research projects in Toronto since 1999, large-scale projects on youth homelessness, and across all of those studies the percentage of young people who were homeless and who had been either in group homes or foster care was between 41% and 43%, so we have a problem. The consequences of these transitions from child protection into homelessness mean that young people don't get an education, their health declines and their chances of addictions issues increase, so we need to do what we can to work to prevent that.

In addition to thinking about that flow from child protection into homelessness, which is demonstrated, we also have to think about the necessity of updating our laws and practices based on, as I say, socioeconomic changes in Canada.

Why is this? Many of our systems that are in place to deal with young people are based on what worked in 1950, when you could leave home at 16, get a job in a factory, work there for the rest of your life, and get an apartment.

The world has changed quite dramatically since that time. In the last census, Statistics Canada found out—this is 2011—that the percentage of young people between 20 and 29—that's not between 15 and 20, or 20 to 25, but between 20 and 29—who live with their parents is 42.3%. Those of you who have kids, fasten your seat belts.

This is important. It isn't that young people don't want to leave home, believe me. I have a 20-year-old who's dying to get out. There aren't the jobs. Work is now part-time and minimum-wage, and the cost of housing has risen dramatically. Not only that, we've seen a rise in credentialism, so for good jobs you need a university degree, minimally a bachelor's but possibly higher.

So the world has changed for young people. It's not the same as it was, and when we have systems in place that assume that someone can leave care at 18, or not even access care when they're 16, that's highly problematic. We definitely need to update this.

Jurisdictions around the world have made quite dramatic changes to child protection laws—

The Chair (Mr. Peter Tabuns): One minute left.

Mr. Stephen Gaetz: One minute?

The Chair (Mr. Peter Tabuns): Yes.

Mr. Stephen Gaetz: No problem.

The UK has made many changes; Australia has as well; and in provinces across Canada, there have been changes.

Finally, I want to end by talking about the recent Blueprint for Fundamental Change to Ontario's Child Welfare System, by the Provincial Advocate for Children and Youth, which is an excellent document, well researched, that outlines what we need to do to make changes.

I'm going to end with a cliché: Children and youth are our future, and we have to bring our laws up to date to make sure that every young person in this province has a chance—not just my kids, but every child. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much.

NATIONAL ASSOCIATION FOR PUBLIC AND PRIVATE ACCOUNTABILITY

The Chair (Mr. Peter Tabuns): I'm going back up the list: Archbishop Dorian Baxter, of the National Association for Public and Private Accountability.

Archbishop, if you would have a seat. You have up to five minutes, although I might shave it a bit, because we're going to have to get into the chamber and we have a few other people who want to speak. Please state your name and proceed.

Archbishop Dorian Baxter: Yes. My name is Dorian Baxter, and I am the Archbishop of the Federation of Independent Anglican Churches of North America. I was ordained here at St. James Cathedral by Archbishop Garnsworthy 30 years ago.

My main reason for being here is to state my very serious concerns about the possibility of this Bill 88 being passed. I first of all want to thank you, Mr. Chairman, and your standing committee for arranging for this get-together, because I think it's very, very important.

I speak out of the crucible of personal suffering. Some 28 years ago, my children were subjected to horrendous behaviour by the Children's Aid Society of Durham. I'm grateful to say that, after an 11-month battle, I was awarded sole custody, and I launched a massive lawsuit—unprecedented—against the Durham CAS.

Now, I should point out that, on the March 22, 1994, Justice Somers found that the Durham Children's Aid Society in general, and one Marion Van den Boomen in particular, were guilty of the grossest negligence, the grossest incompetence, malicious prosecution and blackmail.

As a direct result of that, the social worker was given a slap on the wrist and transferred from Durham to London, where Ms. Van den Boomen continued to do 20-odd years of untold damage. She now has a pension, and the accountability was zero.

I mention this because the entire episode cost me a grand total of \$387,000, from which I still reel today. But when I won that case, I had 130 people contact my lawyer, Mr. Donald J. Catalano, and they asked me to assist them, and I realized that there is such an unbelievable avalanche of bullying that goes on.

We all need a children's aid society. But as you are aware, Mr. Chairman, and I'm sure the committee is aware, power corrupts, and absolute power corrupts absolutely. For many years, thousands of us have been calling on the province of Ontario to give power to the Ontario Ombudsman.

My fear and my concern—everything that I have alluded to is documented in the papers that I have submitted to Valerie. But I would like to say this: As I speak

to you today, I am engaged in several cases—nine, to be exact—involving the children's aid society, two of them involving the very society that I had the honour and the privilege of bringing to justice. My action shattered the immunity of the children's aid society forever.

1020

The trouble is, there is no accountability. And I will be candid with you, Mr. Chairman, and your committee.

The Chair (Mr. Peter Tabuns): You have one minute left.

Archbishop Dorian Baxter: Thank you. I'm very concerned that if, in fact, this bill passes, the very problems that we are encountering for young people from the age of zero to 16 will be multiplied phenomenally. Right now, you must be aware that police have a 27-page booklet that offers all kinds of resources. I'm sure that MPP Jackson—if he knew what I'm telling you and he would only take time to see this, he himself, I believe, would vote against this bill.

I think what we really need more than anything is accountability. We do not need to give any more power to an organization that has already shown that it needs desperately to be held accountable.

I would conclude my comments—I think you said I've got another 30 seconds—to simply thank you again. But I would say, please, give a sober second thought. Do not allow this bill to pass. It will usher in a Pandora's Box of tyranny beyond human comprehension.

I am more than happy to speak to any member of the committee and show all the documentation that I've alluded to and more. I would just like to say thank you very much indeed for affording me the opportunity. It took me three hours to get here. Thank you for being so gracious. I do hope that you will pay serious attention to the written documentation as well.

The Chair (Mr. Peter Tabuns): Thank you.

MS. LINDA PLOURDE

The Chair (Mr. Peter Tabuns): I have to go to the next and last presenter: Linda Plourde. Linda, our time is short. You have about three minutes on the clock. If you could state your name.

Ms. Linda Plourde: Thank you so much. I'm going to try to make it very quick, because I have a very strong

message to send, and I'm not a professional so I'm not a good speaker. However, I am here on behalf of the 719 children who have died in care in Ontario alone. Between 2006 and 2012, 719 children died under the supervision of children's aid. Children's aid is a corporation, privatized. They're there for profit; they're not there for the children.

I would like to show I have travelled Canada on my own. I don't get paid. I travel Canada. I give tours. I went to Washington, DC. It's a global crisis, what we have under children's aid. They even have the audacity to say on their sign, the children's aid, "Today's children, tomorrow's parents." They are setting up our children.

This is what happened—and I want you to look at these children—before they go in to foster care, and after they are apprehended. I went to over a hundred funerals. I went and spoke to each and every single family—not to children's aid; I go and talk to the parents. When they write to me—almost every month, some parent contacts me and says, "My child died. They died in foster care. They're supposed to be protected."

Children's aid has to be abolished. It's a business, and we, the adults—each and every one in this room, each one of you—are responsible for the deaths of these children because we're not acting up. We're not acting up. It's our responsibility to help these children [*inaudible*] four months, six days after in care, she died.

The Chair (Mr. Peter Tabuns): Ms. Plourde, you have about 30 seconds left.

Ms. Linda Plourde: So basically, what I'm saying—I have gone to Tim Hudak. I have gone to Andrea Horwath. I wrote thousands of letters. What I'm begging each and every one of you today is to please think about the children. No career is worth the life of a child—none.

The Chair (Mr. Peter Tabuns): Thank you for your presentation today.

Ms. Linda Plourde: Thank you.

The Chair (Mr. Peter Tabuns): That concludes our business. I'd like to remind members that the deadline to file amendments with the committee Clerk is on Monday, December 9 at 12 noon.

Committee is adjourned until next Wednesday, December 11.

The committee adjourned at 1025.

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