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**Official Report  
of Debates  
(Hansard)**

**Wednesday 11 December 2013**

**Journal  
des débats  
(Hansard)**

**Mercredi 11 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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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 11 December 2013

Mercredi 11 décembre 2013

*The committee met at 0900 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):** The Standing Committee on Regulations and Private Bills will now come to order. We're here for clause-by-clause consideration of Bill 88, An Act to amend the Child and Family Services Act with respect to children 16 years of age and older.

Please note that I will put the question on consecutive sections that have no amendments together, but members may request to vote on each section individually.

Are there any comments or questions before we begin? There being none, are there any comments, questions or amendments to any section of the bill? If so, to which section beyond what we've already received? Ms. Mangat?

**Mrs. Amrit Mangat:** Thank you, Chair. I would like to move a motion to amend section 3 of the proposed Bill 88, and I'll read the amendment.

**The Chair (Mr. Peter Tabuns):** If it's section 3, then I'm going to hold that down until we get to that.

**Mrs. Amrit Mangat:** Okay.

**The Chair (Mr. Peter Tabuns):** Have copies been provided to the Clerk?

**Mrs. Amrit Mangat:** Okay.

**The Chair (Mr. Peter Tabuns):** No, have you provided a copy of your amendment to the Clerk?

**Mrs. Amrit Mangat:** No, not yet.

**The Chair (Mr. Peter Tabuns):** Okay. Thank you. When we get to section 3, I'll call for the amendments and we'll proceed from there.

**Mrs. Amrit Mangat:** Thank you.

**The Chair (Mr. Peter Tabuns):** We'll go, then, to section 1.

Shall section 1 carry? Carried.

Section 2: I see that there are amendments. Mr. Jackson, the floor is yours.

**Mr. Rod Jackson:** Thank you, sir. I'd like to move that subsection 2(1) of the bill be struck out and the following substituted:

"2.(1) Section 29 of the act is amended by adding the following subsections:

"Same—child 16 or older

"(1.1) A child who is 16 years of age or older and the society having jurisdiction where the child resides may, at the request of the child, make a written agreement for the society's care and custody of the child if the person who has custody of the child is temporarily unable to care adequately for the child.

"Same—no refusal

"(1.2) If a child makes a request for a temporary care agreement under subsection (1.1), the society shall not refuse to make the agreement."

**The Chair (Mr. Peter Tabuns):** Do you want to speak to this?

**Mr. Rod Jackson:** Just briefly, Chair, I would just say that this is making sure that the intent of the bill is clear: that once a child volunteers for care, they can't be refused care.

**The Chair (Mr. Peter Tabuns):** Okay. Are there any further comments by members of the committee? Ms. Taylor?

**Miss Monique Taylor:** Thank you, Chair. I would just like to note that we also put an amendment forward that is pretty much exactly the same, so we would fully support this amendment.

**The Chair (Mr. Peter Tabuns):** Okay. That's it?

All those in favour of this amendment? Opposed, if any? Okay. The amendment is carried.

The next amendment: Mr. Jackson.

**Mr. Rod Jackson:** I move that section 2 of the bill be amended by adding the following subsection:

"(6) Section 29 of the act is amended by adding the following subsection:

"No bar on extended care

"(11) For greater certainty, nothing in this section prevents a society or agency from providing care and

maintenance to a person under section 71.1 or the regulations.””

**The Chair (Mr. Peter Tabuns):** If you would like to comment?

**Mr. Rod Jackson:** Just briefly, Chair, this just, again, strengthens the intent of the bill, which is to make sure that no child, no matter at what age they enter into care, is refused any care that is potentially provided by the association, no matter what their age—into further care.

**The Chair (Mr. Peter Tabuns):** Any further debate? Ms. Damerla?

**Ms. Dipika Damerla:** Chair, this is just a point of clarification, both with the former amendment and this one: Does this mean that if you are 16 years old and you have a fight with your parents—you’re not being abused or anything, but you had a fight—and kids get into it and run away, they would get care regardless? Is that the intent of this?

**The Chair (Mr. Peter Tabuns):** Mr. Jackson?

**Mr. Rod Jackson:** Thank you, Chair. The intent of the bill in its entirety is to make sure that children who are abused and volunteer for care get that care, the same as any child under the age of 16 would get. It’s really filling in a human rights gap that every other province has filled.

The intent of the first amendment—if I could just move back to that, Chair—is to make sure that they aren’t refused care if they do volunteer. That was the intent of the bill all the way along, so we just wanted to make it explicit that if they volunteer themselves for care, they cannot be refused.

This part of the bill makes sure that it’s clear that they can receive all care and ongoing care that any child who enters care before they’re 16 years old would be entitled to as well. Just because they enter care at 16 and they get care, they can’t be refused any piece of that care moving forward to the age of 21.

**The Chair (Mr. Peter Tabuns):** I have Miss Taylor.

**Miss Monique Taylor:** Once again, we put an amendment forward almost identical to this one, and we will be supporting this one also.

**The Chair (Mr. Peter Tabuns):** Okay. Any further debate? Mr. Fraser.

**Mr. John Fraser:** Yes. Just further to my colleague’s point here, I think what she’s driving at is, if you take a look at persons under the age of 16, the case for apprehension or making people wards of the crown is generally not a consent from the individual. Because they’re under 16, it’s something that’s done through an advocate. That’s the concern that she was expressing. It was saying, what happens when a person puts himself—the risk of somebody putting themselves into care without fully understanding that, still being a young person and maybe having a dispute.

I agree with the principle of the bill. I want to state that. The challenge is, how do you make sure that the rigour that’s put around a child going into care remains the same between 16 and 18 as it is up to the age of 16?

**The Chair (Mr. Peter Tabuns):** That’s your concern?

**Mr. John Fraser:** Yes.

**The Chair (Mr. Peter Tabuns):** Do you have a further comment?

**Mr. Rod Jackson:** I would just say, to allay your concern, that I think the same rigour would be attached to anyone who offers himself into care, or volunteers to care, from 16 onward as would happen if they were from zero to 15. I would expect that the same sort of standards would apply.

In other words, if a child has a dispute with their parent and goes and asks and volunteers himself for care, there is an obligation for the society and for the investigation into any abuse by that family. If we’re talking about a potentially frivolous case, if that’s what you’re kind of edging at, I think the same rigour would be applied.

I would like to think that that is something that is less of a worry than worrying about children who have been abused every day of their lives since they were one to 16 years old who don’t get care.

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Mr. Fraser, sorry.

*Interjection.*

**The Chair (Mr. Peter Tabuns):** No, Mr. Fraser.

**Mr. John Fraser:** All right. Sorry. My apologies.

**The Chair (Mr. Peter Tabuns):** You’re finished your statement?

**Mr. Rod Jackson:** Yes.

**The Chair (Mr. Peter Tabuns):** I have Ms. Damerla.

Are you just doing a follow-up to that question?

**Mr. John Fraser:** I’m just doing a follow-up to that question.

**The Chair (Mr. Peter Tabuns):** Follow up the question.

**Mr. John Fraser:** I just want to say that there is a difference, and I agree with the principle of what you’ve put forward here. I support the bill. I just wanted to be on the record for saying it is a concern. I think it’s a concern that there is a difference, because you’re having somebody volunteer to care. So when this bill is applied, we have to understand exactly how we’re going to make sure that works so we don’t have—I don’t want to say cases that don’t have the same level of merit.

It is a challenge, not only from the government’s point of view, but from the parental point of view. If you can imagine yourself a parent, you say to your child—you have a dispute, and that child goes and volunteers himself to care, and then you’ve got a situation where they can’t be refused care. Then you’re in a situation where it’s difficult to untie that.

**The Chair (Mr. Peter Tabuns):** Okay. I have Ms. Damerla on my list. Ms. Damerla?

**Ms. Dipika Damerla:** Again, Rod, I just want to say that I support the intent of the bill, which is to bridge the gap. Let me rephrase my concern another way. What’s the exit clause where—I’m the mother of a 15-year-old right now. Perhaps I lay down the law. She decides she

wants to leave home. I hear your point: At first blush, the benefit of the doubt goes to that child and they go into care.

What's the exit clause? Is it that as long as that child wants to be in care, they are in care? Or is there a process by which it's determined, "Well, you're not such a bad mother after all and—you know what?—end of care." That's the part that I'm not clear on. Is this the child's desire at 16, whether they continue to be a ward of the crown, regardless of what is proved? What's the exit clause from a parent's point of view, where a 16-year-old has just run away away because they don't like the rules of the home?

0910

**The Chair (Mr. Peter Tabuns):** Thanks, Ms. Damerla. Mr. Jackson, and then I'll have Miss Taylor.

**Mr. Rod Jackson:** To me, this is just us filling a gap here. These kids are going to have—the same rules are going to apply for kids who are 16 years old and 17 years old as apply from zero to 15. We're not changing anything; we're not rewriting the law here. All we're doing is allowing these kids who are 16 and 17 to have the same rights as the kids who are from zero to 15. The same rules are going to apply, the same exit clauses are going to apply, but I would refer to legal counsel to allay maybe some of your concerns about it, because she may have more familiarity with these ins and outs than I do with the legalities of it.

**The Chair (Mr. Peter Tabuns):** Counsel?

**Ms. Julia Hood:** I'll just comment to point out that the amendments being proposed are all in the context of section 29, which deals with temporary care agreements, which are voluntary care agreements currently available, actually, only to children under the age of 16. So it's extending the availability of that type of care agreement to children aged 16 and 17.

This is limited to voluntary agreements. This isn't where a child is taken into custody. I can't really speak to the ins and outs of the Child and Family Services Act and all of its mechanics, but this is a very discrete area, actually, and a certain type of agreement, as opposed to the whole scheme of taking children into custody. This is where children agree to the care. So it's not by court order or any of those mechanisms you were referring to.

**The Chair (Mr. Peter Tabuns):** Miss Taylor.

**Miss Monique Taylor:** Our understanding is that the teenager would be consenting to care, not necessarily volunteering themselves to care. Do you know what I mean?

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Could you please explain what you mean?

**Miss Monique Taylor:** They would be consenting. It wouldn't be about the runaway who's just saying, "You know what, Mom? I've had enough." Children's aid would obviously be able to do their due diligence, as they would through any case that they would possibly do. It would be about that child consenting to say, "Yes, I agree that I will go to the children's aid society." It's stopping

the fact of a 16-year-old or a 17-year-old who's refusing to go, but it would still have that open door of the child who is consenting to say, "Yes, this thing is the best for me to happen."

**The Chair (Mr. Peter Tabuns):** Okay. I now have Fraser and Damerla. Mr. Fraser.

**Mr. John Fraser:** I think the difference that I'm trying to drive is that in a case where you're applying for voluntary care, it will be the parent who would apply under the age of 16. Is that correct?

**Ms. Julia Hood:** Yes, but—

**Mr. John Fraser:** Okay. So—

*Interjection.*

**Ms. Cindy Forster:** Ages 16 and 17, sorry.

**Ms. Julia Hood:** And over the age of 12, the child has to agree to also be a party to the agreement. So the child is volunteering for the care as well.

**Mr. John Fraser:** Just for a point of clarification, at the age of 16, is it still necessary for the parent—

**Ms. Julia Hood:** No, the parent is not involved in these agreements. The only thing about the parent that is a necessary part of these agreements is that the person who has custody of the child is temporarily unable to care adequately for the child. That's the only component of the parent or other person not being able to care for them.

**Mr. John Fraser:** Again, I support the bill. I wanted to highlight that there is a potential for something that would not be the intention of what was put forward that may have an impact on parents. I think we need to, going forward, be very mindful of that. That was my point. Thank you.

**The Chair (Mr. Peter Tabuns):** Okay, Mr. Fraser. Ms. Damerla.

**Ms. Dipika Damerla:** I don't want to belabour the point, but Monique, just to what you said, I'm not sure I understood your difference between the runaway and the non-runaway. The way the act is now laid out distinguishes between those two, because as I understand it, that's precisely the issue: the runaway child.

Anyway, there's no point in belabouring this point anymore, but conversation is good.

**Miss Monique Taylor:** No, no.

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

**Ms. Dipika Damerla:** No, I'm done, but I don't see the distinction that you see between the runaway child and—

**The Chair (Mr. Peter Tabuns):** Miss Taylor, do you want to respond?

**Miss Monique Taylor:** I just think that there is a difference between the child consenting and just straight out volunteering. I think that there has to be something, and I would also go to legal counsel and ask the same question, to make sure that we are clear on the fact that a child can't abuse the system. Can there be a provision to that account?

**The Chair (Mr. Peter Tabuns):** Are you asking a question right now?

**Miss Monique Taylor:** Yes, of legal counsel, please.

**The Chair (Mr. Peter Tabuns):** Counsel?

**Ms. Julia Hood:** There is a new provision being added here that deals with or contemplates a child abusing this being open to them. I don't know whether there is a difference between them volunteering for care, which is putting themselves forward for it, or consenting to it. I couldn't really speak to that.

**The Chair (Mr. Peter Tabuns):** Miss Taylor, do you have a further question?

**Miss Monique Taylor:** Thank you. You said that there was a part where the parent—where was that?

**Ms. Julia Hood:** Well, this is all back on the first motion that was already carried. In the new 1.1, one of the sort of components of the child entering into the care agreement is that the person who has custody of the child is temporarily unable to care adequately for the child.

**Miss Monique Taylor:** Exactly. It says right there that the parent would be unable to care for the child. Would that not make the difference? We're not talking about a parent who is able to take care of their child and that the child is being—

**Mr. John Fraser:** Just to go back to what my concern is, you have a situation where the child is accepting and wanting to go into care and you may have a situation where that action—I don't want to say it's frivolous, but it may not be fully thought out by that child. How do we make sure, as we do in cases of people voluntarily going into care or being taken into care, that we don't end up in the situation where a 16-year-old goes and says, "I've had enough. I'm not going to stay at home any longer. I want to go into care"—which is not an unreasonable thing to do; we can all think of how we've all been there.

The concern is, how do we make sure that we don't get things that put families in a situation that is not the right thing? What we're doing is the right thing. I'm just concerned about that. I think of myself as a parent or as a 16-year-old—not that I ever would have done that. But when I was thinking about this and listening to your amendment, that's what concerns me.

**The Chair (Mr. Peter Tabuns):** Okay, Mr. Fraser. Mr. Jackson, and then Ms. Damerla.

**Mr. Rod Jackson:** I understand your concern. I don't actually disagree with your concern either. I don't have the whole law in front of me right now that Bill 88 amends, but I do have enough familiarity with it to know that there is an obligation whenever there is an accusation or a reason to believe that a child might be in a dangerous situation or abused—in that bill, there is an obligation for an investigation into that situation.

I would think that if someone volunteers themselves for care, that would trigger an investigation, which would then determine whether or not that child is actually the victim of abuse of any sort that would entitle them or require them to enter into care, or validate their volunteerism.

Now, whether or not that investigation that is undertaken is done appropriately or done well is another fight for another day, which I think some people in our communities would like to take up, but the fact is that there is

an obligation in the law currently for anyone who has reason to believe that there is abuse happening. They need to report that abuse and an investigation needs to be undertaken.

I would say that that is the safeguard there. There is an investigation that needs to happen as a result of someone being aware that there may be abuse in a family.

**The Chair (Mr. Peter Tabuns):** Okay. I have Ms. Damerla.

**Ms. Dipika Damerla:** Actually, MPP Jackson, that is my concern. This is my understanding: The way the bill is written now, the proposed bill does not provide CAS with the authority to investigate protection concerns related to youth 16 or 17. It does raise that legitimate concern of a runaway child who is just not happy with what their parents are saying: "Don't smoke," or whatever it is that is the contentious issue.

**0920**

There is no mechanism at that point—if that child volunteers themselves for care, the state is obliged to provide the child with that care, which could inadvertently be leading to the breakdown of a family because there is no mechanism to exit out of this if the child insists on being a ward of the crown. That is problematic in the bigger scheme of things, not when there is abuse, but when there is a child who just wants to run away.

So, again, it's not the intent of the bill but the unintended consequence of the way it has been worded, because I heard you say that it would be investigated, but our understanding is that the way it's written, the bill does not provide CAS with the authority to investigate protection concerns. When you sign these temporary care agreements, the way the bill is written, the assumption is that a parent has been negligent, but no investigation has been conducted. So this is a concern I raised right at the beginning—closing the loop on that.

**The Chair (Mr. Peter Tabuns):** Okay. I have Mr. Jackson.

**Mr. Rod Jackson:** I would just say that maybe this bill doesn't address that specifically. If you have an amendment that you think would fix this, I would welcome it.

I would say, though, to keep in mind that Bill 88 is an amendment to the Child and Family Services Act, which does require an investigation. So although Bill 88 doesn't explicitly ask for an investigation, or it doesn't have that specifically in the bill, the act that it amends does.

**Ms. Dipika Damerla:** But the act doesn't cover youth 16 or 17—

**The Chair (Mr. Peter Tabuns):** I'm sorry.

**Ms. Dipika Damerla:** Oh, sorry.

**Mr. Rod Jackson:** Well, it will after it's amended.

**The Chair (Mr. Peter Tabuns):** Okay. Go on.

**Mr. Rod Jackson:** So it will after it's amended. Now, like I said, the intent of this isn't to create a bigger problem than exists, and I'm open to any suggestion to fix that gap, because that's not the intention of the bill, to ruin families. I don't think anyone wants to do that,

right? We all know how volatile some 16- and 17-year-olds can be.

Having said that, I really, honestly, believe from the bottom of my heart that this is a much smaller problem than the one that we're solving, and I think we need to keep that in perspective. So if it does create a bit of glitch and a problem in the system, first of all, I believe that it is manageable within the act that Bill 88 amends, but I also believe we need to keep in perspective what we're trying to do here.

What we're trying to do is to save some lives of kids. If, along the way—by the way, we're not even talking about the massive amount of children this bill will help, really. I mean, we're talking about hundreds, maybe a thousand kids. That's a lot. In my mind, if it helps one, that's enough. In that number of kids that this bill helps, if it saves lives and gives them the potential to live a stronger life, then if there's a problem that it creates within a family, I'm not saying so be it, but I think it's a small price to pay in the grand scheme of things.

Having said that, if you have an amendment that you think would make sure that that doesn't happen and doesn't weaken the intent of this bill, I welcome it.

**The Chair (Mr. Peter Tabuns):** Okay. I have Mr. Walker.

**Mr. Bill Walker:** The way I'm interpreting this, to where my colleague is speaking, the key here is, "if the person who has custody of the child is temporarily unable to care adequately...." So I think there's going to be due process and due diligence. No one here wants to ramp up numbers and just let anybody in on a—and, again, we're all hesitant to use that "frivolous" word. But there's got to be a screening process. There have to be people who are professionals who are monitoring and going through criteria: "Is this person abused? With this person, are the parents unable to care?" So I think it's absolutely critical that we look at this.

This is already in place. It's no different than anyone coming through the door currently. It's just extending the provision to the 16- and the 17-year-old that exists for the 15-year-old.

**The Chair (Mr. Peter Tabuns):** Thank you. Ms. Mangat.

**Mrs. Amrit Mangat:** Thank you, Chair. I appreciate the member from Barrie, Rod Jackson, for all his work. We are all committed to improving the lives of vulnerable children and youth. In my opinion, I have a problem with the language of the proposed bill because it doesn't deal with the children who have developmental disabilities. So in my opinion, it's a flawed bill.

**Mr. Bill Walker:** It's what? Sorry.

**Mrs. Amrit Mangat:** Flawed.

**Mr. Bill Walker:** Flawed?

**Mrs. Amrit Mangat:** Flawed. Yes.

Can he throw some light—what does he suggest when it comes to children with disabilities?

**The Chair (Mr. Peter Tabuns):** I will let him speak to that, but I'm not sure that he's addressing that in this amendment.

Mr. Jackson, please?

**Mr. Rod Jackson:** This may allay some of your concerns and, frankly, a concern I share myself too. I might need unanimous consent to move forward on this, but you can tell me how I need to do this.

I just want to say, before I make any further amendments to the motion, that the bill does say "for anyone who is temporarily unable to care for the child." So this is a situation that is temporary in nature. This bill says that if this child wants to voluntarily enter into care, it's temporary in nature.

You can't become a ward of the crown without legal proceedings. This bill enables kids who are in a dangerous situation to immediately seek care. It doesn't make them a ward of the state. They still have to go through the legal proceedings to make them a ward of the state. That's in the act that this bill amends.

Having said that, Chair, for the first of my motions that I moved today, the amendment that I moved—

**The Chair (Mr. Peter Tabuns):** The one that was already passed?

**Mr. Rod Jackson:** The one that was already passed.

**The Chair (Mr. Peter Tabuns):** Yes?

**Mr. Rod Jackson:** I have an addition to that, if I can have unanimous consent to move it, that I think might allay some of the government's concerns.

**The Chair (Mr. Peter Tabuns):** Is there unanimous consent?

I've had sage advice from the Clerk to recess for a minute. Consider yourself recessed for up to five minutes.

*The committee recessed from 0925 to 0945.*

**The Chair (Mr. Peter Tabuns):** That was a long five minutes. Very roughly, the procedure is I need unanimous consent to stand down the amendment we were debating. Could I have unanimous consent to do that?

**Ms. Dipika Damerla:** Sorry, what does that mean, "stand down"? The original one that was passed?

**The Chair (Mr. Peter Tabuns):** No, number 2. We were debating an amendment. I need to stand down that debate so that we can go to other business. Everyone is agreeable?

**Miss Monique Taylor:** Sorry?

**The Chair (Mr. Peter Tabuns):** Everyone is agreeable to stand down the debate on the amendment which we were engaged in just prior to this discussion? Good; carried.

Now I need unanimous consent to reopen the first amendment, number 1. Agreed.

I don't believe I need unanimous consent to have Mr. Jackson move his amendment, but before I go there, Ms. Damerla?

**Ms. Dipika Damerla:** Just because I'm new to the process, I'm trying to understand what's taking place—

**The Chair (Mr. Peter Tabuns):** As am I. Go on.

**Ms. Dipika Damerla:** Why can't Mr. Jackson just amend the amendment? Why does it have to revisit—

**The Chair (Mr. Peter Tabuns):** Because it was passed.

**Ms. Dipika Damerla:** Okay, I see.

**The Chair (Mr. Peter Tabuns):** You all voted in favour—

**Ms. Dipika Damerla:** In favour of it. So is it being undone, that vote? Is that what you're trying to do?

**The Chair (Mr. Peter Tabuns):** It is being undone so that we can amend it. We will have to vote again on an amended amendment.

**Ms. Dipika Damerla:** Okay.

**The Chair (Mr. Peter Tabuns):** It did pass, if you remember.

Okay, so we've reopened—unanimous consent to reopen was done. We're on number 1. Mr. Jackson, I understand that you have an amendment that has been reviewed with I think everyone in this room?

**Mr. Rod Jackson:** I hope so, sir. I move that subsection 29(1.2) of the act, as set out in PC motion number 1, be struck out and the following substituted:

“Same—no refusal

“(1.2) If a child makes a request for a temporary care agreement under subsection (1.1), the society shall not refuse to make the agreement if the society determines that the person who has custody of the child is temporarily unable to care adequately for the child.”

Chair, I believe this goes a long way to allay some of the concerns the government had with this bill. Hopefully they will appreciate the spirit of going back and actually striking out an amendment that had already passed in order to accommodate that concern and hopefully ensure a speedy committee today.

**The Chair (Mr. Peter Tabuns):** Good. Any further debate? Mr. Fraser?

**Mr. John Fraser:** I'll be supporting the motion.

**The Chair (Mr. Peter Tabuns):** Excellent. Any further debate? Ms. Damerla?

**Miss Monique Taylor:** Can I have clarification, please? So (1.1) is still the same as what we had passed; we're just changing (1.2)?

**The Chair (Mr. Peter Tabuns):** That's what this amendment is about.

**Miss Monique Taylor:** Correct, fine. I'm good then, thank you.

**The Chair (Mr. Peter Tabuns):** Everyone is clear? All those in favour of the amendment? All those opposed? It carries.

Then we go to amendment 1, as amended: All those in favour of this amendment 1, as amended—sorry; any debate? All those in favour? Opposed? It's carried.

We have corrected that one. We are back to debate on PC motion 2. Is there any further debate on this motion? There being none, all those in favour? All those opposed? It's carried.

Are there any further amendments? Ms. Taylor.

**Miss Monique Taylor:** Thank you, Chair. I move that section 2 of the bill be amended by adding the following subsection:

“(6) Section 29 of the act is amended by adding the following subsection:

“No bar on extended care or income support

“(11) For greater certainty, nothing in this section prevents the following:

“1. A society or agency from providing care and maintenance to a person under section 71.1 or the regulations.

“2. A person who is otherwise entitled to basic financial assistance under the Ontario Works Act, 1997 or income support under the Ontario Disability Support Program Act, 1997 from receiving that support or assistance.”

**0950**

**The Chair (Mr. Peter Tabuns):** Would you like to speak to this?

**Miss Monique Taylor:** I certainly would. Thank you, Chair.

This covers something that was brought to our attention through submissions from the child advocate. It's about kids who are brought into care and they're able to receive Ontario Works or any kind of financial support—from that support being taken away from them, and then them not having the ability to have the necessities that they need.

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

**Ms. Dipika Damerla:** So would this mean that they would be in the care of the crown plus get Ontario Works? Is that the intent?

**The Chair (Mr. Peter Tabuns):** Go ahead, Miss Taylor.

**Miss Monique Taylor:** First of all, it's not the crown. They would not be crown wards. Say they're in a group setting, in a group home, where they would still need to have their toiletries and their personal clothing and all of those things that they would need to be able to purchase for themselves but would not be able to do so without having the financial assistance to do so.

**The Chair (Mr. Peter Tabuns):** Okay. I have Ms. Mangat.

**Mrs. Amrit Mangat:** Thank you, Chair. As I said earlier, I support the intent of the bill, but I have a problem with the language of the bill. This amendment will also currently create systemic challenges in the welfare system, so I cannot support this in its current form.

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

Is there any further debate on this amendment? Is there any further debate? Okay. There being none, all those in favour, please raise your hands. All those opposed? They're abstaining; okay. The amendment carries.

Shall section 2, as amended, carry? Carried.

We go to section 3. Ms. Mangat, you have an amendment?

**Mrs. Amrit Mangat:** Thank you, Chair.

I move that section 3 of the bill be struck out and the following substituted:

“Commencement

“3. This act comes into force on a day to be amended by proclamation of the Lieutenant Governor.”



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

Any debate? Mr. Jackson.

**Mr. Rod Jackson:** I'm not sure exactly what the reasoning is for this. Maybe I can ask for a little bit of clarification from legislative counsel on this. In my mind, this means that, essentially, the proclamation day would be indefinite. Is that correct?

**Ms. Julia Hood:** Currently, the commencement provision states that the act will come into force six months after the day it receives royal assent. The proposed amendment would change that to be on a day to be proclaimed, which is a day to be determined.

**Mr. Rod Jackson:** Okay. Thank you for that clarification; that's what I thought it might be.

Essentially, this guarantees non-passage of the bill, if you ask me. I'm a little bit stunned that this comes forward like this. If there is some concern that maybe there's not enough time to implement this bill with six months, I'm happy to make a friendly amendment to this, maybe to increase the time from six to maybe nine months. But to leave it indefinite, I think, is dangerous. I'm going to bite my tongue a little bit on this because I don't know exactly why it's being done. Hopefully, you will accept my suggestion for a friendly amendment there on that, but I can't accept an indefinite timeline.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Jackson.

Ms. Mangat and then Mr. Fraser.

**Mrs. Amrit Mangat:** Chair, first of all, I would like to correct my record. I said, "This act comes into force on a day to be amended," but instead of "amended," it has to be: "This act comes into force on a day to be named by proclamation of the Lieutenant Governor."

**The Chair (Mr. Peter Tabuns):** Yes.

**Mrs. Amrit Mangat:** And I would like to speak.

**The Chair (Mr. Peter Tabuns):** Speak.

**Mrs. Amrit Mangat:** Chair, I strongly believe that children are our treasure; they are our future. Some people say that they are leaders of tomorrow, but I believe they are not only leaders of tomorrow, but they are also leaders of today. The action they take about themselves, or the government takes about them, has serious consequences and impacts on them.

Chair, we heard from the stakeholders last week on December 4. There were stakeholders who were in favour of the bill and there were stakeholders who strongly opposed the bill. One of the stakeholders, children's aid society, who was in favour of the bill, said the bill will have significant financial implications as it would increase CAS service volumes, require additional staffing to provide these services and create additional funding pressures. The cost of the bill would be approximately \$50 million annually, and our economy has not yet recovered. It's growing, but it is growing at a slow rate.

We announced in our budget 2013 that our government will spend 1% less than the growth in the GDP. As I said earlier, I fully support the intent of the bill, but we cannot accept it in its current form. This amendment is

very critical so that we can study the concerns raised by those stakeholders and anything we want to do, we can do it on a firm footing.

**The Chair (Mr. Peter Tabuns):** Thank you, Mrs. Mangat. Mr. Fraser?

**Mr. John Fraser:** I'll hold for now.

**The Chair (Mr. Peter Tabuns):** Mr. Jackson.

**Mr. Rod Jackson:** I guess, Chair, it's clear that there's no will to change this with my suggestion for a friendly amendment, so I will be voting against this. I find it offensive that essentially this bill is being stalled out. Keep in mind, private members' bills cannot be money bills and keep in mind that there is a strong economic argument for this bill, that it actually spends less of the government's money, less of the taxpayers' money than the current system does.

There is no economic argument to be made here. This is not a money bill. They cannot, by definition, be a money bill. I will not accept this and I will strongly vote against it. I'd like to call the question.

**The Chair (Mr. Peter Tabuns):** First of all, we've just started debate on this, so I'm not going to go to the question. I appreciate your strong commentary on this. Miss Taylor.

**Miss Monique Taylor:** By my records from when we were doing submissions, I had 11 groups for, three against. I do not recall any forms of actual costs being brought to our attention through those submissions. I have the forms from the children's aid societies in front of me. Nothing in their submission says anything about financial costs or what it would be. I'm actually quite shocked by this amendment also. I will definitely be voting against this amendment.

**The Chair (Mr. Peter Tabuns):** Thank you, Miss Taylor. Mrs. Mangat?

**Mrs. Amrit Mangat:** There may be three stakeholders, but they raised concerns, and the concerns they raised were very serious. We need time to study those concerns. This amendment is very important.

**The Chair (Mr. Peter Tabuns):** Thank you, Mrs. Mangat. Are there any other speakers? Are you ready to vote?

All those in favour of this amendment, please raise your hands.

All those opposed?

It's a tie. I have to put the casting vote, and tradition is that I maintain the bill in its current form, so I vote against.

The amendment fails.

Shall section 3, as amended, carry?

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Oh, sorry. I appreciate the correction.

Shall section 3 carry? Carried.

Section 4: I'm not aware of any amendments. There are no surprises. Good.

Shall section 4 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 88, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

And that concludes our business. Mr. Fraser?

**Mr. John Fraser:** I'd like to move that the Standing Committee on Regulations and Private Bills continue its clause-by-clause consideration of Bill 6 on February 19, 2014, and February 26, 2014.

**The Chair (Mr. Peter Tabuns):** We can entertain the motion. We'll circulate it, but the bill has passed this committee and will be reported out to the House.

*Interjection.*

**The Chair (Mr. Peter Tabuns):** We've had a motion put by Mr. Fraser for continuation of the debate of Bill 6. Is there any discussion? Mr. Jackson?

**Mr. Rod Jackson:** I would like a little bit more time to discuss this, if we could call for a recess. Twenty minutes?

**The Chair (Mr. Peter Tabuns):** A 10-minute recess? We're recessed for 10 minutes.

*The committee recessed from 1001 to 1011.*

**The Chair (Mr. Peter Tabuns):** The meeting resumes. Mr. Fraser, you have a motion?

**Mr. John Fraser:** Yes. I just think we need to get back to Bill 6, government business. It's an important bill. It was before this committee, and I'd encourage us to just get back to work on that. It's time to fish or cut bait on Bill 6.

**The Chair (Mr. Peter Tabuns):** Okay. I've got Miss Taylor and Mr. Walker. Miss Taylor?

**Miss Monique Taylor:** Thank you, Chair. I have an amendment to this motion, please.

**The Chair (Mr. Peter Tabuns):** Okay.

**Miss Monique Taylor:** I would like to have Bill 132, which is the Energy Consumer Protection Amendment Act—to resume hearings from March 5 to March 19.

**Mr. John Fraser:** What number was that?

**Miss Monique Taylor:** Bill 132, the Energy Consumer Protection Amendment Act (Elimination of Fixed Rate Electricity Contracts).

**The Chair (Mr. Peter Tabuns):** Mr. Walker.

**Mr. Bill Walker:** Mr. Chair, I would ask for a 20-minute recess so that I can consult my caucus and other members can consult their caucuses on this.

**Ms. Dipika Damerla:** That would take us to 10:30.

**The Chair (Mr. Peter Tabuns):** Yes.

**Mr. Bill Walker:** Well, it has been sprung on us. I need to make sure my caucus is aware of what we're trying to do and have a chat with them.

**Ms. Dipika Damerla:** We're fine with that.

**Mr. John Fraser:** Yes, that's fine.

**The Chair (Mr. Peter Tabuns):** If we have a 20-minute recess, we're in question period.

**Mr. John Fraser:** Yes, so—

**The Chair (Mr. Peter Tabuns):** Okay. So you've just asked for a 20-minute recess?

**Mr. Bill Walker:** Please, Mr. Chair.

**The Chair (Mr. Peter Tabuns):** Recess granted.

*The committee adjourned at 1013.*



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