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Thursday 6 April 2017

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Jeudi 6 avril 2017

**Standing Committee on
Justice Policy**

Supporting Children, Youth
and Families Act, 2017

**Comité permanent
de la justice**

Loi de 2017 sur le soutien
à l'enfance, à la jeunesse
et à la famille

Chair: Shafiq Qadri
Clerk: Christopher Tyrell

Président : Shafiq Qadri
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 6 April 2017

Jeudi 6 avril 2017

The committee met at 0831 in committee room 1.

**SUPPORTING CHILDREN, YOUTH
AND FAMILIES ACT, 2017
LOI DE 2017 SUR LE SOUTIEN
À L'ENFANCE, À LA JEUNESSE
ET À LA FAMILLE**

Consideration of the following bill:

Bill 89, An Act to enact the Child, Youth and Family Services Act, 2017, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts / Projet de loi 89, Loi édictant la Loi de 2017 sur les services à l'enfance, à la jeunesse et à la famille, modifiant et abrogeant la Loi sur les services à l'enfance et à la famille et apportant des modifications connexes à d'autres lois.

Le Président (M. Shafiq Qaadri): Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice. Comme vous savez, we are here to consider Bill 89, An Act to enact the Child, Youth and Family Services Act, 2016, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts.

Mrs. Gila Martow: Point of order.

The Chair (Mr. Shafiq Qaadri): On a point of order, Ms. Martow.

Mrs. Gila Martow: Thank you very much. I just didn't want to miss my opportunity to say that we tried three times in committee to put forward a motion to strike the subcommittee, to send a letter from the committee to request that the minister find a bit of time in his schedule. It doesn't have to be an hour, but a bit of time to answer a few questions that we have, to clarify some things in the bill. Perhaps the members of the committee who are in government are able to access the minister more easily than myself and the third-party member that's here.

As well, I tried via email in the last couple of days to find a time for the subcommittee to meet to take care of it. We've offered multiple times to meet, and none of them were acceptable, so I'd like to put forward my motion once again, asking the committee to request the minister to find a bit of time today, if possible, even if it's at the end of the day or at lunch time or maybe be on call, or if somebody here wants to give up a couple of minutes of their time to address the committee so that we

could clarify a few things in the bill, which is a serious bill, as we know—over three decades in the making.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow. The points have been noted. It's not, by the way, a point of order, but you are obviously free to propose a motion to the floor separately, as in now.

Mrs. Gila Martow: I would like to put forward a motion requesting that the committee put together a letter to request that the Minister of Children and Youth Services address the committee, hopefully at some point today, since we are moving forward—

The Chair (Mr. Shafiq Qaadri): Ms. Martow, we have it in writing, I believe. Will this do?

Mrs. Gila Martow: Sure; absolutely.

The Chair (Mr. Shafiq Qaadri): All right; fair enough. So we'll have it distributed.

The motion is before the floor. The floor is open now for discussion. Mr. Colle?

Mr. Mike Colle: Yes, this should have been done before at subcommittee. I don't know if the subcommittee has dealt with it. I think that's where it should be discussed. Just call for a meeting of the subcommittee. We've got all of these people waiting to make deputations. They're here until about 6 o'clock. I think this should be deferred until we hear from all of the deputants that are here.

The Chair (Mr. Shafiq Qaadri): So do I take that as a dilatory motion, Mr. Colle?

Mr. Mike Colle: Yes, Chair.

The Chair (Mr. Shafiq Qaadri): Yes, Miss Taylor?

Miss Monique Taylor: Hold on. He never said it. He didn't say it.

The Chair (Mr. Shafiq Qaadri): Miss Taylor, just to be clear procedurally: Once a dilatory motion is proposed, there is no, as I understand it, debate on that, and we move on the dilatory—

Miss Monique Taylor: A point of order, Chair.

The Chair (Mr. Shafiq Qaadri): Fine. Please, go ahead.

Miss Monique Taylor: Thank you. I do not believe he put that on the floor; I believe you suggested that that's possibly what he was talking about. I had already had my hand in the air while that was happening.

The Chair (Mr. Shafiq Qaadri): Please go ahead, then. Mr. Colle, I'll accept that. I need you to propose that again—preferably in writing—but Miss Taylor has the floor.

Miss Monique Taylor: Thank you. We've tried several times to plead to the committee to have the minister come before us so that we could have a few moments to discuss with him this very important legislation that he's put forward. We think it's incumbent on him to make sure that he does have time in this committee. We have tried to have a subcommittee, and unfortunately, that wasn't able to happen.

So here we are. Now we are at the point of where deputations are supposed to come, but there's also important work that needs to happen. I think it is unfortunate that the government has decided to squeeze us into such a small time frame on such an important bill that has left us in these awkward positions, because we do not have enough deputations speaking before us—we've limited it to three days, and we have no time to even have a discussion of whether the minister can come to this committee, which I think he should do.

I just wanted to be on the record that I think it's important that he come and speak to this bill before us, that we have the opportunity to ask him questions. I'll leave the members now to their motion.

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor. Mr. Colle.

Mr. Mike Colle: I move that we postpone consideration of Mrs. Martow's motion to invite the Minister of Children and Youth Services to address the committee.

The Chair (Mr. Shafiq Qaadri): Thank you. Again, procedurally, it's a dilatory motion—no debate, although I did accept the point of order by Miss Taylor. We'll now move to the vote on the dilatory motion of the original motion. I presume you have this in writing?

Interjection.

The Chair (Mr. Shafiq Qaadri): That's the template, in any case.

Miss Monique Taylor: Do I ask now for a recorded vote, Chair?

The Chair (Mr. Shafiq Qaadri): You are welcome to ask for a recorded vote.

Miss Monique Taylor: I ask for a recorded vote, please.

The Chair (Mr. Shafiq Qaadri): Once again, this is the template for dilatory motions. I presume everyone is clear and has received it. We'll now proceed with a recorded vote. Those in favour of the dilatory motion of Ms. Martow's original motion, please vote now.

Ayes

Colle, Kiwala, Potts, Vernile.

Nays

Martow, McDonnell, Taylor.

The Chair (Mr. Shafiq Qaadri): The dilatory motion, as you can see, passes. We'll now move to our presenters.

ASSOCIATION OF NATIVE CHILD AND FAMILY SERVICES AGENCIES OF ONTARIO

The Chair (Mr. Shafiq Qaadri): I would invite our first presenters of the day, Ms. Katherine Hensel and Theresa Stevens of the Association of Native Child and Family Services Agencies of Ontario.

Welcome. You may know the drill. You have five minutes in which to make your opening address, with three three-minute rotations with each—

Mrs. Gila Martow: Do we have them as 8:45?

The Chair (Mr. Shafiq Qaadri): Correct. Why have we changed it?

Interjection.

The Chair (Mr. Shafiq Qaadri): I think that was your request, perhaps.

Ms. Katherine Hensel: It was at the request of the first set of speakers.

The Chair (Mr. Shafiq Qaadri): They're both here in any case. So we're moving on.

Please begin now.

Ms. Theresa Stevens: Good morning. I want to just say meegwetch for the opportunity that you've given the association to come and present to this committee. Boozhoo—

The Chair (Mr. Shafiq Qaadri): Please introduce yourselves as well.

Ms. Theresa Stevens: I am.

Remarks in Ojibway.

Theresa Stevens, Association of Native Child and Family Services Agencies of Ontario, the executive director. I won't be following the script that we provided to you. You have those papers in front of you. I'm hoping to try to speak from the heart and touch on a number of points in our position paper because it's not possible, as you're well aware, to deal with everything in five minutes.

Our positions are based on consultations that took place with our association with the ministry two years ago in preparation of this act. Generally, our recommendations were not implemented, and if they were, they did not go far enough.

Having said that, there are many good things in the act. Of course we support what can be done to better protect our children and have our services more responsive and accountable to the children, families and communities we serve. We are happy with the children having more of a voice in this act and that it is child-centered, because this fits in with our culture.

0840

In our culture, the children are the centre as well. They're the centre, and all the protective layers of family, extended family, community and nation surround them. We cannot consider the child in isolation of that. If you remove the child from that circle, you remove all of their protective layers.

Increasing the age of protection is a good recommendation as well. In our culture, we believe in caring for

each other throughout our lifetimes, through all stages of life, not just infancy and childhood. Customary care is practised with all ages, including adults, middle-aged and elders. We cannot stop caring because a child has reached a certain age. These are our children, and we must treat them like our own children for life. We would not throw out our own children when they reached the age of 16.

Holding the child welfare system more accountable on the surface looks like a good thing, but from our point of view, it is not balanced. It gives too much power to the minister. We ask: Who is going to provide oversight and guidance to the minister? How will we ensure that the appointments to our agencies and boards are non-partisan and not just political appointments who support the party line? Who is going to ensure the ministry is being fair in their application of the legislation, and whether we fit their criteria or not? What if we are being asked to provide culturally unsafe services to our children and we cannot in good conscience do that?

These new powers go against the legislated relationship we have with the minister to form our own agencies and provide our services in a culturally safe manner. Indigenous agencies are in a unique situation. We were formed by our First Nations, and our board representatives are First Nation members who ensure we provide services in a cultural way that they determine. How can the minister replace them, and with whom? Who would be an appropriate replacement?

We support the chiefs' position on jurisdiction. This is why our agencies were formed in the first place: to embody the practice of inherent jurisdiction of taking care of our own children. Our culture can no longer be a subordinate consideration. Our children's lives and their very futures hang in the balance. Our children need to know who they are, where they come from and their cultural ways in order to be able to forge a successful future for themselves.

Our legislative systems cannot continue to force us to choose when we know the better way is the use of—

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Theresa Stevens: —when we know the better way is the use of prevention and customary care and our cultural ways of healing ways to work with our children and families. We all agree with these premises—even the ministry—but they cannot seem to find a way to move away from a protectionist framework and a funding formula that doesn't know how to fund prevention and our cultural determinants of practice and care.

We need to begin to recognize, practise and fund indigenous ways of alternative dispute resolution to resolve issues with families and support and fund custom adoption—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Stevens.

We'll begin our first round of questioning for the day with the PC Party: Ms. Martow, three minutes.

Mrs. Gila Martow: Is there anything else you'd like to add? Because I know we kind of rushed you there.

Ms. Theresa Stevens: The last point I wanted to make was to support and fund customary adoption or traditional adoption as a means of permanency.

Mrs. Gila Martow: Excellent. When you were saying that it doesn't fund prevention, do you have any suggestions or examples?

Ms. Theresa Stevens: A number of our agencies—especially our newly designated agencies, as well as our agencies that are moving towards designation—have put forward prevention-enhanced or prevention-focused models to the ministry.

Mrs. Gila Martow: Included in that prevention, we've heard from a lot of youth who had been in care, who really spoke well and came to the committee, and they all would like to see more mentorships offered—perhaps not forced mentorships; kids shouldn't have to participate. But do you think that would be something that would be culturally safe, if within the community there were mentorship programs of older youth mentoring younger youth?

Ms. Katherine Hensel: I'm Katherine Hensel. I'm here to assist Ms. Stevens. I'm legal counsel to the association.

In our experience, the type of mentorship that you're referring to within our various cultures happens organically if there are relationships that are permitted and contemplated within the service model. So there needs to be room in the act and discretion in the act to not only permit these types of relationships but to actually promote and even require ongoing relationships, because that's how culture is actually transmitted.

As to between youth in care, that may be helpful—sometimes less so—but with people who are living healthily and well within our cultures and communities and in their territories.

Mrs. Gila Martow: Excellent. Anything you want to add or ask? Do we have any time left?

The Chair (Mr. Shafiq Qaadri): One minute.

Mrs. Gila Martow: A minute.

Mr. Jim McDonell: I know that in part of my riding, on the Akwesasne reserve they've achieved 100% placement of their children. How is your agency doing in your area as far as being able to place foster children?

Ms. Theresa Stevens: That is an ongoing issue for us, the lack of resources that we have for our children, especially on our First Nations. We do need resources to launch a recruitment campaign for families. It also has to do with legislation and regulations around the standards for foster care that don't necessarily fit our First Nations.

Mr. Jim McDonell: Okay.

Ms. Katherine Hensel: Just to add—

The Chair (Mr. Shafiq Qaadri): We need to move on. Thank you, Ms. Martow, and Mr. McDonell too.

Miss Taylor.

Miss Monique Taylor: Thank you. I would like to hear your answer, please.

Ms. Katherine Hensel: Thank you. I know that Grand Chief Peters will be speaking to jurisdiction and accountability and relationships with community. It's far easier,

in our experience, to recruit families if they know that they're dealing with an agency that works within their culture and is accountable and manifesting their laws and accountable to their leadership.

The more standards you import and require which are culturally specific standards, the more difficult it is to engage foster families, customary placements and potential adoptive parents, because they don't want to step into a foreign system.

Miss Monique Taylor: It's a pretty intense process, as it sits right now, so it doesn't fit with your culture very well, does it?

Ms. Katherine Hensel: No.

Miss Monique Taylor: No. Theresa, if I may, you also mentioned the recommendations given in the pre-consultation two years ago. Has there not been any consultation since that point? Have you not been in constant contact with the government in their pre-consultation portion? They tell me that they came to 11 communities throughout the pre-consultation. Was that prior to the two years? Have you spoken to them since?

Ms. Theresa Stevens: I'm only speaking on behalf of our 10 member agencies. I can tell you that I know that the former agency that I worked for, Anishinaabe Abinoojii—other than that initial consultation, we were not consulted further.

Miss Monique Taylor: That's unfortunate. We tried to push this committee to visit northern communities, First Nation communities and indigenous communities to ensure that your voices were heard and that you had a lot of opportunity to do so. I'm sorry that that wasn't able to happen.

Just because we don't have a lot of time: You did say that you had recommendations that you had put forward that you didn't think were strong enough. Is there something particular, or are these the amendments here?

Ms. Theresa Stevens: They're all in the paper in terms of the recommendations we made and the ones that were implemented or weren't implemented and to what extent.

Miss Monique Taylor: Okay. Did you have something to say, Katherine?

Ms. Katherine Hensel: Yes. It's expanded on in the paper, but including how courts are applying the existing provisions, the best-interest factors, for example: I don't think it's borne out in the words of the statute, but it's now mandatory in Ontario, pursuant to a Court of Appeal ruling, that the cultural identity interests of indigenous children be treated as a separate and subordinate factor, for example, to the best-interest factors—unlike that culture is a proper part for every other child.

So the courts are mishandling, in my view, the wording in the statute. There should be stronger mandatory language that interferes with that. Right now, what we see in Bill 89 is exactly the same words. So it will still be mandatory that—

The Chair (Mr. Shafiq Qadri): Thank you, Miss Taylor.

To the government side: Ms. Kiwala.

0850

Ms. Sophie Kiwala: Thank you very much for being here. Chi-meegwetch and welcome. It's a great pleasure to have you here and to meet you today.

One of the things that I did just want to mention quickly and ask your opinion on was how you felt about the removal of some of the language related to indigenous culture, such as "First Nations, Inuit and Métis community" replacing some of the other terms such as "Indian, native, First Nations, Inuk or Métis child." Are you pleased that that has been encompassed as part of the bill?

Ms. Katherine Hensel: Yes. It may not go far enough in terms of integration with all of the various provisions. It hasn't necessarily been rationalized throughout the entire statutory scheme. For example, how are you going to resource the service of non-status Indians? Right now there aren't even protective and prevention services. Right now there aren't even robust resources, or any resources, contemplated for a First Nation to exercise party standing, for example.

Ms. Sophie Kiwala: Okay, thank you. I did want to also ask you if you could clarify your understanding of Bill 89 in how prioritizing the customary care impacts indigenous children and youth.

Ms. Katherine Hensel: So it does still—well, it prioritizes customary care, and that's a good thing. I know that the members of the association, of their own accord, prioritize customary care results and placements. Again, it doesn't necessarily go far enough in terms of rendering them a mandatory consideration or a mandatory form. The mainstream agencies, the non-indigenous agencies, still struggle mightily with customary care at an operational and a policy level. Even stronger language, I think, would assist those agencies in fulfilling and reaching dispositions that are in the best interests of indigenous children in their care.

Ms. Sophie Kiwala: Okay. I do just want to highlight that the central focus of the bill is certainly child-focused and that culturally appropriate placements were very much a large part of the consideration behind the bill. It's something that we've been concerned about and that we wanted to see changed. I did just want to reinforce that and certainly reinforce that, as this develops, we would welcome your continued feedback at any time. As the parliamentary assistant to the minister—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Kiwala, and thanks to you, Ms. Stevens and Ms. Hensel, for your deputation on behalf of the Association of Native Child and Family Services Agencies of Ontario.

MS. ARISHA KHAN

The Chair (Mr. Shafiq Qadri): We now welcome our originally first scheduled presenter, Ms. Arisha Khan. Welcome, Ms. Khan. Please be seated. You've seen the protocol. You have five minutes in which to make your opening address. Please begin now.

Ms. Arisha Khan: Good morning. My name is Arisha Khan. I'm a former youth in care. Just for the record, I would like to note that although I'm the vice-president of Youth in Care Canada and we would like to be engaged in the processes that will come after these hearings, I'm speaking on behalf of myself and the many youth who could not be here today to voice their opinions.

I took a six-hour-long bus ride to be here as I did not want to regret this opportunity as I have regretted missing the last round of hearings in 2012. However, not much has changed since then, so I wonder if my voice will have an impact today. I know you spent two days last week listening to the powerful voices of those who are championing for change within the system. I hope that I can add to this discourse and persuade you to make the amendments required to make Bill 89 and the proposed Child, Youth and Family Services Act a success.

I have a unique understanding of this piece of legislation as I worked on the policy team responsible for Moving on Mental Health and also occupied a seat on my former children's aid society's board of directors, where I witnessed, unfortunately, the translation of loose regulation and legislation and perverse funding incentives, leading to actions that are not in line with protecting the best interests of the child—which is paramount in this act.

The Child and Family Services Act has not been revised as intricately as it is being right now for close to 30 years, and thus there is an opportunity to make historic changes. But as it stands right now, these changes may be nullified by the fine print.

While it is commendable that the preamble of the act highlights the importance of a child-centred approach and their rights, this, unfortunately, does not make it into the body and the processes outlined in the act.

I understand there are challenges associated with revising this legislation and making sure it is amenable to the current climate and the province's capacity. However, I feel there are many lost opportunities in making this act truly historic.

As a youth who was deprived of ancillary supports and access to information, thus barring me from seeking the supports I was owed, I have experienced first-hand, and from the stories of others as well, the consequences of loosely framed policy and wordsmithing to my life. Having read the transcripts of the past two hearings, I know you've already become privy to many concerns, and thus would like to take the time to highlight the specific provisions that I feel, if amended, will significantly ameliorate a youth's experience and their outcome within the system.

In particular, I would like to highlight the provisions around funding and accountability as they pertain to increasing the age of protection and access to supports at 16 to 18, leading into eligibility for supports past the age of 18. The language in the act surrounding these is arbitrary and does not hold parties accountable to mandate services to youth due to the fact that these are contractual agreements left to the decision of each par-

ticular agency with a range of exceptionalities and exclusionary criteria to tap into.

In recent years, we have seen that as the supports for designated crown wards—or now youth in extended care under the new legislation—are increasing, the rates of this type of wardship are decreasing as well. Within the current funding model, it is not in the best financial interest of society to have to dedicate continued supports to some youth. We all know the statistics for this crucial time in a youth's life: drop-out rates, trafficking, homelessness—the list goes on.

As such, I recommend that the language around the age of protection and the onus to provide supports is tightened to allow youth to be the decision-makers as it pertains to the services they need and require, without the clauses that permit a society to refuse offering services to a youth who requests them. This small change will put us closer in line with other provinces.

Further, the section around providing these resources is limited via jurisdiction. I propose that youth not be bound by the decisions of a particular children's aid society and be provided a direct formal mechanism to seek supports and protection at ages 16 and 17. The new powers of the minister to issue compliance orders related to operations and mandate amalgamations is commendable, and I think these could be extended to provide ancillary supports where necessary.

I would also like to touch on the issue of informing youth of their rights, who bears the onus, and who is held accountable for ensuring that children and youth are relayed their rights in a manner consistent with their capacity.

I will share an anecdote with you. When I was 14, I had an extremely terrible experience with a social worker who was clearly acting outside of ethical boundaries. I had somehow stumbled across the CFSA and it became my armour—very weak armour, but armour nonetheless. I carried it around with me everywhere I went for almost two years. I share this example with you because I would like to emphasize the need for this legislation to advocate for the rights of the child—whether this means replacing some of the optional language with more substantial rights clauses or continuing to make the language more inclusive and youth-friendly.

Subsections 33(5) and (6) of the act now do not hold you, the crown, our parent, to be responsible for us. So I ask: If not you, then who? Further, as we know, Ontario is unique in the fact that it is the only province wherein children's aid societies are non-profits with special powers under the act vis-à-vis child protection services, and, as such, seeking legal recourse for the youth is extremely difficult, if not impossible, when the CAS has failed to act in good faith.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Khan. I'll pass you now to Ms. Taylor of the NDP.

Miss Monique Taylor: Breathe, Arisha.

Thank you so much for taking the time to travel six hours on the bus to get here. That's amazing. I think you're amazing. You have put so much work into this. I

have a few minutes, so if you want to speak freely, please go ahead. Your voice is what we need to hear more than mine.

Ms. Arisha Khan: I guess I would just like to point out section 33, which I feel is really important. I would recommend that the committee amend section 33 of the act to provide that a children's aid society be an agent of the crown and that the crown would continue to be responsible for the society's actions.

I would recommend that the committee mandate third-party involvement and public disclosure of internal complaints review procedures and further make complaints around access to supports a matter of family law so that the matters are permissible under legal aid criteria.

Miss Monique Taylor: Okay. So what you're—I'd have to look up section 33. Is that where—

Ms. Arisha Khan: That's where you say, "We're not responsible for any actions of the CAS."

0900

Miss Monique Taylor: Right. Not so good, is it?

Ms. Arisha Khan: Not really.

Miss Monique Taylor: There needs to be proper oversight to ensure that the agencies are following their duty. The provision, I believe, that the government has decided to use is that the minister will have the ability to take over that agency. Tell me your thoughts on that.

Ms. Arisha Khan: There were current provisions in the act similar to that already. As we've seen in years, I think in history only one children's aid society has ever been taken over, even when we've seen circumstances where clearly others should have been.

Obviously, the ministry will never want to exercise these very harsh procedures. It's a lot easier if these provisions are already built in, rather than having to force extraordinary measures.

Miss Monique Taylor: Thank you. Do you have anything else that you want to touch back on? You had to go through things so quickly. Anything you want to highlight specifically?

Ms. Arisha Khan: You've probably heard this, but privatization makes it really difficult here. Seeking any sort of legal recourse when the society has, again, not acted in good faith, or you can't get supports—you can't partake in cases because they're civil in nature. This is further heightened by the new amendments under section 33 and the personal liability of the board.

It's kind of a Catch-22, because youth aren't able to access supports, and when they find out that they can't access supports, they can't access their information, or they just don't have the resources to be able to fight for their rights. If we're not going to allow youth to exercise their rights, why highlight them?

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor. To the government side: Madam Vernile.

Ms. Daiene Vernile: Good morning, Arisha. Thank you for enduring a six-hour bus ride to get here. You have lived experience in this space, and you are here talking to this committee. You bring a completely differ-

ent point of view, so thank you so much for coming and sharing.

I felt that the gavel came down on you as you were wrapping up. Do you want to finish your presentation to us? We can use our three minutes for that.

Ms. Arisha Khan: If you have questions, I think I have covered most of everything.

Ms. Daiene Vernile: Okay. I do have some questions. In your presentation, you touched on the importance of increasing the age of care, and you also talked about how we're changing language within the legislation. How would have that affected you when you were in and out of care?

Ms. Arisha Khan: When I was still in care, the new regulations pertaining to CCSY came into play. However, the provisions within the Child and Family Services Act—that the regulations relied on a period of a few months—made me ineligible for those support services past turning 18. It was literally very minute details that were legally admissible.

Ms. Daiene Vernile: I'm curious to ask you—this is a personal question—are you going to commit yourself in your future, in your career, to dealing with issues like this? It seems like you're very interested.

Ms. Arisha Khan: It kind of becomes all-consuming. As much as I didn't want to be involved in this, it kind of just keeps sucking you in until it's changed. Maybe the next 20 years will be spent doing this.

Ms. Daiene Vernile: Your personal experiences have made you an expert, right? Thank you very much.

Ms. Arisha Khan: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Madam Vernile. To the PC side: Ms. Martow.

Mrs. Gila Martow: Thank you so much for making the trek and coming down here. I just wanted to ask you if you had any suggestions—we're hearing from quite a few youth who have been coming in who had been in care. They would like to see us, either through the legislation or just beyond, to promote mentorship programs for kids who are in care. It doesn't necessarily have to be demanded, but to at least offer and promote and help fund some better connection with older youths, so it's not just dealing with foster parents, workers at group homes, child care workers, social workers. Maybe even youth who were in care could be mentors to youth in care.

Ms. Arisha Khan: Right. While this is outside the scope of the legislation, there are models in other provinces, such as New Brunswick, where the provincial youth-in-care network is housed under another agency and they're able to go with foster parents to provide training and help mentor youth. That's definitely something that can be built in.

However, I think, within the current state of child welfare, there are a lot more pressing matters to address, especially with regard to ancillary supports, that our statistics are continuously stagnant or worsening. I think that there are matters to address before we—

Mrs. Gila Martow: Right. So you would like us to see maybe more focus on preventative. When I say

mentorship, you could have families where it's a single mother or a family with multiple children and there are challenges in the home. Maybe there could be programming where other people in the community could offer some support before they get to the attention of—

Ms. Arisha Khan: Yes, definitely. I think preventive measures are important; however, moving away to community-based care takes a lot of time. Within the new funding model that was implemented in 2014, there was more of a focus on reuniting families. That made it seem as though there were more resources being put into those outcomes of keeping kids at home, but stats have remained the same. I think it just needs to be a more concerted effort all around.

Mrs. Gila Martow: Wonderful. Thank you so much for coming in.

I don't know if your colleague wanted to say anything before your time is up. No? She's just here for moral support. Well, thank you to both of you.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow, and thanks to Ms. Khan and to the moral-supporting colleague.

ASSOCIATION OF IROQUOIS AND ALLIED INDIANS

The Chair (Mr. Shafiq Qaadri): I will now invite our next presenter, Mr. Gord Peters, Grand Chief of the Association of Iroquois and Allied Indians. Welcome, Mr. Peters, and to your colleague. I invite you to please be seated. Your time officially begins now.

Grand Chief Gordon Peters: Thank you. My name is Gordon Peters. I'm from the Association of Iroquois and Allied Indians. We are seven communities, with a population of about 22,000. We represent four different nations, so we're very diverse.

I want to talk about indigenous jurisdiction today and how it applies to this with respect to our families, because we know, historically, the courts have recognized our jurisdiction as early as 1803 with respect to marriages. We have also *Calder v. The Queen* in 1973. From that, we have indigenous legal traditions that are being a third order, along with French civil and British common law. Custom adoptions have always been a part of the record for recognition.

The colonial law in the child welfare system has been unjust for a long, long time. Indian residential schools were termed to be cultural genocide. We've had the Sixties Scoop. One of the biggest areas I think that we need to look at in this process is around prevention. I think that through indigenous jurisdiction, we can do that kind of work, because it's not a part of the process right now that goes on.

The TRC call to action talked about this kind of thing. The recent *Brown v. Canada* decision talks about the harm done by placing our children into care without consideration of their culture, language or community.

What we're asking your government to do is to negotiate a jurisdictional clause, a section, with us so that we

could put this into the act. I'll read it in for you so you'll know what we're proposing:

“(1) If a law, in final or draft form, developed by one or more First Nations, and addressing some or all of the subject matters provided for in this act, has been shared with the minister with a request for discussions, the minister shall enter into discussions for the purposes of ceasing the implementation of this act or any part of it in favour of that law and facilitating the implementation of that law on the part of the province.

“(2) The minister's representatives in such discussions shall be senior officials with sufficient authority to conduct meaningful discussions.

“(3) The minister shall provide such funding as may be required to support the capacity of the First Nations” to do this.

As you know, we've signed an accord with the province of Ontario to begin these kinds of discussions. We're suggesting that this bill needs to make space for indigenous jurisdictions so that we can have that doorway. We're not suggesting that it's going to happen overnight, but definitely the door needs to be opened so that we can move in this area.

We have a distinct relationship with the crown, and it needs to be recognized. Again, a political accord does that for us.

In the preamble, the bill talks about “First Nations, Inuit and Métis people” as “constitutionally recognized peoples in Canada, with their own laws, and distinct cultural, political and historical ties.”

In this area of law, as we go forward: The Inuit don't have territory in the province of Ontario, so when we talk about jurisdiction, we don't think the Inuit can be put in the same context as anyone else. For that matter, when we talk about the Métis, the Métis are probably very similar, and very clear cases need to be identified instead of the wholesale part with respect to that.

0910

In your section 319, you talk about self-government by regulation. The approach is neither nation to nation or government to government. It says, “The Lieutenant Governor in Council may make regulations....” This is not respectful of that relationship and the political process that we entered into with the Ontario government. It doesn't deal with any of those issues that we're working with all the way across the board, that all of our communities in this Ontario region, as well as across the country, are working with, with respect to indigenous jurisdiction.

We think that the structure of the indigenous considerations are an afterthought in the new bill. In section 1(2), when you add 4, 5 and 6 and then you start talking about First Nations, that section on First Nations, where it says they should be “entitled to provide, wherever possible, their own child and family services,” that whole area—

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Grand Chief Gordon Peters: —it should be really clear that that is paramount. That section is particularly paramount.

We also need to be able to distinguish the difference between a child in care and a child in support. We've lost a lot of children because of the support with respect—I'm talking to poverty. The Sixties Scoop is all about poverty and the loss of our children because of poverty. It needs to make a really clear differentiation between that so that our children are not taken with respect to poverty.

The Chair (Mr. Shafiq Qaadri): Thank you, Chief Peters. We'll pass you to the government side. Ms. Kiwala, three minutes.

Ms. Sophie Kiwala: Thank you very much, Chief Peters, for being here, and to your colleague as well. Meegwetch. It's an honour to have you here. I know that you've been working for a very long time on—you've been committed, politically and non-politically, to indigenous issues, and I want to acknowledge you and give you respect for the work that you have done.

I just wanted to highlight and place an emphasis on the fact that we have very much made respecting culture, heritage and traditions of First Nations people, Métis and Inuit as well within this piece of legislation. I do also want to reinforce that the Premier has made a commitment to improving the experiences of indigenous people who receive services with respect to child care.

In addition to that, the children's aid societies are required to make every reasonable effort to pursue a plan for customary care for indigenous children and youth who are in need of protection. So we would always be making a deferral to customary care.

On that note, I'm wondering if you could explain how the government of Ontario can recognize First Nations law and return jurisdiction over child welfare to First Nations communities.

Grand Chief Gordon Peters: As you know, we're in exploratory discussions right now with the province of Ontario with respect to this process. What we're saying is that we can develop the clause, the clause can be put into the act, and it allows us to be able to continue to have an ongoing dialogue.

As I said, it doesn't happen overnight, but it allows for that space and that discussion to be able to take place so that we're not just simply, "It ends with the act going in place," and that's the end of the discussion.

Ms. Sophie Kiwala: Okay. How much time do we have?

The Chair (Mr. Shafiq Qaadri): One minute.

Ms. Sophie Kiwala: One minute. Okay. Just quickly, can you highlight any of the points within the act that you're pleased with and that you're recommending?

Grand Chief Gordon Peters: The only area that we're really pleased with is to make all reasonable good efforts. That's good, but my comment before was that the act needs to be restructured so that when we talk about our children, it needs to be paramount what protections they have within the act, not an afterthought. That's really clear.

I also want to address band rep, because it's been a problem since 1985. No band rep: We have people who go to court, and we don't have legal advice to be able to

go to court. We need legal advice. We need people to have a legal background to be able to work with our children when we end up in a court system.

Ms. Sophie Kiwala: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Kiwala. To the PC side: Ms. Martow.

Mrs. Gila Martow: Thank you very much for coming in, Grand Chief Peters. They're rolling out this CPIN slowly. That's the Child Protection Information Network, I believe. It's a computer network so that different children's aid societies across the province can share data. They also want to develop in indigenous communities the same program with specialized children's aid societies in those communities. I'm just wondering if there's the broadband Internet infrastructure in your community to support that.

Grand Chief Gordon Peters: Not really.

Mrs. Gila Martow: What are your thoughts on all of that?

Grand Chief Gordon Peters: First of all, we need the connectivity. A lot of our communities don't have the connectivity. All of those things stop at the edge of our communities. Gas stops at the edge of our communities; water stops at the edge of communities. A lot of those things don't come into our communities.

When we start talking about sharing data, we have a principle that's called OCAP. Those OCAP principles need to be adhered to and respected, because we never get to control our own data, our raw data. What we get all of the time is interpretive data. Somebody has already got the data; they've already worked through it; then they give it back to us.

Mrs. Gila Martow: So you feel that you want to have the control and be driving it, not to have some external force driving the data collection in your community.

Grand Chief Gordon Peters: Yes.

Mrs. Gila Martow: Okay. Any other—did you have a question? Sorry.

Mr. Jim McDonell: Any other key problems you see with the legislation?

Grand Chief Gordon Peters: The structuring of the band representative—those are really critical areas. I acknowledge the parts where you say there's going to be more accountability. I think those are key areas.

But that's our submission: that jurisdiction needs to be up front, and we need to be able to have space and room for that dialogue going forward.

Mr. Jim McDonell: Okay. Thank you.

Mrs. Gila Martow: Thank you very much for coming in.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. McDonell and Ms. Martow.

To Miss Taylor.

Miss Monique Taylor: Good morning, Chief Peters. Thank you so much for joining us today. Thank you for your submission.

Lack of supports is probably one of the largest keys, I think, facing your communities. The legal portion of that is a reality when families are finding themselves without

supports, and then their children are being taken into custody because they just need the support, and then they don't have the legal support to support them on top of that. It makes it that much harder, what families face, I'm sure.

The minister's oversight: What are your thoughts on the minister having the ability to come in and take over your agencies when they feel so, and what are your concerns around that?

Grand Chief Gordon Peters: We've had difficulty with that process, and we will continue to have difficulty with it. We applied the same process—as you know, the federal government did the same with us on the Education Act. Their requirement was that they would have oversight and they would step in and take over if they felt anything was wrong. The same is going to apply here.

There have got to be different ways of being able to create solutions, rather than just simply taking over a process. Because our agencies are driven by boards, there is kind of a gap there between the communities, the boards and the agency. Because the model is solely based on provincial guidelines and provincial terms and conditions, it's very difficult for that gap to be overcome.

The resulting process is that the minister always seems to be the one—and the CAS and everybody else seems to be the one—who steps in, rather than our communities.

Miss Monique Taylor: Are your boards representative of your communities?

Grand Chief Gordon Peters: Boards are representative of our communities, but once they become boards on the corporation, they're no longer considered entities of our communities, on a legal aspect of it. But we see them as our representatives; sometimes the agencies don't.

Miss Monique Taylor: Are they reflecting your community, though? Are there enough indigenous people on those boards? Are they taking up enough space that they are reflective of your community, that they understand the needs?

Grand Chief Gordon Peters: I think most of the boards are in that position. They understand the needs of our children. They understand the needs of our families. But we are still governed totally by the same terms and conditions that the CAS is governed by.

Miss Monique Taylor: Do you feel that there was enough consultation with you on this bill before it was created?

Grand Chief Gordon Peters: No, we've never had that kind of consultation.

Miss Monique Taylor: Never? That's unfortunate.

Grand Chief Gordon Peters: No, not since probably the bill was constructed in 1935—

The Chair (Mr. Shafiq Qadri): Thank you, Miss Taylor, and thanks to you, Grand Chief and your colleague, for your deputation and presence on behalf of the Association of Iroquois and Allied Indians.

COMMISSARIAT AUX SERVICES EN FRANÇAIS

OFFICE OF THE FRENCH LANGUAGE SERVICES COMMISSIONER

Le Président (M. Shafiq Qadri): Maintenant, je voudrais souhaiter la bienvenue à nos prochains présentateurs du Commissariat aux services en français de l'Ontario : le commissaire, M. Boileau, et ses collègues, M. Morin et M. Méhou-Loko.

0920

Vous avez vu le protocole, sans doute : cinq minutes pour votre présentation initiale et après, les questions—trois minutes pour chaque parti. S'il vous plaît, commencez maintenant.

M. François Boileau: Bonjour, monsieur le Président. Membres du comité ici présents, bonjour. Tout d'abord, je voudrais vous remercier de m'avoir permis de comparaître aujourd'hui afin de vous présenter des éléments clés qui visent à modifier certains aspects du projet de loi 89, Loi de 2017 sur le soutien à l'enfance, à la jeunesse et à la famille.

Je voudrais également souligner la présence de certains membres de mon équipe, Yves-Gérard Méhou-Loko, enquêteur principal, et Joseph Morin, notre conseiller juridique.

Veiller à ce que les citoyens de l'Ontario reçoivent des services de qualité en français du gouvernement est une de mes missions depuis presque 10 ans. Lorsque ce citoyen est un jeune enfant ou un adolescent, je peux vous assurer que j'y accorde une attention soutenue.

Bill 89 is a great opportunity to rectify some legislative deficiencies and will enable us to protect the language rights of all francophone children, teenagers and families.

Currently, some aspects of the bill do not take into consideration the genuine interests of the children, their protection and their well-being. Too often, a francophone child in the care of a children's aid society will not receive the same treatment as the other children. He or she can't always speak French with the facilitators, and does not have professionals available to help him or her in his or her own language. This has been going on for far too long.

Imaginez tout le bouleversement majeur que vit un enfant ou un adolescent lorsqu'une intervention d'une société d'aide à l'enfance s'avère nécessaire. De songer qu'ils doivent faire face à tout ceci dans une autre langue que la leur est inacceptable. Cette situation déstabilisante peut engendrer, surtout auprès du jeune enfant, un accroissement de troubles comportementaux et sociocognitifs.

Ces circonstances alarmantes nous démontrent la dure réalité que vivent les jeunes enfants. La nécessité d'une meilleure prise en compte de leurs besoins est donc criante.

J'aimerais porter votre attention sur le cas d'un placement d'une fille francophone de huit ans, originaire

de la vallée d'Ottawa, qui depuis l'âge de cinq ans a été placée dans différentes familles d'accueil.

In one of those foster homes, the foster father was francophone and the foster mother was anglophone. However, since the foster father was a soldier and was often away, the girl was left alone with her foster mother without a way to communicate with her. This intensified the girl's trauma.

Unfortunately, this is not an isolated incident. In this case, the lack of a francophone environment compromised the girl's retention of the French language, which risks upsetting her ability to converse in French with her family of origin. This will lead to creating distance between the girl and her family, both emotionally and culturally.

When a children's aid society can't guarantee a francophone or bilingual host family, the children and youth will be in an extremely vulnerable situation. Moreover, placing francophone children with anglophone host families or adoptive parents endangers their cultural identity and also the transmission of French-language cultural heritage for generations to come.

Le parent francophone qui voit son enfant confié aux services d'une société d'aide à l'enfance non désignée est très souvent obligé de communiquer avec la société d'aide à l'enfance en anglais. Une telle obligation ne peut que contribuer à alimenter le stress auquel est confronté le parent déjà aux prises avec l'éclatement de sa famille.

Le Commissariat a également dû traiter le cas d'un père francophone de la région de Durham qui tentait d'avoir la garde de son fils, un adolescent sous la responsabilité de la société d'aide à l'enfance de Toronto. Il a dû entreprendre des démarches administratives et judiciaires complexes en anglais pour avoir accès à des documents en français afin de bien comprendre les enjeux liés au cas de son fils.

Ceci illustre les multiples embûches auxquelles les citoyens francophones doivent faire face lorsqu'ils demandent des services en français auprès des sociétés d'aide à l'enfance.

Nous sommes très conscients du fait que les sociétés d'aide à l'enfance se retrouvent confrontées à des manques de ressources importants, car elles accomplissent un travail à la fois colossal et très difficile. Cependant, l'intérêt de l'enfant doit toujours primer.

A 14-year-old teenager who has addiction problems and has just given birth will never ask to have her psychosocial assessment done in French. She will never know that she has linguistic rights, let alone the existence of a commissioner. It is up to government institutions to actively offer services in French.

It is our duty to address those situations through prevention by making amendments to Bill 89. I then propose an amendment to section 15 of the bill which is both simple and effective, and which will guarantee two points: that all children's aid societies must provide services in French, and that these services must be actively offered.

Le Président (M. Shafiq Qadri): Trente secondes.

M. François Boileau: Vous trouverez une proposition d'un nouveau libellé pour l'article 15 dans mon mémoire. En appuyant ce nouveau libellé, vous serez en mesure de démontrer votre reconnaissance face à la nécessité que tous les enfants, les adolescents et leurs familles puissent recevoir des services en français de la part des sociétés d'aide à l'enfance.

Je vous remercie à nouveau de m'avoir écouté. J'anticipe avec plaisir vos questions auxquelles je tenterai de répondre au meilleur de mes connaissances. Merci.

Le Président (M. Shafiq Qadri): Merci, monsieur Boileau. Je passe la parole maintenant aux conservateurs. Madame Martow.

M^{me} Gila Martow: Merci et bienvenue, monsieur Boileau. C'est difficile de trouver des parents nourriciers dans la province de l'Ontario. C'est un des problèmes. One of the problems is finding people to foster in Ontario. Peut-être que vous pouvez nous aider à promouvoir dans les communautés francophones. Maybe you can help us promote becoming foster parents in francophone communities.

Mr. François Boileau: Absolutely. Yes, we will do whatever we can. But at the same time, if there is no obligation, then there is no reminder of this.

It's like in health. We understand that we have rights in health, but it's not true that we're going to go to every hospital in the province. I remember going to Sault Ste. Marie, meeting with the francophone community and saying, "Well, you have rights." One person in the audience said, "François, it's really nice, what you're saying, but we have one doctor coming in every two Thursday afternoons, so we'll take that doctor in any language."

That's the reality. We understand that. But if there's a reminder of the obligation for the children's aid societies to talk to other children's aid societies—Prescott-Russell, Ottawa, Sudbury: All of those have capacities, and maybe they have foster parents. I understand that at 3 a.m., in the middle of the night, when it's time to put the kids into security, there's no question. There is no one—certainly not me—who will say, "Oh, you should have done it in French." The question is to put the children in security. We are not completely crazy.

But when we are talking about foster homes for a longer period of time, then maybe we can make the effort of trying to find a foster family that will actually be appropriate for that child. Also, the services being offered to the children are extremely important. If we don't actively offer the services, then the children will clam up and will not ask for French-language services. They will not know that it's within their rights or that it's the right thing to do. I often say, "Don't do it because it's an obligation; do it because it's the right thing to do."

Mrs. Gila Martow: We're also looking at having more mentorship programs. We hear from the youth who were in care that they want to participate, they want to help and they want to offer mentorship programs. Is that something we can offer within the francophone community, to have specific big-sister and big-brother

groups that are francophone, to help kids who are in care?

Mr. François Boileau: That's something that we can actually try to think about, but the francophone society is as diverse as the rest of the population. We don't meet every Sunday. It's not easy to track us down.

To offer that scenario, again, if the children's aid societies were to be a little bit more proactive on that front, then perhaps that could be facilitated, but someone has to take the lead, and we can't ask the parents to take that lead.

Le Président (M. Shafiq Qadri): Merci, madame Martow. À M^{me} Taylor. Trois minutes.

Miss Monique Taylor: Good morning.

Mr. François Boileau: Good morning.

Miss Monique Taylor: Thank you so much for presenting and for putting together a package for this very important bill. You're absolutely right: Services need to be provided in French. We are a bilingual province and country, and it has to be incumbent on the government to ensure that those services are available.

You focused on the children's aid societies. Have you heard issues in any of the other facilities, like youth corrections or youth mental health? This bill encompasses the entire Child and Family Services Act, so are there other areas that you want to highlight that are also lacking?

Mr. François Boileau: I'll let Yves-Gérard answer for that, but also, one of the things that we've noticed is that we don't receive too many complaints. It's not because there's a lack of problems; it's because the complainants are in an extremely vulnerable situation and they won't know about us. They won't know about their rights.

Mr. Yves-Gérard Méhou-Loko: We have received numerous complaints in regard to services provided in regard to mental health, as well. This is a key issue. Providing services in French for people in need is a very key issue for us. That's the reason, obviously, that we are here today.

Also, mental health is one of the primary issues that we've been dealing with for the past 10 years—and more, actually; 10 years is the length the commissioner has been dealing with this. But we need to focus on mental health services for children. As was said before, in this province, if we can change administrative measures to save one child, we should do it.

0930

Miss Monique Taylor: I agree. I think it's important that children who grow up speaking French are spoken to when they are in their time of need. These are our most vulnerable children who touch these services, and ensuring that they feel safe in their mother tongue is so absolutely crucial.

Were you engaged with the preparation of this bill at all?

Mr. François Boileau: No.

Miss Monique Taylor: No consultation with you at all?

Mr. François Boileau: No.

Miss Monique Taylor: That's really unfortunate, since the government claims that it did all of this pre-consultation work in bringing forward this bill. I hope we can make sure that your amendments are reflected in the bill and that it ensures that there are French services moving forward and that it is in the legislation that it is incumbent on them to make sure that families have the access to the services they need in the language that they speak. So thank you for—

Mr. François Boileau: I just want to clarify that we were proactive in the last few weeks—

Le Président (M. Shafiq Qadri): Merci, madame Taylor.

Maintenant, au gouvernement: madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Merci beaucoup d'être venus.

Dans le projet de loi il y a déjà une espèce de respect pour les droits culturels de l'enfant. Est-ce que je dois comprendre que votre demande ici c'est d'aller au-delà de ça et d'avoir presque une désignation de toutes les sociétés d'aide à l'enfance? Quelle va être la dynamique de l'amendement que vous proposez?

M. François Boileau: Merci beaucoup de votre question. En une minute, je vais tenter de résumer.

J'ai toujours pris pour acquis que toutes les sociétés d'aide à l'enfance avaient une obligation de desservir la population en français. C'était mon interprétation basée sur l'interprétation large et libérale de la Loi sur les services en français. Mais lorsqu'on la lit d'une façon très restrictive, on pourrait croire que ce ne sont que les organismes qui sont désignés. Donc, il y en a quatre seulement. Je ne voudrais pas que ça soit confirmé, maintenant qu'on est devant vous, qu'on a un projet de loi qui étudie cette question-là. Il est temps de se débarrasser de la section « where appropriate », ou « lorsque approprié ». Parce que la section « where appropriate », surtout en anglais, ce n'est pas juste une question d'endroit, mais c'est aussi une question de temps. Donc, pour nous, c'est très important de clarifier ça une fois pour toutes.

M^{me} Nathalie Des Rosiers: L'objectif ici serait, d'une certaine façon, de mettre les sociétés d'aide à l'enfance—de les soustraire à la Loi sur les services en français, les enlever de la loi. Il y en a quatre qui sont désignées et qui vont continuer d'être sur la loi, mais toutes les autres seraient assujetties ici à une obligation d'offrir des services en français.

M. François Boileau: Comme toutes les autres organisations gouvernementales, et elles ne seraient pas désignées. La désignation, c'est autre chose. C'est plus complexe, ça amène un peu plus d'obligations ou des membres sur le conseil d'administration, etc. C'est autre chose; on ne touche pas à ça. Ce n'est pas ce que l'on vise dans le projet de loi en ce moment.

M^{me} Nathalie Des Rosiers: Merci.

Le Président (M. Shafiq Qadri): Merci, madame Des Rosiers, et merci au Commissariat aux services en français de l'Ontario, monsieur Boileau et vos collègues.

**AFRICAN CANADIAN WORKING GROUP
CHILD WELFARE SUBCOMMITTEE**

The Chair (Mr. Shafiq Qadri): We now invite our next presenter to please come forward: Mr. Kafele of the Tabono Institute. Welcome, Mr. Kafele. You've seen the drill. You have five minutes in which to make your opening presentation, with question rotations afterwards. Please be seated and please officially begin now.

Mr. Nene Kwesi Kafele: Good morning. First, I want to thank you for giving us this opportunity to share with you some thoughts and concerns with respect to Bill 89 and the African Canadian community.

Our working group represents a coalition of African Canadian organizations, professionals, academics, students and former youth in care, with over 500 years of collective experience working with African Canadian children and families. We share significant concerns about Bill 89, Supporting Children, Youth and Families Act, 2016, and its potential implications for our community.

Although we acknowledge the efforts of the provincial government to build upon the principles expressed in the United Nations Convention on the Rights of the Child through a focus on children's rights in the language of Bill 89, we find that the bill is silent on matters that concern African Canadian children, youth and families who are significantly overrepresented and negatively impacted in most of the systems that converge within this bill.

In spite of incomplete and inconsistent publicly accessible race-based data, there is substantial evidence that African Canadians are overrepresented within Ontario's child welfare and youth justice systems in Ontario. Reports suggest that African Canadians comprise, for example, at least 41% of youth in care in Toronto, despite representing only 8% of the city's population, and the vast majority of young people in youth justice facilities, such as the Roy McMurry Youth Centre etc. Within the child welfare system, African Canadian children and youth spend more time in care, experience greater placement instability, are less likely to receive culturally appropriate care and are less likely to be adopted or reunited with family than their non-black peers.

There is a well-established body of evidence that indicates that these disproportionalities and disparities are not a consequence of differences in rates of maltreatment or criminality between ethnoracial groups, but rather from systemic anti-black racism that is embedded within various policies and practices of child welfare, justice and associated human service institutions such as education and health.

Systemic racism that is rooted in Canada's history of enslavement, racial segregation and exclusion continues to produce major inequities for African Canadians in terms of poverty and income inequality, unemployment, housing discrimination and exposure to interpersonal and state structural violence. Such inequities function to

increase and exacerbate the interactions between African Canadians and various social service systems, including those within the purview of Bill 89.

The context of anti-black racism and the unique inequities faced by African Canadians has been acknowledged by the Ontario Human Rights Commission and by the United Nations Working Group of Experts on People of African Descent. The UN has identified the distinct status of African Canadians through its declaration of 2014 to 2024 as the United Nations Decade for People of African Descent, which includes a "recognition that people of African descent represent a distinct group whose human rights must be promoted and protected."

We believe that Bill 89 presents the current government with a unique opportunity to advance historic and transformative change in addressing systemic racism, repairing the relationship between the community, and honouring its formal acknowledgement of the United Nations Decade for People of African Descent and Canada's obligations as a signatory to the UNCRC. Given the severity, type and historicity of oppression faced by us, it is our hope that Bill 89 represents a set of statutes that reflect not mere reforms—a tinkering around the edges—but rather, genuine structural and systemic changes.

It is imperative that Bill 89 make the necessary provisions to build community resources and enable leadership, support and oversight on behalf of the community. It is in this context that we put forward the following recommendations regarding Bill 89.

How am I doing for time?

The Chair (Mr. Shafiq Qadri): You have 40 seconds.

Mr. Nene Kwesi Kafele: Oh boy.

Miss Monique Taylor: I can share with you, so go ahead.

Mr. Nene Kwesi Kafele: We have recommendations with respect to the preamble, for example, around it recognizing our presence in Canada since 1609 as one of the original people of this land, our contribution to Canada, the historic nature of our relationship with Canada and of course the severe vulnerabilities we face across many different indicators currently.

There are issues we want to address with respect to our ability to provide services and support and advise different institutions around the provision of services in a way that is anti-oppressive and anti-racist, and that recognizes our cultural heritage—

The Chair (Mr. Shafiq Qadri): We go to the NDP. Ms. Taylor.

Miss Monique Taylor: Thank you. Please go ahead.

Mr. Nene Kwesi Kafele: —in ways that recognize our cultural heritage, tradition and connections to our community.

We want to make sure that children's and youth's voices and participation in the decisions affecting them must be extended to include their rights to education, including post-secondary education. This is particularly germane to African Canadian children and youth who

face systemic racism within education, which is compounded through child welfare involvement.

Children's rights should require CASs to regularize and legalize children without status as soon as possible, including moving children with landed status to obtain citizenship. There have been longstanding concerns raised about young people who come into contact with child welfare as unaccompanied minors and refugees from African and Caribbean countries and who fail to receive appropriate protections and services; for example, when status issues remain unresolved.

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In accordance with section 26, the minister should establish an advisory committee with a specific focus on African Canadians' child welfare. The advisory committee should be based on stakeholder partnerships with organizations and advocates within the African Canadian community, such as a council on child welfare specializing in joint planning and service coordination.

In accordance with section 29, the minister should designate and support the establishment of an African Canadian lead agency, or agencies, that are provided with core funding and given responsibility for providing and coordinating community-based, prevention-oriented, culturally relevant services in areas of children's mental health, child welfare and youth justice.

The concept of neglect is too broad within the act and requires clarification. Neglect is often conflated with poverty and leads to criminalization of poor African Canadian families. This is particularly concerning given the high levels of impoverishment among African Canadians, with an estimated 40% of African Canadians in Toronto living below the low-income cut-off level.

The legislated use of mechanical restraints, sections 153 and 157, and secure de-escalation, subsection 171(9), should be significantly restricted within the act. The act should embed a stricter legislative framework for secure de-escalation that includes the following: an immediate duty to report whenever a child or youth is placed in secure de-escalation to an oversight/accountability body; a stipulation that secure de-escalation should last no more than 24 hours; and a duty to seek exemption from an oversight/accountability body for the use of isolation beyond 24 hours.

The use of mechanical restraints and secure de-escalation contravenes the principles of the act and the existing body of evidence regarding the effectiveness of mechanical restraints. This is especially important given the evidence regarding the impact of systemic racism and, more specifically, anti-black racism in the use of discipline faced by racialized and marginalized populations in corrections.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Taylor. To the government side: Mr. Potts.

Mr. Arthur Potts: Thank you very much for coming here, and thank you for the great work that Tabono Institute does to bring attention to systemic racism and anti-racism issues in our province.

Particularly, you're reflecting on the lack of reference to the African Canadian population in the act. Outside of the culturally appropriate measures that we're putting in here, which are designed specifically to address those kinds of issues, could you maybe elaborate why it is you think that your community should be specifically designated in the way that maybe our indigenous people are? The indigenous community has run its own child welfare and support systems. Are you advocating to have level of status?

Mr. Nene Kwesi Kafele: Absolutely. The level of vulnerability we face is unsurpassed in our province, save for the aboriginal community. We are the poorest, the most vulnerable with respect to health. We overpopulate the criminal justice system more than anyone else. Child welfare—in all the systems that serve us, we are severely and significantly over-represented. The level of unemployment and poverty in the community, in a province as rich, as capable and as committed as Ontario, is almost criminal in some parts of the community.

Our situation is urgent. We are in a deep crisis, and it requires the kind of leadership and responsiveness and responsibility, we feel, that would be commensurate with the level of urgency and crisis that we have. So absolutely, we need to have our own child welfare structure and process. It's not absolving the mainstream institutions, but it is saying, in addition, in partnership and parallel with them, we need to at least have resources and supports where we can provide the kind of culturally appropriate anti-racist and anti-oppressive response to our community's urgent needs.

Mr. Arthur Potts: It's not dissimilar to the issues we heard in the francophone community, where there's a disproportionate number of children without families who are culturally appropriate to be placed in. We know we see that within the African Canadian community as well. Will we be able to work with your organization in order to encourage more African Canadian families to step forward and assist in bringing culturally appropriate care—

Mr. Nene Kwesi Kafele: Absolutely, and that level of partnership and collaboration is critical. It requires trust, good intent, resources to help build infrastructure, joint planning, collective impact approaches—all of those. But we're ready and prepared and eager to work with you.

Mr. Arthur Potts: And we see that all the signals of what makes children end up in societal care is disproportionately represented in your community. We all recognize that stems from a deep-seated racism—

Mr. Nene Kwesi Kafele: And poverty—structural poverty—and violence.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Potts. To the PC side: Ms. Martow.

Mrs. Gila Martow: Hi. I would be very careful analyzing data if I didn't have the data in front of me. I think that the key is to get the right data and to look at what can be done to encourage people within certain communities to step up and foster care.

We're seeing overall that there's a real hardship these days to find people to foster care. Sometimes they're willing to foster care, but there are such strict rules about bedrooms and size of the house and things like that. What can we do to encourage people in your community to foster is, I guess, my first question, and to create mentorship programs? We're hearing from African Canadian youth who were in care, and they want to mentor the kids who are in care now. How can we facilitate that?

Mr. Nene Kwesi Kafele: There is naturally a healthy suspicion and skepticism of the system based on the many years of experience that their families have had, working with CASs, for example. I think it's important to begin the process of establishing trust and engagement and outreach and involvement that is meaningful, where families, community leaders, advocates and experts can be reassured of a process that is meaningful, so that when it comes to encouraging families to be foster parents, there is an experience that is being nurtured and built in a way that is respectful, balanced and inclusive, so that folks will want to step forward. There are lots of families and parents who I think, given the right approaches and reassurances and involvement and so on in the planning, would be willing to step forward. It's a multitude of things, I think, that need to be attended to, to ensure that the community is reassured that there will be a process in place that is meaningful and respectful.

Mrs. Gila Martow: Sorry, my colleague had a question.

Mr. Jim McDonell: What changes do you see needing to be made to get more foster families? It's right across the system. In our area, where we wouldn't have a large African Canadian population, we have a huge issue trying to find enough foster homes. It's a problem right across the system.

Mr. Nene Kwesi Kafele: Some of it is, I think, a function of the overall state of a community. When people are worried about jobs and housing and police surveillance and living in safe neighbourhoods and so on, it's a challenge. Those who have the wherewithal to foster parent or to step up I think would, as I said earlier, be willing and inclined, given the right approaches.

We have, as you probably know, the OVOV report that was just done at the Ontario Association of CASs. That really provided a very comprehensive road map and a number of recommendations about how CASs could be reformed to ensure that anti-black racism is appropriately addressed and cultural competence is privileged as an important way to engage families and communities and so on. It would be, I think, very advisable—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. McDonell and Ms. Martow, and thanks to you, Mr. Kafele, for your deputation on behalf of the Tabono Institute.

ANISHINABEK NATION /
UNION OF ONTARIO INDIANS

The Chair (Mr. Shafiq Qaadri): I now invite our next presenters to come forward: Ms. Pelletier and Ms. O'Donnell from the Anishinabek Nation / Union of Ontario Indians. Welcome. Please do introduce yourselves. You've seen the drill. Please officially begin now.

Ms. Adrienne Pelletier: Bonjour.

Remarks in Ojibway.

I'm here representing the Anishinabek Nation along with my colleague Tracey O'Donnell.

The Anishinabek Nation is comprised of 40 First Nations which span a large geographic area, from the northern Superior region of Fort William First Nation in the north to Garden River in the west to Algonquins of Pikwàkanagàn in the east and Aamjiwnaang in the southwest, which is close to Sarnia. So we have a large geographic area to cover. We are comprised of 60,000 Anishinabek citizens. We are comprised of 30% of the indigenous population in Ontario.

The Anishinabek Nation has, over the last eight years, developed an Anishinabek Nation-specific child well-being law. We entered into extensive engagement with our communities. We started off by asking them, "What is wrong with the CFSA and how do we need to create a law that will respect all of our communities' rights, values, traditions and language?" So that law comes from our citizens.

The key principles, values and requirements that are the basis of our submission are positions expressed by our citizens through the development of our law. We have shared the law with your colleagues at the Ministry of Children and Youth Services, and we could provide that to your committee as well. It's the Anishinabek Nation child well-being law.

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The AN is disappointed with the lack of a First Nation child advocate. We would like a First Nation/indigenous child advocate for all of Ontario.

Bill 89 includes a definition of extended family; however, in our opinion, it does not respect the role of grandparents. We would like to have grandparents also be given notice and be allowed to participate in protection hearings.

Band reps must also be resourced, and they must be permitted to speak with our children in care. The Anishinabek Nation does not support adoptions of Anishinabek Nation children without the consent of the First Nation that the child and the First Nations parents belong to, realizing that some families are from two nations. That's not respected in the current CFSA.

First Nations children must be served by First Nations agencies wherever possible. We've started to populate the field in urban centres, and we do support Toronto Native Child. We do have agencies in urban offices in Sudbury, Sault Ste. Marie and Thunder Bay, and we will populate in London. We are trying to serve our citizens

regardless of residency. We want them to be served by our First Nations people.

Ms. Tracey O'Donnell: Meegwetch. We appreciate the statements that are set out in the preamble to Bill 89 with respect to the evolving relationship between the province of Ontario and First Nations in the province. We have capitalized on that government-stated intent and we wish to establish relationships by the development of our law and engaging in discussions with the ministry with respect to the implementation of our own law.

We want to see in Bill 89 further emphasis with respect to that relationship. In particular, I'll draw your attention to section 71, which imposes an obligation on agencies and societies to consult with First Nations and with First Nation, Inuit and Métis communities. Consultation, in our experience as First Nations, has been a challenge in dealing with governments and organizations for a long time. The act does not provide any definition or requirement or guidelines or suggestions with respect to what "consultation" means and doesn't include the concept of reporting to First Nations. A reporting and developing process that allows for dialogue would further support that evolving relationship that's mentioned in the preamble.

In addition, we have some concerns with respect to the use of the term "band" together with "First Nation, Inuit and Métis community," because if a regulation sets out the list of First Nation, Inuit and Métis communities, there's a potential there for the overlapping or layering of roles and responsibilities with respect to individual children. As Anishinabek First Nations, we believe we have inherent jurisdiction to address child and youth well-being issues for those within our community. If there's the opportunity for other entities or organizations or communities to be recognized—that might be geographic-based, for example, urban-based organizations—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. O'Donnell, Ms. Pelletier. To the government side: Ms. Kiwala.

Ms. Sophie Kiwala: Thank you, meegwetch, for being here today. I know that it certainly takes something to come and make a deputation, and I wanted to extend our thanks for that. I also want to extend our thanks for participating with the ministry at such a close level over the last few years. I know that you've made contributions at the technical level, and I just want to really acknowledge you for that work over the years.

Specifically, my question to you today regarding Bill 89 is whether or not you feel it has gone far enough in terms of recognizing inherent jurisdictions of First Nations in relation to child well-being laws.

Ms. Tracey O'Donnell: We don't believe that the law has gone far enough. As I said earlier, we appreciate the opening statements. But within the draft legislation itself, within the bill, there's no specific section that references First Nation jurisdiction or the willingness of the province to acknowledge that recognition. There are

exemptions provided in there, but those exemptions are by agreement. We find that problematic.

Ms. Sophie Kiwala: Okay, thank you. Can you elaborate a little bit more on how much further you feel the bill will need to go to really recognize the inherent jurisdiction of First Nations within the child well-being laws?

Ms. Tracey O'Donnell: A specific provision that acknowledges that First Nations have inherent jurisdiction to address the well-being of their children and youth.

Ms. Sophie Kiwala: Okay. I do also want to mention that a large part of the focus of this bill is that they be child-focused and that culturally appropriate services be rendered wherever possible. I do think that is something that's a key component for us. I've been with the minister visiting some First Nations communities as the parliamentary assistant. I know that it's important to him, it's important to me and it's important to this government, so I just wanted to reiterate that.

How much time do we have?

The Chair (Mr. Shafiq Qaadri): Forty-five seconds.

Ms. Sophie Kiwala: Forty-five seconds. Do you have anything else you want to add?

Ms. Adrienne Pelletier: It's critically important that the government works with the Anishinabek Nation to implement the Anishinabek Nation child well-being law so that we can serve our children in a culturally appropriate way, with their community standards, values and traditions in place. Bringing our children in care to a powwow once a year does not constitute being involved in their community in a meaningful way.

Ms. Sophie Kiwala: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Kiwala.

To the PC side: Ms. Martow.

Mrs. Gila Martow: We passed some legislation earlier this year—and I think it was passed in the end, or maybe it just passed second reading and went to committee—on the rights of grandparents. In separation agreements, anything in court or a divorce, it's basically telling the judges that they have to at least ask, "Were the grandparents consulted?" Too often, grandparents, after a divorce or a separation agreement or things that happen, say, "We were never told. We would have wanted to have been involved in the decision-making for that child." I'm just wondering if that's something that you specifically spoke to the ministry about. Did they consult with you on this bill? Did you specifically talk about grandparents? Because you're actually the first to bring up specifically—we've heard about families—grandparents being involved.

Ms. Tracey O'Donnell: Yes. With respect to grandparents, in Anishinabek First Nations, grandparents often are in support of parents, actually maintain an active role in the parenting of Anishinabek children and youth and make decisions together with parents. Many of our children are actually in the care of and being raised with their grandparents and parents, but there's no recognition in this legislation.

We didn't participate in the drafting or the passage of the grandparents law, but that's something that for us, in particular, we'd like to see reflected in Bill 89.

Mrs. Gila Martow: Because I think the children's aid societies do ask about grandparents and do recognize grandparents, but it should be recognized in the bill. I'm glad that you're bringing that up.

There's also talk about CPIN, the data entry, and I wanted to ask you, as I asked the Grand Chief who was here earlier: Is there the broadband, is there the Internet infrastructure in your communities to support that?

Ms. Adrienne Pelletier: Well, we do have concerns with CPIN. I have a child well-being working group, and they did bring concerns to the July meeting last summer, a whole list of series of concerns they had with CPIN. I haven't received a response to our concerns. They are still outstanding concerns with the Child Protection Information Network.

The historical issues with residential schools—we have a very long history of child welfare services in our communities, and it has been very detrimental to our communities. We're concerned about people's histories being used to further keep their children in care. I know that continues to be a practice. I've heard from adult children who have been in foster care who are very concerned with CPIN.

Mrs. Gila Martow: And their privacy.

Ms. Adrienne Pelletier: And their privacy and their ability to get on with their life.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Martow.

To Miss Taylor.

Miss Monique Taylor: Please go ahead; finish your sentence.

Ms. Adrienne Pelletier: Yes. The ability for them to raise their own children in a meaningful way to the best of their abilities: That shouldn't be taken as a negative, and it is when they do assessments of those parents' abilities to parent their own children.

Miss Monique Taylor: Thank you. I'm wondering what your thoughts are, and if you'd like to put them on the record, on reasons why your children are over-represented in the line of supports. What are the supports that your families need to be able to survive, to exist and to be able to stay in the family network?

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Ms. Adrienne Pelletier: The Anishinabek Nation is moving to develop a prevention-focused funding framework that will wrap services around our children in our communities, not in these urban centres. We want to be able to raise our children in our communities, in their cultural values, language and community standards.

So, you know—sorry, I lost my train of thought.

Miss Monique Taylor: No, that's okay. What about funding levels? Are they adequate?

Ms. Adrienne Pelletier: No. We would like to see more investments in prevention. That's a framework that we'll be bringing forward to the government once we

have completed all of the work that we need to do over the next year.

Miss Monique Taylor: Were you consulted over this bill?

Ms. Adrienne Pelletier: Yes, we were.

Miss Monique Taylor: And do you feel that your voice is reflected in the bill?

Ms. Adrienne Pelletier: No, they didn't hear some of what we said.

Miss Monique Taylor: Would you like to share again what you said? Just briefly, because we won't have a lot of time, but some key points on what you feel is not in this bill that you had specifically asked for?

Ms. Adrienne Pelletier: Well, I appreciate the government's willingness to open up to having agencies in urban communities, but we feel that will cause more confusion. We can work with the Métis communities and Inuit communities to develop protocol agreements so that we can work in co-operation with one another, without interference from outside governments, because we can work on a government-to-government basis with these other indigenous peoples. I think that we can work that out amongst ourselves and provide a better service to all of the children.

Miss Monique Taylor: So the minister having the ability to take over your agency, I'm sure, doesn't thrill you then, either.

Ms. Adrienne Pelletier: No.

Miss Monique Taylor: Thank you very much—unless you have something else to add? Probably seconds left.

Ms. Adrienne Pelletier: Okay. Thank you so much.

Miss Monique Taylor: Thank you.

The Chair (Mr. Shafiq Qadri): Thanks to you, Ms. Pelletier and Ms. O'Donnell, for the deputation on behalf of the Anishinabek Nation / Union of Ontario Indians.

UNICEF CANADA

The Chair (Mr. Shafiq Qadri): I invite our next presenters, Mr. Bernstein of UNICEF Canada and colleague. Welcome, Mr. Bernstein. You've seen the drill. Please begin.

Mr. Marvin Bernstein: Good morning. My name is Marvin Bernstein. I'm chief policy adviser for UNICEF Canada. Thank you for the opportunity to attend and be able to present this morning. You have our written brief in front of you. We've called it A Rare Moment in Time: An Opportunity to Establish a Revitalized Child Welfare System That Puts Children and Youth at the Centre.

This bill has great promise in terms of the potential to introduce changes, to reference Jordan's Principle, Katelynn's Principle and the Convention on the Rights of the Child—things that we haven't seen previously. However, things are moving at quite a fast clip, and we believe that it's important to take the time to get this right.

There has been a fair amount of conversation about the implementation: How do we move from the aspir-

ational language to the on-the-ground implementation? It's really with that focus in mind that UNICEF Canada has advanced a number of recommendations. I don't have the time to go through them now, but they're summarized in the brief on pages 3 to 5. There are 12 recommendations.

There is one typo, just to alert you: In recommendation 5, on page 4, on the third line, it says: "a process of child rights impact assessment." It should read: "using the United Nations Convention on the Rights of the Child as a foundational framework," and then continue.

I just want to take you through the overview. I'm going to be reading from pages 5 and 6. In our brief, we address three main topics: child and youth rights, child protection, and modernizing child protection legislative language.

In the area of child protection, we acknowledge the importance of child agency and giving more weight to the views of children according to their age and maturity. We also support increasing the upper age limit of child protection to 18, whether consensual or non-consensual on the part of the 16- or 17-year-old child. It's always better to attempt to arrive at that kind of resolution on consent, but we believe that children's aid societies and the courts should be able to assert protection and jurisdiction over 16- and 17-year-olds even when they aren't necessarily in agreement.

We also recommend that the proposed duty to report be expanded to apply to all children equally, including 16- and 17-year-old children, in order to provide protection and to avoid child tragedies resulting from confusion over the scope of one's reporting duty. We also propose that a penalty of some kind be imposed upon non-professionals who fail to comply with their reporting duty. That was one of the recommendations from the Katelynn Sampson inquest.

As to the modernizing of legislative child protection language, we support the deletion of all residual stigmatizing language and the three-fold recommendations of the Children in Limbo Task Force, which appear in this brief. We are further recommending that all references in Bill 89 to "apprehension" and "apprehends" be replaced by "removal" and "removes," as is the case in the British Columbia child welfare legislation. We've set out that provision later in the brief.

In the media and within the committee, there has been considerable discussion of the need to strengthen the child welfare reforms contained in Bill 89. We agree with that observation. As I said, we formulated 12 recommendations towards that objective.

Having regard to the strengthening of child and youth rights, we have recommended:

(1) revising the preamble to Bill 89 by replacing the permissive language with mandatory language;

(2) including in the preamble an articulation of Katelynn's Principle in its entirety, as originally formulated by the coroner's jury at the Katelynn Sampson inquest. And there are other points that are set out there.

I'll just close by reading out this: One way of ensuring that these other matters—such as regulations and directives—are child-centred is through a child-rights-based lens and using a child-rights-based assessment. The coroner's jury in the Katelynn Sampson inquest recognized the value of child rights—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Bernstein.

Ms. Martow.

Mrs. Gila Martow: Thank you very much for coming in. Sorry that we're kind of rushed with time sometimes. Is there anything you wanted to finish that you were just reading?

Mr. Marvin Bernstein: Well, just to the point that the legislation is only one part of the solution. There are going to be regulations. There are going to be directives. There are policies and procedures. There are funding decisions. There are key performance indicators that are going to have to be developed by the ministry. There is going to have to be training done for child protection staff.

These are the pieces that are yet undetermined. One way of ensuring that we are getting this right and that the child-sensitive lens is being applied is by following the recommendation from the Katelynn Sampson inquest, and using the child rights impact assessment process. I think that's a key point.

Mrs. Gila Martow: This is our third and final day of hearings. We've been hearing from many who come in and say they read the preamble and they're very excited, but they just don't see that the legislation, the regulations, actually reflect what's in the preamble. I'm sort of getting a bit of that sense from you as well: that you want to see the strong principles. It should, in my opinion, even say "Katelynn's Principle" in the bill itself, which it doesn't—it just talks about the rights of the child—but to really reflect that necessity for child care workers to not just speak to children but communicate with children.

I don't know if you have anything to add in terms of better ways to communicate with children. It's not always language-based. Sometimes you need toys, props or pictures and things like that. If you have any thoughts on better ways to communicate with children.

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Mr. Marvin Bernstein: I think that it's important to not only talk to children in terms of them having an opportunity to express their views, but also giving them fundamental information that they need to have. It's not just expressing views; it's also expressing informed opinions. The important piece too is that the service provider shouldn't feel threatened or challenged by the fact that the young person is asking questions. That really informs and refines the service provider's judgment to make a more informed decision that is going to more fully address the best interests of that child.

Mrs. Gila Martow: I think that's very important, what you're saying, because it used to be at one time that children were considered inappropriate or rude if they would ask questions or question authority or have an

opinion on anything. I think that's what we're trying to turn on its head, to say that children are often wise beyond their years and to give them credit—

Mr. Marvin Bernstein: Yes.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Martow. To Miss Taylor.

Miss Monique Taylor: Good morning, Marv.

Mr. Marvin Bernstein: Good morning.

Miss Monique Taylor: Thank you so much for all of the work you've done in preparing for this. I would like to know what your thoughts are on how important it is that Katelynn's Principle be a companion piece of legislation. Why is that so important to ensuring that this bill has teeth?

Mr. Marvin Bernstein: Well, I think it's important, and I think I've covered that off in the submission, when you get around to reading it. But Bill 57, for one thing, sets out Katelynn's Principle in its entirety. It names Katelynn's Principle. It's nowhere to be found in Bill 89. I think the other point that's important is that in Bill 57 there's a preamble that puts the whole context and the focus of the significance of Katelynn's Principle into perspective.

The other point is that there are only pieces and morsels of Katelynn's Principle in Bill 89, so that there are aspects that apply to service providers. But if you go back to the original recommendation from the coroner's jury in the Katelynn Sampson inquest, they talk about the importance of policies, legislation, decisions all being made in a way that's consistent with Katelynn's Principle. Bill 57 speaks to the obligation of every person. So that would apply to courts and tribunals, and it would also apply to other sectors, not just child welfare. Katelynn's Principle applies to education, justice; it could apply to health, talking to young people in a respectful way.

My concern about taking a narrow construction of Katelynn's Principle is, we may find ourselves in the same problem as with Jordan's Principle. We see a lot of litigation at the federal level with the federal government in terms of a different interpretation and a compression of what the principle was. Jordan's Principle was meant to apply to all services. The federal government has read it more narrowly. That's created a lot of acrimony, and it still continues.

So I think we have to maintain a fidelity to the original vision of Katelynn's Principle, and I think we can certainly incorporate Katelynn's Principle into the preamble. We can strengthen it. I've suggested including this in section 1, sub (3) of Bill 89, to strengthen it in terms of the child welfare sector. But we need to go beyond the child welfare sector. That's what—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Taylor. To the government side, Mr. Colle.

Mr. Mike Colle: Thank you, Mr. Bernstein. You've taken a position on an issue which is very difficult to come to consensus on, and that is, what do you do with 16- and 17-year-olds, whether their extension of care is compulsory or it's voluntary? I know you've taken the

position that it should be compulsory. Can you explain why you feel, given your vast experience in this area, it's critical to go with compulsory supervision rather than the consent of the teenager?

Mr. Marvin Bernstein: Well, I think that when you start looking at rights under the Convention on the Rights of the Child, there's the right to be heard, the right to express a point of view according to age and maturity. That's an important consideration, but there are corollary rights that are interdependent, such as the right to be protected from violence, from abuse, from neglect, from exploitation. I've cited that in the brief under article 19. There is also the right to have the best interests of the child treated as a primary consideration under article 3. There may be situations where children don't have the capacity to consent to entering into an agreement with a children's aid society, but there also might be the risk of coercion. There might be human traffickers; there might be pimps. There might be exploitative parents, applying pressure to a child to not consent. You also might have a situation where the child might not be exercising the best judgment. There may be mental health considerations. There might be addiction considerations. The child may have been going through some recent victimization.

The other point is that it doesn't always result in a removal or an apprehension. It may just open the door to identifying a range of services and identifying other approaches. There may be situations where a case could start out in court, and then, through some further discussions, the involvement of a child's counsel and an outside mediator, there's some agreement struck. The children's aid society can withdraw its application and enter into an agreement with the young person.

The consequences are so dire of saying that a young person can veto the decision-making of a service provider or the engagement of a court process. I think article 12, Katelynn's Principle, is also about informing the judgment of service providers, of courts. It's not meant to—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Colle, and thanks to you, Mr. Bernstein, for your deputa- tion on behalf of UNICEF Canada.

The committee is in recess till 1 p.m. today.

The committee recessed from 1015 to 1300.

Le Président (M. Shafiq Qadri): Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice. Once again, as you know, we're here to consider Bill 89, An Act to enact the Child, Youth and Family Services Act, 2016, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts.

Mrs. Gila Martow: Point of order.

The Chair (Mr. Shafiq Qadri): Yes, Ms. Martow?

Mrs. Gila Martow: I'd like to move a motion that the Minister of Children and Youth Services be invited to address the committee on Bill 89. We've discussed it before.

The Chair (Mr. Shafiq Qaadri): It's not a point of order. Ms. Martow, you're officially recognized. Please restate yourself. It's not a point of order.

Mrs. Gila Martow: Okay. I would like to move—so what should I say?

The Chair (Mr. Shafiq Qaadri): Go as you are.

Mrs. Gila Martow: Just “I would like to move a motion”?

The Chair (Mr. Shafiq Qaadri): Yes.

Mrs. Gila Martow: —that the Minister of Children and Youth Services be invited to address the committee on Bill 89.

The Chair (Mr. Shafiq Qaadri): Fine. We do have, I believe, the frequently circulated template. We need to distribute that first, unless everyone has it already. We are agreeable that we have that same motion in writing, I presume? The floor is open. Ms. Taylor.

Miss Monique Taylor: I'd like to reiterate our position, once again, on the importance of the minister coming before this committee on such a large bill, something that is going to make changes to our province going forward in such a major manner. I think it's incumbent on the minister to show his consideration for the work that's being done on this committee, to the people who are coming to present, and to ensure that he is here with us to hear our questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Taylor. Ms. Martow?

Mrs. Gila Martow: I moved the motion first thing this morning, and since that time, we've had yet more speakers come to address the committee to say that there are parts of the bill that they find they're not quite sure how to interpret, and they would like, on our behalf here on the committee, to be able to address the minister, I believe, and ask him for clarification on some parts of the bill.

We are hearing from many people in indigenous communities that they would like to be able to represent their communities, as per the direction of this bill, but they're wondering if they can represent their community, which are the people who belong to that community but might not necessarily live in that exact community territory area. They want to know if they will be allowed or able or have the mandate to travel the province to represent people. They're wondering, if a child has parents from two First Nations communities, how that will be addressed if there's different overlap, if they're going to have a mandate to work together. They're wondering how we're going to focus on prevention, so that we can have less children in care. They're wondering how we're going to encourage people to foster. I think that that's a big part. We can have great legislation and we can all agree—every amendment we all agree or disagree on, but the fact remains that we don't have enough foster homes, foster placements and foster beds for all the youth in our communities across Ontario who would do better.

So often we hear tragic stories of people who are in group homes or in foster homes far away. They have to leave their schools. These are traumatized children, and

we're not doing the best that we can for them if we can't accommodate them in the best foster home, in the best area, in the best cultural community, with the best language. We want to do the best that we can, and we're very limited.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow. Just before I give the floor to Mr. Potts, I want to be clear: Everyone is understanding that we're currently on the motion re-moved by Ms. Martow, which is that the Minister of Children and Youth Services be invited to address the committee on Bill 89? That's what's under discussion.

Mr. Potts.

Mr. Arthur Potts: I think it's really unfortunate that we continue to have this delay tactic. This is a matter that should properly be discussed in the subcommittee. Earlier this morning, we heard that the subcommittee was trying to meet. I never got a notice from any member asking for a subcommittee. I am the subcommittee representative for our government. We have people who want to speak here, and we're now five minutes into their speaking time. We could have a vote this afternoon, which will take more time away from the people who are here. With respect, we should hear them, so I would hope we move the question quickly, so we can defeat it and move on.

The Chair (Mr. Shafiq Qaadri): Ms. Taylor, then Ms. Martow.

Miss Monique Taylor: I believe that it's on the Liberal government, who have squeezed us into such a short time frame, to not allow this bill the proper due process that it needs. Yes, I know I was invited to one subcommittee meeting, which unfortunately I wasn't able to attend, but that doesn't mean that we couldn't move forward in trying to find other resolutions. Yes, we are now cutting into time, but I believe it's the government that has put us in this position of bottlenecking this entire process.

This is a huge bill that affects our most vulnerable children in our province, going forward. This is not a single piece of legislation. This is hundreds and hundreds of pieces of legislation, and it is incumbent on us to ensure that we get it right. So I take offence to the fact that they're claiming that we are holding up the process, when in fact it is the government who has put us in this position in the first place.

Again, I request that the minister come before this committee.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Taylor. Just before I offer the floor to Ms. Martow, I want to restate to the committee and everyone that committee ends firmly at 6 p.m. irrespective of what happens.

Ms. Martow.

Mrs. Gila Martow: I just want to apologize to those who are waiting and wondering. This is our fifth motion to have the minister come and address the committee and to clarify some of the things that community people—not just questions I have, but that presenters have had. I emailed yesterday and heard back. I went back and forth

from my office with the Clerk of the Committee and with the Chair of the committee. I believe the member from the New Democratic Party was copied on some of those emails, and we were not offered a time to meet. We could have met this morning prior to commencing at 8:30. I actually made sure to be here in the building at 7:30 in case I got a message saying that we were going to have a quick meeting before.

This isn't some kind of delay tactic; this is that we want the minister to address the committee. I'm a little confused as to why that accusation would be thrown. As parliamentarians representing two parties, I think it's quite within our right. In fact, if we did a survey of all the presenters that have presented and are about to present, I think that they would be very interested in knowing why the Minister of Children and Youth Services does not want to address this committee, even for half an hour or 15 minutes or even five minutes, when we hear of youth who took buses this morning for six hours to come here to address the committee—their own free time. They paid for the bus; they didn't ask me, and maybe we should offer them some kind of compensation to pay for that bus. But they came down, they took the bus to address this committee. I really commend them.

In the meantime, the minister who represents this committee and this bill and this entire mandate does not want to address the committee, and he's in the building today. I think that's unfortunate.

So, yes, I agree: We should move on.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Martow. The floor is open, unless we proceed to a vote. Any takers? Fine. We'll proceed to the vote. To be clear, it's on the motion as I've read and as has repeatedly been entered into the record. All those in favour of the motion that Ms. Martow has moved? All those opposed?

Miss Monique Taylor: Recorded vote—
Interjection.

The Chair (Mr. Shafiq Qadri): It's too late. The motion is defeated.

NISHNAWBE ASKI NATION

The Chair (Mr. Shafiq Qadri): We now move to our first presenters, the Nishnawbe Aski Nation: Bobby Narcisse and Ms. Fiddler. You represent both? As you've seen, there are five minutes for introductory remarks and a rotation of questions of three, three and three minutes. Please begin now.

Mr. Bobby Narcisse: Thank you, Mr. Chair. Good afternoon, ladies and gentlemen. It's an honour to be here to address you all regarding this very important bill that deals with many of our children, youth and families within Nishnawbe Aski Nation. My name is Bobby Narcisse. I bring our regrets from our Deputy Grand Chief Anna Betty Achneepineskum, who is the portfolio holder of our children and youth file with Nishnawbe Aski Nation. Also, I'd like to acknowledge the traditional territory of the Mississaugas of the New Credit here, just to give that respect.

Nishnawbe Aski Nation is the representative of 49 very distinct, very unique communities within northern Ontario and northwestern Ontario. Geographically, we basically inhabit the top eastern half of the province. We bring to you, in a very short time frame here, with respect to this bill, the very uniqueness, the very geographic challenges that we face within Nishnawbe Aski Nation.

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Just as a footnote, too, we are working with the federal government and the province as well under the Ontario Indigenous Children and Youth Strategy to improve outcomes for our children, families and youth, in a bilateral process with the province to look at those specific challenges that are faced by our children, youth and families. We'd like to really reiterate some of those steps that we've moved forward.

But for the process of being here, on the matter of Bill 89, Supporting Children, Youth and Families Act, we'd like to mention that our First Nations within Nishnawbe Aski Nation are serviced by three provincially mandated organizations that are sanctioned and created by our First Nations, which are Tikinagan Child and Family Services, Payukotayno James and Hudson Bay Family Services, and Kunuwanimano Child and Family Services as well. We'd like to mention that Kunuwanimano was just recently designated as a child and family service agency. Many of our areas in our First Nations that adopt them to service in their communities—those are more or less steps forward into really looking at taking a First Nations perspective and direction on how these child and family service agencies should move ahead.

Nishnawbe Aski Nation and its communities view the current Child and Family Services Act as an interim step pending our own First Nations laws and jurisdictions on child welfare. Our people have practised customary care in our communities from time immemorial, and appropriately now, our child welfare agencies do the same.

We acknowledge the fact that the government of Ontario has embarked on a new relationship with us as First Nations, a relationship that recognizes past wrongs and a relationship that is committed to reconciliation. We find that there are some areas within the legislation where that is, and a step forward towards reconciliation. But, of course, there's a lot more that we need to do, I think.

I think these are some interim steps that we need to move ahead. As we know, the challenges within the remote north are very vast. We'll continue to work within the bilateral process with Ontario, through the indigenous child and youth strategy, to really look at some of those substantive changes that we need to have.

For the benefit of this act, there are some areas that we looked at—for example, the preamble in particular is clear evidence of the province's commitment to First Nations. We are specifically encouraged by the commitment to Jordan's Principle and the new emphasis on children's rights.

At Nishnawbe Aski Nation, in asserting our governance and nationhood over our children—

The Chair (Mr. Shafiq Qadri): Thirty seconds.

Mr. Bobby Narcisse: —youth and families, we are looking at NAN rights of the child.

We have different concerns about informing you that jurisdiction is a key regarding our First Nations. We're disappointed that this principle is not expressly stated in the CFSA, nor is the sentiment reflected within it. In fact, a number of changes have been proposed in the legislation to the contrary.

Also, a primary concern with revisions is that throughout the act, the words "band" and "native community"—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Narcisse. We'll now move to the Conservative side. Ms. Martow, three minutes.

Mrs. Gila Martow: You were in the middle of a sentence. Please continue.

Mr. Bobby Narcisse: Okay. Sorry about that—that "native community" has been replaced with "First Nations, Inuit and Métis" communities. Further, a provision has been added to permit the minister to "list one or more communities as a First Nations community." The effect of this change is that it significantly expands the possible parties who may have standing to either speak on behalf of or have an interest in a child to parties and people beyond the child's First Nation.

Basically, we assert that each First Nation has jurisdiction over their children, wherever they may reside. This act should not give new powers over our children to any of these new areas or agencies that may be in another geographic jurisdiction. One of the challenges that we may face is that our First Nations have that inherent jurisdiction over their children, wherever they may reside, and we as chiefs in Nishnawbe Aski Nation assert that our First Nations have jurisdiction over their children wherever they may reside.

Mrs. Gila Martow: Thank you very much. I have a few seconds left, I hope.

The Chair (Mr. Shafiq Qaadri): Two minutes.

Mrs. Gila Martow: What I would say is that you're the second person today to present with this sort of question that, as I stated previously, is one of the questions I would like to be able to ask the minister—they are not allowing me the opportunity to do that—which is that if we're going to be having indigenous CAS, children's aid societies, are they only going to be responsible for a certain territory, a certain region, or are they going to be representing a First Nation community, an indigenous community, throughout the province? What is going to happen if the child has two parents, one from one First Nation community, one from another, which was brought up this morning? Also, how are they going to be able to access CPIN when there isn't proper broadband Internet infrastructure in their communities?

Mr. Bobby Narcisse: We recognize those challenges as well, and we assert that our First Nations have given the mandate to our child and family service agencies to service those children and youth who are in other jurisdictions that, when it goes to part X of the act, ensures that First Nations be notified when a person from their First Nation is within care.

We assert that since our First Nations mandated our child and family service agencies to do that, there should be real comprehensive agreements between other child and family service agencies within the province to ensure that the best interests of the child and all measures to repatriate the child through customary care are upheld, and that there need to be more protocol agreements that really reflect and respect the jurisdiction of each First Nation over their children.

Mrs. Gila Martow: Thank you. I would invite you to stay and hear the next presenter, and you'll see why.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow. To Miss Taylor.

Miss Monique Taylor: Thank you, Bobby, for filling in today and for bringing your voice to this committee. I would like to know how much consultation your group was in with making and creating this bill.

Mr. Bobby Narcisse: We have a chiefs committee. Nishnawbe Aski Nation child to child, the chiefs committee on children, youth and families—that is the NAN chiefs body that is given the mandate to talk about these issues. We have been in discussions with the Ministry of Children and Youth Services on a bilateral level with respect to much of the work that we're doing when we're looking through the Ontario Indigenous Children and Youth Strategy. Much of the work we've been doing also has been around giving recommendations to these new CFSA amendments and moving forward. We've been a part of some discussions within Thunder Bay.

However, Nishnawbe Aski Nation has 49 communities and 34 of those communities are remote. It's pretty hard sometimes to get the communication pieces out there, to get out into the communities to get this information to go through. We do our best in terms of getting that information out. There is still a lot of work that needs to be done. I think many of our diverse needs also need to come forward as well. We're still doing that on an ongoing basis.

Miss Monique Taylor: Do you see a lack of that in this bill, that the supports are not going to be in legislation to ensure that you have the ability to serve your children?

Mr. Bobby Narcisse: Well, there are many challenges that we continue to address and want to address and feel that this bill needs to take into account. There are different areas where we need to ensure that that First Nations dialogue, on a nation-to-nation basis, continues with respect to certain jurisdictions. We're here to also mention that we didn't really see much of this in the act, where there is something in there that ensures future jurisdiction talks are afforded to First Nations as well. Yes, we need to have more of those areas in place or flexibility and sanction to First Nations' consideration of their inherent rights.

Miss Monique Taylor: Just one more question: With the already underfunded system that you're facing, without extra dollars and without proper funding, do you see a difference being made in this bill? Could the bill

just go on and be a shell game without the proper funding to go with it?

Mr. Bobby Narcisse: Funding is always an issue. We have maintained that our child and family service agencies are underfunded. We've reported this at the Canadian Human Rights Tribunal. We've asserted that our child and family service agencies are critically underfunded—

The Chair (Mr. Shafiq Qadri): Thank you, Miss Taylor. Government side: Ms. Kiwala.

Ms. Sophie Kiwala: Meegwetch for coming. Thank you very much. It's a pleasure to see you here. I was very happy, as well, to hear about the recent designation of Kunuwanimano. I visited there with the minister, and we did have some conversation around the changes that were coming forward. So I was very pleased to hear that that happened.

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I do want to bring forward a few points. One is that I do want to reinforce that our Premier and our government specifically are committed to working very hard to make sure that the experiences of indigenous people, families and children are improved, and that we have done a fair bit of work around consulting with your First Nations, as has been mentioned already. So I do appreciate the work that you have brought forward and that NAN has brought forward. Thank you for that.

I'm wondering if you can speak a little bit about any thoughts you may have on the legislation itself, on the steps that we have taken to better support the programs and services in the remote and northern NAN First Nations.

Mr. Bobby Narcisse: I know Nishnawbe Aski Nation currently is working with its government partners to establish a remoteness quotient. A remoteness quotient is very integral to providing adequate programs and services to First Nations within the remote north and requires a substantive sort of empirical process where—it's a numbers game. You know? Basically, when you look at it, we need to look at the costs of services within the remote north, the costs of gas, fuel, infrastructure and the lack of infrastructure. So we are committed to working with the province to move ahead in those areas.

With respect to the act, we felt that there should have been more stronger terms within the act to more or less help say that there are different things that ensure that there's a dialogue with First Nations as we move ahead in determining what are some of those new strategic investments that need to occur within Nishnawbe Aski Nation communities to ensure that we are improving outcomes for children, youth and families. I think we're doing a lot of that work, too, through the indigenous child and youth strategy. But with respect to the act, we felt that this needs to be more strengthened within the act to ensure the ongoing nation-to-nation dialogue is achieved between the province and First Nations.

Ms. Sophie Kiwala: Thank you. I'm not sure how much time I have left.

The Chair (Mr. Shafiq Qadri): Seven seconds.

Ms. Sophie Kiwala: Seven seconds. Meegwetch.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Kiwala, for a well-used seven seconds.

Thanks to you, Mr. Narcisse, for your deputation and presence on behalf of Nishnawbe Aski Nation.

Also, just before we invite our next presenter, I've just been informed by legislative—

Interjection.

The Chair (Mr. Shafiq Qadri): I have not been informed by anyone. But in any case, I believe there are—let's put it this way: There are individuals who are testifying today who are then going into the hallway and being harassed for opinions expressed. I would just respectfully request any individuals who may potentially be doing that, who are either in this room or listening elsewhere, not to do that. The committee does have the power to forcibly remove those individuals by security, if necessary. So I've just forewarned.

JEWISH FAMILY AND CHILD

The Chair (Mr. Shafiq Qadri): I now invite our next presenter: Mr. Prousky, representing the Jewish Family and Child association.

Welcome, sir. You've seen the drill: Five minutes. Please begin now.

Mr. Brian Prousky: Thank you for having me here today. It's truly an honour to speak before this committee.

Jewish Family and Child is a fully accredited children's aid society serving a population of approximately 200,000 people, including 40,000 children. The GTA houses the largest Jewish population in Canada and one of the largest and most vibrant Jewish centres in the world.

Next year, my organization will be celebrating its 150th birthday, which means we're almost as old as our country. Our history is intricately linked with Canada's history. We are one of the many great parallel institutions that Jewish people built out of necessity to serve our community, but also the broader community, so that nobody should feel excluded from receiving compassionate care.

We are the most cost-effective child welfare agency, and in this respect unrivalled, I believe, by any CAS in the province. The current structure of our agency mirrors key recommendations put forth by the Commission to Promote Sustainable Child Welfare in 2008, one of which was that CASs should form part of broader integration of services for vulnerable children and families. Our child welfare services are fully integrated. We have more than 30 other programs, and child welfare clients receive a comprehensive wraparound approach and are able to take advantage of poverty reduction programs, counselling programs, school programs and woman abuse programs, to name only a handful.

Because of this, the vast majority of children served by our child welfare services remain with their families and communities—in fact, over 99%. The outcomes we

achieve should make the province very proud of its investment in our child welfare services. The high school graduation rate, for example, for our youth in care is approximately 79%, well above the provincial CAS average. In 2015, 100% of those same youth went on to enrol in post-secondary education programs. These outcomes are only possible because of our integrated service approach and the long-standing and generous support we receive from our community.

We applaud Minister Coteau on the introduction of Bill 89 and hope that our two recommendations help enhance the positive outcomes this bill will create.

Our first recommendation is to ensure that a proper funding mechanism is in place to support the increase in the age of protection. Schedule 2, Amendments to the Child and Family Services Act, increases the age of protection from 16 to 18 years. We're pleased to see this proposed extension to ensure that 16- and 17-year-olds have access to much-needed protective services. However, the extension of the age of protection will almost certainly create greater funding, staffing and service delivery needs. This is an expensive and very challenging population to serve, and we want to serve them well. We are asking for the provision of a funding mechanism to accompany the changes to the age of protection.

Our second recommendation is the realignment of the territorial system of Jewish Family and Child to the city of Toronto and regional municipality of York. The current proposed change to the Jewish Family and Child Service of Metropolitan Toronto Act, 1980, is that section 4 of the act is amended by striking out "Metropolitan Toronto" and replacing it with "city of Toronto." We would like to further change this to the "city of Toronto and regional municipality of York." This change would simply realign the act to reflect our current service coverage.

Since the 1980s, along with our work in Toronto, we've been working very closely with the York Region Children's Aid Society—I once worked there myself—to provide assistance to Jewish families in that region. As the Jewish population has continued to migrate north along the Bathurst Street corridor and has grown in York region, the number of Jewish child protection cases involving families has also grown. Not having a mandate in a region where we serve approximately 50% of our families has led to increased difficulties in addressing urgent cases involving Jewish families. We have seen a duplication of services and delays which are sometimes significant.

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Brian Prousky: Thank you. The expansion of our child welfare mandate from Toronto to the city of Toronto and regional municipality of York would allow us the ability to act swiftly and decisively when the need to take a child into care arises and would result in more successful outcomes for children in difficult situations.

Both my agency and York Region CAS are strongly in support of this change. We've attached to our submission

a letter of support from Nancy French, the interim chief executive officer for the York Region Children's Aid Society.

Thank you for your time. It's been an honour. I'm happy to take questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Prousky. Miss Taylor for three minutes.

Miss Monique Taylor: Thank you for your submission. Thank you for the continued work that you do in our communities protecting kids.

You raised the funding issue. What's seriously going to happen when you're asked to do more with less? You're going to be asked to do more with less. How is that going to affect your society?

Mr. Brian Prousky: The reason that we highlighted that as a recommendation from our organization is just through our experience in working with 16- and 17-year-olds. If we have a mandate to protect youth who are in that age range, the challenges they face can be massively complex. We've found through our experience that the older the child, the more costly the service delivery, usually. Per diem rates for children in care can run anywhere from \$210, \$250 up to \$650, \$700, if you require special rate agreements, one-to-one support. So it's a very expensive population. It's a population that is very determined, strong-headed, requires a lot of monitoring, chasing. If we're truly going to provide a safety net, we would like a financial safety net as well.

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Miss Monique Taylor: Right. So without increased funding, your society will suffer?

Mr. Brian Prousky: It would be financially challenging for my organization without appropriate funding, yes.

Miss Monique Taylor: Are there any other areas in the bill that you see—we'll start with the preamble. We've heard from many presenters that the preamble is very strong; it has a lot of great words in it. Do you see that reflected in the bill itself, in having enough teeth to actually enforce what's in the preamble?

Mr. Brian Prousky: I think the one area where perhaps it could be strengthened is around the cultural sensitivity piece. Again, we applaud the heightened focus on cultural sensitivity. I work for a culturally based organization. But the removal of religion from the act, for example—religion may be the primary identifier for a youth, so the removal of religion from the act could be problematic as well.

Miss Monique Taylor: I believe that the understanding, and the explanation I get, is that "creed" replaces "religion" but it's the same meaning. But I had to look up what "creed" meant, because a lot of people don't know and don't understand. What do you think about adding—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Taylor.

Mr. Prousky, could I just ask you to move a little bit away from the microphone? Thank you.

To the government side: Mr. Colle.

Mr. Mike Colle: Thank you, Brian. I think we met during the CIJA lobby day. You'll be glad to know we were successful; with the help of the great young people from CIJA, the bill banning discrimination in Ottawa was passed, 220 to 60. It was passed by the Senate two days ago. Coming here sometimes gets results. It's good to see you here again.

Mr. Brian Prousky: Thank you.

Mr. Mike Colle: As you know, I have the second-largest Jewish constituency in Ontario—and we're seeing growth, by the way. We're seeing all kinds of young families moving down to the new shuls, the downtown shul etc. We're going to need, hopefully, to strategically use your services anyway, going forward.

The question I had is in terms of your success rate for graduation. That's phenomenal: 79%. What we've heard over the years is there was just such a poor graduation rate for children under care. Are there any key reasons for that success, which I think is unprecedented across services across Ontario?

Mr. Brian Prousky: I truly believe that there are two factors at play in achieving that result. One is, again, the integration of our child welfare services with all of our other programs.

For our organization, an investigation is not an end in and of itself. Whatever the reason—the presenting risk factors, or the reason that led us to get involved in the first place—we'll bring to bear a number of services on our work with that family. We may involve them in our poverty reduction programs, our woman abuse programming, counselling programs, group counselling programs, special needs, schooling, school support, all of that stuff.

The other part of it is that these children we serve are our children. This is our community, and our community cares deeply about these children. If we need any special supports or mentoring, we've worked very hard to cultivate relationships so that people from our community can step forward and shepherd children and families through some of the travails they might face.

Mr. Mike Colle: Thank you. I hope you can share those best practices with the ministry, that we could share across the sector.

The other thing is, you made a very significant suggestion about incorporating the services—combining, basically, Toronto and York region—

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

The floor now passes to Ms. Martow.

Mrs. Gila Martow: I just wanted to know, Brian, if you could sort of explain about the overlap between the York region CAS and what you have to go through. You get a phone call and there's a crisis situation in a home—and what you have to go through.

Mr. Brian Prousky: Yes. It's sort of an artificial border, but if you happen to be in York region and you call our organization and you have a child who is in need of protection, we have to rely on York Region Children's Aid Society right now to apprehend that child for us and

take that child into care. They have to go to court with that family. They have to seek to transfer jurisdiction to our organization; then our organization can pick up the child protection matter.

It's particularly problematic when we've been working with a family for five or six years and the circumstances change and the family needs to come into care. We have a long history with the family. York Region Children's Aid Society would not have that long history with that family, so they would rely again on us transferring information to them to help in decision-making around the apprehension. It's just areas where we really could clean it up and reduce the duplication of services, because otherwise we are a fully—we do everything else that a children's aid society does in the region.

Mrs. Gila Martow: Thank you. As you said, Nancy French, I believe, sent a letter in our package of support. I think that was a wise thing to include. I'm just wondering if you can tell us if there's anything special that you do, because I think part of the success is that you're able to find foster homes within the community, and how you promote and encourage people in the community to foster.

Mr. Brian Prousky: Our foster parents have a special commitment to the children in our community. We have a real emphasis on youth and youth in care. We run a number of events. These events—we have one coming up. One is called Planting Roots, where we invite the entire community to come in. They hear from our children, they hear from our staff, they hear from former youth in care and they hear about the difference they could make in our community by fostering children as well.

The message is that they're our community's children, and I think that's a far more powerful message than any financial incentive or anything like that. We're lucky enough to have people who feel that responsibility to their community.

Mrs. Gila Martow: Thank you very much.

The Chair (Mr. Shafiq Qaadri): Thanks to you, Mr. Prousky, for your deputation on behalf of Jewish Family and Child.

SIX NATIONS OF THE GRAND RIVER

The Chair (Mr. Shafiq Qaadri): I'd now invite our next presenter to please come forward: Ms. Ava Hill and Ms. Skye of Six Nations of the Grand River. Welcome. Please be seated. Your time begins now.

Chief Ava Hill: Segó. First, I'd like to acknowledge that we are on the traditional territory of many nations who came together under the dish with one spoon. So welcome and thank you for having us here today. My name is Ava Hill. I'm the elected chief. I'm Mohawk, Wolf Clan of Six Nations, and I'm the elected chief of Six Nations of the Grand River, which is the largest First Nation in Canada. We have a membership of 27,000 people comprised of 13 nations. We're located close to the cities of Hamilton and Brantford.

Six Nations is a growing population with many strengths and weaknesses. As the largest First Nation in Ontario, we have a growing population and we are proud of our culture, our children and our families. We're also not immune to dysfunction, and have children who are involved with the child protection system. The current system continues to have negative impacts on families by removing children from our communities and their families.

In 2008, Six Nations began a path to designation for a second time. We are now in stage C of a five-stage process with guidelines that are defined and interpreted by the Child and Family Services Act. So even though we are progressing through to deliver protection services, the legislation and cumbersome designation processes are difficult when seeking to openly provide a model that builds community capacity to support families and addresses the protection issues which were often created by historical traumas of the residential schools and the post-traumatic stress disorder.

Initially, the opportunity to participate in the 2015 review gave us some hope that meaningful changes would occur in the legislation to shift the concept and the application of child protection services that would be responsive to the needed healing of the families and children.

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The changes are coming after the 94 calls to action from the Truth and Reconciliation Commission and its specific recommendations on child welfare which call upon the governments to commit to reducing the number of First Nations children in care.

Does this current Bill 89 meet the recommendations and shift the responsiveness to the strength-based differential response previously rolled out to help heal families from their past government-imposed negative policies? In our view, it doesn't.

There is a lack of meaningful control and jurisdictional authority over the care and protection of our children; there is insufficient integration of cultural identity into the consideration of the best interests of the child; and there is insufficient weight given to cultural identity of indigenous children in all elements of service and decision-making by agencies and courts.

Further consideration is needed of those factors and stronger language is needed to ensure the legislation is responsive in favour of the children and not at the discretion of a director.

Our short verbal presentation and the written presentation are not to be considered as a comprehensive response to the proposed changes. There is more in-depth information in our written submission.

Some of the recommendations we'd like to present are that there need to be an enhancement and a strengthening of wording in the primary purpose of the bill: "First Nations, Inuit and Métis have inherent jurisdiction over the well-being of children and families from their respective communities." Those words are in the preamble, but there is nothing in the act that strengthens Ontario's

commitment to respect the inherent and treaty rights to provide child welfare to their communities in a manner that is culturally responsive. The preamble recognition of the "unique and evolving relationship" needs to be reflected within the contents of the legislation.

There is a need to enhance the necessity for cultural, historical training in cultural competence and awareness of the impacts of the residential school system.

Sections 69(2)(b) and (c) need to strengthen how financial support is provided to caregiving extended families, to customary care, and to kin in and out of care rather than supporting and funding stranger care or foster homes.

Subsection 40(5): Consultation and negotiation is still at the authority of the designated agency.

The reference to a "band" in the definition of "First Nations" is as it is in the Indian Act but is no longer an accepted reference to the First Nations communities.

Subsection 67(1) should be removed or the list should be better defined on who is a First Nations, Inuit or a Métis community.

The best interests of the child is still being determined by the society or the courts, and the legislation needs to support action—

The Chair (Mr. Shafiq Qadri): Thirty seconds.

Chief Ava Hill: —on what the First Nation determines to be the best interest of the child.

Cultural competence: Subsection 35(1) refers to the requirement and the makeup of the representation on the boards. Additional powers are also given to the program supervisor without any scope of capacity and ability to adequately make the decisions from the First Nations perspective on caring for the child.

There are other recommendations we have which are included within both my oral presentation and the written presentation that we gave you. Our main reason is that we think that there should be more consultation and we should have more input—

The Chair (Mr. Shafiq Qadri): Thank you, Chief Hill. To the government side: Ms. Kiwala.

Ms. Sophie Kiwala: Did you want to just finish your sentence there?

Chief Ava Hill: Well, I just think that even in this process itself we don't get enough chance to provide the input that is necessary for you guys to make proper decisions. Even in this process we get cut off; we don't get to say everything that we need to say.

Ms. Sophie Kiwala: It's not very much time. Five minutes isn't a lot of time.

One thing that I do want to say is thank you for your great advocacy for your community. Thank you very much for working together with government, whether it's through sport—you were such a great presence at the Pan Am and Parapan Am Games in all phases of those games. We have a great deal of respect for the work that you've done. I'm pleased to welcome you here today. Meegwetch.

I do also want to say that the legislation does emphasize the culture, heritage and the traditions of the First

Nations, Métis and Inuit people. I know that you know that the Premier and the government are fully committed to improving the experiences of indigenous people, their families and especially their children as well.

We will also make every reasonable effort to make sure that children are, wherever necessary, placed in customary care and kin care. Wherever that's possible, we will certainly be looking at doing that.

I'm just wondering if you can tell me what you feel needs to be done—oh, another thing I wanted to say. I know you're only a phone call away, and you feel the same thing as well. You can feel free to give any additional submission that you feel is necessary.

For the question, I'm wondering if you can say what you feel needs to be done to support a designation process that is more reflective of cultures and traditions.

Chief Ava Hill: I'm going to refer to Arliss Skye, who is our director of social services as well and working closely with Ogwadeni:deo, which is what we call our designation.

We've been in designation for a number of years. It seems to go through a very bureaucratic process and take a long time to get moving. I think that's one of the things that we want to move forward, that there has to be a faster process so that we can do that. There has to be more input from us. I mean, even in the legislation and in the regulations that follow, I think that we need to have more input into what those cultural, indigenous, language, etc. components should be within there.

Arliss, do you have anything, quickly?

Ms. Arliss Skye: Just that the designation guidelines are very—they're supposed to be guidelines, but then we get across that first layer and then they become really aligned and "Must do, must do," and it's still falling under the CFSA—the Child and Family Services Act—that really puts us into a box. So we're trying to develop our responsive model, but we're still—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Kiwala. To Ms. Martow of the PCs.

Mrs. Gila Martow: I just want to mention a couple of things. One is that I've mentioned before to other presenters that I'm concerned about how we're going to roll out this CPIN database. I'm assuming that in the Hamilton area there's good Internet, but there are areas in the province, especially with indigenous communities, that don't have access to proper broadband. And it's not just for the CPIN rollout, but it's just in terms of their communication—for Telehealth, for business—that I think it's a big challenge that we need to address.

Ms. Arliss Skye: I think because we haven't really been informed—and that's part of the whole consultation process that's been missed, that dialogue with our First Nations leader in response to the duty to consult and to be informed. We know that the province of Ontario should be very respectful of our OCAP principles, which is ownership and collection of that information.

But we live in a rural community as well, and it's going to be very expensive to create that link—whether it be through web-based or direct fiberetics, it's going to

be a costly initiative—even the resources that need to be provided to the agency to be supportive of that. In the community that we want to build that community capacity, it's also going to be costly as well to keep all of that data and information available so that we can demonstrate the positive outcomes for the children that we're providing service to.

Mrs. Gila Martow: The two opposition parties have requested the minister to actually present to committee. One of the questions that I did want to ask is about how we're going to fund some of the challenges that we're going to be facing because of this updated piece of legislation, in terms of access to better Internet services as well as funding for 16- and 17-year-olds who may—I think a lot of them are going to want to come into care. Any of your thoughts on 16- and 17-year-olds coming into care in your communities?

The Chair (Mr. Shafiq Qadri): Thirty.

Ms. Arliss Skye: I think it depends how it rolls out, right? We've seen children at 16 starting to sign themselves out of care, and that leaves them very vulnerable. We're hoping that in some instances—the customary care, the placement of children with extended family and those supports that can be provided, again, through the regulations is one of the things that we see. I think the biggest concern is how the legislation and the regulations and the directives roll out is really going to make an impact.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Martow. To Miss Taylor.

Miss Monique Taylor: Yes, ladies, we get it. This process is very bottlenecked. Unfortunately, the government has seen fit to ensure that they push this through as quickly as possible, even though I believe there is a lack of consultation and I believe that this process itself, to allow you only five minutes to come and speak, really doesn't do any good for the process. So I give you the floor to share any thoughts that you may have.

Chief Ava Hill: Thank you, Ms. Taylor. I think that just going back to some of the other recommendations, on the extension to age 18, we are opposed to that because we think that our kids need to have the support that they need up until that age of 18.

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The other thing that we want to focus on is prevention. The CAS and the children's aid societies always seem to want to focus on protection, but let's start when those kids are young. Let's look at that and let's start providing more dollars toward the whole aspect of prevention.

Also, the roles right now are so stringent. Let's make sure that our families are in positions that they are able to provide that service to those kids. Especially extended families, the grandmothers and the aunties: When I was young, that's what happened; the extended family looked after that. I think that's part of us, and that's what we find is missing.

In addition, as you said, there has been some consultation, but we find it minimal. We want more time involved so that the First Nations can work with the

technical people and whoever else to make sure that we can go through this bill clause by clause so that we understand where we're coming from.

I take part in meetings at the United Nations, and we always say, "Nothing about us without us." We have the capacity and the intelligence and the knowledge to be able to make beneficial contributions to this bill, because it's going to affect our lives and our kids', who are our most precious people in our community—our young people. We know what we need to put into that legislation. Once the legislation is passed, we know that the minister has the authority to go and develop regulations. That can change the whole concept of what's in the legislation, so we want involvement in the development of those regulations as well, right from the get-go. Let's not say, "Okay, here it is." Those days are gone, in my opinion. Those days are gone. We have to be involved right from the beginning to the end so that we know as well. We know best what's going to benefit, and we ensure that that cultural part and the historical part, the stuff that we need, is in there.

We all know that there was a residential school era that led to a lot of the child care issues that we're dealing with. We know that history. I'm an intergenerational survivor and I'm just finding that out. A lot of our people are just finding it out but we're seeing a lot of the social issues in our community that are still happening as a result of that, and that includes our younger kids. It's still being passed on.

I'll just give the last couple of minutes to Arliss to add—

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor, and thanks to Chief Hill and Ms. Skye for your deputation on the Six Nations of the Grand River.

ONTARIO COLLEGE
OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

The Chair (Mr. Shafiq Qaadri): Would our next presenters please come forward: Ms. Betteridge and Ms. Tarshis of the Ontario College of Social Workers and Social Service Workers. Welcome. Please be seated. Please begin now.

Ms. Lise Betteridge: Thank you. This presentation is made by the Ontario College of Social Workers and Social Service Workers, which I will refer to as "the college."

My name is Lise Betteridge, and I'm the registrar and CEO of the college. Beside me is Debbie Tarshis, who is legal counsel to the college.

We are very pleased to present to the standing committee on Bill 89, the Supporting Children, Youth and Families Act. I understand that following my presentation there will be time to answer questions from committee members, and I may call on Ms. Tarshis to assist me in that regard.

The college is the regulatory body for social workers and social service workers in Ontario. Our mandate is to

serve and protect the public interest through self-regulation of the professions of social work and social service work.

The college was established by the Social Work and Social Service Work Act of 1998, all of which was brought into force by August 15, 2000.

The college has approximately 19,268 registered members in the two professions.

The college's primary duty in carrying out its objects is to serve and protect the public interest. The college's objects include:

- to regulate the practice of social work and social service work and to govern its members;
- to establish and enforce professional and ethical standards;
- to receive and investigate complaints against members of the college; and
- to deal with issues of discipline, professional misconduct, incompetence and incapacity.

In 2016 alone, there were 61 complaints and 16 mandatory reports investigated, 14 referrals to the college's discipline committee and 15 discipline committee hearings.

Social workers and social service workers work in a broad range of settings. Most significant for the purposes of this submission: Over 1,000 college members work within children's aid societies, or CASs. This is important because it means that social workers and social service workers working at CASs are subject to the college's regulatory jurisdiction.

In addition, social workers and social service workers employed in other settings interact with CASs in a variety of ways by working with clients who are receiving services from CASs or in settings where they may have occasion to report suspected harm or abuse to a CAS.

Social workers and social service workers employed by a CAS may be the subject of complaints or mandatory reports received and investigated by the college. The complaints or reports are made either by persons inside the CAS, such as others working for the CAS, or by persons outside the CAS, such as the CAS's clients.

Regardless of their source, if those complaints, reports and investigations result in allegations being referred to the college's discipline committee for a hearing, the member who is the CAS employee in question will be a party to that discipline proceeding. Other CAS employees will be witnesses in the proceeding. In all of the above situations, it's essential for the college to be able to obtain relevant information from CAS files to investigate the complaint or report, and, if allegations are referred to a discipline hearing, to prosecute those allegations in the public interest.

Therefore, it's important to ensure that Bill 89 does not have the unintended consequence of narrowing or complicating the ability of CASs to disclose information to the college for the purpose of its investigation and discipline proceedings.

Our comments on Bill 89 pertain to part X. Part X includes provisions that address collection, use and disclosure of information by service providers, which include CASs. Under section 288 in part X, “A service provider may ... disclose personal information about an individual” without consent in certain circumstances.

Our first comment is that the college supports that the definition of “proceeding” includes the college and that one of the permitted disclosures under section 288 of part X is for the purpose of complying with a summons or with procedural rules in the context of a proceeding.

The balance of our comments relate to what we believe is missing from section 288 of part X. The college notes that part X has been modelled on provisions in PHIPA, but that a number of permitted disclosure provisions found in PHIPA have not been included in part X. We believe that the inclusion of similar disclosure provisions in part X would support the ability of CASs to disclose information to the college for the purposes of the college’s investigations and discipline proceedings.

The college proposes that three new clauses, all of which are in PHIPA, be added to subsection 288(1) of part X—

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Lise Betteridge: —as follows: a new clause allowing for disclosures by CASs to the college for the purpose of its administration or enforcement of the act, and a couple of other new clauses. Our written submission proposes the language for these three clauses.

Thank you for the opportunity to make this presentation and for your consideration of the college’s recommendations.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Betteridge and Ms. Tarshis.

To the PC side: Ms. Martow.

Mrs. Gila Martow: Thanks for your presentation. We’ve had quite a few comments from youth who were in care and their concerns about their privacy. It’s hard to say how much of the fearmongering that seems to be out there is misleading and how much of it is genuine. I’m wondering what your thoughts are in terms of a profession that’s well respected being cornered into this collecting of data and whether or not you think there need to be more safeguards for privacy in terms of being able to hack into the system or edit the system or anything like that—if you have any concerns.

Ms. Lise Betteridge: In terms of those privacy questions, I’m going to turn it over to Ms. Tarshis.

Mrs. Gila Martow: The legal counsel.

Ms. Lise Betteridge: Yes.

Ms. Debbie Tarshis: Our view is that the Personal Health Information Protection Act provides a good model for the collection, use and disclosure, in that case, of personal health information—and in the case of Bill 89, personal information. It is a good model to protect the privacy of individuals. Obviously, there may be implementation issues that need to be dealt with with respect to any legislation, but the Information and Privacy Com-

missioner has a lot of experience in enforcing the Personal Health Information Protection Act.

Mrs. Gila Martow: Because right now, what I was told is that if you log into electronic health records, there’s a tracking that somebody just logged in, even though they didn’t edit or do anything. They’ve just logged in, and people are aware of it. Whereas for CPIN, right now, what I was told is that if you log in and read and you don’t actually do anything in there, there’s no record of that. I find that concerning, if that is true. That’s what I was told. It was one of the questions that I wanted to ask the minister, but he has, so far, been blocked from appearing at the committee. I don’t know what your thoughts are—

1400

Ms. Debbie Tarshis: We can’t really comment on that. We don’t have any information that relates to that process with respect to the electronic record.

Mrs. Gila Martow: So I would just invite you to weigh in on, in terms of advising the profession, that sometimes the profession—they want to protect their members and advise their members. It’s sort of twofold. Sometimes the best cure is prevention. We need to ensure that the system is up to the standards of what the public expects in Ontario.

I really appreciate you coming in.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow. To Miss Taylor.

Miss Monique Taylor: Thank you very much for your time and for your amendments. I’m looking at the third one: “A service provider may, without the consent of an individual, disclose personal information about an individual that has been collected for the purpose of providing a service.” Can you expand on that and what that would actually mean to your members?

Ms. Debbie Tarshis: You’re referring to the disclosure for purposes of a proceeding or contemplated proceeding?

Miss Monique Taylor: Sure.

Ms. Debbie Tarshis: Currently, in section 288—in a previous section, which is 287, a service provider can use personal information for the purpose of a proceeding or contemplated proceeding in which the service provider or its employee or former employer is or is expected to be a party or witness, but there isn’t any complementary provision under section 288 that relates to disclosure of that information in a proceeding. A proceeding is something that happens before a court or a tribunal or a committee of the college, for example. If the person was a witness or a party to the proceeding, that would actually be a disclosure, not a use. So we think that there’s a gap currently in Bill 89, to not have the companion disclosure provision in part X.

Miss Monique Taylor: Okay. I’ve brought forward a bill on whistleblower protection previously, ensuring that CAS workers would have the safety net of disclosing information when they felt that there was something not correct that happened within the system. What do you

think about that type of legislation, protecting workers having the right to complain without repercussion?

Ms. Debbie Tarshis: Well, under the Social Work and Social Service Work Act, there is currently protection for someone who is required to make a report under that legislation and who does so in good faith. I can't comment on the specific bill that you're referring to, but under the Social Work and Social Service Work Act, I believe that there currently is protection for someone who is required to make a mandatory report to the college.

Miss Monique Taylor: Thank you. That's it, Chair.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Taylor. To the government side: Madame Vernile.

Ms. Daiene Vernile: Good afternoon, Lise and Debbie. Thank you very much for coming and speaking to us today. I want to, first of all, recognize the work that the Ontario College of Social Workers and Social Service Workers does in the province in protecting the public interest. We should give credit where credit is due. Thank you for the work that you do.

We've had a really interesting variety of people come before this committee. We've had agencies, various communities and youth themselves, so it's good to hear from your perspective, from social workers who are doing this work.

You touched on the issue of privacy. I will tell you that we had the Information and Privacy Commissioner come before us. He pretty much put forward a case that is contrasting to what you are saying. I would ask you if there is common ground to be found. How do we bridge the ability for you to do your work while at the same time protecting the privacy of the individuals who might be investigated?

Ms. Debbie Tarshis: While I didn't read the entire presentation by Brian Beamish, it seemed to me that the gist of his presentation was his concern with respect to the amount of information that the ministry itself would be collecting. Since the ministry itself and other government ministries are subject to the Freedom of Information and Protection of Privacy Act, that has a different scheme that he was concerned about.

With respect to the work of the Ontario College of Social Workers and Social Service Workers, any information that the college receives from CAS records with respect to either investigations or discipline proceedings would be subject to the confidentiality provision that is in the Social Work and Social Service Work Act, and there's a \$25,000 fine for breaching this confidentiality provision.

The three clauses that we're suggesting be added are all in the Personal Health Information Protection Act. We're not aware of any problems associated with these particular permitted disclosures. And, as was done in PHIPA, we think that it is important that the permitted disclosures of Bill 89 take into account the public protection role of the professional regulatory bodies.

Ms. Daiene Vernile: You mentioned that last year you had 61 complaints and you have 19,000 members. So

help us to understand: Is 61 considered to be a lot or not? It seems very—but every complaint is serious, right?

Ms. Lise Betteridge: The college plays an important role in protecting the public from incompetent, unfit or unqualified practitioners. Having a complaints and discipline process is part of that. The complaints fortunately are a smaller part, but a very important part, of what the college does in fulfilling its mandates.

The Chair (Mr. Shafiq Qaadri): Thank you, Madame Vernile, and thanks to you, Ms. Betteridge and Ms. Tarshis, for your deputation on behalf of the Ontario College of Social Workers and Social Service Workers.

BLACK COMMUNITY ACTION NETWORK OF PEEL

The Chair (Mr. Shafiq Qaadri): I now invite our next presenters to please come forward: Julian Hasford of the Black Community Action Network, BCAN. Welcome, Mr. Hasford.

Dr. Julian Hasford: Thank you.

The Chair (Mr. Shafiq Qaadri): Please be seated. You'll have five minutes in which to make your opening address and then questions by rotation. Please begin now.

Dr. Julian Hasford: Good afternoon. Again, my name is Julian Hasford and I'm a steering committee member of the Black Community Action Network of Peel. It's an organization that represents over 400 organizations, professionals, advocates and allies who are united in a mission to promote equity-focused systems change through advocacy, community development, education and research, many of whom have a vested interest in Bill 89 by virtue of their roles as employees within the sector, as advocates and as families and community members who are touched directly and indirectly by state intervention or experiences of maltreatment. I thank you again for the opportunity to speak to you today.

We submit these comments recognizing the positive aspirations of the current legislation and the well-intentioned efforts of the child welfare agencies and their staff, and of our legislators, in their commitment to protect and promote the best interests of the child. However, we believe that the bill falls short of an opportunity, particularly with regard to the African Canadian community, to promote and protect the well-being of African Canadian children and families.

Briefly, we approach this from a context where African Canadian youth represent at least 41% of children in care in Toronto and at least 22% of those in Peel region—but we suspect that those numbers are significantly higher—and also a region where it has been reported that approximately 90% of the young people in the Roy McMurtry detention centre are African Canadian. We're also speaking from a context where we see a racialization of poverty, discrimination in employment and housing, inequities in violence and so forth, as echoes of Canada's history of marginalization of black people.

We say this primarily to underscore the need for a specific and substantive response—these are unique challenges. Anti-black racism is a real structural feature of Canadian and North American society that demands a structural response. This has been recognized by the United Nations working group in its announcement and declaration of the decade of people of African descent. We believe that Bill 89 represents an opportunity for such a structural response and for a visionary, transformative and courageous leadership from our current government.

I'm going to offer a few recommendations that we frame in terms of four main principles, those being (1) acknowledgement and identification; (2) prevention and promotion; (3) child and community empowerment—

The Chair (Mr. Shafiq Qaadri): Sorry, Mr. Hasford. Just move a little bit away from the mike.

Dr. Julian Hasford: Oh, okay. Is this better?

In the area of acknowledgement and identification, we are recommending that the government amend the preamble with an explicit recognition that people of African descent represent a distinct group whose human rights must be promoted and protected.

Number two, we request a definition of African Canadians in section 1 to refer to African Canadians as all those people of ancestry that is indigenous to sub-Saharan Africa who reside in Canada, regardless of their cultural identity or where they were born.

1410

In the area of prevention and promotion: Although prevention is a crucial principle that is mentioned in the preamble, there is a lack of integration and emphasis on prevention throughout the bill. With respect to our community, we believe that this can be strengthened by adding a clause to section 1 that African Canadian peoples should be enabled to provide, wherever possible, their own child and family services, and that all services to African Canadians be provided in a manner that recognizes their cultures, heritages, traditions and connection to communities, including the concept of extended family.

We also recommend, in accordance with section 29 regarding lead agencies, that the minister should designate and support the establishment of an African Canadian lead agency or agencies that are provided with core funding and are responsible for delivering and coordinating culturally relevant, community-based, prevention-oriented services.

In the area of empowerment: Although we welcome the efforts of the government to incorporate a child-centred focus in the bill, we believe that it does not go far enough, particularly for communities that possess collective or communal notions of personhood, and that recognize the integral role of extended family and community in child well-being.

We thus support the integration of Katelynn's Principle into the bill, particularly with respect to section 1, that in determining the best interests of the child—including those under 12—or youth in respect of all matters

affecting children or youth, the voice of the children or youth be solicited and heard.

As well, with respect to community involvement in decision-making, there are a few areas where we think there is potential for increased involvement of community, particularly with respect to the residential placement advisory committees, which have the mandate to advise community members and children in terms of their rights regarding suitability of placement. The minister should include provisions that allow for and promote African Canadian community representation on those committees—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Hasford. To the NDP: Ms. Taylor.

Miss Monique Taylor: Thank you for being here today. Thank you for your participation. I'm willing to give you some more time if you would like to finish your comments.

Dr. Julian Hasford: Okay. Thank you. I'll be brief.

Secondly, in accordance with section 26, we believe that the minister should establish an advisory committee with a specific focus on African Canadian child welfare.

Finally, in terms of accountability, we believe there are a few areas in which to enhance the extent of accountability of the government to communities, particularly in the area of data collection and reporting, and the use of extraordinary measures and residential licensing. We thus recommend, with respect to section 315 and the five-year review process, that the five-year review should include evaluating the progress that has been made in working with African Canadian peoples to achieve that purpose, and that the review be coupled with an equity audit conducted by an independent body, or by providing access to data to external stakeholders such as community advocates or the Office of the Provincial Advocate for Children and Youth. We believe that this equity audit process could enhance the quality of data.

Secondly, we would request a clause be added to section 315 that ministry-funded children and youth agencies, including children's aid societies, youth justice facilities etc., should be subject to review and annual public reporting related to systemic discrimination. That should include matters such as disaggregated race-based data and key performance indicators in terms of race practices and outcomes for black youth, frivolous or vexatious complaints based on presumptions of bias and discrimination or other human rights grounds, and various strategies that agencies are using to address systemic anti-black racism.

Finally, in terms of residential licensing, we would recommend that it include the establishment of new standards and compliance measures for all children's aid societies and caregivers outside placement resources and so forth, and that additional training and qualification requirements be established for youth workers in those settings.

Miss Monique Taylor: Thank you. You've really done a lot of hard work, because there are in-depth submissions here that would really make a difference

moving forward. I think it's unfortunate, with all of the work that has been undertaken in the last few years of recognizing the issues and understanding what needs to happen moving forward so that black children are not overrepresented in children's aid—I think we've missed it.

I think that the preamble has got some good wording that reflects Katelynn's Principle. Katelynn's Principle, I believe, would put further depth into making sure that things are culturally appropriate. I really think there needs to be amendments—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Taylor. To the government side: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Thank you very much for coming—very helpful.

I think there is already a commitment to gathering race-based data in children's aid societies. Is the process going well? That's my first question. I think we are also committed to that in the anti-racism initiatives in a systematic and very thoughtful way. Do you see a danger in having two different sets of data? Would it be better that it be done by the Anti-Racism Directorate, for example?

Dr. Julian Hasford: It's a great question. I'm not privy to the details in terms of where the government is at in terms of implementing the data collection. I do know that the minister has made a public announcement that he's committed to it.

I'm not sure that including that requirement of mandated race-based data would necessarily lead to two separate data collection systems. I think the idea is that there would be a legislatively mandated requirement that could be in place, regardless of the government that's in power, so the obligation for agencies to collect and report on that data would not be based on the current priorities of the existing government.

Further, there are opportunities to—we don't know what framework or what the specific requirements are going to be in terms of the government's announcement. I think if the community has an opportunity to have input in terms of specific priority requirements around performance indicators around systemic racism—if that's embedded in legislation, then that raises the level of accountability that we are proposing and that we would expect.

M^{me} Nathalie Des Rosiers: Could you elaborate a little bit on the framework that you put around the mechanical restraints? I was quite intrigued by that and the de-escalation.

Dr. Julian Hasford: Essentially, what we are proposing is that, as you know, the use of mechanical restraints is quite problematic, and there's a lot of research data which shows that it tends to be used excessively against racialized peoples. What we are recommending is a number of requirements for staff or agencies who use mechanical restraints. We do recognize that occasionally, in exceptional circumstances, it might be necessary. But if so, there should be (1) an immediate duty to report whenever the child is placed in secure detention, and that

report should go to an oversight or accountability body; (2) a stipulation that the security escalation should last no more than 24 hours—so there should be significant and strict time limits on the use of that de-escalation—and that there's a duty to seek exemption from an oversight body if that use is going to exceed the 24-hour period.

M^{me} Nathalie Des Rosiers: That sounds very interesting, and close to my heart. But have you seen that elsewhere in other provincial—

The Chair (Mr. Shafiq Qadri): Merci beaucoup, Madame Des Rosiers. To Ms. Martow of the PCs.

Mrs. Gila Martow: I would just want to ask you if you have any suggestions of programs for prevention in the community, for encouraging people to be foster parents within the community and for mentorship programs in the community—if you want to address any of those.

Dr. Julian Hasford: Absolutely. Really, I think, for me, it would go beyond the question of programs per se. I think the larger and more critical issue is around the capacity of African Canadian agencies that are delivering those programs, because there are a lot of ideas and best practices in terms of community engagement, in terms of early childhood development programs, parenting training etc. But I think that a lot of challenges that agencies face are around the extent of funding that's available to support and implement those programs effectively, and the qualifications and compensation packages for staff, which leads to high rates of staff turnover, and which, of course, impacts the potential impact of those types of interventions.

In terms of intervention, I think a critical issue is to focus on building the capacity of agencies, and a lot of agencies can then tailor the intervention to the needs of their specific communities.

With regard to the question of foster parents, again, I think certainly there's a lot of infrastructure within the African Canadian community—through informal networks, through faith-based groups, through community agencies—through which we could do more outreach. I think, to some extent, there's a need for greater consciousness-raising around this issue. But further, given what we know about the African Canadian community and issues of impoverishment and so forth and the stresses associated with racism, I think we need to look at providing greater supports to African Canadian families, not only in terms of compensation or financial support, but also staffing support, training in terms of their ability to support young people who have been traumatized at multiple levels, both in terms of what might have brought them to the attention of the system and then the process of removal from the family.

1420

Mrs. Gila Martow: Thank you very much.

The Chair (Mr. Shafiq Qadri): Thanks, Ms. Martow, and thanks to you, Mr. Hasford, for your deputation on behalf of the Black Community Action Network, BCAN.

ASSOCIATION FOR REFORMED
POLITICAL ACTION

The Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward: Mr. Sikkema of the Association for Reformed Political Action.

Welcome. Please be seated. You've seen the drill. Please begin now.

Mr. John Sikkema: Good afternoon, members. My name is John Sikkema. I'm legal counsel for the Association for Reformed Political Action, better known by its acronym, ARPA. On page 1 of our submission—I trust you have our written submission—you will find a bullet point list of ARPA's primary concerns with Bill 89. On page 6 of our written submission, you will find a list of questions that we would encourage committee members and all MPPs to ask themselves, particularly before a final vote on this bill.

In the few minutes I have here, I will focus on why it is bad public policy to replace “the religious faith, if any, in which the child is being raised” in the current act with ethnic background, family diversity, creed, sex, gender identity and so on—the other identifying factors from the Human Rights Code—as Bill 89 does. I have five reasons why this change is bad policy.

First, nowhere does the coroner's jury 2015 verdict and its 173 recommendations or the Auditor General's 2015 report on child protection services recommend any such change. This change is a solution in search of a problem.

Second, unlike the list of identifying characteristics that Bill 89 takes from the Human Rights Code, “the religious faith, if any, in which the child is being raised” is a discernible fact regarding the way in which a child is being raised. Taking the latter into account can help to ensure stability and continuity in the child's life and to respect a parent's rights to direct the upbringing of their children.

Bill 89, however, would direct child protection workers, judges and others to consider various aspects of a child's subjective identity that may be difficult or impossible to discern, particularly at a younger age, and also liable to change. Moreover, it is not at all clear how such characteristics should be discerned and weighed and how they will actually play into decision-making about the actual care of a child.

The third reason the addition of the list of identifying characteristics is bad policy is that equality protections require context, and the proper context is the Human Rights Code and the charter. The Human Rights Code permits religious institutions, for example, to deviate from the state's equality doctrines for good faith reasons. The code also allows a person to discriminate when, say, leasing his or her own shared living space. Such provisions in the code honour freedom of belief, religion, expression and association. Bill 89 does not. It lifts the equality provision out of the code and disregards the conscience of people who in good faith do not share the government's beliefs.

Fourth, Bill 89 extends the state's sometimes controversial equality doctrines beyond the realm of employment, housing, services and professional associations—where the Human Rights Code applies—and into the realm of the home and the family, where it does not apply. This is a dangerous government overreach.

It's one thing for the state to demand an employer accommodate a person's transgender identity, to address them by their preferred name, permit them to dress a certain way, use a certain washroom and so on. It's another thing entirely for the state to expect this of parents and caregivers vis-à-vis children. I'm sure every MPP here knows many people who would not actively affirm their little boy in the belief that he is a really a girl or socially transition him to live as the opposite gender.

The fifth reason this is a bad policy change is that sexual orientation and gender identity are particularly problematic additions to the law in the child and family services context. Allow me to explain. Unlike race, sex, or age, sexual orientation and gender identity involve a couple of things that human rights law typically puts together. The first is the psychological disposition inwardly orienting one toward certain feelings and behaviours. The second is the deliberate expression, the public behaviour that is connected to that inward disposition. That is, sexual orientation and gender identity have implications regarding actions and expression in a way that perhaps race does not.

Let me further explain. The term “transgender,” for example, does not merely describe someone who experiences distress at his or her biological sex but also a male who wishes to present himself and be treated as female. People will have reasonable disagreements regarding the propriety of such behaviours, and the government should not coerce conformity with its opinions on such matters on parents, caregivers or child service providers.

In that spirit, I invite you to consider the amendments which are attached at the end of our submission. Thank you.

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

To the government side: Ms. Kiwala.

Ms. Sophie Kiwala: Thank you, Mr. Sikkema, for being here today. It's a pleasure to see you here. I just want to go over a couple of points with respect to the bill and reinforce that this bill, Bill 89, does not exclude religion. The proposed bill does expand the definition by using the term “creed,” something that has been mentioned previously in the deputations today. Creed is a term that includes religious beliefs and practices. It's consistent with language used in the Ontario Human Rights Code, a law founded on equal rights and opportunities without fear of discrimination.

Bill 89 does not in any way diminish religious considerations. Neglect or abuse remain the driving forces behind any decision to remove a child from their home, and the goal of the CYFSA is to place children and youth at the centre of decision-making while respecting the

diversity of families across Ontario. If passed, the CYFSA would strengthen the rights of those children and youth.

Bill 89 explicitly lists aspects of the child's identity which must be considered in decision-making. The actual grounds for protection under the act have not changed. We know that the best place for a child is with their family. That's why we remain committed to maintaining a child's relationship, emotional ties and family connections whenever and wherever possible. And I have no questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Kiwala.

We'll move now to the PC side: Ms. Martow.

Mrs. Gila Martow: Thank you very much. I think you're a bit of a legal expert. I think you're a lawyer. Am I right, Mr. Sikkema?

Mr. John Sikkema: Yes.

Mrs. Gila Martow: Do you think that creed encompasses completely religion or does this bill need to say "religion and/or creed"? I'm assuming you don't have a problem with the word "creed" itself.

Mr. John Sikkema: I'm familiar with the Ontario Human Rights Commission's policy on creed, and the fact that the code has used the term "creed" and that there are obviously similarities there. The difference, I think, is not of creed versus the word "religion," but, as I explained in my submission, it's the way that's actually dealt with. Under Bill 89, a parent retains authority to direct a child's upbringing in accordance with the child's race, creed and all those other identifying things. That's part of, then, the child's subjective identity, whereas the current act refers to religious upbringing as something that's part of the child's upbringing. Part of the way the child has been brought up is an important part of that.

Also, the current act talks about the parent's authority to direct the child's education and religious upbringing. So it has more to do with parental authority and less to do with the child's subjective identity, especially at a young age, which is hard for the child to form on their own.

Mrs. Gila Martow: A big part of this bill is about communicating with children. I think adults sometimes use terminology and language and have ideas that might not get communicated so well with a child. Do you have any thoughts on how best to communicate with children, whether we need to be outlining things in the bill about using props like dolls or pictures or things like that, or do you feel that just language is a reasonable way to communicate with all children?

Mr. John Sikkema: I think commenting on how to particularly communicate with children would be beyond my expertise, but there is concern when you drop the Human Rights Code list in there and say, "These are all personal identifying factors that we consider relevant for employment and other purposes in the Human Rights Code," and then say to children's services workers, "You need to factor all these things in when making decisions about the care of children." How are they supposed to

communicate with children to determine those things—the child's identity—in light of all those factors?

We're not told in the act. I haven't come across an explanation. The act just gives the minister broad regulatory powers to decide how. It's for that reason that we draw attention to the minister's comments on page 1 of our submission. These are, frankly, disconcerting comments to many people. We've tried to get clarification on those and haven't received any. So that's a good question. Thank you.

1430

Mrs. Gila Martow: Thank you very much.

The Chair (Mr. Shafiq Qaadri): Ms. Taylor?

Miss Monique Taylor: I have no questions, Chair.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Taylor, and thanks to you, Mr. Sikkema, for your deputation on behalf of the Association for Reformed Political Action.

MR. PETER HILDEBRANDT

The Chair (Mr. Shafiq Qaadri): I now invite Mr. Peter Hildebrandt, who is representing Mr. Peter Hildebrandt. Welcome, sir. Please be seated. You've seen the drill: five minutes for an opening address. As directed by Ms. Taylor, I will officially wait till you are fully seated. Please begin.

Mr. Peter Hildebrandt: My name is Peter Hildebrandt of Thornhill, Ontario. Thank you for letting me speak today. I'll cover a little of my CAS case as a person who never had kids but was targeted anyway, and then I'll comment on the 21-page PDF that was emailed to the committee earlier.

I was a dad who never got to be a dad. A mother-in-law known for making false police complaints said I was schizophrenic. The CAS realized this was untrue, but insisted on vague mental health claims anyway—

The Chair (Mr. Shafiq Qaadri): Mr. Hildebrandt, can you just aim yourself at the microphone?

Mr. Peter Hildebrandt: Oh, yes. Okay.

At summary judgment, the CAS and the judge came up with an "emotional harm" claim without evidence. This violates case law requiring expert evidence.

The mother was disabled but treatable. She signed a medical consent that was witnessed by a worker's signature, but days later, the worker swore an affidavit saying that there was no signed consent.

In less than a week, the CAS already decided to avoid evidence, otherwise known as an evidentiary vacuum. They had a list of approved doctors for section 54 assessments. All three had negative court decisions that were never disclosed.

Dr. Nitza Perlman told me to do only 400 of the 567 questions in the MMPI-2 test. That invalidates the test. So I forfeited the assessment. The mother was assessed by the doctor, who avoided most of her disabilities.

I did my own MMPI-2 to see what T-scores I would get; they were all within 40 to 58. The mother wanted to be tested; she got 20 T-scores over 100. So I took her to

CAMH on College Street, in Toronto. Their results, after three weeks, showed she had treated schizophrenia, and they identified a speech disability that was hereditary—everything the CAS doctor ignored. This can't be an accident. If an ordinary person can self-assess and be corroborated by CAMH, we have a problem.

Late CAS disclosure showed they knew the child had serious problems but lied in court that the child was “adoptable.” The child could not talk and failed 50% of the ERIK and Nipissing test screens. She tore out her own hair in clumps, screamed and slammed her head into the floor on a regular basis. Her mother's disabilities were magnified several times over, yet the worker and the lawyer lied in court for a crown ward order without treatment.

The CAS were the only child abusers in the case, because we are nobodies—all 13 million of us. They pulled this off so seamlessly, it seems that they had decades of practice; indeed, they did. You decide if it's right to protect corporations instead of constituents.

Now I'll comment on the PDF. The courts often qualify bad-faith findings against CASs in a way that enables abuse. Judges say, “They must have the freedom to investigate without fear of litigation.” But they never mention that the freedom to investigate must be linked directly to their statutory duty only.

We need the government to be honest and public about the presumptive rule in CAS cases, which is the opposite of the criminal court process. We need the government to be honest and public about websites and documents that don't mislead by omission. We need a mandatory information program geared to CAS cases that gives parents some kind of a chance. We need to outlaw dishonest tactics like rigging minutes of settlements or statements of agreed facts, and back it up with a forfeiture of public funding for each offence for the conduct noted in paragraphs 38 to 42 of the PDF, which includes case law. The very same CAS does it on a regular basis.

We need to compel judges to protect children from all parties in a case, including the CAS. We need judges to take offence at dishonest tactics and make forfeiture orders against them when a parent's legal costs are too small to have a deterrent effect. In some cases, costs are as low as \$200. That's a Walmart discount. The statutory interests of children and the jurisdiction of the courts will only be respected when the price to abuse is so high that it is no longer profitable to abuse either. As it stands, workers and lawyers fearlessly lie in court over and over. I've seen it with my own eyes.

It is perverse that the executive branch pays CAS corporations billions, of which some is used to mislead the judicial branch to obtain fraudulent orders, which are then used to obtain more public funding by financial fraud, all on the backs of thousands of children today—

The Chair (Mr. Shafiq Qadri): Thirty seconds.

Mr. Peter Hildebrandt: —at least half a million children since the Children's Aid Act of 1903 was proclaimed.

We've done it wrong for 100 years; it's time to change it. With the tremendous power that's given, there must be a tremendous deterrent to stop litigation abuse, because it affects everyone.

The Chair (Mr. Shafiq Qadri): To the PC side. Ms. Martow.

Mrs. Gila Martow: Maybe I couldn't hear you at the beginning, but I didn't really catch—this is a case that you're personally involved in, or—

Mr. Peter Hildebrandt: Yes. I was never a parent. I never had a child in my home at all. They decided to call me schizophrenic, and when I disproved it, they changed to vague mental health claims. They couldn't prove that, but they made it impossible for me to disprove it.

Mrs. Gila Martow: And why did you—I didn't really understand. You were trying to adopt a child or you were—

Mr. Peter Hildebrandt: No. I allowed someone to move in with me who had a child—who was pregnant already. I took her to the hospital, and that's when the duty to report came into play. Then they took advantage of it, because we're nobodies. Nobody in Canada has any charter rights when it comes to a CAS action, but they don't know that. They're presumed guilty, but they are never told. In fact, all of the documents that are available on the government website, including handouts, lie by omission because they won't say it.

In the PDF that's issued, it includes law books, including by other judges and lawyers, that never, ever mention the presumptive rule that's being applied here. Parents and children are being set up to fail. The rate at which children should be harvest should be at least half of what it is right now if it wasn't for this kind of conduct.

Mrs. Gila Martow: So I would suggest or ask if you've written to the Ontario College of Social Workers and Social Service—

Mr. Peter Hildebrandt: Well, the workers who were involved weren't licensed. If they were, they would rely on qualified privilege to mislead. It would need a considerable legal argument in order to defeat the abuse of qualified privilege to avoid a statutory duty to investigate, and most people wouldn't know how to articulate that. Neither would I at the time. Nine years ago, I wouldn't have known, and no one was going to tell me and no law book was going to give us a straight scoop.

Only recently did we figure out there are law books that lie by omission by excluding material facts you need to know. In a criminal court, you're presumed innocent; in a Family Court, you're presumed guilty. They don't have to prove anything. They only have to swear a claim. Ordinary people can't lie on an affidavit, because we've always been told that if you lie, it's perjury and you'll go to jail eventually, somehow.

Mrs. Gila Martow: Well, thank you for sharing your story.

The Chair (Mr. Shafiq Qadri): To Miss Taylor.

Miss Monique Taylor: Thank you for taking the time to not only give us an oral but a written submission.

From what I'm hearing, the process for parents is really not user-friendly. Would you agree?

Mr. Peter Hildebrandt: It's worse than not user-friendly.

Miss Monique Taylor: Right, but it's a process that, unless you're a lawyer, you can barely navigate. Is that correct?

Mr. Peter Hildebrandt: Yes. And the documents that are provided for people to read lie by omission. They leave out material facts.

Miss Monique Taylor: So currently there is the board of the agency. Did you go to the board? Did you use that process?

Mr. Peter Hildebrandt: At that time, we wouldn't have known what to do. Also, the complaint process is toothless. It can't interfere with the litigation process, so it can't help you.

Miss Monique Taylor: So nobody advised you of how to go through the system?

Mr. Peter Hildebrandt: At that time, what we saw was we couldn't use it because it doesn't make any effect as to what the workers do. In fact, the workers said, "Go ahead, complain," because they already knew it was going to waste our time and divide our resources.

Miss Monique Taylor: The Child and Family Services Review Board: Did you attempt that process?

Mr. Peter Hildebrandt: Well, we looked at it, but the legislation provides that it can't interfere with the material process of the Family Court. The CAS workers can still make a claim on an affidavit that's sworn with no honest belief.

Miss Monique Taylor: So my point in this is the lack of oversight and the lack of a mechanism, really, to support parents when they're stuck in the system. Would you agree that there is a lack of support for parents?

Mr. Peter Hildebrandt: Lack of meaningful support, but also there's no disincentive for powerful agencies not to lie when they use rigged minutes of settlement knowing there's already a court decision against you, and they do it again in another case where they take a mother's five children because they tricked her into signing a statement of agreed facts that had section 37(2)(1) on page 6 between two other sentences and then later on relied on that to relieve her of her custody.

Miss Monique Taylor: Do you think something along the—

Mr. Peter Hildebrandt: And that's the same CAS that did it. Those are the cases that are listed in the PDF.

Miss Monique Taylor: Do you think something along the line of a family navigator, someone to support families, especially when you can't afford a lawyer, would be helpful for navigating the system?

1440

Mr. Peter Hildebrandt: Well, I mentioned that we need something almost like the mandatory information program geared to CAS, where it is truthful, concise, and tells people things that they really need to know that we can't find in a law book because no one will write it down.

When I look at Tug of War, the book by Justice Brownstone—three pages on child protection; maybe four—it's in the listing. Never once did he say, "Oh, yeah; by the way, you're presumed guilty. Therefore, you must rely on rebuttable presumption to disprove a case and get custody." That is essential. We never knew that, and no one would tell us. And that happens with thousands of people.

Miss Monique Taylor: And once something is put into your—

The Chair (Mr. Shafiq Qadri): Thank you, Miss Taylor. To the government side. Mr. Colle.

Mr. Mike Colle: Yes, thank you, Mr. Hildebrandt. Sorry for the tragic story you went through. But I'm just trying to understand: You had a negative case with the CAS and you're saying that they lied in court, the CAS workers.

Mr. Peter Hildebrandt: It's very easy.

Mr. Mike Colle: You said the judges lied too, or the lawyers lied?

Mr. Peter Hildebrandt: No. I'm saying the lawyers can mislead the court because they know they already have the presumption of the court on their side. But we don't know that.

Mr. Mike Colle: That's your one case. But are you extrapolating, saying that 20,000 other CAS professionals—

Mr. Peter Hildebrandt: Five to ten thousand; how about that? Because all the people I spoke to and all the actual documents that are viewed, including transcripts—when you compare, when you finally learn how to connect the dots between disclosure notes, case notes, the law, the legislation, and what they write, what shows up on a transcript and what also shows up in the affidavit they do, it becomes apparent: They avoid their statutory duty, because that actually involves the work of obtaining records.

In my case, in the case of the mother, they didn't want her mother's medical records because that would create a need for treatment for the child or treatment for the mother, which are the services that they're obligated to provide. But we don't know that; therefore, they know they can get away with not doing it.

Mr. Mike Colle: Yes, and I'll give you that, that in your case that may be true. But how can you extrapolate that all these other people, good people, professional people that work for children's aid societies across Ontario, are doing this systematically? Are you saying that or not?

Mr. Peter Hildebrandt: I'm saying that it's very easy because it's the easiest way to win a case. Everybody loves winning a case. It's power, and power that is not checked with a suitable deterrent—legal costs in a case are only a few hundred dollars or a few thousand. In 2014, there was a settlement or a cost of \$1.4 million against the CAS in Waterloo. That case is well known, and a lot of people talked about it. But that is extremely rare. That's only once every 30 or 40 years. Most people can't afford to spend \$1.4 million to get \$1.4 million

back in litigation. But for all the people that aren't represented, or by legal aid, there's no deterrent to not mislead. In the PDF there are footnotes that refer to other people or other obtainable documents and transcripts that show that's true.

Mr. Mike Colle: No, again, there may be cases where that happens. There are imperfections everywhere. But don't you think you're going a bit too far by painting everybody with the same brush of—

Mr. Peter Hildebrandt: Not everybody, but the thing is—let me put it this way for you.

Mr. Mike Colle: You're just saying "some."

Mr. Peter Hildebrandt: A lot of "some." Not 10%, not 2%, but too many. And here's why I say that: (a) not a deterrent, (2) in my case or other cases, if they only misled or exaggerated on an affidavit, at summary judgment, that might be one thing, one person doing that. However, if it starts from the beginning of a case, as I outlined, where all these records were denied from day one—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Colle, and thanks to you, Mr. Hildebrandt, for your deputation.

MS. SONYA JAIN

The Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward: Ms. Sonya Jain, lawyer and mediator and children's lawyer.

Ms. Sonya Jain: Good afternoon.

The Chair (Mr. Shafiq Qaadri): Yes. Please begin.

Ms. Sonya Jain: My name is Sonya Jain. I've been practising law for over 16 years. I work in the law firm of HGR Graham Partners in Barrie. I am retained to provide legal representation for children on behalf of the Office of the Children's Lawyer and I'm an accredited family mediator with the Barrie Mediation Centre. I am also appointed as a dispute resolution officer in the Superior Court of Justice Family Court.

I want to make it very clear that my submission and comments are based upon my own views and experiences. I am here in my own capacity. I do not speak for the OCL, the mediation centre or the Superior Court.

That being said, I do feel that my subject is one that should have support across party lines and from most professionals that work with children. If you have read my proposal I'm sure you will see that it makes tremendous common sense. If you have not read it, I encourage you to do so. You will see that with a very simple addition, Bill 89 can be vastly improved and we can possibly be saving children's lives in the future.

In brief, I am asking you to make habitual absenteeism for children in school a child protection issue. Specifically, I am proposing that an addition be made to the subsection 73(2) to make it a protection concern if a child registered in school has been habitually absent or late. In addition, I would propose that subsection 122(1) include a duty to report habitual absenteeism to a child protection agency by a school authority.

Generally, I am interested in this topic both professionally and personally; however, I have no vested interest in this. In my work and experience, I have become involved in many custody, access and child protection cases where my child clients were habitually absent for many years, missing upwards of 50 to over 100 days each year, as early as grade 1. By the time I became involved, many of the children were usually over the age of 10 and had suffered serious abuses and neglect that had gone unnoticed for many years. Many of these children also have significant gaps in their education, partly, if not wholly, because of their pattern of absences. Some could not read. They have little to no respect for authority and they will likely encounter many difficulties in achieving their potential in the future.

"There is considerable research evidence indicating that truancy in children and young people is often a symptom of significant family dysfunction." There is a direct correlation between regular attendance and academic success, and this should not be overlooked.

There is also significant research that would support early intervention in these families to lower the social, economic, legal and psychological costs of the serious neglect or abuse that many of these children are suffering.

When a child does not attend school, and the attendance counsellor or school authority cannot obtain any other information on a potential risk of harm, the children's aid society may not get involved unless there is already an open or active file or some other clear information about a risk of harm. This is why it is so important that habitual or repeated absenteeism alone should be enough to trigger an investigation by a child protection agency. Many of these young children cannot speak up for themselves. They need someone to shine a light on them and get them some help.

My proposal would help to bring the legislation in line with Katelynn's Principle. Katelynn was only seven years old when she was murdered by her caregivers, and the evidence called at the inquest into her death documented many instances when other significant people in her life, including educators, child protection workers and police, failed to effectively inquire about the abusive circumstances in which she lived.

Basically, Katelynn's Principle states that everyone who provides services to children or services that affect children are child advocates. Advocacy may potentially be a child's lifeline. It must occur from the point of first contact and on a continuous basis thereafter.

In conclusion, my proposal puts the child at the centre, as set out in Katelynn's Principle. Children are very vulnerable young people and their lives are at the mercy of others. My proposal is a simple, powerful and effective solution that may help these children who are in need of protection.

I truly care about this issue, and so do many others I have spoken to about it, including teachers, principals, lawyers, judges, attendance counsellors and child

protection workers. If taken seriously, this change could be a model for law reform across the country.

I do appreciate the opportunity to provide these comments to you.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Jain. To Ms. Taylor.

Miss Monique Taylor: Thank you very much for your presentation. When you started to talk, what I actually grabbed was Katelynn's Principle, because the last line of the jury's recommendation is, "Every person who provides services to children," just as you had stated, right after I grabbed it, because I went to the same place that you did.

It's unfortunate that the government doesn't see that enacting Katelynn's Principle—that it's really companion legislation. It goes hand in hand with the bill. It gives teeth to the bill that's actually in front of us. That entire line is missing from this legislation completely. It was the number one recommendation from the jury. So hopefully we can convince them at some point to enact that bill.

1450

It's interesting, because what you've identified really should be a trigger, right? There are, I'm sure, many triggers that should be looked at. But if we put this type of legislation into place to ensure that all service providers have that duty to report, it would really make a difference, I think, in children's lives. I think it's unfortunate that it's not incorporated in the bill as it is.

Do you have any other comments of anything else that you would like to share?

Ms. Sonya Jain: I can't explain why this clause is missing. It was contained in the Child Welfare Act previous to the Child and Family Services Act. At that time, a child in need of protection was defined to include a child who, without sufficient cause, is habitually absent from school.

When I've discussed this with other child protection workers or anybody else like myself who's a children's lawyer, we have no understanding as to why it was removed. These are just 11 simple words that really give child protection workers some teeth to be able to get in and at least investigate. That's all I'm looking for—somebody to trigger an investigation—because I have too many child clients who are suffering. For years, they're absent from school. The principal or the teacher knows there's something wrong, but if they call the children's aid society and they tell them, "This child has missed 40 days of school already this year; we need somebody to go in and take a look," they're told, "And what else? Please give us another reason why we need to go there, because this is not enough."

Attendance at school is covered under the Education Act. Under the Education Act, although it gives attendance counsellors the ability to lay charges and do all of that—

The Chair (Mr. Shafiq Qadri): Thank you, Miss Taylor.

To the government side: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Welcome. Thank you very much for being here. In the legislative history, the provisions of truancy—when did that disappear? Do you recall?

Ms. Sonya Jain: As I said, the Education Act basically covers the education issues in Ontario. I don't know the exact date; I don't have it in my head. However, on the ground and in practice, when charges are laid under the Education Act, it's very rare. It's rarely used, and it's only in very extreme situations. By then, severe patterns of absenteeism have already established themselves.

M^{me} Nathalie Des Rosiers: It's an interesting proposal. I'd like to see the impact. If we knew of another jurisdiction who had that, we could see, for example: How does it work? Does it trigger too many investigations, for example, targeting groups that are already overrepresented in the system? That would be one question. Do you know any other jurisdictions that have the—

Ms. Sonya Jain: You mean out of the province?

M^{me} Nathalie Des Rosiers: Yes, other provinces or other countries.

Ms. Sonya Jain: I know that Quebec has this in their child protection legislation, but I'm not sure of any other provinces.

I worry about your comment about maybe triggering too many investigations. At this point, in my experience, I don't think there could be too many in this situation, because it's really only in extreme situations that these kids are at home. They're not being seen; there are no eyes on them. School is the one place publicly where children are seen, and they can get the attention that they need there.

M^{me} Nathalie Des Rosiers: So did you make a submission to the ministry about this, or is this the first time that—

Ms. Sonya Jain: Yes, I have.

M^{me} Nathalie Des Rosiers: Okay, good.

So Quebec has it, so we could see how it played out and what the impact is. Are there any studies that you have?

Ms. Sonya Jain: I have no studies, but I do find it interesting that Ontario had it as well. We had it in our Child Welfare Act. I looked back and I tried to find why this was removed, and I couldn't find that out.

M^{me} Nathalie Des Rosiers: We may need to investigate how come it got removed and what was the context for this removal. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Madame Des Rosiers.

Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out. It's an interesting point you raised. When we hear about the importance of education—there are a number of reasons, but just on the importance of education, if somebody can't provide their child the ability to get to school, you'd have to wonder why we wouldn't use that alone, let alone the issue with possible abuse.

Maybe you can recount some of the issues or some of the things you've seen over the years.

Ms. Sonya Jain: I can't agree more that I believe that education is as basic a right to a child as feeding them, as clothing them, as keeping a roof over their head. These are basic parenting skills that I believe every child who is brought into this world at least should be receiving.

In terms of my own personal experiences, I've had—well, one experience is actually included in my submission: a 13-year-old boy who was missing school up to 80 days a year, and that's just the missed days; there were latenesses as well that accumulated. They would be not just five minutes late; he was missing most of the day and then he'd show up. That was happening as early as in grade 1.

We went to court. I was appointed in that situation in a custody-access capacity. The CAS had still never become involved with this family. It was only after I shared my review of this child's school records with the judge that the judge actually involved the child protection agency to look into this matter.

An attendance counsellor was involved with that child already, but when the parent won't answer the door or won't answer the phone, they can't go in. They can't talk to the child. They can maybe see them if they're at school, but they're never at school.

This child had rotting teeth, he had no food, he was basically starving, but he was the most pleasant, lovely young man, very intelligent, but they couldn't even evaluate him at school very well because of that.

Mr. Jim McDonell: I think the key here is that it could be abuse, but just the lack of education is abuse as well.

Ms. Sonya Jain: Yes.

Mr. Jim McDonell: We can't allow our children, in this day and age, to be raised without an education, because there are no options for them afterward. It's not the 1930s anymore. The cost of action is maybe expensive, but it demands action. We have these tools. Attendance is taken every day at school. This is not a surprise; it's not like we have to put a system in place. This is something where it takes the principal to call up the children's aid. Let's set a target and let's follow it, because we can't let—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. McDonell, and thanks to you, Ms. Jain, for your deputation.

MS. EVA MCGUIRE

The Chair (Mr. Shafiq Qadri): I'd now invite our next presenter to please come forward: Ms. Eva McGuire. Welcome. Please be seated and please begin now.

Ms. Eva McGuire: Hello. My name is Eva McGuire, and I'm very grateful for the chance to speak in front of you all today. I think we need to hear as many opinions as we can when discussing such important topics as children, the family and the government's role with

regard to the family. Notice that I did not say "the government's role with regard to the children." That is because the smallest logical unit is the family. Any smaller than that and the relational labels do not make sense. How can you speak of parents without a child or of a child without parents? They go together. There exists no similar relationship out there. Other relationships can be divided, but not this one. Yet the government is trying to wedge its way between the two, to speak of the children and the parents as if they are two parties when really they are only one.

I have many issues with Bill 89, the Supporting Children, Youth and Families Act, which I hope to lay out in my presentation. Truly, I do not see any good in this act except for the fact that it extends protection to children ages 16 and 17.

Let me start with my background and an argument from an historical perspective. I am Métis and, like many, I have heard the terrible stories of First Nations, Inuit and Métis children being taken from their families and put in residential schools simply because, to use Bill 89's terms, the language taught by the parents was not "in the best interest" of the child as determined by the state; the religion passed on by the parents was not "in the best interest" of the child as determined by the state; and the culture shared by the parents was not "in the best interest" of the child as determined by the state. And I could go on for all the other topics.

In this bill, it's the state that knows the best interests of the child, not the parents. It might be a surprise, but Kathleen Wynne doesn't even know your child's first name, let alone best interests.

I know this bill treats First Nations, Inuit, and Métis children differently. There is consultation with the child's band. But why can't we use what we learned from the terrible history of residential schools and the demolition of families and cultures caused when the state thinks it has first rights to a child as opposed to its parents? If we were to go back in time—and we don't have to go back that far—we can easily imagine how this act would fully support the removal of First Nations, Inuit and Métis children from their parents simply because the government did not consider their parents to be meeting the physical, emotional, and mental needs of the children.

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Let's talk about best interest of the child. Notice I do not say "in the best interest of the child" but rather "the best interest of the child." The former actually considers the child. The former would not support the separation of child from parents. The latter is defined by the government and is completely ideologically driven. Whatever is fashionable at the time, whatever party is in power—that is where we can look for ideas for what the best interest of the child is, but if we actually considered if Bill 89 is in the best interest of the child, we would clearly see it isn't.

How many children ask for things that are not good for them? I wanted to drive when I was six. I am very happy my parents did not let me, but maybe, if I were to

be born today, and in six years I make the case that the mental and emotional discomfort caused by me not being able to drive would be enough for the children's aid society to intervene.

Driving is a tame example. Things like cigarettes, drinking, sex, drugs are all appealing to youth. What do we do? We know they are not good for them, so the best we can do is put an age limit and hope they get educated enough to make the right decisions when the time comes. Who educates and helps them make right decisions? Their parents, because all the government can do is put age limits.

The parents need the freedom to raise their children. Please consider the difference between child and citizen. A parent raises children. A government governs citizens, two different relationships with very different responsibilities. Parents need to raise their children as they judge best.

As for the children's aid society, once upon a time it was its own entity, with the goal of protecting children. Now, it will be forced to comply with the government. Comply with the government—where is our freedom going? The children's aid society will literally just become an arm of the government into the homes of families, acting on behalf of the government. It's disgusting. In terms of the children's aid society consulting with the child, who is in the power position here? What child would know or understand enough to go against an unknown group of adults?

My last point: It is curious what things get included and omitted in this bill. Consideration of the child's religion, omitted; child's gender identity and expression, included. Please, this is nothing but the most shameful ideologically driven agenda.

We don't allow children to smoke or drink or drive or enter the army until a designated age, but sure, let's let them decide they are a gender other than the one they are because they have seen so much of life to know the difference. If their parents disagree, that's okay. They don't know what's in the best interest of the child; the government does—who won't even take care of the child but place it in the care of another family who, consequently, if they don't agree with the child, will lose the child to another family.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. McGuire. To the government side: Mr. Potts.

Mr. Arthur Potts: Thank you, Chair, and thank you, Ms. McGuire, for coming in and speaking to us today. I take to great heart your concerns about how things were done in the past, particularly in the context of what you describe as the "best interest" and the state determining it, particularly from the experience of residential schools. I had the distinct honour to spend some time with Gord Downie down at Canada Blooms. The whole secret path that they did is part of that display, to talk about Mr. Wenjack's fateful—for me, it was overpowering. It was very, very emotional.

I'd like to think that we're moving forward in this bill, to step away from a history which has been completely

racialized—not just First Nations, indigenous and Métis peoples, but also blacks, Jews and a whole bunch of other people—trying to move forward in a child-centric way which is respecting culture. I think what we see in this bill is opportunity.

What we are recognizing is that there is a cultural imperative and a family imperative. Nobody wants to remove children from their family unless the situation has broken down. You have to admit, occasionally that happens. When that happens, we as a society must take on the responsibility of the child in the broken situation and treat them as our own children. That has been a message that has been very strong with all the communities in front of us, that we must do this in a way that we respect them as our children.

Can you talk to whether you think it is necessary in some circumstances, when the family has broken down, that those children need to be cared for and cared for in society?

Ms. Eva McGuire: I just want to go back to the point you said about how this is to help protect racialized groups, or different races. For newcomers to Canada, the most important thing is their family. I think the last resort possible would be to break up the family. For a newcomer to Canada, if they're aware of this bill, I think they'd be horrified.

As for whether there are cases where it is really broken down, yes, those cases exist, but that's why I talked about the children's aid society having to comply with the government. I think the children's aid society should be its own entity. Why does it have to comply with what a temporary government says? It should be its own group.

Mr. Arthur Potts: I guess it's about oversight, that ultimately the government licenses child care advocacy groups, as we do with—the Jewish centre was in here today, and they talked very passionately about how, in their system, they try to integrate social services so they can help fix the family and return children back to the family as quickly as possible, or never have to remove them because they're engaging with the children. I think—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Potts. To Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out today. Just to go along with that direction, do you not feel there are times when families do break down, to a point that somebody has to intervene?

Ms. Eva McGuire: That's why we have the children's aid society now, but this bill is taking it to the next level of compliance.

Mr. Jim McDonell: I would think that this bill is giving some regulation or some goals, I guess, for children's aid to follow. In what way do you see this as a problem? What specific issues are there?

Ms. Eva McGuire: Whatever party is in power determines what the best interest of the child is, and then the children's aid society is the agent that actually carries it out. It could be that the best interest of the child deter-

mined by the state is—I don't know—for all children to be taught a specific language, and then that just eradicates any other language that that family grows up in. That's an example, but it's the kind of thing where the government can just dictate that. I think that's where it's going. It's like a dictatorship.

Mr. Jim McDonell: Well, I think what they're trying to do is put this into legislation; it won't necessarily change every time there's a change in government. Government is a step away from the children's aid, and what they're trying to do is set up a structure that allows the children's aid societies to work.

Ms. Eva McGuire: The language is pretty strong. It says "will be forced to comply." There isn't an arm's-length relationship here.

Mr. Jim McDonell: Are you saying that there should be no teeth behind children's aid if there are issues with a family structure?

Ms. Eva McGuire: I think children's aid societies should have the resources and everything they need, but again, to have to go along with what the government dictates is not necessary. And I don't think it gives it teeth.

Mr. Jim McDonell: I think we're seeing this legislation here because there have been some terrific failures in the current children's aid structure. We heard before about the education issue, where students can essentially not go to school and there's no system to bring them back and enforce that they do get an education. I don't know how you would expect children, in this day and age—how are we equipping them for life if we don't allow for them to have an education?

Ms. Eva McGuire: I just see the constant changing of a child from one family to the next, just because the government says the previous family wasn't doing what's in the best interests of the child—the less amount of removing possible, the better.

Mr. Jim McDonell: Well, I just think we saw 15 years—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. McDonell. To Ms. Taylor.

Miss Monique Taylor: Thank you for your participation today. Can I respectfully ask what brought you here and what made you find Bill 89?

Ms. Eva McGuire: I think I got an email from a friend saying, "Have you heard about this bill?" I don't usually read these emails, and then I actually read the email. I got so worked up about it that I decided to come and present today.

Miss Monique Taylor: Have you ever had previous involvement with children's aid societies?

Ms. Eva McGuire: No.

Miss Monique Taylor: I commend you for taking a stand and standing up for what you think is happening, but I think this bill is in front of us to correct the wrongs that are currently happening in the system. If you hear the voices of youth who have been in the system and the things that they are asking for, it's that they want to be respected, they want to be heard. They need to be

heard—not even just want; they deserve to be heard. So I think this bill, even though I'll be the first one to say that it's not perfect, by no means—

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Ms. Eva McGuire: It keeps getting passed, though?

Miss Monique Taylor: It keeps getting passed?

Ms. Eva McGuire: Like, full, 100% support from all the MPPs.

Miss Monique Taylor: Well, but with voices.

Ms. Eva McGuire: With no picking out.

Miss Monique Taylor: No, no. I'm pretty vocal about things that need to change and about making sure that the legislation, moving forward, protects our youth. I think that is the goal of everyone, regardless of how we feel. We have different political views; of course we do. But we do all have the best interests of children at heart. I believe that.

I know it's intense. There are changes in here, but I know a lot of the fire that's maybe happening out there in social media and stuff is the word "religion" being removed. They want to say that the family aspect is being removed. That's not necessarily true. Creed is in there. I will be putting forward a submission saying "creed and religion," so that people understand what that means. If it's there anyway, under the definition of creed, why would we take it out? Why would we anger communities and people?

It's a lot of work that's going into this, but the voices of young people who have been in the system and lived through the residential facilities are being reflected here, and I think we need to ensure that we respect those voices.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Taylor, and thanks to you, Ms. McGuire, for your deputation and presentation.

MR. TONY CHOW

The Chair (Mr. Shafiq Qadri): I now invite our next presenter to please come forward, Kai Tony Chow. Welcome, Mr. Chow. Please be seated. Your time, and mine, begin now.

Mr. Tony Chow: Honourable members of the Standing Committee on Justice Policy, my name is Tony Chow. I'm a technical systems analyst by trade. Thank you for giving me this opportunity here to voice my opinion on Bill 89.

Bill 89, a lengthy 282-page document, inserts new terms, which include "creed" alongside "gender identity," while the current, important stand-alone item, "religious faith, if any, in which the child is being raised," is removed, no longer to be considered. This is so wrong, on so many levels.

It is incomprehensible to remove parents' faith as an important element for consideration and, instead, supersede it with the child's creed. The child's creed could be a flying spaghetti monster one day and reptilian alien gods the next, and we all know what criteria the Ontario government uses when it comes to faith and

creed considerations. Look no further than public schools under the Peel school board, where prayer halls are accommodated in the name of the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code, until, of course, you were to ask for the same prayer halls to be used for the Bible or something or other—oh, look, I can't even finish the sentence.

I almost fell off the chair when I heard gender identity is now added to the language. What is the percentage of the transgender population in Canada? Between 0.25% and 0.1%, and that, I think, is inflated. Without a public outcry, i.e., not initiated by public opinion, instead of working for what the public really wants, the government, in her infinitely expensive creativity, draws up a 282-page document to include juvenile gender identity that is an absolute exception.

Am I saying exceptions shouldn't be handled or addressed? No, I'm saying exceptions should be handled as such: as exceptions—no need to bend over backwards to rewrite what's there for the absolute majority.

And why would children be confused about their gender identity? As a jogger in the open, I watch ducks, geese and their offspring a lot. Ducklings and goslings are never confused about their gender; nor are the father goose or the mother goose. I never saw a boy duck try to be a girl duck, or vice versa. Why? Probably because they didn't have to go through the Ontario sex education curriculum, and they sure don't have a fowl government to confuse them.

The bill also raises questions about parental authority. According to QP Briefing, Ontario's minister of child and family services, Mr. Coteau, said that "it could be abuse for an LGBT teen to be told their identity is wrong and they should change." Actually, no; it is not abuse to speak your mind. We honour free speech in Canada, so we're made to believe. It is only abuse when you force it. But unfortunately, an honourable minister of Ontario considers that a form of abuse. This has now crossed from a parental authority issue into a thought-police issue, which is a much bigger issue on its own.

The bill is very sensitive to the best interests of the child and very concerned about the child's mental and emotional discomfort when parents insist that they do as instructed. This parent-child conflict could, under provisions of the bill, lead to the removal of the child from the home.

I know that the government, especially the Liberal government, relentlessly promotes abortion as a woman's unalienable right. A mother can terminate the child's life with full government support, full government endorsement, and money. The modus operandi of abortion comes in different forms, from removing limbs and skulls to outright sucking the child out in the form of mush. So, where is the government's concern, if ever, about the best interests of the child in an abortion? And where is the government's concern, if ever, about the mental, emotional and physical discomfort of the child being aborted?

The Chair (Mr. Shafiq Qadri): Thirty seconds.

Mr. Tony Chow: In the case of the removal of a child from a mother in the parent-child gender identity conflict, where is the government's support for women's unalienable rights?

The blatant inconsistencies of the Liberal government's thought process, stated above, should be reason enough to call for the abortion of this bill, Bill 89. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Chow. To the PC side. Ms. Martow?

Mrs. Gila Martow: Thank you very much. I'm sorry; it's obviously very difficult and emotional for you.

I just wanted to ask you what you think the word "creed" means, because they've taken out the word "religion," but they've substituted, they say, "creed."

Mr. Tony Chow: Creed, to me, means the things that they believe in. I haven't looked up the definition of creed, but my concern is not so much creed really but the shift of focus from the parents' creed or parents' faith to the child's creed or the child's faith.

Mrs. Gila Martow: What I would say to you is, if a baby is born—I'm Jewish, and if I have a child and the child is a day old, and you said, "What religion is this child?" I would say Jewish. But if "creed" is what your beliefs are, I would say, "A child, before they can talk—how are they going to have beliefs?" So I do feel that there is a difference between the words "religion" and "creed." It's very possible, if a very young child is going into care, that they don't really have a creed. And if we're not recognizing religion, then that could be a problem for a lot of communities in Ontario.

If you want to comment on anything else that you didn't get to in your five minutes.

Mr. Tony Chow: Not to the term "creed."

Mrs. Gila Martow: No, on anything. Just if there's anything you want to add; you have about a minute left, I think.

Mr. Tony Chow: Oh.

Mrs. Gila Martow: Yes, go ahead. Anything else you didn't get to say?

Mr. Tony Chow: No. Actually, I think my two points are very clear, that I personally believe—and again, this is my opinion—that the reason why the Ontario government is introducing this bill, and all the language that they use, is an excuse to advance their own agenda. Yes, we need to take care of young people and children, but I personally believe that there is another agenda going on here.

Mrs. Gila Martow: Thank you very much.

The Chair (Mr. Shafiq Qadri): Miss Taylor.

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Miss Monique Taylor: Thank you for taking the time to bring us your point of view. I also believe that it should say "creed or religion" in the legislation moving forward. When it comes to the transgender LGBTQ community, I think our youth have spoken very loudly about their needs for that and they've asked us to respect them on that. I think it's important that we do. I'm happy to see that reflected in this legislation.

Really, I have no further questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor. To the government side, Mr. Potts.

Mr. Arthur Potts: Thank you, Mr. Chow, for coming down and expressing your view. I respect your right to hold your views. Let me just start by going to the gender identification part of your discussion. What gender do you identify as?

Mr. Tony Chow: Do I identify myself?

Mr. Arthur Potts: What gender do you identify as?

Mr. Tony Chow: What gender myself?

Mr. Arthur Potts: Yes.

Mr. Tony Chow: I'm a male.

Mr. Arthur Potts: And I identify male as well. So when I see gender identity in this bill, I think it covers all Ontarians and not just 99% who maybe have confusion about what their identity is. That's the first point.

Secondly, in this bill, under the sections of "creed," if a child is removed from a family and that child identifies as a Christian, would you think that child should be placed in a home that has Christian values?

Mr. Tony Chow: It is not an easy answer because it all depends on what all the different circumstances are.

Mr. Arthur Potts: The idea is that you are going to look at a child and their cultural makeup and try to place a child in a family that closely represents their cultural makeup. So wouldn't you agree that would be the appropriate thing to do, to put a child who identified as Jewish in a Jewish home, a child who identified as a Christian—

Mr. Tony Chow: That I would agree.

Mr. Arthur Potts: Okay. So that's all the questions I had for you. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Potts. Thanks to you, Mr. Chow, for your deputation and your presence.

CHIEFS OF ONTARIO

The Chair (Mr. Shafiq Qaadri): I'd now invite our next presenters to please come forward: Ms. Stonefish, Ms. Rae and Ms. Sandy, of the Chiefs of Ontario. Welcome. Please begin.

Deputy Grand Chief Denise Stonefish: Thank you, honourable members. As part of the Chiefs of Ontario, I am the social services coordination portfolio holder and I'm here representing the Chiefs of Ontario as their coordinating body. I'm not going to go into any detail or depth because I do believe you have heard from a number of other political-territorial organizations that belong to the Chiefs of Ontario, and probably given more specific information.

I'm here to just say that, yes, the child welfare system is broken, especially for First Nations children and their families, and it is failing to help our children. As a result of that, it also harms our families and our communities.

We know that the broken system looks like mass overrepresentation of First Nations children within the

system. It fails to support children in their homes and their families, especially when they are in care.

We know very well that there are very poor outcomes for the children in the system and for children leaving the system, although by that time they're youth, which include suicides, homelessness, criminalization in the justice system, jail and high health care needs, all of which is at a huge financial cost, not only for children's aid societies but also for our own communities.

I'm not here to present and be all doom and gloom. I'm here to hopefully provide some solutions. What we feel needs to be looked at is addressing the root causes and a shift to a prevention paradigm. It needs to be child-focused and we need to prioritize family preservation and family restoration. The other thing is to engage First Nations on a nation-to-nation basis, supporting self-government and respecting connections to our culture, language and community.

We've been putting forward these solutions for a number of years. And it's not just us: There have been many different independent reports and various experts that have come forward in regard to every time we have a review of the Child and Family Services Act every five years.

As I said, I wasn't going to be going into too much depth. What we need to state is that our children belong to our First Nations and their families. They are not wards of the state. They are citizens of their First Nations, no matter where they are living, and that relationship and identity must be respected within the act.

We cannot sit by and let Bill 89 become a missed opportunity. The proposed Child, Youth and Family Services Act looks too much like the old CFSA. Fixing a broken system takes real change. We feel that we need to be more meaningfully engaged and consulted—for example, putting us in a room with the province's lawyers, not having any previous knowledge of the changes and then expecting us to say yea or nay. Then, sometimes if we do add something to it, it never shows up.

Bill 89, as it's currently proposed, does not deliver. It doesn't capture reconciliation. We believe that our kids deserve better. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you very much. We'll now move to Miss Taylor.

Miss Monique Taylor: Thank you for your submission and thank you for taking the time to be with us. I think it's really unfortunate that you don't find your submissions reflected in this bill. I think that the consultation process was certainly lacking, and it shows when we have a 300-page bill before us, a full act, and then there are going to be hundreds of amendments to try to fix it. So it's important that you brought those things forward.

Tell me about your funding and how that affects you currently, and if the funding doesn't come with this bill, what that's going to look like, going forward, in the future.

Deputy Grand Chief Denise Stonefish: I know that you probably heard a little bit earlier the talk about

jurisdiction in that sense. If we were to look today, as the legislation is going to be today, that won't happen. I think what we're trying to say too is that at the community level, at the First Nation level, we know what we need. What we want to concentrate on is family restoration. Unfortunately, that would not provide the sufficient funding to do that.

We know that we have a role too, we have a job to do too, and that we need to educate our own people. If we're going to have family restoration, that needs to be a component of that. So yes, funding is required.

Miss Monique Taylor: Absolutely. Major support is needed to rebuild the family network and to ensure that families are not living in poverty and that they're able to strive so that they can build healthy lifestyles. I think, without dollars being put into the proactive pot, this is just a shell game.

Deputy Grand Chief Denise Stonefish: That's what I was talking about, the paradigm shift towards prevention. If we can look at having more funding in terms of prevention in the communities, we can do those kinds of things. Then eventually—I'm not going to say that we're going to eliminate the need for child protection. There are going to be cases where our children are going to require protection. But if we can do whatever we can to help our families get out of that intergenerational-residential-schools and Sixties Scoop mentality or situations, even better.

Miss Monique Taylor: What it will do also is it will build the capacity of customary care.

The Chair (Mr. Shafiq Qadri): Thank you, Miss Taylor.

To the government side: Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much, Chief Stonefish, for being here today. Meegwetich to all three of you. I know it takes something to be here, and I know, Chief Stonefish, that you have been a very strong advocate within your community for a very long time—25 years. I understand.

1530

Deputy Grand Chief Denise Stonefish: Who told on me?

Ms. Sophie Kiwala: We do our research. But I know as well that you are certainly considered a very important partner to the ministry. We've appreciated working together with you on this.

I do want to reiterate as well that we are making every considerable effort to make sure that we pursue customary care and kin care for children and youth and their families. That is very important to us.

With respect to integrating your opinions with the ministry, with the government, we're always open to correspondence. I am the parliamentary assistant to the Minister of Indigenous Relations and Reconciliation, as well as children and youth, so you can feel free to be in touch with me or the ministry. I'm sure you have regular contacts there that you're working with on a constant basis.

I just wanted to ask you if you could elaborate a little bit more on the Chiefs of Ontario's preference for a child prevention-focused model for First Nations communities and how best the government can support this vision in a manner that recognizes First Nations' jurisdiction and is culturally appropriate and respectful, outside of the new language.

Deputy Grand Chief Denise Stonefish: You're saying my wish list?

Ms. Sophie Kiwala: Yes, that's right.

Deputy Grand Chief Denise Stonefish: Okay. Elaborate on a child prevention focus?

Ms. Sophie Kiwala: Yes.

Deputy Grand Chief Denise Stonefish: Maybe if I could look at it from another perspective, when we're talking about family restoration or family revitalization, we're looking at it from the point that it's not the child's fault; it's the family. So, rather than remove the child from home, remove them from their access to their grandmothers, their aunties, their uncles, we need to look at—

Ms. Sophie Kiwala: The whole unit.

Deputy Grand Chief Denise Stonefish: —the whole concept, because that's who we are as a people. Our nuclear family isn't the same as what would be identified in any Child and Family Services Act. So what we would be looking at is assisting our parents—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Kiwala.

To the PC side. Ms. Martow.

Mrs. Gila Martow: You could finish your sentence. I did want to hear.

Deputy Grand Chief Denise Stonefish: Okay. We would be looking at assisting our parents. They're going to have problems. We should be able to be there to provide them that support, whether it's parental training, whether it's—

Mrs. Gila Martow: I'm thinking mentorship programs, even family to family.

Deputy Grand Chief Denise Stonefish: Yes. Training programs to lift them up, to be able to be a contributing part of society, those types of things. We all know that if you have the proper training, the better education, the better job—you have the better job, you have a little bit more money that comes in that would allow you to make healthy decisions on nutrition for your children, to be able to have a home that's better for them, where they can have the ability to fix their own windows, those types of things.

Mrs. Gila Martow: And what about mentorship programs that we've mentioned here before with some of the youth who were in care, where they're offering to be involved in mentorship programs to mentor kids who are in care—and obviously youth who weren't in care as well. Would you want to see government support, or you could just go ahead; you have your own programs and your own ideas?

Deputy Grand Chief Denise Stonefish: I think it would have to be a combination.

Mrs. Gila Martow: Yes.

Deputy Grand Chief Denise Stonefish: It would definitely have to be a combination because, right now, our communities are struggling every day with the lack of finances, the lack of capacity that they're already experiencing. But I think if we can work together, identify what our needs are and come up with co-development of programming and mentorship programming, we would be that much further ahead.

Mrs. Gila Martow: Okay. Thank you very much for coming in.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Martow. Thanks to you, Chief Stonefish, and your colleagues, Ms. Ray and Ms. Sandy, for your deputation on behalf of the Chiefs of Ontario.

Deputy Grand Chief Denise Stonefish: Thank you.

MS. KATHLEEN MATTINSON

MS. STACEY BLOXAM

The Chair (Mr. Shafiq Qadri): I invite our next presenters to please come forward: Ms. Stacey Bloxam and Bridgitte Worth-Bloxam.

Ms. Kathleen Mattinson: It's not Bloxam. It's Kathleen Mattinson. I'm the great-grandmother.

The Chair (Mr. Shafiq Qadri): Great. Please be seated. Your five minutes begin now.

Ms. Stacey Bloxam: My name is Stacey Bloxam. I'd like to speak on the current laws in Bill 89, and previous laws.

I am a mother with five amazing kids and three amazing grandkids, all of whom have been negatively affected by the children's aid society. In 2007, I had a file opened on me and my children, due to a dispute with a neighbour—a disgruntled neighbour. I didn't like the invasion of my privacy, but agreed to a service agreement, thinking it could be helpful.

But I was very wrong. Only around two months into the service agreement, someone claimed that I had done drugs. The worker made me take a Motherisk test, and the results of the test claimed that I had done cocaine, which was untrue.

I knew that I had not done the drugs that they had claimed, so I went and had my own personal test done. The test showed that I was free of all drugs, yet my children remained in care for an additional 22 months. I had additional drug tests every single week. Every week, they were always negative. My children were returned to me once I had a parent capacity assessment done. This was after 22 months.

During those 22 months, my seven- and eleven-year-olds were double-vaccinated, given drugs to sleep, made to eat raw liver—my daughter was raped—and more. My other two boys were two and four years old. They went from 34 and 38 pounds, while in my care, to only 24 and 28 pounds. They were full of bruises and infested with head lice for months on end. My four-year-old would tell me about the horrors he and his brother experienced, like

being made to watch horror movies and getting locked in closets for hours on end.

I have since obtained my case files, and have found multiple hospital and doctor reports for injuries that I was never told about. I called police nine times during this time, and every time was told the same thing: They cannot help.

During a visit, my two-year-old passed out from neglect. I called an ambulance, but he was never seen by a doctor. The ambulance was refused access to my children.

The society suspended my visits for two weeks, due to me calling 911. Those weeks were absolute torture, because I did not know whether my children were dead or alive.

We went to anyone that we thought could help, but we didn't succeed until we called CH News. Days later, my children were removed into new, safe homes. What this experience has taught me is that the current system is broken and must change.

The recommendations I feel would be most helpful are, one, that all visits and meetings will be recorded. This is for the protection of the society and for families. This way, no one can lie about the events that took place, like the society workers have a real habit of doing.

All workers must be registered social workers. Yes, some are social workers, but most of them—

Ms. Kathleen Mattinson: They don't have a licence.

Ms. Stacey Bloxam: —don't have a licence, and most of the reasons are due to suspension.

It's because of this that they are not held accountable, and they think they are above the law. In Canada, you need a licence to fish but not when you're in a position that allows you to uproot someone's entire life.

The police need more power to investigate allegations of abuse when a parent places that complaint for a child in care. This could have prevented months of hell and years of emotional scars for my family. The police have told me that the CAS is more powerful than God. I happen to believe God is the Almighty, not some unregistered social worker.

The Canadian law is very firm about perjury in court, yet CAS workers do it every day without consequence. Why are they getting a free pass?

There needs to be more preventive measures for families before a child is removed. Removal should be the last resort, not the first.

Now, after everything we have suffered at the hands of child protection, we are not allowed to move on, not because I have an open file or because of my own actions, but because they now have my three grandchildren, all since birth. It's not due to my daughter displaying behaviours that could endanger a child. It's because of her young age and my history with CAS. My daughter has never done drugs; she works, and has no mental health issues. But the society is seeking adoption for all three children.

We only want to put this mess behind us and move on, but we can't. As long as they have my grandbabies and

continue to apprehend children without reason, nobody can ever heal.

Thank you.

The Acting Chair (Ms. Daiene Vernile): Thank you very much. Our first questions for you are from the government side. Mr. Colle.

Mr. Mike Colle: Thank you for your courage in being here.

Ms. Stacey Bloxam: Thank you.

Mr. Mike Colle: I know it is not easy to talk about what you've gone through. Can you explain how many children you had originally who were taken into custody?

Ms. Stacey Bloxam: Four children were taken into custody, but during the 22 months, I became pregnant with my daughter. I gave birth to her in 2008. She remained in care for a total of seven months before I got her back.

They wanted to apprehend at birth, but I actually gave birth in Toronto and I kept the birth from them, because I knew that I never should have lost my children in the first place, and I wasn't willing to give up that bonding time with my child.

1540

Mr. Mike Colle: So those four children plus the one you gave birth to in Toronto—

Ms. Stacey Bloxam: Yes.

Mr. Mike Colle:—how old are those children now?

Ms. Stacey Bloxam: They are 19, 16, 13, 11 and eight.

Mr. Mike Colle: The baby—so that was about eight years ago.

Ms. Stacey Bloxam: Yes.

Mr. Mike Colle: You also mentioned a grandchild.

Ms. Stacey Bloxam: Yes, I have three grandchildren.

Mr. Mike Colle: Mazel tov, they say. Congratulations.

Ms. Stacey Bloxam: But I'm not allowed to enjoy them. I have no relationship with them. I'm allowed 90 minutes a week. I've seen all three children from birth. I've missed three visits in three years. But I'm allowed 90 minutes with my grandchildren when I should be allowed this relationship where I can shower them with love and attention and devotion, and I can't. I'm in a supervised setting for 90 minutes with my grandchildren where I'm not allowed to do anything. We're not even allowed to go to the local Tim Hortons with them.

Mr. Mike Colle: The three grandchildren: Are they in the same city or town that you live in?

Ms. Stacey Bloxam: Two of them are in Hamilton in the same foster home, the nine-month-old and the two-year-old. The three-year-old is now a crown ward without access, and I haven't seen him in five months. I have no idea where he is.

Mr. Mike Colle: Why were they prohibiting you from seeing the grandchildren? What grounds do they give?

Ms. Stacey Bloxam: They had basically said that due to my history with the children's aid, even though I have proven that a majority of the history was false due to the Motherisk false drug test—they said that it's due to my

history, and because I've only had my case file closed for nearly three years, that not enough time has passed for me to provide kinship.

They assessed me for kin but they turned me down because they said that I needed screens on my windows. They said I had an odd relationship with my mother because they tried to say my mother has mental health issues, which she does not. She has proven with a doctor that there are no mental health issues.

Ms. Kathleen Mattinson: That's systematic. They do that to every great-grandmother and grandmother.

Mr. Mike Colle: What's that again?

Ms. Kathleen Mattinson: That's systematic. If you look, every grandmother I know who is offering kinship now has issues of mental health that do not exist.

Ms. Stacey Bloxam: The society claims they have mental health issues.

Ms. Kathleen Mattinson: I actually got reports from my doctor since I was 13 years old. I have never taken a pill in my life. I'm an herbalist. I have never been treated for any type of mental illness, and I've given them all the doctors' records, but still I have a history of mental health. I'm not allowed—

The Acting Chair (Ms. Daiene Vernile): Thank you very much. We're going to move now to Ms. Martow.

Interjections.

The Acting Chair (Ms. Daiene Vernile): I just remind the public in our viewing gallery to be respectful of people when they are speaking. If you are going to make too much noise or be disruptive, you'll be asked to leave.

Go ahead, Ms. Martow.

Mrs. Gila Martow: Thank you very much. It's very distressing, and I'm sorry for your time lost with your children. That's not something you can ever get back. We understand that.

I'm just very curious about—there was a hair sample that was taken that—

Ms. Stacey Bloxam: Yes, there was. It was a follicle test. It actually said that I did opiates and cocaine. My ex-husband had back issues and he had a prescription for opiates, and there was nothing on his test; it said negative for everything. Meanwhile, it should have shown opiates for his and it didn't.

I then went and had the independent urine sample done two days after, which showed nothing in my system, but then the society claimed there was nothing they can do. They can't take my test as any type of proof. They said the only thing they can do is give me another follicle test in three months, and then if that comes back clean, they'll work on getting my kids back. But lo and behold, the second follicle test I had still claimed that I did cocaine.

Mrs. Gila Martow: There were posters that were put up in some of our schools in the last couple of weeks speaking to children and saying, "If you've been taken into care and you think there may have been a mistake because of the Motherisk scandal"—I'm just wondering if you want to comment on that.

Ms. Stacey Bloxam: I actually believe that it should have been left in the schools. I believe that it wouldn't have been harmful to the children.

My children are well aware of why they were taken. I have no secrets about the entire Motherisk issue with them. I believe there probably are a lot of families out there that aren't aware of what happens with Motherisk and did lose their children. Yes, it may have negatively affected a few but it would have been much better, in the greater good, for everybody.

Mrs. Gila Martow: Thank you very much for taking the time and coming in.

Ms. Stacey Bloxam: You're welcome.

The Acting Chair (Ms. Daiene Vernile): Our final questions for you are from Miss Taylor.

Miss Monique Taylor: Thank you so much for taking the time and for being so brave in coming before us and sharing your story. I know that's not an easy thing to do.

You've been through quite the process in your children's lives. The process, obviously, is failing families.

Ms. Stacey Bloxam: Yes.

Miss Monique Taylor: The oversight is obviously not there.

Ms. Stacey Bloxam: Yes.

Miss Monique Taylor: Did you try to seek the attention of the local board?

Ms. Stacey Bloxam: I did. Actually, I was in touch with the provincial advocate's office. There was an investigation done, but they said they didn't have the available information from the society to do a proper investigation.

Miss Monique Taylor: That's one of the mechanisms of oversight. Then we go to the CFSRB, the Child and Family Services Review Board. How did you make out there?

Ms. Stacey Bloxam: I have gone through them as well. When I wasn't approved for kinship for my grandchildren, I went to them. Back in 2007 and 2008, I wasn't aware of that board, but I have been in touch with them when it comes to kinship for my grandchildren. They said that I can reapply in six months.

Miss Monique Taylor: So there really is no mechanism through the system or education for you as a parent or a grandparent to support you in your time of vulnerability. Is that correct?

Ms. Stacey Bloxam: Yes, that's correct.

Ms. Kathleen Mattinson: There is no police jurisdiction either. The police told us when the children were abused and Matthew was thrown down the stairs, had two black eyes and a broken nose—we're talking about a two-year-old. The police were very concerned—I was there while they made the call—and children's aid refused them access to the home where the children were. There's absolutely no oversight or jurisdiction for our police—none.

Miss Monique Taylor: I have thoughts of possibly a system navigator for families moving forward in the future, somebody to support families. We have the child

advocate when it comes to the children's voices. We have the children's lawyer. We have all of these things. But lawyers are very costly, the court system is very costly, and it seems like sometimes parents are left like fish out of water, really, without the supports to ensure that they know how to navigate the system in their best interest.

I think it's so unfortunate that Motherisk had so many faulty tests and that so many families were affected by that. Now it's become generational for your family, those effects.

Ms. Kathleen Mattinson: It has, the same as it's hidden from history with the native people. It's generational and it's happening now, before us—which can be stopped. It can be stopped. It does not have to be generational. We don't have to live the past. The past miscues we cannot do anything about, but we can change the future.

The Acting Chair (Ms. Daiene Vernile): Thank you very much, Ms. Bloxam and Ms. Mattinson. You can step down now.

MS. KEISHA MARTIN

The Acting Chair (Ms. Daiene Vernile): I will call on the next presenter. Keisha Martin, please come forward. Please have a seat. Make yourself comfortable. For the record, introduce yourself, and you may start anytime.

Ms. Keisha Martin: Good afternoon. My name is Keisha Martin. I come before you as a former crown ward in care.

I want you to picture a child six years old who was dragged from her home by two officers and separated from her family. I never saw my family again. It wasn't until my late twenties that I was able to reconcile with my family and hear of my mother's struggle.

I'm also a child and youth worker. Some may say I'm a success in the system. I've utilized the system to educate myself, I've utilized the system to get my Canadian citizenship and I've utilized the system to advocate for youth.

I'm also a widow who lost her husband a year and a half ago, who also was a child and youth worker.

I also have my mother-in-law and I also have a child in care who cries and asks me when I'm coming home. This is our second appearance. We have lost all contact with our daughter, who also just had a baby.

This system is not fair. It's broken. I've seen the worst of the worst. I can't truly explain to you what we're going through to not be able to see her. I've advocated for her. There is nothing the society is doing for me right now that I could not do myself, without their support. I have gotten her attached to Shoniker. I have gotten her assessed at Youthdale. I have gotten all supports for her.

As I sit before you, I don't care if I lose all my income as an employee within the Toronto District School Board; I will fight for my daughter. But it's very challenging when you're going through court. My mother-in-

law and I—she’s sitting back there—have come together. We have put aside our family conflict. We’ve put aside our grief. We will get our daughter and her granddaughter out, and I will get my grandson.

1550

I was told, “You will never see your daughter again.” It doesn’t matter what society. I came from the Toronto CAS, and Irwin Elman has seen me since I was a teenager. He is a true advocate for all of us who were in care. I ask you, I implore you to please allow him to support families. Please allow him to investigate. This is not okay.

The other day, I had to call him because my daughter, in Rosalie Hall, has bedbugs. They told her, “It’s not a spider bite. You need to get a doctor’s note.” The doctor confirmed it’s bedbugs. If this was my home, I would have her apprehended. I also have a younger child, and I was recently told by the family worker that if my daughter returns home, my younger daughter will be at risk to be apprehended.

Under the current act, I’ve never been charged. As a TDSB employee, I cannot have any criminal infractions. I work with very vulnerable students—I work with autistic students—and I’ve been in the board for nine years. I’ve been known as an exemplary employee who always goes out for kids. I’ve given my own money for kids to eat their lunch, I have bought shoes for kids at various schools I’ve worked at, and I’ve worked with families to advocate them through the system.

I’m also aware of policies and inquests in regard to Katelynn Sampson, and the various kids who have died where we are also under inquests. I do follow policy, and if I do have to make a call to the society, I come from a strength-based approach, I come from an approach where I’m not blaming families and I come from an approach of “Let’s try to find a solution.” The previous lawyer that was here mentioned wanting to have kids be apprehended for attendance. That is ridiculous.

The Acting Chair (Ms. Daiene Vernile): One minute to go.

Ms. Keisha Martin: Thank you.

You cannot look at that as a reason. We will have more of a broken system. There’s poverty to look at. Parents are frightened, and if a kid is staying home, you cannot make a judgment to say they’re home because they’re being abused. We know that the kids who have died in care have been in the care of the children’s aid and have been brought into families that were not suitable. It has nothing to do with the school board. It has nothing to do with employees. It has to do with the broken system. I implore you, please, let’s stop the broken system. Please make these workers accountable. They are higher than the police. Please allow them to be accountable for their behaviour and to not threaten parents.

I am lucky. I know the system, I do my research and I stay calm. When I talk to parents, I implore them to do the same thing. Although—

The Acting Chair (Ms. Daiene Vernile): Thank you very much.

Ms. Keisha Martin: Thank you.

The Acting Chair (Ms. Daiene Vernile): Our first questions for you are from MPP Martow.

Mrs. Gila Martow: Thank you very much. It wasn’t that clear. You seem to be advocating that, as a society, we shouldn’t be concerned if children just don’t go to school?

Ms. Keisha Martin: Currently, as you know, it’s not a protective concern, but my argument—when you look at evidence-based statistics, where do they come from? It’s an oppressive stance. That is not the focus. The focus is the system, the child welfare system. It’s not within the school board, and I feel we should not lose our focus of where the concerns are. As I said, my circumstance, my daughter’s circumstance is one out of a million-plus individuals within the system.

Mrs. Gila Martow: I know my colleague beside me is much more knowledgeable on the intricate details of the Katelynn Sampson case, but I seem to recall that many of the articles that I read stated that if only the school would have noticed that she wasn’t attending school and notified somebody—so I actually think that it’s very important for children to go to school, not just for the education, which is obvious, but for the socialization, for their development on so many levels. I’m very concerned if children are not getting the proper education.

Ms. Keisha Martin: I fully understand. I think when you look at that perspective, coming from a strength-based approach, how would that look in the framework of the revision and the repeal of this act? I think that’s where we have to look, that if you’re looking at one aspect, how would that look? We know the evidence, that they did not take into consideration that these family members had previous issues with abuse.

My goal here is not to blame. My goal is to say there’s a broken system. But if you’re looking at one sector, then how will you implement a strength-based approach to tackle these different sectors?

Mrs. Gila Martow: I think that the legislation was updated, and that now even family members—there was a time, decades ago, when family members could take guardianship of a child without being investigated. Basically, they’re put through the same scrutiny as somebody who’s not related to the child, at this point.

But I appreciate what you’ve gone through, and I appreciate all of the help that you’re giving to other families. It’s really exemplary. I call that mentorship, in a way. Maybe it’s a casual type of mentorship, but I really applaud any support that you can give, and the fact that you tell people to speak calmly, because I think that’s a huge, huge issue. People are emotional, and I don’t blame them for being emotional—

The Acting Chair (Ms. Daiene Vernile): Thank you very much. Our next questions for you are from MPP Taylor.

Miss Monique Taylor: Thank you so much, Keisha, for joining us today, for being strong enough to be brave

to come before us. I know this is a pretty intimidating place at times, and you've taken that step to stand up for what you believe is right and wrong when it comes to this bill.

I'm curious. The process obviously didn't work for your family—the process for oversight. Did you follow all the processes? Did you go to the board? Did you go to the Child and Family Services Review Board?

Ms. Keisha Martin: Well, as you know, when you have a court proceeding, you cannot make a formal complaint. So I cannot make a formal complaint, but I have brought it to the attention of the supervisor of the family worker. As of March 31, when they reduced our access, they have not called us back.

So I'm following the protocol. As I said, I'm staying calm, following the protocol and using my lawyer to advocate, but our access is gone. My mother-in-law is not able to see her granddaughter or her great-grandson.

Miss Monique Taylor: So that's a flaw in the system, which just shows that it doesn't work for families, that the tools are not there to ensure that families are able to stay together as a network, even if they are separated and there are reasons for a child to be in care. We hope that there are good reasons, but we know that there are many times that there are not.

But that's not the point. The point is that families need support to ensure that they can navigate the system, and that visits and all of that network of the family is staying together during this very lengthy court process. Because we know that children's aid can drag this out for years, and that only hurts the child.

Really, the focus of this bill—through the preamble we see that the child is supposed to be the centre of the focus. Is keeping the child away from the parents, grandparents and great-grandparents really in the best interests of the children? I don't think that could always be the case, and unfortunately, I think, with the way the system is currently set up, that flaw definitely allows for that to happen.

Would you think that a family navigator—someone who could support families through this time, such as Irwin is able to do for children—would help with families?

Ms. Keisha Martin: I think that, specifically, Mr. Elman's role is to investigate accusations that are legitimate accusations. I would want Mr. Elman's role to—

The Acting Chair (Ms. Daiene Vernile): Our final questions for you are from the government side. Yes, Mr. Potts?

Mr. Arthur Potts: If you'd like to continue your sentence talking about Mr. Elman? I want to talk a bit about that too.

Ms. Keisha Martin: Yes, just briefly, I would want Irwin to really be an investigative body, to go in when parents make complaints, to look at the data, to look at the court proceedings and to look at if there is any wrongdoing, any misleading information that impacts families. I would want him to have that role.

Mr. Arthur Potts: Yes. And I also want to thank you for coming down and sharing what was obviously a very difficult story. We've heard so many people who were very clear: The message is that the system is broken, and it's broken in all parts of Ontario. It obviously hasn't been working in your family's situation, and it's our sincerest hope that the bill in front of us is going to go a long way to fix those problems, fix some of the oversight—and maybe the bill is not perfect and there are some changes.

1600

I know the child and youth advocate was here. I think he gave a fairly strong indication that he thinks this is a far superior direction and a lot more child-centric. He'd like to see some changes, and we're obviously listening to him and take counsel from what he has done.

Again, I just wanted to thank you so very much for being here. I too was interested in this issue about attendance. I don't think the lawyer before us was saying that's a reason to apprehend a child. She was saying that's a reason to take a look-see, to see what's happening with that child in that home.

I believe in my heart that maybe someone like Jeffrey Baldwin, if people had noticed he wasn't going to school, might have been saved by just having that look. It's not that that's a reason you check off and say, "Take that child away from that family." No, what's going on there—maybe they're being successfully home-schooled. We just don't know.

I just want to leave it at that. If you had any comment further to that, but that's all I have.

Ms. Keisha Martin: Just the last comment: Whatever initiatives that you do from your position, look from an oppressive type of stance. Look at stigmatization of black youth, aboriginal youth and what that would look like. How would that person within that power utilize that? As I said, it's very tragic with those two individuals, but I think, as a black female, there are far too many cases in which teachers or even child and youth workers utilize that role and use it not for the role that it's supposed to be used.

Mr. Arthur Potts: Again, thanks for sharing your story.

The Acting Chair (Ms. Daiene Vernile): Thank you very much.

ONTARIO FEDERATION OF INDIGENOUS FRIENDSHIP CENTRES

The Acting Chair (Ms. Daiene Vernile): Our next presenter this afternoon is the Ontario Federation of Indigenous Friendship Centres. I would ask that you come forward. Please begin by stating your name.

Ms. Susan Barberstock: Shé:kon. My name is Susan Barberstock. First, I'd like to acknowledge that we're on the territory of Mississaugas of the New Credit and those First Nations that certainly have used this passage for their territories. I'd like to thank the justice policy committee for this opportunity to address you.

As the president of the Ontario Federation of Indigenous Friendship Centres, I bring greetings from our 28 member centres across the province. We're very honoured to be here today and thank you for inviting us to join in the discussion on Bill 89.

The friendship centres have travelled a long road to be the strong, vibrant cultural hubs for our communities to gather and celebrate what it is to be indigenous. Today, while we work to support our indigenous communities living in towns and cities throughout Ontario, many children and their families continue to struggle against the oppressive, corrosive and outdated child welfare system, whose roots are tied to a dark legacy that has traumatized indigenous children over many generations, which has contributed to the disproportionately high number of indigenous children that are in care today.

We appreciate the government's attempt to modernize the legislation governing services for indigenous children and families. While Bill 89 proposes a positive departure from the current legislation, we would also like to bring to your attention some of the concerns that we have.

It is a paramount concern that urban indigenous communities and organizations are not acknowledged in the proposed legislation. As proposed, an indigenous child is defined through their First Nation, Inuit, and Métis community with no specificity, which is counter to self-determined, indigenous self-identification. The vast majority of peoples live off-reserve, and they rely on the grassroots indigenous service providers that were born of urban indigenous people's collective, self-determining action. The existence of urban indigenous communities and organizations and their role must be recognized in the legislation.

The legislation does not address the underlying issues that negatively impact urban indigenous children, youth and families—namely, systemic racism and its impact, and poverty. While the legislation's preamble attempts to address these pressing issues, there is no mechanism in the statute to address systemic racism. In fact, by not recognizing urban indigenous service providers, this will further perpetuate issues of systemic racism. Poverty should never be used as a factor to apprehend an indigenous child. The legislation and regulations must provide directives that safeguard against this oppressive practice.

The United Nations Declaration on the Rights of Indigenous Peoples is meant to be implemented in a way far broader than the way in which it is referenced in the legislation's preamble, and should not be used in a selective manner only to meet a government priority.

The Acting Chair (Ms. Daiene Vernile): I apologize. We have a vote in the House that members must attend, but we can pick up where we left off. You have two minutes remaining. Please allow us time as members to get up there and do our vote and we will come right back, okay? Thank you.

The committee recessed from 1605 to 1623.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. We'll reconvene. As you will recall, we have

Ms. Barberstock and Ms. Nicolet. They have two minutes left in their initial presentation and we'll be following with the NDP questioning. Please begin—re-begin.

Ms. Susan Barberstock: Thank you. I was talking about the United Nations Declaration of the Rights of Indigenous Peoples. UNDRIP's article 33 ensures that indigenous people have the right to self-identity formation. Article 20 ensures indigenous people have the right to develop social institutions in order to be secure in their cultural development. The legislation needs to incorporate a more holistic understanding of belonging and self-determination for urban indigenous people and their institutions.

There is no discernible and substantive service delivery change in the legislation for urban indigenous communities. While Ontario's Journey Together strategy attempts to improve relationships and share responsibilities with indigenous peoples, there is no increase in urban indigenous authority or control to provide culturally relevant wellness promotion services that would increase and enhance resiliency and well-being by way of the legislation. Children deserve better from the \$1.5-billion investments in the child welfare system. The resulting poor outcomes that urban indigenous children in care experience should be enough to shift towards a prevention-focused system with child-centred, culture-based wellness promotion at its core.

We unfortunately understand that those kids who are counted matter. In fact, that is exactly why the Truth and Reconciliation Commission's Calls to Action implores governments to act and collect data on indigenous children who are in state care systems. However, the legislation fails to be explicit in ensuring that urban indigenous children and youth are mandated and will be accounted for. This data and information is key to measuring outcomes and for planning purposes by urban indigenous communities and their service providers, in order to effectively meet the needs of children, youth and families. The legislation must explicitly allow for the collection and public dissemination of data for urban indigenous children, youth and families.

While the age of protection increases to 18, recognition of the transitional needs to independence—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Barberstock, and to your colleague.

We'll now move to questions led by the NDP. Miss Taylor.

Miss Monique Taylor: Please go ahead and finish, Susan.

Ms. Susan Barberstock: I just think there's a once-in-a-lifetime opportunity for you to enact transformative legislation that supports and promotes the well-being of urban indigenous children, youth and families in Ontario.

In the spirit of reconciliation, our friendship centres will continue to do the good work of supporting children, youth and families, and we ask that you consider how this legislation can work better with us, as we have shared with you today.

Thank you for your time. Nya:weh gowa.

Miss Monique Taylor: Thank you. I'm curious: Were the friendship centres, the urban centres, consulted during the process of this bill?

Ms. Juliette Nicolet: My name is Juliette Nicolet. I'm the policy director at the Ontario Federation of Indigenous Friendship Centres. Thank you for your question.

Yes, we were consulted very extensively and we had considerable input, along with our colleagues from the Métis Nation of Ontario and the Ontario Native Women's Association.

Miss Monique Taylor: And do you feel that it's reflected in the bill?

Ms. Juliette Nicolet: By and large, yes; there is quite a bit that is reflected. However, a number of our points, which are outlined in greater detail in our written submission, were not adequately addressed, let's say, and I think there's room for the legislation to go further.

Miss Monique Taylor: We've heard from several presenters that the preamble is quite strong and it has a lot of great words, but it's not reflected in the bill. Would you agree with that?

Ms. Juliette Nicolet: Yes. I think the preamble is great. Our position is that the preamble is great. It says what it needs to say, and then the legislation needs more teeth.

Miss Monique Taylor: Right. What about the lack of supports for families that causes them, quite frankly, to fall into vulnerable positions where then kids are being taken into care and we're finding families in poverty? Would you say that the lack of supports in our communities actually fosters that, that it doesn't allow families to move forward?

Ms. Juliette Nicolet: Yes. Our position has been clearly, from the outset, in our advocacy and our work on this file, that urban indigenous community-based organizations should be empowered to do the prevention work. That's prevention not as understood and done by the children's aid societies—they categorize prevention as prevention of serious harm—but rather building up resiliency, wellness promotion, fostering the kind of circumstances and abilities in people and families that allow them to resist even getting involved in state care in the first place.

Miss Monique Taylor: Can you do that without funding?

Ms. Juliette Nicolet: No.

Miss Monique Taylor: So they can write all the legislation they want, but if the funding's not there—

Ms. Juliette Nicolet: One of the things we've been saying consistently is that we had data for the fiscal year 2013-14, I believe—

The Chair (Mr. Shafiq Qadri): Thank you, Miss Taylor.

To the government side. Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Thank you very much for coming.

I understand that the improvements you would like to see in the bill are first on the data-gathering aspect.

I also really enjoyed reading about distinguishing between neglect and poverty. I assume that's more of a clarification in the bill, or is it specific language that you'd like to see added?

My final question is, many indigenous groups want to have recognized their inherent jurisdiction over their children. I'm trying to reconcile that with the urban aboriginal strategy here. What are we seeing in terms of how this would unravel? Would we have a child being placed with an urban aboriginal family, or is the idea that of linking with kinship elsewhere in Ontario? What's your position on that?

Ms. Susan Barberstock: There are a number of families who are third and fourth generation living in urban centres, and so they don't have that connection to their home community and they don't identify with their home community, or, if they are fleeing from their home community for another reason, they don't want the home community to know where they are. So I think you need to look at what is the definition of "community." Right? Is it their First Nations community or where they're congregating within the urban centres?

1630

M^{me} Nathalie Des Rosiers: So if we were to make an amendment, what kind of language would you like to see to reflect your position?

Ms. Juliette Nicolet: Specifically, the language would be around the definition of an indigenous child, and it would be very much something that—the BC legislation has good language on this. It is basically the child who determines that. It doesn't follow the three-streams approach; it's a self-identification process.

Then the legislation would recognize—not in a jurisdictional way—the role of urban indigenous service providers in a particular area, specifically around preventing state care involvement. Language around that is specifically what we're looking for.

We're not looking to replicate the model of CASs or even native CASs; that's a job that needs to be done, and it's a separate job. Language that reflects self-determined choices by children, families and communities is what's needed in the legislation.

M^{me} Nathalie Des Rosiers: Okay.

The Chair (Mr. Shafiq Qadri): Now to Mr. McDonell.

Mr. Jim McDonell: Yes, thank you for coming in. I guess we see it again: You're quite happy with the preamble but you're finding the bill lacks. We see that. Just what points are you looking at that you'd like to see brought through?

Ms. Juliette Nicolet: Specifically, we would like a form of acknowledgement of the role of urban indigenous community organizations and the existence of urban indigenous communities. In many cases, the organizations such as friendship centres that exist in urban areas are what we like to refer to as radical acts of self-determination. They are communities determining collective action together. They're grassroots organizations that are about people deciding what they want for their

lives themselves. So we would like recognition of the role that these service providers have.

We would like the understanding, we would like some language—and this was alluded to by Madame Des Rosiers—around the link between poverty and apprehensions and the misunderstanding that poverty does not actually mean neglect. So that needs to be clarified in the legislation.

We want clearer data. We want an obligation around self-identification for indigenous children that must be enforced through all CASs and for which CASs should be directly accountable, including obligations that result in some kind of sanction when you don't actually report back. It's not possible to continue not to say who is in your system and to continue to get the money to run the system that we know is broken and yet you never tell us who's in it. So we want that.

We'd like articles 20 and 33 of UNDRIP better addressed.

Better support for transition out of care given that the age is now up to 18—that 16- and 17-year-olds are now in. At 18 you pop out of the system; what happens to you? British Columbia has addressed this. They could be a model to look at and work around.

Then we'd like some accountability structures in place related in particular around the data to urban community organizations so that urban indigenous organizations actually have an understanding of what's happening to people from their communities.

Mr. Jim McDonell: Thank you.

The Chair (Mr. Shafiq Qaadri): Thanks to you, Ms. Barberstock and Ms. Nicolet, for your deputation on behalf of the Ontario Federation of Indigenous Friendship Centres.

MS. QUEENIE YU

The Chair (Mr. Shafiq Qaadri): Our next presenter will be Ms. Queenie Yu. I invite you to please come forward. Welcome, Ms. Yu. Please be seated. You've seen the drill; please begin now.

Ms. Queenie Yu: Thank you for giving me the opportunity to speak today. For over 20 years I've done volunteer work with teenage girls. I have been a sounding board for them, and they trust me because they believe I have their best interests in mind.

With respect to Bill 89, the matters to be considered in determining the best interests of a child include the child's views, wishes, etc. I agree that the child's views and wishes are important, but we have to be careful.

When I was working with teens, I came across one who was habitually slitting her wrists, and another who was hardly eating anything because she perceived herself as fat when, in fact, she was a skeleton. These girls wanted to continue harming themselves but I told them clearly that I was not supportive of what they were doing and I encouraged them to seek professional help.

Children can demand something, but a caring adult sometimes needs to say no when these children ask for

something that is harmful. That seems obvious, but the way that Bill 89 is currently written, it doesn't prevent a child asking for something harmful and for a caregiver to be obligated to provide it. I quote:

"A child is in need of protection where....

"(e) the child requires treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide the treatment or access to the treatment."

Also:

"The minister may make regulations for the purposes of this act....

"2. governing how service providers, in making decisions in respect of any child, are to take into account the child's race, ancestry ... gender identity and gender expression" etc.

For the best interests of the child, I believe that the terms "gender identity" and "gender expression" need to be removed. There are a number of studies and articles about children who experience gender dysphoria who seek treatment. These readings have convinced me that the Minister of Children and Youth Services does not have children's best interests in mind when he says that it's "a form of abuse, when a child identifies one way and a caregiver is saying no, you need to do this differently."

What happens when transgender children undergo treatment? Puberty-blockers are given between the ages of 10 and 12. Estrogen and testosterone are blocked by these medications, but these hormones play a critical role in a child's neurological development. This is concerning because the human brain doesn't finish developing until the mid-twenties, so these children are going to have some cognitive problems.

Estrogen and testosterone also affect bone growth, so these children have lower bone density, and they may suffer from osteoporosis in the future.

Cross-hormones are normally given at 16. Children who take them may be at higher risk for heart disease or diabetes later in life. Their fertility can be reduced, and there's not enough research to find out if this is reversible or not.

For those who start estrogen, they have altered liver function, and the risk of blood clots increases.

Once a child begins these hormones, normally it's for life, but there isn't enough research about the long-term impact of taking estrogen or testosterone for 50 to 70 years. For example, would a biological male taking estrogen develop breast cancer? We don't know.

A study by Mayer and McHugh last fall found that, "There is little scientific evidence for the therapeutic value of interventions that delay puberty or modify the secondary sex characteristics of adolescents."

They also found that, "Only a minority of children who experience cross-gender identification will continue to do so into adolescence or adulthood."

If the government really cared about children, it wouldn't want children to experience all of those negative health problems. The government would not oblige caregivers to give in to children's requests regarding

gender identity and gender expression when the long-term consequences of hormone treatments are unknown—especially since the majority of these kids will eventually identify with their biological sex.

To ensure that we act in the best interests of our children, I recommend removing the terms “gender identity” and “gender expression” from the act.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Yu. We’ll begin with the government side: Mr. Potts.

Mr. Arthur Potts: Ms. Yu, thank you for being here today. I appreciate very much your coming and sharing your views.

You don’t like our physical education curriculum. In fact, you’ve run a couple of times in politics specifically on a platform opposing the new physical education curriculum.

Ms. Queenie Yu: The sex ed curriculum, yes.

Mr. Arthur Potts: Well, we call it “physical education,” because that’s actually what it is.

Interjection: There’s so much more to it.

Mr. Arthur Potts: There’s so much more to it—thanks.

The intent of our curriculum was to protect children: to give children more information, to protect them against abuse so that they can identify abuse. Given that you’re so opposed to earlier work that we have done to protect children, why should we really listen to you now as we’re reviewing this act to protect children?

Ms. Queenie Yu: I have cited different studies that show that, based on research, it is harmful for children to engage in this treatment. It’s not my views; it’s the views of researchers and doctors. Actually, there’s a website called Sex Change Regret. There are people who are transgender who had a sex change and regretted it. They write their comments. I actually would quote—

Mr. Arthur Potts: That’s okay. You know, I believe you’ve got some website to that effect. Let me just move on, then.

1640

You believe in the Ontario Human Rights Code. You believe in the Constitution of Canada, which protects people against discrimination. You don’t think people who are black should be discriminated against, people who are Asian should be discriminated against.

Ms. Queenie Yu: No, nobody should be discriminated against.

Mr. Arthur Potts: No, exactly. So would it surprise you to know that the language in this bill is lifted exactly from the Ontario Human Rights Code, in all the areas? So when you want to change it, you’re effectively changing the rights and privileges granted under the Ontario Human Rights Code.

I would submit that, if we believe it is right that a child who identifies as a Christian from a cultural perspective is best placed into a Christian home, wouldn’t you agree that it would be wrong to place a child who is having gender identity issues in a home that didn’t respect their choices or the conflicts they were having in their life?

Ms. Queenie Yu: It’s interesting that you bring up “Christian,” because religious upbringing has been removed from the act.

Mr. Arthur Potts: No, it’s in “creed.” There is considerable jurisprudence all through the human rights legislation interpreting “creed” as protection of religious freedom. Let’s not go down that route, that “creed” somehow doesn’t include protection of religious—it’s in the Human Rights Code. That’s how it’s stated, and the jurisprudence is clear that “creed” protects religious identification. Let’s not even try to go down that route.

Don’t you think that people should be placed with a consideration of their status, whether it’s cultural heritage or their gender identity?

Ms. Queenie Yu: I think we should look at the long-term effects that hormonal treatment has on children if they want to change their sex. And as I said, osteoporosis, cognitive—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Potts. To the PC side: Mr. McDonell.

Mr. Jim McDonell: Thank you for coming. I’m somewhat surprised that you get the question “Why would we want to listen to you?” We have witnesses here and we want to listen to everyone. We don’t necessarily have to agree with every comment we’ve heard today, but the issue of looking at some scientific data is something worth at least listening to.

Ms. Queenie Yu: Thank you.

Mr. Jim McDonell: Maybe there are some other points that you would like to make? Did you finish your comments? Do you have any other points to make?

Ms. Queenie Yu: One I wanted to mention, yes: There’s a website called sexchangeregret.com, and one individual who is a biological man who became a female said, “Do not expect the surgical removal of body parts to resolve gender issues.

“The fact is: surgery will not fix any underlying psychological problems if they exist.”

He cites a study in 2003 in Sweden of 324 sex-reassigned persons and it basically says, “Persons with transsexualism, after sex reassignment, have considerably higher risks for mortality, suicidal behaviour, and psychiatric morbidity than the general population.”

These treatments don’t address the root cause of the problem. So if they’re having so many negative health effects on children and they don’t even address the root cause, why are we allowing our children to ask for these treatments? That’s what I’m saying.

Mrs. Gila Martow: Hi, Queenie.

Ms. Queenie Yu: Hi, Gila.

Mrs. Gila Martow: My comment is I’m sorry I wasn’t here for your presentation, but you went earlier than I expected.

Ms. Queenie Yu: No problem.

Mrs. Gila Martow: It wasn’t intentional. I had some meetings.

Ms. Queenie Yu: Not a problem.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow and Mr. McDonell. To Ms. Taylor.

Miss Monique Taylor: No, thank you. I have no questions, Chair.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Taylor, and thanks to you, Ms. Yu, for your deputation and presence.

PARENTS AS FIRST EDUCATORS

The Chair (Mr. Shafiq Qaadri): We'll now invite our next presenters to please come forward. I believe they're by teleconference. Have we got them on board? Do we have our next—

Interjection.

The Chair (Mr. Shafiq Qaadri): Is Ms. Tanya Granic Allen present?

Interjection.

The Chair (Mr. Shafiq Qaadri): Why don't we fit you in now, if you're good to go 15 minutes earlier.

Colleagues, just to be aware—first of all, welcome Tanya Granic Allen, president of Parents as First Educators. You've seen the drill. Please begin now.

Ms. Tanya Granic Allen: First of all, thank you, Mr. Chairperson, members of the committee and fellow Ontarians in this room. I'm Tanya Granic Allen, president of Parents as First Educators. We're an Ontario not-for-profit which works for the protection of children and the defence of parental rights. We represent over 80,000 supporters in Ontario and I've had extensive involvement dealing with children's issues and parental rights issues.

I'm also a mother to four children, which I think is important to highlight.

"First, do no harm." That expression may resonate with some of you in the room. This maxim is generally associated with the medical profession, but I'm going to suggest that this overarching principle must govern the debate and proceedings dealing with Bill 89 and all children and youth services matters.

Bill 89 is deeply concerning to me as a mother and as a child advocate. Why? Because the proposed inclusion of "gender expression" and "gender identity" within this act will do harm to children and families. How? As almost all parents will attest—those of you here who are parents can agree—children routinely engage in fantasy play, and are creative and curious throughout their childhood and adolescent periods of maturation. This includes questioning their sex and gender.

When a child states that they want to be a different sex or gender, it is the parent who knows the child best and is the best resource and guide for that child. Most parents want their children to be happy and safe and, as such, are the best advocates for their children.

With Bill 89, parents are worried—and for good reason—that if their child is gender-dysphoric, and the government disagrees with the parents' methods in handling their own child, then the child will be removed from the family home.

Child and Youth Services Minister Coteau's comments in the QP Briefing journal confirm this for me. As he said, "I would consider that a form of abuse, when a

child identifies one way and a caregiver is saying no, you need to do this differently."

I disagree with the minister, as do thousands of parents whom I've dealt with in preparing for this committee meeting. Just because a three-year-old or a six-year-old or a 10-year-old says something doesn't mean it needs to be turned into a life-altering event. Many children and teens have thoughts about their own gender at some point in their life, because of a jealous sibling, a desire to buck social trends, a close friendship, attention, low self-esteem, searching for affirmation. But that does not mean parents ought to hyperaccentuate these circumstances.

My response to this is to examine what the medical and psychological research has shown:

—According to research, the prevalence rate of gender dysphoria among children is less than 1%.

—Dr. Ken Zucker—who, obviously, you're familiar with—long acknowledged as the foremost authority on gender identity issues, believes that gender-dysphoric, pre-pubertal children are best served by helping them align their gender identity with their anatomical sex—his words, not mine.

—A global advocacy group for transgender health called the World Professional Association for Transgender Health recommends against physical interventions before the age of 16.

—Experts on both sides of the pubertal suppression debate agree that within this context, 80% to 95% of children with gender dysphoria accept their biological sex by late adolescence.

—Neuroscience clearly documents that the adolescent brain is cognitively immature and lacks the adult capacity needed for risk assessment prior to the early to mid-twenties.

One of PAFE's supporters has a child who was gender-dysphoric. That's one of my organization's supporters. Through careful consideration, and with time and patience, this child settled into their gender by choice, which happened to be their birth sex. Had this parent had the pressure of Bill 89, their child would have undergone irreversible surgeries and would no longer be able to conceive a child. What a tragedy that would have been.

A parent should have the ability to approach the situation with cautious exploration, which may or may not lead to medical intervention. Gender dysphoria should not be treated lightly, and I would argue that Bill 89 does treat it lightly.

These conversations with a gender-questioning child are best had within the family home, with parents who know their child best. Let the parents parent. The government should support parents, not insert itself.

Remember, gender identity and gender expression are subjective. There is a growing list of the number of gender identities, and I believe we're in the seventies now.

The resulting act from Bill 89 would be implemented subjectively, depending on the caseworker or their manager, and the result will be havoc for parents,

children, and even the system. If Bill 89 passes in the form as it exists today, then families will be unnecessarily broken up, and the interests of the child will not be served.

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Tanya Granic Allen: That is why I am advocating against the terms “gender expression” and “gender identity.”

In closing, let me remind you of the guiding principle I mentioned to you earlier: First, do no harm.

Thank you very much.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Allen.

We will begin with the PC side: Ms. Martow.

Mrs. Gila Martow: Hi. I apologize, Tanya, if I’ve never heard of your organization, but I’m wondering if you could tell us a little bit about what the purpose is and what you have in common.

Ms. Tanya Granic Allen: Sure. Parents as First Educators, as I mentioned—some people know us as PAFE—represents over 80,000 concerned Ontarians, and growing. We basically advocate for parental rights, and advocate for the protection of children within those rights.

Mrs. Gila Martow: Okay, thank you very much. I’m just wondering if you have any faith-based affiliations or any concerns, in terms of this piece of legislation, that they seem to have replaced the word “religion” with “creed”—

Ms. Tanya Granic Allen: Sure.

Mrs. Gila Martow: I think you’ve adequately explained your main concerns. I’m just wondering if there are any other parts of the legislation that perhaps you’re concerned with in terms of prevention. I keep mentioning mentorship programs—not just individual mentorship, but I always feel there’s a lot of families who would be happy to have a buddy family they’re looking after, that’s struggling and on the line. Maybe if they had another family that invited them for lunch reciprocally once a week, they could advise. I think a lot of these kids would do a lot better and not be taken into care if they had the support of their community.

Ms. Tanya Granic Allen: Well, I would agree with you, madam. I guess my overarching concern with the bill is that there is almost a pre-emptive strike, if you will: “The child is questioning, therefore we must insert ourselves immediately.”

Sometimes—actually, in most cases—families deal with these issues as they come up organically. It could be something so simple as “I want to wear this skirt,” or “I want to buy this pair of shoes,” to something obviously more serious like, “Mom, I think I’m a boy,” or “You’ve told me I’m a boy, but I feel like I’m a girl.” I don’t know which parent in this room maybe hasn’t dealt with that. I know I have as a mother, and I take it very seriously.

I’m not suggesting it’s necessarily the intention of this bill to do this, but that’s the product. The bill will be unnecessarily putting pressure on a parent, so that if they

don’t act or they don’t respond in a way that Bill 89 would see fit, there will be unnecessary interventions made into that family home, resulting in havoc. While there are many other concerns I have with this piece of legislation, the most important thing is that the state is unnecessarily inserting itself in maybe a very early stage of a process, and it’s unnecessarily so.

Mrs. Gila Martow: Thank you very much.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow. To the NDP: Miss Taylor.

Miss Monique Taylor: I have no questions, Chair.

The Chair (Mr. Shafiq Qaadri): To the government side: Mr. Colle.

Mr. Mike Colle: I’d just like to read something into the record here, because this has gone back and forth. I googled the definition of the word “creed.” It says here on FreeDictionary.com, “a formal statement of religious belief, a confession of faith.” It talks about the Creed of Nicaea and the Apostles’ Creed. I just wanted to read that into the record, because this has gone back and forth so many times. That’s my statement.

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

There are about two and a half minutes. Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I just wanted to thank you very much for coming. Whether you found some reassurance in the fact, one of the principles of the bill is also that intervention from the CAS should only be a last resort. There’s a principle of trying to support families. For the parents who you encounter who are worried, don’t they find that the bill indeed reflects an approach that wants to impose, for example, the least restrictive measures on the child? It’s a balancing act. There’s language in the bill that actually supports the integrity of the family unit. I just—

Ms. Tanya Granic Allen: Well, I would argue that those terms are quite subjectively applied. In fact, we have a family right now who are actually in the midst of having their child potentially removed because their child is gender dysphoric, and the state is not satisfied. Again, it’s going to come up to the subjective response of the caseworker or the case manager. It could be the judge or whoever the responder is in that case. That’s my concern. I like tight language.

The Chair (Mr. Shafiq Qaadri): Thank you, Madame Des Rosiers, and thanks to you, Ms. Allen, for your deputation on behalf of Parents as First Educators.

ADOPT4LIFE: ONTARIO’S ADOPTIVE PARENTS ASSOCIATION

The Chair (Mr. Shafiq Qaadri): I think we now have two presenters, one live and one via teleconference. Ms. Rau, I understand you are here. Please be seated. Your colleague Ms. McLeod is on the line?

Ms. Carolyn McLeod: Yes, I am.

The Chair (Mr. Shafiq Qaadri): Thank you. If you could up the volume. We have five minutes for the

opening address, to be followed by a rotation of questions from each party. Your five minutes begin now.

Ms. Erin Ingard Rau: Hi. I'm here from Adopt4Life: Ontario's Adoptive Parents Association, and Carolyn, on the line, is our board chair. I'd like to thank you for inviting us to speak to you here today. Adopt4Life has provided a written submission for consideration, and I would like to speak about three of our recommendations.

Our first recommendation is to incorporate wording into part VIII, Adoption and Adoption Licensing, that will ensure no prospective adoptive parent can be discriminated against on grounds that are not demonstrably relevant to their being able to care well for a child. Grounds would include sexual orientation, gender identity, gender expression, age, marital status, family status, disability, health status, socio-economic status, race or ethnic origin.

Including the wording "demonstrably relevant" will put the onus on the individuals who are reviewing the adoption application to show the relevance of their determination when it's being made on the grounds noted.

Of note, in our organization, we have members who are same-sex couples who have informed us that they have been turned away from certain agencies because of their family makeup, which is part of the reason for our bringing this forward.

Another significant recommendation we have is for wording to be incorporated into part III, Funding and Accountability, to ensure consistency of supports and services to children and youth when they are adopted.

Due to trauma and loss in their lives, through no fault of their own, most children and youth who have been in care have complex needs, and continuity of therapies and services are important to their health, well-being and ability to transition successfully into their new family. Gaps in needed therapies and supports can be detrimental enough to put families at risk of adoption disruption.

Some agencies provide financial and other post-adoption supports automatically; others, only when the adoptive parents strongly advocate for it; and others, not at all. We would like to see all societies able and accountable to consistently provide supports to children after they are adopted.

Our other recommendation that I'd like to bring attention to is around openness agreements. It is also part of part VIII, Adoption and Adoption Licensing, section 209, subsection 1.

Adopt4Life is in full support of openness agreements when it is safe, appropriate and in the best interests of the child. In many cases, we know that openness enriches not only the child's life but their entire family's, by having meaningful connections with birth and foster families as well as with extended family or their community.

We are also pleased to see that openness is extended to members of a child's First Nations, Inuk or Métis community, whether they had a prior meaningful relationship or not, in order to help the child develop or maintain a connection to their First Nations, Inuit or Métis cultures,

heritages and traditions, and to preserve the child's cultural identity and connection to the community.

However, we feel it is also necessary to acknowledge concerns that we know have been expressed by some members during these hearings about the importance of ensuring these same types of meaningful connections to their culture and community are available for a child of another ethnic or cultural minority.

They're not in our submission, but we also have recommendations around openness orders. Since submitting our written recommendations, we have had some meetings with experts who have confirmed our concerns about the ability to make timely changes or terminate openness orders where there have been material changes, or it is in the best interests of the child, or the relationship is no longer beneficial or meaningful to the child. I'd be happy, during the discussion period, to speak about this. Alternatively, if you could accept a late submission, we would be happy to provide our recommendations on part VIII, adoption licensing, around section 204, subsections 6 and 7.

Before I wrap up, I would like to say that Adopt4Life has read the submissions of the Adoption Council of Ontario and the provincial advocate's office. We endorse their calls for clear language, and supports for permanency for children and youth in foster care, as well as improved data collection about Ontario's child welfare system, respectively.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Rau. You're welcome, by the way, to leave your submission with us now.

We start with the NDP: Miss Taylor.

Miss Monique Taylor: Thank you for taking the time to come before us, and for bringing the adoptive family's voice to the table once again. I think it's really important. We know that it's something where we're not exactly exceeding here in Ontario, where we have families who are wanting to adopt and we have children who are needing to be adopted, and yet we have a lot of congestion in the middle.

Would you like to talk about that portion of it, and how hard it is for families to get connected?

Ms. Erin Ingard Rau: Certainly. In terms of the public adoption system, there can be long waits to even get in to have a home study done and to do PRIDE training. We do have some families—sometimes they're advised by the agencies, even, to go and do this privately if they are able to do so.

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The challenge with that is that the portability of home studies is not always recognized, even though it is supposed to be consistent, regardless of whether it's a private or a public. Not specific to legislation, but that's something that we have observed that we think could improve times, if portability could be recognized consistently.

Miss Monique Taylor: I'm sorry. Did you say "affordability"?

Ms. Erin Ingard Rau: Portability.

Miss Monique Taylor: Portability.

Ms. Erin Ingard Rau: Portability of home studies. Carolyn, did you want to add anything to this?

Ms. Carolyn McLeod: Yes, just explaining portability.

Miss Monique Taylor: Thank you.

Ms. Carolyn McLeod: If you do a home study—well, particularly for home studies, if you do it with a private practitioner, public agencies won't always accept those home studies. They will, in some cases, tell you, "You just have to do it again." That's problematic. There's also the added problem that, doing it privately, you have to pay for it yourself.

Another thing we've noted in various places is the inequality between the financial support given to adoptive families compared to people who seek out infertility treatment in Ontario. People do pay for adoption, even if they do a public adoption.

Miss Monique Taylor: Yes, that was actually going to be my next question, about the supports to families. We know we're having a difficult time getting enough adoptive parents in Ontario. Is the financial matter an aspect?

Ms. Carolyn McLeod: Do you want me to speak?

Ms. Erin Ingard Rau: Sure, Carolyn; go ahead.

Ms. Carolyn McLeod: It can be. It can be, especially if it's recommended to them that they clear these hurdles by paying people to do home studies for them or pay for private—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. McLeod and Miss Taylor.

I now move to the government side: Madame Vernile.

Ms. Daiene Vernile: Thank you very much, to Erin here in person and Carolyn on the telephone. Carolyn, are you in London?

Ms. Carolyn McLeod: I am, yes.

Ms. Daiene Vernile: Okay. Thank you very much for connecting with us. I want to mention that your organization had connected with our Ministry of Children and Youth Services, and you've worked together. We appreciate the direction, the guidance that you've given and how you are helping in that.

I want to ask you about Bill 89's direction in wanting to give authority to establish a more centralized provincial adoption agency, should the province decide to do this. What are your thoughts on giving the province the notion of moving in a more centralized way?

Ms. Carolyn McLeod: Do you want to speak to that, Erin, or do you want me to?

Ms. Erin Ingard Rau: Sure. I think that it's difficult for us to make a distinct answer with that, because we don't know what exactly that would look like. There are some merits for centralization. For example, we have had some discussions around intakes. But when it comes to ensuring continuity of knowledge about children when they're moving from care into their families, we're not sure how that would look in a centralized model.

Would you like to add to that, Carolyn?

Ms. Carolyn McLeod: No, I think that's a good answer. There are some members of our organization who are certainly keen on the idea, but I think it would be important to see what that would look like. The hope would be, though, that it would help to facilitate more adoptions in the province.

Ms. Daiene Vernile: May I say that I know that both of you are parents who have adopted and how important it is to have people such as yourselves step forward who open up their hearts and their homes to create a loving family home for children in need in this province, so thank you for that. How do we get more parents to step up as you did?

Ms. Carolyn McLeod: Well, what—sorry. Can I speak for just a sec, Erin?

Ms. Erin Ingard Rau: Sure.

Ms. Carolyn McLeod: One thing we've done at AREs, which are Adoption Resource Exchanges in the province, is that we've had sessions where we've talked about how to adopt, but also how wonderful it is to adopt. I think if we can get the word out more about really what an amazing experience it is to adopt children, and also older children—I think there's a real bias toward adopting younger children. I can understand that. I, myself, adopted children who were three and five at the time of adoption. I really valued adopting a child at that age. I don't feel like I was deprived by not adopting a baby.

Ms. Daiene Vernile: Erin, what can you say about your experience as a parent who adopted?

Ms. Erin Ingard Rau: I feel that to some extent, there are a lot of adoptive families out there, or a lot of—I should say, not adoptive families, but a lot of prospective adoptive parents that are qualified and able to adopt but were not seeming to be able to get those matches happening in the right manner—

The Chair (Mr. Shafiq Qaadri): Thank you, Madame Vernile.

To Ms. Martow of the PCs.

Mrs. Gila Martow: Thank you so much for coming in. I think that a big part of this bill is about consulting children. As Carolyn was just saying about adopting children who are already verbal, I'm wondering if you have any thoughts about how much credence should be given to a child saying they don't want to be adopted, even though all of the adults around know that it's not going to be possible for them to go home, but they're holding out for that. Do you feel that we should be consulting with children?

Ms. Erin Ingard Rau: Carolyn?

Ms. Carolyn McLeod: I definitely think that children should be consulted—of course, depending on their age. I think if a teenager says they don't want to be adopted, then, depending again on the level of maturity of the teenager, in many cases, we probably have to respect that.

There is a bit in our submission about the age of the child. One thing we think is problematic about the bill is that it allows an adoptive parent to change a child's name who is as old as 11. I think—

Mrs. Gila Martow: So again, that's about—sorry if I'm interrupting. Again, the bill's focus is about consulting the child, and I totally agree with you.

Ms. Carolyn McLeod: Yes.

Mrs. Gila Martow: If the child says they want to change their name, that's one thing, but if they're being coerced—it's really hard to know sometimes what's going on in the background.

I would just want to add to that, for the record, that the member opposite—before you came on the phone, we were having a discussion about religion and creed. Creed is expressing your faith rather than, “This is your faith.” When a baby is born to two parents—I'm of the Jewish faith, so that baby's generally considered to be Jewish. But if you ask the baby or the one-year-old or the two-year-old, until they are verbal, “What is your faith? What is your creed?”, they wouldn't be able to answer that. That's why I'm asking for the bill to say “religion and/or creed,” because I think we need to have that overlap of both of them.

You have a few seconds left to say anything—

The Chair (Mr. Shafiq Qaadri): A minute.

Mrs. Gila Martow: A minute? Anything else you want to tell us about the challenges in terms of adopting special-needs children?

Ms. Erin Ingard Rau: Most children coming from care into families have complex needs. It is a reality, and it's of varying degrees. As mentioned earlier, one concern that is experienced by families is the gap in supports for children. I think that if prospective adoptive parents were aware that they would have those supports and that they would help to ensure the successful transition of their children and the lifelong success for their family, that would make a difference significantly for the children and also for a greater number of families choosing adoption.

Mrs. Gila Martow: I think we need support for special-needs children, adopted and not adopted. There are some programs where there is—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow.

Thanks to you, Ms. Rau, and to your colleague via teleconference, Ms. McLeod, for your deputation on behalf of Adopt4Life: Ontario's Adoptive Parents Association.

CUPE ONTARIO

The Chair (Mr. Shafiq Qaadri): Are our colleagues from the African Canadian Legal Clinic here yet?

If not, I can strategically locate CUPE, which I invite to come forward: Mr. Hahn, president, and colleagues Ms. Simone, Mr. Gonsalves and Ms. Dassinger. I know you know the drill. Please begin now.

Mr. Fred Hahn: Thanks. My name is Fred Hahn. I'm the president of CUPE Ontario. With me today is Nancy Simone, who is president of CUPE Local 2190 at the Toronto Catholic Children's Aid Society, and Janet Dassinger, who is from our research department.

CUPE is proud to be the largest union in child protection in Ontario. We represent workers at 25 of the 47 children's aid societies in the province.

One of those societies I want to point out at the beginning: The Nipissing and Parry Sound CAS has for more than 100 days actually prohibited its staff from providing the very services that the Child and Family Services Act stipulates must be provided by locking out their workers. It's ironic that we're gathered here today to talk about strengthening the very child protection legislation now being ignored by the CAS management in North Bay and Parry Sound.

We do want to recognize the positive directions that are represented in this bill when it speaks to increasing the recognition of the rights of children and youth, extending protection to older youth in need, the removal of stigmatizing language, and the greater recognition of and support for indigenous children and youth in the communities they come from.

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We are concerned, however, that the deep systemic factors that underlie much of the public criticism of Ontario's child protection system aren't adequately addressed by the bill as it is written. Increased accountability, merging agencies and increasing oversight: They are not real solutions to the deeply rooted and complex problems that exist for many in communities today.

From our members' perspective, Bill 89 pays insufficient attention to very important systemic issues, like chronic underfunding, the increased workload of the people who do the front-line work, and responsibilities for deeply flawed information management systems, namely CPIN.

What is missing from Bill 89 is that it isn't sufficiently situated in the larger, comprehensive, interministerial anti-poverty approach that might begin to relieve the social and economic stresses experienced by children, youth and their families while providing high-quality, well-funded services to them.

I'll now ask Nancy to speak.

Ms. Nancy Simone: Hi. I would like to point out that I have worked at the Catholic children's aid society for 27 years, and have had the honour, for the past 13 years, to represent the members, who are the workers, of the Catholic children's aid.

Section 47 provides the minister with comprehensive new statutory powers to compel societies to amalgamate. Mergers and amalgamations are complex, time-consuming and stressful for the employees who work in the affected organizations, and the communities who rely on their support.

There are 47 CASs across Ontario, including 16 new societies that have been created since 2011.

Community-based societies are considered by many, including CUPE, to be more responsive and flexible to local needs; to create closer ties to families and area service providers; to reduce travel and wait times; and generally to possess the necessary knowledge and insight to maximize services to children and youth and their

families as close as possible to the location where they live.

CUPE has been assured in discussions with MCYS staff that the minister's intent and preference is that mergers and amalgamations be voluntary, but the bill says nothing to support that commitment.

In any event, any merger or amalgamation will directly affect CUPE members, potentially resulting in disruptions, including layoffs, changes to work assignments and workload, and new organizational policies and procedures.

Yet according to Bill 89, when a merger order is going to be issued, the minister is only to provide advance written notice to the employer, who has 30 days to make a written response, with no requirement that anyone notify the employees and their union, let alone give them the opportunity to respond before an order is finalized. Obviously, this oversight serves no useful purpose and can easily be corrected.

CUPE therefore requests that the committee amend Bill 89 to require a society that receives a minister's notice of an expected merger order to provide a copy of the notice to CAS employees and their bargaining agent in a timely manner, and ensure thereby that the employees have equal opportunity to make a written submission for the minister to consider before a final order is issued.

We also request, in order to ensure that both societies and employees are equipped to provide the minister with an informed response to a notice of an impending order, that the bill be amended to stipulate that when a notice is issued, it shall be accompanied by a detailed explanation of the reasons for the proposed merger, and the anticipated impact on service delivery.

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Nancy Simone: Another point about Bill 89 that is critical to underscore: The government is going to use this bill to expand services to 16- and 17-year-olds, something which, by definition, will mean a dramatic increase in the resources required and the demands on staff already overburdened with unmanageable case volumes. So it's striking to us that we have yet to hear any public commitment to corresponding funding, to make this service expansion actually achievable.

Mr. Fred Hahn: I think that's 30 seconds. Thank you for your time, and we look forward to questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Simone and Mr. Hahn.

We'll now begin with the government side: Madame Vernile.

Ms. Daiene Vernile: Good afternoon, Fred, Janet and Nancy—and a new person. Why don't you introduce yourself?

Mr. Aubrey Gonsalves: Sure. Hi. My name is Aubrey Gonsalves. I'm the president of CUPE Local 2316, representing workers of the Children's Aid Society of Toronto.

Ms. Daiene Vernile: We have three minutes. Do you want to use that time just to wade in, because your colleagues spoke? Do you want to say anything to us?

Mr. Aubrey Gonsalves: No. If you have questions, please go ahead. I think they've captured everything.

Ms. Daiene Vernile: Okay. I want to ask you how you're communicating about Bill 89 to your members. What are you telling them about it, and what are they telling you?

Mr. Fred Hahn: What our members know is—they've been deeply involved and engaged in many of the inquests that have happened across the province. They understand that changes are needed in the system.

What they have been worried about, as we point out here, is that mergers and amalgamations can, in many ways, be disruptive, and they may not in fact help service, and that a great investment has been made in technology in terms of CPIN and in fact the experience on the ground has been that it's not working, and it still isn't working, just like a similar system that came to social service delivery and Ontario Works.

There are some real concerns about where the future lies, because what this legislation doesn't speak to is the need to increase funding; the reality that demands are difficult to anticipate at the beginning of a year; that at the end of the day, we need to do preventive measures in communities; that as budgets are frozen, those preventive measures are often the things that disappear; and that there's increasing pressure to privatize things like adoption. I don't think anyone around this table thinks that anyone should be making profit on placing vulnerable children with new families.

I think there are a lot of things that are left out here that our members are concerned about, and you'll see them. I'd refer you to our full written submission that covers many of those other aspects.

Ms. Daiene Vernile: Through this process, we're hearing from so many different people: from agencies, cultural groups, religious groups and children themselves. I think it's really important that you are here representing the social workers who are doing this work, so thank you very much. And keep telling us what it is you need and want. I appreciate that.

Mr. Mike Colle: Any time left?

The Chair (Mr. Shafiq Qaadri): There's a minute or so.

Mr. Mike Colle: We've heard a number of people, not the majority, in here making some very negative comments about children's aid society workers. I just want to put on the record that, as an MPP for 22 years, I've had nothing but positive relationships with the Catholic children's aid, especially—I've had a number of close relatives that worked there. You probably know some of them; I don't want to mention their names. It is very challenging work to deal with the personal lives of children and families, especially in this diverse province, with social, economic and demographic diversity that is second to none, but that makes it challenging. So I just want to say on behalf—

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

To the PCs: Ms. Martow.

Mrs. Gila Martow: He wanted to thank you, so I'll thank you on behalf of all of us here on the committee.

I want to address CPIN a little bit because I used to be an optometrist and I implemented health records in an eye clinic. It was complicated and I felt like I was in over my head, but we got through it and it's still there in the clinic and functioning, as far as I can tell. I'm concerned with the privacy. I'm concerned with the fact that CPIN doesn't seem to be searchable to the level of standards—it seems to be technology from maybe a decade ago. You should be able to put in “volleyball,” and if there's a volleyball coach who is abusing kids, maybe we can go into the data and find some kids and question them whether or not this was a problem for them.

It's searchable in terms of just a name. It might be hard to find kids if the name is misspelled. There doesn't seem to be voice-inputting, so that the social workers could be actually spending time doing social work. Instead, all of a sudden, they're supposed to be expert typists. They're probably plink, plink, plinking into the night and working longer hours than they should be for their own health.

I'm concerned. Your membership: How do they feel about CPIN and what can we do to improve it?

Mr. Fred Hahn: Maybe I can start and others might want to jump in. Our folks have been working and have offered to work with the ministry and with agencies on the implementation of CPIN. It seems to me, as somebody who is a bit more removed from this, that the real challenge we have is that the government contracted out that work to a private company that had a platform that pre-existed, and that, ultimately, some of the concerns that you've raised and some of the concerns that our members have raised simply aren't able to be done in that particular platform. Once you've invested and signed a contract with them, you're kind of on the hook and you're stuck.

It might have been better to think about creating a system that met the needs. It might have been better to actually talk to front-line workers about what they thought was useful to ensure that there is comprehensive sharing of information across agencies to ensure that children and families are best served and protected.

Mrs. Gila Martow: Right. I wonder if I can jump in. We went through the eHealth scandal, where \$1 billion was spent—in today's money that's even more—and it wasn't achieved. And little optometrist me, who is not an IT expert by any means—my kids would laugh to hear me even say the words with my name in the same sentence—managed to do it. I managed to get from McMaster University that they had a government grant and had developed a modular system for exactly that reason: so that we can update it and perfect it and make the changes needed to it.

I don't know if one of the agency people wants to speak in terms of just the typing issue. Why can't it be voice-inputted?

The Chair (Mr. Shafiq Qaadri): Ms. Martow, I'm sorry. The question will have to remain rhetorical.

We now move to the NDP. Ms. Taylor.

Miss Monique Taylor: Good afternoon, everyone. I thank you for your submission. Thank you for the work that you do in not easy jobs in our province. You see first-hand the services that are needed for families. You see first-hand the cuts that are made when budgets are squeezed and when budgets are frozen and what that does to the family units and whether or not it allows a family to have the tools to stay together or whether the breakdown just continues to get worse without supports. We know that increasing the ages to 16- and 17-year-olds will add an extra burden on those same budgets.

Can you tell me how you're going to do more with less?

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Mr. Fred Hahn: I'll just start by saying that I don't think this is the kind of service where any of us around the table would suggest that you need to do more with less. We're talking about vulnerable children and keeping families safe. I think that increasing services to older youth is incredibly important. I think that having the right technology is incredibly important. I think that all of these things require investment.

Those kinds of investments, particularly in prevention programs—many agencies, as budgets have been frozen, when they've had to make choices, have removed some of the preventive measures they've taken in communities. This is penny wise and pound foolish, because at the end of the day, it is those preventive measures and the work that our members do to prevent people from having to avail themselves of additional supports from children's aid that are actually quite critical. At the heart of this come the funding mechanisms and the funding formula.

Again, talking about a framework for changing the way in which services are delivered is important. Doing that in isolation of being assured that there will be resources to actually deliver the services properly makes no sense, in general terms, to our folks and to anybody who thinks about it.

Miss Monique Taylor: Yes, it's concerning to me that there are all of these changes. We can build the best legislation in the world, but if there are no dollars to go with it, it's simply a shell game. I have concerns and I hope that the government ponies up, makes sure that children's aid societies are able to fund the necessary tools to ensure that children are safe.

Do you have any final comments? The floor is yours.

Mr. Aubrey Gonsalves: Just with respect to the services: Over the years, with regard to the accountability piece that has been put in the funding model, a number of agencies have had to cut services, but nobody has done any kind of research in terms of the impacts it has had. These services, as Fred mentioned, were a lot about prevention, a lot about support, about workers going to

the families. Nobody has looked at whether or not more families are coming into care, whether or not kids are staying in care longer—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Taylor, and thanks to you, Mr. Hahn, Ms. Simone, Mr. Gonsalves and Ms. Dassinger, for your deputation on behalf of CUPE Ontario.

AFRICAN CANADIAN LEGAL CLINIC

The Chair (Mr. Shafiq Qaadri): I now invite our, I think, final presenters of the day, from the African Canadian Legal Clinic, Mr. Jones and Mr. George. Welcome. Please be seated. You've seen the drill. I would invite you to begin now.

Mr. Danardo Jones: Thank you very much. The African Canadian Legal Clinic has been active in this area for quite a while, dealing with issues around the overrepresentation of African Canadian children in the child welfare system. We have a few recommendations—we have several recommendations, but I'll only talk about a few.

One of the issues that we have is that this bill doesn't specifically recognize the historical disadvantage faced by African Canadian people and the African Canadian community. We would like to see that in the bill, that there is a recognition of the fact that it's our children who are overrepresented in this system.

The other thing that we'd also like to see is some kind of oversight body for children's aid societies. There's a lot of talk just now about all the hard work they do, and, yes, I do agree that they do really good work, hard work. They're oftentimes placed in a very unenviable situation, but at the same time, they need oversight. When a situation that can go bad goes bad, somebody needs to be held to account. At this point in time, I don't know what the oversight system does in situations like that.

The other thing that we want to talk about is also the issue around mandatory access to siblings, notwithstanding any wardship or placement or custody arrangement, because in our community it's a very collectivist community, where access to siblings is important. We're not from an individual type of culture, where we espouse those types of principles of universalism or anything like that. It's about the collective, the community; that's very important. We do think that access to siblings is very important in that regard.

Similar to that is the idea of culturally appropriate adoption plans, that instead of taking children of African descent out of our community, any adoption plan or plan of care speaks to that, speaks to the fact that the child is perhaps best left in his or her community—so, if at all possible, to make sure that child stays in that community so they're able to keep those links.

The other piece that we're concerned with is the idea of secure isolation. We ask that that measure only be used in extreme circumstances, because we've noticed that, again, a disproportionate amount of African Canadian youth in care find themselves in this type of

situation. A lot of times it's used for punishment. So that's something else that we want to raise with this committee.

I think that's really the points that I had to raise today on behalf of the African Canadian Legal Clinic, subject to your questions, of course.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Jones and Mr. George.

We'll now move to the PC side: Ms. Martow.

Mrs. Gila Martow: We've had a bit of discussion, and it's kind of interesting that you're the last of a lot of presenters. I just want to ask you if you have any suggestions on how we can possibly work in African Canadian communities to have more prevention and support for families, maybe sort of buddy families helping out or mentorship programs between youth. I know that there are some programs, and there are some great programs and there are great people. I can just see, by the quality of the people who are coming to present here, that everybody is really passionate and hard-working.

But what can we do to get more people on board to foster-parent and get involved?

Mr. Danardo Jones: Thank you for that question. That's something that, at the African Canadian Legal Clinic, we've been fighting for, that type of collaboration, because we know that it's sorely needed.

I know at our organization we do have social workers on the ground. They would welcome the opportunity to partner with folks in positions of authority who make these policies and implement these policies. We would love to partner and share some of our best practices with you and your colleagues and the movers and shakers in the child welfare system.

Again, this is not a black child thing, right? Yes, I am here representing a particular community, but we're concerned about children and youth. It's just that right now, it's our youth and it's our children who seem to be getting the blunt end of the stick. That's the reason why this issue is being racialized, if you want to put it that way. But, at the end of the day, it's about the best interests of the child. I think we can all be in agreement on that.

We would love to partner with anyone around this table and share our best practices and share some of our stories, some of our successes and some things that we could do better at. So, definitely, we're welcome to that partnership.

Mrs. Gila Martow: Do I have a few more seconds?

The Chair (Mr. Shafiq Qaadri): Forty-five.

Mrs. Gila Martow: Do you feel that there's a hindrance sometimes to—background checks are necessary, but some of the things that could be in a background check don't make somebody unfit to maybe coach kids in basketball after school. Do you feel that that's hindering sometimes?

Mr. Danardo Jones: Definitely. Again, that's part of a larger debate around anti-black racism, the fact that because of some of these interactions that a black man or

a black woman may have had with the police, it leads to an unfair result in the criminal justice system. They're completely—

Mrs. Gila Martow: Shut out.

Mr. Danardo Jones: —black-listed or shut out from participating—

Mrs. Gila Martow: “Black-listed,” hmm.

Mr. Danardo Jones: I know.

Mrs. Gila Martow: If I said it, I'd be in trouble.

Mr. Danardo Jones: Yes.

Laughter.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow. Probably a good place to stop.

Miss Taylor.

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Miss Monique Taylor: Thank you so much. Thank you for your participation. Thank you for your submission and for taking the time to come here to ensure that your voices are heard. I'm curious: Were you consulted through the pre-work that went on to put this bill together?

Mr. Danardo Jones: Well, our social work team, the lead social worker, I'm assuming that she would have been kept abreast, but I don't want to speak for her. Personally, I wasn't kept abreast of this. My knowledge of it is just based on what I would have seen on the Ontario Legislature's website and all of the documents that I would have read.

Miss Monique Taylor: But nobody came to your organization and asked your opinion about what you would like to see in the bill and what you thought was important and what your organization thought was important?

Mr. Danardo Jones: No.

Miss Monique Taylor: And yet your children are overrepresented in our children's aid societies and in our youth corrections. You have a small population and yet the largest demographic in these facilities and in these services. I think it's a missed opportunity to not speak to you.

Mr. Danardo Jones: I completely agree, and that's the reason why I'm here. We've been screaming at the top of our lungs. We're hoarse. As you can see and as you've rightly pointed out, all of this change or overhaul of the child welfare system is really because of some of the bad things that have been happening to our children.

Miss Monique Taylor: Absolutely.

Mr. Danardo Jones: There's almost a failure to recognize that in the bill. Again, I'm not trying to compare atrocities here. Bad things happen to aboriginal people in this country; I think we can all agree on that. But at the same time, some pretty gnarly things, some pretty bad things, are happening to black folks out there. The fact that there's no recognition of that in this bill, I think, is a bit of a slap in the face to us.

Miss Monique Taylor: There have been reports with recommendations and there have been youth groups done by the child advocate. HairStory is one where I went and sat at a listening table and listened to young black youth

talk about the challenges that they faced in the system. I don't see it reflected in this bill. Yes, it's a talk about culture as a whole, but when your children are overrepresented, you should be a priority in this bill and making sure that we can change that moving forward in the system. Without bold intentions and without bold legislation to ensure that happens, I think they've missed—

Mr. Danardo Jones: We've missed an opportunity, for sure, definitely, and I would like to see that reflected in this bill—

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor.

To the government side: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Yes. Welcome to Queen's Park. It's really nice to see you. I'm a big admirer of your work. We have the One Vision One Voice advisory committee, which I think you are a part of.

Mr. Danardo Jones: Definitely, yes.

M^{me} Nathalie Des Rosiers: And also the Youth Justice Advisory Panel.

Mr. Danardo Jones: Correct.

M^{me} Nathalie Des Rosiers: I wanted to ask you: Exactly what are the amendments that you're suggesting? We heard earlier the possibility of defining “African Canadian child” in the bill. Is that what you're suggesting, or just adding to “culture” to reflect African Canadians—is that what you would want?

Mr. Danardo Jones: What we're looking for is recognition of the fact that the African Canadian community have been—

M^{me} Nathalie Des Rosiers: So in the preamble, something like that?

Mr. Danardo Jones: In the preamble, the fact that—again, I do not want to compare atrocities here. I don't want to compare oppressions. I stand with my aboriginal brothers and sisters. I'm not here to compare anything. But what I'm saying is that if it walks like a duck, we'll just call it what it is. Anti-black racism is what undergirds most of the discussion that I'm having here with you, and it's a lot of the reason why the predecessor legislation was so deficient and why this new legislation is necessary.

What I'm saying is, that should be reflected in the bill. We should not shy away from that. How you go about wording it, I leave that up to the skilful drafters that you have on your team. I'm talking about recognition—real recognition.

M^{me} Nathalie Des Rosiers: So I take it that you're supporting the race-based data that—

Mr. Danardo Jones: Collection? Disaggregated data? Oh, yes. You'd better believe it. That's necessary.

M^{me} Nathalie Des Rosiers: And also on the Anti-Racism Directorate, you're supporting—

Mr. Danardo Jones: Definitely. They came by our offices and they consulted with us. We're definitely on board with that. But really, in terms of language, I leave that up to you guys. It's just about, as I said, recognition. Again, as I said, recognition is one thing; imple-

mentation—we can discuss that later on, but let's start with that.

M^{me} Nathalie Des Rosiers: Okay. Thank you.

The Chair (Mr. Shafiq Qadri): Thanks to you, Mr. George and Mr. Jones, for your deputation on behalf of the African Canadian Legal Clinic.

Colleagues, the deadline for external written submissions is today at 6 p.m. The amendment deadline is Monday, April 10 at 10 a.m.

The committee is adjourned till Thursday, April 13 at 9 a.m. Thank you.

The committee adjourned at 1735.

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