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ISSN 1181-6465

Legislative Assembly of Ontario

First Session, 38th Parliament

Assemblée législative de l'Ontario

Première session, 38^e législature

Official Report of Debates (Hansard)

Tuesday 16 November 2004

Journal des débats (Hansard)

Mardi 16 novembre 2004

Standing committee on estimates

Ministry of Children and Youth Services Comité permanent des budgets des dépenses

Ministère des Services à l'enfance et à la jeunesse

Chair: Cameron Jackson

Clerk: Trevor Day

Président : Cameron Jackson

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

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON ESTIMATES

Tuesday 16 November 2004

COMITÉ PERMANENT DES BUDGETS DES DÉPENSES

Mardi 16 novembre 2004

The committee met at 1528 in room 151.

MINISTRY OF CHILDREN AND YOUTH SERVICES

The Vice-Chair (Mr John O'Toole): The standing committee on estimates will resume the hearings. Just for administrative information, there are two hours and three minutes left, total time. We start with the government side. They have 15 minutes left in their last rotation.

Mr Cameron Jackson (Burlington): On a point of order, Mr Chairman: Could we have an update on the material, the questions that were placed for them back in October? Could we have the responses, please?

Ms Jessica Hill: We have some of the responses that we are going to provide at the end of today's session, and then some are still under development.

Mr Jackson: Which ones can you present to us now? **Ms Hill:** I would have to go through the list to identify them.

Mr Jackson: That's how the process works, so it would be helpful if we could have those now.

Ms Hill: OK. We understood from the Clerk's office that we had till the end of the session to provide them. Perhaps that's incorrect.

Mr Jackson: I'm getting a negative nod from the clerk.

Ms Hill: OK. Why don't we give you what we have now, that we can share.

Mr Jackson: That would be helpful. Thank you.

Ms Hill: I understand the material is just being photocopied, so it will be here shortly.

Mr Jackson: Thank you.

The Vice-Chair: In the interim, perhaps we'll commence with the government side.

Mr John Milloy (Kitchener Centre): Thank you again, Minister. I guess this is your final day in front of the committee.

If you remember way back to our last session, I reminded you of the lunch you came to in my riding with a number of the different stakeholders from throughout the community. We talked about the children's treatment centre. There was another group that was represented there, and that was the representative from the Early Years centre.

Like most MPPs I'm sure, I've had a chance to visit the Early Years centres, both in my riding and also in the neighbouring riding of Kitchener-Waterloo, and have seen very impressive work. Ours is located actually in a former elementary school and has different rooms devoted to different stations for parents with children of different ages and different needs to come in to go through a variety of programs. The morning I visited, I was quite impressed. I got there quite early and within a few minutes there was a sea of children and parents coming in from throughout the community, and it obviously seemed to be a very popular organization.

I remember the day of the lunch you had actually gone for a visit and a tour of the Early Years centre in my riding. Subsequent to that, my understanding is that you're doing a review of the Early Years centres and how they fit into the plan. I just wanted to ask you what it is you're looking at, how you see them fitting into the overall plan of your ministry and sort of where we're going from there.

Hon Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): Actually, I was quite impressed by your Early Years centre because it was a relatively new one. I was impressed with the amount of activity and the programs that were set up in a relatively short period of time.

The other thing that impressed me was the wide range of clients the Early Years centre was serving. There were low-income people as well as people who were both working and wanted to have a place to come in after hours and have resources for their children. It was actually very interesting. There were cooking programs for people who needed to learn more about nutrition, and that was very impressive too. I was actually quite impressed with your Early Years centre.

When I was first asked to create this ministry, I said, "OK. This is the time to evaluate what's already been going on." There is a review that is being completed right now and the results of that review will be integrated into our Best Start plan, which will be announced hopefully before Christmas, but definitely by the new year.

There are some difficulties with some of the centres across the province. For example, the dissemination of the one per riding is very generous for some areas of the province; for example, Hamilton has five and Ottawa has seven. But then for other areas of the province which are really large in geographical nature there's one. Some parts of the province have managed to address that

challenge through satellite centres and others have not. We basically have to ensure that good programming occurs in each of these centres. How that will happen and how that will be integrated into our Best Start plan will be announced in short order.

Mr Milloy: I have to confess to a degree of ignorance about the Early Years centres across the province and how they work. As I said, I visited mine on a full visit and then the neighbouring one was actually a physical visit. I went there for an event after hours. Is the programming that I saw in my centre duplicated in all the other centres, or how much autonomy do they have for putting together the programming?

Hon Mrs Bountrogianni: They're quite different across the province, and that's not necessarily a bad thing. If it fits the needs of the community, that's excellent. However, we have to also remind ourselves why they were instituted. They were instituted because of Dr Fraser Mustard. Some of them do a very good job of implementing Fraser Mustard's ideas and methodologies, and others don't. So we have to look at that as well.

The Vice-Chair: Mr Parsons.

Mr Ernie Parsons (Prince Edward-Hastings): It isn't that many years ago, I think, that children were in some ways regarded as chattel. They did what we told them to do, and it wasn't that important.

I can recall many years ago, running for local election, knocking on the door where a home was providing day-care for 19 preschool-aged children, only it wasn't day-care; it was warehousing of children. I was shocked and dismayed.

I'm certainly seeing a different attitude in our society, and very reflective of that is the fact that you're the first minister who is devoted to children and youth; it's not an add-on to another thing. We've recognized the value of that.

We know that lawyers are important—and doctors and engineers and so forth—and so they have a professional association. But early childhood educators, who have a profound effect on our children and on our future society, have no college at this moment. They have no professional organization.

If I recall from the media, when you were in Guelph last summer you shared some thoughts about a college for early childhood educators. I wonder if you could tell us a little bit more about that.

Hon Mrs Bountrogianni: Absolutely. It's very important that we have a college of early childhood educators. What can be more important than the professionals who are taking care of our children at the most influential time of their lives? They do excellent work, but there is a credibility issue without a college, without a regulated body.

There are two ways to become an early childhood educator: One is through the community college process—it's a two-year diploma—and the other is a four-year degree program. They both provide excellent roles for the children, and we really value both streams. However, without a college there's not only a lack of protec-

tion for the public, but there's also a lack of credibility for the profession. Just like the College of Psychologists of Ontario went through this—all the professions—we believe this is an important enough job that these professionals also have to be regulated and given the credibility they deserve.

I believe that's part of the reason—and I know there are historical factors—why their wages are so low. When wages are low, you have high turnover, and when you have high turnover, it affects the consistency of the programming and it affects the education the children are getting.

We will address this as part of our Best Start plan, and you'll be hearing more about that in the future. We said we would do that, and we are going to do that, clearly.

Mr Parsons: I'm pleased to hear that, because I think that over the years, as our children went to preschool programs, there was a tremendous turnover in staff, as the pay simply didn't reflect the value of their work. I have a sense you're saying that the pay will increase, which is better for the children.

Hon Mrs Bountrogianni: And, Mr Parsons, we have already provided some wage subsidies with the \$58 million we gave this year as well.

Mr Parsons: Yes. Is there any other effect that you think it will have on child care? Will it encourage more people to go into the profession? How will it affect those who are currently in it but perhaps aren't as qualified as we'd like?

Hon Mrs Bountrogianni: That's a very good point. As you know, two weeks ago I was at the FPT in Ottawa for the national child care program that will be implemented by the federal government and the provinces. If indeed this comes to pass, we will need many more teachers, and we have to make the profession a little more attractive than it is right now. The college will be the first step to that, and after the college is implemented, we will really use this source, even more than we're using it now, to develop appropriate curriculum for the ECEs and for child care centres.

I don't want to downplay at all the importance of a child care centre as it is today. Play is important for children. Some centres have excellent programs, but there is guidance that could be added to what is being offered now. The Day Nurseries Act is very old and basically deals with the physical situation—the built environment—and the ratio of adults to children and teachers to children. It doesn't deal as much with the appropriate curriculum and other aspects of the program. We've come a long way since the 1950s, so we need to look at that again.

Mr Parsons: That begs my final question: If you're going to implement this change, is it fair to say you'll be reviewing the current standards? Is that 8-to-1 ratio correct; should it be higher or should it be lower?

Hon Mrs Bountrogianni: That would be the Day Nurseries Act, and I believe it's a sensible step to have the college implemented first, and have those professionals, as a new regulated body, inform us for any other changes. Whether the latter will happen in this mandate or not, I can't say right now, but definitely the college will be developed in this mandate.

Mr Parsons: As one who uses the services and who has been around children, I think it's a great goal.

The Vice-Chair: Further questions on the government side?

Mrs Liz Sandals (Guelph-Wellington): Minister, I was fortunate enough to have you visit Guelph, which Mr Parsons has referred to. We visited a number of places that day. One was the Shelldale Centre, which I think is quite an exciting project, where a number of community and social services have all come together in one building, one hub: a health unit, family and children's services, social services, some children's mental health and community mental health services, some school readiness programs—a number of things. While the focus of that is broader than just children, certainly programming for children and parents is a big part of what happens in that centre.

One of the exciting things about the creation of your ministry is that rather than having all these services parked in a number of different ministries, you now get to look at a whole lot of services that are available to children and look at the integration of those services. I'm wondering if, after that visit, you've been able to give any further study to the sort of model where we bring services together, and if there's any possibility that we could be looking at that further?

Hon Mrs Bountrogianni: Absolutely. I've travelled across the province and have seen some amazing best practices. But sadly, I've seen some areas that are badly in need of not only resources but integration of resources. Yes, yours was one area where I was incredibly impressed by the integration of resources. Brantford was another area, quite frankly, where I was extremely impressed by the integration of services, and Peel is another. But there are parts of this province that aren't as fortunate. So we have to bring more consistency across the province.

The first steps of integrating those services occurred with how we are spending the \$58 million from the child care money of the multilateral framework this year, before this new agreement is even signed; that is, we asked the communities, the municipalities, to prefer to house these new spaces in or around schools, precisely because of the integration of services. The integration of services and resources is certainly one of the things I looked at while I was developing, and am continuing to develop, our Best Start strategy. I think you'll be very happy with what you see there in the future.

Mrs Sandals: Another group we visited with that day was the community mental health providers. I know, in my riding at least, that one of the areas that has been traditionally underserviced is supports for children's mental health. I wonder if you could give us some indication of what you're doing to address children's mental health issues.

Hon Mrs Bountrogianni: In our budget in the spring, we increased the children's mental health portfolio by \$25 million, and that will grow to \$38 million next year. Approximately half of that went to a 3% wage increase and the other went to community planning tables in order to bring better-integrated and more services to the community. Those proposals are now coming in, and we hope to implement those services very soon as well. I wanted to get communities, particularly those that didn't have integration of services, to think a little differently about how to deliver services, as well as increase the services.

We hear some amazingly great things that are happening in some communities and then we hear some things that would just make you shudder, without naming any community—I don't think that's important right now. There are historical reasons why these inequities exist, and we need to fix those inequities. For example, there are some communities where there is a disconnect between children's mental health and the school system. I think I've said many times before, even in this committee, that that is the nightmare of any parent who has a child going into a school system where all of a sudden there isn't that seamless transition, there aren't the resources in the school system.

Even though the special education budget is quite huge in our province, the fact remains that in some parts of the province children are asked to stay at home because they don't have the type of resources that are needed. So we have to look at better integration of services. It's like the professionals are there, the schools are here and we've got to get them a little closer together in some communities.

I don't want to paint everyone with the same brush. There are some champions out there that we're learning from. We don't have to reinvent the wheel here. We just have to learn from each other and implement the really good programs.

The Vice-Chair: It's exactly the right time, so now we will go on the 20-minute rotation, and we'll start with the official opposition, Mr Jackson.

Mr Jackson: How's the photocopying coming?

Perhaps I could ask Mr Bruce Rivers to come forward so I can ask some questions about children's aid societies.

Mr Rivers, you're no stranger to the CAS movement in the province. I'd like to welcome you here with your new responsibilities, and I wish you well.

Mr Bruce Rivers: Thank you.

Mr Jackson: I'm interested in discussing, in part, of course, the review on the child welfare program evaluation that is part of your review, I suspect. There were some interesting observations made in the report. It was tabled very soon after a change in government. It's my understanding that you're responsible for a secretariat that is reviewing the recommendations, with tabling a report this December for the minister's consideration on areas for reform and change; is that correct?

Mr Rivers: Perhaps I could provide some background.

Mr Jackson: Please.

Mr Rivers: Bruce Rivers, child welfare secretariat. Actually, it was previously referenced the child welfare program evaluation, which was commissioned by Management Board in the fall of 2002. It was completed in June 2003. A report was released in February of this year and it contained about 40 recommendations focused on areas of child and systems outcome, integration, accountability and efficiency.

That report was very well received both within the ministry at the time and also within the field of child welfare. It affirmed many of the strengths that had been evident over the last couple of years within the sector, but also some of the unintended consequences of the previous reform.

Just by way of background, there were some steps taken to deal with what I would call a lack of focus on child safety with the previous reform with the introduction of changes to legislation to focus more clearly on every person's duty to report, introduction of risk assessment tools to assist the field in the work they do at the front end around assessing risk to these children who require child welfare intervention, as well as the introduction of a new funding framework.

Typically, if you look at change within child welfare over the years, it's been driven very much by significant events. We know that the events of various inquests over the mid- to late 1990s played a significant role in the reform that did take place.

The new ministry, in April of this year, giving life to its intent to move forward on those various recommendations—and by the way, there were about 40 of them that came through that evaluation report—announced the establishment of a child welfare secretariat. I accepted a secondment at that time and over the first couple of months built a team that would bring people from the field with expertise in the area of investigation, foster care, adoption and financial planning and delivery, as well as policy acumen from within the ministry itself and legal advice.

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We also have developed advisory mechanisms to the Ontario Association of Children's Aid Societies and the native/aboriginal association. We also have direct links to MAG, Legal Aid Ontario as well as the Office of the Children's Lawyer. We also this afternoon have a youth engagement session. So we're into a very broad process of consultation.

The first-year deliverable is that we would bring forward a policy framework that would help to achieve better child welfare outcomes supported by a sustainable funding approach, and this, as the minister so clearly stated in her opening comments, grounded in a research and evaluation capacity and agenda that in the past has been lacking. The first thing that the team, in consultation with various stakeholders, has done is identify, of those 40 recommendations, those that would hold most significant promise for change as well as sustainability into the future.

One of the first things we did after pulling the team together was to conduct a jurisdictional review, and we've taken a look across Canada as well as into the US and other parts of the world as to what other jurisdictions have done when faced with similar opportunities, because Ontario's situation is not unique. We were looking for a magic solution. There is none out there. There's no panacea that we can depend on, but certainly with the experience that we have in Ontario, building on the momentum that's currently evident as well as what has worked in other jurisdictions, it's focusing on several key areas at the same time and sustaining that from a policy perspective and practice perspective that will make a difference for the children.

The seven areas include the following, first of all, looking at the front end of the child welfare system: What, if anything, can we do differently with the calls that are now coming to our attention? We know there's been a dramatic increase, for example, in the area of domestic violence referrals to children's aid societies. There's been overall a dramatic increase in the number of cases referred. And this is a good thing. It was an intended consequence of the earlier reform, but what we need to do at this point is to step back and look at how we might deal more wisely with some of those cases. What flexibility could we provide for children's aid societies to respond more effectively? What might we do to leverage different relationships between children's aid societies and other agencies in the community regarding the integration agenda? So that's the first area of focus.

The second area is permanency. You've heard comments related to adoption previously. We're also looking at, wherever possible, providing flexibility so that children can be placed with families. And there are different approaches in various jurisdictions that have been quite successful in this regard—so we're looking at removing those barriers legislatively or otherwise—that might help further that goal of placing children with families wherever possible.

The third area is court processes. We live in a very litigious society and we know that courts are not always the best place to make decisions about children's lives, so we're looking at issues of alternative dispute resolution, mediation and such.

The fourth area is outcome and research. We sit today with changes that were implemented previously and we don't know the difference that those have made, so we need not to repeat that. We want to ensure that if we do introduce any changes, we attach to that an evaluation and research framework.

Accountability is the next area of focus. There have been over the years a number of review and accountability mechanisms introduced with children's aid societies. There are currently about 16 of them, and we need to step back and examine which of those focus on what we want to achieve with the children. Are they helpful today? Where can we streamline those accountability mechanisms?

The next area is what I would refer to as a single information system. There are 53 societies, about seven

or eight different computer systems across the province, and we're looking at what we might achieve in terms of efficiency if there were one approach to computer systems.

Finally, the funding framework: The current framework is rather prescriptive and restrictive. With a step back, one needs to ask questions related to things like, is there an opportunity here for greater innovation and encouraging children's aid societies to reach the goals that I have previously mentioned around differential response and permanency, as well as multi-year funding.

Mr Jackson: Perhaps we can look at a couple of those that you've referred to. You've identified—and I've read the report—issues around legal barriers to adoption and the disposition of certain cases.

I notice we've had a 75% increase in the number of crown wards, yet the adoption rate is slipping. My first question would be, has the trend continued since the report? My second question would be, if the gap is growing, what intermediate steps are we providing to assist here?

Mr Rivers: The ministry took immediate steps following that evaluation to provide extra incentives for children's aid societies to consider adoption for children where they're legally free. There have been adoption incentives provided across the province and, in response to those incentives, a dramatic increase in the number of children who have moved on to adoption. However, we have not been able to keep abreast, in our view, of the number of children who ought to move on to adoption. That's why, through the child welfare secretariat, we're looking at other barriers that might exist.

Mr Jackson: Might I explore this idea of incentives? My understanding is that we are doing a general averaging provision with the funding so that, depending on the placement of a child, you will provide additional funds, whether it's for foster care or adoption versus some sort of residential institutional care. Is that formula still in place?

Mr Rivers: I'm sorry, I don't—

Mr Jackson: Perhaps you can tell us what the incentives are. I think I understand what they are, but perhaps we should put that on the record.

Mr Rivers: It was actually to increase the number of children who would move on to adoption. Targets were set that those numbers would increase, for example, by 10%.

Mr Jackson: That's a target. That's not an incentive. "Incentive" usually means there's more money for your agency if you will get more kids through the system and adopted. That's my understanding of "incentive." My understanding is that there's a differentiated daily rate for outside residential placement; correct?

Mr Rivers: There is but, as I understand it, that wouldn't relate in any way to any incentive that would be provided to the society for adoption placement.

Mr Jackson: It shifts your choices if you can pay a lower per diem rate for foster care than you would for institutional care; correct? That's how I understand the system is working now.

Mr Rivers: Yes, it would.

Mr Jackson: You used the word "incentive." I'm just trying to determine what an incentive is. Otherwise, it's a target. These kids are targeted for adoption, which is fine. But what do you mean by an "incentive?"

Mr Rivers: The target was set—

Mr Jackson: I've got the target. I want to know why you're using the word "incentive."

Mr Rivers: —and for those agencies that were able to meet and exceed that target, there was also an incentive of funding that could be used to reinvest to further buttress the adoption program.

Mr Jackson: Where have those investments occurred—additional staff? Or are we providing additional supports to families who adopt difficult kids?

Mr Rivers: I can speak more clearly to that issue if I refer to my previous experience at the CAS of Toronto. Unfortunately, I don't have information available to me that's province-wide in that regard.

Mr Jackson: But you are doing the review, and your secretariat is providing the bonus money for CASs.

Mr Rivers: No, sir, we're not providing any bonus money. I was just referring to previous ministry action taken when they wished to increase the number of adoptions across the province. One of the steps that was taken was to set a target.

Mr Jackson: When did this practice begin? Let me start by asking it that way. I understand it started—

Mr Rivers: In 2002-03.

Mr Jackson: So we are continuing the process?

Mr Rivers: Yes.

Mr Jackson: Do you have statistics you can share with me, including what amount of bonus money we gave to CASs that were able to do additional adoptions?

Mr Rivers: I can give you information related to the schema, but I don't have current information at my fingertips with regard to—

Interjection.

Mr Rivers: I do, actually. It was \$5,000 for the first 10%, and \$10,000 if an agency were to exceed the 10%.

Mr Jackson: Is this per child or just overall, one flat amount?

Mr Rivers: For the \$10,000 for above, the 10% would be per child. I also have figures with regard to the number of adoptions that were completed by year, if you're interested.

Mr Jackson: What would that ballpark number be?

Mr Rivers: In 2001-02, there were 567 adoptions. In 2002-03, it rose to 696 adoptions. In 2003-04, it rose to 882 adoptions.

Mr Jackson: And how far along are you with this year's statistics, with half a year at least under your belt for measuring?

Mr Rivers: I'm sorry, I don't—

Mr Jackson: —For monitoring? You don't have that statistic.

Mr Rivers: I don't have that information.

Mr Jackson: So \$10,000 times a couple of hundred children is a significant amount of money. This is being used to strengthen the adoption procedure?

Mr Rivers: It is.

Mr Jackson: OK. And so that has nothing to do with the adoptees; it has everything to do with the staff at the CAS. You're tracking where they spend the money?

Mr Rivers: Well, it would be used to buttress the capacity of agencies to attract potential adoptive parents, to study those applicants, to match them appropriately with the children who are waiting for adoptive homes, and also to support those children when they've been placed in those homes.

Mr Jackson: So the supporting of those kids could include some program support if the child was autistic or, if the child had some behavioural difficulties, there would be some additional supports?

Mr Rivers: There is currently a subsidy program in place to assist adoptive parents with children who have particular needs.

Mr Jackson: Yeah, but we've enhanced that envelope slightly is what I'm getting from you.

Mr Rivers: That would have been the individual decision, as I understand it, of the agency.

Mr Jackson: OK, but that's one place they could spend the money?

Mr Rivers: Yes.

Mr Jackson: I wanted to ask you about item one, where you identify the referral of additional child abuse cases. You talk about program flexibility. I've been working with a couple of families involved with CAS where there have been two cases, not just of the victim being a child, but of the perpetrator being a child. We seem not to have a whole lot of difficulty obtaining support programs—first of all, we have to have an assessment done. It's not hard to get an assessment done on a child who's been sexually assaulted by anyone, but there seems to be a huge problem still getting an assessment done on a child who is a perpetrator. I have concerns about that; if a seven- or eight-year-old child's involved with a sexual misconduct, they generally have something in their background and in their childhood which caused them to steer their energies in that direction. In my view, they are potentially just as important a victim in this.

I wonder if there is any tracking of this or any evaluation, because the many times they've come up—and I've been contacted by CASs—we've had to fight to get the evaluation done by various agencies. They don't really have the funds, necessarily, to do it. The CAS has the funds, but they're unwilling to pay for it, and therefore these child offenders fall through the cracks.

Is that the kind of flexibility you⁷re looking for in your review? Is that an example of the kinds of things we might anticipate in terms of flexibility to provide funding for those kinds of programs for, first of all, evaluation, assessment and then treatment? The alternative is sending these kids to court, and that may be appropriate for a 15-or a 16-year-old. I can't be convinced it's appropriate for an eight-year-old or a nine-year-old, and I've had cases in my time here where I've had appeals. Is that the kind of flexibility we're talking about?

Mr Rivers: The situation that you describe is one where the perpetrator would also be deemed as a child in

need of protection, no doubt. Certainly it's our intention to take recommendations forward that would speak to greater flexibility around children's aid societies' capacity to engage with the community to support these children more effectively.

Mr Jackson: Am I out of time?

The Vice-Chair: Yes, we're out of time, but just make it quick then.

Mr Jackson: You've got two issues here. One is the legal barriers. In the cases I've been working with, one option is the police, because they don't have the funding. Then you throw yourself at the mercy of the court in the hopes that a sensitive judge will see the wisdom of this and direct the kid and then fight about what the court's intention was in terms of who shall pay, but at least we get the kid into care. That's a dangerous way of doing it.

So we can talk about processes, but it all boils down to dollars, Bruce, in terms of whether we're going to be able to fund these programs and not discriminate against kids based on those issues about whether they were the victim or the perpetrator. They're children nonetheless. So I'll leave that as an open-ended question. I have some other questions—

The Vice-Chair: Thank you very much, Mr Jackson. We turn to the government side in this 20-minute rotation, starting with Mr Parsons.

Mr Parsons: I'm going to put the foster parent hat on. I cannot envision being a child and being removed from the natural home and put into care. It's very difficult for them. We had a young man who was voluntarily put into our care and, in the first three minutes in our home, he did \$800 in damage. He was that angry, and I understood that. I could not picture being in his spot and having the unrest and uncertainty in his life.

They leave their homes, sometimes without notice or warning. They leave all their possessions. They leave their pets. They leave their family photographs. They leave everything. In some cases they return, and in some cases they don't and they start a new life after that.

I would add to that, we never had a child in care who didn't belong in care. What happened to them was truly in their best interests. I'm not criticizing the fact that they went to school and never returned home. In every case, that was in their best interests.

But they then enter a world where, essentially, there are two options available for them: They may return home or they become a crown ward. They become a crown ward with access or without access. If it's without access, they then become available for adoption.

The reality for many children is that they will never be adopted. Many individuals or couples seeking to adopt are looking for an infant with no medical problems, and that isn't the reality of this world. They often come as siblings, and they come with other issues and memories, so it is more difficult for them to be adopted.

I'm wondering if I could ask if you, as minister, or your ministry would consider a review. I certainly have done some very unsophisticated Internet searching, and some other jurisdictions have in-between options between staying in the foster home or group home and full adoption.

Some areas encourage kinship, and I know societies do, but sometimes with the kinship there aren't the financial resources there. For a family taking on three or four other children, it's a major financial challenge; they may not be able to. For the family that's prepared to do it, they're looking for financial assistance and they're looking for a long-term commitment of financial assistance, not a year-by-year commitment but some sense that this is going to be available till the children turn 16 or 18. I think it's an option that saves the government money, but even more importantly, it provides stability in those children's lives.

1610

There are many children in this province who are in long-term foster care, and they're in good placements. When we first started fostering 18 years ago, I was impressed with the quality of foster parents, but I'm going to say that now the quality is even higher. The training that's being offered, the support that's being provided to foster parents is second to none, in North America or even the world. But if a child's in long-term foster care, where they're not going to be adopted or maybe not adopted at that time, there's still the same process followed as if they were going to be in the foster home for three months or six months.

There's an interesting concept in some jurisdictions called guardian fostership, which says, "Look, the children have been in this home for 10 years, and they're going to be in this home four more years. If there's going to be a school trip, the foster parents can sign. A worker doesn't need to drive up to the school and sign." Where there's certainly evidence of stability and a long-term plan for them to remain, they'd move to something beyond the normal fostering, but not quite adoption.

These children need a very real sense of stability in the home. We've had someone drive in our driveway, and we've had foster children run to us and say, "Are they going to take me away?" Not that the agency was evil, but they put down roots in the place, and that's home to them

I'm wondering if there's any consideration—maybe you're already doing it; I don't know—to looking at alternatives to the two traditional options to provide stability for children.

Hon Mrs Bountrogianni: Thank you, Mr Parsons, and also thank you for all the work you've done over a lifetime with these kids. I think we can all, together, thank you for that. I know you're very passionate about these issues.

In fact, we are looking at other models from other jurisdictions. We are looking at all sorts of models. I can talk a little bit about it. I can tell you what I've talked to the press about so far, and that is, we are looking at more flexible adoption laws. We are looking at support for adopting parents, particularly for children with special needs. We're already giving the foster parents or the group homes money for these highly special children. If

there's anything we can do to support permanency planning for these children, and if that requires some resources, we are looking at the possibility of that model as well. We are also looking at open adoption. We are looking at and analyzing all of those models.

I had a round table on adoption very soon after becoming minister, and there were people there, young people who were foster children. Every child's different. These young people had different experiences. For some of them, it was in their best interests not to ever see their birth parents again. For some, even though their birth parents were highly problematic—mental health issues, for example. There was one young lady at the round table who said, "I did not want to be cut off from my mother"—she was schizophrenic; she talked openly about this; I'm not going against her privacy—"I didn't want to be with her, but I wanted to be able to see her, and she wanted to be able to see me."

I think, quite frankly, the reason why we have so many access orders that are never accessed is precisely that. I know. I have two kids. I'm a pretty good mother. But regardless of what kind of mother I am, I can't imagine not ever seeing or contacting or being able to contact my child. I think that's what gets a lot of people: "OK, children's aid has my children, but I can't imagine the thought of never seeing them again or never contacting them again."

The children as well: It's unusual for those that aren't in this profession—it was unusual for me as I started in this profession; it's not any more, particularly in the last few years that I'm a mother—but children want to see their parents; in most cases, but not in all.

We are looking at that possibility and at different models as well. There are some models in the United States that have been quite successful in increasing the permanency planning, if not the adoption rate. We are looking at those, and we hope in the near future to come forward with those announcements.

We look forward to you continually giving us advice on that. I know that we have a pending meeting on grandparenting and kinship, and your vast experience on the ground as well as on the board of a children's aid society is rich. I look forward to working with you.

Mr Parsons: Your speaking of my long service just makes me feel old.

Just reflecting on the comments you made about access: I would not have believed this 25 years ago, but we've fostered children who've had horrible things done to them and parents who've done horrible things, yet I truly don't believe we've ever had an instance where the parents didn't, in some way, love their children. I wouldn't have believed that, but there is a love there. It's not an appropriate way to raise them or treat them, but there's this innate love. For the children who've had things that I couldn't describe done to them, there is still a love, there is still a bond there. They don't necessarily want to go back—

Hon Mrs Bountrogianni: Could I just interrupt you, Mr Parsons, for one second? Part of our Best Start plan

will be able to address prevention as well. If we truly use the Early Years programs the way they were intended to be used across the province, where there are parenting models in those programs, we could possibly prevent much or some of what is happening to some of these families so that before they get to the point where they use violence against their child, they will have the supports necessary. We're not going to be able to stop all of it, unfortunately, and that's a sad remark in today's society. It has always been that way. But the more we save before abuse occurs to them, the better—for the child and for the rest of us.

Mr Parsons: I have one more comment, and you just brought that to my mind. Many of the children we've fostered who have been abused have been abused, I'm going to say generally, by the man in the house, but the woman was there and witnessed it and at times facilitated it by taking the other children out. My first reaction was how could she, as a mother, do it?

I'm now saying that she is in most or many cases as much a victim as the children. She had no alternative to go to, she had no education, she had no financial resources, she was in a household with a very controlling individual. There was innately a good person inside there, but she had in her mind a need to keep that family unit together for the sake of the other children. So I now believe that they, by and large, are victims along with the children. Even though they may appear to be perpetrators, they're in fact victims. I would like to see some attention devoted toward supporting them and assisting them.

Hon Mrs Bountrogianni: Absolutely, which goes back to my earlier point of the Early Years centres or programs addressing that more effectively. I too, as a young psychologist, when I first started out, remember the anger I felt toward people turning the other way, whether mother or father. Quite often they are psychopathologically disturbed themselves. They so crave the attention and the perceived love they have from the other individual and they don't want to lose them that they deny anything is happening. They actually don't believe anything is happening, even though it's right there in front of them. It's still completely appalling and something we want to not only prevent but put a stop to if we discover it happening. But at the same time, we have to acknowledge that there are reasons for them, and usually they stem from their own childhoods, if I may be a psychologist for a moment.

Mr Milloy: Minister, I wanted to follow up on some of the subjects Mr Jackson raised about family and children's services. I was just trying to rack my brain to see if the representatives of my local organizations were at this famous lunch that seems to be the nexus of all questions that I ask. I'm sure they were.

I think we have an outstanding organization in my region. I imagine I'm similar to most MPPs in that I have a very good working relationship with them. I have met with their board on numerous occasions and also talk regularly with the executive director. I guess one of the things that impresses me the most is the amount of community support for the organization. They have an annual fundraising campaign and things like that where you see a huge outpouring, because I think the community realizes what tremendous work they do.

As you know, family and children's services organizations have been under tremendous pressure over the last few years. Of course, that goes to two things: One is the issue of funding and the very simple fact that, as they have a mandate through the courts and the legal system, it's not like a home care situation where, to use an analogy, if you cut funding, they just have a larger waiting list. In their sense, they can't turn away a case because they no longer have funding. I guess the second issue is the flexibility when it comes to that funding.

One of the first things that was raised with me around the time I was elected was the simple fact that they didn't feel they had the tools to go out and try to prevent instances—sorry, I don't want to misrepresent them. They didn't feel they had enough of a mandate to go out and try to prevent instances where they felt that it could eventually lead to the removal of a child. They wanted to be able to invest more time and resources in, if you want to call it, the front end of going into situations where, for example, a teacher might say that a child was hungry or a child had confided in them some tales from their household where they felt that early intervention would keep the child in the household. Family and children's services felt that they didn't necessarily have that flexibility to put resources into that sort of prevention.

I was quite interested in the presentation that was made by—was it Mr Lajambe who made that presentation about the review that's going on? I wanted to ask you about the review, and particularly about the—

Hon Mrs Bountrogianni: Mr Bruce Rivers, sorry.

Mr Milloy: Excuse me. I apologize. I was reading off the list—from Mr Rivers about the review.

Hon Mrs Bountrogianni: I'm the one with the exotic name. He's just Rivers.

Mr Milloy: I wonder if you could comment. I should add as a follow-up that I have, in recent weeks, talked to people at my local family and children's services, and they're quite excited about the review and changes that they see coming in terms of flexibility, in terms of being able to put resources into the front end, into prevention. I just wonder if you-or perhaps you want to ask Mr Rivers to provide a bit more on the technical side would outline how the new funding formula would work. I know last week there was a suggestion that in some ways the formula almost, as it stands right now, seems to be based on the number of children who are taken into care. I don't think anyone's suggesting that anyone's going out and trying to get people into care. I think what you were suggesting is what I said, that they don't have that flexibility to invest more into prevention. I just wonder if you could comment on that.

Hon Mrs Bountrogianni: That certainly is one of the aspects that have come out from my discussions with children's aid societies from the review, and it's certainly something Mr Rivers is looking at. I'm not in a position today to tell you what the changes will be, but that is definitely something we're looking at.

To be fair to children's aid societies, many of them went ahead and did all sorts of creative programs anyway. But then that was how the deficits were created as well. They had their operating budget based on the present funding formula, but then they also had the other things that they were doing. We have to get a handle on all of that and address it in the new funding formula. I'm not in a position today to talk about that, but we're certainly aware of that.

Mr Milloy: I don't mean to re-ask the question, but I also understand that there are different challenges that each children's aid society faces in terms of, for example, the legal system. I understand that something as simple as the way in which local courts will handle cases so that, for example, in one jurisdiction—and correct me if I'm wrong—they may say. "These are the cases on the docket, end of story. We're dealing with them on X day," and in another jurisdiction they will deal with them case by case, meaning that you have to be prepared to have your case heard. Of course, it's just sort of a rolling situation. If the case before you takes several days, you're basically tying up legal time with that. My understanding is that that may be different in different jurisdictions. I don't know if that's something you've taken into consideration.

Hon Mrs Bountrogianni: Absolutely. In fact, in my city of Hamilton, the legal costs of the children's aid society are very high. Trinela, would you like to expand on that a little bit?

Ms Trinela Cane: Yes. Thank you very much for the question.

Perhaps I could just highlight that the member is quite right: there is a tremendous amount of variation across the province in terms of how cases are dealt with. I think it's safe to say we're pleased that there is court support for decisions that are as serious as removing children from their homes. There's no question that having the requirement to go forward after a child is apprehended within five days is a very important thing, and to make sure that any situations like this are overseen by the court.

At the same time, and I think this is a piece of work that Bruce Rivers is also undertaking with his team and could speak more eloquently to the topic, Bruce is looking at the current court processes, which are not only quite labour-intensive but they're quite difficult for the children because the time elapsed often from beginning to end is quite considerable. As Mr Parsons indicated, the longer children are out of permanent placements, or forever families, as Bruce would describe them, the worse it is for them overall.

I think we have an excellent collaborative relationship with the Ministry of the Attorney General. As we all know, the judicial system itself has constitutional independence, which means that progress has to be based on collaboration and relationships.

I will also note that it is a known fact in the system across Ontario that in places where the judiciary and other court folks have excellent ongoing relationships with children's aid societies, court processes are often expedited and time-elapsed and just the overall approach to the children is much more beneficial.

There are a number of facets that I've highlighted. It's a very complex situation. I think we are looking to work very closely with the Ministry of the Attorney General. They've expressed support for some of the directions we want to take as part of the child welfare secretariat.

The other comment I'd make is that sometimes when you're dealing with the court system, change can be slow, but we certainly have some support from the Attorney General himself and the ministry staff in the context of expediting court processes. As the minister indicated, legal costs are a very significant cost-driver for us in quite an increasingly litigious society. So we're looking at ways to mitigate that. At the same time, we're looking at ways to have alternatives to court processes, including mediation and other less costly alternatives to court, which are actually much better for the kids and their families in the long run. If that's helpful.

The Vice-Chair: Thank you for that. That ends this round. Now we'll start another rotation with the opposition.

Mr Jackson: If I could maybe invite Mr Rivers back again so I could continue with my CAS questions, that would be appreciated.

Mr Rivers, one of the problems that our CASs are having, as you well know, is that the government and the ministry indicated they had to present their budgets. They are funded at 95% of last year's salary, and this has put certain pressures on not only their budgeting but their expenditure decisions.

One of the significant areas for expenditure with a CAS, as you well know, is the placement of children in outside residential placements. I want to explore for a moment this whole issue around the blended rate, which I understand is \$169 a day. Is that fairly close? What is the blended rate, or does it vary from CAS to CAS?

Mr Rivers: My understanding is that it varies to some degree by region.

Mr Jackson: By region, OK. But \$170 per diem is approximate. We fund the total number of kids based on \$170 per day, regardless of whether we put them into foster care or into more expensive residential care. We work on this median average grid.

My understanding, in conversations with CASs, is that this creates some problems. As I was exploring the question with members of the ministry several weeks ago about the decline in the numbers of children in open and secure custody, those kids are still out there. They are defined as having significant mental health challenges, as most of those are truant and running risks in our court system, juvenile offenders. There's a disproportionate number of them, yet we don't seem to have adjusted the formula very much here, because the average cost can be

as high as \$250 a day for some of these children to be placed in residential facilities.

Are you monitoring the specific placements and the costs associated with them? Are we tracking the kinds of kids we're having to put into—let me reverse it. Are we tracking the number of kids we can't simply throw into foster care but for whom we have to find these programs that have a mental health component to them? Are we able to track those?

Mr Rivers: Just so you know, the CHILD WELFARE SEcretariat is focused on a policy framework and bringing recommendations forward by year-end to the minister and ministry staff. It's not responsible for in-year management of the 53 children's aid societies through the region. I just wanted to be clear—

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Mr Jackson: Fair enough, Bruce, but I'm puzzled a bit by that. You come with an eminent reputation, and I've known you for many years. You clearly must be observing the pathology of the budget pressures that are going on in our CASs to determine public policy shifts and changes. So you clearly must be looking at some of that.

I'm simply saying that one of the most significant pressure points that CASs are sharing with me is the fact that they have this very difficult process of being conscious of the fact that their budgets are hugely impacted by the growing number of children who require a mental health programming component to their program, when we only fund them at the \$170-a-day average. So if you could place one kid a day at \$90 in foster care for every one you have to spend \$250 on, you might do OK, but my understanding when I talk to CASs is that this is becoming disproportionately allocated, that we're getting an increased number of children with mental health problems who require this.

So that's why I'm asking you if a component of the funding formula is being considered for change, because in my view—and that's only my opinion—it has some complications and discriminatory components to it. Only you would know, if you're monitoring it, if you can wisely advise the minister of the importance of changing it. When I look at CAS budgets and I sit down with them and they walk me through it all, this is a huge piece of why they've got large deficits. That's why I'm asking you.

Mr Rivers: I appreciate your question, and I understand it. I just wanted to make it clear that the secretary's not dealing with—

Mr Jackson: You're not running the shop. You're just recommending changes.

Mr Rivers: What we do know is that the needs of youth are very complex, and you're quite right in pointing out that there are a number of youth who do require highly structured programs with various components, some of the them with on-campus school psychiatric backup.

There are some youth who need very high levels of supervision, one-on-one staffing, for example. When you

have a child with those kinds of needs, it's often difficult to find the appropriate placement.

There are also children in the care of the children's aid society who do not require that level of support. It's stepping back and looking at the needs of all the children and coming up with ways that we can ensure those needs are met in a timely and cost-efficient and effective manner.

Mr Jackson: Your mission statement is very clear. I was really asking you a specific question, if this component of the blended rate for treatment is under review. Is that yes or no?

Mr Rivers: Yes. We are considering all aspects of funding that flows to a children's aid society.

Mr Jackson: Perfect. Are you doing any investigating at all on what CASs are doing with this large cohort of children who require this service and where they are able or not able to find mental health services in their community?

The minister quite eloquently spoke in the last meeting about the \$12 million she was putting into mental health services. It's a community table where partners sit down and discuss it. In my community of Halton, they were allocated \$900,000. Most of that has gone to a pair of professionals in the two school boards. I was horrified when I found that out, not that I don't think the school board could use the assistance, but it concerned me that it worked on the presumption that all these children in school required the additional mental health supports. That was of concern to me.

There's a bit of a drought in Halton in terms of those community agencies that are offering solutions, specific case-managed recommendations on appropriate programming for some of these kids. But the bulk of the dollars that are new to the system has gone to the school board. I'm not going to editorialize on that. That's of concern to me, that we've got a \$17-billion ministry getting subsidized by this important children and youth services ministry with its modest \$2-billion budget, but that's another issue for another minister, and I'll raise with the education minister why he's relying on Mrs Bountrogianni's budget so heavily.

I want to stay focused on CASs and why these mental health—I don't want to get into why the mental health dollars are going that way. If they mutually agree to do it that way, there's not much you can say about it. But it just strikes me that we're not prescribing the fact that we should be having more of those dollars go into community placements for those kids who are at risk, who are dropouts, whom the school board has no control over. That's the group of kids that I'm finding are getting the least access to programs under the budget restraints.

Now, unless you wish to comment a bit on that—and I'm going to run out of time—can we talk a bit about the deficits for the CASs? I know that I've had comments this week—the Ontario Association of Children's Aid Societies has indicated that they ballpark that at around \$80 million. My understanding is that they have been filing their management plans with the ministry over the

course of the last week or so and that some of those budgets have been alarming. Some are coming with cuts—like Halton, they cut their budget—some have come in with the same amount, and some have come in with increases, and those plans have been sent back, according to what I'm told by the regional offices. Do you have a revised figure for the amount or the size of the deficits the CASs are showing for this fiscal year at this time?

Mr Rivers: Again, I want to preamble any comment that I make in this regard back to the mandate of the child welfare secretariat.

Mr Jackson: Well, would Trinela Cane be appropriate to respond to that?

Mr Rivers: Yes, I think so. **Mr Jackson:** I appreciate that.

The Vice-Chair: There are 10 minutes.

Ms Cane: Mr Jackson, perhaps I could just take a moment to comment on your earlier question around the children's mental health planning tables, if I may, as well?

Mr Jackson: We can come back to that. I'd like to stay, in the interest of the limited time I have—I understand that the tables have to be flexible. I just lament the fact that mental health programs are still starving and the school board just picked up a bunch of paraprofessionals.

Ms Cane: Just quickly on that note, I will be part of the corporate panel that will be reviewing the reports, and none of the reports have yet been received or approved, so I'm not aware of that situation that you describe.

Mr Jackson: That's a heads-up about what they're planning to do in Halton.

Ms Cane: Thank you very much, Mr Jackson.

With respect to the child welfare deficit situation, as you know, the child welfare agencies have had considerable difficulty managing over the past number of years with respect to the services that are being provided. A lot of it is related to volume increases and a number of other factors that we identified previously. With respect to the current deficit situation, as you duly note, the various service plans are currently coming in across the province, and they are currently being analysed. I think, as you say, some were received as recently as last week. I know the regions are working very closely with both the boards of directors and the agencies themselves to see what efforts can be made to manage the budgets down where appropriate, without sacrificing the protection and safety of children. We should be in a better position within the next few weeks to know exactly at least where our forecast stands, but at this moment in time we haven't finished the analysis. And, as I say, the regional officer is working very closely with each agency as we speak.

Mr Jackson: So the last best number is \$80 million?
Ms Cane: That's the number that Jeannette Lewis has identified as part of OACAS.

Mr Jackson: Well, that's not a hard number to come up with, because they've all filed their plans with you and they've got their actuals. I think part of the perplex-

ing element of this is that the volumes are going down and yet the costs are going up. So are you able to determine which CASs have stabilized their intake, those which are declining and those which are increasing?

Ms Cane: Yes, absolutely, and we're also able to identify for the various agencies their significant cost drivers in areas where deficits are existing, as well as areas where they've made significant inroads and improvements in the new directions.

Mr Jackson: Well, you mention the new directions. Bruce talked about the areas in year one, but those are barely out the door; is that not correct?

1640

Ms Cane: That's correct, but I think there's been significant signalling around the areas like adoption where we've spoken about targets that have been set to increase permanency options for children. The other thing I'll note is that a number of the agencies have been very creative and innovative in various initiatives and projects that they themselves have undertaken to in fact move in some of the directions that other jurisdictions have already moved in and that are consistent with the directions that Bruce has talked about very generally.

Mr Jackson: I want to switch over to the court processes and the observation about how litigious the system is. I've looked at some of the legal costs that children's aid societies are chalking up and what they're paying in legal fees, and it would choke a horse in some instances. Then you talk about alternative dispute resolution, an issue which I'm quite familiar with. So I want to ask you a couple of questions in terms of any dialogue you've had with other ministries, staff to staff.

The reason I raise that is that the whole issue around mediation in the court system seems to be—I'm trying to choose my words carefully; not "regressing." There was forward progress made in this general field. There were expectations there in family law and in children's services and a whole host of things. What I'm finding now is that the legal community in this province, supported by some reviews done at a high level, is indicating that a lot of the mediation activity should not occur until a prescribed period of time has passed or should be eliminated from certain types of court activity. Family law matters are part of the basket of challenges that children face when parents are separating and there are child welfare, child protection issues. Have you been speaking with the Attorney General's office in terms of what impact this may have on your reforms? I want to make sure that at least there's some pushback and some explanation about the importance of having this element of the reform advanced, as opposed to other forces who are quite set against progress in this area.

Ms Cane: I'd be pleased to try to respond to your multi-part question, and certainly would make a comment that in the work that Bruce is undertaking, specifically with respect to mediation, you have articulated I think very well precisely the issues he is dealing with. He has been in direct consultation with the Ministry of the Attorney General at the staff level and also participated

in the recent justice summit, which brings together members of the bench and bar, as well as other related ministries, to discuss issues of this type. I think the Attorney General would say that this is the forum through which effective change can be realized. I think, in the approach that Bruce's presentation took, there was considerable support in the room for it. There certainly is support at the executive level within the Ministry of the Attorney General and at higher levels of government for change in those areas.

The other comment I would make specific to your point about mediation and alternative dispute resolution—which to some extent was quite popular a number of years ago and then has sort of moved into a different type of arena where it is also becoming increasingly legalistic and in some cases is actually now being stopped by a retinue of lawyers—is that I think, as we're looking at options for children, what we want to do is not only look at the least intrusive options but, from a legal cost point of view, try to have effective use of legal resources, contained costs, at the same time. So I think we're equally disturbed by some of the trends we see in mediation, but we do have absolute support of the Ministry of the Attorney General at the staff level as we move forward.

Mr Jackson: I just hope that if there is legislation being anticipated fairly soon, we can somehow speak to that, because generally the only success I've seen with ADR and mediation—it has to be entrenched in legislation or it gets massaged and manipulated by the legal community, which has a horrendous self-interest.

Ms Cane: I think this is one of the options we'll be pursuing as part of a package of potential legislative changes related to the child welfare reforms.

The other thing I neglected to mention is, we're also intensively involved with the court backlog process with the Ministry of the Attorney General. They're expediting their processes in that regard and have asked for our assistance and support. So we'll be working together with them on that. That should help kids as well.

Mr Jackson: That reminds me of a question. I got a call yesterday from Ottawa. There was a court in Ottawa—it was either last Thursday or last Friday. The judge indicated the courts could not hold children who had mental health challenges and detain them. In fact, the judge had ruled they be put into direct care immediately. Are you familiar with that?

Ms Cane: I'm not familiar with this.

Mr Jackson: I don't have my notes in front of me. I think it's a Justice Clouthier; I'll get you the actual justice. I got this panicked call from child advocates out of Ottawa. This is a recent court case. It will be appealed to the Supreme Court, no doubt, but it essentially says that if there's a mental health problem with the child, you cannot incarcerate them; you must provide them an immediate program.

The Vice-Chair: Very good. That's a good point to depart on. Perhaps we could, if you want to respond with specific technical—Mr Jackson said he would refer some information to you.

Ms Cane: I would appreciate that, and I'd be happy to follow up, Mr Jackson.

The Vice-Chair: We'll now go to the government side.

Mrs Sandals: Mr Parsons was talking about his involvement with fostering, and I'd like to go back to my days when I was a trustee and was on the Canadian School Boards Association.

Certainly, one of the issues we dealt with at that time was the proposed changes to the children and youth justice act. Given, Minister, that you have some responsibility for youth corrections, I wonder if we could explore that with you and possibly with Ms Newman, whoever is most appropriate. My understanding, from the discussions we had as that legislation was being proposed and eventually passed, was the expectation was that there would be less of a reliance on custody when dealing with youth in the courts and more of a reliance on community programming.

I'm wondering, first of all, given that you now have the youth corrections portfolio, what sorts of trends we have seen around the courts sentencing youth to either open or secure custody.

Hon Mrs Bountrogianni: I will, in a sec, refer this to Ms Newman, who's doing a fabulous job as an ADM in this area. Just to say that, yes, the numbers have been reduced significantly, and Debbie will talk about that in a moment.

We are working very well with Minister Kwinter and Minister Bryant on interministerial programs for these youth. We have four pilot nonresidential attendant centres for low-risk, high-need youth in conflict with the law. These pilots provide structured, positive rehabilitative intervention in a community setting, with the ultimate goal of reducing re-offending rates. We also have eight pilot open detention sites—I talked about this a couple of weeks ago, but I think it bears repeating—for carefully selected low-risk youth who benefit from the structure of a custodial setting but do not pose a significant risk to community safety.

I'll refer the rest of the answer to Deb Newman. She can probably answer more technical questions.

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Ms Deborah Newman: There has been a very dramatic impact of the new Youth Criminal Justice Act since it came into effect on April 1, 2003. The most notable effect has been the decreased use of both secure and open custody in this province and, in fact, in every province and territory across Canada.

Yesterday, I was attending a federal-provincial-territorial meeting with senior officials responsible for youth justice across the country. We were comparing our experiences under the Youth Criminal Justice Act. It was striking that right across the country the same experiences are evident. Every jurisdiction has seen the same sort of commensurate decrease in the use of open and secure custody, and of course that was the intention of the legislation. One of the key intentions was to reduce the over-reliance on custody and to really use custody as

a very last resort for only those youth committing the most serious offences and those youth at highest risk and highest need in the system.

In Ontario, more specifically, we've seen a significant overall reduction in secure custody of about 63%. Pardon me, I should say our utilization rate is 63%. The number of admissions is significantly down.

Mrs Sandals: What would that have been before?

Ms Newman: The utilization of secure custody has varied, but leading up to the YCJA we were at or over capacity in our youth centres for 16- and 17-year-old youth, and there was a very high utilization of existing capacity for 12- to 15-year-old youth as well.

In open custody there's been an even more dramatic impact, in the sense that we now have only a 40% utilization of our open custody beds across the system. As a result of that, it really provides us with a tremendous opportunity to do some rationalization of custody resources and to invest in community-based programs for young people. So we're certainly in the process of doing that and starting to reposition our service delivery system.

As the minister referenced, we have implemented attendance centre pilots across the province. They are going very well in terms of our seeing very promising results to date. We'll be evaluating those—by January, they'll have been in place for a year—and looking at the impacts those have had for the youth participating in those attendance centres. They would be taking evidence-based programs like anger management and anti-criminal thinking, substance abuse—whatever the risk factors were that caused them to come into conflict with the law.

We're also looking at very broad alternatives to custody investment strategy across communities in Ontario. As we rationalize the custody system, we can reinvest those resources. We're anticipating rolling out additional investments, probably in the last quarter of this year, based on a very extensive consultation we did right across the province, speaking with service providers not only in youth justice but also in child welfare, children's mental health, the education sector, families and youth. We asked them what the gaps are in service in communities for youth in conflict with the law and for youth who are at risk of coming into conflict with the law. That consultation is informing our strategy with respect to investments, and we will be proceeding to introduce some new programs under the Youth Criminal Justice Act, such as intensive support and supervision programs for those youth who are in conflict with the law but are also experiencing significant mental health problems.

We're also working with the Ministry of the Attorney General to partner with them in implementing some post-charge diversion programs so that again, rather than the formal use of the courts for youth who don't need to be processed through the court system, they can be diverted to a meaningful program opportunity. Under the legislation, that's called extrajudicial sanctions. So we'll be implementing in the near future as well a number of pilot programs with respect to extrajudicial sanctions.

Mrs Sandals: When you speak of attendance centres, I'm assuming that the format of that, if I'm understanding you correctly, is that the court, as a condition of sentence, would impose on the youth the requirement to go to the attendance centre. Does the attendance centre then directly provide programming, or does it merely coordinate programming that the youth will move on to in some other community centre?

Ms Newman: There are two means by which a youth may be referred to an attendance centre. It can be stipulated by the court as a condition of probation. It is also a sentence under the YCJA in and of itself. So the court can impose an attendance program as the sentence itself. The young person is then referred to a place where community agencies are directly providing these services. We're working with them around contracting for the provision of those evidence-based programs. The youth may be referred by the court, for example, to go between 4 pm and 6 pm every day, because they're seen to be most at risk of getting into trouble after school and before parents are in the home, and so on. The young person may go and have support in terms of completing homework and also taking the programs that address their own particular criminogenic risk factors.

Mrs Sandals: That's really good news. I know that one of the phenomena that principals used to complain about was what they called the young offender who was effectively sentenced to school. They would find they had these young folks who were required to attend school as a condition of sentence, probation or parole, as the case may be, but that there weren't any community support programs available, and that tended to turn out to be a bit of a disaster. Certainly, if we're going to have more youth in the community, and I'm sure that's much more effective than custody in a lot of cases, what's crucial is to have the community supports in place. It was certainly the fear of a lot of people that there would be no capacity for community support. So it's really good news if you're able to divert some of those resources into the community to support programs.

One of the previous conversations was around the fact that we see different behaviours in different courts in different regions. Are you finding, with young offenders, that you see regional differences in the behaviour of the courts, or is the act laid out clearly enough that you find fairly consistent reduction in custody as you move around the province?

Ms Newman: I would say that the reduction in custody is consistent right across the province. There are no regions of the province that haven't implemented the Youth Criminal Justice Act in the way in which it was intended. It is a complex piece of legislation, and there is a significant learning curve for everyone in the system. We've provided a lot of support to crowns, the judiciary and others. Our probation officers are present in court to support the judiciary. In fact, we recently attended regional conferences of the judiciary where we spoke to them about the Youth Criminal Justice Act and addressed their questions. We're able to support them in further implementing the spirit and intention of the legislation.

Mrs Sandals: What about the take-up on diversion opportunities? In many cases, as you mentioned, it probably makes more sense to go the diversion route and avoid the formal court system completely. What's your experience with diversion? Is that becoming a more common option, and how are we doing in terms of programming and diversion options?

Ms Newman: There are some early diversion opportunities across the province, both pre-charge by police—diverting youth instead of formally charging them—as well as these new pilot programs, which will be implemented very soon, that will provide opportunities at the court level for youth to be diverted from the court system and sent to complete an alternative type of program. We're in the early days of diversion programs under the YCJA and expect to see a lot more community-based programs that will support diversion as we go forward.

1700

Mrs Sandals: Just going back to the original purpose of the ministry, which is getting rid of silos, it occurs to me that a lot of the programs you're talking about would in fact be quite valuable just in terms of mental health supports, behavioural issue supports. Is this something that, as we're setting up these programs, is only available to youth who are in contact with the judicial system, or are we able to access any of those programs more as preventive programming before the youth becomes entangled with our judicial system?

Ms Newman: Our first priority currently is to support the implementation of the legislation through the provision of programs that will exist as alternatives to custody for the judiciary. But you're quite right that, as we go forward, we expect to provide more support in terms of crime prevention programs and working with atrisk youth as well. In fact, we've already begun to do some of that and are working collaboratively with the education sector and schools. I think there's a lot more opportunity, as we look at prevention programs, to be working with other partners in ensuring that kids who may be at risk don't come into conflict with the law. So prevention, early intervention and identification of kids who are having difficulty can be supported.

Mrs Sandals: I heartily endorse that. When we look at prevention in the community, it's going to have to be a partnership among a number of ministries that have different perspectives, and that prevention is somewhere that we need to find the resources and the will to do some work.

The Vice-Chair: Mr Kular, do you have a question or an observation?

Mr Kuldip Kular (Bramalea-Gore-Malton-Spring-dale): How many minutes are left?

The Vice-Chair: We've got about four minutes left.

Mrs Sandals: You can do part one now and do part two later.

Mr Kular: Right. I have heard from some of my constituents who are grandparents, who have taken over the great responsibility of looking after the grand-

children. Because their sons and daughters are having some trouble with their homes and looking after their children, the grandparents have taken over the responsibility of looking after the grandchildren full-time. Most of those grandparents are retirees and they are on pensions and fixed incomes. I'm wondering if the Ministry of Children and Youth Services is helping those grandparents in any way as they are looking after the family members? Is there is a provision to help them?

Hon Mrs Bountrogianni: Not to my knowledge—but I'm going to ask Trinela to come up—not unless they've become the foster parents or have legally adopted them. If they are special-needs children, there are special-needs-at-home monies from my ministry, as well as from Minister Pupatello. Is there anything else that I'm missing, Trinela?

Ms Cane: The minister is absolutely correct, that currently our ministry—beyond the fabric of social services that are currently being provided across the province for families and certainly grandparents who are struggling in many ways, and we know that that is the case—have access to a range of supports in the community that are currently available.

Through the Ontario government through Ontario Works, for example, there are monies that are available for temporary requirements of folks like grandparents who are looking after their children. We're looking at our permanency options. I know there is considerable pressure around grandparents, but as you can appreciate, it does present some difficulties in terms of potentially offering subsidies to grandparents to look after their children. So we'd look at options around the community supports that are available to give them advice and support, as well as some of the financial supports that are available through some of the programs that the minister has mentioned.

The Vice-Chair: We've got a couple of minutes left. Mr Parsons, do you want to fill that time, or—

Mr Parsons: No.

The Vice-Chair: OK. Very good. In that case, does the ministry or anyone have any response, because there's still a minute or two here on your rotation.

Hon Mrs Bountrogianni: Through the child welfare secretariat, we'll be looking at a whole host of strategies, but I think Trinela said it right: It's a slippery slope once you start subsidizing grandparents, but we certainly will look at a whole series of strategies.

There are supports out in the community for anyone who is taking care of a child and is having difficulty with that child. If the child has a mental health needs problem, there are those resources. As I said earlier, we've just increased that budget significantly. As well, if they're young children, there are the Early Years centres. There is child care. There are child care subsidies if that family meets the criteria. But beyond that, at this point there isn't more.

The Vice-Chair: Thank you, Minister. The way the remaining 27 minutes will work—we've been advised that Mr Bisson from the NDP will join us. He will not be allowed to vote, but he will be able to participate. So that

will give three parties each nine minutes in rotation. The government side, when it comes to your rotation, can either use the nine minutes or relinquish your time to the minister, so we can finish on time.

With that, we'll start with Mr Jackson. You have nine minutes.

Mr Jackson: Which ministry personnel is responsible for the youth detention centres?

Hon Mrs Bountrogianni: Deborah Newman.

Mr Jackson: Could Deborah come here, please?

Hon Mrs Bountrogianni: Excuse me, Chair. May I just leave for a minute and come back? Is that OK, Mr Jackson—within a minute? Thanks.

Mr Jackson: Ms Newman, thank you. I've been contacted by staff at Cobourg's youth detention centre, Brookside, regarding concerns about staff safety. There was an article that appeared Wednesday, November 10, in the Northumberland Today newspaper that sets out some of the concerns.

I'm just going to read the situation as reported in the media: "More Toronto and area youth are now housed in Brookside"—that's in Cobourg—"as they go through the court system—and they bring the gang system with them.

"The mixture of young people in the facility, some over 18, and many facing murder charges, brings hardened gangster-type, tough scary kids into contact with petty criminals who are being preyed upon," said an exclusive interview with the Cobourg Daily Star, according to their occupational health and safety rep inside the facility.

"The gang culture of intimidation is realized not in one-on-one confrontations between factions but by sneak attacks by a group on one person. As a result, the number of homemade weapons has increased because of wouldbe attackers and those trying to protect themselves, he says.

"They are also attempting to intimidate staff," and the situation has escalated.

Are you familiar with the concerns being raised by this facility?

Ms Newman: Yes, I am.

Mr Jackson: My understanding is that staff have requested that we consider more locked bedrooms as a result, so that they can do a proper lockdown in that facility. Some of your facilities you're able to lock down—I've toured Syl Apps, for example—but this one doesn't have that capacity. So you've shifted the cohort of kids in the program. Your management at the facility agrees with the youth service officers, but they haven't promised the locks. Is there any problem with getting locks put on those doors?

1710

Ms Newman: I'm familiar with the concerns that have been raised by the staff at Brookside Youth Centre, and perhaps I can address the situation.

I'd like to begin by saying that our number one priority in youth justice is to ensure the safety of the community, the staff and the youth in our facilities.

With respect to this particular situation, again, another effect of the Youth Criminal Justice Act is, generally speaking, that those youth who are in secure custody these days are the most serious youth and those who need to be in secure custody. We've talked about the numbers and the reduction in the numbers. As a result, again, as the YCJA intended, that custody has been used as a last resort. We are getting more hard-to-manage youth in secure custody generally. That's not specific to Brookside and it's not specific to Ontario; it's right across the country, as I've heard from my colleagues.

We do have the capacity to lock doors at Brookside Youth Centre; 33% of the rooms at Brookside Youth Centre have locks on them. We use a combination of bedrooms with locks and without locks to manage the population there appropriately from a placement and classification perspective. If we require the use of a locked room, we have that at Brookside.

Mr Jackson: So you're not going to increase the number of locked rooms.

Ms Newman: We have no plans to increase the number of locked rooms at this time. We have evolved the situation over the years at Brookside where we've added more locks to the doors and now I think we have sufficient locked capacity.

Mr Jackson: So it's not a budget issue. You're satisfied that these residents are safe?

Ms Newman: Yes, I am satisfied that they're safe. I'm satisfied that we have sufficient locked capacity at Brookside.

The other thing I would say is that we've conducted a review of incidents at Brookside, looking at the number of peer-on-peer violence incidents there over the course of the last year, from the fall of 2003 to this fall of 2004, and there has been no average increase in the number of incidents over that one-year period.

We do have incidents of kids assaulting other kids in secure custody. That is part of the nature of the job. That's part of the job that is done when you're dealing with some fairly challenging young people in a secure custody setting.

Mr Jackson: Fair enough. You're satisfied with the situation; you've done your review. Then, have you seen the letter from Cobourg Police Chief Garry Clement, who has indicated that although the incidents have only increased moderately, he's saying that the level and extreme nature of the intimidation and the threats have grown?

From a bureaucrat's perspective you can read the stats to say it's only grown slightly, but if weapons are now involved when they weren't involved, I would consider that an escalation.

The police chief has written you and has asked for your ministry to provide additional funding since the police are being called on a more routine basis in this. Clearly, you're monitoring the increased number of police activities.

Ms Newman: Yes. In fact, we've always had a policy that whenever there's a peer-on-peer violence incident, the police are contacted. So that in fact has not changed.

Mr Jackson: They're not the only ones contacted. Doesn't the child advocate get involved? Don't you go in

to measure, to see if any staff—staff are being hurt here but, generally in a takedown, staff are accused by the youth of being too violent and they file claims. Isn't that review going on as well?

Ms Newman: There are a number of mechanisms to ensure appropriate oversight and accountability, so the police are called routinely. It's our policy. In addition, the child advocate does visit all of our youth centres regularly. Youth in custody can and do contact the child advocate. They're given unfettered access to the child advocate, so that is another oversight mechanism.

We also have an investigation capacity so that if there are allegations that there was excessive use of force by staff, for example, in controlling a situation, or that there was some inappropriate intervention—

Mr Jackson: I'm quite familiar with the process.

The Vice-Chair: You have one minute, Mr Jackson.

Mr Jackson: Yes. Are you disputing that there hasn't been an increased contact with the police? The point I'm trying to get across is that with the escalation in the weapons and the threats, the police are suggesting that there is potential for a loss of life. Are we going to provide any additional resources to the police, yes or no? If the answer is no, are we going to change anything, other than just monitoring this situation?

In the interests of time, could someone tell me who Anne Machowski is, who's with the ministry? Is that a bureaucrat or is that political staff?

Ms Hill: The person is a media contact.

Mr Jackson: So it's political staff?

Ms Hill: No, it's in the bureaucracy, the media line.

Mr Jackson: Why would she be stating to the media and everyone that she's unaware of the gang activities at Brookside when I've just heard the ADM saying that she's quite aware of it?

Ms Newman: I'm not—

Mr Jackson: I'll leave that question out there, but you can talk to Anne Machowski and maybe get her up to speed in the communications department.

Ms Newman: What I'm saying is that we're quite aware of, and monitor, the incidents in all of our youth centres. In fact, the average number of incidents at Brookside has remained consistent since the fall of 2003.

Mr Jackson: So the answer is no to the police chief?

Ms Newman: We'll be reviewing the concerns raised by the police chief and responding to those.

The Vice-Chair: That completes this round. We have a little dilemma here.

Hon Mrs Bountrogianni: Chair, may I ask for a photocopy of what Mr Jackson has, the letter from the Cobourg police?

Mr Jackson: The letter is addressed to you. Have you not seen the letter?

Hon Mrs Bountrogianni: No, I have not seen it. Do you have it with you right now?

Mr Jackson: No, I just have the media report. That's all I have.

Hon Mrs Bountrogianni: OK.

Mr Jackson: I can send it to Anne Machowski. She apparently—

Hon Mrs Bountrogianni: I don't need the media report. I thought you had the letter.

Mr Jackson: No, I haven't seen the letter.

The Vice-Chair: Very good. We're going to seek unanimous consent here. The NDP isn't here. They've indicated they will be. We would pass by them now and allow you to have your nine minutes, and when Mr Bisson comes back in, at the will of the committee we would give him an appropriate amount of time. It's up to the committee. Any dissenting voices?

Mr Parsons: If the inference is we have our nine minutes because we would like to give some of the time to the minister to summarize. It would be rather difficult to summarize if there's going to be material coming forward.

The Vice-Chair: That's appropriate. Let's just proceed. You'll have your nine minutes. Use it as you wish. If there's time left at the end, the minister can use it or we can just forgo it. OK?

Mr Parsons: I've got a question for the minister, then. One of the things I used to find frustrating in the 1999-to-2003 term were announcements of funding being made for communities, and then waiting. The announcement was made again, and we waited. Sometimes we got four or five good-news announcements.

Minister, you've announced that there would be additional resources put into subsidized daycare spaces. Has any of that money flowed or is it about to flow?

Hon Mrs Bountrogianni: I'm so glad you asked that. It does take time to spend money. It has to be implemented carefully. The money is, I think as of today, flowing. There's only one county that hasn't submitted a plan. I'm very happy to say that the \$58 million, which is there to produce 4,000 new subsidized child care spaces, which is the first real increase in child care in a long time, is flowing. It's much needed and we're very excited about it. It's the first step toward our Best Start plan, which you'll hear about in the future. The money is actually flowing and you'll hear more about the allocations per area very soon.

Ms Cane: As the minister has indicated, we have received 46 out of 47 plans—a bit of a progress report for you. The one outstanding plan—we've been working through out regional offices with that municipality and we do have a letter of commitment from them around the use of the dollars that have been allocated. The minister has indicated that, I think, effective today the funds are beginning to flow. Certainly a large number of plans have not only been approved by the ministry, they've been approved by the various municipal councils.

The money is flowing and we expect the rest of the plans to be completely reviewed and approved before the end of the month and all the funding to be flowing early in December.

Mr Parsons: Excellent. I have one more question, then, and it's one to do with my riding, the finest riding in Ontario. I'd ask that Hansard would note that.

Interjection.

Mr Parsons: Seconded by? Thank you.

Mr Milloy: No, second to mine.

Mr Parsons: Oh, I misheard on purpose.

I'm no longer a board member of Hastings Children's Aid Society, but when I was, we carried a substantial debt for some years. The previous government very nicely provided money for workers to be involved in investigations, but evidently believed that they didn't need a desk, a chair or a telephone and there was no need for them to ever leave the office because they didn't have an office.

Your ministry has provided funding to them that basically wiped out the deficit. If I'm recalling correctly, there was a requirement that they sign an agreement. I'm wondering if you could expand on that.

1720

Hon Mrs Bountrogianni: We wanted to have some targets reached, if possible. One was more adoptions. This is across the province, not just in your children's aid society. The other was to try to reduce costs by, if you have to refer children to group homes, trying to make it close to home—appropriate settings. There was a third criterion—if you can remind me what the third one was.

Ms Hill: Adoption.

Hon Mrs Bountrogianni: I said that. Adoption—

Ms Cane: They were also asked to look at potential infrastructure-related costs.

Hon Mrs Bountrogianni: That's right. We basically wanted to start to rein in some of this unsustainable spending. It's a tough job they have. The law is clear and we support the law, that if a child is in need of protection, we need to protect that child. But the situation is becoming unsustainable, so we asked them to try, and that was the agreement there. Actually, there has been some progress by many of the societies.

Mr Parsons: Is that reviewed during the year or have the expectations been set out ahead of time for the year?

Ms Cane: The letters of commitment were signed at the beginning of the fiscal year and the service plans that the agencies have developed reflect those priorities. Of course, as I indicated earlier, in the context of our ongoing review of service plans, there were the commitments that the various agencies made toward the targets that we've identified for adoption and permanency planning. The minister mentioned the repatriation targets so children are placed closer to home where possible. I mentioned the infrastructure. There were also incentives and commitments required around legal services. We talked about that a little bit earlier.

So those were commitments. Their progress toward the commitments is reviewed as part of the service planning process that's currently underway, and certainly all agencies signed a letter of commitment at the beginning of the year and have not only moved yardsticks toward achieving progress in the key targeted areas, but are continuing to do so.

Mr Parsons: Thank you.

The Vice-Chair: No further questions? Minister, you have four minutes or as much time as you need.

Hon Mrs Bountrogianni: First of all, I want to thank the committee for this opportunity. I wanted to be on estimates. I'm not a masochist, but I wanted to be on estimates because I wanted to put focus on a new ministry, and I knew this would do it. It's challenging. It is a new ministry and we received our budgets—not all but most of our budgets—in April of last year, so it was a relatively daunting task that we had in a very short period of time to create a ministry to manage the programs that are there and to begin to look at new programs.

It's an honour. I'm really pleased that the Premier has trusted me in this role. It's a challenge as well and it's a challenge that I'm up to. I have a great deal of support from my ministry, my public servants, as well as my political staff, who spend weekends—Labour Day weekend, Thanksgiving weekend—working to give me the tools I need to help the kids of this province.

It's not perfect. We have a lot of things that we need to fix. Again, there are historical reasons and there are some other infrastructure reasons that we need to look at, right from the prevention programs to child care to children's mental health to youth justice. But it's also a very exciting time with the youth justice act changes, with the renewed interest and, finally, action by the federal government for a national child care program, with the municipalities and the agreements between the municipalities and the government, that we consult with each other when whatever we do affects each other. It's also a time of challenge and opportunity together, so it makes it very exciting.

I've got two kids of my own. So far, so good, knock wood, I mean, except for their regular ups and downs, like being on a roof and waiting for the eclipse while I was in here one night. Except for that, they're pretty good kids, but I want to know that, but for the grace of God, if they falter, if they make a mistake, there is an infrastructure out there for them.

I'm very fortunate I'm in Hamilton. There are some very good systems in Hamilton, but all these systems have been stretched to the breaking point. And not only for my kids, but for everyone's kids, I'd like to improve things. I'd like, in three years, to be able to look back and say, "OK, this, this and this is better," and I'm going to work very hard to improve. Again, I make mistakes. I'm not perfect, but I'm a hard worker. I'm a child psychologist, a mom, a former child care operator, so this is a dream job for me.

I look forward to your assistance in making Ontario's kids happier. I actually look forward to the constructive criticism of the opposition as well. I was in opposition, and it's an honourable job. I got things done in opposition with the ministers of the Tory government and I'd be more than happy to work with anyone who truly wants to help the children of this province.

I thank you for the opportunity. It has focused us, so the estimates committee did do that. It's a new ministry. It was challenging to gather the information. We still have a long way to go before I'm happy with the information we get, but we're getting there. With your help and your focus, we'll get there sooner. So thank you very much committee

The Vice-Chair: Thank you, Minister. I would just say that I consider the business of this committee

complete, with the exception of asking the committee if there are any further administrative questions or anything before we complete the votes for the estimates of this particular ministry. There being none, I'm going to call the questions.

Shall vote 3701 carry? All those in support? Opposed? That's carried.

Shall vote 3702 carry? All those in support? Opposed? Carried.

Shall vote 3703 carry? All those in support? Opposed? Carried.

Shall the estimates of the Ministry of Children and Youth Services carry? Carried.

Shall I report the estimates of the Ministry of Children and Youth Services to the House? Carried.

That concludes the business of today. Thank you very much, Minister, and your staff. I found it informative and productive.

The committee adjourned at 1727.

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