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Monday 5 December 2005

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Lundi 5 décembre 2005

**Standing committee on
social policy**

Child and Family Services
Statute Law
Amendment Act, 2005

**Comité permanent de
la politique sociale**

Loi de 2005 modifiant des lois
en ce qui concerne les services
à l'enfance et à la famille

Chair: Mario G. Racco
Clerk: Anne Stokes

Président : Mario G. Racco
Greffière : Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON SOCIAL POLICY

COMITÉ PERMANENT DE LA POLITIQUE SOCIALE

Monday 5 December 2005

Lundi 5 décembre 2005

The committee met at 1600 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr. Mario G. Racco): Good afternoon and welcome to the meeting of the standing committee on social policy in consideration of Bill 210, An Act to amend the Child and Family Services Act and make complementary amendments to other Acts.

Our first order of business before we commence the public hearings is a motion for adoption of the subcommittee report.

Ms. Kathleen O. Wynne (Don Valley West): Mr. Chair, I'd like to move the subcommittee report.

The Chair: Thank you. Can you please read it?

Ms. Wynne: Yes. Your subcommittee considered on Monday, November 28, and Thursday, December 1, 2005, the method of proceeding on Bill 210, An Act to amend the Child and Family Services Act and make complementary amendments to other Acts, and recommends the following:

(1) That the committee meet for the purpose of public hearings on Bill 210 on Monday, December 5; Tuesday, December 6; Monday, December 12; and Tuesday, December 13, 2005, in Toronto.

(2) That the clerk of the committee be authorized prior to passage of the subcommittee report to place an advertisement on the Ont.Parl channel, the Legislative Assembly Web site and in a press release regarding the proposed meeting dates on December 5 and 6, 2005.

(3) That the deadline for those who wish to make an oral presentation on Bill 210 be 5 p.m. on Thursday, December 1, 2005.

(4) That the deadline for written submissions on Bill 210 be 6 p.m. on Tuesday, December 13, 2005.

(5) That the time to be allotted to organizations and individuals in which to make their presentations be determined by the Chair in consultation with the clerk depending on the number of requests received.

(6) That the Minister of Children and Youth Services be invited to make a 15-minute statement to the committee on December 5, 2005, and that the two opposition critics share 15 minutes in which to respond to the minister.

(7) That the clerk be authorized to schedule groups and individuals in consultation with the Chair, and that, if there are more witnesses wishing to appear than time

available, the clerk will provide the subcommittee members with the list of witnesses, and each caucus will then provide the clerk with a prioritized list of witnesses to be scheduled.

(8) That the research officer provide the committee with a summary of witness presentations as soon as possible after the conclusion of public hearings.

(9) That the committee provide the choice of video conferencing, teleconferencing or the payment of reasonable travel expenses to witnesses in order to accommodate those who are unable to travel to Toronto or need to travel to Toronto in order to make a presentation.

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

The Chair: Thank you. Do you have any comments?

Mr. Jeff Leal (Peterborough): I do want to get on the record. I want to commend you, Mr. Chair; the clerk, Ms. Stokes; and Minister Chambers. I had the opportunity last Friday to meet with Chris McCormick, who is the Deputy Grand Chief of the Association of Iroquois and Allied Indians, and Chief Greg Cowie, who is the Chief of Hiawatha First Nation community, which is in my riding of Peterborough. They indicated to me that because the Ontario association of chiefs is meeting in Ottawa today and tomorrow and they couldn't be present to make a delegation, they are very pleased that committee hearings will be held next week, affording them the opportunity to make a presentation. I just want to get that on the record and commend everybody involved in understanding the sensitivity of the First Nations community of Ontario on this issue.

The Chair: Thank you. Of course, all three parties agreed.

Are there any comments on the motion on the floor? Just for you, Mr. Hampton, we read the subcommittee report. We are debating and then voting on it. Mr. Arnott, please.

Mr. Ted Arnott (Waterloo-Wellington): Thank you, Mr. Chair. The subcommittee report indicates that the clerk would be "authorized to schedule groups and individuals in consultation with the Chair." I'm just looking at the list of presenters here today and tomorrow, and I see that the Ombudsman is scheduled to make a presentation tomorrow afternoon at 5:30 p.m. and he is being given 15 minutes.

The Ombudsman, of course, is an independent, neutral, non-partisan officer of the Legislature. I would think that it might be a good idea for the committee to allow the Ombudsman additional time. I was wondering if the government is prepared to consider that or—

The Chair: Thank you for your comments. What I was going to do was deal with today's agenda and, at the end of the meeting, the subcommittee or all of us can stay and make that decision. I think that's going to be part of the agenda at the end of this meeting, to discuss that possibility. That's my understanding, and I believe there's an agreement about that. So if we can leave it until the end of the meeting, that will be discussed.

Mr. Arnott: Thank you.

The Chair: Any other questions and comments on the motion? If there are none, may I then take a vote? All in favour? Those opposed? That carries.

CHILD AND FAMILY SERVICES
STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS
EN CE QUI CONCERNE LES SERVICES
À L'ENFANCE ET À LA FAMILLE

Consideration of Bill 210, An Act to amend the Child and Family Services Act and make complementary amendments to other Acts / Projet de loi 210, Loi modifiant la Loi sur les services à l'enfance et à la famille et apportant des modifications complémentaires à d'autres lois.

MINISTRY OF CHILDREN
AND YOUTH SERVICES

The Chair: The first item on the agenda is the opening statement from our minister, Madam Chambers, please.

Hon. Mary Anne V. Chambers (Minister of Children and Youth Services): Thank you, Chair. I'm very pleased to bring forward Bill 210 to the committee for review and consideration. This bill, if passed, would strengthen our ability to protect and help our most vulnerable children and youth. It would build upon existing strengths of the system and introduce mechanisms to make the current system even better.

Children in need of protection face significant challenges, and I think we all recognize that we have a collective responsibility to protect them from harm and to support them as they work to overcome their challenges. Our government understands that we cannot use a one-size-fits-all solution when dealing with the complex needs of children and their families.

This bill, if passed, would help more children who are crown wards and in the care of our children's aid societies find permanent supportive homes by making adoption more flexible for children and less complicated for prospective parents. We are also providing more options to enable more children to grow up in secure

family settings. As well, we are changing the way children's aid societies work by not only making them more stable and sustainable, but also making them more accountable to the children and families they serve, to our community partners and to government.

The child protection system deals with tremendous challenges every day, and I commend all the dedicated individuals who work in this field and who support children and their families. I think most would agree that the system is in need of reform. The system is faced with numerous pressures that can make it difficult to manage the conflicting demands. Throughout this process, we have worked closely with a wide range of stakeholders, including families, to develop legislation that will make the system work better for everyone: for the children it is meant to protect, for the families it is meant to assist and for the staff who are so dedicated to our young people.

Currently, Ontario's children's aid societies receive almost 160,000 calls reporting child abuse and neglect each year. Consider that these could be children who may be regularly left alone to fend for themselves, children who defend their mothers against abuse and suffer the consequences, children who are sexually assaulted by someone they trust and then live in silence, or children whose self-worth is routinely diminished to the extreme by others.

In many of the situations where a children's aid society is called, child protection staff can support parents so they are better able to care for their children. Experienced social workers and judges must sometimes make difficult decisions based on what they believe to be in the best interests of the child. The best interests and safety of the child is the driving force behind this legislation. Every one of the proposed reforms that we are bringing forward has been considered from the vantage point of the child. Our goal is to help every child in Ontario have the best opportunity to succeed and to reach their own potential.

There are about 9,000 children in the permanent care of Ontario's children's aid societies. They live in foster homes or in group homes. On average, they change homes every 22 months, and they change schools. They have to try and make new friends in a new neighbourhood. A new foster family or group home can mean new rules and new expectations. That kind of instability can affect every part of a child's life.

Of the 9,000 children who are crown wards of children's aid societies, we're seeing just over 900 adoptions a year. I think we can do better than that; we must do better than that. We need to help more children find a permanent, caring home by making adoption more flexible for individual children and parents.

1610

These proposed changes would remove the rigid restriction that a child must completely sever all ties to his or her birth family before being eligible for adoption. Right now, 75% of children in permanent care cannot be adopted because their birth family has a court-ordered right to contact them. When judges make an order that a

child becomes a ward of the state, they may be hesitant to seal off all contact with the family, except in those cases where it's necessary for the child's protection. So the birth family might have the opportunity to visit the child, say, twice a year. That often makes sense so the child doesn't completely lose touch with their birth family, but it should not automatically make the child ineligible to become a member of a permanent family. These proposed changes would mean that, where appropriate, a child could keep those important ties to their family, community and culture, and still be adopted or placed in a permanent home.

We know that adoption will help a number of children find a secure, stable family. But we also know it is not the answer for every child. Proposed changes would give children's aid societies more flexibility to meet the unique needs of each child. For some children, it would mean being placed with extended family, people they already know and trust. Under the current system, most children who are removed from their homes are placed in foster care or in a group home. Under our proposed new system, the children's aid society will have the option to place that child with a suitable member of their extended family. It could mean less disruption in the life of a child who has already been through too much. I would like to point out that even as Bill 210 is moving through the legislative process, I have asked my ministry to immediately develop a regulation to address situations where a child may be placed with extended family or a community member.

The process must always start with a rigorous safety and risk assessment for all children and families. The completion of an appropriate assessment, including background checks, is a critical safeguard in such situations. We know that not all children have a family member who is an appropriate caregiver. In such cases, there will often be other adults willing and able to provide a loving, stable home. It could actually be the child's long-time foster parent.

We are also working closely with the aboriginal community on a renewed emphasis on customary care that would allow more aboriginal children and youth to stay in their communities. I am committed to addressing their concerns, and have had several meetings with members of First Nations communities from across Ontario. I recently met with a group of chiefs and some operational staff to hear their concerns. I was with them for the better part of a full day. I listened to what they had to tell me about the issues First Nations face in the area of child protection and the Child and Family Services Act as it currently stands. They want to ensure that Bill 210 does not perpetuate the removal of their kids from their communities. I respect and appreciate their knowledge and traditions, and look forward to continued discussions with them to support their children.

This is particularly important because we know that aboriginal children are disproportionately represented in our child protection system. This is a trend that cannot continue. Under the current system, aboriginal children

who come into the care of a children's aid society are often placed in non-aboriginal foster care. With an emphasis on customary care, we will work with aboriginal leaders to build capacity so children can stay in their communities and maintain important cultural and family ties, as well as incorporating First Nations traditions into their upbringing. I will continue to work with aboriginal leaders to ensure that Bill 210 meets the needs of their children and their communities.

The proposed changes that I've discussed here are part of our government's plan to help more children and youth in the care of children's aid societies thrive in a safe, stable, supportive home.

We're also removing some of the barriers that often discourage people from adopting children in Ontario. Parents who have tried to adopt a child from a children's aid society will tell you it's a cumbersome, inconsistent process. We are improving the application process so there is a standard, consistent application for both public and private adoptions. This will make the process simpler for those parents who are looking to adopt a child in Ontario either through a children's aid society or through a private adoption agency. We are working with the Adoption Council of Ontario and with our children's aid societies to provide a province-wide Web-based system to bring together children who are available for adoption with families who want to adopt.

To provide appropriate protection and supports for our children, there will be post-adoption support so that families who adopt a child from a children's aid society aren't left on their own, if they are indeed in need of support. We know that we can improve children's prospects for a healthy, productive and overall successful adulthood by providing them with a loving, stable home in their childhood. But in order for these changes to work, we need to also make some changes to the way our 53 children's aid societies work.

Since 1997, government funding to children's aid societies has increased by 168%. While we have recently announced significant funding to assist societies with the pressures they are currently facing, we have also introduced a new funding model that places a greater emphasis on the specific results we want to see for children, like more adoptions. We want the societies to be better able to match their level of response to the individual needs of the child.

Through Bill 210 and the regulations that would follow, we are also committed to strengthening the client complaint mechanism. Our children's aid societies must be more accountable to the children they serve and to the community.

Another legislative change under Bill 210, if passed, should result in the use of collaborative solutions to resolve child protection matters rather than having to resort to lengthy court proceedings. A number of provinces and states already look beyond the courtroom to settle certain child protection disputes. They use mediation, family conferences and talking circles. Evaluations of these methods consistently show positive results, including more timely resolutions, higher rates of settlements, more

satisfied families and better communication between the parties involved—all of this with the interest of the child being the priority. I think it is safe to say that these are all outcomes that we would all like to see for the children and youth in our child protection system.

Together, these changes will help children's aid societies place more children in an adoptive or otherwise permanent home so they can grow up with the security of a family that will be there for them in the long run.

The proposed legislation, along with the other changes that we are making, is driven by a commitment to all of the children and youth in our child protection system.

I would like to take this opportunity to welcome everyone who will come before this committee. By doing so, they are demonstrating the significance of the responsibility that we share for the protection and well-being of these children and youth.

The Chair: Thank you, Minister Chambers. There is now 15 minutes—seven and half minutes for each party—to make some comments. I will start with Madam Munro, please.

Mrs. Julia Munro (York North): Welcome, Minister, to the hearings. Certainly, this bill represents, for the government, obviously, an important step in a process. I think that everyone here recognizes the importance of providing appropriately for children. All of us have the experience in our own communities of situations where children are in great need, and we are always looking for ways by which we can make those kinds of opportunities for our children. I'm very conscious of the expanded definition in 2000 to include neglect, because, historically, this was something that certainly hampered many, many child care protection efforts. I think that it's always an unfolding story, looking for what are the best opportunities, and then to provide greater security and, frankly, a better future for children.

1620

There are many changes, as you have outlined, in this bill. Certainly, at first glance, I think that most people regard these as very positive changes, ones that will give hope to children in the province and that are certainly designed to put children's interests first.

As I said in my opening remarks during second reading of this bill, I think it's very, very important to hear from the experts, as we are here today, particularly those people who have professional experience through the society, through social workers, but also, I think, people who have experienced adoption and who themselves have been through a foster care program. I think all of us are very sensitive to the kinds of statistics when you talk about the average length of time that a child is in one home as being 22 months. So I think that it's extremely important for us to hear in these hearings—and I'm very glad that we've been able to extend the hearing process, in fact, to four days—from that variety.

I'll just comment on a couple of areas in this particular piece of legislation that I think we need to particularly hear some response to, because there are some significant changes. One is the increase of reliance on kinship and

community care, which I think is certainly a positive goal. We know that in many cases, if a father or mother is unable to care for a child, the fact that a child could then go to a grandparent or an aunt or a cousin may certainly be the best one to involve. If we have a parent who has a drug addiction, giving custody to a family member may obviously allow that child to experience the least possible upheaval. Reliance on the courts may also be reduced if we're looking at a system where the child is going to be put within the family. I think that we all recognize the role of extended families, which play a part in the raising of every child, and so it seems to me that it only makes sense that we turn to them first in the case of need. But obviously, the question of kinship care must be guarded very carefully, because many abusive and neglectful parents, in fact, come from families in which these traits have been carried from one generation to another. What we need to hear about and be comforted by, then, are the kinds of safeguards that would ensure that those kinds of processes will take place.

The other area, of course, is the whole question of introducing the notion of alternative dispute resolution. I recognize this as, if you like, the signature part of this piece of legislation. You have referenced the increase in funding in this particular area. Certainly, we know that court time is very expensive for all parties concerned, and so we have to be assured that dispute resolution is in fact going to mean that it is more efficient and certainly less time-consuming than going to court. If it's seen as a precursor to going to court, then obviously it may not be quite as successful as we would want.

The other area that I think we'll probably hear something about is the question of openness agreements. You yourself have pointed out that you're looking to this particular piece of legislation as something that will encourage adoption. Certainly, when you look at the statistic that there are 9,000 children and only 900 adoptions, it's a very startling figure to be given, so we need to be sure that the process by which any openness agreement can be done is one that in fact is going to encourage adoptions. We're all aware that there are avenues in this province and in this country for people to choose alternative routes to adoption, so in one sense there's sort of a competition for those adoptive homes. The last thing we would want is to have it seen as a way that might impede, as opposed to encourage and increase, the adoptions.

I look forward to the public hearings we are about to embark on and will look at them for the kind of support that I know you're looking for in the bill, and the kind of support we would want to provide that makes it better for vulnerable children in Ontario. That's why we're here.

Mr. Howard Hampton (Kenora-Rainy River): I want to raise some issues. Minister, all members of the committee have received a number of letters from First Nations. The letters from the First Nations raise some fundamental issues. I want to read a couple of the letters, because I think this needs to be on the record.

This is a letter from the Lac Des Mille Lacs First Nation to the committee clerk:

“Bill 210 Amendments to the Child and Family Services Act (CFSA)

“Along with other First Nations in Ontario, we are fundamentally opposed to certain provisions of Bill 210 that undermine First Nation child care practice and jurisdiction. We are also concerned about the current legislative process.

“The opposition of First Nations was recorded in resolutions 05/22 and 05/27 passed at the All Ontario Chiefs Conference (AOCC) of June of 2005. Since that time, the Chiefs Committee on Child Welfare, the Chiefs of Ontario Social Services Coordination Unit, and the Association of Native Child and Family Services have reviewed the bill and have confirmed that there are fundamental problems for First Nations.

“In particular, section 44, part 223 of the bill gives the government an open-ended regulatory power to redefine First Nation customary care. That is inconsistent with First Nation child” care “practice and jurisdiction. It is also inconsistent with the spirit and letter of Part X of the” existing act, “which First Nations generally support.

“As the bill affects First Nation rights and interests, the government of Ontario is under a legal obligation to consult First Nations and attempt to accommodate those rights and interests. This legal duty flows, in part, from section 35 of the Constitution Act, 1982. Further, section 2.2 of the 1965 welfare agreement, to which Ontario is a signatory, requires First Nation consent before any significant alteration to a welfare program, including child welfare. The effect of section 2.2 was confirmed by the courts in the Mushkegowuk decision dealing with Ontario Works.

“The provincial government has not lived up to its legal duty to work with First Nations on key provisions of Bill 210. The consultation record on the bill is practically non-existent. This may lead to a judicial finding later on that the bill, if passed into law, is invalid, at least as it applies to First Nations.

“The consultation problem with Bill 210 has been made worse by the committee hearing schedule. Only two days of hearings have been scheduled next week, December 5-6. This does not give First Nations enough time to prepare presentations. To make matters worse, most First Nation leaders will be in Ottawa all of that week attending an important Assembly of First Nations conference dealing with the implications of the recent first ministers’ meeting....”

1630

It seems to me that there are lots of objections here from First Nations. I want to ask the question: What has been done by your ministry officials to address this long list of objections?

Hon. Mrs. Chambers: First of all, before you arrived at this committee meeting today, it was recognized that committee hearings have in fact been extended to December 12 and 13 to accommodate that very issue raised by First Nations chiefs who are not available this week. I’m very pleased that they will be here before the committee next week. Next week, while they’re in

Toronto, they will also have another meeting with me. Some of them have already met with me, and I will continue to meet with them as much as it takes.

After a very lengthy meeting and consultation with First Nations chiefs and their operational staff, I suggested, and they agreed to, a working group on customary care. This is intended to address the concerns that you made reference to in that letter. Again, we recognize that it is absolutely critical that they be given the opportunity to participate fully in the proposed Bill 210.

Mr. Hampton: May I ask why, when the chiefs have been raising these objections for some time—they raised them over a year ago in 2004, they recited them again in the spring of 2005 and they recite them again in letters that were received just last week—do they have to raise these objections over and over again?

Hon. Mrs. Chambers: I can speak to the term of my being minister. I have never ignored the First Nations community. I have been working with First Nations communities in this ministry from when I was appointed to this ministry and in my previous ministry. You will also hear that I have a very constructive and consultative relationship with the First Nations community. It’s something that I’m personally committed to, and I certainly recognize the need to do this.

I have even met with the new grand chief who has replaced former Grand Chief Charles Fox. The new person is Angus Toulouse. I have met with several groups and individuals. I can also tell you that my ministry is working with First Nations communities to build capacity within their own communities to take care of their own children, because I believe that is the most appropriate solution for them.

The Chair: One minute.

Mr. Hampton: This letter was written on December 2. Many of these other letters were written on December 1 and November 30. So these are very recent complaints from First Nations about the fact that they are not being listened to—

Hon. Mrs. Chambers: Well, Mr. Hampton, I guess it’s their word against mine. There’s nothing more I can say about that.

Mr. Hampton: The concerns they raise are fairly fundamental. One of the concerns is constitutional. Do you think that merely by extending the hearings by two days a constitutional error is remedied?

Hon. Mrs. Chambers: I think you’ve heard what you want to hear.

The Chair: That’s all of the time allowed. I want to thank the minister for joining us and giving us her thoughts.

TIKINAGAN CHILD AND FAMILY SERVICES

The Chair: We will move on to the next presentation. The first witnesses will be Tikinagan Child and Family Services. They are appearing by video conference.

Thank you for joining us. Please proceed. You have 15 minutes for your presentation.

Mr. Michael Hardy: Good afternoon.

The Chair: Good afternoon.

Mr. Hardy: My name is Michael Hardy. I'm the executive director of Tikinagan Child and Family Services. I'd just like to thank the committee for spending a few moments with us.

Tikinagan Child and Family Services is a children's aid society north of the 50th Parallel in Ontario. It's also defined by the Ministry of Children and Youth Services as north of the 50th. It's 99% remote communities that we serve.

We felt it was necessary to present today because any impact from a legislative or regulation change in our case tends to increase the amount of kids in care and involvement with families. We've also attempted many times to have consultations with the Child Welfare Secretariat and were either refused or there was reluctance to have Tikinagan present their unique issues as related to child and family services and related to being a children's aid society.

I'd like to have a three-part presentation: One is on behalf of the chiefs who are corporate members of Tikinagan; two, we have a chiefs' working group on child welfare that's specifically with Tikinagan Child and Family Services; and of course, number three, on behalf of our agency and the children and families whom we serve in our area.

We ask you to consider the following because it really has an impact on our children and families in the communities we serve.

You'll note in the handout that Tikinagan Child and Family Services is the oldest and largest aboriginal children's aid society in Ontario. Tikinagan was created pursuant to an agreement between the Nishnawbe Aski Nation—we are referred to as NAN—chiefs and the government of Ontario in 1984. It currently is mandated as a children's aid society, which took place in 1987.

Tikinagan provides comprehensive child protection services to a large geographic area north of the 50th Parallel, which includes 30 remote First Nations and several small towns and villages.

Through service agreements with the other local children's aid societies, Tikinagan also provides services to its First Nation members in the townships of Sioux Lookout and Red Lake.

As members of NAN, we support our political leadership's position that this bill should not proceed in the absence of full First Nation consultation. The right to care for our own children in accordance with our culture and traditions is an important part of our inherent right to self-government, which is recognized in section 35 of the Constitution.

The Child and Family Services Act recognizes this in its special provisions for First Nations, and part X recognizes our right to care for our children in accordance with our customs.

The constitutional duty of government to consult with First Nations when its actions impact on our rights has

been judicially recognized as recently as November 24, 2005, in the Mikisew case. Consequently, we are disturbed that Ontario proposes to amend the Child and Family Services Act without First Nation consultation.

At Tikinagan, we have a chiefs' working group which assists us in our work. They are upset at the failure of the Ministry of Children and Youth Services to consult them. In fact, they are considering legal action for breach of their right of consultation,

The government's process of dealing with Bill 210 is flawed. It is unfortunate that the government continues to exclude us and, as First Nations, we are forced into a legal and political confrontation with the Ministry of Children and Youth Services in order to protect kids in accordance with the mandates we have been given by our chiefs.

As an aboriginal child welfare service provider, we are concerned about the impact of certain proposed amendments on our work. Since 1987, we've been developing our service delivery model. We call it Mamow Obikihwahsoowin. In Ojibway or Oji-Cree, Mamow Obikihwahsoowin means "Everybody working together to raise our children." It's a system of protecting and caring for children and supporting families that has been designed and is delivered by First Nations people. It is rooted in customary care as recognized in part X of the Child and Family Services Act.

1640

First Nation child care customs are based on the spiritual belief that children are gifts from the Creator and that all are responsible for their care. Customary care is the traditional native practice of child rearing and care within which all members of the family, extended family, relatives and communities are involved in caring for children whose families are having difficulty. Customary care practices are influenced and determined by the culture of the parents and community in which the child is raised.

Within the Mamow Obikihwahsoowin service model, the protection of children is a total community responsibility. Everyone in the community has a role to play in ensuring the protection and well-being of children. Tikinagan has a responsibility to become involved when the family and the community systems are unable to protect a child.

We respect traditional customary practices of caring for children, and we strive to uphold these traditions in the way that we deliver welfare services. Customary care embraces the inherent jurisdiction of First Nations to make decisions for children in need of protection. Through customary care, we work to preserve family unity and build a network of shared community responsibility for raising children.

Customary care is based on Native principles of consensus and voluntary participation, co-operation and collaboration for the care of our most precious resource: our children. The First Nations participate by helping to resolve child protection issues. In carrying out its child protection mandate, Tikinagan works with the First

Nation and community resources to see that the child is protected within the family and the community. Tikinagan's customary care system recognizes First Nations as partners in protecting and caring for children and promoting the well-being of children and families.

Within the customary care system, the First Nation chief and council have the authority to declare children to be placed in Tikinagan care when removal from their home is required. The First Nation, parents, customary caregivers and children in care sign customary agreements for children in Tikinagan care.

Mamow Obiki-ahwahsoowin is designed to respect the inherent authority of First Nations to care for their own children. Our ultimate goal is the pursuit of complete First Nation jurisdiction over our own child welfare services. Until this goal is achieved, Mamow Obiki-ahwahsoowin is designed to ensure that all Tikinagan services eventually meet provincial legislative requirements and are compliant with ministry standards and regulations. Our quality assurance program ensures ongoing compliance.

Our service model promotes the delivery of services at the community level by community-based workers. Tikinagan hires and trains local First Nation members to be front-line workers. We've also developed our own people to be supervisors and senior managers within the agency. In all aspects of service delivery, workers are expected to consult with elders for their wisdom, guidance, teaching and direction. Because of our accountability to First Nations, Tikinagan workers are required to consult with the First Nations on all cases.

Part X of the Child and Family Services Act allows First Nations to develop customary care systems that are parallel to the mainstream child protection system. Since it was first established, Tikinagan has used customary care agreements to place kids in care with relatives for protection where the parties have been in agreement. Customary care enables the agency to strengthen the ability of communities to help families and children.

Bill 210 proposes to empower the Lieutenant Governor in Council to make regulations prescribing standards and practices for customary care. This alarms us because such regulations could jeopardize our years of work and our entire service delivery model. If Bill 210 is passed, we need to ensure that our right to consultation is fully and thoroughly implemented so that government cannot pass regulations that could prohibit our entire way of delivering services.

We are similarly disturbed that there is a regulation-making power with respect to the alternative dispute resolution proposed for part X. We have pioneered a process of alternative dispute resolution by working with Nishnawbe-Aski Legal Services Corp. to develop a program called Talking Together.

Talking Together is an innovative kind of dispute resolution practised as an alternative to the family court system and is based on traditional circles held in the communities. It is conducted in the form of a circle where the child, family members, service providers, com-

munity members and Talking Together facilitators meet. The rules of the traditional circle apply. Everyone is equal. Everyone is given a chance to speak and be listened to respectfully. Comments are framed in a non-judgmental way. The aim of the circle is to arrive, by consensus, at an effective plan to bring about resolution of outstanding child welfare concerns. Talking Together is a process that starts with a referral, moves to a circle, develops planning, and involves monitoring and evaluation. Any regulation passed under the proposed section 45 of Bill 210 could restrict or interfere with our model. Again, we have no assurance that Tikinagan will be consulted in the regulation-making process.

We hoped that this bill would be deferred to allow for the consultation process, which we favour, to take place. If regulations are drafted that accommodate our concerns, then our fears will be allayed. We are willing to work with the Ministry of Children and Youth Services on these crucial issues, but we need time and resources to do so.

Thank you. I trust the committee will give serious consideration to our submission.

The Chair: We will.

Sir, can you please repeat your name? We need your name for the record.

Mr. Hardy: My name is Michael Hardy.

The Chair: Thank you, Mr. Hardy. There are three minutes left, one minute for each party. I'll start with you, Mrs. Munro, please.

Mrs. Munro: Thank you very much for making yourself available for this. You were talking about the fact that if there was an understanding with the government in terms of the regulatory framework that would come from this bill, you would then, through that process, be more likely to be able to support this. I wondered—we don't have much time—if you would just comment on the precise things that you're looking for in the bill to be able to support it.

Mr. Hardy: Being a three-part presentation, first of all, I have to agree with the chiefs in regard to the fact that the First Nations consultation process has to be looked at. However, I've been to such committee meetings before, and when legislation was passed, some of our voices or recommendations were not heard and we ended up with the situation we're in.

If the regulations are going to be developed, we want to ensure that the Tikinagan model that we've currently put in place that is compliant with legislation, compliant with the regulations and standards, is not overlooked, upset and overturned under a new direction. We've worked many years on this.

Mrs. Munro: Thank you very much.

The Chair: Mr. Hampton.

Mr. Hampton: Michael, I just want to go back to the first point that you made. I want to make sure I heard this right. I believe you said, "This bill should not proceed without full consultation with First Nations."

Mr. Hardy: That is correct.

Mr. Hampton: Thanks very much.

The Chair: Mrs. Jeffrey, please.

Mrs. Linda Jeffrey (Brampton Centre): Mr. Hardy, thank you for your deputation. I had one question. I understand that Tikinagan has one of the best practices for customary care and that you're one of the leaders in providing that type of care. I wondered, are you part of the working group that the minister set up on customary care?

Mr. Hardy: Tikinagan is not a member of the native association of family services that was referred to earlier. We're not a member of that, so we are somewhat alone. Because of the Child Welfare Secretariat and the transformation agenda, we were asked to participate on the committee looking at customary care because it seemed to be going through anyway, and if we weren't there, our voice possibly wouldn't be heard. Yes, we're participating.

The Chair: That is all the time we have. Thank you for your presentation.

Mr. Hardy: Thank you very much for listening.

1650

CHILDREN'S AID SOCIETY OF TORONTO

The Chair: The next presentation is from the Children's Aid Society of Toronto: Carolyn Buck. Would you please have a seat? There is 15 minutes total for the presentation and potential questions. You can start any time you're ready.

Mrs. Jeffrey: Mr. Chair, the last delegation indicated that they had a handout. Are we going to get that handout?

The Chair: There is a handout here. I don't have any for the—

Mrs. Jeffrey: Can we get it either at tomorrow's meeting or later on?

The Chair: We don't have them here, but we'll find them and we'll give them to you.

Mrs. Jeffrey: Great. Thank you.

The Chair: You can start any time you're ready, Madam, please.

Ms. Carolyn Buck: Good afternoon. I should introduce myself, Carolyn Buck, and my colleague Cathy Breton, who works with the Children's Aid Society of Toronto as a director of foster care and adoption, which also includes the kinship care program. Our agency is going to make a brief presentation and only touch on three areas of Bill 210: adoption, we're going to speak briefly about kinship and very briefly about the alternate dispute resolution that's proposed.

We'd like to thank the committee for allowing us this time to speak to Bill 210. The Child and Family Services Act, of course, governs our day-to-day work and is therefore vitally important, especially as it provides for or eliminates options for action that affect outcomes for children and youth. From the time of the announcement of the formation of the Child Welfare Secretariat, which was charged with leading this reform and therefore

drafting this bill, our agency has been enthusiastically supportive of the new directions being contemplated.

I should mention to you that our agency in Toronto serves over 33,000 children a year. Given that our agency alone provides daily care for about 1,000 crown wards, we are optimistic that Bill 210 will promote permanency options which have been heretofore unavailable for the vast majority of those children and youth. This has been in large measure due to approximately 75% of crown wardship orders being accompanied by an access order. Current adoption legislation prohibits crown wards with access orders being placed for adoption. Simply put, this group of children and youth have had the option for adoption eliminated from their future. Bill 210 will create much greater opportunity for those children and youth and will move us legally toward what most of society has already accepted through the formation of blended or re-constituted families, shared parenting and joint custody.

Our experience in the adoption department is that many adoptive parents are interested in being able to provide information about and sometimes contact with their adopted children's birth parents when they see that it is important for the child. Currently, the agency grapples with how to facilitate such information-sharing or contact after adoption without creating a legal problem for the parties. Legislation that creates a structure for openness orders or agreements will make it easier to do what is best for those children and adoptive families who want both a degree of openness and some legal certainty.

Our agency is also very encouraged by directions in Bill 210 pertaining to the priority and pre-eminence of extended family in a child's life. While birth families may not be able to adequately provide for their child, we know that many members of the extended family are able and willing to do so. Placing an emphasis on the breadth of family is a demonstration that the child's needs are the first priority, eclipsing other variables such as parents' withholding of consent to disclose information or refusal to ask for help from extended family. We applaud the safeguards outlined with respect to full assessments of kin families, including access to previous history. We believe that this should occur prior to placement and know that this requirement is sound best practice.

Our own kinship program, implemented in 2004, has taught us the precious value of extended families and how supportive and engaged they can become in the lives of their relative children and youth. We have placed about 100 children who have been in our care through our kinship program and believe they have enjoyed greater security, greater stability and predictability than they may have experienced in a foster care system.

In addition, the availability of a custody order under the Child and Family Services Act will streamline practice and empower families. Currently, the least intrusive way to give a child legal status in the care of extended family is through a supervision order, which must be reviewed at least annually by the court unless the family makes a custody application under another statute and commences a second legal proceeding against the birth

parent. The status quo does not encourage families to seek custody. Under the amendments to Bill 210, a custody order will be available right in the CFSA proceeding in appropriate cases.

We are also very heartened to see that Bill 210, if passed, will promote the use of alternate dispute resolution mechanisms for problem resolution. Our own agency has approached many situations, including client complaint resolution, through employing such strategies. This is likely to be less adversarial for all parties and more likely to result in better outcomes for children much sooner than we experience through litigation processes that are often protracted for several years through the courts.

Finally, and in the interest of time, we would like to thank the government for reviewing the Child and Family Services Act and for listening to our field as we carry out our mandate to protect children. Legislation is critical not only to what the work is but also how the work is carried out. This bill demonstrates that you have heard many issues identified by professionals in this field, as well as those identified by our clients who have received service. We look forward to carrying out our work with newer, outcome-based tools, advanced and researched methodologies, and tried and true practice principles. Thank you.

The Chair: Thank you, Ms. Buck. That's all of the presentation?

Ms. Buck: That's it.

The Chair: We have about six minutes, two minutes for each party. Mr. Hampton, two minutes, please.

Mr. Hampton: Thank you for your submission. I'm struck by the different perceptions of this legislation. It's apparent the government has some obstacles with respect to First Nations child and family service agencies. The government may have created those obstacles for itself. As a professional in the field, do you have a sense of how that could be rectified?

Ms. Buck: There's a native child and family services organization in Toronto, and I would think it would be better suited to answer the question. However, I think they have said they would—from what I've heard anyway—like to have a full consultation process, and I can't imagine that that would hurt.

The Chair: Mrs. Jeffrey.

Mrs. Jeffrey: Thank you for coming today. I understand you've been involved in the consultations and you've been active in giving your feedback. I had two questions. The first one was with regard to a staff training perspective. Was there any concern by the society as to how some of the reforms would affect your ability to carry out the work you do from a staff training perspective? The other question was with regard to the client complaint mechanism. There's some desire by the minister to make this system better. Do you have any suggestions on how we could do that?

Ms. Buck: I'll certainly try to answer your question. As far as training goes, with adoption having become, over time, less and less frequent, there are fewer workers, for example, who know how to do proper adoption pro-

cesses, home studies and so on, although we've been very fortunate in our agency because we have a fairly large number of children, relatively speaking, placed for adoption. But I know that in some of the smaller agencies across Ontario, and I expect perhaps the Ontario association could speak to this better tomorrow, they have lost some of the expertise around adoption. It may be that training in that particular area would be helpful.

1700

As far as other training regimens go, it would depend on the kind of safety assessments and risk assessment tools that are going to be promoted or actually implemented. All of the staff across Ontario, if they're new, I think, will need to have some refreshers and learn some new techniques and some of the newer methodology, particularly related to domestic violence and some of the tools that may get employed with that, as it's a relatively new area for our field.

As far as your other question goes, I'm blanking on what your question was.

Mrs. Jeffrey: It was to do with complaint mechanisms.

Ms. Buck: I'm sorry, yes, the complaint mechanism.

We have at our own agency tried several different methodologies to adequately engage clients in a problem resolution kind of process when they have complaints about various things that they feel have negatively affected their service. We've become fairly adept, I think, in many ways at trying to do that, and have employed alternate dispute resolution training for the people who would normally hear those kinds of complaints, and a process whereby people are engaged in—they can bring people with them, advocates or lawyers, whatever, to talk about what their issues are and what it is they feel will resolve their complaints.

One of the things that I think we could perhaps do slightly better is think about involvement of someone from the external professional world, or maybe other systems, to also be a part of that kind of resolution. We haven't done that, but we are contemplating it for the objectivity that that would lend to that kind of process.

The Chair: Mrs. Munro, please.

Mrs. Munro: Thank you for coming here today. I wanted to ask you a question that sort of steps back a bit from the legislation, but I think you'll understand where I'm going. I wanted to ask you about the current situation with regard to children who are in foster care who are then part of that court-ordered process. I think it's important to kind of understand what the purpose of that is and then how that will shift in the new relationship, the potential, through the openness agreements. Could you give us a little background on the current purpose and how you see that changing in the context of an adoption?

Ms. Buck: I'd like to defer this question to my colleague, who does this every day.

Ms. Cathy Breton: I think what we've seen is that social workers and judges are equally loath to sever ties between children and their birth parents. Even though the parent isn't capable of looking after that child, there's a

connection. As a result, some children are made crown wards with access orders and are then in a position where they're in a system that is believed to be permanent—permanent foster care—but which we have recognized increasingly over the years is not permanent for those children. Openness orders or arrangements would allow for those children to be placed with permanent families and still have some connection to their birth families. What we hear from adoptive families, once they have children placed with them, is that they recognize the importance of that for the children.

The Chair: Thank you for your presentation.

CHILDREN IN LIMBO TASK FORCE OF THE SPARROW LAKE ALLIANCE

The Chair: We'll move to the next presentation, the Children in Limbo Task Force of the Sparrow Lake Alliance: Dr. Gail Aitken. Good afternoon.

Dr. Gail Aitken: Good afternoon.

The Chair: Please start any time you're ready.

Dr. Aitken: It's a pleasure to be here. Members of the provincial Legislature, staff of the secretariat, ladies and gentlemen, we appreciate this opportunity for the Children in Limbo Task Force of the Sparrow Lake Alliance to appear before you.

First, I'd like to say that, in general terms, we heartily endorse Bill 210 and commend the secretariat staff for their leadership in putting forward some very important improvements in the CFSA and related legislation.

You have in your folders—I assume you all have those folders—a summary of comments, including 14 points that the Children in Limbo Task Force stresses as needed improvements in our child welfare services. They're not all precisely explicit or pertaining to Bill 210, but we want the legislation to guide us toward achieving these objectives.

You also have—and I won't bother going into this—a sheet describing what the Sparrow Lake Alliance and Children in Limbo Task Force are. You also have a sheet compiled with data from the Ontario Association of Children's Aid Societies, and the most recent data I could get from the Ministry of Children and Youth Services, which is a little less forthcoming, pertaining to the kids in care.

You also have an article in your folders, which has just been released, and it's the article that we on the Children in Limbo Task Force have put forward after research with seven focus groups around the province in different-sized agencies. The focus groups were with youth in care. They were all teenagers, not younger children. We learned so much from them. Some of those comments that they made are in the article. I hope at some point you'll be able to have an opportunity to read that article. There are some very moving comments.

The Children in Limbo Task Force heartily endorses Bill 210, as I've said, but it is particularly gratifying to see a couple of the points we've been really stressing for 10 or 15 years or longer. Access orders should not

present a barrier to adoption. This has had a very negative effect through many years, and it's high time that that was removed. This is the 21st century. There are all sorts of means and ways people have of getting access to information about people. It's about time we modernized this legislation.

The other thing that some of us have been harping on for a long time is the need to provide alternatives to classical adoption and to give more flexibility in terms of what can be done to provide permanent placements for these young people in care. Unlike some provinces, we've been a little slower off the mark on some of these options. We want the flexibility and we want the custody arrangements—in some jurisdictions, I believe “designated guardianship” is the term that has been used. These are important measures to provide permanency for young people who really have been bounced miserably from foster home or group home to other locations and have had no security in relationships with workers as well.

So the moves to develop other forms of kinship care and customary care are especially important. I mention customary care because we are aware, and we hear, even living in this part of the province, that some of the children in worse circumstances are from the native communities, the aboriginal communities. So whatever can be done to facilitate appropriate measures in terms of customary care should be done. It's absolutely essential.

We would caution—I will go into the chief points we raise from the paper—that the implementation of Bill 210 is important, but there must be clear and specific regulations to really ensure that the bill can be implemented, and there must be resources. Without that, we are failing our children.

1710

Now I'd like to just review briefly some of the 14 points that are listed in your folders on these sheets. I'll perhaps go through those rather quickly.

Prevent children from coming into care in the first place. There's inconsistency in the level of family support that is available throughout the province.

Provide extensive family group conferencing to mediate family breakup when children must come into care. As we had brought out very clearly at a forum that we had on Friday afternoon where there were a great many young people, about 15 among the 65 or so of us who were present, emphasize that we need to pay attention to remaining members of the family, particularly siblings, when children are brought into care.

We need to improve continuity of care and contact, much greater stability in placements and continuity in worker caseloads. You can see the data sheet that's in your folders there. You can peruse that later.

We need to promote more open information-sharing with children and youth in care and, whenever possible, ensure their participation in decisions about their lives. This a common complaint. When we listened to all these youths' voices in the seven focus groups that we held around this province with various CASs, this is really the clear demand: “Listen to us. The children want to be heard.”

We also know that the Family Court must be made more child friendly. Some of the youths told us of awesome experiences in going to court. Surely we can do something to make that whole process more humane for those who do end up in court. It's not necessary that all children being brought into permanent wardship go to court.

Reduce the stigmatizing language used in child welfare: ceasing to use the word "apprehension," for example. Instead, talk of "bringing the child into care." As it is, children are confused between criminal court and Family Court. We need to consider the language that's threaded through the legislation and regulations employed in the agencies. Use "contact" instead of "access" to distinguish it from post-divorce terminology.

Employ foster parents—perhaps it's an idea—an agency contract staff as a means of providing them with greater training, support and monitoring. They also need essential information if they're going to cope well with the children who are placed in their care. Investing in foster parents is extremely important. They are the best therapeutic resource we have for children coming into care.

Limit the time spent in limbo by streamlining permanency planning with emphasis on finding long-term placements as soon as possible after children come into care. They're very damaged if they don't become crown wards. The average age now is eight and a half. There are 9,100 crown wards in this province and around 19,000 children in care. This is not a good picture.

Reduce barriers to adoption, particularly by allowing children with access orders to be adopted. You've already heard about that.

Provide long-term alternatives to adoption—which I've mentioned we feel is one of the most important points—such as designated guardianship or custody/customary care arrangements for children and youth for whom adoption is not appropriate.

Facilitate interagency co-operation and information-sharing. That sometimes, we hear from workers, is a real barrier to doing the best for the child because they're restricted in the kind of information-sharing that goes on from agency to agency—current barriers that stress confidentiality. Interprovincial relationships are something that you people are going to have to consider if out-of-province kinship placements are to be considered. Sometimes Ontario children will have a close relative out of the province who is willing to act as the guardian, but that demands a kind of contractual arrangement, and I think with a lot of the provinces the road to that isn't quite smooth enough to facilitate it yet.

Provide ready access to post-adoption or post-placement services for young people, adopters or guardians of their own volition. Recognize that post-adoption/post-placement services are essential, especially considering the trauma and turmoil that many in the crown ward population have faced. Again, see the enclosed data sheet.

Ensure greater support, both personal and financial, for young people leaving care—how many stories we

hear of 16- and 17-year-olds in desperate circumstances. Permanent wardship should be continued until age 18 and not terminated at 16, as at present. Extended care and maintenance must be increased, as the current level of \$663 per month, plus a Metropass in Toronto, is inadequate for these young people. What would you do with your own families? And consider supporting these young people until they're 24 years of age if they're in ongoing education.

This is a really important factor too: There must be extensive public awareness campaigns to educate the public about changes in the legislation, openness in adoption, alternatives to adoption and the need to remove the stigma now facing children and youth in care. We were absolutely shocked at the tales of stigmatization that the youths in these focus groups presented. We hadn't realized—I hadn't realized, and I've been around a long time—the extent to which these children who are in foster care or group homes are stigmatized at school. It really is very concerning.

This is Dr. Jacqueline Smith, one of the authors of the paper, Gitta Granofsky, and back there is Ryna Langer, who was also one of the authors of the paper that is here in your journal.

Jacqueline, would you like to read the quotation that I have there at the end?

The Chair: There are two minutes left in your presentation.

Dr. Jacqueline Smith: I would just like to quote one statement by one of the youths in the focus group that we conducted, among the many that we would have liked to present to you. This young man, in the middle of the session, turned to his peers and said, at 14, "Should I decide I want to be adopted, I could be on the waiting list forever. Or should I stay in foster care?" He was asking his peers. He would have liked to be adopted a long time ago, but he had one grandmother left that he wanted to be able to visit. He was afraid that if he asked for adoption, his ties to his grandmother would be severed. Clearly, this young man was looking for permanency.

I would just like to end here with a quote from Daniel Hughes, who is a noted psychologist in the field. He says, "All children, at the core of their beings, need to be attached to someone who considers them to be very special and who is committed to providing for their ongoing care. Children who lose their birth parents, especially those who have experienced the trauma of abuse and neglect, desperately need such a relationship to heal and grow."

Our plea to you is to allow permanency to take place for these children, because without permanency and without the opportunity to be attached to someone who cares for them, there isn't the opportunity to recover and to heal from their past experiences.

The Chair: Thank you. We have about a minute for questions. Mrs. Jeffrey, any questions?

Mrs. Jeffrey: I don't have a question. I just wanted to thank you for your heartfelt, constructive advice. I think you've made some really practical suggestions that are very useful. Thank you very much for being here today.

The Chair: Mrs. Munro.

Mrs. Munro: I would just want to echo, certainly, that you've given us lots of food for thought.

The Chair: Mr. Hampton.

Mr. Hampton: I do have a question. If you've been sitting here, you must be struck by the degree to which the government has consulted with non-native agencies and non-native organizations and has not consulted with aboriginal organizations. Do you have a suggestion as to what the government should do to overcome what I think is a very unequal situation?

1720

Ms. Gitte Granofsky: I think that we really don't have enough information about how much consultation has been going on. It's not my impression. We had some native people also from a local child and family service at our meeting on Friday and didn't hear those concerns. It seemed to me that there was some consideration for the native community, but I'm not aware of the legalistic issues involved.

The Chair: Thank you for your presentation.

EKATERINA ETHIER

The Chair: We'll move on to the next presentation from Ekaterina Ethier. Madam, you have 15 minutes in total. If there's any time left, there will be questions asked. You can start any time.

Ms. Ekaterina Ethier: Honourable members of the standing committee on social policy, ladies and gentlemen, I want to dedicate this presentation to two very special people: One is Jeffrey Baldwin, who died in Toronto from starvation at age five, and it's our shame to allow this to happen. The other one is my son David Ethier, who is 10 years old and autistic, and who was forced to move to Europe due to the lack of services for autistic children above age six.

My name is Ekaterina Ethier. I'm a systems integration specialist. I'm a professional engineer in professional practice. I hold two masters degrees and a Ph.D. I specialize in business systems, management, governance, and auditing and compliance, including legal compliance, and I do, in day-to-day practice, take responsibility for your safety. I assure that safety defects in systems are less than eight defects in a million. On the other hand, I'm the mom of an autistic child.

The reason I wanted to talk to you today is the proposed changes in section 68 of the Child and Family Services Act. The current state of the Child and Family Services Act, section 68, is as follows: It is addressing complaints; more specifically, customer complaints. It allows the ministry to capture problems with the director's review process. It allows the minister to remedy the problems with recommendations, directives and even management takeover under section 22 of the Child and Family Services Act. In addition to that, in subsection 68(1), there is a self-created CAS complaint process that creates a double standard within the province and prevents the public from complaining to the ministry.

The most important processes that regulate a business system are a customer complaint process, a corrective action process, a preventive action process, and audits as a natural flow out of the complaints.

The CAS self-made complaint processes: Currently, some complaints with the CAS are verbal to prevent the opportunity for audits. Complaints are not tracked and captured in any way. No corrective actions are taken upon complaints. The attitude is usually that the CAS worker is always right. Those complaint processes are deliberately preventing the public from complaining.

The ministry director's review process is poorly defined with a general guideline, opens opportunities for a double standard, and does not comply with privacy laws. It doesn't work, because of the ministry's maladministration. The legislature currently is making decisions based on false statistical data provided by the CAS. There is no process to assure the accuracy of information.

The proposed changes to section 68, and more specifically the removal of the director's review process, will prevent the ministry from capturing the problems. This will increase the severity of maladministration in the child protection system and will prevent the children in care from seeking a remedy. This will negatively affect the children with disabilities and their families seeking special services agreements. This will cripple the Child and Family Services Act and make it more dysfunctional. It is the legislators' duty to protect the public and prevent opportunities for maladministration.

What needs to be done to protect the public? Make the CAS complaint process an opportunity but not a requirement. Keep the complaint in front of the board of directors an opportunity, but well define that this is not a requirement. Redefine the director's review process as a core process to capture problems within the system and trigger mandatory case process audits followed by corrective and preventive actions. This will have the positive effect of increasing the efficiency of the child protection system. The minister might say, "Too many complaints." Then there is something wrong with the system, and it has to be fixed.

This is a picture of my son and myself before he left Canada in 2004. He now lives in Europe. We tried to complain to a number of government agencies. I even tried to make an appointment with Ms. Julia Munro. We faced a brick wall. I started my complaint process in 2003. I'm currently in the director's review process stage. It took me two years to get to the director's review. The only thing I wanted was simply to have a case process audit, because the information in my file is falsified. What happens currently is that the director, in my opinion, is not familiar with the provincial standards, and specifically, eligibility for services and risk assessment. The only thing I wanted was my case file to be matched against the provincial standard.

I wish to thank you for your time.

The Chair: We have about four minutes left. I will start with the opposition. Mr. Arnott and Ms. Munro, one minute, please.

Mr. Arnott: I want to thank you very much for your presentation this afternoon. I think your input is going to be very helpful to this committee as we continue our deliberations on this important piece of legislation, so thank you very much for your input.

Ms. Ethier: You're welcome.

The Chair: Mr. Hampton.

Mr. Hampton: I wanted to ask you about the autism issue. Where's your son now?

Ms. Ethier: My son is in Bulgaria since 2004. I'm flying on Wednesday to spend Christmas with him. Otherwise, I work here in Ontario. My husband is working for a major financial institution. He's a CISSP as well.

The Chair: Thank you very much. I'll move on to Mrs. Jeffrey. One minute, please.

Mrs. Jeffrey: Thank you very much for coming. Clearly, you have concerns with the accountability of children's aid societies because you think it takes too long. I guess my question would be, or my comments are, these are helpful suggestions, because I believe some amendments will be forthcoming. Do you have any other suggestions? You've said it takes too long and that you're not taken seriously—your complaints.

Ms. Ethier: Well, I have another suggestion. For example, in York, I requested the service of a worker who has English as a second language. There are 200 workers; I was told that none of them have English as a second language. Simply, the cultural issues, the issues of diversity are not considered, and sometimes especially new immigrants are simply the subject of genocide.

The Chair: Thank you, Madame Ethier, for your presentation.

1730

ADOPTION COUNCIL OF ONTARIO

The Chair: We'll move on to the next presentation, from the Adoption Council of Ontario: Patricia Fenton. Please have a seat, Madam. You have 15 minutes for your presentation. You can start any time.

Ms. Patricia Fenton: Thank you, Mr. Chairman, ladies and gentlemen of the committee and guests. Thank you for giving the Adoption Council of Ontario an opportunity to respond to Bill 210. I first of all want to say that we are very much in support of the bill, and want to address just a few of the components of the bill.

Let me just say a little bit about myself. I am the executive director of the Adoption Council of Ontario. I'm also an approved adoption practitioner and an adoptive parent in an open adoption. The adoption council is a non-profit, charitable organization. I think you have in front of you a brochure which describes a number of the things that we are and what we stand for. If I could just briefly summarize, this is an organization that started in 1987. Our membership and the board of directors are made up of representatives of the adoption community, including adoptees, birth parents, adoptive parents,

professionals and also some of the agencies. We have over 400 members at present.

As an umbrella organization within the adoption community, we advocate for adopted persons and all people connected with adoption. Our activities basically focus in four areas: adoption information, adoption education, support and advocacy. Our mission is to provide support to individuals, families, groups and organizations in Ontario that are concerned with adoption.

We strongly believe and embrace the concept that all children deserve a forever or permanent family. We believe that every child in Ontario deserves a loving, permanent family. Early planning in this regard is a key to ensuring a promising future for the child.

We support the bill in its attempt to address the fact that permanency can take many forms, including efforts to keep the child within their birth family and extended family in kinship care, guardianship and adoption, and that access orders should not prevent children—crown wards in this case—from moving into adoption or other forms of permanency.

This legislation will lift the existing barriers for children and clear the way for the permanency planning that can allow for more flexibility and greater options. We welcome the efforts to address the confusing and cumbersome system of adoption in Ontario. We hear from applicants at our centre about how confusing or how difficult or—how to figure out this system is what they're trying to do. Many of them become very frustrated in waiting for services, waiting to get calls back. Some of the frustration leads them to consider international adoption, and while we have no objection to international adoption, we feel we're losing some very good families who could be matched with children here in Ontario.

The Adoption Council of Ontario, or ACO, supports Bill 210's proposed changes with respect to openness in adoption. Too many children in Ontario are prevented from moving on to adoption because of the access orders. Openness agreements or orders, when in the best interests of the child, contribute in a positive way to healthy development. They give the child the security of an adoptive family while at the same time respecting the importance of those established relationships and connections. I've certainly learned about the importance of that through my own daughter, who from as early an age as four had lots and lots of questions and even concerns about what was happening with her birth family. Particularly, she wanted to know about her birth mother.

The openness that Bill 210 refers to can take many forms, and we see in the private sector already, with open adoption arrangements, that there are many ways that can translate, from exchanging information indirectly all the way through to face-to-face meetings or visits where the child and all members of the adult part of the families, both sides, can have a chance to connect and visit, as well as with other children. Adoptees tell us that these connections to birth family can help them to feel more secure and to develop a stronger sense of their identity, particularly in adolescence.

Further, ACO supports Bill 210's proposed legislative changes that call for increased post-placement support, including parent education and other services.

Parent support is extremely important. We've seen that through our adoption resource centre. Through our work with families there, we've been told repeatedly about the benefit they find in being able to have access to workshops, educational opportunities, support groups, to various ways of connecting with other families who are experiencing similar kinds of parenting issues or questions. Providing this after placement to assist the families is very important. To talk about placing the children and not also talk about the supports that need to be there is only part of what we need to look at. This bill looks at the importance of that.

As a council, we are involved twice a year in the adoption resource exchange and do a one-day conference in connection with that. The focus of that conference has been primarily pre-adoption and helping people understand about the needs of children who are currently awaiting adoptive placement. However, as time has gone on, we've included more workshops that deal with post-placement issues. More recently, at the October conference, we had an adoption-in-the-school-system workshop which was very well attended. We had an overwhelming response from parents who had a variety of questions and concerns about their child's educational experience. That's one example of the kinds of post-placement adoption supports that could be in place.

We recognize that a permanent family can take any one of many forms, both kinship family or guardianship. We support the changes that are proposed. We realize that adoption isn't the answer for everyone. Focusing on early planning is important, ensuring that a permanent plan is put forward in a timely manner. This approach acknowledges that a child may have established meaningful links to significant others and that to sever these links could be detrimental to the child's emotional health. A custom-made, case-by-case or flexible approach to permanency means that a plan for every family may very well be identified within that constellation.

We also support the use of alternative dispute resolution methods as proposed, as we see that this provides an opportunity to move the process out of an adversarial kind of arena and help to avoid the lengthy disputes that may hold the child back from moving into a permanent family as quickly as possible. The proposed act acknowledges that this method of resolution can be utilized at various times throughout the child's life to vary openness orders as needs shift and change.

When it comes to the openness provisions, I think it might have been hinted at earlier that people may be scared off by that notion. In my experience, good education and understanding of the importance of openness from the child's perspective, and also including in that education program the voices of the birth families, can really help adoptive applicants better understand openness and help to remove some of those fears that seem to be in the initial response to that.

In fact, the private sector has been practising openness in adoption for many years. We've shown that that can work and that families, both biological and adoptive, can maintain connections for the benefit of the child. With the appropriate adoption preparation and supports, adoptive parents can quickly adapt a new way of looking at adoption, instead of it cutting off what has been there for the child, embracing those and having that as part of their understanding, but also feeling entitled as parents.

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The adoption council is pleased to have been a lead organization for the Adopt Ontario program, which is an adoption recruitment program. It began as a pilot project under funding from the Ontario Trillium Foundation. It developed as a collaborative model of public and private workers as well as the council and the ministry coming together to help to recruit families for children who are in our foster care system. We're very pleased at the way that this has been working. We have seen the placement of over 50 children through this program. It has shown that the systems can work together, as we have six of the children's aid agencies that are part of the steering committee for this program.

The primary goal of this project is to recruit adoptive families throughout Ontario. These are for special-needs foster children who are eligible for adoption. It's aimed at increasing the number of adoptive placements for special-needs children and visible minorities. This uses an Internet Web site as well as the Today's Child column in the Toronto Star. Through this, we've been able to feature over 93 children, and 50 of those have found permanent homes.

I've given you a little card which has a very basic outline of the program. This certainly is very much in sync with the goals of Bill 210, and we'll be very pleased to work to continue this program in conjunction with the ministry's goals.

The next step of the Adopt Ontario program is to establish a data bank of approved adoptive couples and families who are looking to adopt. The profiles of the families would be placed on the Adopt Ontario Web site. I invite you to visit the Web site: adoptontario.ca. An addition would be to have information about waiting families so that workers can more easily and more readily access that information. Right now, they're reliant on very informal networks as well as the twice-yearly adoption resource exchange, but this could be an on-going, 24/7 program to offer that. We're in the process of looking at the kinds of information that would be contained in that, whether the home study of the adoptive applicants would be part of that or just what that would look like. We're happy to be in consultation on that whole effort.

In conclusion, I would like to say that we support Bill 210. We urge you to pass it. It's based on research, on best practice, and it seems to us to be the right thing to do for children in need of permanent families.

The Chair: Thank you, Ms. Fenton. There's only a minute left. We'll take 30 seconds each. Mr. Hampton.

Mr. Hampton: No questions.

The Chair: Mrs. Jeffrey.

Mrs. Jeffrey: You're the second delegate this afternoon to talk about post-placement support, so clearly that's an important issue. You spoke a little bit about the workshops and the support groups. Do you have any other specific suggestions that you would make?

Ms. Fenton: I think there's lots that falls under that general heading of post-placement supports. It can be support groups for parents; it can be workshops; it can be a place to call to talk to others who've been through something similar; it can be resources, as in a resource library; it can also mean adoption-competent professional services. All across North America, that's an area that has been lacking. Training in adoption and full understanding of adoption issues is something we really need to do more and have opportunities for professionals to be able to respond to the needs of adoptive families and their children.

The Chair: Ms. Munro.

Mrs. Munro: Just a quick question: When you talked about your experience with existing openness agreements, I just wondered if you have any research that would demonstrate if there's any difference according to the age of the child involved. Is there a trend; is there any kind of best practices? Any comments on that?

Ms. Fenton: I personally don't have any research, but I know that some of the research that's been done so far has really focused on long-term outcomes for infant placements, and it's only recently, and most of this would be in the US, where they're looking at openness in the context of an older child adoption placement.

The Chair: Thank you for your presentation, Ms. Fenton.

LEGAL AID ONTARIO

The Chair: We'll move on to Legal Aid Ontario: Janet Leiper.

Ms. Janet Leiper: My name is Janet Leiper, and with me are George Biggar, vice-president of policy planning and stakeholder relations for Legal Aid Ontario, and David McKillop, who is our director of policy. We're very pleased to be here this afternoon. Thank you for inviting us.

As most people here may know, legal aid's purpose, in the constellation of services in Ontario, is to provide increased access to justice for low-income people across Ontario. Our clients include new Canadians, youth, aboriginals and especially families and children, so we are very interested to be here today to make some brief submissions to you about Bill 210.

In the past six years, since the last significant amendments to the Child and Family Services Act, there has been an increase in public awareness about child abuse and neglect. The awareness has led to a legislative response which, in turn, led to an increased and unprecedented expansion in the number and complexity of matters that are being heard and dealt with by children's

aid societies, courts and parents' counsel. We fund the majority of parents who come before the courts on child protection matters. This has meant that there has been an increase in demand for our services by way of legal aid.

We have also watched a steady increase in the budgets of child protection agencies, which also drives service. Since 1998, their funding has increased to \$1.1 billion, an increase of 100%. During this same time period, our funding as a base matter to deal with increased demands has essentially remained the same. There is a strong correlation, obviously, between increased children's aid society activity, court litigation and the demands on Legal Aid Ontario.

Our certificates are provided to the private bar to represent family matters as well as criminal matters. But on child protection, the demand for our certificates and our costs increased by a staggering 81% from 1999 to date: from \$8.5 million to \$15.4 million. The situation is one that legal aid and the province can no longer afford.

At the same time, we have watched funding fail to keep pace to be put into programs and remedial parenting courses that would allow families to stay together. Our own needs assessment studies done by Legal Aid Ontario have confirmed this lack of services and the "litigate rather than negotiate" attitude that has been adopted in certain areas around the province.

The challenge for us is that families typically affected by increasing children's aid society intervention are those that we'll be called upon to assist. Most of these families live at or below the poverty line. They are led by single parents. They often rely on social assistance. A significant percentage of them are from cultural or racial minority groups. This is the profile of the typical family we see.

This doesn't just affect us. We're not just here on our own behalf. It affects—and we see it—the courts. Significant backlogs have developed in family courts across the province. The backlogs have been exacerbated by the fact that there is a shrinking pool of lawyers who are prepared to accept legal aid certificates to defend these very difficult, heart-wrenching cases.

We wanted to put that by way of pressure before you, and now we want to say some nice things about the bill.

First of all, Legal Aid Ontario is supportive of the direction of this bill. We feel it's a signal of a major shift in thinking in the child protection field. We have also consulted, to bring to you some of what our service providers are saying to us about the bill. Based on our consultations, there are three things we would like to say this afternoon that we particularly like about this bill.

The first one is the increased flexibility in how children's aid societies can use their funding, with the goal of keeping children in their own homes. They will have the authority to use a portion of their funding for episodic responses; for example, having the heat turned back on, where a few hundred dollars might result in a family being able to provide a safe environment for a child. Making it easier to obtain a custody order to have a child

placed with extended family members or friends on a short- or long-term basis: We applaud this as well.

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Of particular interest to Legal Aid Ontario is the introduction of alternate dispute resolution processes in the area of child protection. We believe that by introducing ADR to the child protection field, court proceedings can be shortened or in some cases avoided altogether.

However, in order for this to be successful, we urge that you consider the need for independent legal advice at the very front end so that people have the knowledge and the ability to make the decisions that are best for all of them. We flag this for you because we feel a thoughtful set of regulations will be required in order to make this a reality and to support the move toward ADR. Right now, the way it stands, a legal aid certificate is only available once the children's aid society has brought an application under the act, but by this point in time, it might be too late to improve the outcomes for everyone. If independent legal advice is available pre-apprehension and pre-application, this will assist. So bring us in at the front end. Yes, it may cost some more initially, especially as we look to combining the system; however, this will give informed advice to the permanency issues that should be talked about as quickly as possible. So we do flag that this portion of the bill would require some upfront investment, and an investment from us, that funding from government will be needed to assist, but we think it's of great value to everyone.

Those are three things I wanted to say by way of what we like, and we have one area that we'd like to flag for you by way of, "Could use some improvement." Perhaps you would consider it.

We applaud the introduction of openness orders and agreements to permit continued contact between an adopted child and a birth parent, sibling, relative or any person with whom the child may have a significant relationship. It's our view that birth parents and children's aid societies should have an equal right to apply for an openness order. Currently, the proposed amendments only permit the children's aid society to apply for such an order, and this decision is not reviewable.

The amendments stipulate that if a child is made a crown ward, existing access orders must terminate. The stated reason for this is that children cannot be adopted if birth families have a court-ordered right to visit or contact them, and the amendments are trying to make it easier for crown wards to be adopted. This is admirable, but the sad fact is that 58% of all families never exercise their rights, and thousands of crown wards who are rarely, if ever, contacted by family members live for years in foster or group homes. While the proposed amendments permit a new access order to be made, they raise the threshold for caring and committed families to obtain one. Under the current wording of the Child and Family Services Act, in section 59, "The court shall not make ... an access order with respect to a crown ward ... unless the court is satisfied that" it will "not impair the child's future opportunities for a permanent or stable

placement." Under the proposed amendments, "permanent or stable placement" will be replaced by the word "adoption." This is a more difficult onus to meet. It will be difficult for birth parents to establish the evidence that would allow them to rebut this presumption. So we're here to ask, does the committee really want to leave in place an irrebuttable presumption of this sort?

If the amendments allowed for a more flexible approach to determining access between a child and birth parent after adoption, Legal Aid believes the number of trials seeking crown wardship with no access for the purpose of adoption would be significantly reduced. We do not believe this needs to be changed in order to avoid a chilling effect on adoptions. We would argue and would ask you to adopt a middle ground that would permit the issue to be negotiated amongst all the parties. Our society's concept of family is increasingly fluid. There are a variety of views. Flexibility is better for our clients, and more options are better for our clients.

In conclusion, thank you for allowing us to be here and to express our views. We wish to congratulate the Ministry of Children and Youth Services for its insight and commitment to the children of this province. Thank you for the opportunity to be here.

The Chair: Thank you. There are two minutes, so we'll take one minute each. Ms. Wynne.

Ms. Wynne: Thank you very much for being here. I'm not a lawyer, so I'm just wondering, can you reference the sections in the bill that you would like to see amended? You've given a sort of narrative around where the changes should be. Is it section 36 of the bill, 37? Where exactly are you looking for the changes?

Mr. David McKillop: The sections that we were referencing were sections 58 and 59.

Ms. Wynne: All right. That's fine; as long as I know where to look.

The Chair: Mrs. Munro.

Mrs. Munro: Thank you very much for this, because it's very specific in certain areas. I guess my question has to do with the alternative dispute resolution, because when I made my comments at the beginning today, I said that I thought this was good, in theory. My concern is, is it more costly? Is it only a precursor to possible court action? Do you feel comfortable with it the way it's written, or do you see that there need to be some changes that better state what you want coming out of this?

Ms. Leiper: I'm going to ask George Biggar to speak to that.

Mr. George Biggar: Well, there are two things in your question. To answer your second question first, I think we are comfortable with it as it's written. We recognize that there have been important strides made in bringing forward the concepts of ADR in child protection matters and that it's a relatively new concept.

We participated, along with the Ministry of Community and Social Services, in funding a three-year-long project looking into mediation and its success or its benefits in child protection matters. We're satisfied that that report shows it is a technique that offers some

possibilities of improved outcomes for our clients, for the children and for the system as a whole, but it's not the be-all and end-all, and it's not necessarily cost-effective. That's our concern, that in order to make it work, we may need to be providing lawyers earlier in the process, and at the moment, we are not funded to do that.

The Chair: Mr. Hampton.

Mr. Hampton: I want to ask you the same question I've asked others. I'm struck by the degree to which non-native organizations are generally in support of the bill, yet chiefs and aboriginal organizations have raised some fundamental issues. Since Legal Aid Ontario does deal with a number of aboriginal parents and generally with aboriginal populations in the province, do you have any advice on how to resolve this? It seems to me that there's a fundamental unfairness if the government is saying, "Well, non-native agencies, non-native organizations are very much in favour of this, and aboriginal people may have their problems, but we're going ahead." Do you have any suggestions about how to fix this?

Ms. Leiper: In terms of the consultation, I suppose you could open up your process for a bit longer or give people more time to respond. That was one thing that we were confronted with.

I will say, in terms of talking to you about native and non-native, that we're here for both, because we do provide services through the Nishnawbe-Aski Legal Services Corp. in the north. In fact, they've done some really interesting things. I'm running out of time to tell you about it. But the Talking Together program, which is a circle to deal with child protection issues, has been working for the last couple of years with native families in finding alternatives. I heard a presentation by the woman who runs that program. She said, "It's so amazing to hear family members come and say, 'No one ever asked us what we thought before.'" So it shows you that these things are out there, and I think you find a wealth of people wanting to tell you what they think.

We'd be happy to help if we could bring some more people here from other sectors. We certainly have contacts all around and through the north, because we're in all communities. But anyway, whatever we can do to help, we'd be happy to.

The Chair: Thanks very much for your answer. I think we've used all the time.

Ms. Wynne: Just for future reference, I wanted to clarify: It's my understanding that it's sections 16 and 17 of this bill. If there's any other section that you're referencing, could you let us know that? But as I understand it, those are the two sections.

Mr. McKillop: That is correct.

The Chair: Thanks for your presentation.

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OFFICE OF CHILD AND FAMILY SERVICE
ADVOCACY, YOUTH GROUP

The Chair: We'll move on to the next presentation, the Office of Child and Family Service Advocacy, youth

group, please. Good evening. Have a seat. There are a number of you and we have instructed the camera what to do. Please keep in mind that there are 15 minutes in total, and we are running out of time, unfortunately, at today's meeting. The total time is 15 minutes. If there is any time left, then there will be some questions or statements. You can start any time you're ready.

Ms. JulieAnn Erbland: I'm just going to introduce. I'm from the advocate's office and so is Patrice. Judy Finlay, the chief advocate for the province of Ontario, was unable to be here today, but she hopes to have an opportunity next week to speak to the committee. She asked that I pass on how important she feels it is for the young people to have an opportunity to speak to Bill 210. At the advocacy office, we feel that it's young people, like the young people who are here today, who bring an expert perspective, because they have lived experience of the issue. Therefore, the advocacy office feels it's critical that you hear what they have to say.

The Chair: Please start.

Ms. Talita Brown: Good evening. My name is Talita Brown, and my reason for standing here is to take part in the decision-making for Bill 210. I am representing myself and my experience as a youth in care. I was taken into care as soon as I was born, because my parents were incarcerated and I had medical problems. My grandmother was willing to take responsibility for my sister and me, but she was not financially stable enough to provide for us. I was placed in the care of a couple that, to my knowledge, had built a loving home and cared for more than 10 children.

I was happy for the first five years of my life. Everything had shattered into broken promises and dreams when an older foster brother accused the foster care parents of physical abuse. He was angry because he wanted to party, hang out and do drugs, but the foster care parents were strict and wouldn't allow him to do what he wanted. He then faked his injuries and the next day filed a complaint of physical abuse against the parents. The house had undergone an investigation, and every child and youth was taken into a room at the front of the house and was asked to strip from head to toe so that a worker could check for physical injuries or any sign of physical abuse. Even though it was clear that no signs of such abuse had taken place, we were removed and placed in another foster home. Those who were 16 or older had been given a choice to stay, and all who were 16 or older stayed.

The second home we were placed in was nothing like what we were used to. We were not allowed into the kitchen and were told when to use the bathroom. I felt no love in this home. One day I had split my head open sneaking into the kitchen to make hot chocolate because I was not allowed to enter the kitchen and get food. I hit my head on the corner of the cabinet. It was not until I saw the blood on my pillow afterwards, from laying my head down because it hurt so bad, that I realized what had happened. I started to cry. My sister overheard me and came rushing to see if someone was hurting me. She

immediately saw the blood on my hands and started to scream for the foster parents. They both came out of the room yelling at us. For 10 minutes they stood yelling at me until my sister stated that I was bleeding and needed medical attention. They took me to the hospital and I was bandaged up, or as they put it, glued together.

Life was rough for my sister and me, and neither of us knew that it would be getting worse. Sometimes we were punished for not following rules and sometimes for no reason at all. She was constantly yelling at us and slapping us around; not hard enough to make a physical bruise but enough to give you a rude awakening. We talked to our worker many times about leaving and how we were being treated, but our new worker had not the slightest interest in what children had to say and believed the foster care parents over us. Our first worker had been changed after we had moved from our first home. She would try to come to see us but would seldom make it. She cared for us and was the second person besides our first foster care parents who did. We spoke to her a lot and felt able to talk to her.

My experience with the court system was that when I was seven, my sister and I would attend a hearing on behalf of my father and mother. I was not aware why I was going or what effect it would have on my life. I wish that I had been told about what was going on. I remember seeing all these new and some familiar faces, and I was confused.

The judge asked me questions that I didn't understand because I had not come to the understanding of the fact that I was in care. I did not know much about my biological parents, and still believed that my first foster care parents were my real parents. The judge had asked me if I wanted to live with them, if I had loved them, if I loved my foster care parents more than them and if I wanted to still see my foster care parents. I did not know what to say, and answered the best that I could: "Yes, yes, I don't know, yes, yes." After that, we returned to the foster home.

It was a couple of months later that we returned to the court and spent time with relatives in a room. I did not know at the time that we were in the process of being placed in the care of relatives. Within weeks, we were placed in a group home for assessment, and then we were placed with aunts and uncles. I really hoped this would be the last move for us. There were so many moves and we were so confused and angry. We didn't know who to trust. When we got to our relatives, we were acting out. I moved so many times in my childhood from relative to relative and felt no one wanted to care for me. I felt lost and invisible to society. I wish I had the CAS looking out for me and for my best interests. Instead, they left me with unfit caregivers and I felt abandoned by everyone, especially the CAS.

I am now 19 years old and working toward my high school diploma. I still carry the emptiness from not having a stable environment. I wish I had a constant guardian to educate, mentor and look out for my best interests.

I am thrilled to hear about positive changes being made and the implications of Bill 210. I believe that with this bill, children and youth are not going to be lost in the system and uncared for the way I have been. With every decision that you decide to make, I am asking that you take into deep consideration what you are going to do with the lives of people who depend on your decision today. Remember how you once made a decision for my life: The effects of that decision forced me down a road that I briefly explained.

What you make as a law to abide by in this country affects all those who live here, including you. It's difficult to put in simple words how this law will affect everyone. My only wish is that you consider how you want your children to be raised if you are in here to look after them. I'm asking you not to just give the public what they are asking for, but to give them a right to live a traditional Canadian life.

Thank you for taking the time to listen and letting me speak in front of you today. I can say that this was an experience I will not forget. I think it is a good way to get youth more involved in society. I am not only someone who has come from a hard life in CAS; I have also tried and continue to try to survive in life, and I understand the struggle that most parents go through. I do not have kids, but I do live on my own and must provide for myself. It is hard, considering that you have to commit to a budget that barely gets you everything you need, but I do manage.

I think that Canadians need to stand by Canadians because we did not make Canada from one person; it was all of us combined that made this country. I believe that providing resources for youth and children will only result in good. If more recreation, after-school programs for teens, sports or even a club can get youth off the streets and doing something positive, that is enough for me to want to help build a community. I am not only participating here, but I've also spoken in front of homeless youth at Horizons for Youth, I tried out for the Dufferin Mall youth services, I speak at my school in the ambassador program and I also encourage my friends.

I really want to see Canada improve, not because I am Canadian, but for what the word meant for many people before myself: freedom.

Thank you once again. It was a real honour to have such an opportunity.

The Chair: Thank you, Talita. Does anybody else wish to speak?

Ms. Taneacha Campbell: Yes. My name is Taneacha Campbell and I am 26 years old, in my third year at the University of Toronto doing an Honours B.A., major in equity, minor in English and history. I've been on board for this bill for the last three years because I believe in what it stands for and I believe in the changes that it will make for the people here and others in Canada.

I just want to say thank you for giving us the opportunity to talk today. Being a former crown ward, I have experienced first-hand the effects of a system in need of repair, a system filled with holes and cracks which unfor-

tunately swallow one of our most precious resources: our children.

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From the moment a child enters the service of the Toronto Children's Aid Society, they enter a world of confusion. Who is my lawyer and what does this person do for me? How long am I under the care of the system, and just what do they do for me? Overwhelmingly, youth are concerned with the inadequacy of a system that is outdated.

There are three points I'd like to raise today.

Active communication between youth and their guardians: I don't know if you guys are really familiar with this, but as a youth, you enter care and then you realize that you have five people who affect your life, and they do not consult you. They consult one another through pieces of paper. You may be contacted at your foster home or your group home for about 10 minutes to see if you look healthy and if you're fine. They fill out some forms and go on with their business to determine what happens to your own life, without consulting you.

You have your lawyer, your worker, your foster parent or your group home staff and either a counsellor or a psychologist to determine what you think. In there, there is nowhere that you hear the child's opinion. I believe that this is a problem, because too many people are making the decisions for the youth. Decisions are not made on a personal but a professional relationship, resulting in confusion in the youth as to their role within the system.

My suggestions are:

(1) You could have an alternative resolution to decrease the stream of youth entering care, which would result in a smaller caseload for workers because, as we all know, they are overburdened; guidelines on what should be addressed with youth and follow-ups to ensure compliance to these guidelines; and programs to address life skills, such as appropriate and healthy relationship building.

It's wonderful that we have programs that teach young people about how to get a job and have a good resumé, but who teaches them who to spend time with? Who can guide them through life? Those are decisions that are left for them to make on their own. What usually happens is they look to alternative media, such as gangs. They see examples of what's going on on television and they try to live their lives that way. Most often, they end up back in the system as a problem.

The other thing is, increase the amount of information regarding the process of going through care. Allow youth to feel part of a system that says it is working for them. How can something work for you if it doesn't even consult you? That makes absolutely no sense whatsoever, and something needs to be changed there.

(2) Extending the extended care maintenance program: The problem is, currently, at 21 years of age, extended care maintenance is cut off. The majority of youth entering post-secondary education enter after the age of 21, meaning that when they're in school, if they start

school after 21, they will not have any funding to continue their education. Or, if they are continuing their education and it's after the age of 21, in the middle of their education they are cut off and left with nothing. They have to find a way to live and continue learning.

Also, the cost of living, the cost of housing and education have increased but the extended care maintenance has not increased. It hasn't increased in the last 15 years.

The solution: Increase the extended care maintenance to adequately reflect the growing need of youth in care and increase the cut-off age from 21 to a minimum of 25.

(3) Positive perception of youth in care: Currently the problem is that youth are being labelled and stigmatized within the social system, specifically in the educational system and within the police force. They are labelled as troublemakers, as though they did something wrong. You may not be aware of this, but if you are a youth in care and you go into the educational system and you're trying to tell people who is in charge of you or who your parents are, that's a very difficult process for a child to say, "I don't have any guardians. I live in a group home." Once you say there's a group home and once you start saying there's a court process, then it's like, "Oh, you did something wrong. What's wrong with you? What did you do? I can't hang out with you. My parents won't allow me to hang out with you because you're some kind of troublemaker."

The solution to this: Educate the community about youth in care; destigmatize the image of youth, primarily within the education system and the police force; implement a campaign that would use young people in care to describe care and their experiences within it; change the language you use to describe youth in care; incorporate the child's perspective into the decision-making process; and listen to the youth.

Finally, I would just like to say thank you for allowing me to express how I feel. I believe the system can be effective in aiding youth. The number of youth in care is currently increasing. In 1998, 50,000 youths were in care, and now it's up to 100,000. If something is not done to meet the increased number of youth within the system, there will be a burden and society and the general public will be those who will pick up the slack. Thank you.

The Chair: Thank you. The 15 minutes are already over, so there's no time for questions, unfortunately.

Ms. Wynne: Mr. Chair, on our list, the next speaker was to be confirmed. Can I just find out whether that speaker is—

The Clerk of the Committee (Ms. Anne Stokes): By teleconference, yes.

FOSTER CARE COUNCIL OF CANADA

The Chair: We can move on now to the next presentation. Can staff attempt to connect with the Foster Care Council of Canada, if they are on the line?

Mr. John Dunn: Yes, hello.

The Chair: Welcome. Is that Mr. John Dunn?

Mr. Dunn: Yes, that's me.

The Chair: OK, Mr. Dunn, you can start. You have 15 minutes in total. If you don't use the 15 minutes, there will be some comments or questions from the members. Please proceed.

Mr. Dunn: My name is John Dunn. I'm executive director of the Foster Care Council of Canada. That's an organization that is made up of people whose lives have been affected by foster care, who support each other and advise the public of important foster care related issues.

I know that members of the committee are interested as well in hearing from stakeholders in child welfare. I guess I could say I meet that need, since I'm a former crown ward of the Catholic children's aid society myself. I was in care for 16 years and moved through about 13 placements and seven schools. So I guess I meet the criteria for a stakeholder.

Moving on to Bill 210 now, I wanted to mostly address the amendments that are proposed to section 68 of the Child and Family Services Act with regard to the reduction in accountability that it would entail. One thing that I was mostly concerned with—I'm going to have to read into the record first the original and then the proposed changes. The original is how the legislation is today. It says:

"68(1) A society shall establish a written review procedure, which shall be approved by a director, for hearing and dealing with complaints by any person regarding services sought or received from the society, and shall make the review procedure available to any person on request.

"Idem

"(2) A review procedure established under subsection (1), shall include an opportunity for the person making the complaint to be heard by the society's board of directors.

"Further review by director

"(3) A person who makes a complaint and is not satisfied with the response of the society's board of directors may have the matter reviewed by a director."

The proposed changes are as follows, and then I'll go into detail on the parts that I want to talk about:

"(1) Every society shall establish a review procedure that satisfies the prescribed requirements for hearing and dealing with a complaint by a person concerning services sought or received by the person from the society, and shall make information concerning the review procedure available to any person on request.

"(2) A person may make a complaint about a service sought or received by the person from a society and shall do so in accordance with the review procedure established by the society.

"(3) A society shall not deal with a complaint under this section if the subject of the complaint is an issue that has been decided by the court or is before the court."

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To go into more detail now, the concerns I have are that with the original, the people had an opportunity to have their complaint heard by the independent board of directors of a children's aid society. Actually, I'd like to

back up and speak to the fact that it says "which shall be approved by a director." As it is now, the complaints procedure has to be approved by a ministry director. The new changes will not make that mandatory; it will be according to prescribed requirements, which I'm assuming are going to be regulations that won't have public input. That's one step of accountability removed.

The second part is that, where it says in the original legislation, "for hearing and dealing with complaints by any person," the new one says, "by a person concerning services sought or received by the person from the society." What this does is actually eliminate the ability of anyone who is not a client of a children's aid society to advocate on behalf of someone, so the only person who can launch the complaint is the client, and if they are extremely vulnerable or intimidated or anything like that, that reduces their support.

The other part is that the original legislation says it "shall make the review procedure available to any person on request." The new one says it "shall make information concerning the review procedure available to any person on request." This again further reduces accountability in that when a person makes the request for an actual copy of the complaints procedure, all they have to do is give information related to the complaints procedure rather than the actual complaints procedure itself.

These are obviously intentional changes that have a purpose, so I just find that an important thing to keep note of.

Where it says in subsection (2) in the original legislation "shall include an opportunity for the person making the complaint to be heard by the society's board of directors," in the new one it says, "a person may make a complaint about service sought or received by the person from a society and shall do so in accordance with the review procedure established by the society." Again, it says "the person" rather than "any person."

"Further review by a director

"(3) A person who makes a complaint and is not satisfied with the response" of the board can then have it reviewed by a director of the ministry. In the new one, they take that right out of there completely. It just says that the "society shall not deal with a complaint under this section if the subject of the complaint is an issue that has been decided by the court or is before the court." That in itself could be played around with; it's too ambiguous. Basically, the minute you become involved with a children's aid society, everything you talk about or anything from the point of involvement could become matters covered by a court. I just don't like the wording of that, specifically.

Something about dispute resolution that's proposed in Bill 210: One thing I've learned about dispute resolution is that everything in dispute resolution is to be confidential and cannot be used in court. I don't know if that's the same with this proposed legislation or if this child welfare mediation process will be a little different, if it could be somehow customized, but as a former crown ward myself, one of the largest issues I have is

confidentiality—not the fact that there’s not enough confidentiality, but that there’s too much. I’ve been trying for about five years, personally, to obtain copies of my own records from the children’s aid society, the Catholic CAS in Toronto, and they’ve been refusing me from the start. They won’t give me dentists’ names, doctors’ names, any of my medical records. So this is something that I think needs to be opened up.

I know the privacy commissioner supports, in her last year’s annual report, that records should be opened up or filed, at least pertaining to children’s aid. The Ombudsman recently spoke at a child and youth mental health conference. He also is, I guess you could say, *ad idem* with me on the issues around Bill 210 and accountability.

Those are the most important aspects that I would like to speak to. If anyone has any questions, I’d be more than willing to answer them.

The Chair: Thank you. There’s about five minutes left in the presentation, so we’ll have about a minute and a half each. We start with Mrs. Munro, if you have any questions.

Mrs. Munro: Yes. It’s Julia Munro speaking. I just wanted, first of all, to thank you for giving us the kind of thoroughness here in terms of the specific sections of the bill that you have concerns about. Certainly the fact that you have personal experience is really important to us to hear as the committee. We will need to look carefully at those areas of the bill that you’ve identified.

My own comment at this point would simply be that I’ll be looking at the Hansard of your comments to be able to look specifically at those areas, because accountability is always an issue that is very important in any process. Obviously, in a process that looks after vulnerable children, it’s even that much more important.

So I appreciate your presentation today and I will be looking at those sections you’ve identified.

The Chair: Thank you. Ms. Horwath, any questions or comments?

Ms. Andrea Horwath (Hamilton East): No. I too want to thank the presenter for making the comments, taking the time out of his day to do that.

I have to apologize for not having been here for the other presentations. I came in during a very powerful presentation and got to hear this presentation as well. I will look at the comments raised. I think the bill obviously needs some work, and we’re certainly here to hear from those people who are most interested and most affected by the children’s aid society and the crown wardship process.

I hope that at the end of the day we end up with a situation where we’ll have legislation that is going to be a positive experience, or at least legislation that will lead to a system that provides positive experiences for people. We can only do that with the kinds of insights and personal analysis and sharing that people like yourself are bringing to the table, and I thank you very much for that.

The Chair: Thank you. Mrs. Jeffrey.

Mrs. Jeffrey: Mr. Dunn, it was a little bit difficult to hear you. Are you submitting a written submission as well?

Mr. Dunn: Yes, I have. I filed one with the committee earlier. It was more or less a letter to the Ombudsman that has all the details in it.

Mrs. Jeffrey: OK. I had one other question. Generally, are you in support of the direction of Bill 210? You seem to have more concerns with the client complaint mechanism, mostly. Would you say that is an accurate reflection of your comments?

Mr. Dunn: I do. I kind of support parts of it too. I agree with kinship care and openness, just because of the way the system has been too rigid lately for minor things, non-abuse related, and that kids are being taken for those reasons. So I do support the family kinship care and alternative permanency plans.

The Chair: Thank you, Mr. Dunn, for your presentation.

At this point, I see Ms. Wynne has a question.

Ms. Wynne: Thank you, Mr. Chair. I’d like to ask the indulgence of the committee. The Office of the Child and Family Services Advocacy youth group, I believe, because they were the only youth who presented today—there was one presenter who didn’t get a chance to speak, and I’d like to ask the indulgence of the committee to extend by about seven minutes so we can hear from that presenter. I’d like to move that.

The Chair: OK. I will now take a vote, unless there are any comments. If the majority agrees, we can extend it. Comments?

Ms. Horwath: I think there’s been some criticism of the committee in terms of the amount of time we’ve been allotting for people, generally speaking. So I would hope that during the rest of the process of the public hearings, if we find there are people who don’t feel they’ve had an opportunity to have a voice—I certainly support having the young women speak to us today, but I would hope that that is a consistent expectation we can all have as members of this committee as we go forward through the hearings.

The Chair: Any other comments before I take a vote? If there are none, anyone in favour of the motion? The motion carries.

The youth group, if you wish to come forward tonight—I suspect we’re talking about another 15 minutes?

Ms. Wynne: Actually, I believe there’s one more presenter who wanted to speak, so I just ask for seven minutes.

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OFFICE OF CHILD AND FAMILY SERVICE
ADVOCACY, YOUTH GROUP
(continued)

The Chair: Please have a seat. Just tell us what you wish to, please.

Ms. Christina Alay: First, I would like to say that I feel very blessed and honoured that I’m here right now. This has been a dream of mine, and I’m actually in it.

Interjection.

Ms. Alay: Yes, and I have seven minutes for it.

My name is Christina Alay. I'm 23 years old. I'm attending the University of Toronto in my second year, majoring in sociology.

My life was hard, like all of us here. I endured severe physical abuse by my stepmother and my father. I was sexually molested from the time I can remember until I was 10 years old by my grandfather, and I was tossed back and forth between my father and my mother. The abuse my brother and I endured at my father's house is where children's aid became involved. I was in grade 5 when I confessed what was happening at home to a classmate and she made me speak to a teacher. I was really reluctant to do this because I thought, "I'm going to die if I tell you any of this."

My teacher called children's aid and we had an intake worker come in. After that day, I was taken from school to a family member's home and from there we were taken straight back to my parents'—my father and stepmother's—house.

We had, I guess, a permanent worker at that time. After my brother and I were placed with the protection worker, the violence in the home became worse because I had let out the family secret. I thought that I was finally going to be heard, but my worker made this impossible for my brother and me. After we would tell her the horrible stories of what would happen to us in our home, she would then disclose this private information to my stepmother. We would have to face the repercussions, which often were severe beatings and humiliation. I was even threatened with my life by my stepmother. She placed a large kitchen knife against my head, all because I disclosed the private secrets of the home.

I remember even disclosing an incident that had happened to me the night before to my social worker at a lunch she took us out to. The only physical proof I had was a large belt welt on my arm, which happened to last for years after that. She looked at me and told me plainly to my face, "What am I supposed to do with that? That's not enough." At that moment, I felt more alone than in my entire life.

Two weeks after that incident, my brother ran away from home because he forgot to take out the garbage and did not want to face the punishment my stepmother had waiting for him at home. The night before, he had endured the worst beating he had ever gotten. After he was discovered in my aunt's next-door neighbour's home, he was placed into temporary care. I did not see him for two weeks after that incident. My worker never came to visit to see how I was doing; the police never came to see if I was OK.

A month later, my father took me to my mother's home, from whom I had been separated for two years. Before I was posted to my father's home, I was living with my mom, who was a crack addict, and we lived in a crack house. The reason we left was because her life and our lives were threatened with a gun to her head in front of my eyes, that if she didn't pay up, he would kill us. So the next day, we went downtown. She overdosed, and

from there we went to my father's house, where the abuse continued.

Between all this, in the two years, my mother was contacted again. She was clean and sober, and there was talk of us getting back into the home. A month after my brother left, my father just dropped me off at my mother's house and never returned. I felt very displaced. I was not just leaving my father behind, but I was also leaving three half-siblings that I loved very much.

Within a few months or so, my mother arrived home from a day at court and told me that my brother would not be returning. He decided that he wanted to stay in the foster home. I was deeply hurt and felt betrayed by everyone. I was 11 at the time and had thoughts of suicide for the first time in my life. I would only see my brother once a month for six hours a day. That lasted a year, and then he was allowed weekend visits. In all of this, I was never asked how I felt about the situation. I was never involved in any meetings, and I was never told what was going to be happening to my brother, who is only 10 months apart from me. So he's basically my twin and basically my son, because there was nobody to take care of us—between an abusive, alcoholic father and a drug-addicted mother, there was nobody to take care of us except for us.

What I feel needs to be changed in the system is, first off, when abuse is happening to one child, 99% of the time it is happening to the other. There needs to be an immediate investigation into what is happening to the other child in the home. When my brother was taken into temporary foster care, like I said, nobody came to see what was happening with me. I was being abused severely after he left because I was labelled as the troublemaker because I called children's aid. I was labelled as the person who made my brother leave; I was the reason why he left and why he was put into foster care.

If a child is in temporary care and is being considered for foster care placement, have the family involved in the meetings, especially the siblings. I wasn't involved in any of these meetings. I was only told that he was going to be in foster care until he was 18, and he was only about 10 years old at that time. Let the sibling or siblings know exactly what is happening to the other sibling in regard to foster care. Have the sibling there during the court preparation so that the other one doesn't feel so alone. I can only imagine how lonely my brother felt because he didn't have me around. He told me that he would tell them in the meetings, "You don't understand. Nobody understands except for Christina. Why isn't she here?" He would plead for me, and still nobody would bring me to him.

Have the child who has not been placed in care get some counselling to deal with the feelings of separation. I was separated from everyone at that point. I didn't even know my mom; I was separated from her for two years. Two years for a child is a very long time. I felt as though, if I asked, I was being selfish, because my brother was the one in the spotlight, the one who was being taken

care of, the one who was abused and ran away and was in foster care. But I was being abused, too. I was the one who spoke up. I was the one who wanted help, but no help was coming to me.

When the child is placed in foster care, have it open to sibling visits on weekends so that we, as the siblings who are separated, don't feel like we are part of something so different, don't feel like, "You're part of another family and I'm part of this family. Now we're not part of the same family." Because of that, my brother and I were very close, but at the same time we were separate. He always tells me, "You don't understand what it was like. You weren't there. What do you know about being a foster kid?" And I don't know anything about being a foster kid because I was never there. I went there one time, and I felt very unwelcome. For a foster care child to feel more integrated into the home, they should have their family members come and visit them. Of course, there are safety issues and that which should also be put into consideration. But I was treated as though I was the abuser, like I was the one who treated him unfairly. But I wasn't; I was just his sister who wanted to be with her brother. I think I had every single right to have that, but nobody told me that I had a right to do that and nobody made me feel like I had a right to do that. I wasn't allowed. He used to tell me, "You're not allowed to come here," so I couldn't visit.

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When a foster parent considers taking a child, also consider the cultural background and implement some cultural activities or go to cultural events with the child so they don't feel totally displaced from their heritage or legacy. We are of Ecuadorian and Irish background. We were brought up in the Ecuadorian community and totally immersed in it. My brother was put into a Scottish home. Only now is he trying to find his cultural background. He has Ecuadorian features, but with very Irish skin and freckles, he has a hard time trying to find himself in the community. On the whole, how is he going to find himself without anybody telling him, showing him or helping him, even taking him to Spanish class on Saturdays? We used to go every Saturday—something so that you can feel part of your community again and you're not totally displaced.

When a social worker is obtaining confidential information from a child, keep it as such: confidential. If the information is disclosed to the perpetrator, there will be severe repercussions after the social worker leaves. That happened to me so many times. She would ask me what had happened. I would disclose it to her, she would tell my stepmother, and what do you think happened 10 minutes later? She would leave and I would be beaten again. I didn't feel like I was being protected at all.

When a social worker makes an in-home visit, when they leave, have them take a coffee break or something and then have them come back to check up on what is really happening in the home. In my case, nine times out of 10 they would have witnessed two children being severely beaten or emotionally abused for disclosing any

so-called private information. When my worker would come, my stepmother would make it look like the most perfect home that you could ever come to, the most perfect place that you could ever live in—fairytale land. But my stepmother would look out the window, watch that car leave, and as soon as that car would leave, she would actually make me pick out which weapon she should use, which belt she should use on me or my brother. She would beat us and beat us and beat us until there was nothing left for her, until she was tired.

As a sibling, I just want to say that the system isn't perfect; there's no such thing as a perfect system. But at the same time, there are a lot of things that need to be changed, like the things that I said. I know that social workers are overloaded and overburdened but, at the same time, these children are overloaded and overburdened with all of these things that are happening to them in their lives. We don't need to feel the repercussions of an overburdened and overloaded social worker. You're there to help me; I'm not there to be just a waste of your time. I'm human. If you're here, don't just say, "Oh, what can I do with that?" If there are laws or certain regulations they have to follow, sorry for my language, but F that. I was beaten every single day. Does that not mean anything? I'm 23 and I'm crying about it now. I didn't have a voice at that time when I was a kid. I didn't have a voice and I thought she could be my voice. But she wasn't my voice. She was against me; she wasn't for me. Now as a 23-year-old, all I'm asking is for you to listen to the recommendations that I've made and take them seriously, because I'm not the only one this has happened to.

Thank you very much for listening to me.

The Chair: Thank you for your presentation.

Ms. Brown: Can I say one thing?

The Chair: Yes.

Ms. Brown: I just noticed that in this whole room, there's older people, but for the people you're talking about, there should be—the majority in this room are the youth. It's our lives you guys are dealing with right now. The decisions you make are going to affect us totally down the line. If we don't have stability from somewhere, we can't help you build your country, we can't help you make this a better place, because it is the younger generation that's going to take it up after you, and if you can't look after that generation, then you can't look after this country and there will be no more country.

The Chair: Thank you for your comments. I think all of us appreciate how hard it was for you to express yourself. We will certainly keep your comments in mind. I think we are flexible, if any of you want to ask us questions. Otherwise, we thank you and we'll certainly keep everything in mind. Feel free to talk to any of us after if you want. Thanks for coming.

At this point, we will adjourn the meeting. The subcommittee may wish to stay because we have to make some decisions about next week. Thanks.

The committee adjourned at 1845.

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