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Thursday 26 April 2007

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Jeudi 26 avril 2007

**Standing committee on
justice policy**

Provincial Advocate for
Children and Youth Act, 2007

**Comité permanent
de la justice**

Loi de 2007 sur l'intervenant
provincial en faveur des enfants
et des jeunes

Chair: Lorenzo Berardinetti
Clerk: Anne Stokes

Président : Lorenzo Berardinetti
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 26 April 2007

Jeudi 26 avril 2007

The committee met at 0905 in room 228.

PROVINCIAL ADVOCATE FOR
CHILDREN AND YOUTH ACT, 2007
LOI DE 2007 SUR L'INTERVENANT
PROVINCIAL EN FAVEUR DES ENFANTS
ET DES JEUNES

Consideration of Bill 165, An Act to establish and provide for the office of the Provincial Advocate for Children and Youth / Projet de loi 165, Loi visant à créer la charge d'intervenant provincial en faveur des enfants et des jeunes et à y pourvoir.

The Chair (Mr. Lorenzo Berardinetti): I'd like to call the meeting of the standing committee on justice policy to order. Could everyone please take a seat. I'd like to welcome you all here. Good morning. If those in the back can get a seat, we can begin.

Ms. Andrea Horwath (Hamilton East): I'm wondering if we can move the screen temporarily. I know it may be a little bit of trouble, but the bottom line is that there are kids in the back who can't see what's going on here, and I really think it would be appropriate if we let the children who have bothered to come here watch the proceedings as much as possible.

Ms. Lisa MacLeod (Nepean—Carleton): The Progressive Conservative Party supports that.

In any event, yesterday, when we had members of the deaf community here, I had requested that the committee look into providing some ASL on the website, whether it was through transcripts or the bill. I've been advised by the clerk that we can only proceed by asking the minister to provide this material in ASL. I'm requesting that the committee—and if I have to, I will move a motion—ask the minister to provide at least the bill in ASL. I'm requesting the indulgence of this committee to agree to that so that we can have greater access to this piece of legislation.

The Chair: I will try my very best to speak to the minister to get that as soon as possible.

Ms. MacLeod: Thank you.

POPLAR ROAD JUNIOR PUBLIC SCHOOL
CHILDREN'S ADVISORY GROUP

The Chair: Our first deputation this morning is from Poplar Road Junior Public School Children's Advisory Group. Good morning. How are you?

Danielle: I'm good.

The Chair: That's good. I'm the Chairman. My name is Lorenzo. You don't need to be afraid. We're just here to listen to you. If you want some water, there's some water there. We couldn't bring any pop in here because we're not allowed to. Go ahead and introduce yourself and then you can speak for a bit.

Danielle: Hello. My name is Danielle. I'm 11 years old. This is my grade 6 class. I've come today to talk about Bill 165 and also about why I think kids should have a voice in creating laws about children.

Let's say a kid's law is established but kids don't agree with that law or it doesn't make any sense to them at all—for example, the government sometimes makes laws about the native children of Canada going to settlements—they should have more say and more rights about what happens to them.

Some adults don't give kids enough credit. They don't think kids are smart enough. They think we don't care about things like this, but look at me, Deneisha, G'lysa and my class. We are all here today, and we are all trying to have a voice.

I work in the advocate's office with Deneisha and G'lysa. We are doing something. There are lots of other kids just like us who care about other kids' voices, too. I volunteer at the advocacy office because I want to help. We are part of a group called Team Alligator. This is a group of kids aged nine to 12 who create and edit a newsletter dealing with children's rights and about why kids have a voice and other issues dealing with children. I do this because I want kids to know they have rights and because there are many kids out there who don't know they have rights.

I think that the advocacy office should become independent so they that have more control. The government is watching their every move, and it's hard for them to advocate. If one of the advocates thinks that they should do something and the government disagrees, then what can they do? The office should become independent so that the advocates are better able to do their job. That's what they're there for. They help kids have a voice, and I'm here today to say thank you to them for giving me a voice through the Alligator and for helping me be able to come here today.

Now please listen to what my class has to say. I want you to hear their voices, too.

Miranda: My name is Miranda. My voice is important because I can have a choice and tell people what I want to do and don't want to do in any situation.

Zachary: My name is Zachary. My voice should be heard because if I didn't have a voice, I couldn't agree to do anything.

Shawn: I'm Shawn. My voice is important to me because it allows me to communicate with others and make friends.

Matthew: My name is Matthew. My voice is important because I can call for help if I am in danger and I can also tell someone to stop.

0910

Jessie: My name is Jessie. My voice is important because, without it, I wouldn't be able to ask questions and learn from them.

Kezia: My name is Kezia. My voice is important because I might have something to say and I should be able to make people listen.

Kristen: I'm Kristen. My voice is important because I can speak through my voice. Thank you for listening to my voice.

Jack: I'm Jack. My voice is important because if I didn't have a voice, no one would know who I am and what I want to do.

Jordan: I'm Jordan. My voice is important because it allows me to stand up for others. If someone's being bullied, then I need my voice to help them.

Michael (1): My name is Michael. My voice is important so that I can help others and ask for help when I need it.

Emily (1): My name is Emily. My voice is important because if I didn't have one, I wouldn't have any friends to talk to when I had a problem.

Kaitlin: My name is Kaitlin. If I didn't have a voice, no one would know how I feel about anything.

Jaya: My name is Jaya. My voice is important because it lets me express my feelings.

Sydney: My name is Sydney. My voice is important because, without it, I wouldn't be able to share my knowledge with others.

Michael (2): My name is Michael. My voice is important because if I didn't have a voice and something was wrong, how would anyone know?

John: My name is John. My voice is important because, without it, I wouldn't be able to give my opinion.

Abbey: My name is Abbey. My voice is important because if I did not have a voice, I would not be able to say my opinions. I think that all children should be respected and children should feel just as important as adults.

Joelle: I'm Joelle. I think that my voice is important because it gives me the ability to say no. I can defend myself.

Jaimie: My name is Jaimie. My voice is important because it gives me the ability to express my thoughts and feelings to others.

Peter: My name is Peter. My voice is important to me because if I need something, I need to express myself to get it.

Emily (2): My name is Emily. My voice is important because it separates me from everyone else.

Rhiannon: My name is Rhiannon. My voice is important because it allows me to have choices.

Ashley: My name is Ashley. My voice is important because it allows me to express myself to let somebody know if I'm happy or sad.

Cody: My name is Cody. My voice is important because I can solve a problem throughout my community.

Jackson: My name is Jackson. My voice is important because I think that people should hear what I have to say about what is going on around me.

Elaine: My name is Elaine. I feel that children's voices are important because through their voices, they learn and teach others what they know. I also feel that children's voices are important because only they know what they're feeling inside, and without their voice, how are they to let us know what that is?

Danielle: This is Deneisha. She would like to say a word or two.

Deneisha: My name is Deneisha. I go to Jesse Ketchum public school in the city of Toronto. Today I'm going to talk to you about Bill 165.

First of all, I would like to thank you all for inviting me today and giving me the chance to speak.

In my opinion, I think that children should have a group where they can express their opinions and issues, because I believe that children have a right to make their voice available to the public and for it to be heard.

I, myself, work with children at the advocacy group in order to create a newsletter for other youth ages 8 and up. This newsletter gives me and my other group members a chance to be heard.

As an example, I think that poverty is wrong and that we should get everybody off the streets because everybody wants to be noticed and not feel like they do not mean anything to society, but most importantly, so that they have shelter and food, and when I addressed this issue with my advocacy group, my voice was heard. I might be writing an article in the next newsletter.

I would like other children to have this experience of their voice being heard by the public.

Also, we work with a children's group in Thunder Bay. They liked the idea of a newsletter for children, so they have decided to make their own and are now called the Thunder Bay Alligators.

This is to show that different kids around Canada have opinions about issues in the world.

The Chair: Thank you.

Danielle: Thank you for hearing us today. I hope you listened and heard that we do care. We do need your help and that all kids in Canada have a stronger voice. Again, thank you.

The Chair: Thank you. That was a very nice presentation. We started at 9:05. My watch now says 9:15, so

there's about five minutes for questions from the different parties. We'll start with the Conservative Party.

Ms. MacLeod: That was probably one of the best presentations we've seen in two days. You guys did a very, very good job and I appreciate your coming.

I want to know a little bit more about the Alligators newsletter and how we might be able to get that right across Ontario, so that kids throughout the whole education system can learn about the independent child advocate. I want your ideas on how to do that. Do you guys think you can answer me? Do you have some ideas for us?

Danielle: The newsletter is basically for kids from Thunder Bay and some camps and foster homes. They bring in pictures or we get pictures sent or we go and get some pictures. We basically put in articles for adults to know about children's rights, but we also do it for children. We have pictures from other children that send in their pictures. We also have a place in the newsletter called the Kids Zone, and it's actually a crossword, and we have a little comic strip. But the reason it's called the Alligators is because the alligator is our mascot.

Deneisha: Mostly the reason that we made this newsletter is to address children to know that they have their rights and that their voices can be heard in the society.

The Chair: Thank you. I think we need to move on, then, to the NDP. So we'll ask Andrea Horwath, NDP.

Ms. Horwath: Thank you both for taking a leadership role and helping the rest of your classmates as well. I want to thank you all for coming and having your voices heard. It was extremely important for us to keep in mind always what this bill, Bill 165, is about. It's not about any of us. It's all about you and it's all about other kids and other young people. So we really appreciate starting our day with your voices. I think it reminds us how we need to keep your voices, that you all gave to us today, in mind as we go through the rest of the work on this bill.

I want to ask, if I can, how many kids get the Alligators publication? How many kids get your newsletter at this point? Do you know?

Danielle: We finished the first one a little while ago but we haven't exactly had a chance to get it out yet. Probably maybe about 2,000 so far.

Ms. Horwath: Wow, that's excellent. Congratulations on your first edition. If there's anything that we can do to help you to get that out to more kids and more communities—I'm sure you know that we all represent a thing called a riding. There are 103 ridings in the province of Ontario. Maybe some of the MPPs would like to help with getting your newsletter out as well. I would certainly offer to do that. I come from a city called Hamilton, just down the highway. I'm offering my help to get your newsletter out into some of my schools, if I can do that.

The Chair: We'll move on now to the Liberal Party.

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex): Thank you very much for coming. I really appreciate hearing from all of you. I know all of my colleagues

do. Your voice is important to us. I know that, just from what I've heard about your newsletter, you're probably trying very hard to give a voice to those children who don't have a voice. I'm just really pleased that you've been able to start our day like this and, as Andrea said, anything that we can do to encourage children in our own communities to do this kind of newsletter for themselves and create a voice for themselves is great.

0920

If you can let us have a few copies of this, I'd really like to be able to just show it to the children in my schools so that they can make one of their own. I have a very rural riding and we have a very unique way of doing things. I know the children in my community would be able to write stories about themselves and give themselves a voice too. So thank you very much for coming this morning.

The Chair: Just one quick question: Where is Poplar Road school located? Is it in Scarborough?

Danielle: Yes, it's in Scarborough.

The Chair: Okay, very good. A few of us are from Scarborough too. Thank you very much for coming out today. We're going to hear from other people now, but we appreciate your presentation and we hope you have a very nice day. Thanks for your presentation.

PAUL DAGENAIS

The Chair: Members of the committee, our next deputation is a teleconference, and it's Paul Dagenais. I don't know if Paul Dagenais is there or if I've pronounced the name properly.

Mr. Paul Dagenais: You're pretty close.

The Chair: I'm at that stage where I need reading glasses. Good morning, Mr. Dagenais.

Mr. Dagenais: Good morning. I really appreciate—how would I put this in laymen's terms?—this kick at the can because this is so important to me.

I only recently learned about Bill 165. Not even two weeks ago I saw a notification in the newspaper, and I was elated. Unfortunately, I want to become more elated, and that may happen if you take what I have under consideration.

I want to illustrate as briefly as possible what happened to my daughter, and it's my understanding that this type of situation has cropped up not only here in Ontario but in other provinces. I've spoken to a number of professionals, including Canada's Attorney General. He took the time to speak to me for two hours, as did other MPs at the federal level, Liberal as well as several Conservatives, including, as I said, Mr. Toews, and they would like me to go in front of the Commons justice committee. But that's going to cover just one aspect of what my concerns are about.

Let me cut to the chase. My daughter was a victim of a young sexual predator in school and she was re-victimized within this system. In other words, she was knowingly left vulnerable. There's a paper trail as long as my arm. What I'm saying is accurate; it's objective and

it's disturbing. What we were told is that the Young Offenders Act is ineffective and weak, so we're not going to bother going after the guy who tried to rape your daughter and left her with several injuries. They allowed this guy to continue going after my daughter for just short of two years. Now he's back, and there's still nothing that we can do about it.

They had teachers who got him off my daughter. He was videotaped trying to sexually—well, he did sexually assault her, attacked her, choked her, everything. Only two entities ever entered the picture and did their job: That was some pretty great doctors—a child psychiatrist, a couple of family physicians and some counsellors—as well as the Ontario compensation board. They didn't do this—I'm sorry?

The Chair: Sorry. It's just some feedback.

Mr. Dagenais: Sorry. I'm just nervous and I'd like to get all this out as clearly as possible.

They didn't do him any favours by not intervening; they didn't do my daughter, our family nor the taxpayer—because I know what it cost the taxpayer. The comp board cut my daughter a cheque. From what I understand, it's one of the largest ever in the province when there were no arrests or charges or no investigation ever done.

Without going into details, because we'd be here all day, let me put it this way: I sat down with a retired judge, and I'm some of you probably know him, as well as other professionals, and they all came to the same conclusion: that there was a lot of injustice, a lot of bad things that border on evil were done to my daughter—to keep this young gentleman out of the system.

What I'm getting at is, if Bill 165 is going to just help some children, then it doesn't make any sense to me. On the surface, it sounds like a great piece of legislation. But what happens the next time this guy comes after my daughter or somebody else's daughter or someone else comes after somebody else's daughter, and we're told, "The law is weak, so we're not going to bother doing anything"? If it had just been one or two police officers—but it was more.

My daughter was sent to court to get a restraining order by a justice of the peace who said, "I believe you, I praise you, I commend you for your stance, and I'm going to allow you to go to court," and then this gentleman recused himself. But when she got into court, the recused justice of the peace was on the bench and wouldn't allow her to proceed. He only let a former police officer, who happens to be the accused's mother, have her say. We were told to go out and wait out in the hallway for the crown, which we did. The unfortunate thing was that the crown refused to speak to us. She had time to speak to the former police officer, and then she refused to talk to us, saying, "I'm too busy. I don't have time for you. You have an attempted rape." So she had already been sexually molested and assaulted by this guy two months earlier, and you have a justice of the peace who sends her to court, recuses himself and then doesn't

allow her to proceed and who wants the crown to get involved, and the crown refuses to.

I just want to give you one more illustration. Like I said, this guy went on, and no one did anything. When court documents started to disappear and my daughter was being left vulnerable, the crown's offer was, "We'll send you to mediation," and I was told later by several prominent people, mostly lawyers and a retired judge, that they had no business ever doing that. She was told, "Just come in and give a statement to a court official." It was arranged by the crown, and she wasn't allowed to have a lawyer or a parent present. When she got there, these court officials had one parent of the accused, an ex-cop, stand at the door while they put my daughter in a room with the guy who assaulted her, and they literally coerced her into signing an agreement that said that nothing had ever happened and that it was simply all a misunderstanding.

I could go on, but I'm too nervous to get this out. I think you get the picture. If anybody ever wants to see the paper trail, they're welcome to it. Fifteen, 16, 17 different professionals have seen it, and they know that there's a problem, and they've always pushed me to talk to politicians to try to get the change. At the provincial level, it has been difficult, and that's why I jumped at this opportunity.

I spoke at a conference recently, here in Ottawa, on victims' rights, and some people listened, ironically, at the federal level, but they weren't concerned about correcting problems when the good guys are part of the problem.

I'm certain that those officers involved, everyone involved, likely gets it right most of the time, but when you know your daughter's life is in danger—and I'm not trying to be dramatic. She could have been killed. That happens when you're being kicked and kneed in the groin repeatedly, when you're choked into submission, when you have your head banged into a steel wall.

I don't want this to happen to anybody. The whole purpose of my daughter and myself continuing to speak up on this subject is to minimize the potential for this to reoccur, for history to repeat itself, and I would love you to consider amending, adding, to Bill 165.

I've always joked that it's like a secondary 911 call. My daughter needed someone, some entity, to act on her behalf. She couldn't turn to children's aid. She couldn't go to legal aid. We're poor. She had no help when she needed it. She was repeatedly left vulnerable to a sexual predator, and like I said, that went on for very close to two years. And has he come back? Yes, he's been back recently. Because they never did anything at the time years ago, he remains a threat, and there's nothing I can do about it. I don't want to ever hear police tell me that the only solution is to arrange an accident.

0930

I'm going to stop there if there are any questions. But I'm begging you to listen to me. Some children are left vulnerable in this province. To me it's like pitbull attacks. It doesn't happen every day, but I was happy to

see pitbull legislation passed. I would love this bill to pass and have a right, or whatever you want to call it, added that if any child is in a situation as my daughter was, they should be able to get help. Not “Write us a letter and we’ll see what we can do,” and then have those letters disappear. “The letter must have been lost in the mail. Can you do it again?” We did. “Do it again, then.” And then you send this fax and they deny that they ever received the fax, and yet I have proof sitting in my hand, figuratively. Like I said: paper trail. We’re not trying to undo the past. It’s too late for that. I don’t want it to happen to anybody else. Bill 165 seems to me to be the only solution to make some dent in this type of problem.

The Chair: Thank you, Mr. Dagenais. We have just about three or four minutes for a few questions from the different parties—a minute or so per party. We’ll start with the New Democratic Party. Mrs. Andrea Horwath.

Ms. Horwath: Good morning, Mr. Dagenais. I want to say, first of all, thank you for sharing your horrific experience with us and the pain that obviously your daughter and your entire family had to endure with a system that wasn’t listening to her and wasn’t responding to her needs.

What I can tell you is that I’m hopeful too that this independent office of the child advocate, once we get this bill amended and in shape to do the most possible good work it can do, will be independent in so far as it will be able to take on what are commonly perceived to be the good guys, who unfortunately are doing not very much good in your situation, obviously. I’m hopeful that the independent office of the child advocate can take on that role. They will take on anybody because they are independent from government, so they’re not tied in with some of the structures that kind of banded together to not solve the problem and not address your daughter’s situation.

Secondly, I want to say that the important thing, once we have the legislation passed, is to be ever vigilant in being sure that it gets appropriately resourced, because without the resources in the independent office of the child advocate, we will continue to have horrific situations occurring in this province and nothing will be able to be done about it. So not only do we need to get the bill passed and get it whipped into shape so that it has the most positive effect for children, but also we need to make sure that that office is adequately resourced from the moment it opens as an independent office until forever, really.

I want to thank you again for your comments. I know it was difficult for you to share those painful experiences with us but I certainly do appreciate it. Thank you.

The Chair: We’ll move on to the Liberal Party. Mrs. Maria Van Bommel.

Mrs. Van Bommel: Mr. Dagenais, your story is very moving, and I think very upsetting to all of us. None of us want to hear about children being hurt, and especially in the way your daughter has been.

Mr. Dagenais: Don’t forget, if I could interject for a second, we’ve been able to get a pretty good estimate as

to what it cost the Ontario taxpayer. If somebody had stepped in at the very beginning, those costs would have been much, much less.

Mrs. Van Bommel: I’m sure of that. What we’re trying to accomplish here with this bill is to create an independence for the child advocate so that the advocate can work for children like your daughter and do so without interference from government or other agendas. I’m hoping that by the end of the clause-by-clause, we will have a bill that will achieve those kinds of ends. Thank you.

The Chair: Thank you. And finally, to the Progressive Conservative Party. Christine Elliott.

Mrs. Christine Elliott (Whitby–Ajax): Mr. Dagenais, I too am very sorry for the terrible experience that your daughter has suffered through and the pain that it’s caused her and your family.

I’m just wondering if you would be able to clarify: You mentioned that you think that Bill 165 is great in principle but that it should be added to and amended. What I’m sort of hearing, from what you’re saying, is that you think it should be more broadly expanded to the types of situations where it can be applied. Am I correct in that assumption?

Mr. Dagenais: Yes. I’m not a professional and I’m not aware of everything that’s in Bill 165, only the general outline. What I’m looking for is that anyone who finds himself or herself in a similar situation to my daughter’s can literally pick up the phone and dial what I joke about, 911A, where a child can have immediate access when the good guys are part of the problem. That’s what I want to see: where somebody is going to act on their behalf. If that’s not in Bill 165, why help, protect, and have rights for certain children that fall under the care of the Ontario government, but those who are caught in no man’s land, between the trenches, are out of luck?

Mrs. Elliott: Thank you.

The Chair: Thank you very much, Mr. Dagenais, for your presentation today.

VOICES FOR CHILDREN

The Chair: We will now move on to our next presentation, Voices for Children, and Cathy Vine, the executive director. Good morning. Please feel free to have a seat.

Ms. Cathy Vine: Good morning. We actually have two of us presenting today from Voices for Children. I’ll start by introducing myself and then I’m going to turn this all over to my colleague.

My name is Cathy Vine and I’m the executive director at Voices for Children. First of all, thank you very much for allowing us to come and speak here today. Voices for Children is here to help people from all walks of life bring about an Ontario that actually works for children, that supports their development from the very start and helps young people to be active participants in their own lives. Our goal, very strongly, is to see that every child

has an opportunity and a fair shot at success in this great province.

One of the ways we do that is by championing great ideas, and Bill 165 is such a great idea. What really puts the mettle to the test is how that great idea plays out. This is a bill that was written for children and is intended to help children, but children had no part in the writing of this bill. I can't even begin to imagine what this bill might look like if children had written it. I think we might be looking at something entirely different today.

It's very important for us to consider what it means when children haven't been included in something that actually was intended for them. Because of that, it's very important that children be heard now and it's very important that children become central to this process, to this legislation and to how the advocate's office carries out its work.

What I'd like to do is introduce you to one of my colleagues, Stephanie Ma, who is one young person who did grow up in government care and who can speak today from her experience. What we would ask, for everyone who works so hard at Voices for Children, is for everyone at the committee to think about how this legislation is going to reach every child that comes into the care of the government: the two-year-olds, the four-year-olds, the nine-year-olds, the 15-year-olds. We have someone here to speak today who was 12 when she came into the care of the government.

Ms. Stephanie Ma: Hi. Like my colleague Cathy already said, my name is Stephanie Ma, and I'm a former crown ward of the Children's Aid Society of Metropolitan Toronto. I first came into care when I was 12 and I left care when I was 21. My reason for wanting to speak in front of you is to have the opportunity to explain the importance of youth participation and consultation, especially for youth in governmental care.

0940

I will now draw from my experience and talk a little bit about what it was like growing up in the system.

I often felt that things were out of my control. I don't know if any of you are fans of Franz Kafka, the novelist—nobody?

Mr. Shafiq Qaadri (Etobicoke North): The Metamorphosis.

Ms. Ma: The Metamorphosis, The Trial—yes. That's what it kind of feels like growing up in the system—The Trial. Every complaint or concern I had regarding my custodial care seemed to be met with, "It's not my problem. Talk to your social worker. Talk to so-and-so's boss. Talk to so-and-so's other boss." It's just this never-ending chain of command, this hierarchical top-down model, with youth being at the very bottom.

If this was my experience, imagine 25,000 others feeling the exact same way. How many other children and young people have been made to feel like property and completely disenfranchised, that we can just be moved around or neatly put away—out of sight and out of mind—so that the government can feel like they're doing a good job and the problem's solved?

Like so many others, I will echo the fact that in the creation of this bill, youth were not included as a part of the process. In saying "the process," I don't mean these hearings; I mean at the beginning, at the end, in the middle, everything.

Ultimately, this shows the absolute rigidity of the bureaucratic structure of politics. It's unable to move.

If this bill were to be of any value—and I'm not saying that it isn't of value; it is. This is a huge step. In terms of what youth will feel, though, an independent child advocate would help to assist youth from government care, especially, to find and use their voice, bringing us out of the shadows and into the forefront. After all—and everyone else before me has referred to it—the UN Convention on the Rights of the Child has enshrined this.

Young people, both in care and not, are entirely capable of mobilizing and being a unified, cohesive force. You witnessed that today in the presentations that just happened and yesterday.

The system needs to break those stereotypes of helpless, needy youth. We need assistance, yes, but we also need to feel a part of something, especially youth from government care, who do often feel alienated.

I wish so much that I had known all the information I know now. If I had known all this when I was younger, I can just imagine how empowering it would have been.

Having said that, it's very important for me to mention that, for me, this is not a political issue. Please, I don't want you to politicize this. Although the implementation is embedded in politics, this is an issue about human rights and it's above politics. It's universal, and that's evidenced by the fact that the UN convention was ratified almost universally.

Help to make youth participation integral in all parts of process—beginning, middle and end—on issues that affect them.

The Chair: Thank you. We have some time for questions. We have about two minutes per party. We'll begin with the Liberal Party this time. Mr. Zimmer.

Mr. David Zimmer (Willowdale): I just have two quick questions.

Did you develop a taste for Franz Kafka while you were in care or after you left care?

Ms. Ma: While in care, actually. It was an alternative alternative school, and it was basically a school program that was through children's aid, and the teacher there was a magnificent teacher, and he introduced me to Kafka.

Mr. Zimmer: Of course, in the novel, the character can never get answers to anything and everything happens randomly. If he tries to chase down one of these random causes, it just leads to another random cause. So, does this bill, in your view, do anything to eliminate the randomness of things that happen to children?

Ms. Ma: I definitely say that it would. Having an independent child advocate would certainly allow the advocate more freedom and would definitely allow the advocate to be a stronger mechanism for young people to get their voices heard. I hope that answers your question.

The Chair: A quick question, then.

Mr. Qadri: Stephanie, first of all, thank you for coming forward and for your courage. Would you be willing to offer yourself as a guide and/or consultant for us to write the preamble to this bill, so that it could be a statement of purpose involving youth and trying to capture those with that experience? Hopefully, it won't be a Kafka-esque document.

Ms. Ma: I would be flattered to have that opportunity, but I think if you wanted to do a greater service, you would ask people who are younger than me, because I have aged out of that whole youth caveat. I think you have a great opportunity to ask many youth who are here presently and others who are coming.

The Chair: Thank you. Let's move on to the Progressive Conservative Party. Ms. MacLeod?

Ms. MacLeod: It's very nice to see you again, Cathy. Welcome, Stephanie. I've read some of your work before, and I'm very happy that you're here today. It was a great presentation.

I have two questions for you. Having grown up in that system—and I completely agree with you that we should have had children involved not only in the drafting, but we should have been less rigid in how we're holding these hearings. Quickly, how do you think, once this bill is passed—in fact, do you think there needs to be a clause in this piece of legislation that would communicate the independent child advocate in the school system? The other question I have is, do you think we need to enshrine a children's bill of rights in this piece of legislation?

Ms. Ma: I have to think about that a little longer. I do think that having a children's bill of rights would be a great idea. I don't know how that would look. I'd have to sit down and think about it a lot longer, like I said; two minutes isn't a lot of time. Sorry, what was the other half of the question?

Ms. MacLeod: The other half was, how do we communicate? Do we enshrine in legislation that there should be communications through the education system? I sensed from your presentation that the issue is that you're never getting answers. You're sort of in a labyrinth and you don't know your way out. How do we make sure that kids who are in this system are notified of the existence of the independent child advocate?

Ms. Ma: When you said the education system—that would be a great idea. I'm a strong believer in education, and I also strongly believe that education can open doors. Having said that, if you could maybe put something in the school system that talks about the bill, maybe, or even talks about youth having the right to participate, that would be huge leaps and bounds. To me it's something small, but I could see it having quite a significant impact.

Ms. MacLeod: Okay. Thanks. I just want to make one final comment. It's ironic that we've got this bill in front of us, and the province of Ontario runs the public education system, yet the province of Ontario on one hand has this piece of legislation before us but hasn't notified the kids it's going to affect through the public school

system. I think that's where the breakdown of government occurs. That's just my analysis on this.

Ms. Vine: Could I add a comment in addition to Stephanie's? It's absolutely critical that children in every community in the province know that this advocate exists. The question is, how do we make that happen and what can the legislation do to put that into place? The other piece that's weak in the legislation right now is, how will children, when they know about this advocate, actually be able to reach the advocate? The only information in the clause right now says that they need to know about it. It actually doesn't enforce that they need to be able to reach the advocate. If we think about Stephanie growing up in care, not getting any answers to her questions, where would Stephanie have been able to make that call to reach that advocate?

Ms. MacLeod: In a safe environment. Thank you both very much.

The Chair: Thank you. We'll go to Andrea Horwath from the NDP.

0950

Ms. Horwath: Thank you both for being here. I'm glad you followed up your comments. That's something that has been identified many times already, and I'm glad you've reinforced it again, that it's not good enough to say that the child should have access to an advocate; it has to be really detailed around what the child's rights are, the privacy that's required, access to the telephone and all of those kinds of things to give the child the confidence to go forward and take steps into their own hands, which is what we're encouraging them to do in terms of reaching the advocate.

It's interesting, Stephanie, that you talked about how this is not political. I have to tell you that I actually disagree a little bit. Certainly the issue of children's rights and the UN Declaration of the Rights of the Child and all of that shouldn't be considered political, but we are here in a situation where a government did make decisions around not engaging children, around bringing this legislation forward to cover up a damning report by an auditor on children's aid societies, ironically. All of those are political actions. Now we're stuck with a bill that was cobbled together at the last minute and thrown in front of us without that really fundamental piece, which is the voices of children.

I respect your opinion. But we are in a political forum and the government chose to do things this way, and I think we need to acknowledge that, if only for the purposes of making sure when we go forward with the future independent child advocate that we're supporting that change. Do you know what I'm saying? There needs to be a change with children's rights and with the way children are addressed as people in our communities. If we continue to say it's not political and that governments don't have an obligation, then I think we're maybe not going where we need to go in terms of putting that pressure on.

Ms. Ma: I hear what you're saying, and I agree in some respects, but what I was saying when I was saying

that it's not a political issue is that youth voice in itself, youth participation in itself should not be a political issue.

Ms. Horwath: Absolutely .

The Chair: Thank you very much to both Cathy and Stephanie. Our time, unfortunately, is up, but thank you—excellent points.

DAVID WITZEL

The Chair: We'll move on now to our next deputation, David Witzel. I hope I pronounced your last name correctly, and I apologize if I made a mistake with it.

Mr. David Witzel: Good morning. I'd like to thank everybody, first of all. I have a few things to say before I get into the nitty-gritty of this. I'm very surprised that with the seven-page letter that I wrote you, that you've read, that you invited me to speak. Thank you very kindly. You surprised me to no end.

You read the letter. I wish to apologize for the foul language that I used. I'm sorry about using it. My apologies to you all for that language. I have some things to explain. I was put in the care of the children's aid society with my brother in the 1950s. At four years old and six years old we were sexually, physically and mentally abused with the full knowledge of the children's aid society. That might give you some idea of why the language was used—inappropriately, but why it was used.

I personally think that there's room for a provincial advocate. However, this advocacy that you have here is a sham unless you give the advocate total independence and prosecutorial powers to enforce and prosecute those who dare harm children. Other than that, it's a great thing. The young people who spoke today, I hope you listen to them. The young lady Stephanie, 21 years old, who went through the system, I hope you listen to her. You haven't heard great things about this committee yet because it's flawed in the way that I say. It should be independent and given teeth. Either that or give the powers of this committee over to the Ombudsman's office, who has the powers now.

The Liberal government, seen to go to the Ombudsman's office when they had problems with the Ontario Lottery and Gaming Corp. and then publicly crowing about it, doesn't have the faith to go to the Ombudsman's office and give them the powers of oversight of children's aid. I find it staggering: that we were more concerned about lotteries than we are about abused children.

I'll take you to page 1 of the stuff I brought in this morning. I have a friend, Jean-Paul Brouillette, who, when he was seven years old, because there was no room for him in the foster homes and the children's aid in Quebec, was put into an adult mental institution, where he was raped time and time again until he got old enough to stop it. He became a violent biker. He hurt people. He attempted murder. He just got out of jail after 10 years for attempted murder. The system made him what he is.

The man has now changed. He is my best friend. Both of us went through hell like you never can imagine, and I wish nobody would ever have to go through that.

If you would all turn to page 8, please, of this handout. We have a letter from the Ontario Association of Children's Aid Societies, who I notice are coming on to the menu in a little while, and maybe they can explain a few of these things. The OACAS says, second sentence, "This means every children's aid society sets their own policies in regard to foster parenting and adoption, and, (I assume) accessing a client's file.... CASs do not report to the OACAS, nor do we have any authority over how a CAS delivers services." How come the OACAS is the mouthpiece, spouting their propaganda on behalf of the children's aid, and we can't ask them questions because it regards the children's aid? Who made them? This letter here says that each children's aid society sets their own policies.

We'll go to page 9, please. It appears to conflict with the Minister of Children and Youth Services, Mrs. Mary Anne Chambers, who states, second paragraph, second sentence, "The government's role is to fund, legislate and monitor the child welfare system. My ministry sets policy and provides program design for child welfare and licences"—blah, blah, blah. That's a conflict with what the OACAS just finished saying.

Who's running this ship? The OACAS says that every children's aid society sets their own policies. The minister says she sets them. There's a little bit of a conflict there.

Under section 68, each children's aid society is supposed to have a complaints procedure set out. Please go to page 10. You'll see the names Theresa Flynn, Lorraine Marshall and Cecilia Taylor, my steps 1, 2 and 3 to access the complaints procedure of the Children's Aid Society of Hamilton-Wentworth. Those are the people I'm supposed to see.

Please go to page 11. Look at the very names. You see Lorraine Marshall, you see Theresa Flynn and you see Cecilia Taylor, all on the complaints procedure. Go down to the very last paragraph on that page. "From my perspective, the reasons for having upper management ... respond to this man's request on behalf of the agency were valid in 2000 and remain in place." These people are the ones I'm to address my complaint to, and they're already stating that they aren't going to deal with me, which they didn't. They refer me to upper management. I can't get to upper management until I go through these people. They wouldn't answer the phones. They wouldn't answer my replies. So much for section 68 and the laws regarding that.

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Now please go to page 13. This is from the Hamilton police department. Superintendent Wide, or Inspector Wide, who threatens me, states that the biological children do not recall any abuse. However, I'll take you back to page 11, first paragraph, last sentence: "In reviewing the intake material since 1998, it appears that our files support Mr. Witzel's allegation that he was harshly

disciplined and/or abused....” I now have a threatening letter from a superintendent of the Hamilton police force that I went to saying that nothing happened. The children’s aid said it happened. I said it happened. The police won’t even access the records to find out, and I provided all of this information to them.

I had the police before the privacy commissioner for almost two years. The privacy commissioner has issued two sets of interim orders against the Hamilton police department questioning, among other things, their qualifications as police officers and their knowledge of the job, starting from the Chief of Police Brian Mullan, through the detectives, the inspectors, right down to the very professional standards branch. This is the privacy commission questioning their capabilities as police officers. It makes me shudder. You can read about that same police force from page 16 right through to page 25. Please do read it.

I have gone through every step that the government for the last three or four years has outlined that I’m supposed to do. There have been roadblocks thrown up in my way every single place I turn, with the exception of Andrea Horwath. I have fired letters at the Attorney General, the Premier, the Ministry of Children and Youth Services and had no response. I have the evidence. What’s wrong with this situation? Why doesn’t the Ombudsman have it? If you are going to create a children and youth advocate, give somebody the power of oversight.

I will leave that with you. I’ll take any questions. If anybody wants to talk with me afterwards, whether it be the audience or the members here, please do. Thank you for listening. I’ve held my temper and watched my tongue as best I can. It’s up to you. You may ask.

The Chair: Thank you, Mr. Witzel. There’s about a minute per party of questions. Of course, as Mr. Witzel said, if you want to, you can ask him more questions outside. We’ll begin with the PC Party.

Ms. MacLeod: Thank you, Mr. Witzel, for coming here today and providing us with some information not only on your experience but your views on how we should proceed. Mr. Witzel, do you think that the independent child advocate should be legislated to deal with people over the age of 18 who are still receiving services from the province of Ontario?

Mr. Witzel: Ms. MacLeod, yes, I think the provincial child and youth advocate seems to have come in the back door and cut the families out of the deal. That means people over the age of 18 who might not only have been wards of the society, like I was, but who might have problems with the system after they turn 18. Here I am, 60 years old, and it’s taken me over 40 years, living the life that I’ve lived, nightmares every single night of my life, to come. If we left it the way it is right now, that would mean I wouldn’t be able to approach the people and get some justification. I’m here not to undo—I can’t undo what happened to me—I don’t want it happening to these kids. The government doesn’t seem to get it. These

kids: I don’t want them to have to go through what I have to go through.

Jeffrey Baldwin was starved to death by his grandparents. When I was being abused, I wished I’d been killed. Isn’t that a heck of a thing to say?

So, yes, I think it should include the families or anybody who becomes involved with the children’s aid.

God, give somebody the powers of oversight so they can not just review but they can prosecute, or give it over to the Ombudsman and tie the two offices together and give them that.

Ms. MacLeod: Thanks for your courage in sharing this with us today.

Mr. Witzel: I’m sorry for getting so hot, but I am.

Ms. MacLeod: Hey, do you know what? You’re a little bit more calm than some people were in question period yesterday—I’m speaking of myself, of course.

Ms. Horwath: I just want to reiterate my support for the whole issue of Ombudsman oversight for children’s aid societies. You may be interested to know that the Ombudsman actually wrote a letter to the committee, which we received yesterday, once again indicating his support for an independent child advocate but saying that making this office of the child advocate independent definitely does not in any way say that it still does not require that in-tandem move of having the Ombudsman have independent oversight. I’m still bringing the petitions into the Legislature, so we’re still on that track, and hopefully one day the government will see the light of day and know that that is the right thing to do and needs to happen.

That’s the first thing.

The second thing is, you did a great job. You didn’t even swear once. That was awesome. Thank you very much for coming.

Mr. Witzel: Thank you. I have, on page 8A, what you were talking about regarding Mr. André Marin.

As much as you people received my seven-page letter and you saw me slamming this, I also slammed the privacy commissioner, I’ve slammed the Ombudsman. I talked with the Ombudsman’s office for a couple of hours yesterday.

I think the Ombudsman should be given the powers, people.

As much as you people read that I slammed the Liberal Party, this is not all the Liberal Party’s doing. The NDP and the Liberals and the Conservatives have all been in power since the children’s aid society was conceived in 1892. All of the parties that have been in power since the inception of the children’s aid society are responsible for the neglect of the children. It just happens that the Liberal Party is the majority and in charge right now. They got the biggest hammering, but all the parties are responsible.

I think it’s long overdue that the lid is lifted off the Pandora’s box so we can all deal with something that’s important, and that is stopping the abuse of children. Let’s have all three parties finally get together, for once in the history of the province of Ontario, and do some-

thing rather than giving yourselves a raise. The most important thing in the world is the children. Let's have all three parties get their act together and work together to protect the children, please. If you never do anything, do that.

The Chair: Any questions or comments from the Liberals?

Mrs. Van Bommel: You've given us lots of information, and my question has already been addressed, so thank you very much.

Mr. Witzel: Once again, I apologize for cursing in the letters.

The Chair: Thank you very much for your presentation.

INTERMINISTERIAL PROVINCIAL ADVISORY COMMITTEE

The Chair: We'll move on, then, to the next presentation, which is from the Interministerial Provincial Advisory Committee, IMPAC—Jamie Emerson, chair.

Mr. Jamie Emerson: This is going to be a joint presentation, so Cheryl Milne, the vice-chair of the committee, will be doing part of the presentation as well.

The Chair: You both have up to 15 minutes for the presentation. Any time not used up in your presentation will be used by the committee members if they have any questions.

Mr. Emerson: Thank you very much. We did provide a package of information about IMPAC. What I'm going to do is just give a very brief overview of the committee, and Cheryl will speak specifically to the recommendations that we have about the bill.

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IMPAC is the Interministerial Provincial Advisory Committee. It was formed in 1976, which was actually before the office of the child and family advocate. The membership of IMPAC includes members from the Ministries of Health and Long-Term Care, Community and Social Services, Children and Youth Services, both children's and youth justice, and Education. In addition to that, there are some sector representatives from child welfare, children's mental health, youth justice and developmental services. In addition to that, there are people who have specific clinical expertise, so there are representatives from psychiatry, pediatrics, neurology, from child and youth work and social work.

One of the major functions of the child and family advocate's office is to deal with children who have special needs. The Interministerial Provincial Advisory Committee deals specifically with children who have complex special needs. That means children, first of all, whose needs are so clinically complex that they require the expertise of a number of different disciplines to understand their needs and to develop plans that are appropriate to meet those needs. When those plans are developed, they cross the jurisdictions of different ministries and the different service sectors we've mentioned. So it requires that level of problem-solving

and that level of collaboration in order to meet those needs. So the committee really functions in support of the advocacy office in both designing and making those plans actually happen for the children in the province with perhaps the most complex special needs.

Ms. Cheryl Milne: The recommendations are set out throughout the submission that we've presented to you and are also in an appendix at the back. They've been agreed to by all the members of the committee, and the members are also listed in the back of the submission.

The first recommendation deals with the preamble or statement of purpose. We are asking that you consider including a preamble that focuses on the kinds of children whom IMPAC has dealt with most specifically, those with complex special needs, as well as aboriginal children. We also ask that such a preamble include reference to the importance of facilitating co-operation and coordination in the provision of services to children across sectors in the most effective manner in accordance with their best interests. That has been a major function of IMPAC: getting the ministries to work together to come up with creative solutions to some of the difficulties. We want to move beyond the silo approach to children and treat them holistically.

We are also recommending that IMPAC itself get some specific recognition—or a similar structure. We're not necessarily asking just for us; a committee like IMPAC. IMPAC has been very helpful in solving some of the more difficult cases, and bringing together the kinds of expertise that has been around that table has been immensely helpful to the individual ministries as well as to the office of the advocate.

We also recommend that there should be a reference specifically to interministerial co-operation, as we still have a number of different ministries that deal with the children with complex special needs. We have the Ministry of Education at that table as well as the Ministry of Health and Long-Term Care, the Ministry of Community and Services as well as the Ministry of Children and Youth Services. We want to see some emphasis put within this bill to make sure that the advocate has some power to facilitate this kind of co-operation that really works for the rights and interests of children.

We are recommending that the definition of "child" include persons over the age of 18 who are receiving services, whether under the relevant legislation or from youth-serving agencies and service providers. Cases that have come before IMPAC have included children whom we've monitored over a period of time. They may have first come before the committee when they were under 18 but there are difficulties because of their complex needs in transitioning into adult services. There is still a role for the provincial advocate to play in regard to that transition.

We are also specifically asking for a reference to an expanded concept of the children who are receiving services or young people who are receiving services or being dealt with under the Youth Criminal Justice Act, so that it goes beyond just those receiving custodial sen-

tences. Again, the young people who end up before the committee may not in fact be in a custodial setting but may have conditions and terms in relation to youth criminal justice.

The final recommendation that the committee makes is in relation to the experience of the provincial advocate who is ultimately appointed. Because of the nature of the kinds of children who are in most need of advocacy in this province, it's imperative that an advocate have experience in two or more of the sectors that impact on children. We've listed those there: children's mental health, child welfare, developmental services, youth justice, education and pediatric health services. It's important that the provincial advocate has expertise in those areas so that they can better understand and coordinate efforts to advocate on behalf of children with complex needs. Thank you very much.

The Chair: Thank you. We're going to stick close to the timetable here, members of the committee, because of the fact that I've been told there are a number of people coming just before lunchtime from out of town, and I want to make sure that they get heard so they can get back to where they've come from. We've got about two minutes per party, and we'll begin with the NDP this time and Andrea Horwath.

Interjection.

Ms. Horwath: You want me to be quick? Okay, I'll be quick.

Thank you very much not only for your presentation today but for the good work that you do on the committee. I hear it's a fabulous place to solve real problems, and I really want to thank you for the work you do there.

I was wondering particularly about your suggestion on page 3 about somehow enshrining the existence of the committee in the legislation. I agree with that. It's not the first time I've heard that as a concept, and I support it. I'm wondering if you have any language, any suggestions around where and how that goes in?

Ms. Milne: The committee didn't come up with particular language. I'm the only member of the committee with legal expertise, so we didn't actually draft something. It doesn't necessarily have to say "Interministerial Provincial Advisory Committee." It can be more generally worded so as to be a committee involving interministerial co-operation or with members of all ministries providing services to children in the province. I think there can be some leeway given to the advocate to define the committee structure.

One of the things that has been a key component of the committee has been community representation in addition to ministry representation, and that is something that should continue because it allows for the clinical expertise that the members rely on.

Ms. Horwath: Thanks. I would hope that we would actually put it in the bill, though, as opposed to the regs. It's safer to have it in the bill, to know that it will exist.

Ms. Milne: That's clearly what we're recommending, that it be in the legislation and not be left to the regulations.

The Chair: To the Liberal Party.

Mrs. Van Bommel: Thank you very much for your presentation. I'm looking at your third recommendation, in which you're talking about interministerial co-operation. One of the things we're trying to achieve here with this legislation is total independence for the advocate. That's because in the past we've seen government interference in the work of the advocate. How would you envision interministerial co-operation that doesn't interfere with what the advocate is doing?

Mr. Emerson: We could have interministerial collaboration in ways that are not necessarily prescriptive. A lot of the things that happen now that are useful interministerially are done more because the ministries have bought into what we're doing, but there has been quite a bit of leeway for ministries to do that. There have been times when the ministries have been very much onside and co-operating and there have been times when the ministries have not been onside and have not been co-operating. We've had a much more difficult time finding those kinds of solutions which require that kind of co-operation.

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I think the idea we're thinking about is that there be something in the legislation that requires that the ministries work together collaboratively, that it's something we can expect ministries to do, not because they choose to, but because it is part of the expectation of the legislation.

The Chair: We'll move on to the Progressive Conservative Party.

Ms. MacLeod: Thank you very much, Jamie. It's nice to see you again, and Cheryl. I just wanted to say that we really support the work you do on this side. I know my colleague knows Dr. Duane MacGregor quite well, so we appreciate the work and quality of your work. Certainly it is our view that a role for something called IMPAC is important, not only for an independent child advocate but with respect to all of children and youth service throughout the entire provincial government. It is our view that silos need to be broken, so we support this.

I wanted to ask a question with respect to your first recommendation, where there needs to be a preamble or a statement of purpose, which has been reiterated several times in the last two days—that there is a requirement for that in the legislation. I take particular notice of "the special needs of aboriginal children and children, who due to the complexity of their difficulties require the co-ordination of multiple service providers, service sectors and/or ministries." I think that's a no-brainer. There have been musings in this committee in the last day and a half of setting up deputy advocates. Would you support that sort of format for later on in the bill, with respect to what you're suggesting in the preamble?

Mr. Emerson: In some ways, I'm a little bit reluctant to answer that, because I'm representing a whole committee, and it isn't something we've discussed in the committee. I think there are pros and cons to doing that. Those are my personal opinions, but I'd feel much more

comfortable if I were supporting the views of the whole committee instead of just my own.

Ms. Milne: If I could just add, I think that in terms of its recommendations, the committee clearly wants to see emphasis on the needs of aboriginal children and children with complex needs. Whether that's done through the appointment of a deputy or through other language in the legislation, those are the two areas the committee has seen as being in need of special attention.

Ms. MacLeod: Thank you both very much. This has been very helpful.

The Chair: Thank you for your presentation today.

SARAH-JANE DAGG

The Chair: Members of committee, our next presentation is through teleconference. It's Sarah-Jane Dagg. Is Sarah-Jane Dagg there?

Ms. Sarah-Jane Dagg: Yes I am, and good morning.

The Chair: Hi. Good morning. How are you?

Ms. Dagg: I am well. Yourself?

The Chair: Fine, thank you. The rules of the committee are basically that you have up to 15 minutes to address the committee. Any time that you don't use in your presentation can be divided among the three parties to ask you some questions.

Ms. Dagg: Fantastic. I'd just like to introduce myself. My name is Sarah Dagg. I'm 21 years old, and I'm a former crown ward of the Ottawa children's aid society. I will be speaking today wearing a few different hats, I suppose: speaking from personal experience using advocacy while being a youth in care; different experiences I've gone through within the mental health system here in Ottawa; as well as different professional opinions that I may have, which include working with the Children's Aid Society Teens, which is a group in Ottawa for advocacy and is an advisory to our children's aid society and different national organizations, such as Defence for Children International—Canada and Save the Children.

I'd like to start off with one of the points that I find is most important with the bill: a clear right to access this advocate. As I understand it, the advocate is capable of coming into a facility to speak with a youth, but I strongly recommend that there needs to be something very clear that states that a young person would be able to pick up the phone and call an advocate. This is very difficult, especially living in a group home or a foster home where phones are kept pretty tightly, on pretty tight timelines and are often in very open spaces. For example, I remember that the first time I had to call an advocate I was in a group home. The only phone that was accessible to the youth living there was in a very common place. It was in the dining room, which was the central room of the house. It took me a very long time before I was actually able to phone them. I think it was about a day and a half after the incident that I would have liked to report on. I did this from the dining room at about 3:30, 4 o'clock in the afternoon, which is when everybody is coming home from school. There's all kinds of rustling and bustling. It's really difficult to try to get a clear call

together. By the time I had finished the call and hung up the phone, there was another young person who was like, "Oh, wow, who were you talking to? It sounded like you were getting some really good information. I'd like to talk about that too." It was an issue that was very much across the board at the place I was living at. Not only was she denied the right to phone the advocate at that time, but she was also told that the advocate was accessible to me because I had so requested, but because she had heard it from me and we were complaining about the same issue, there would be no point for her to call the advocate.

I'm also concerned that if an event was to arise where the advocate would quite potentially like to launch an investigation into a particular facility, gaining access to enter the facility may be difficult. I mean, reasonable cause or reasonable limits, I think, are unacceptable, but if an advocate feels that they have the need to enter that facility, to have to call the owner or the foster parents and arrange a time with them may or may not be too late after the actual cause of the event. If we're talking a day or two, I fully understand. However, I've seen instances where it has taken a week or two before the advocate has been granted access to a facility. So I think that there definitely needs to be some guidelines towards how and the reasons that an advocate may be able to enter. However, I think that a timely fashion definitely needs to be put in place to expect that the issues are still fresh and that the facility doesn't necessarily have time to cover up.

I do note that the ministry currently performs reviews—I believe it's once a year—on facilities. I've seen representatives from the ministry come into a residence, and for about, I'd say, 48 to 72 hours prior to that, you would have maintenance people coming in. They be filling in holes in the walls, they'd be finally pulling out the fridge and stove from the kitchen and actually cleaning to make the place look presentable, which may happen for two days out of the entire year, which is definitely a huge concern. I've taken pictures and reported that to the ministry. By the time they have an opportunity to come into the house, everything is covered up. The pictures were no longer valid, and my case wasn't properly heard.

As far as mental health goes, I've spent some time in the facility at the Children's Hospital of Eastern Ontario. They do have a ward—I believe it's 12 rooms—for youth with mental health problems. At the time, I was very suicidal, very depressed, very worried about coming into care. As soon as I came in, they would kind of hold this idea of basically a chemical restraint over your head. I don't remember the term for the drug. I know we all called it CPZ. I believe it's called chlorpromazine or something of the sort. It was basically a needle that would be administered to you and would knock you out for a good few hours. For me, it took about a day before I was able to walk out of it. I think this is a very large concern that many people experience in the mental health system regarding chemical restraints, and not once throughout my time there was it explained that there was an advocate that I would be able to contact if decisions

were made that I did not agree with. I think that especially being a crown ward and having the government as my parents, it was very difficult to be able to say, “Well, I don’t agree with this,” especially when you don’t really know what’s going on. You wake up in a strange room all of a sudden, and nobody explains to you really where you are or why you’re there. They just sort of tell you to open your mouth and give you some more medication to help you get through it. I honestly couldn’t even tell you very well how long I was there due to that.

I’d also like to talk about the location of the office. The advocate’s office is currently located in Toronto. Ontario is a very large province, and it’s very important that the advocate is able to serve these youth as best possible. I would make a recommendation to decentralize the offices. Have our main advocate in Toronto, quite possibly, but also have some satellite offices throughout the province, perhaps another three or four offices, which would make it more accessible for youth, which would allow for a better promotion of the office and for a better community-building experience. The advocate wouldn’t be seen so much as a threat to various agencies or facilities but rather as a partner to improve the quality and conditions that these young people are facing. It will be difficult either way, but that is certainly something that needs to be spoken to.

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I also believe that we should not thin out the mandate that the advocate currently has. I believe that we still need to keep in consideration that the advocate should be able to serve, for example, students in provincial schools, demonstration schools, young people being held in police court holding cells, being transported from a facility to a police station—I think this is very important; I can speak from experience—with young people being transported in the same vehicle with adult criminals. This is unacceptable, and this does happen. If more people aren’t educated and taught that this isn’t right and issues are coming up with that, then the advocate needs to be involved. The advocate needs to have an opportunity to help these children, just as they would youth in care.

Sorry, I’m getting really nervous and just kind of rambling on, so I hope this makes sense to someone.

The Chair: Yes, it does, and you can slow down. You don’t have to speed up. We are paying attention here.

Ms. Dagg: Okay. Sorry, I wish I could be there in person. Unfortunately, it’s a bit difficult for me.

The Chair: You’re doing a great job.

Ms. Dagg: Something that also needs to be spoken to is the issue of unions with public service workers. Currently, some of the staff of the advocacy office belong to a union which may or may not be the same union as some of the services that these young people are receiving in young offender facilities.

I believe that staff should have access to join a union. I’m not contesting that whatsoever, but I think that there needs to be some type of distinction. I think that the staff should still be able to maintain their benefits and their seniority. However, if a facility were to go on strike, for instance, which is often the time when the advocate

would be most needed for these young people, the advocate’s staff who may be entering the facility may belong to that same union that is on strike. That would cause some pretty large problems. It could cause riots. We definitely need to make sure that these young people are cared for and would be able to speak their minds during that difficult time, especially since it’s something that could potentially save lives in that case.

When it comes to an advocate’s right to access information, if an investigation were to be launched, as I understand the bill suggests, the advocate would only be able to access the same information as the child normally would be able to, either through legislation or policy. To me, this is a huge loophole. I think that the advocate should be able to access documents such as facility logbooks, which would potentially include information regarding other youth in the facility, including some of the staff who have worked there. However, this is probably one of the most important documents that they would be able to access. It would have information about how a certain situation was treated, how many other young people were involved, how it was dealt with. It’s the major tool that most people use. I understand that from group homes. For an advocate not to be able to access that type of information or to have to jump through all kinds of hoops to access that would be unacceptable. I think that is a tool they would require to do their jobs to the full extent they need to, in order to represent our rights as best as is possible.

It’s completely unacceptable that a youth would not have something very clear, and written down, to be able to call immediately after a situation—or as soon as they mention that they would like to call that advocacy office, they need to be able to call, and they need to be given a space to do so privately. If there’s not a phone available, somebody needs to make that available. Speaking even to the terms of the inquest into the death of James Lonnee, he mentioned just hours before his death that he wanted to contact the advocate and was denied this right. That could have potentially been a case where the advocate could have helped save a life in that situation. I hope that we never have to revisit that type of situation.

I’m not sure where to go from this. I know that I threw in a lot of really quick things, but I think those are the main points that I wanted to address that I may not have addressed fully. I’d be open to questions at this time. I feel like I’m kind of rambling on right now.

The Chair: Thank you for your presentation. There is only about a minute left, if there’s one person who has a question. Otherwise, I just want to thank you on behalf of the committee for your excellent presentation. Everything is recorded here in the Hansard transcripts.

Ms. Dagg: Great. Thank you.

The Chair: Thank you very much.

SAMUEL FRAGOMENI

The Chair: We will then move on to our next presentation. My understanding is that the individual is present: Samuel Fragomeni. Good morning.

Mr. Samuel Fragomeni: You have to forgive me—

The Chair: Please have a seat. There's water there if you need a glass of water. Just relax.

Mr. Fragomeni: This is my first time before a committee. I got a chance to observe a few people.

Good morning, members. Thank you for allowing me to speak this morning regarding children's rights. My name is Samuel Fragomeni. I once enjoyed a loving, healthy relationship with my son. I have never caused any mental suffering. I've been employed for the last 20 years. I pay taxes. I pay child support. I have never subjected my son to any form of mental abuse, as alleged by the children's aid society.

Allegations of mental abuse usually come from a parent during a custody or access battle. These allegations are manipulated in the court system by the children's aid lawyers. Allegations of any kind should be proven to a high standard and not based on a theory or one person's opinion. Children have the right to what both parents can offer in terms of relationships, opportunity and health care.

The children's aid society: unwarranted government intrusion and accountable to nobody. After interrupting my Superior Court access orders, the children's aid society only allowed me a dozen visits in almost three years. If there was any emotional harm caused to my son, it was when the CAS interrupted my Superior Court access orders. What is the CAS message to the children, or has this become the government's new social policy?

Children should be enhanced and nourished by example and opportunities, not drugged for being kids. Children should be nurtured and protected to the fullest extent of the law and by responsible parents. All too often, children are exploited and treated as expendable by government and their funded agencies and some parents. Corruption, power and politics get a higher priority than our children. Due to those kinds of attitudes, the moral fabric of our society is eroding.

In my particular case, after interrupting my Superior Court access orders and causing documented mental stress to my son, I am expected to pay the court costs, which I guarantee you I will not pay. Number one, the CAS has already been paid for three years with taxpayers' money, and now they want me to foot the bill for them again. It just ain't going to happen. That doesn't make good sense to me.

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To sincerely address the rights of children, we must look at who and what institutions deal with and have control over the children's rights. They include, but are not limited to, first of all, the spiteful parents, who abuse these basic rights—a right to two parents—through false allegations which are used to gain an upper hand in custody or access battles or to actually conceal the causes of difficulties, if any. That's usually the basis of the CAS's case.

Parents like this often withhold access to grandparents and other family members. Custodial parents who deny children private health care by choosing the limited

benefits that welfare has to offer are abusing the rights of their own child and wasting taxpayers' money.

Children's aid workers are unqualified, and who are they selected by? They ignore the documented symptoms caused by emotional stress when spiteful parents do not follow access orders. Access orders are for parents to follow for the benefit of the child.

In my case, the children's aid society acted in the interest of a parent, not in the interest of the child. Are we, as taxpaying and responsible parents, to accept when the CAS tells us that we cannot ask our own kids how they are doing in school? I don't think you'll find a parent here in Ontario for whom that would be acceptable.

The CAS threatens children not to call their father because they will get in trouble. This is unacceptable to anybody, I am positive, in Ontario. The CAS, with all their wisdom, can come out with a statement—and I'll quote them—that “any access to the father is more detrimental than no access at all.” Can you imagine that?

The other issue that deals with children's rights is, of course, the legal profession and the judicial system. The CAS lawyers, so-called upstanding citizens—their only purpose is to fuel unfounded allegations and create cases against parents, at the same time, often discouraging doctors from testifying in civil proceedings. These CAS lawyers are in charge of the public funding the CAS receives, millions of dollars. They justify their own spending and their own time in court by keeping parents needlessly in court. They are paid with the taxpayers' money, and after kidnapping children, they expect the parents to foot their bill again.

A court-appointed children's lawyer, when accused of not properly representing the children, replied to me that their function is to look after the legal interest of the children and not the emotional interest of the children. It doesn't make sense to me. These lawyers, even after my kid complained of the effects of Ritalin, and it's documented in a CAS affidavit, come to court six months later and say that the child now has learned to like Ritalin.

Some judges are influenced by the millions of dollars that the CAS receives, while others remove themselves from hearing any more proceedings because the allegations are unfounded and ridiculous. You can't say that all judges are bad. Still other judges may have personal or business relationships with CAS lawyers. Other judges simply ensure that the matter will continue before the courts by making ridiculous orders that award any information or any access to the sole discretion of another parent. In a bitter access to custody battle, when someone is awarded sole discretion over any information, what do you expect the father's going to get?

How can an Ontario provincial judge label a five-year-old child “special needs”? No medical training—he has a law degree—and he comes out and makes this determination. Regardless, public accountability would eliminate many of these possible causes for children's rights infringements.

On April 17, a Family Court judge refused to listen to a recorded telephone conversation that contradicted the

CAS's affidavit. I was also accused of wasting court time for fighting to see my son. I was also threatened to pay in the neighbourhood of \$30,000 for this judge, the CAS lawyer and this social worker, who has already been paid by the taxpayers—myself included.

I can assure you that my time was not wasted fighting for my son. As a taxpayer, I will not pay the wages of these CAS social workers and lawyers who have caused much pain to me and my son. Unqualified social workers, lawyers and judges are accountable to no one. Filing a complaint against a lawyer, a social worker or a judge is a waste of time in this province.

The other issue dealing with children's rights is the health care providers. Many doctors ignore the child's family members and support the CAS and simply reply that they are the authority and they won't go against the CAS, regardless of any evidence. They also stand to be compensated generously by the CAS for testifying on their behalf, to the tune of \$400 or \$500 per hour in court.

Because of this, a child ends up on Ritalin—because of the mental abuse caused by the CAS and the doctors who medically abuse children with drugs, like psychotic drugs such as Ritalin.

The Chair: Mr. Fragomeni, you have about one minute left.

Mr. Fragomeni: Some kids are being taught to enjoy it. Ritalin, which can be bought and sold on the streets, is often the result of parents who lobbied this doctor for the drugs themselves. Parents abuse it and children sell it in school yards. Citizens in our society, dependent on government services, who advocate for drugs subject to abuse should themselves be tested for drug abuse.

If we are to be sincere in addressing the rights of the child, we must ask what kind of access does the child prefer, and why did the CAS and the lawyers ignore the children? In my case, Ritalin was not prescribed to control ADDH but to stop my kid from repeatedly asking for his father when the access was abruptly interrupted by the CAS. Were the symptoms, if any, actually ADDH or were the symptoms, if any, the result of what little access that I had? A dozen times in three years.

There were symptoms that were oblivious to the CAS. For the record, the symptoms of a child who has the father-son relationship terminated by the CAS will include: first, tantrums; second, nightmares; and then a prescription of Ritalin to make him calm, docile and forget about his father. They have yet to be held accountable for their actions. I've got a few recommendations and I'll be very quick on them.

(1) The advocate must protect children from some custodial parents who violate access orders. Court orders are used to force unwilling parents to allow access; however, some parents and CAS withhold access. The child advocate must intervene if requested by either parent or child within seven days to ascertain the child's view on the CAS's actions. The child's advocate must address the rights of children during the court process; otherwise, the CAS can keep parents in court unnecessarily, like what's happened to me.

(2) CAS workers—you must introduce stiff penalties for bad faith, for perjury and the fraudulent spending of tax dollars. Funding and expenses of CAS should be made public with regular, publicly funded audits.

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(3) The legal profession—the public must have access to complaints against lawyers and Family Court judges. CAS lawyers and judges should be elected by the public, not appointed or otherwise; they should be held accountable to the public and penalties in place for collusion.

(4) Health care practitioners—doctors must address all circumstances and explore all alternatives—

The Chair: Mr. Fragomeni, the 15-minute time limit has been passed.

Mr. Fragomeni: I've got two lines left.

The Chair: Okay.

Mr. Fragomeni: Doctors must address all circumstances and explore all alternatives before prescribing psychotic drugs such as Ritalin, especially when the child says to them outright, and in documented affidavits, that he does not like the effects.

Another recommendation: conduct a public inquiry of the Sudbury-Manitoulin Children's Aid Society and obtain immediate input from the children affected by the CAS.

The CAS will inform the affected child, in the presence of both parents, of the role of the advocate—

The Chair: Do you have a copy of that, that you can give?

Ms. MacLeod: We all have a copy.

The Chair: We all have that in front of us as well. I do apologize. It's just that we have some people coming from out of town and want to make sure that they're given their time as well. We will definitely take your comments into consideration.

Mr. Fragomeni: All right. Well, thank you for your time.

The Chair: Thank you very much.

Mr. Witzel: Mr. Chair, may I have a word with the committee?

The Chair: Yes.

Mr. Witzel: It takes so much for all of us people to come down here. This man is speaking. He has obviously lost rights to his child. Can you please instruct the members of this committee—I'm not naming anybody in particular—to forget about his BlackBerry and turning around and looking at a picture of a dead guy on the wall while this poor man is speaking, Mr. Zimmer?

The Chair: Excuse me, sir. The committee has got rules. We're trying our very best to balance hearing everybody as well as allowing everyone to come in.

Mr. Witzel: Maybe it would be nice if he listened, instead of paying attention to some dead guy on the wall.

JEFFERY WILSON

The Chair: We're moving on to the Tikinagan Child and Family Services—I apologize if I pronounce it improperly. I'm sorry, it's Jeffery Wilson; my apologies.

Mr. Jeffery Wilson: I know, 15 minutes. I heard you. Got it.

The Chair: I do apologize, but we're under pressure.

Mr. Wilson: No problem. I appreciate it, and I thank you very much, honourable members. I have provided you with a two-page summary sheet. What I want to do is go over with you what is set out here and then give you a little background as to why this is so important. I'm not going to get very subjective with you, because I know there are a lot of people who are going to speak to you quite eloquently about their own experiences.

I'm here as a lawyer; I've been doing this for 30 years. I've appeared at the United Nations' Committee on the Rights of the Child a number of times.

There are two issues that I want to address with you that are key in this legislation if you want to do what the honourable minister indicated was the intention of the government, namely, to make the child advocate as independent as the Ombudsman or the auditor. If the intention of the legislation is to fulfill what the honourable minister indicated when introducing the bill, then there are two key, axiomatic aspects that I want to address.

Firstly, section 20 sets out the limitation of liability of the advocate. You'll see in paragraph 2 that I've actually enunciated suggested wording for the committee, and then in paragraph 3:

"The mischief these subsections address is twofold: (1) pressure, intimidation and bullying experienced by youth in institutions who are interviewed by the advocate; and (2) pressure, intimidation and bullying experienced by the advocate in the course of doing her work."

This legislation essentially is allowing or permitting or encouraging youth and their personification, the child advocate, to be the whistle-blower when there is a calamity. The whistle-blower needs to be protected. How do you protect the whistle-blower? I suggest to you that you do it the same way that you have legislatively done it in respect of the Ombudsman, and that is you must create privilege. That is set out in (2), where I say:

"Subject to section 18(8), anything said or any information supplied or any document or thing produced by any person in the course of any inquiry by the advocate is privileged as if the inquiry were proceedings in a court.

"(3) Any information that is obtained by a service provider in contravention of the privilege is inadmissible in any court proceeding."

You must do this—paragraph 5—because otherwise the work of the advocate is going to invite defamation lawsuits and it's going to invite enormous pressure upon youth who might want to speak to the child advocate. I'll come back to this at the very end.

The next issue, the second of the two, is the advocate's right to enter. As you know, the legislation, in the form of the bill, provides in subsection 14(4) that the advocate may enter, but only upon reasonable notice to the service provider. This is a problem; this creates a mischief. The mischief, as is obvious to all of you, first, is the delay to access to the vulnerable. It's an opportunity for the authority to exert pressure upon the child or youth prior

to the advocate's attendance. It's a counterproductive dynamic, because the advocate then gets into a dialogue with the service provider about, "When can I come?" "Well, when I'm ready for you to come." And it's inconsistent—to the extent anybody cares anywhere in the western hemisphere, but it is—with article 37(d) of the Convention on the Rights of the Child, which, curiously, Canada did ratify December 13, 1991. It's one of the wonderful distinctions between us and the United States. They have not ratified the Convention on the Rights of the Child, one of only two countries in the world.

So I'm suggesting that you consider adding to subsection 14(4) as follows—you'll see the wording; I'm not going to repeat it to you—and I am suggesting that we incorporate from legislation that works fairly well in the province, which is the provisions of the Child and Family Services Act, so that we give the advocate the same powers as a child protection worker to be able to enter. All of you who have experience in the area are familiar that a child protection worker doesn't need a warrant; if that worker believes that a child is at risk of harm on reasonable and probable grounds, they can enter at any time in order to contain the damage and deter it. I'm suggesting that if we're going to create a child advocate who is going to have the kinds of authority and power that we want, that child advocate should have at least the same powers and authority as a child protection worker.

Now I want to tell you why this is so important, and sometimes the past guides us in terms of the present and the future.

In the early part of 1996, there was a labour dispute in this province. Many of you might remember it. OPSEU went on strike and, as a result, there was an enormous collision between the government as management and prison guards as labour. I can tell you that the experiences of the youth in the middle were worse than the most horrific high-conflict custody dispute in which I've been involved for 30 years. We had youth who were caught right in the middle, where both the prison guards, or the labour movement or the interests personified by labour, and the government, personifying the interests of management, were dispensing with these youth as if they were irrelevant. There were 164 violations taking place in this institution because both management and labour were intent on advancing their cause. As you may recall, it resulted in a riot, hundreds of thousands of dollars, at Bluewater. And as you may also recall, there was a subsequent death of one of the inmates that was related to what took place at Bluewater.

Judy Finlay was the child advocate at the time, but Judy Finlay couldn't get in there as quickly as she needed to. Judy Finlay was threatened. Judy Finlay was blocked in her efforts to do the work. The people who later became my clients, 12 youth, were threatened if they spoke to her. The government of the day didn't want her information to become public. It wanted to control the information.

The government's insurer, when the youth sued the government, didn't want Finlay to say much because it

would maximize their exposure to damages and increase their liability. The then Solicitor General and Minister of Correctional Services was, at the same time as Finlay was doing her work, making statements disavowing her. So it became a sideshow spectacle to the problems of the youth. Therefore, I became a necessity, as the lawyer for the youth. This shouldn't happen. This is not the way it is supposed to occur, and that is what will occur with the current legislation, because the current legislation reduces the child advocate to an employee.

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So if we want to create an office that avoids the need for youth to hire lawyers and go to court and sue and do all the silly things that adults do all the time, then we need to have a child advocate who has the power and authority to talk to youth when necessary and, more important than that—or equally important—we need to let youth know that what you say to the child advocate will be privileged, will have the same privilege as if you were talking to a lawyer, so that service providers know that even if you extract the information from the youth after they talk to the child advocate, it is not admissible in any kind of proceeding.

Those are my submissions. Thank you very much.

The Chair: Thank you. I feel like I've just had a very good law lecture from my law school days.

Anyway, we have about four and a half minutes for the three parties. The Liberals are first.

Mrs. Van Bommel: Thank you very much for this presentation. I really think you show us in your presentation the reason that we are talking about independence for the advocate and why it's so important. Certainly the issue of access, the ability of the advocate to go in when he or she needs to, as opposed to giving notice, has been brought up a number of times and, as a government, we are certainly listening to that.

The Chair: The Progressive Conservative Party.

Mrs. Elliott: Thank you very much, Mr. Wilson. That was an excellent presentation. I should say at the outset that I agree with you entirely on that. I think it is important for the child advocate to have the necessary tools to do the work that he or she is supposed to do in order to be able to have the full intent of this act be seen through.

The one question I would have is with respect to subsection 14(3) of the current legislation. I know that you've addressed the concerns that you have with respect to access in subsection 14(4). But subsection (3) deals with the issue of compelling testimony and questioning witnesses and so on. Are you happy with that in its present format or would you like to see that changed to allow the child advocate to question witnesses in the same way as the Ombudsman has the ability to do?

Mr. Wilson: You can't have it both ways. I guess the legislative policy here is to create an officer who is not—the advocate can't also appear in court and is not a legal counsel. I've resigned myself to the greater good of the advocate being accessible, getting the information and doing a different form of advocacy than what we are accustomed to as adults, in the sense of going to court and subpoenaing witnesses.

I think if there is the advocate out there who can do the work that is described in this legislation, knowing that there is privilege, then that will be a good enough duty for the advocate and that will keep the advocate busy enough. If you taint the advocate, if you say to the advocate that you are also going to be investigating and you have the right to act as the Ombudsman at all times, then I'm concerned that we'll get bogged down.

Mrs. Elliott: If I could just ask a follow-up question, because we're sort of struggling with that whole issue right now. If that's the case and the child advocate is to act in that sort of review capacity, as opposed to investigate as an Ombudsman does, would you then advocate or agree that the Ombudsman could have ultimate jurisdiction and then follow up if the child advocate feels that it is necessary to be able to do the full investigation of, for example, children's aid societies?

Mr. Wilson: Yes, I would. The first choice would be to have the advocate have the same strength and mandate as the Ombudsman. That would be the first choice. But I've been doing this too long, so I don't want to see it lost. I want to take what we have and improve upon it. It's like the ripple effect, so to speak. If you said to me it was the first choice that the advocate had the same powers as the Ombudsman, we'd be giving teeth to the legislation and then it would be much more powerful and much more effective. If we're not going to go down that path, which appears to be the problems that have—I don't want to go there—been complicated for many, many years, then your suggestion works.

But it is essential that there be privilege. I need to impress upon you that if there's no privilege associated with what the advocate does, then too many kids are not going to talk to the advocate or, if they do, they're going to get beaten up by the service providers. I'm not talking like a youth here. I'm telling you from my own experiences that service providers will beat up youth who talk to the child advocate, and it becomes a bargaining chip in the care they receive.

Mrs. Elliott: I certainly agree and really appreciate your comments. Thank you.

Mr. Wilson: Sorry, I went on there.

The Chair: We'll move on to the NDP.

Ms. Horwath: I'll be very quick. I really appreciate your walking us through, particularly from your own experience, what will happen if we don't include some of these changes. I appreciate also that you've taken the time to put it in language that helps us to bring amendments forward in clause-by-clause. I'll tell you now that I'll be looking forward to putting some of those amendments. Thank you very much.

The Chair: Thank you very much, Mr. Wilson.

TIKINAGAN CHILD AND FAMILY SERVICES

The Chair: We'll move on to our next deputation, the Tikinagan Child and Family Services, Chief Donny Morris, chief of Big Trout Lake, and Harvey Kakegamic,

chair, board of directors. Good morning and welcome to the committee.

Mr. Harvey Kakegamic: Thank you very much for allowing us to present to the standing committee on justice policy. My name is Harvey Kakegamic and I am the elected member of the band council of Sandy Lake First Nation. I am also the chair of the board of directors of Tikinagan Child and Family Services. With me is Donny Morris, chief of Kitchenuhmaykoosib (Big Trout Lake First Nation). Chief Donny is one of the longest-serving chiefs throughout the northern First Nations.

Chief Morris and I are here to let you know how much we appreciate the work of the Office of Child and Family Services Advocacy and to advocate in support of Bill 165. From our perspective, it is very important that the advocacy office be established at arm's length from any government ministry.

We are also asking for the creation of a deputy child advocate position to serve northwestern Ontario, with a special focus on the needs of children and youth in remote First Nation communities. As we will explain, the needs of our children and youth are so critical that they require very special attention from the advocacy office.

By way of background, Tikinagan Child and Family Services is a native children's aid society that serves 30 remote fly-in communities in northwestern Ontario, north of 50 degrees latitude and up to Hudson Bay. Communities range in size, with populations of up to 2,500 people. Tikinagan's main office is in Sioux Lookout, Ontario, with branch offices and community-based services located throughout the territory. We serve roughly one third of the total area of Ontario, being roughly the size of France.

Children and youth in our communities are among the most needy and at risk of any throughout the entire province. They and their families live in desperate poverty. Some 54% of the children report being hungry. Costs of living are up to three times higher than in Toronto, and unemployment levels are as high as 95%. Many communities have severe housing shortages, and in many cases two and three families share the same two- and three-bedroom homes.

Education levels are far below the provincial norm. Children are three to four academic years below provincial averages. Very few of our youth are able to complete high school. In part, this is because our education authorities are funded at about one half of the provincial funding benchmarks.

Our schools have little, if any, special education programs. Two of our communities have no school facility at all, as the result of a closure due to a serious mould problem and a fire. There are no resources to build new schools, and the children there are not attending school. In a third community, some 200 children cannot attend school because of serious overcrowding conditions.

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The most tragic condition for our youth today is the terrible rate of suicide. In the past 20 years, we have grieved the loss of over 300 youth as a result of the

despair that surrounds our youth. This despair is a harsh reflection of the legacy of the trauma of the residential schools that several generations of elders and parents have experienced. We often feel helpless to stop this epidemic of suicide.

We see that in other communities throughout Ontario, there is a wealth of children's mental health services to support youth at risk, but our communities do not have such services. Similarly, we do not have child or adult developmental services. Nor do we have the full array of services that are funded through the United Way, municipal recreation and subsidized housing programs and other voluntary agencies.

The only community-based service for children and youth at risk is Tikinagan's child welfare service. And Tikinagan has the highest rate of children in care by population of any agency throughout the province, being more than 10 times the provincial average. Many of the 600 children in our care have serious special needs, including fetal alcohol syndrome, post-traumatic stress syndrome, anger management problems, learning disabilities, developmental challenges and other mental health disorders. But Tikinagan does not have the treatment and healing programs that these children and youth require.

In this context, we have come to rely heavily on assistance from the Office of Child and Family Services Advocacy. Over the past 10 years, chief advocate Judy Finlay and her staff have provided tremendous support, both in terms of getting help for individual children and beginning to address larger systemic issues. There are many examples where special funding and special treatment resources have been made available as the result of their advocacy efforts.

On a systemic level, for example, the advocacy office has worked over the past year in the Wunnumin Lake First Nation in response to serious suicide issues there. Through this support, the First Nation has established a community development plan. With advocacy office support, and funding through the Centre of Excellence for Children's Mental Health, Kinark Child and Family Services began, in 2006, to provide specialized children's mental health services at Wunnumin Lake. Kinark has recently started providing a similar service in Kitchenuhmaykoosib, which is Big Trout Lake First Nation.

We are very grateful for this support. However, there is so much more to be done within these communities as well as in 28 other communities throughout our territory.

At this time, I would like to turn to Chief Donny Morris to make further comments. Thank you very much for your time.

Chief Donny Morris: Good morning, gentlemen and ladies. It's an honour to be sitting here to touch briefly on our presentation. As Harvey noted, I have been chief of my community for 10 years and part of council for a number of years. We've been around a long time.

For the past 20 years, I have also worked as a volunteer leader with the youth in my community, taking them

on annual 10-day canoe expeditions from our community down the Fawn and Severn Rivers to Hudson Bay. So I have seen first-hand the difficulties that our youth face and the stresses that they live under.

In my community, over one third of the students in our school have serious learning disabilities, emotional trauma and anger-management problems. We are currently experiencing a major crisis in our school because there are no special supports available to meet any of their special needs.

The Mamow Sha-way-gi-kay-win, the north-south partnership, came about to represent the remote First Nation communities. One of the greatest contributions that the advocacy office has recently made is that of helping to establish the North-South Partnership for Children in Remote First Nation Communities. The partnership includes 14 non-government organizations working with the northern chiefs and Tikinagan Child and Family Services to engage the voluntary sector. We know we can't rely on government to meet all of our needs, and there are many concerned and generous organizations and individuals willing to get involved.

In 2006, Judy Finlay helped to establish the north-south partnership. Since then, our communities have received over \$200,000 worth of donated food, clothing, goods and sports equipment. One organization provided a school water purification system so students would have fresh drinking water. As we all know, in our remote communities, a lot of our systems are contaminated. A boil-water advisory is high on our levels. Another group provided hockey equipment for two youth teams. A foundation donated canoes and camping equipment.

The partnership recently conducted needs assessments in two communities. We are now developing strategic action plans to meet these needs. We will be working with volunteer sector organizations to provide children and youth programs, to develop housing repair and construction projects, to assess community agricultural potential, to support community healing programs and to launch initiatives in other priority areas.

We are beginning to see positive and great potential through collaborative efforts with groups that we never met before. Thanks to the advocacy office for their tremendous support. But these changes are only beginning to scratch the surface of the desperate needs that we have, and we see that the work of the advocacy office has only just begun.

There is a huge gap between our children's needs and the programs that are provided by the Ministry of Children and Youth Services to meet these needs. In this context, it is not appropriate for the advocacy office for children and youth to be accountable to the Minister of Children and Youth Services. The advocacy office must be an independent office with direct accountability to the provincial Legislature. We are pleased to see that Bill 165 would establish such an independent advocacy office.

We will need much more continued support for many years. As remote and isolated First Nations, we are not

well-equipped to advocate within highly sophisticated political environments. We need a strong voice from the advocacy office to make our children's critical needs known to government, to advocate for appropriate funding and to ensure that ministry policies are responsive to our unique needs. We also need a strong voice to help us continue building strong, collaborative relationships with the voluntary sector.

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While the current advocacy office based in Toronto has done much good work, it still feels very distant and remote from our communities. We really need an advocacy office to be located in the north and designed to be especially responsive to the critical needs of First Nations children and youth.

The Chair: Chief, I just want to say there are about two minutes left in your time, so I wanted to make sure that you got your presentation in fully before that 15-minute time period.

Chief Morris: Yes. I'll be done in a few minutes.

A deputy advocate position located in northwestern Ontario would have a huge impact on extending the good work that the Toronto advocacy staff have begun.

Honourable Mr. Berardinetti and committee members, we look forward to the time when Bill 165 is enacted and to a time when a northern advocacy office is opened and a deputy advocate position established.

I'd like to thank you for your attention and time for us to make our brief presentation. Hopefully we can work towards this goal.

The Chair: Thank you for a very thorough presentation. The committee appreciates your effort coming down here today to speak to us.

SIoux LOOKOUT FIRST NATIONS HEALTH AUTHORITY

The Chair: We'll now move on to our next deputation, the Sioux Lookout First Nations Health Authority; James Morris, executive director. Good morning. Welcome to the committee. I'm just wondering, before you start, if we can make it a little bit darker in here so we can read the brief. Can everyone on the committee see that? You're okay? I'm the guy with the bad eyes.

Mr. James Morris: I was kind of hoping, to save time, whether we could just dispense with that. Do you still want it?

The Chair: Yes, by all means. You have your 15 minutes.

Mr. Morris: Thank you very much, Mr. Chairman, committee members. My name is James Morris. I'm the executive director of the Sioux Lookout First Nations Health Authority, and I'm here to add my voice of support to Bill 165, the Provincial Advocate for Children and Youth Act, 2007.

In terms of the health authority itself, we service 32 First Nations in northern Ontario, essentially the same communities that Tikinagan serves. We're a partnership with them. We're currently involved in setting up the

programs we have. The reason I'm here is because one of the programs the health authority services is the Nodin Child and Family Intervention Services. We only began to integrate that children's mental health service with money that Tikinagan used to have in adult mental health services that are funded by the federal government.

This is the area we're talking about. This is the area, the size of France, that you're talking about. The area does a lot in terms of costs. Gasoline up there has been \$10 a gallon for 10 years, as far as I can remember. How much is it now? I think it's gone down a bit. I think it's \$8 a gallon now in Big Trout Lake, which is where Chief Morris comes from. I'm from Big Trout Lake myself; that's where I come from.

All of these communities are north of the Trans-Canada Highway. Out of the 32 communities, I think only two or three are accessible by road. The rest are remote. Any time you want to move in the community, you have to fly. Many of these communities are autonomous in their own way. They have their own leadership, their own bylaws, their own languages and dialects, customs and their own traditional territories, which include land outside the reserve. That is really affecting a lot of communities in terms of resource extraction. When the treaty commissioners were up there in 1929, they said, "Oh, no, you can continue to hunt and trap and use your land the way you've done forever. Nobody will be affected." But that's not what we're experiencing today. The minute we step outside the reserve land, we get the police after us.

Children and youth: our greatest need. We have a very young population up north—58%; almost 60% in our communities compared with 37% in the rest of northern Ontario. Our area has a high percentage of youth. Another way of saying it is that 60% are less than 30 years old. They're good communicators too. You'll be talking to a young man this afternoon at 3:30 who's actually travelling with me, but he wasn't booked until 3:30. Some are skilled in traditional activities. They're very proud that they're able to hunt and trap and that they're finding new ways to educate themselves. More and more young people are taking the time to make sure they get educated, but it's been a long, slow and painful process and we've lost a lot of young people in the process.

This is a chart that my researchers have provided to show you our population. You'll notice at the bottom, there's a very high percentage of young people.

One of the communities that's really been experiencing a lot of problems is Pikangikum First Nation. You've probably heard about them. When I was elected as a deputy grand chief of the Nishnawbe-Aski in 1988, their population was 1,200. When I left NAN in 2000, 12 years later, their population was over 2,400. For a community that size, they have a pre-natal load of 66 pre-natals at any given time, constantly, so the young population is just rising.

Some of the statistics that the chiefs and councillor mentioned are:

Some 53% of youth have less than a high school diploma, compared to 33% for everybody else in northern Ontario. The suicide rate among our young people in that area is the highest in Canada. It is five to six times the rate among non-aboriginal youth. There are over 500 children in care on the Tikinagan. I don't know the number; it's higher every time I talk to the ED. Many of the students in the communities who are not in care cope with a wide range of physical, learning and home-related challenges.

Over 80% of the students, Harvey Kakegamic says, are two or more grades behind. This causes great problems for our kids when they get to high school. It means that when they enter grade 9, they should really be in grade 6 or 7—incredible challenges. I was very glad to see some high schools try to deal with this by having extra years or special classes for those students.

A lot of our students have significant auditory problems. Nobody is dealing with those. As an agency that's just beginning to set up a mental health service, we haven't gotten there yet. Twenty-three per cent of students have physical problems that interfere with their learning, and 28% of the students have significant psychosocial problems. In the community Harvey Kakegamic comes from, in that school, there are four kids there who cannot hear—they're deaf—and nobody has dealt with that yet. If that happened here, you can be sure there would be somebody dealing with it, but the point of the matter is that there are no services for those children where they are. Sixty-four percent of the children stated that there were times in the past three months that they did not feel safe in their communities.

These stats come from our special education study that was done by Dr. Mary Beth Briggs out of Thunder Bay, and that study is available for anybody who wants to see it.

Children and youth are grossly underserved compared with others in the province for diagnostic treatment for psychological, special education and physical needs. That's basically due to the fact that jurisdictional issues have prevented the federal government or the province from providing those services. Under the 1964-65 welfare act, only child welfare is provided. It does not include children's mental health or the long list of services that everybody else gets.

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That has forced us to come up with something that we call the Jordan principle. We recognize that jurisdictional issues have impeded care for our kids. When I was in Ottawa, the senators there told me that the only result you get when you mention jurisdiction is that nothing happens. The Jordan principle basically states that wherever that child ends up, you are responsible for providing services there without resorting to legislation. You look after the needs of the child first and deal with jurisdiction afterwards.

The health services imbalance in the province: I think in 2004 Ontario had a budget of \$29 billion or something like that; this is just in health. Only about \$12 million

made it into our communities. Considering the fact that the health transfers from Ottawa include this, we don't think we are getting our fair share of that money.

One of the things that we noted in the North-South Partnership material is that they said that there has been no sudden disaster here: "It's a gradual disaster that has emerged, unfolded and been propagated, whether it's intentionally or by negligence, by people that should know better, by people in power, over a long period of time." And the 1965 welfare agreement not including children from Ontario, to me, is a classic example of that. It means that for 40 years, both levels of government have not provided children's mental health services simply because that line item was not included in the agreement. The way I look at it, you owe our kids 40 years of mental health services. That's how they see it. I talk to these children. You'll be talking to one of them this afternoon.

The role and work of the child and youth advocate is very essential because we have large numbers of children under government care, as many of our children and youth require special mental, physical and educational assistance that they are not being provided now, and because of the unique jurisdictional issues which impede solutions for our children.

I don't know if you are familiar with the integrated services for northern children program; they call it ISNC. Until recently, about two years ago, there was a clause in that program that said "except for status Indians living on reserve." So the money under the Canada health transfer agreement flows from Ottawa to Toronto, and then somewhere along the way, it disappears before it gets to our kids. That's the clause that's normally used to say they don't provide it. The federal government doesn't provide that service either, so our children are nowhere.

The Chair: Mr. Morris, I don't mean to interrupt. There are about four minutes left in your presentation time of 15 minutes that we have for each presenter. I'm just glancing at the booklet here, and I notice that you're doing a very thorough presentation, which is great, but I'm just wondering if you could highlight the key points that you think we should know about in the next four minutes.

Mr. Morris: Actually, I'm finished. The rest is just the recommendations.

The Chair: Okay. You can go ahead; you still have four minutes.

Mr. Morris: The recommendations are that:

—There should be a separate and distinct child and youth advocate for northern First Nations.

—Advocates must be able to deal with all children, not just those in government care. The children who have special needs is a classic example. I think the Ontario government recently changed the legislation to say that kids who are Chinese do not need to come into care to get services, so we need to deal with that.

—You need to find out the real needs for advocacy for First Nations youth in our area, because they are a little

bit different than they are here. Kids living in Toronto don't have any jurisdictional issues. We do.

—You need to consult with First Nations children and youth in all matters pertaining to youth.

—You should give the child and youth advocate investigative powers.

The rest of my presentation is just expanding on those recommendations. So that's really about it.

In conclusion, we support and endorse the office and work of the child advocate. We endorse strengthening the advocate through Bill 165. We recommend the designation of a First Nations northern child and youth advocate whose office would be located in the north. You're dealing with people who come from a different culture, different language. You need somebody who understands the culture and the people. And once again, we urge that the advocate be given investigative powers.

Thank you.

The Chair: A very good job. Thank you for the presentation: very thorough.

We're going to move on, then, to our next presentation, and we thank you again, Mr. Morris, for your presentation.

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES

The Chair: I would call on the Ontario Association of Children's Aid Societies: Dennis Nolan and Jeanette Lewis. Good morning.

Mr. Dennis Nolan: Good morning, Mr. Chair. Thank you very much for having us. I'm Dennis Nolan, president of the Ontario Association of Children's Aid Societies, and with me is Jeanette Lewis, executive director of the Ontario Association of Children's Aid Societies. Our association represents and advocates for the children and the workers and members of 52 of the 53 children's aid societies in Ontario.

We really appreciate this opportunity to present to the standing committee on justice policy regarding Bill 165. We will make a number of recommendations which we believe will help to strengthen the bill. We hope you find them useful as a committee.

The OACAS endorses Bill 165 in its objective to create an independent child advocate who reports directly to the Legislature. The OACAS believes the protection of children is paramount to the delivery and provision of services in child welfare. An independent child advocate would enhance this protection. We expect that an effective, independent child advocate whose mandate includes all vulnerable children will not only provide better protection for children but will also enhance the potential for decreasing the needs in child welfare. We do, however, have a number of suggestions for amendments to improve the bill.

Our comments relate to the purpose of the act and the role of the advocate; the omission of reference to aboriginal and First Nations children; the appointment process and who we hope you will make sure participates

in that process; the reporting process; the proposed powers of the advocate; the scope and mandate of the advocate; and the need for adequate, dedicated resources for Ontario's children, and specifically for child-welfare-served youngsters.

I'm going to ask Jeanette to provide you with the detail of some of those suggestions.

Ms. Jeanette Lewis: I'm Jeanette Lewis, executive director of the Ontario Association of Children's Aid Societies, and I'll speak first regarding the purpose.

We believe it is important that the act help children to speak for themselves. Children's voices should not be appropriated but rather supported toward becoming capable self-advocates. It may be that this is intended in the act; however, the language in this proposed legislation is not clear. We believe, and our youth have endorsed this view, that an independent provincial child advocate should protect and nurture the independent voices of children and youth. This change would benefit those receiving services under the mandate of the advocate's office.

Before we go into our further comments, we do want to raise the serious omission regarding aboriginal and First Nations children. There is no reference in Bill 165 regarding how aboriginal and First Nations children will be served by the advocate. OACAS believes it is essential to develop a special process to establish a service system for aboriginal children and youth. Aboriginal children, especially in the north, experience extreme challenges, suffer from a lack of services, poverty and Third World living conditions. We can say no more. It is not our place to say how this should be done. But this must be addressed, and the process to do so must be determined by aboriginal and First Nations communities.

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Secondly, when you consider appointment, expertise is a critical component in systems of accountability and oversight. The current child advocate acts as a good model for the province in providing service to clients by advocates who have expertise in the various sectors providing children's services. OACAS supports further entrenching and expanding expertise in oversight, which benefits children and the public. We also believe that a strong advocate is one who has all-party support, so the appointment process should provide for this. Finally, meaningful youth participation in the selection process will ensure that the right individual is appointed, one who can relate to youth and who youth perceive to be able to take on this important role.

Thirdly, context matters. Reports and findings presented without context are not helpful to the child welfare sector, the public or to children. OACAS supports full access to documentation, records and immediate and direct access to children, in an effort to provide a full and three-dimensional picture to the child advocate, which can only help in arriving at balanced and considered conclusions. Comments have been made about how the advocate should make reports public and whether those who are the subject of reviews should have

prior knowledge of the content of the reports. We believe that a good model has been established by the Auditor General of Ontario, who provides the opportunity to discuss the findings but is not influenced by the ministries or programs that have been audited. This process allows for greater understanding of the report content by all parties and also ensures that immediate corrective action can be taken without waiting for the final report to be released.

On the subject of the powers proposed for the advocate, we support the bill as drafted. OACAS agrees that the advocate must have private access to children in care without delay. Consideration must be given to other methods of access beyond face-to-face and phone contact, such as the use of new technology, the Internet and other emerging technologies. In our written submission, we also stress the importance of making this new position well known to children and have suggested advertising in all residences and places of business under the mandate and also in all public and private schools in Ontario.

We have also noted in our submission that not all child and youth sectors are the same. We raise the issue of dedicated resources for child welfare, for youth justice and for other major programs that fall under the advocate's mandate. It is important that we recognize how blurring these sectors is harmful to the individual needs of children and youth, unhelpful for professionals working in these fields and confusing for the public. A successful provincial child advocate will have to be provided the resources to ensure expertise in different sectors, including aboriginal services, and understand the importance of communicating the distinction between these sectors to the public. Ideally, local or regional offices would be established to allow children and youth more immediate access without having to wait for the advocate to travel from Toronto.

I'll turn this now to Dennis to make our final verbal submission.

Mr. Nolan: We believe that all vulnerable children in Ontario should be within the scope of this legislation. The scope of the proposed advocate must explicitly, in our view, name these children so that there can be no debate as to whether they are deserving of the support of the provincial child advocate. Bill 165 must apply to all children receiving services of government, along with children receiving care from private services and youth over 18.

I'd like to make a list of those children: children with developmental handicaps and delays; those needing mental health services; clients of youth justice services, including those in holding cells, those being transported and those receiving non-custodial services; children in education with special needs; unaccompanied minors; children in private or public day and overnight camps, including sports camps; children boarding in private schools; children staying in hospitals, including child and adult psychiatric wards and mental health beds; children in schools for the deaf and the blind and demonstration schools.

OACAS and its member agencies take very seriously our role to protect children and support families in need. We believe that Bill 165, with amendments, can increase this protection of children and youth.

OACAS would welcome the opportunity to share our expertise and experience by participating in further consultation with the Ministry of Children and Youth Services and with the provincial child advocate in an effort to ensure that the highest quality of service is provided to the province's children and youth.

Thank you very much.

The Chair: Thank you for your presentation. We have time for one minute per party, because we have one last presentation before 12 noon. We'll start with the Progressive Conservatives.

Ms. MacLeod: It's very nice to see you, Dennis and Jeanette. It's always good to see somebody from Ottawa in front of me here in the big T.O., the Big Smoke, as we call it.

Mr. Nolan: I was in Ottawa last night.

Ms. MacLeod: Oh, good. I'm hopefully getting there tomorrow, so I'll see you there.

A great presentation. You thought this out, and I really appreciate it. In fact, Christine, my colleague from the Conservative Party who is our Attorney General critic, and I were talking about the scope and mandate. I really appreciated your reading into the record the excluded groups of children and youth who need to be included in this piece of legislation. Had there been adequate consultation prior to being here today, we might have seen that; it might have been included in the bill.

You talk about investigative powers and you don't support the independent advocate having that role. I'm just wondering, do you support the Ombudsman having investigative powers into the CAS? I know I'm putting you on the spot, but I'm just curious to have that on the record.

Ms. Lewis: Our association has been on the record citing that we believe the Ombudsman already has oversight responsibilities with respect to child welfare. The recent changes to the Child and Family Services Act give the Ombudsman oversight of the Child and Family Services Review Board, including their work; certainly that's where client complaints about the work of children's aid societies are directed now. I believe that under Suzanne Gilbert, the new chair, this process is being revamped and is now functioning.

The Chair: Thank you for that. We'll move on to the NDP.

Ms. Horwath: Hi, and welcome. Thank you for your remarks. I was pleased to see that many of the issues that you raised are very much in sync with a number of the other presentations. I think that's a very positive thing.

On page 4 of your written submission, and you spoke to it verbally as well, you talk about the issue of reporting, the controversy around the extent to which it should be enshrined in the legislation, the requirement for the dialogue with service providers during the investigation—or not “investigation”; I guess that's the bad

word—during the review or looking at various issues. I like the way you've addressed it. Maybe it's a matter of clarification. What I take you to be saying here is that although you understand that there have been some stakeholders suggesting that this clause might restrain the advocate, perhaps it's okay to keep that out explicitly but acknowledge the fact that this is the way things are done through the Auditor General and even the Ombudsman, that it's always a back and forth; that's the way this job gets done. So it's not necessarily a bad thing to remove that clause that explicitly indicates that there has to be a dialogue. Am I misinterpreting?

Ms. Lewis: No, I think that's accurate. Thank you.

Ms. Horwath: Thank you very much. I appreciate that.

The Chair: We'll move on to the Liberal Party.

Mrs. Van Bommel: Thank you for your presentation. You talked about ways of making sure that children are informed about the advocate and accessing the advocate. What current policies have you got in place for children so that they can talk to the advocate, can get in touch and do so with privacy and without concern about possible retaliation for having complained?

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Ms. Lewis: Certainly the residential providers do have brochures advising children of the advocate's office. There's also a requirement that, on admission, children are verbally advised and given those brochures. We certainly work closely with the providers to ensure that there is privacy and that there is no retribution. I think that's very essential.

In our report, we recommend that there be some further communication with children. We think that access to the advocate should be promoted in every school. That's where children are: They're in high schools, they're in public schools, they're in private schools, and that's where they would pick up the brochures. On admission, they get this, but it will be mislaid or they may have forgotten about this right. So having that access in schools would be very, very important in terms of children being able to have this right of contact.

We also think it's very important that we recognize that children today use technology very differently than we might or than might have been the case 10 or 20 years ago. We would really promote having some kind of more advanced technological way of kids contacting the advocate, and very quickly. If we wait for an advocate to get to see a child, particularly a child who is far away from an office, something further may have happened for that child that could put that child at risk.

The Chair: Thank you very much for your presentation, Mr. Nolan and Ms. Lewis.

DEFENCE FOR CHILDREN INTERNATIONAL—CANADA

The Chair: We'll move on to our final presentation this morning. It's the Defence for Children International—Canada, Agnes Samler, president, and Matthew Geigen-

Miller, board member. Good morning. Welcome to the committee.

Ms. Agnes Samler: Good morning. I'm president of Defence for Children International-Canada. I'd like to begin, on behalf of our board, with congratulating this committee for the non-partisan approach it has taken to this bill and to the issue. I really believe that both this bill and the advocate need to have the support of all parties, so that's very important to us.

Secondly, I think you've made a serious effort to include the voices of children and youth. That was highlighted by our volunteer executive director, Les Horne, when he addressed the hearing yesterday. We know it's not perfect—we do know that—but you're breaking new ground here and I think we need to acknowledge that and to applaud it.

Those are two issues that are really critical for DCI-Canada.

I'd like to now introduce you to Matthew Geigen-Miller. Matt started off as a youth adviser to Defence for Children International and is now a full member of the board. He is also a student at Osgoode law school and he has spent—I've been trying to figure this out—four years working on this issue and is passionate about it. I think you will find that his report is thoughtful and has been well researched, and it really has a focus on trying to make this legislation as strong as possible for children, particularly the vulnerable children that so many people have talked about today. We're very proud as DCI to put this forward this morning. I'll now turn it over to Matt to talk more specifically about the issues.

Mr. Matthew Geigen-Miller: Thank you, Agnes. For the record, my name is Matthew Geigen-Miller.

Mr. Chairman and honourable members of the committee, thank you for the opportunity to appear today. I hope you will forgive me for skipping over a lot of pleasantries that I wanted to get into in congratulating the minister and congratulating the members of the opposition, particularly the critics for children and youth services, for their work in bringing this forward. I hope you will not get the wrong impression from my presentation, which is really going to be oriented toward improvements to the bill. We have much praise for the bill. It's because of the short time I have right now. But if you look at the paper, we have praise for a number of elements in the bill.

First, I'm going to turn to what we have been calling the groups excluded from the advocate's mandate. By now you've all heard that some groups currently served by the Office of Child and Family Service Advocacy are not in the legislated mandate of the new proposed advocate; specifically, students in provincial schools for the deaf, blind, and demonstration schools; young people held in police or court holding cells, and young people being transported to or from police or court holding cells; and young people receiving non-custodial services such as community supervision and probation under the Youth Criminal Justice Act. A lot has been said about this already. I will make only a couple of additional points.

First, the independent third-party review of the advocacy office, which was commissioned by the government, recommended that the advocate's legislated mandate should be the same as what the current advocate does. Now, this doesn't preclude some of the additional groups that have been suggested, but at a minimum, the groups currently served by the advocacy office should be in the legislated mandate.

Second, two of these excluded groups—students at provincial schools and young people in holding cells and in transportation and so on—began to receive services from the advocacy office following government reports that raised serious concerns about safety issues and rights issues. So the circumstances leading up to these two groups starting to get advocacy services—it was not a hypothetical issue that these people might be vulnerable; there were reports of rights abuses and very specific problems that were happening.

Thirdly, it is not enough to add these groups to the advocate's mandate through regulation or through a memorandum of understanding. Regulations, as we all know, are made by cabinet and they are repealed or revoked by cabinet at any time. If the new advocate is dependent on the support of cabinet in order to serve these groups, then that's not an independent advocate; that's an advocate dependent on the executive.

I've recommended an amendment to entrench these groups in the legislated mandate. We have heard a lot about measures to ensure that young people in facilities out of home care have proper access to the advocate, and I'm just going to raise a few of the quirks of Bill 165 as it is drafted.

Children and youth in the care of a children's aid society will have the right to be informed of the existence of the advocate and the right to receive a visit from the advocate, but they have no right to make a call to the advocate they've been informed of in order to ask for the visit they're entitled to.

Second, young people in what used to be called phase 2 youth justice custody—that's older youth—don't have any rights to call the advocate because they are not in the Child and Family Services Act; they're under different legislation. And if we do put in some of these excluded groups, like students in provincial schools, there are no rights in this bill for them to call the advocate either.

I want to emphasize that most people in residential care depend on the facility they live in to call the advocate. For example, young people in secure mental health settings, custody facilities and similar facilities rely on the institution to give them access to a telephone. Even many group homes, which many consider to be more of a community setting, don't allow young people who live in them to carry a cell phone.

Can institutional staff be trusted to decide who should call the advocate and how soon they should call the advocate? I think that's a very good question to ask the youth who are going to appear here this afternoon and what their experiences are with that. In the meantime, I will just remind you that Sarah Dagg earlier this morning

correctly pointed out the case of James Lonnee, who, while being held in a Wellington detention centre, was placed in a small isolation cell designed for one person—and it was a dreadful cell even for one person; it should never have existed—but he was not alone in that cell. Contrary to facility policy, he was placed in a cell with another young offender, who threatened to harm him. James asked to call the advocate. The institution said no, that he wasn't behaving himself and he needed to settle down before he was going to be calling anyone. A short while later, James Lonnee was dead. He had been beaten to death by that other young person. All of this came out in the inquest into the death of James Lonnee that took place from 1998 to 1999.

I've recommended amendments to give young people in residential care a positive right to call the advocate privately and without delay. There should be no judgment about how soon the call can be made. And we should be placing a positive duty on workers, as exists in similar legislation in other provinces, to ensure that a young person who asks to make the call gets to make the call.

In terms of the advocate's access to young people, we have heard a lot of comments about subsection 14(4) of the bill, which places a restriction on the advocate's ability to enter facilities. I think it's important to put this in context. Nowhere in the bill does it say there is a right to enter facilities. The only time entering facilities is mentioned is a restriction. This sends the wrong message about the advocate's ability to enter facilities to talk to young people. The ability to get into facilities is absolutely essential, particularly in the more secure institutional settings where a young person can't leave in order to access the advocate elsewhere.

1200

There should be no leeway for an institution to cancel a meeting between the advocate and a young person on the grounds that the advocate didn't give reasonable notice. Anyone who is not an official advocate who's ever done work with people living in institutions, who doesn't have some official status, knows that quite often you show up at an institution and you find out that plans have changed, there's a lockdown, there's been some security issue or whatever, and you can't get in. Anyone who doesn't have a legislated right to enter doesn't get to enter, a lot of the time. This is something that happens all the time.

It's also very important to note that Bill 165 recognizes and affirms the importance of systemic advocacy. The ability to work with an institution proactively or to perform a review of an institution in response to systemic concerns is very important. That requires a free-standing independent right to enter a facility, not just if there's been a visit requested by a young person living there. We should not be giving institutions a veto over whether or not those kinds of facility reviews are going to take place. I've made a recommendation for an amendment in this regard as well.

I'm also concerned about the advocate's lack of access to records and documents in Bill 165. Although the main

source of the advocate is and should be the voice of the young person for whom the advocate is advocating, official records of various kinds often play an important role. In the case of individual advocacy, Bill 165 gives the advocate a limited right to access personal information about a young person if the young person would normally have access to that information. I encourage you to ask the young people who appear this afternoon what kind of access they have to their records. I think you will hear that it is very little.

In any case, it's not just their own personal files that an advocate might need to access. Here's one example. A young person in an institutional setting is placed in secure isolation, seclusion, segregation—you get the idea—a locked room. The young person wants to complain about this. Being placed in segregation is a common source of complaint, both in children's facilities and in adult institutions. The advocate needs to find out, to support the young person making this complaint, how long they were in the cell, so you ask the young person, "How long were you in the cell?" What are they going to do? Look at the wristwatch they're not allowed to wear in an isolation cell or look at the clock that isn't on the wall in an isolation cell? No, you need to look at the facility logs to see, okay, the young person was in there for eight hours, and then be able to look at things like policies and procedures manuals of the facility to see whether that was in keeping with the facility's own internal policies and procedures. So there are a number of other documents besides the young person's own personal file that are important in advocacy, both individual advocacy and systemic advocacy like facility reviews.

I've made a recommendation about this. What I've said is that we need to have essentially unencumbered access to records—few exceptions. I'm not talking about breaking solicitor-client privilege or getting at cabinet documents, but I'm talking about virtually any document in the care or control of a service provider or a facility. We can balance any concerns about privacy by making sure that there are very, very strict confidentiality provisions in place.

The Chair: You have about two minutes for your wrap-up.

Mr. Geigen-Miller: Thank you. I'm not going to duplicate it much, but I agree with the people who have presented that we need very strong protections in place for confidentiality of information collected by the advocate. My recommendations are in our brief, and a number of other presenters have made very good points about this as well.

I want to emphasize that complex special-needs youth are not specifically mentioned in the bill. This is important, because they don't always fall under the category of an existing service and because providing advocacy to complex special-needs youth right now occupies such a huge amount of the advocacy office's work. How is the new advocate going to justify the appropriations needed from the Legislative Assembly to continue doing this work if there isn't a line anywhere in the bill that says

“complex special-needs youth”? It will be the legislation that will provide a basis for resource allocation to the new advocate, and it has to be in there.

I want to comment on the union issue. A number of other speakers have commented on it. Saying that the staff in the new office should not be in a public service union is not an anti-labour position. I consider myself to be very pro-labour. I don't cross picket lines. If I ever did, it would have to be life or death and then compensated with a box of doughnuts.

I just want to make clear that an advocate, many times in the past, has had to cross picket lines, because when there is a public service strike the circumstances in the facilities can get very bad. I've had personal experience with this when I was a young person and there was a young person who spoke yesterday about it as well. We shouldn't be having them in the same union. It creates a conflict of interest that the advocate shouldn't have to be in.

Finally, on the question of preamble, I have circulated my own personal—not DCI-Canada's—suggestions for the text of a preamble and I would welcome questions about that.

As far as further questions are concerned, I'll take them now.

The Chair: Thank you. Unfortunately, we have reached the end of our time. Members can still question you after we recess here, which I will do now. I want to thank you for your presentation and thank everyone this morning.

We are now recessed until 3:30 or after routine proceedings.

The committee recessed from 1207 to 1538.

The Chair: Good afternoon, ladies and gentlemen. I'd like to call back into session the standing committee on justice policy. We are back to the deputations.

CONNERY BEARDY

The Chair: Our 3:30 deputation is Connery Beardy, from the Sioux Lookout First Nations Health Authority and Nodin Child and Family Intervention Services. Good afternoon. Please have a seat. Just so that everyone knows the rules, you have 15 minutes maximum to make your presentation. If you don't use up all your time, there may be some questions from members of the committee. Welcome.

Mr. Connery Beardy: First, I'd like to take this time to thank you all for having me do this presentation today. I'll start off by introducing myself. My name is Connery Beardy. I'm from Sandy Lake First Nation in north-western Ontario. I'm in grade 12, and I am enrolled in Queen Elizabeth District High School in Sioux Lookout, Ontario. I am 19 years old. In the spring I will be graduating and by fall I will be attending Confederation College in Thunder Bay. There's a photo of me when I first entered high school in grade 9. A lot has changed since then, and we can move on.

On the next page there are some photos of Sandy Lake. There's the traditional gathering, a powwow. You

see there are open fires where we make tea, have a little social get-together and talk, and there's a photo of an elder.

My goals in the future: This summer I'm hoping to get into the Bald Eagle program, which is a military training program. When I am done college, I hope to find a job and build up my network so I can make some connections. In the future, I hope to start my own business back home in my own community of Sandy Lake: a pool hall/arcade, more of a place where youth can get together in a positive environment.

I wish to continue my grass dancing, which is part of my culture—it's a lot of fun, good exercise—and then one day have a healthy family and a healthy community. Here are some photos of healthy families, children and both parents.

Here are some of the obstacles I had to face in my life. When I was 14 months, I was adopted by my aunt and uncle, which was customary care. In elementary school, from grade 3 to grade 7, I needed some help, some special education that would help me get through school. Throughout those years I've been getting help with my literacy. Throughout those years I faced a lot of bullying, racism and other sorts of issues, problems, I had to face.

At the age of 14, I had to leave my home community where I'd grown up and been all my life. I had to go to a modern-day residential school called Pelican Falls First Nations High School. I have attended that school for two and a half years. In my final year, right before I graduated, I dropped out because of problems. I got back into school, went for another year and I'll be graduating this year. Pelican Falls is actually a great school, but there were some problems from back home that I carried with me, which was my reason for dropping out.

Some of the things my friends had to face: Half of them had already dropped out of school. My best friend tried to commit suicide, tried to take his own life, but I was there to help him. I talked to him. He's still back home. He's one of the many who dropped out of high school in grade 10. In that community, grade 10 is the highest education level you can get in school. After that, you quit, get a job or you can attend a learning centre. But I chose to leave home to further my education.

There, I have many female friends and a lot of them now have children. Quite a few of them have one or two children and they are single parents.

I have dealt with a lot of alcohol and drug abuse. I've been drug-free for the past five months and alcohol-free for the past two years. I'm really trying to get my act together.

A lot of the youth in my community are living day by day. They want to get through each day. They're not really thinking about the future or what will become of them or what they want to become.

In one community it's very hard—not in mine but in another—and that has a real impact on them. Every morning you would have to walk out your front door, and in your front yard there are graves of family members, just right there in front of you, also in the backyard, and

that is very traumatizing, very disturbing. No child or youth should be exposed to that, and they grow up with it. The generation before me has done it and now they are putting it on mine and the ones after me. They're putting it on their children.

To me, this place is a Third World country. They have poor housing, and teenagers have to actually sleep in shifts. Teenagers sleep all day so their parents can sleep at night. They sleep at night because they have to go to work in the morning to provide for them, and teenagers are left alone. There isn't much care for them. There's nothing for them to do in these communities. There's no safe haven, I guess you would call it, no positive environment for them to be in. They're basically out all night, and places where you can go usually close around 10 in towns and cities, or even midnight.

Where I come from, there is nothing like that. There is no building that's safe to be in. You're either in your own home, which is also a negative place, or out and about. Where I live, it's a wilderness. There are no street lights. There's no place you can go. Everything is shut down after 11 o'clock. It's dead; it's quiet.

Living in the north is an obstacle. It's very remote. There's nothing there for us to do. Like I said, there is no place for us to go. There's housing and there are social problems. Some community members are so bored that they turn to alcohol and drugs for excitement, for something to do. Their kids are depressed. It's so hard to live in a place like that.

One summer I was home for two weeks and there were five cases of arson, five houses, people's homes being burned down, and at least one house per week after the first two weeks for the entire summer. I'm so happy it wasn't my home, but it's sad that they were someone's homes and now they're homeless in a place where there are hardly any homes to go to. There are homes being reused and basically renovated, but they still aren't good to live in.

Since we are so remote, it's very expensive to get new things, to get materials to build homes with to my community. We have to fly in everything, except in winter, when the ice is frozen and we can drive. That's the cheapest time when we can actually have things brought in.

It's very different now from when I was younger and going to kindergarten and elementary school. When I was in kindergarten, there were four classes and we went all day. But now, when my nephews and nieces go to school, in my community there are six classrooms, each classroom has over 20 students, and they only go for half a day—I'd say about 30 in the morning and 30 in the afternoon, six out of six; six classrooms with at least 60 students going through their day.

The population of teenagers there is rising and there's not much for us to do, so we turn to native things for excitement, fun and entertainment. It isn't all bad. You see in the pictures here that we enjoy ourselves by going camping, having this connection with our past, where we

didn't need all of the stuff we ask for now. But we've lost that connection. We're slowly regaining it.

Small communities are nice. You get to know everybody. It's nice and peaceful. If something goes wrong, everybody knows, but at the same time everybody can help. You just feel much more of a community. You have that bond with friends, with everyone: elders, adults and the children. It's more like one big family. At least we try to be.

A youth advocate is needed in the north to ensure that we are not forgotten, because we feel that we have been forgotten. We have been placed on reservations over 100 years ago just to be forgotten. That's how I feel about it. We were put there for a reason, away from all of this here around us. We have no connection. We need someone there for the youth to go to when they have problems. Right now, we have basically no one.

1550

The bill states that at the moment all youth can be helped, but with this new bill it will only be specific people. I think these specific people need more attention, but not all of the attention. It's not right to exclude everyone else just because they're not in care or because they have some physical or mental disability.

Another reason we should have an advocate is to keep in touch. If there were a youth advocate in my community who can connect to someone in a town and then into a city and then to here, it would just be a basic chain of command. We don't have that connection, but it would be nice if we did.

The Chair: You have about two minutes left in your presentation. I just wanted to let you know in case there's anything that you want to summarize or wrap up or highlight.

Mr. Beardy: I think that's it. If you have any questions, I'd be happy to answer them.

Ms. MacLeod: Mr. Chair, I would just ask, under these circumstances, if we can allow him to finish his presentation. He's come all this way.

The Chair: How much longer were you going to go for?

Mr. Beardy: Five minutes at the most.

The Chair: Okay. We've got a long list of deputations here and I don't want to hold up the other people. So can you perhaps go just two more minutes?

Mr. Beardy: Sure.

The Chair: Thank you.

Mr. Beardy: Bill 165 should really cover all youth everywhere, not just these specific people. We should have an office in every community with at least one person to operate it, because we only need one person to go and talk to. If I were to have problems, I wouldn't want to be shuffled around from person to person. I would like to see one person, and if that person couldn't help me, I wouldn't mind being shuffled around to a few people, not just person after person after person. As long as we have one place where we can go to seek help, it would be awesome.

This advocate should be someone of that community, wherever it is, someone who's well known by the community, who is a positive role model and is very approachable, so it would be easier for younger people to go up to this older person. Sometimes it's really hard to talk about these things. Every child should be able to know who the advocate is and how to contact them, even if it's as simple as a phone call or just going to their door and knocking on it.

In conclusion, I hope you will continue to consult with youth like me and take our opinions under consideration when you're passing the child and youth advocate bill. Child and youth advocates are needed in the north to ensure that our youth can become the best they can be. Thank you.

The Chair: Thank you very much, Connery. Actually, you stopped right at the 15-minute mark. I appreciate your presentation. On behalf of all of the committee, thank you for coming here and expressing your views.

Mr. Beardy: You're welcome.

Ms. Horwath: Mr. Chairman, I have a question. Can I just ask you, in terms of the agenda: There are a couple of to-be-confirmed slots on the agenda. Are they confirmed or are they empty slots?

The Chair: At this point they're empty.

Ms. Horwath: They're empty, so there's nobody going to be here at 4 or at 4:30 in those slots, at this point in time.

The Chair: That's correct.

Ms. Horwath: Then I would ask, Mr. Chair, as we go through the presentations, particularly from young people, that we use up the time that was slotted, and if it is not going to be used by an official presenter, that we give that time to the voices of young people in these presentations this afternoon. So I would like to have either a vote or agreement from the committee. We're here till 6. The last scheduled presentation is at 5:45. There's at least half an hour. If there are two presentations where nobody's slotted, that we then give an opportunity for the committee to engage with these youth.

Ms. MacLeod: The official opposition supports that, Mr. Chair.

The Chair: Any other comments?

Mr. Zimmer: I leave this matter in the Chair's hands. I'm happy with whatever you decide to do.

The Chair: All right. Why don't we say between five to 10 minutes for each?

Ms. MacLeod: I agree with my colleague from the New Democratic Party. This young man has travelled quite a ways, and I think it would behoove all of us to take a few extra minutes with him. He did a remarkable job.

The Chair: Why don't we do this, then? We'll just go around the table and have roughly two minutes per party. The order that I have is NDP, Liberal, PC this time. Ms. Horwath, if you want to go first for the NDP, then we'll go to the Liberals and then to the Conservatives.

Ms. Horwath: We'll try to be respectful of your need to move the committee along as well. I appreciate that, Mr. Chairman.

Connery, I just want to say how impressed I am not only with the fact that you came here and shared some of your feelings and some of your realities with us but that you're doing such a great job as an individual. You're succeeding in so many ways to deal with some of the challenges you've been dealt.

You might know that the bill, as it sits now, does not ask for, does not speak of, having a specific deputy for remote northern First Nations communities. Is that something you would like to see changed? Would you like to see that role actually put into the legislation?

Mr. Beardy: Yes, I would.

Ms. Horwath: Do you think that would be helpful for your own community and other communities to have a location closer to home that feels more connected, that in fact is likely going to be staffed by people from First Nations backgrounds and heritage?

Mr. Beardy: Yes.

Ms. Horwath: The only other thing I wanted to say is that I think you've done an absolutely fabulous job of showing us a little bit about what happens in your community. We often hear odd stories here and there, but by your coming here and pretty much putting your soul on the table and showing us the challenges you're facing, I think that's extremely valuable to me as a person and as a legislator. I just want to say I appreciate that very much. So thank you.

Mr. Beardy: You're welcome.

The Chair: We'll go to the Liberal Party.

Mrs. Van Bommel: Thank you very much, Connery. In going through this, your own personal strength comes through very clearly. I can certainly tell from the emotion that you brought into this that you've overcome a lot, and you need to be congratulated for that.

I get the impression—earlier this morning we had Chief Donny Morris come in and talk, and he made just a little comment about a 10-day camping-canoe trip that he did with the young people of his community. I know from my own children and grandchildren that having an identity and having that sense of who you are is very important.

You talk in your presentation about identifying with your culture. Those kinds of things are very important, I find, for young people. Do you have the opportunity to bring that for yourself and to your peers in your communities, where you have an opportunity to find your own identity, your past, your history, and that becomes part of who you are today?

Mr. Beardy: Yes. But I started to really find myself when I left home. When I left my comfortable environment and entered a different place, a different world, I started to really define myself, what I want to be and who I want to be. It took a lot of challenges to do that.

Mrs. Van Bommel: You're doing great. You really are.

Mr. Beardy: Thank you.

The Chair: Ms. Smith?

Ms. Monique M. Smith (Nipissing): I want to join all of the members on the committee in commending you on the great presentation you made. I just want to agree with you, on the second-last page, that life in the north can be great. I'm from North Bay, not quite as far north as Sandy Lake, but certainly we enjoy a great life in the north. I'm hopeful that you will continue to enjoy a great life in the north.

1600

I wanted to ask you about Confederation College. You plan on going in the fall. Do they have a native support program at Confederation College? Do you know?

Mr. Beardy: No, I'm not sure.

Ms. Smith: Have you been in contact yet with anyone in the program?

Mr. Beardy: No, I haven't made any contact.

Ms. Smith: I know we do at Canadore College in North Bay, so I hope that they do there as well and that you're able to link up with the folks there and get some support as you go through because I think it's really important that you find that support and that you continue to succeed. All the best at school and following your dreams.

Mr. Beardy: Thank you.

The Chair: We'll move on to the Conservative Party and Ms. MacLeod.

Ms. MacLeod: Connery, that was a very good presentation. You brought such clarity when you spoke, and very few people have done that before us in the last two days. Yesterday I mentioned that one of my big regrets for this committee was that we did not travel up north, but you painted a very clear picture for us and you deserve a lot of credit for that.

I want to ask you a quick question. I know that Andrea talked a bit about a deputy advocate and having an advocate for native children. I want to ask you something. Do you think it would help if the advocate would be available or even communicated to at Pelican Falls First Nations High School, if there was a way there that you could talk to them at school?

Mr. Beardy: Yes. I think it would be really good if they had an advocate. They do have counsellors all the time. When I stayed there, I shared a place with 13 other boys in one home, and there was always someone there to go to. That's how I would like the advocate to be, just someone around to go to, always there.

Ms. MacLeod: And to have that connection to the provincial government and child welfare and the different services we offer?

Mr. Beardy: Yes.

Ms. MacLeod: I just want to thank you again. I think the next time you come to Queen's Park, you might actually be a member. So congratulations.

The Chair: On behalf of all of the committee and the members of provincial Parliament, thank you for coming down here today. Have a good day and a good trip back.

Mr. Beardy: Thank you.

The Chair: Before we move on to our next deputation, we're going to hand out—we heard earlier this morning from Stephanie Ma. She mentioned an online blog. She has written a little letter which draws committee members' attention to that blog site, which was created to get youth input. I'm just bringing that to committee's attention, at www.wematterlistenup.blogspot.com.

SUDBURY ACTION CENTRE FOR YOUTH

The Chair: We'll move on to the next deputation, which is Sudbury Youth. We have Michelle and Emily. Good afternoon, and welcome to the justice policy committee.

Michelle: Good afternoon. My name is Michelle, and this is my co-presenter Emily. We're representing the Urban Aboriginal Youth Leading the Way, the Eshikigijig Youth Advisory Circle and the Sudbury Action Centre for Youth from Sudbury.

Emily: I'm just going to talk a little bit about what our different groups do. The Sudbury Action Centre for Youth does many various different things. They have a youth drop-in, which has a peer mentoring program. They do activities. They help youth with many different issues, from addictions to homelessness. They help youth with everything, basically. They have a point needle exchange. They have outreach. They have a casual labour pool where they have clients come in in the morning, meet employers and do jobs for the day. So they do a lot of different stuff. I volunteered with them for the past four years. We made a video of what we've learned, at a youth perspective, of drug misuse and abuse. We go into schools locally, in Barrie, all over Ontario, schools, colleges, universities, community centres and we present this to other youth one-on-one. So the Sudbury Action Centre for Youth does a lot of different various things.

Michelle: The Urban Aboriginal Youth Leading the Way—me and Emily are both members of that group. We started about two and a half years ago. We came together and we started off with a dialogue. It was a social inclusion project. They asked us for our input on what we would like to see with our school boards, with our police forces. So we held a dialogue in April 2005 and that went well, so from there we moved up and we kept going and going. We had another dialogue just recently to follow up on what kind of messages aboriginal youth had about the school boards, the police forces and the city. We've made two videos as a teaching aid to represent what the aboriginal youth were trying to say.

The Eshikigijig Youth Advisory Circle is a group of aboriginal youth who get together at the N'Swakamok Friendship Centre in Sudbury. Pretty much whatever the youth do in Sudbury, whatever the urban aboriginal youth do in Sudbury, it goes through us first. We come up with ideas, we plan out budgets and we pretty much design programs for kids to do.

I guess we're going to start off with Emily.

Emily: Our first one was who the advocate should serve. Children who receive help from the advocate now should also receive help with the new independent advocate. So the deaf, the blind, on probation, and in police custody should receive the same help that they have now. Those children should not lose their resources. The advocate should also have to work with all children and youth who are at high risk because it's likely that these youth will have some relations with or be in government care.

If the child and youth advocate does not respond to the needs of all children, then she should be obligated to refer children who contact her to the proper agencies and organizations which can help them with their problems.

Michelle: A second question that we came across was: How will children and youth be informed about this advocate? We thought that there needs to be a system in place to make sure children and youth in care know about the advocate and how to contact him or her. All parties involved with children in government care should be responsible and have to provide this information to children and youth. They should also have to give them access to a private phone call. There should also be some kind of penalty or consequence for parties who prevent the youth from speaking with the advocate or who do not provide them with that private phone call. Protocols detailing this will have to be created—protocols as to how to contact the advocate.

In order to have the children more aware, advertisements such as posters, websites and 1-800 toll-free numbers would probably make it easier to contact the advocate.

There should be a specific time limit in which the advocate can return a phone call and that they can actually see the child. This limit should be at least three to five working days for a phone call and one to three weeks before they can actually see the advocate. However, these time limits should be the maximum. Anything other than that would be unrealistic to the child. The child and youth advocate should attempt to contact children and youth as soon as possible. It should always be a priority for them to do.

1610

Emily: Our third section is, will one child and youth advocate be enough for an entire province? One person representing all children in government care is really unrealistic. There should be at least one northern Ontario advocate office to deal with the diverse needs of northern Ontario. As you know, northern Ontario is fairly different than southern Ontario, so at least one.

There should also be a separate advocate for First Nations children and youth in government care. There should be a separate office to represent First Nations. There is a high rate of First Nations children in government care. First Nations children are among the largest-growing population in the province. They require someone who is knowledgeable about their unique cultures and traditions and is able to communicate in their languages. This advocate should be properly trained and accustomed to the aboriginal traditions and lifestyles. To

go further in this, in a lot of northern communities like Kashechewan, Moosonee and that—my boyfriend's from up there—those children do not speak English. They learn Cree as their first language. A lot of the children do not learn English until they enter school. Some of them never learn English. Really, if you're going to have a child and youth advocate, they should be able to communicate in their language and know about the diverse needs and problems in their communities so that they can relate to those children.

Michelle: Another barrier we came across was, if the child and youth advocate is not allowed to properly investigate a complaint, how is he or she supposed to do their job effectively? In order for the child and youth advocate to be able to do his or her job effectively, he or she will need to have more investigatory powers. He or she should be able to enter youth care facilities and check first-hand what is actually happening. There should also be some directives included in this bill that allow the advocate to have authority. If they cannot enter certain buildings to see the youth, they cannot find out first-hand what is going on, because stories are often different than actions.

Emily: Our fifth section is, who will the child and youth advocate be accountable to? There should be a reasonable amount of time for the advocate to return phone calls or see children. There should be a process in place for children and youth to submit a complaint if there are concerns not addressed by the advocate within a reasonable amount of time. They should become part of the policies and procedures for all parties involved with children and youth in government care.

Michelle: Our sixth section, finally, is the youth input. There should be a process in place to get input and feedback from children and youth on all issues affecting them, such as development of new policies and bills at all stages. For example, youth forums from various cities in Ontario could be held, and the data gathered from these forums could be used by the government. The advocate could have a role in this, such as working with community centres, agencies, youth centres, and being the middleman between the people and the government—not just a one-directional job representing the children, but also representing them in their visions, views and what they see.

Emily: We would also like to speak about the process you used for this committee hearing. Youth were not included from the start. Instead, we were consulted at the end of the process, with very little time to prepare a response. Youth should be given more reasonable timelines to work with it. It's really great that we have this opportunity to speak here, but I only found out about this last Wednesday. I had a week to go to all our youth groups, get their input, put it together and arrange travel here. That was a very quick, unreasonable timeline. We should have been notified at least a month ago or something so—we're only three groups, here. We could have been—all of our schools, the Metis youth group—a lot better prepared.

We would like to thank you for this opportunity to speak to Bill 165. We'd be glad to answer any questions you have. Meegwetch and thank you.

The Chair: Thank you, Michelle and Emily. We'll spend about six or seven minutes with questions and we'll rotate around the table, starting with the Liberal Party. Mrs. Van Bommel, do you want to start?

Mrs. Van Bommel: Thank you very much. You said you had very little time to prepare, but you've done an excellent job. You've gone into the questions and the thoughts very carefully and in great depth.

You bring a number of different things again to the table that we haven't heard before, and one of the things that you talk about is the time limits for the call-backs. You can call the advocate but there has to be a time back. I think all of us understand that, because when you're in a crisis or something is worrying you, you want to hear back really quickly. So do you have kind of an idea of how much time you think is reasonable? When does it get to the point where it starts to be too long?

Emily: We said three to five days for a phone call back, to call a child back.

Mrs. Van Bommel: You're really reasonable.

Emily: And one to three weeks to actually see the child, but those should be maximums.

Michelle: Those should be maximums only.

Emily: It should be on an ASAP basis to contact the child back. However, if you're one advocate dealing with 25,000 youth in Ontario in government care, how much time are you going to have to call back all the youth? So that's why we say those should be the maximum. However, there should be more advocate offices and more advocates to respond.

Mrs. Van Bommel: So you're actually talking about a call back from the advocate himself or herself as opposed to somebody from their staff or their office.

Emily: Well, somebody representing them or the office. We got those timelines from—

Michelle: From our youth.

Emily: Also, I recently attended a workshop on Bill 210, which is now within the children's aid act, and their timelines were pretty similar to contact the band to notify them. However, usually those timelines are not used. It's usually right away. Those are just the maximum set timelines.

Mrs. Van Bommel: Thank you very much.

The Chair: Ms. Smith?

Ms. Smith: Just really briefly, I want to thank you for your involvement in your community and in Sudbury. Being from North Bay, we're practically neighbours, so thank you for coming down today and really turning your mind to this and bringing some important issues to our attention. We really appreciate it. You did a great job.

The Chair: We'll move on to the Conservative Party. I see both microphones are on.

Ms. MacLeod: Thank you very much, Emily and Michelle. Great job. Just like your predecessor here, you did a great job telling us what's going on in your community. On this side of the table, we're of the view

that youth should have been consulted before the last two days. We can't change that but we were just distributed something about a Blogspot. I'm going to read that into the record. I want you guys to take this down so you can send it out to your people that you think need to consult on this bill because we on this side, and I'm sure they on that side, will listen to this. It's www.wematterlistenup.blogspot.com. Send us some messages, because we're nowhere near the completion of this piece of legislation.

I just wanted to congratulate you on that and see if we can get messages out there. I'll tell you, you made a very important point, which is that children who are currently receiving the resources of the child advocate today should, after this bill is passed through this Legislature, receive the same resources and services. I think that's a very important point to make, and it came from youth. So I just want to congratulate both of you again. Thank you.

The Chair: We'll move on now to the New Democrats.

Ms. Horwath: Thank you very much. I get to ask you some questions too, Michelle and Emily.

Interjection: Sorry.

Ms. Horwath: That's okay. They won't be hard, I promise. But I've got to tell you, it really does blow me out of the water that you are so active in your community and I just have to say that's amazing. When you started listing the things that you're doing in the various groups that you're working with, plus your commitment to interconnect, and then you got to the part where you said you design programs for youth in your communities, that is absolutely fabulous. I just want to say you're doing such great work that it really does blow me out of the water and I think you need to be really proud of yourselves. I think we all here are very impressed with what you've been doing from the description you gave us.

I want to say also that I think it's really important that you raised the issue of tying penalties to non-compliance with the bill. I think that's missing and we really need to turn our minds to the fact that if we're serious about this bill working, if we're serious about the independent child advocate making sure that all of the things that we're asking that office to do can get done, then there needs to be something that tells people that we are serious. Part of that is kind of the other piece of the picture, which is, if you're not going to follow the law, if you're not going to give the advocate access, if you're not going to give young people the opportunity to call the advocate, then you're on the hook, then you're breaking the law, and so therefore there's a penalty. I think that's really important.

1620

I think it was interesting the way you illustrated it. I can't remember, I think it was Michelle who said—I think you were talking about the timelines and you said the stories are different from the action. The stories are different than the action, so that what you get told is happening or what the advocate or somebody in the adult world might be told is happening by the service provider

isn't what you're necessarily experiencing as the child in the facility. Is that what—

Michelle: Yes, because if they can't go to certain places to investigate what is actually happening, they can't see firsthand what is happening. All they hear is stories; they can't see the physical.

Ms. Horwath: Absolutely. That's extremely important. I'm glad you brought that to our attention.

The last thing that I wanted to say is that I think that you're raising the issue again and reinforcing what we've heard from First Nations community leaders and children about the need for an advocate in the north. An advocate who is culturally sensitive to First Nations' traditions and to First Nations' languages and First Nations communities is absolutely required. I hope the government will accept amendments in that regard when we go to the next stage. I want to thank you for reinforcing that again. It's extremely important. You do great work. Thanks for being here. We really appreciate it.

The Chair: Thank you for your presentation. It was very, very good.

Michelle: Can I get up now?

Ms. Horwath: Now you can go.

The Chair: Yes.

YOUTH POLICY ADVISORY AND ADVOCACY GROUP

The Chair: We'll move on then to our next deputation. It's the Youth Policy Advisory and Advocacy Group, Youth Communication and Advocacy Network and the Ontario Association of Children's Aid Societies. The representatives are Adam Diamond, Amanda Rose and Alyssa Bevan. I hope I've pronounced those names right. Hello. Good afternoon. Welcome to our committee. If you want to pass water on, I don't know if anyone else wants water.

Ms. Amanda Rose: It's a great pleasure for us to have you guys listen to us today. Not often do youths get a chance to be consulted and to use their voice on issues that concern them. My name is Amanda Rose and to the furthest is Adam Diamond, and this is Alyssa Bevan. We are from the Youth Communication and Advocacy Network, advocacy component, the Youth Policy Advisory and Advocacy Group. It's a very big name. It's under the OACAS, but we do our own work, which is fabulous. We have youth all across Ontario coming and discussing a lot of issues and policies, technically representing the 8,000 youth in care all across the province, which I believe is the only group that's doing it, youth in care in children's aid societies.

We do have seven points to present to you. I believe that Alyssa will go first.

Ms. Alyssa Bevan: Our first point is just about the identity of our status. We believe that we have a unique identity and that we should be separate from the criminal justice youth as well as the mental health youth because we have different living situations and different needs, and we're uniquely different than the others. So the

advocate would have to be aware of that. Bill 165 should identify the children and youth in the different groups and serve them on their own kind of purposes.

Aboriginal children, children and youth groups from mental health, and youth within the criminal justice system are a lot different than the youth who are in care; we all have different situations, we've all experienced different things and we all have different needs. A lot of different advocates are needed for these groups who have expertise in that situation. So we do need that.

We also would like to speak on our own behalf because there are always people within agencies or within large groups who try to speak on behalf of youth, and most of the time our voices aren't heard entirely because sometimes information gets transferred differently or our words are changed around. We really do need to be able to speak on our own, because we may say one thing but it can be changed to a completely different thing. We need to be able to present and speak for ourselves about our own issues in court, bill hearings, consultations with other stakeholders and things like that.

Ms. Rose: This next point I am personally attracted to. I think the advocate should have the age of service extended. Under legislation currently, I think they serve until the child is 18 years old, but currently there are children and youth in care beyond that age. We, as a youth policy advisory group, are trying to encourage that youth be served until they are emotionally, physically and developmentally ready to be on their own. The age they had said was around 24 years old, so I guess having the child and youth advocate serve children and youth in care until they are out of care, not just until they are 18, and have that guaranteed under legislation. I don't know any normal parents who kick their kid out at 18 and expect them to make it on their own without their own personal advocate.

Also, we found a lot of difficulties, particularly with this bill and other bills. The information itself was really difficult to understand, and access to the information was really difficult in some cases. Having access and making it understandable to youth would be very beneficial.

I remember that the London group yesterday had mentioned that posters on the walls everywhere in the schools and things like that would be very helpful. I think somebody had asked if the Internet would be very good. I'm not sure if it would be very good, because I don't know very many youth in care who have computers or who have access to a computer, unfortunately. So having access to the advocate available in places where they can phone and things like that would be better, not just the Internet.

Also, having the advocate available at all times: The previous group had said three to five days to get back, but I think the advocate should be there to receive the call; and have it around the clock, because I'm pretty sure that most crises don't happen between 9 and 5. They usually happen at the most unexpected time.

It's a very private call, too. Yesterday the London group had mentioned not having the worker or the person call for you on your behalf.

Also, making it more local: I remember when I was living in Lanark in a really small town up northeast, and I didn't think the advocate could do anything for me if I had an issue because they're so far away. If they're going to get back to me in a few days—I need somebody right away.

1630

Mr. Adam Diamond: Our sixth point is basically around the selection of the advocate. YPAAG feels that youth should be involved in a process that selects the advocate as well as being involved in a method that evaluates or reviews the advocate. We support amendments to Bill 165 that would require an appointment process whereby there is all-party support and, most importantly, like I said, youth input and confirmation for the selection. Basically, we feel this way because youth will feel empowered and that we're listened to and engaged. I think it gives credibility to the position of the advocate if its stakeholders are involved in selection.

Our last point is around documentation. I know that Bill 165 does not give the advocate full rights to access important documentation pertaining to the child or youth. So we feel that the advocate should have access to any type of documentation, reviews or information that it requires to act on behalf of or with the child or youth.

Some other areas that we discussed were around decision-making processes, involving youth within the advocate's office, that there's appropriate funding available to the advocate so they can carry out their mandate, a guarantee on response time—we didn't talk about specific response times, but I'm thinking off the top of my head, to have a callback from an advocate within 24 hours—and accountability for the advocate.

Ms. Rose: You've probably heard this many times before, but we've just said it again.

Mr. Diamond: I just want to go back to YPAAG. The Youth Policy Advisory and Advocacy Group was started last summer, and they've met quite a few times. They've had a retreat, and they've had a lot of meetings. They've basically focused on four main areas. This is coming out of a youth conference that OACAS held last summer. They came out with four recommendations around age of eligibility, emotional support, educational support and financial support.

This youth group works and they meet every two or three months on advocacy and policy advisory. We've been involved in consultations with one ministry specifically around educational opportunities for youth. But Bill 165 really meant a lot to this group. Alyssa is here with us, but there are 11 other members of the group. They're not here today, but they're in the picture on the front. We just wanted to say that we support the bill. Thanks.

The Chair: Thank you. We have about six minutes for questions. We'll begin with the Progressive Conservative Party. Ms. Elliott will ask the first question.

Mrs. Elliott: Thanks to all of you for your excellent presentation. You've made really great points, really stated them very clearly and very strongly. Your pres-

entation really underscores the need for youth to have been involved in this process all along, because the child advocate is not for any of the people around this table; it's going to be for you, and it's important that we hear from you about the things that are most important.

We have heard very clearly the point, particularly with respect to the extension of the services of the child advocate past age 18. That's a point that we've heard of. Until you brought it up—you just brought it forward so eloquently, and I thank you for that.

I'd also like to thank you for all the other access points that you've talked about, about making sure you have a variety of ways for youth to be able to connect with the child advocate, because not everyone has a computer in their home or foster home where they are; the distance aspect of it too, the fact that, particularly when it's going to be a hard call for you to make, you want to make sure that there's going to be somebody who's going to be available to help you as soon as possible; finally, the access to documents as well, for the child advocate to really be able to do her job.

I thank you very much, and congratulations. It was a wonderful presentation.

The Chair: We'll move on to the NDP.

Ms. Horwath: I just want to make sure I have your name right: Alyssa with an "A"? So you guys are the A-team, right—Amanda, Alyssa, Adam? That's good; I like that.

I don't want to probe, so if you don't want to answer, just say, "I don't want to answer." We've heard from young people about timelines, about access to the advocate, about some of these real, fundamental day-to-day issues, if this is all going to work for young people. Do any of you have any experiences where you have actually needed to or wanted to call an advocate and had the opportunity or desire to, but knew that you might not be able to or hesitated in doing so? Have you ever had the experience of wanting to phone an advocate and being told you couldn't? Have you ever been denied the opportunity, in your experience?

Ms. Rose: When I was 17 years old and living on my own, I hadn't seen my social worker in quite a long time. I just wanted to leave the children's aid society because I didn't think that the advocate would be able to help me out in that way. I wasn't sure of the advocate's role or if he or she would be able to come up and see me, because I was living five or six hours away. Fortunately, the children's aid society was very helpful in the case and they did get me a different worker and it was very successful. But if I had had that person to communicate with, that advocate who could actually come and talk to me, I think that would have been a lot more comfortable for me.

Mr. Diamond: Also, when I was 17, I was basically forced to move out on my own. I went from one foster home into a group home. I was there for about three months and then basically told that I needed to start looking for an apartment outside of the group home. I was very upset with that because I liked the stability of a

family. I was just told that that wasn't going to be possible. I was unaware of an advocate being available until last year, when I was 21. I wasn't even aware that there was an advocate, but at the time, it would have been somewhere to turn, just to talk to someone and learn about my rights, for sure.

Ms. Horwath: Have any of you ever asked for your own records, to look at any of your own records or your own information and had that denied? Is it a pretty open process?

Ms. Rose: When I've asked for records, they were given to me.

Ms. Horwath: The same, pretty much?

Mr. Diamond: The same.

Ms. Horwath: Okay. That's good. I wanted to say on the age thing, I'm really glad you raised it as well. During the process of Bill 210, I tried to bring amendments to the Child and Family Services Act. I tried to get amendments to the extended care agreement so that you could continue to get supports for a longer extent, beyond 21 to 24. That didn't pass, obviously, and I'm glad you're raising it again, because I think you're right that things are different now. It's not 18 anymore; it's 21 or 25 sometimes by the time young people really have the roots to start moving on. So I support that. Thank you for bringing it forward. You guys are great. Thanks.

The Chair: We move on to the Liberal Party. We'll start with Mrs. Van Bommel.

Mrs. Van Bommel: Thank you very much for your energies in coming here today. You were here yesterday as well, so you're listening and taking in quite a bit of what's been going on. I'm really not going to say too much more because we talked about the age issue. Certainly you're right; most of our children are not ready to leave home at 18. If they are, it's because they know they can always come back if they need to, right? They have that security. There's a real difference in having the security that you can go back. It makes you much more adventurous on that kind of front.

The question you ask in here—and it probably goes around everything that the advocate does. If we all kept this in mind when we dealt with children and youth, there would probably be a lot less need for an advocate, and that is, what would a good parent do? You're right; if we'd remind ourselves of that question, then there would be far less trouble. Thank you.

The Chair: Thank you for coming out today. It was a very good presentation. Thank you very much.

Our next presenters who are scheduled are the Cedarbrae Collegiate Institute Youth Group: I'm not sure if they're here yet. Why don't we hold that one down, then.

1640

NISHNAWBE ASKI NATION
DECADE YOUTH COUNCIL

The Chair: We'll try the Nishnawbe Aski Nation Decade Youth Council. I hope I pronounced that

properly. Welcome to the committee. If we could ask for your names, just for the record.

Ms. Serene Spence: I'm Serene Spence. I hold the social and communications chair on the NAN Decade Youth Council.

Ms. Ester McKay: My name is Ester McKay and I hold the urban chair for the Nishnawbe Aski Nation Decade Youth Council.

Mr. Duane Moonias: My name is Duane Moonias. I hold the political and justice portfolio of the NAN Decade Youth Council.

The Chair: Thank you all for coming here. As the rules are, you have 15 minutes to make your presentation, and if there's any time left after the presentation, we'll ask you some questions.

Mr. Moonias: I'll do a brief introduction of the NAN Decade Youth Council.

The Nishnawbe Aski Nation encompasses 49 communities, covering the land mass of two thirds of Ontario. The NAN Decade Youth Council was established in 2002 at the Changing the World in a Decade Youth Leadership Symposium in Thunder Bay, Ontario. Since its inception, the Decade Youth Council has restructured to now be a 10-member council, with each council member being between the ages of 18 to 29 and each being responsible for one or more portfolios.

The Decade Youth Council has the objectives of providing NAN youth living in their communities and living in urban areas with an opportunity of obtaining leadership skills and to promote youth empowerment. We also act as an advocating body on behalf of NAN youth at the regional, national and international levels. We recognize that belief in our culture and preservation of our heritage gives us strength and dignity. We work to preserve and protect each other's individual First Nation heritage and stress strong family values.

The history of aboriginals in Canada:

Archaeological evidence confirms that First Nations and Inuit peoples have lived on the land now known as Canada for thousands of years as culturally diverse, sustainable communities. There are 133 First Nation communities within Ontario. These originated and are part of 14 distinct nations of people, each with their own languages, customs and territories.

A CAS report indicates that in 2005 some 2,600 aboriginal youth were in child care. This is approximately one quarter of the population of children serviced by children's aid societies. The number does not include Inuit, non-status and Metis children and youth. It demonstrates high levels of aboriginal children and youth in the system. This number is three times the number of children that were in residential schools at the height of their operation.

Ms. Spence: I'll be giving the First Nation perspective on Bill 165.

A First Nation advocate needs to be created due to the high population of youth in the system. The framework of the advocacy office should also incorporate more of a cultural framework. Also, First Nations child care organ-

izations have specific aboriginal components. Aboriginal children are not able to reach their full potential regarding their culture and traditions while in care. Further, the advocate should help children access these services by providing information and also assisting with connecting them to these resources.

A First Nations advocate would better understand the issues of these children in regard to aboriginal and treaty rights in order to advocate on behalf of these children. It's imperative that children in care are able to receive proper medical services, regardless of their situation.

Although these medical reports are unconfirmed, First Nations in NAN have noted this issue. At the very least, it is an important issue that perhaps a youth advocate could look into, especially a First Nations-specific advocate.

Lack of cultural sensitivity and awareness when it comes to supporting the families who are in the child services process—for example, we could go as far back as the 1960s scoop, or the residential school epidemic, where many children were taken from their homes and placed into non-aboriginal homes, unaware of their community and culture.

Many factors contributed to the high rates of aboriginal children in care. It was a time of concern and distress. Media reports had given Canadians new reasons to be disturbed about the facts of life in many aboriginal communities: high rates of poverty, ill health, family breakdown and suicide. Children and youth were most at risk.

The primary reason why First Nations children come to the attention of the child welfare system is neglect. When researchers unpack the definition of neglect, poverty and substance misuse and poor housing are the key factors contributing to the over-representation of First Nations children amongst substantiated child welfare cases.

Ms. McKay: I will be discussing the reasons why there should be an advocacy office in northwestern Ontario.

If there were an office in northwestern Ontario, it would better promote the services in this area.

It would be easier for First Nations communities to access this office. One of the reasons why we think this would be a good idea is because, as very involved youth workers out in our community, we did not know about this resource, this advocacy office, until last year, and I didn't know until just last week—so how are youth in northern Ontario supposed to know that this resource exists?

As well, if there were an advocacy office in northwestern Ontario, it would need to have a prominent partnership with aboriginal organizations. The reason for this is because a lot of aboriginals up north speak their own native language, and this language barrier would cause more obstacles for the youth to access such a resource.

We are concerned that there are youth in the system who feel threatened or intimidated and who are unable to communicate because they speak their native language,

so a First Nations advocate should assist these youth by ensuring that language barriers are taken into account. For example, every community and urban setting should have access to programs where the children and youth have an interpreter to provide assistance for the foster parent.

There should also be more than one advocate. There are currently 25,000 children and youth in custody and in care; one office and one advocate is not enough. For our youth to feel like they can get help regarding their needs and rights, the advocacy office needs to reach out more to youth. Bill 165 should include an extension of the advocacy office, specifically to be based physically in northern Ontario.

There should be more promotional opportunities for the First Nations advocate.

There are unconfirmed reports that First Nations youth in care of protective services are being denied basic medical services, a right of all First Nations people in Canada, and we're just asking why this is happening.

Create a culturally appropriate poster to create more awareness, with a toll-free number being clearly visible; we just believe that this would help with the promotion of the advocacy office.

Ms. Spence: The mandate of the advocacy office needs to include assisting youth in the justice system. More support is needed for victims of criminal activity. This should be considered part of the mandate of the advocacy office. There needs to be specific assistance for children and youth who are victims of crime. We are unaware at this time if this is a service provided by the victim/witness program of the Attorney General, and this is why we make this suggestion.

1650

The advocacy office needs to work with children and youth in ensuring that proper investigations are done in the area of sex crimes and abuse.

More options need to be available for youth in care; for example, sharing experiences with fellow youth. The advocacy office should include this as part of their mandate: Connect youth in care and youth in custody with the opportunity to share their experiences with their peers, through facilitating more opportunities in group homes and youth groups.

Also, more direction and consultation is needed from front-line workers, correctional workers and children in care and children in the justice system. We urge you to seek more consultation with these groups, as these are the people who will be directly affected by this legislation.

Ms. McKay: We also believe that children who are not in government care should have the right to access such a resource. Some kids may not know how to access their basic needs and rights due to poverty and location. Who helps them? If the advocacy office can, it should.

There should be more prevention programs rather than just a focus on rehabilitation programs. Let the youth know that you don't have to be a youth in distress to get some attention or help.

It should be mandatory for agencies to give advocacy office contact information to children and youth in care, not just information about rights. If that was in place, we believe that it would be more useful for the youth and it would just make things a whole lot easier.

The bill should be more descriptive and detailed about how often the advocacy office would be able to visit children in facilities. A specific protocol should be in place. Bill 165 does not explain how this would happen.

There should be follow-ups for the complaints being put forth by the youth to reassure them that action is being taken, because it is a difficult task to challenge authority, especially when you are a youth under the government's care.

Ms. Spence: That completes our presentation.

The Chair: Thank you very much. We have about five or six minutes. We will go around the table, starting with the NDP and Andrea Horwath.

Ms. Horwath: I want to thank you all for coming this afternoon and sharing your perspectives with us, particularly because the issues you raise are so important. First Nations youth have been ignored for too long. We can't have yet another piece of legislation that talks about youth but not about First Nations youth. So I want to congratulate you for giving an excellent presentation. It was very thorough.

One of the issues that was raised in your talk was the need to make it mandatory that information be available and that young people have access to the advocate. One of the things that's missing from the bill is any kind of penalty system. For example, we can make it mandatory, but if there isn't any kind of fine or anything that says, "If you don't do something, there are consequences"—do you think we need to build in that kind of a system with this bill?

Ms McKay: Yes.

Ms. Horwath: You raised the feedback loop, and I think that's really important so that you know that after you've made your call and you've talked to the advocate, it's not just somewhere out there; that there's an obligation to let you know what has happened since your call and what you can expect to happen as a result. I think that's extremely important, and I don't think that has been raised yet today, so I really appreciate you bringing that to the table.

The issue particularly around aboriginal and treaty rights, the cultural and language issues that need to be looked at and built into an advocate in the northwest—I agree with you 100%, and I look forward to trying to get the government to change where they're going now and make that happen.

The last thing: You talked about maybe having a poster with a 1-800 number. What are your ideas on where to post posters?

Ms. Spence: We were thinking about schools, even drop-in centres.

Ms. McKay: Places where kids are located.

Ms. Horwath: So organizations like your own that you work with, the NAN organizations, will be able to

help that actually come to life. If we can get a northern child advocate from First Nations, then you would be able to engage with that person and make sure that posting happens in the right places. That's great.

The Chair: We'll move on to the Liberal Party.

Mrs. Van Bommel: Thank you very much for your presentation. Thank you for coming to Toronto to do it. You talked about things like language barriers. As I hear more and more of these presentations, I'm starting to get a sense that the advocate or some member of the advocate's staff should be more localized. Where do you go right now? Do you have someone you work with as a youth council, an advocate within your own communities? Do you have anybody now who speaks your language and so on?

Ms. McKay: It's more grassroots. We know someone who knows someone who can speak on behalf of the people who speak the native language. NAN does have a resource where they can access elders who do speak the language.

The Chair: We'll move on to the Conservative Party.

Mrs. Elliott: I'd also like to thank you for your excellent presentation, because you've brought to the forefront the issues affecting youth, First Nations youth more particularly, and the issues around needing to have someone who can speak languages that are appropriate, have cultural sensitivity and so on, all really important points. But I think the one that really resonated for me the most—and it's sort of a wake-up call, I guess—is we really have been looking at this from our own perspective. When you talked about how we need to safeguard youth who feel very vulnerable and how difficult it is to come forward and how you're really counting on the child advocate to advance your cause, you're helping us to see it through the eyes of youth and to think about it in that way. That's a completely different perspective than we've looked at it before. I really thank you for that because now we can go through and, with that perspective in mind, we can look through and make sure all of the necessary safeguards are going to be there so that we're looking at it from the perspective of somebody who is a little bit afraid, anxious, worried about how this is all going to work out. Thank you very much for that. It's really very helpful.

The Chair: On behalf of the committee, I want to thank you for coming out today and for making a very good presentation. Have a good evening.

CEDARBRAE COLLEGIATE INSTITUTE YOUTH GROUP

The Chair: The earlier deputation, the Cedarbrae Collegiate Institute Youth Group, is now here, so I'd like to welcome Bor, Mathora and Olivia.

Kwesi: Hello, good afternoon. I'd just like to apologize for our tardiness. We got off at the wrong stop. I'm just here to provide support for the three students.

The Chair: Thank you. To the students, good afternoon and welcome to the committee. You have 15 minutes to speak to us. If you don't use up all your time,

then we may ask you some questions. Thanks again for coming out.

Olivia: Today we're basically here to address different topics that were placed in the bill that we feel need to be addressed. Some of them include what advocates should do, how they should be elected, and also how we feel about minority groups such as children who are deaf and blind, whether or not they should be incorporated under the advocacy.

Bor: I'm coming from a more general perspective on your bill. I'm just here to speak on the pros and cons of the bill, what is significant and what impact it's going to have on youth, because whatever comes out is going to be for us and whatever consequences come, we will have to bear the consequences. So I'm just here to speak from a more general perspective and to give my ideas and opinions.

1700

Mathora: Hi. I'm Mathora and I guess I'll start it off. I'm speaking on behalf of the part of the bill that is in regard to the children who have not been included, who are the deaf and blind, the children with disabilities and children who are on probation or police custody. In my opinion, I believe that they should be involved because there are many people who have accomplished many things in life being blind or deaf or having been disabled in any way, especially people who have been in jail or have been in police custody or on probation. Just because they had a bad past doesn't mean that they can't change the future and make their lives better for them.

Bor: I would like to continue from where she stopped. I think it is necessary that everyone has the opportunity to progress and to have these wonderful privileges so as to improve life and to have happiness and progress, especially in relation to youth and especially to us today. We see it's necessary that many of these facts and considerations that you have come out with are necessary for us. For example, when she was speaking about the deaf and blind, it is very important that every human being has such rights and privileges. There should not be any kind of discrimination or hindrances to individuals with respect to the physical, mental, emotional or any kind of problems that they have in life.

Also, I would like to attack the question where you asked, should these children and youth be included, and should all children and youth? I think everyone should be included generally because we are all equal. We might not be equal in life in terms of status, in terms of education, in terms of physically or emotionally, but we all have the same rights and we all have everything that it takes to be a human being.

Olivia: I would like to address how children and youth and the advocate will know that there is someone looking out for them. I believe that when they are brought into government control, they will be introduced to a representative when they are first and foremost and that representative should explain to the youth or child what advocacy does and how they can be contacted. That should be made mandatory, that as soon as you're brought under government control, you are told that.

How will kids be able to reach the advocate? The youth will be able to contact the advocate by mail, phone and e-mail. To prolong that, you can also suggest that if you're going to do it by mail, you supply each service or agency with a certain amount of postage stamps so that if children would like to write to you or send you coloured pictures or something, they have the ability to do so.

The advocate should produce public reports. How will they be able to be involved in this process? As I said before, they would be able to draw and colour pictures. You can collect that and it would go into a portfolio and it would be kept private and confidential. It should not be shown to the caregivers, and the selected crafts and works can be included in the reports. During these activities, I would like to suggest that there is an advocate or a representative there so that there are no barriers going on. The child doesn't feel afraid; they know that it can be open and honest.

Bor: I think that's a very good point she just came up with because for most youth, especially my friends at school and those I know, most children have many problems. Personally, there is a friend I have who is living at home with his parents but he's being abused. There are many ways he tries to come out, but because of the control of the parents and that kind of authority, he is very afraid. He seems not to find a way to come up with solutions and ways to help because he thinks there are consequences for his actions. When he comes up with anything he needs a backup. Many kids in our school or in society have problems. It's just the few who have the courage and the confidence who come up boldly to report these problems.

I think in this Bill 165 we should find ways and means to make sure youth are confident enough to come out. They should have at the back of their mind that whatever consequences come after would be for their good and they would be positive. For me personally, I was abused several times, and I didn't have the confidence to come out and report the matter, because I knew that by the time I did, I would be doomed; I would be in big trouble. But then it took me many years, it took friends, it took the knowledge that was necessary for me to have to know where to go and how to go about it so that whatever consequences came, it did not affect me in any manner for the negative, but for the good.

So I think your committee should take into consideration how the youth of our society should be able to have access to your facilities and your resources so as not to hinder some—to make sure that it is in a way that everyone can come out boldly and nobly, without any fear or doubt.

Olivia: The advocate should help to protect young people and improve their lives. So what are the things the advocate could do to protect us or the children in those situations?

The advocate should be able to act on the youths' behalf; for example, withdraw them from a particular place if they are being abused, whether it's emotionally, sexually or physically. The advocate should include the

opinions of the young people, as you are doing right now. The advocate should be elected by majority vote. All groups should be represented equally in the panel. The panel should include the major political parties; senior students and reps from youth and children's services in Canada, who should evaluate her to see if she's doing a good job; clients the advocate oversees; members of the department that he or she manages—that is, assuming that the child advocate is given the resources that will ensure that this role is effectively carried out—and lastly, the election panel or the board to which the advocate reports.

How should the advocate work with young people so that her opinions reflect what we think? The advocate should work with a team of trained undercover youth officers who are strategically placed in facilities to share in the experiences of youth, observe, and gather data. It is important that all decisions are made democratically so that the youth involved feel valued. That is very important.

How will she help young people to speak out directly to what we think? Create structured group discussions in the institutions and in facilities. These discussions can be led by a trained youth or someone in the same age group. This will help them to feel more comfortable and be more open and honest.

What responsibilities should caregivers and service providers like foster parents, social workers and others have to help young people to contact or see the advocate? It should be the caregiver's responsibility to ensure that the youths have the needed information, such as contact numbers and names, at their request. I firmly believe that this should be mandatory. In fact, these should be placed on the walls of these institutions and given in little pamphlets. The youth and children should also have the right to a private phone call without disturbances and eavesdropping, similar to when you are arrested. However, they could have mandatory limits for the time spent on the phone. For example, youths should be allowed a minimum of five minutes for advocacy calls, once requested.

What should happen to any adult who tries to prevent a young person from speaking with an advocate? Any adult who tries to prevent a young person from speaking with an advocate should be reprimanded, warned or removed from the job. If their reason is valid, this should be proven to the advocate without any contradictions—and that is none whatsoever.

How long should a child have to wait before he or she calls you back or before you can see the advocate? There should be categories of complaints, varying from sexual harassment to teasing. Depending on where the child's complaint falls and the urgency that it needs to be addressed with, that will determine when the child will be spoken to or seen. I strongly suggest that an overall time limit be placed on responses, calls, letters and/or e-mails.

What kind of powers does the advocate need to do her job? The type of power the advocate needs should allow them to be able to make immediate, urgent decisions

without going through a chain of command, providing that the reason is logistic. The advocate should also have more investigatory powers to ensure that the child's or youth's best interest is not at risk of being deterred. Without valid information, the report would not be as accurate as it could have been if the advocate had the right to more investigative powers. If the situation needs more detailed documents, the advocate should be allowed to have a legal representative to demand the viewing of the required documents. Lastly, the advocate should not be denied the opportunity to speak with or see a child or youth in any given facility or organization.

Bor: I think that's it for now. You may ask us questions.

1710

The Chair: That was a very impressive, articulate presentation. We have about four or five minutes for questions. This time we'll start with the Liberal Party, either Mrs. Van Bommel or Ms. Smith.

Mrs. Van Bommel: Thank you very much for your presentation. It certainly was very in-depth.

My first question is just going to be—I'm not from Toronto—where is Cedarbrae Collegiate Institute?

Bor: In Scarborough. It's just at Lawrence and Markham.

Mrs. Van Bommel: Thank you. When you said you got off at the wrong stop, that's something I would do, and so I was kind of curious where you were coming from.

You brought up the election of the advocate. You talk about a panel that would do that, which would include government parties, but you also talk about students being included and children being included in that selection. Would there be a number of people who could be candidates for that role, or do you see one person being presented and then the panel making a decision as to whether they are suitable or not? How would you bring it to that point?

Olivia: Basically, the idea that came about was that you would have, for example, two representatives from each political party and two main persons from children's services Canada, and, for example, if we have youth who are a part of organizations that speak on behalf of others, such as RISE or East Metro Youth Services, then you could take the leaders from that group, one or two, and they would be on the panel. Then they could elect among themselves someone to be an advocate.

Mrs. Van Bommel: Thank you.

The Chair: We'll move on to the Conservative Party. Mrs. Elliott?

Mrs. Elliott: Thank you for your wonderful presentation. The thing that came through to me, as it has with several of the presentations this afternoon, from what you're saying is that the issue of access is so important: access for youth, to be able to, first of all, know that they have rights that can be protected by the child advocate, and then access to that person, to be able to be in touch with that office and know what number to call and how to be in touch with them, but also, similarly, access by

the child advocate back to youth. They need to be able to have a free flow of information so that you know that when you've raised an issue, the child advocate will be there in order to help you, and they need to have unimpeded access, both to youth personally and to their records and all the information about them, so that they can resolve issues.

So thank you for bringing that forward very directly to us.

The Chair: For the NDP, Ms. Horwath.

Ms. Horwath: I too want to congratulate you on a very well researched, well-thought-out and articulate presentation. You did a great job.

I have a couple of questions, just quick ones, picking up from what Ms. Elliott was saying about access to the advocate. In a couple of other presentations, young people were talking about time frames; for example, once you make a call, you expect a return call by a certain time, and there was a bit of back-and-forth about how long you should have to wait after you've made a call to the advocate before you get the callback, assuming that when you call, you are leaving a message or you are expecting a return call.

Did you talk about that at all in your discussion about this bill? Any suggestions or thoughts?

Bor: Yes. She spoke about it clearly in her presentation. If I remember, when she spoke, she gave a minimum time limit of five minutes.

Ms. Horwath: No, no. I heard that part, that when you call the advocate you have a minimum of five minutes at least to speak to them while they are on the phone. Maybe I was not being clear. I'm talking about, if you make the phone call, how long should you have to wait before—let's say you make the phone call and there's nobody there to answer your call, so you've left a message: "I'm so-and-so. I'm calling from here. I really need to speak to an advocate. Can you either call back or send somebody?" From that time, how long? Should there be a maximum amount of time that you should have to wait before you get a response back from the advocate's office?

Olivia: As I said earlier, it depends on the urgency. If it's a case where the person said, "I'm being abused, and it's sexually," then that should hit top of the line. So whoever gets that callback, that should be the main priority, to call that person back and find out what's happening. If it's a case where the person calls and says, "I'm from here. I'm Sarah Doe. I don't like where I'm living," and so and so—if it's not that important, then you can put that in a period gap of between 48 to 62 hours to get a response. But the main idea is that the advocate is supposed to be there to protect their rights, to look out for them, for children in government control. It doesn't make sense if you have government control and five days later no one is responding to them. So there should be a three-day limit to calls that are not as urgent as the previous ones or others.

Ms. Horwath: I appreciate that, because I think the important thing to keep in mind is, if we're going to have

a successful independent child advocate office that's going to be able to meet the spectrum of needs that you talk about, then we have to make sure that that office has adequate resources from the government to do its job effectively for young people and with young people. That's why I was asking a little bit more about that, because I think you've identified very clearly that there is a spectrum. In the hospital, when you get triaged, right?—the same kind of thing. I really appreciate your thoughts around that.

Bor: Just to highlight her point, she spoke of importance and urgency. Some youth, some people calling your office or your advocacy might not be able to be detailed on the phone. So I think your responses should be immediate, irrespective of how urgent the matter is. Some people might just report a complaint without any details, and you might not know what's actually going on. I think, from my perspective, your response should be immediate and there shouldn't be any limitations as to how and in what manner you should respond. It should be immediate to every youth. So far as a call is made, it should be responded to.

Ms. Horwath: I appreciate that. Thank you very much.

The Chair: Thanks for coming out. Both Mr. Bal-kissoon and myself represent ridings in Scarborough, and you've made Scarborough very proud today with your presentation. So keep up the good work. Thank you very much. Class dismissed.

REGIONAL MULTICULTURAL YOUTH COUNCIL

The Chair: The next group is the Regional Multicultural Youth Council: Amanda, Valentina and Alicia. The process here is just basically that we'll hear from you for up to 15 minutes. If you finish before that time, then we may have some questions for you. We're right on time. We've got some flexibility, but we're trying to stick to that time limit. If you would just identify yourselves, your first name.

Amanda: My name is Amanda, and I'm from Thunder Bay.

Alicia: My name is Alicia, and I'm from Eagle Lake First Nation.

Valentina: My name is Valentina, and I'm from North Spirit Lake.

The Chair: Welcome.

Amanda: We're here on behalf of the Regional Multicultural Youth Council. The youth centre is a network linking all youth in small isolated communities across Ontario. I'm 19 years old, originally from Longlac First Nation. My community is located on Highway 11 outside of the town of Longlac. I'm the oldest out of my brother and sister, and all three of us have been in care for most of our lives.

We are very pleased to be invited to take part in these hearings. It makes us feel important that we are being asked to share our ideas and express our opinions. Someone said that the most precious resource is our children,

and I really think that's true. We are glad that our political leaders are taking time to consult with youth about a position that will have a big influence on the future lives of so many young people.

We welcome the establishment of the independent child advocate to work with and for youth in care. This voice should be free from government interference.

1720

When I was younger, I addressed many situations to my workers about the foster families I was living with, from verbal abuse to physical abuse. To this day, I still haven't gotten any feedback from them to say what I should have done about the situations.

From my experience, I feel that the office of the chief advocate should be able to respond to any issues raised by kids, regardless of how small the problem may seem. The office should have powers to investigate complaints and given a set time to respond. If the workload increases, resources should be given accordingly to make sure that all kids feel they are being listened to.

We like the toll-free number for accessibility, and brochures, pamphlets and anything else to publicize kids' help lines. However, more could be done to engage schools, youth centres, church groups, recreational centres and more to reach all kids and raise awareness of the help, resources and supports that are available to them. Obviously, this will mean more work for the chief advocate, but addressing their concerns early is a preventive strategy, and this should be considered as an investment in the well-being of the next generation.

Therefore, we feel that the independent chief advocate should have the capacity to review programs for youth in care, monitor their effectiveness and recommend best practices that will make a difference. Otherwise, the number of youth in care will continue to increase when issues are not addressed, and kids become bitter parents. If all they know are negative experiences, their kids will continue the cycle.

The chief advocate should also be able to work with youths and consult with them on a regular basis on their needs, interests and concerns, and solicit input to improve services and programs. Involving youths in the decision-making process makes them stakeholders. This will give them a sense of ownership of what is going on and encourage them to be accountable for their destiny.

Alicia: Good afternoon. My name is Alicia and I'm from Eagle Lake First Nation outside of Dryden. I am 17 and have been in care since I was a year old. I've lived in Eagle Lake, Kenora and many other foster homes. I recently moved to Thunder Bay.

I'm very grateful for being given a chance to contribute to the discussion about the creation of an independent child advocate. From my experience in care, I feel that it is very important to have someone to turn to when problems arise. I also feel that kids who are voiceless need to be heard and their concerns should not be influenced by politics. Therefore, an advocate who is independent of government interference will be able to give a more objective opinion to address problems and improve the system.

Having lived in Eagle Lake and Dryden, we're far away from the government in Toronto. We are in a different time zone, and this adds to the feeling of isolation. Our communities are small and seem powerless compared to the many people who live in southern Ontario. Sometimes we feel that our issues are overlooked due to political pressure from the more populated regions.

I would like to recommend that the advocate office should have regional deputies to ensure that we all have an equal voice. I believe that this will be better for our children and youth in small remote communities. Thank you.

Valentina: My name is Valentina. I am 17 years old. I come from North Spirit Lake First Nation, which is a fly-in reserve located north of Red Lake. It is a small community with just under 400 people. I have been in care since I was 10 years old. Fortunately, my foster home is with my grandparents.

We are here to support the creation of an independent child advocate that is arm's length from the government. This will help to ensure some objectivity when dealing with matters that may be politically sensitive. I have been talking to many students at Dennis Franklin Cromarty First Nations high school, and we are aware of growing numbers of aboriginal children and youth in care. A majority are a living legacy of residential schools, and this trend will continue unless there is intervention to break the cycle.

We feel that the office of the chief advocate should be sensitive to the challenges faced by aboriginal children and youth experiencing the intergenerational impacts of residential schools. With parents with no parenting skills who are failing as positive role models, mental health problems, addictions, poverty and disease are rampant.

There is an overwhelming sense of hopelessness. It is no wonder that many aboriginal youths are committing suicide at a rate that is higher than the national average.

Our situation is unique since we are indigenous to this land.

Unfortunately, the numbers of aboriginal youth in care will continue to increase when kids at risk become parents and all they know and have been exposed to are the negative lifestyles of their parents.

Therefore, we feel that an independent child advocate should have the capacity to review programs for youth in care, monitor their effectiveness and recommend best practices that will make a difference.

The child advocate should also be able to work with youth and consult with them on a regular basis. Involving youths in the decision-making process and giving them a sense of ownership in shaping their destiny will help to advance their cause, status and well-being.

The Chair: Thank you very much. We have about six minutes, so there will be two minutes per party. We started last time with the NDP, so we'll start this time with the Liberal Party.

Mrs. Van Bommel: Thank you very much for coming and doing this presentation. I'm sure it's quite a trip from Thunder Bay.

Tell me a little bit about the Regional Multicultural Youth Council. What kinds of things do you do? How many of you are involved? Do you have an adult counsellor?

Amanda: I've been volunteering for the youth centre since maybe grade 9, when I was 13 years old, so for about six or seven years.

We do all kinds of things. We have dances and all kinds of things to get youth out of trouble and keep them off the streets and give them a place to go. There's a youth centre with computers, food and coffee and stuff like that. It's basically a place where kids feel safe.

There is an adult there, and he has been running it for quite a few years.

Mrs. Van Bommel: How many young people would use the centre?

Amanda: There are a lot; I don't even know how many. I know that when I used to go to the dances when I was in grade 9, there were always at least 60 or 70 kids every Friday.

Mrs. Van Bommel: So everybody likes to go there?

Amanda: Yes.

The Chair: I will move on to the Conservative Party and Mrs. Elliott.

Mrs. Elliott: Thank you so much for being here. I just want to tell you how much I admire you. You're a courageous, self-assured and wonderful group of people.

You've told us today how much it would help you in the things that you're doing, in all the positive things that you're trying to do to bring hope and best practices and be real role models in your communities, and we want to do whatever we can do to support you in your efforts by strengthening and modifying this act with the child advocate so that we can make it be all it should be for you in your efforts.

The Chair: Next is the NDP and Ms. Horwath.

Ms. Horwath: I, too, want to thank you all for the presentation. It was very good.

I want to say that I appreciate the way that you listed your ideas of where we could provide information about the existence of the independent child advocate; I think that was very helpful. You talked about your centre and schools and churches and community places, and I think that's really important information.

You also talked a little bit about engaging young people and how important it is to actually engage young people and improve the system. Based on what I'm hearing from you, I think that a piece of this bill that we need to build in is not just having the advocate working on behalf of individual kids, but also finding out where the system needs to change to make things better for the future.

Do you think that the advocate should be doing that work, by engaging young people in a discussion about what needs to change? Do you think that a part of the job of the advocate, moving forward, should be to engage the youth voices in identifying where the problems are and how to fix them?

Alicia: Yes, I think that would help a great deal

Ms. Horwath: So people like yourselves, the work that you do in the community, you would be the natural people, then, the advocate—for example, if we can get an advocate for First Nations kids in the northwest, people like you would be the very people the advocate could then go to to talk about how to make things better for your brothers and sisters and your kids and your community.

Amanda: Our peers, yes.

Ms. Horwath: That's great. Thank you very much.

The Chair: Thank you for your very, very thorough presentation. It was very enlightening.

1730

TOWN YOUTH PARTICIPATION STRATEGIES

The Chair: We'll move on to our next deputation, TYPS, Les Voakes.

Mr. Les Voakes: Good afternoon. My name is Les Voakes and I am the executive director of TYPS, Town Youth Participation Strategies.

A short introduction of who and what we are: We're a registered non-profit charitable organization and we work with many of the same youth you just met. The Thunder Bay youth centre is actually a member of TYPS. We work with youth centres across Ontario. We represent particularly the ones in smaller communities and small towns, but we have representation everywhere, including the Big Smoke, here in Toronto. But our emphasis has always been in the smaller communities and small, rural towns and northern areas.

Bill 165 was brought to our attention as it was evolving and we felt that it was a very important piece of legislation to comment on as it was moving along. It was very fortuitous that we were able to bring it forward to our conference, which was just a few weeks ago, and have quite a number of young people address points about the legislation and discuss it. Many of our youth members who go to the youth centres are in care, have been in care or may very well possibly be in care down the road.

They're youth centres. They're very much, as was explained by the people just in front of us, drop-in places. They're places for young people to go and meet with each other as well as have friendly faces and adults who are there to give advice and referrals and assistance.

First, just briefly, I think Bill 165, from the conclusion of the youth who were at the meeting, is a very important step and a very much needed and is literally a benchmark piece of legislation to provide an advocate. It was seen as very important, particularly for the youth who had been in care in the past and who fully appreciated the potential. They also recognize very much that this is new and groundbreaking for Ontario, so, again, they welcomed it very much.

They did, of course, have many suggestions and thoughts on the matter. My apologies; it is very rare that I show up without at least two or three of the youth. We have a youth board that goes with me pretty much everywhere, but this was a bit of a challenge of short notice

and distances to get here. But I was entrusted and you're stuck with me.

Briefly, one of the main things that came out almost immediately was that, as important as this is for youth in care, their immediate reaction was, "What about all youth in Ontario?" All youth in Ontario could use an advocate. There is a real benefit to that in many ways. To quote one specific line from one of the youth, "A system created out of need or to cover crisis only does not always work. It is easier to react but it doesn't always give a voice to those youth that need it and it becomes a part of the system, something that's like, 'We're here to fix your behaviour,' rather than 'We're here to help you.'"

I think that summed it up very nicely. They wanted it to be an organization or a person who they know; whether you're in an institution or in care or not, that is the telephone number to call, that is the person to try to reach.

There are other points that I'll try to go through fairly quickly and systematically. That way, it's easier for you to ask questions.

It was felt that Bill 165 currently, the way it was written, was very restrictive to the advocate in the potential for being able to investigate matters. The youth recognized particularly, right away, the limitations of not being able to open files in all institutional organizations and see what was going on. Those who had actually been in an open custody situation or through probation systems etc. knew very well that what it says in those files is often very important to whatever their points might be, and they wanted those available and accessible.

They also felt that there was no reason why the advocate shouldn't have access to any file or organization or institution that is funded by the province of Ontario. If it is the advocate's ability to look into matters, why not?

Having no mechanism of guaranteeing reasonable access by children and youth was of great concern. The act says they must be informed about it but it's kind of vague on how, when and what happens to someone if they don't. Those are the sort of questions that came up. They felt that the legislation should be strengthened in that way, to actually have it ingrained. Some of the discussions that I had with some of them were that occasionally those are things that get put in later on in policy and procedures rather than in legislation, but they felt very strongly that it was something they wanted very clearly, with teeth, not something that's a nice little policy somewhere that might be ignored occasionally.

Bill 165 does not include the role for the advocate to prevent circumstances that might be harmful, detrimental and conflictual. It seems to be much more of a reactionary role only. They felt, as one quote says, that there is a role there to look into things before they get out of hand, before the person is in care, and maybe even prevent them from becoming in care. Again, they understood there are limitations to law and legal systems, as such, but they felt there is a role there.

One of the interesting things that came out from one youth was, why not have any new piece of legislation, no matter what level of government—whether it's muni-

cipal, provincial or federal—be vetted through this person, to take a look at it and see, how could that affect youth? How would that affect youth going into care or maybe prevent them from having to go into care? Is it a child-friendly or youth-friendly piece of legislation or act? We thought that the child advocate would be a very unique role for that and their office.

I said this, they said that, so I'm not going to repeat it. They're interested in the broader issue of in care.

The advocate's role does not include reporting on findings and the making of recommendations beyond a reactionary piece to what they are called upon. This again is the idea of, why not do more consultation? I think you heard that from the previous delegation too. The advocate could have a role, whether it's in the legislation or it's something that's written in as an addition. Especially in rural communities and smaller communities across Ontario, there are a lot of non-institutional organizations, like youth centres, Boys and Girls Clubs, Big Brothers and Big Sisters, that are often serving an advocate-type role for the youth in their community and also have first-hand knowledge of what the issues are from the perspective of that community. They seem to be—I can tell you, from our partners and our members—very willing partners if they simply are asked and given a piece of time for that.

Another concern was, who is this advocate? Where are they coming from? Who gets to say who gets to be the advocate? Depending upon where you are from and your perspective, that's very important. If you're from the north, we should have an aboriginal face to that advocate or, at the very least, somebody who is from the north and understands it. It is a very different world there. So is it in small communities and farm communities that are sometimes not very far from big cities but are a very different world and have different issues, particularly regarding access to services. This has great impact from an advocate's or a youth's point of view, particularly in care, because it has a cascading effect on whether or not follow-up can be done regarding aftercare from a program.

For example, if a young person is in an open custody and part of the open custody's program is home visits, being part of a substance abuse program and that sort of thing, it's probably very difficult to manage some of those things, and you could find yourself in breach of conditions very quickly in a small community, where the closest place you can access those programs is maybe a two-hour drive, with no transportation to and from. So again, this is a big issue of having somebody who actually understands those issues: that transportation is not jumping on a TTC bus or a subway and getting somewhere quickly.

1740

The other suggestion is in terms of who the person is. The youth would like to have a voice in that. They feel that, in the selection of the individual, they have some wisdom and something to say about who is the advocate. There are many youth who immediately volunteered to help in the selection committee if you're interested. They

would also be willing to serve as an ongoing advisory committee, and I think you've heard that before. The TYPs conference had 200-some-odd youth, and I probably would suggest that about two thirds of them at least had some voice in these comments. So, you would have a lot of volunteers very quickly.

I'm trying to wrap up as quickly as I can. Sorry, I've lost my place.

The other issue, and I have to say that this is probably mine more than the youth, because they really believed—they're interested and very concerned that whatever the legislation says the advocate can do, that they will do. They want to know that that's going to get done, and in what way responses will be given. I use the words "time frames" and "timelines." I think that is very critical to have in there. There's a lot of legislation that is very clear on that. Sometimes that is put into policies and procedures. I'm quite familiar with ones, particularly regarding open custody. I used to manage open custodies, where there are policies, but they're not law. Law is important, especially in response to a young person: a week seems like a year to a young person in many regards, especially if they're in a crisis or feeling that they're being dealt with unjustly. Time is of the essence. Some timelines, I think, are pretty reasonable to suggest getting back to people and getting responses back, within reason.

I ran through them fairly quickly because I thought that was the best way, and I also knew that you were hearing from a few delegations that I thought—with the youth—would be able to say it better than myself.

The Chair: Thank you, Mr. Voakes. You've pretty well used up the time.

NETWORK GROUP, PAPE ADOLESCENT RESOURCE CENTRE

The Chair: We're going to move on to our last deputation of the afternoon. It's the Network Group, Pape Adolescent Resource Centre: Victoria, Julaine and Sashan. I hope I said the names right.

Victoria: Hello. Thank you for your time. My name is Victoria, and this is Julaine, and this is Sashan, and we are members of the Network Group.

I am 18 years old. I am currently attending CDI College, and I'm taking travel and tourism.

I have been in Catholic children's aid since I was five, so it has been around 13 years, and I have never heard about or used the advocacy office until this bill was presented to us in the Network Group this year. I have been through a lot and I wish that my social worker or my foster parents would have told me sooner about this kind of agency.

We are here as representatives of the Network Group, which is a part of the Pape Adolescent Resource Centre, also known as PARC. PARC is a joint project of the Children's Aid Society of Toronto and the Catholic Children's Aid Society. It has been core-funded by the Ministry of Community and Social Services since 1985 and receives additional funds from other government and private sources. It is a great preparation for independence

for young people with child welfare experience between the ages of 15 to 24.

With your permission, we would like to use some of our time to ask you a question at the end of our presentation.

Julaine will now present.

Julaine: Hi. My name is Julaine. I'm 17 years old and I'm a youth in care. I'm in grade 12 and attending Cardinal Newman Catholic high school.

For the last two years I've been a member of the PARC community. When I first came to PARC, I was just a participant, learning many of the skills that I needed to survive and to improve myself. I've learned to improve my socialization skills and my leadership skills.

As a youth in care and living in a foster home, I don't get opportunities to hear about the different programs and agencies that can really help young people develop and improve themselves.

PARC is a great organization, and I hope that all youth in care get a chance to become a part of our community.

Although my life is going pretty well and I'm graduating from high school in June and have been accepted into a program at Centennial College in September, a few months ago my life was in turmoil. In a childish and stupid moment I did something wrong that will have a major effect on my future choices in life.

I lived in a foster home with a great foster mother and other foster kids. One night I was roughhousing with my foster sisters, the situation got out of hand and at the end of the night I was charged with assault. Thinking back, I don't know how this happened and I will regret this event for the rest of my life.

If I'd known about the advocacy office at the time, it would have been nice to have their support and assistance.

Most times it's very hard for youth to communicate their needs and issues, especially to authority figures. Having a youth advocate would have been a nice thing to have.

Sashan will speak now.

Sashan: Good evening. My name is Sashan. I'm 16 years old and a member of the Network Group. I attend Mother Teresa Catholic Secondary School and I am in grade 11.

I have been in care for a year and a half and have been a part of the PARC community for about a year now. Currently, I'm living in a foster home. This is my second foster home since I have been in the care system. I feel that my experience in the CCAS care has been a living nightmare. I was taken out of one situation for my protection, but I don't feel protected—anything but.

My foster mother and my CCAS worker don't understand me. I feel lonely and alienated. I am not claiming to be the best kid ever, but I think that I deserve to be listened to and that my problems and issues are just as important as any adult's.

When you are a youth in care, you feel powerless. First, you have no one to speak on your behalf, and

second, you're young; therefore, you are easily dismissed.

Living with a foster family is very difficult. My foster home is a fake family ideal. My basic needs are being covered, yes, but no one cares about my soul or my emotional needs.

The treatment of my foster family's biological children is so very different from the way they treat us foster kids. When they take their family for summer vacations and Christmas holidays, us foster kids have to find somewhere else to go.

My issues may not be large or important to others. I hear a lot that if my basic needs, such as food and clothing, are covered, then why am I complaining? I guess what I'm trying to say is that even though my belly is full, my soul is crying out and no one is listening.

A simple thing like hair care becomes a big issue for the care system. Black kids have been in the care system since before I was born, yet when I say to my worker, "I need extra money to make sure my hair's healthy," she doesn't seem to understand what I am talking about.

Canada, and especially Toronto, is supposed to be a very multicultural place to live. However, when I ask for something culturally specific, I have to beg and degrade myself to get any attention, and most times the answer to my question is, "We don't provide that."

The advocacy office should help youth advocate for our rights, but they should also help us advocate for our other needs in our lives.

The Network Group has five recommendations for the advocacy office to better help youth in care.

(1) The office should not be problem-focused but effective-service-focused.

(2) Youth in care need advocates for our lives, not only to advocate for our rights.

(3) It is the advocacy office's duty and responsibility to let youth in care know about their agency; for example, use new technology to advertise, i.e., billboards, radio ads, Internet and TV.

(4) Respond to youth issues in less than 24 hours: We think their mission statement should be, "Youth issues are immediate. Therefore, we should provide immediate response."

(5) Mystery advocate: Advocates should have the power to visit foster homes and group homes without informing even the youth workers, the youth's worker, foster home or group home.

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Victoria: Now we would like to ask you a question. We want to know, what is the most valuable piece of information you have learned in this hearing?

The Chair: We'll start from the right and work our way around the table. The way it works is that—is that the end of your presentation?

Victoria: Yes.

The Chair: Okay, that's great. We've got about eight minutes left, so we'll go through the three different parties and they can ask questions or comment or maybe even answer your question. We'll start first with the Progressive Conservative Party.

Mrs. Elliott: I think I would say the most important thing I've learned is the need to have youth involved in the whole process. That covers every aspect of this particular bill and the role to be played by the child advocate. We've seen it from a variety of perspectives, particularly from all of the youth organizations that we've heard from this afternoon. To me, how important the whole idea of accessing communication is and how youth need to be able to know there's somebody out there fighting the good fight for them and being there for them when they really need help—that's a perspective that we can only get from you. So I thank all of you who are here today, and I think that's an invaluable piece of information or advice that we've heard from all of you. Thank you.

The Chair: We'll go then to Ms. Horwath for the NDP.

Ms. Horwath: Thank you very much. I really like the way you turned the tables at the end of the last presentation. Now we have to answer the questions.

If I've learned one thing in the course of these two days it's how much, although I hear statistics about youth, particularly youth in care and First Nations youth and racialized communities and we talk about things like cultural sensitivity and those kinds of issues, we talk about it at a theory level. There are statistics. But what I've learned and what I value so much from what you've brought in your discussion is what's really happening in your lives and how the systems that we talk about and that we're trying to fix have affected you. That's something of value that I have to say thank you for to you, all three of you, and then to every other young person who has shared with us. I think that that's the most important part of your being here. So I think I've learned how much information, how much insight, just how much you have to offer in making this bill—and hopefully other ones in the future that have to do with young people—work for you. So I want to thank you for that.

But I did have one question for you. We talked a lot through the last two days about the requirements of letting kids know about the advocate's existence and making sure that they're told. Every single one of you has said you didn't even know that there was an advocate when you needed an advocate the most, probably; you didn't even know that there was one. I don't think that's unusual. I think, absolutely unfortunately, that's the reality and that's what we have to fix. Right? If the independent office of the child advocate is not known to the very people who need it the most, then we have failed. One of the things that came up was, are there things that we can do to sanction or to—some people talked about fines, maybe, fines for not letting children know that there's an advocate available and giving them access to the advocate. I'm not sure who it was who mentioned, and I think it might have been Victoria, the fact that your social worker didn't even tell you that there is an advocate. Was it you who said that? Your social worker didn't even tell you.

Victoria: Yes.

Ms. Horwath: I started to think if there isn't some other—so as we talk about awareness through posterings and through the Internet and TV and all those other things, do you think there needs to be some obligation to the social work profession in making sure that they know of the independent child advocate and they are required to let you know when they work with you in the community and in the homes and different things? What do you think of that? Does that make sense?

Julaine: That is actually a great idea. Some people—like my foster mom when I moved in, she's like, "Oh, the number is on the board if you need it." Right? She didn't explain what it was to me. So it's there, but they don't give you a lot of information about it. I think when you get placed in care, the social worker should tell you who they are and what they can do for you. I think that would be a great idea. I think that would be a wonderful idea, for the social worker to know about it and to let us know about it. They will say, "Yes, it's there, the number is right here," but they won't tell you what it is for. So you're like, okay, that's the number that I can—it's just there.

Ms. Horwath: So they should have more of an obligation as part of their profession to inform you and make sure you have access to the advocate.

Julaine: Yes.

Ms. Horwath: That's really great. By the way, I went to a high school named Cardinal Newman as well. It was in Hamilton. Thank you very much. You're wonderful women.

The Chair: We'll finally move to the Liberal Party.

Ms. Smith: Sure, I'll go first. I want to thank you for coming. I think the one thing that I learned was that no matter where you are, you need more information. We certainly heard that from our First Nations groups, the youth who came from the far north, and then right downtown Toronto, and from everybody in between. It doesn't really matter where you are, but you need more information about what's available to you, and, as you said, a little explanation about what you're being told it is. I really appreciated your presentation.

I wanted to know a couple of things. I lived on Carlaw, right near Pape, for a number of years. So I just wondered where the Pape Adolescent Resource Centre is and also, how you came to find it, because you're coming from three different places. Is it Akisha?

Sashan: Sashan.

Ms. Smith: Sashan, sorry. You talked about feeling isolated and very set apart in your new foster family. I just wonder how you found your way to PARC and how that came about and how we can get more people involved in organizations like this.

Sashan: I actually found my way to PARC by my fellow presenter, Julaine. I was actually told about PARC by my social worker, but I wasn't given as much insight about it. As well, I was not told anything about the advocacy office.

Julaine: PARC is located at Pape and Withrow. I know about PARC through my foster mom, my first foster mom. She told me that they are having a summer

program that they run every summer and you go and they teach you independent skills, socialization skills, how to make a resumé, how to find a job, do an interview with you and stuff like that. And then after that, they have night groups from Monday to Thursday. On Monday you have the relationship, on Tuesday you have art, on Wednesday you have the network and on Thursday you have the men's group, and you choose which one you want to go to—except for the men's group if you're a lady. You choose which one you want to go to, and you go to the after-school program and you basically join up from then. That's how I knew about it, and I've stuck to it ever since I've been in care.

Ms. Smith: That's great. I'm glad the program is there for you, and I'm glad you've been able to spread the word.

Julaine: Thank you.

Ms. Smith: Thanks a lot for coming today.

Mrs. Van Bommel: I want to say thank you very much for coming in. In terms of answering your question, I've learned a lot. I had to think about it for a bit, just to kind of say what was one identifiable thing.

As government, we do a lot of things. We have a commissioner for the environment, we have an Auditor General. We make a lot of appointments; we try to set up a lot of people to help the communities. But I think what I really learned, especially from the young people who have come before us in the last two days, is how really important the youth advocate is and the job that that's going to be, because of all the uniqueness. All of you have put a different face on this in some way or another. This is a very important role. It sets your life course for all of you as you go through.

As a parent and a grandparent, I know the influence adults can have on where children go. I know from my own community—it's a very rural community, and someone talked about the rural aspects and the issues of transportation in just getting to a centre. We've seen aboriginal people, we've seen people from the inner city. Everybody is different, and the advocate is such an important role. I wonder how we're going to address this properly so we can do this in a way that we can give everybody what they need. That's what really worries me, I guess, coming out of this, is that this is one role that is so critical to the future of all our children in Ontario.

The Chair: Thank you very much, and I want to thank you for coming here. I can say that I've learned how good the youth are at making their presentations—really good presentations that actually scare me because they're so good. Thank you for coming.

This committee stands adjourned. We finished at 6 p.m., on time, Mr. Zimmer.

Mr. Zimmer: Thank you.

The Chair: We're adjourned until Thursday at 9 a.m.

Victoria: Once again, we'd like to thank you for your time, and on behalf of the Network Group, we would also like to invite the committee to visit the network program one night. We meet every Wednesday from 5:30 to 8, and dinner is served around 5 to 5:30.

Ms. Horwath: Thank you.

The committee adjourned at 1802.

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