

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

JP-14

**Journal
des débats
(Hansard)**

JP-14

**Standing Committee on
Justice Policy**

Supporting Children, Youth
and Families Act, 2017

2nd Session
41st Parliament

Thursday 27 April 2017

**Comité permanent
de la justice**

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

2^e session
41^e législature

Jeudi 27 avril 2017

Chair: Shafiq Qadri
Clerk: Christopher Tyrell

Président : Shafiq Qadri
Greffier : Christopher Tyrell

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



ISSN 1710-9442

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

CONTENTS

Thursday 27 April 2017

Supporting Children, Youth and Families Act, 2017, Bill 89, Mr. Coteau / Loi de 2017
sur le soutien à l'enfance, à la jeunesse et à la famille, projet de loi 89, M. Coteau.....JP-333

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 27 April 2017

Jeudi 27 avril 2017

The committee met at 0900 in committee room 1.

**SUPPORTING CHILDREN, YOUTH
AND FAMILIES ACT, 2017**

**LOI DE 2017 SUR LE SOUTIEN
À L'ENFANCE, À LA JEUNESSE
ET À LA FAMILLE**

Consideration of the following bill:

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

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. Welcome to the Standing Committee on Justice Policy, to all those who want to be here and all those who are required to be here—both. We're here, as you know, to do clause-by-clause consideration for Bill 89—dis-pense. I won't read the title.

Mr. Potts, I believe you have a committee motion that has been agreed to, in spirit by all concerned, but you need to enter it into the record. Please proceed now.

Mr. Arthur Potts: Thank you, Chair. I appreciate the opportunity to read it into the record.

I move that the Chair, on behalf of the committee, write a letter to the three House leaders requesting that the House move a motion authorizing the committee to meet outside of its normally scheduled meeting times, from 1 p.m. to 2 p.m. on Thursday, May 4, 2017, for the purpose of considering Bill 89, the Supporting Children, Youth and Families Act, 2017.

The Chair (Mr. Shafiq Qaadri): I can commit to the fact that the letter will be written—

Mr. Arthur Potts: It will be?

The Chair (Mr. Shafiq Qaadri): —as opposed to that I draft it personally.

Any discussion? Mr. McDonell.

Mr. Jim McDonell: We're meeting on this. We've made some accommodations so far. It's a busy place here, especially when you live out of town. I think that the committee is at a certain time for a reason. There are many committees through here that are pushing bills through.

I think that the time that we allotted here is enough. We're looking at from 2 p.m. to 6 p.m. that day, which is four hours. I know the government has a problem. They have almost 200 amendments to the bill, but we've been working on them. We haven't been delaying them, and I think we've been very co-operative here, trying to move this through as quickly as possible.

We have plenty of time to work on this. We'll likely get done next week, or certainly the week after, so I think we're fine with the time allotment.

The Chair (Mr. Shafiq Qaadri): Just to be clear, the subcommittee member for the Conservative Party is Ms. Martow. I do believe we received an email agreeing to it. But in any case, just letting you know.

Miss Taylor.

Miss Monique Taylor: I will vote in favour of this, because I know the importance of making sure that we get this work done that is before us. But I would like to be on the record again that it's unfortunate that the government has put us into such a squeeze on time when it comes to a very important act that will shape generations of children for years to come.

I will vote in favour, but it's unfortunate that we've been put into this position.

The Chair (Mr. Shafiq Qaadri): With due respect to the comments, the issue is really the fact that there is the budget coming this afternoon, which interrupts our further time.

In any case, are we ready to proceed to the vote? All those in favour? Those opposed? Carried.

All right. We have no motions received so far for sections 92, 93 and 94. May I take it as the will of the committee to consider all three of those simultaneously?

Ms. Ann Hoggarth: Bundle them.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Hoggarth, for your specific endorsement.

All those in favour of sections 92, 93 and 94? All opposed? Carried.

We'll now proceed to section 95, NDP motion 136: Miss Taylor.

Miss Monique Taylor: I move that subsection 95(9) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out.

Once again, as we have spoken to in the past—and we've seen these other amendments in the past come forward—this gives the same rights to youth who are under 12 that it gives to youth over 12. We just want to

have consistency across the board. This is a recommendation from the child advocate.

The Chair (Mr. Shafiq Qaadri): Comments before we proceed to the vote? Questions? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 136? Those opposed? NDP motion 136 falls.

Miss Taylor: NDP motion 137.

Miss Monique Taylor: I move that subsection 95(10) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, is amended by striking out "12 or older".

Yet again, Chair, this is another try to ensure that youth under 12 have the same rights as youth over 12.

The Chair (Mr. Shafiq Qaadri): Comments on motion 137? Ms. Martow.

Mrs. Gila Martow: I think that we have to treat the professionals who are working, the youth workers, the children's aid society, the child care workers—we have to treat them as professionals. I think that we have to find a way to decide not just based on ages, but also based on ability and situation and things like that. That's the challenge.

I understand what the member beside us is aiming for. Children want to be involved and want to have a voice.

The Chair (Mr. Shafiq Qaadri): Mr. McDonell, and then Ms. Kiwala.

Mr. Jim McDonell: I believe that children are very different at that age. Some of them develop faster, some of them slower. To put a hard age on it—I think we have a lot of professional people working at the family services, at children's aid. They should be able to make that call. Circumstances are all different, and I think that that's an important part, having flexible legislation that actually works in the field. I would think that we should be supporting this.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala.

Ms. Sophie Kiwala: Currently only children 12 and older are entitled to receive a copy of a court-ordered assessment, unless the court is satisfied that it would cause them emotional harm. Children under 12 are not entitled to receive a copy—

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala, may we ask you to once again—

Ms. Sophie Kiwala: Sorry; yes, absolutely.

Children under 12 are not entitled to receive a copy. However, there are already existing provisions which provide for the lawyer of a child under 12 to receive a copy of a court-ordered assessment, which ensures that the information is not served to children who may suffer harm or be unable to understand the information, particularly without the support of a lawyer.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 137? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 137? Those opposed? Motion 137 falls.

NDP motion 138: Miss Taylor.

Miss Monique Taylor: I'll remove that motion. Thank you, Chair.

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

Shall section 95 carry? Carried.

We'll now proceed to the next section. NDP motion 139: Miss Taylor.

Miss Monique Taylor: I move that section 96 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out "where the child is 12 or older" wherever it appears and substituting in each case "if the child's consent is required under clause 73(2)(n)".

This is a housekeeping matter, really, and we may have to actually look back, because it refers back to page 62, where "the child's parent is unable to care for the child and the child is brought before the court."

I can't remember where we were at that point, but I know this part cleans up the last part. It was probably refused by the government, actually, so it may be out of order.

The Chair (Mr. Shafiq Qaadri): Are there further comments on motion 139? If not, we'll proceed to the vote. Those in favour of NDP motion 139? Those opposed? NDP motion 139 falls.

Shall section 96 carry? Carried.

Shall section 97 carry? Carried.

We'll now proceed to PC motion 140: Ms. Martow.

Mrs. Gila Martow: I think you're going to read, right?

The Chair (Mr. Shafiq Qaadri): Mr. McDonell.

Mr. Jim McDonell: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section:

"No order without consent, person 16 or older

"97.1(1) A court shall not make an order under section 98 or 99 in respect of a person who is 16 or older unless the person consents in writing to the order.

"Exception

"(2) Subsection (1) does not apply where a determination has been made, on the basis of an assessment not more than one year before the order is made, that the person is incapable of making decisions about their personal care within the meaning of section 45 of the Substitute Decisions Act, 1992.

"Determination of incapacity

"(3) An assessment referred to in subsection (2) shall be conducted in accordance with the requirements and restrictions, if any, that are prescribed."

0910

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

Mrs. Gila Martow: Basically, when we were hearing from many deputants, they were very concerned about protecting personal information. They had a lot of privacy concerns. I think that we have to work a little harder to address some of those concerns. We're trying to make it easier to gather information and collect data, and those are all positive things. But people are right to be concerned about how that information can be accessed and by who.

We're working to use this amendment to ensure that there are privacy protections, and the right to be informed and consulted about decisions relating to the disclosure and use of personal information, and the right to access and correct personal information.

Also, what kinds of procedures are there if there is misinformation—is it there forever?—and for the right to appeal decisions made in respect of the gathering or the use of information.

There were also suggestions from the Provincial Advocate about life books, what would be in the life books and who could access them. It's very important for children to have a strong identity, but we have to balance the right to know with the need to know and the need to have a strong sense of identity.

The Chair (Mr. Shafiq Qaadri): Further comments on PC motion 140? If not, we'll proceed to the vote. Those in favour of PC motion 140? Those opposed? PC motion 140 falls.

We'll now move to the next section. Government motion 141: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 98(2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “the society or another agency or person” and substituting “the society or another person or entity”.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 141? Mr. McDonell, and then Ms. Martow.

Mr. Jim McDonell: I was just going to ask for an explanation of the change.

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

Ms. Sophie Kiwala: Basically, the amendment changes “agency or person” to “person or entity,” to better capture the range of service providers, as some may not be corporations.

As a background, the provision establishes a requirement that the courts consider what efforts have been made to assist the child before intervention, prior to making a final protection order.

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

Mrs. Gila Martow: I seem to recall that there are quite a few changes in the bill that exactly make this specific change. Once you have changed it in one part and we all understand, then we have to change it in the other parts as well, so that the language stays consistent.

I'm trying to recall. I thought that this change was specifically for indigenous communities. Is that true? Am I remembering correctly, that this was specifically to help indigenous communities that possibly were moving, to allow them to have their own oversight, more or less, and that this way, if they don't have an actual children's aid society set up in that community, an individual person could be overseeing? Maybe there's only one child in care in the whole community. You're not going to have a whole children's aid society, so one person could be that entity.

The Chair (Mr. Shafiq Qaadri): Any further comments, Ms. Kiwala?

Ms. Sophie Kiwala: Basically, just to reiterate, I don't think it's specifically with respect to indigenous communities. It's just intended to better reflect the whole range of service providers.

But you're right. There are other consequential amendments to the bill that are similar.

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 145? If not—

Interjection.

The Chair (Mr. Shafiq Qaadri): Sorry—141. Yes. Correct. We'll proceed, then, to the vote on government motion 141. All those in favour? All those opposed? Government motion 141 carried.

We have not received, to date, amendments or proposals of motions for section 99—

Interjection.

The Chair (Mr. Shafiq Qaadri): Ah. Shall section 98, as amended, carry? Carried.

We'll now proceed to 99 and 100 en bloc, if that is suitable. Will those sections carry? Carried.

We'll now proceed to section 101: government motion 142.

Ms. Sophie Kiwala: I move that paragraph 2 of subsection 101(2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“2. Any other person, including a sibling of the child and, in the case of a First Nations, Inuk or Métis child, a representative chosen by each of the child's bands and First Nations, Inuit or Métis communities.”

The Chair (Mr. Shafiq Qaadri): Comments? Ms. Martow.

Mrs. Gila Martow: I'm wondering if we consulted with indigenous communities and asked if they were supportive of this or not, because I don't remember them mentioning this particular—basically, if I'm understanding correctly, it's adding siblings so that, if there's an order to deal with one child, then the others in the home are included as well. So, basically, if one child in the home is considered in danger, we're just going to assume that the other children are in danger too, instead of having to do multiple assessments. That's my understanding of this section. I don't recall—and I'm just wondering if anybody has any—go, yes, sorry.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala.

Ms. Sophie Kiwala: There were considerable consultations with all stakeholders. This amendment was responsive to the recommendations that were made by the Provincial Advocate for Children and Youth. Family situations are extremely varied, and if there's a sibling of another set of parents or one other parent, I think it's important to be encompassing of all family circumstances. We are committed to the maintenance of sibling relationships for children in a society's care, custody or supervision when it's in their best interests to do so. So it was a recommendation by the Provincial Advocate for Children and Youth.

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

Mrs. Gila Martow: So the Provincial Advocate recommended it, but it only specifically addresses First Nations communities, indigenous communities. I'm just wondering what the indigenous communities had to say about it.

The Chair (Mr. Shafiq Qadri): Ms. Kiwala?

Ms. Sophie Kiwala: I don't have any further comment. It's intended to remove ambiguity respecting whether or not siblings have a right to apply for access orders by explicitly stating that they do.

The Chair (Mr. Shafiq Qadri): If there are no further comments, we can proceed to the vote. Those in favour of government motion 142? Those opposed to government motion 142? It carries.

Shall section 101, as amended, carry? Carried.

Section 102: government motion 143. Ms. Kiwala?

Ms. Sophie Kiwala: I move that subsection 102(5) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"When court may order access to child in extended society care

"(5) A court shall not make or vary an access order under section 101 with respect to a child who is in extended society care under an order made under paragraph 3 of subsection 98(1) or clause 113(1)(c) unless the court is satisfied that the order or variation would be in the child's best interests.

"Additional considerations for best interests test

"(5.1) The court shall consider, as part of its determination of whether an order or variation would be in the child's best interests under subsection (5),

"(a) whether the relationship between the person and the child is beneficial and meaningful to the child; and

"(b) if the court considers it relevant, whether the ordered access will impair the child's future opportunities for adoption."

The Chair (Mr. Shafiq Qadri): Comments on government motion 143? If not, we'll proceed, then, to the vote. Those in favour of government motion 143? Those opposed? Motion 143 carries.

0920

Government motion 144: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 102(7) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"When court to terminate access to child in extended society care

"(7) The court shall terminate an access order with respect to a child who is in extended society care under an order made under paragraph 3 of subsection 98(1) or clause 113(1)(c) if the order is no longer in the best interests of the child as determined under subsection (5.1)."

The Chair (Mr. Shafiq Qadri): Comments on government motion 144? Ms. Martow?

Mrs. Gila Martow: I like this sort of language better because we're talking about the best interests of the

child. We all know that sometimes decisions get made—not that they're bad decisions, but they're not necessarily made in the best interests of the child. We definitely want to keep the focus of this legislation—that decisions aren't being made based on what somehow makes sense to the government, the lawyers, the children's aid workers, the societies, but that the decisions are made because they are in the best interests of the children.

The Chair (Mr. Shafiq Qadri): Further comments to government motion 144? If not, we'll proceed to the vote. Those in favour of government motion 144? Those opposed? Government motion 144 carries.

Shall section 102, as amended, carry? Carried.

May I consider the next 13 sections, meaning 103 to 115 inclusive, together?

Ms. Ann Hoggarth: Certainly.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Hoggarth. Shall sections 103 up to and including 115 carry? Carried.

I will now move to government motion 145: Ms. Kiwala.

Ms. Sophie Kiwala: I move that subsection 116(3) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Public availability

"(3) A society shall make information relating to the complaint review procedure available to the public and to any person upon request."

The Chair (Mr. Shafiq Qadri): Comments to government motion 145? Ms. Martow and Mr. McDonell.

Mrs. Gila Martow: I just wanted to say it's kind of redundant, but I guess it increases transparency to the public or any person—basically everybody.

The Chair (Mr. Shafiq Qadri): Mr. McDonell.

Mr. Jim McDonell: Yes, I was going to ask about the basis of the amendment of the government.

The Chair (Mr. Shafiq Qadri): Pardon me?

Mr. Jim McDonell: I was going to ask why they were putting this amendment in—just an explanation.

The Chair (Mr. Shafiq Qadri): Ms. Kiwala?

Ms. Sophie Kiwala: The amendment improves the accessibility and navigability of the society's complaints process by requiring societies to make information about their complaint review procedure publicly available. It is in the interests of transparency. It's also responsive to recommendations made by the Provincial Advocate.

The Chair (Mr. Shafiq Qadri): Any further comments to government motion 145? If not, we'll proceed to the vote. Those in favour of government motion 145? Those opposed? Motion 145 carries.

Shall section 116, as amended, carry? Carried.

We'll consider, then, the next four sections en bloc, meaning sections 117 to 120. Shall they carry? Carried.

Government motion 146: Ms. Kiwala.

Ms. Sophie Kiwala: I move that section 121 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Continued care and support

“121. A society or prescribed entity shall enter into an agreement to provide care and support to a person in accordance with the regulations in each of the following circumstances:

“1. A custody order under clause 113(1)(b) or an order for extended society care under paragraph 3 of subsection 98(1) or clause 113(1)(c) was made in relation to that person as a child and the order expires under section 120.

“2. The person entered into an agreement with the society under section 76 and the agreement expires on the person’s 18th birthday.

“3. The person is 18 or older and was eligible for the prescribed support services.

“4. In the case of a First Nations, Inuk or Métis person who is 18 or older, paragraph 1, 2 or 3 applies or the person was being cared for under customary care immediately before their 18th birthday and the person who was caring for them was receiving a subsidy from the society or an entity under section 70.”

The Chair (Mr. Shafiq Qadri): Comments to government 146? Mr. McDonell.

Mr. Jim McDonell: Again, just an explanation of the reason for this amendment.

The Chair (Mr. Shafiq Qadri): Ms. Kiwala?

Ms. Sophie Kiwala: It clarifies that continued care and support for youth is an entitlement for eligible youth from care as opposed to a discretionary support.

The Chair (Mr. Shafiq Qadri): Any further comments? Ms. Martow.

Mrs. Gila Martow: I sort of understood that it removed indigenous communities from the preamble. Is that true, and why was that done? Because that was my understanding.

The Chair (Mr. Shafiq Qadri): Further comments? Ms. Kiwala.

Ms. Sophie Kiwala: Basically, it makes the continued care and support an entitlement for eligible youth by replacing “may” with “shall.”

The Chair (Mr. Shafiq Qadri): Comments? Further questions? If none, we’ll proceed to the vote. Those in favour of government motion 146? Those opposed? Motion 146 carries.

NDP motion 147: Miss Taylor.

Miss Monique Taylor: It was taken care of in the previous—so I’ll withdraw.

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

Shall section 121, as amended, carry? Carried.

We’ll now proceed to PC motion 148: Mr. McDonell.

Mr. Jim McDonell: I move that paragraph 3 of subsection 122(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “sexually exploited by” and substituting “sexually exploited, including by child pornography, by”.

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

Mrs. Gila Martow: We felt that there was something missing from this bill, and that was the sexual exploitation of children in care. We felt, and I think we can all agree, that that’s something that concerns us, even if we might not agree what to do about it. Child pornography should definitely be included in criteria for determining whether a child is in need of protection. We’re trying to address also the Child Pornography Reporting Act, and maybe that’s something that needs to be updated.

There’s a big concern, I think even in the media now, about children in care, partly based on the report that came out this week about youth aging out of care. There’s a big concern about children in care being vulnerable to human traffickers and why that is. What can we do as legislators to address that, to get ahead of it and do more prevention in terms of child pornography, in terms of the human trafficking of children and youth, more on the prevention side, and continue our efforts dealing with it, once—we have to actually address it as a problem, but what can we do to strengthen our protection for children in care?

The Chair (Mr. Shafiq Qadri): Ms. Kiwala.

Ms. Sophie Kiwala: I can’t reiterate strongly enough that obviously the safety of children is of paramount importance to the government. Under the CYFSA, a child is in need of protection if the child has been or if there is a risk that the child is likely to be sexually abused or sexually exploited by a person having charge of that child, or by another person where the person having charge of the child knows or should know of the possibility of sexual abuse and exploitation and fails to protect the child, which is in reference to sections 73(2)(c) and (d). Basically, the grounds for protection are intended to protect children against all forms of sexual abuse and sexual exploitation, including but not limited to situations involving child pornography.

The Chair (Mr. Shafiq Qadri): Further comments?

Mrs. Gila Martow: Data is showing that child pornography-related offences have increased over the last five years. The idea of this amendment is to address the Child Pornography Reporting Act, because we’re concerned that the omission of the proposed amendments to the original act related to child pornography, which is summarized in the Child Pornography Reporting Act—that the definition of “child pornography,” its inclusion in the criteria for a child in need of protection, duty to report and the penalties associated with failure to report, need to be strengthened, and excluding these very important changes is a step backwards for protection of children and youth.

The Chair (Mr. Shafiq Qadri): Further comments to PC motion 148? Mr. McDonell.

0930

Mr. Jim McDonell: I think that it just makes it very clear that including child pornography is an absolute. It makes it very clear that it’s not tolerated and there is no interpretation by the courts.

The Chair (Mr. Shafiq Qadri): Further comments to PC motion 148? Seeing none, we’ll proceed to the

vote. Those in favour of PC motion 148? Those opposed? PC motion 148 falls.

PC motion 149: Mr. McDonell.

Mr. Jim McDonell: I move that paragraph 6 of subsection 122(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“6. The child has suffered emotional harm.”

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

Mrs. Gila Martow: I don't know if people will recall, but when presenters came to the hearings from Boost, they spoke about emotional harm to children. It's difficult to assess. The symptoms are there—*anxiety, depression, aggression*—but it is difficult to assess.

I think that a big problem that this legislation is going to be facing is the long waits for mental health support for children in care, and for children in the general population as well.

We were just trying to put it in to remind everybody to consider emotional harm when they're assessing the harm to children in care. I almost feel that we have to assume that there is emotional harm, rather than assume there isn't unless their professional is able to assess that there is emotional harm, partly because if the child has been taken into care, it has to be emotionally traumatic, but also because the child's workers, the social workers, and the foster parents and the group homes are having so much trouble accessing mental health support.

We need to get that focus, get people trained and get the kids the help that they need.

The Chair (Mr. Shafiq Qadri): The requested letter asking for the extra hour is now being signed as I speak.

Ms. Kiwala.

Ms. Sophie Kiwala: The concern about this particular amendment is how broad it is. It's very important that we put some parameters around the definition so that the child protection workers, the professionals who work with those children, and even those who might be using this bill within the justice system, have something solid and concrete to work with.

Emotional harm can be incredibly difficult to recognize, so we want to ensure that we're giving a definition that is workable within the system. We also need to provide clarity when it comes to the reality of the duty to report.

We feel that we can't support the motion because the amendment may cause confusion.

The Chair (Mr. Shafiq Qadri): Mr. McDonell, then Ms. Martow.

Mr. Jim McDonell: I just have some concern, because I believe that, many times, this part of it gets left out. You look at children in the educational system. There are many, many cases of children who are dropping out and having problems. The problems are happening outside of school.

This is certainly an area that is underestimated. I believe that when I look at even my region, the mental health help is almost non-existent—very tough; long

waiting lines. For somebody like a child who has nobody to advocate for them, it's almost zero. Even if they have a parent or a guardian who is there fighting for them, it's still almost zero. You can imagine the opportunities that would apply to somebody in these societies.

I just think that it is important, it is overlooked, and it is causing problems that will haunt the individual for years throughout their lives.

The Chair (Mr. Shafiq Qadri): Ms. Martow, and then Ms. Kiwala.

Mrs. Gila Martow: What Boost was trying to recommend is that we can't be relying on some kind of rating system, and that we have to ensure that any suspicion of emotional abuse is reported.

If we're relying on some kind of mental health assessment in order to put that in some kind of a file, and there are such long waiting lists to get those mental health assessments, then those kids are falling through the cracks, as it were. Yes, it sounds vague, as the member opposite said, but we would rather err on the side of caution if there is suspicion of emotional abuse.

The Chair (Mr. Shafiq Qadri): Ms. Kiwala?

Ms. Sophie Kiwala: Currently under the act, emotional harm is already defined. A person has an obligation to report to a society if the person has reasonable grounds to suspect that a child has suffered emotional harm demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behaviour or delayed development, and there are reasonable grounds to believe that the emotional harm suffered by the child results from actions, failure to act or a pattern of neglect on the part of the child's parent or persons having charge of the child.

This amendment expands the duty to report to apply where there are reasonable grounds, and it supports your previous motion 106 but, again, as already stipulated, it's a very broad amendment and emotional harm is already identified in the CYFSA.

The Chair (Mr. Shafiq Qadri): Further comments on PC motion 149? If not, we'll proceed to the vote. Those in favour of PC motion 149? Those opposed? PC motion 149 falls.

PC motion 150: Mr. McDonell.

Mr. Jim McDonell: I move that paragraph 7 of subsection 122(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “subparagraph 6 i, ii, iii, iv or v” and substituting “paragraph 6”.

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

Mrs. Gila Martow: This is consequential to the change to 122(1), paragraph 6, so I think we have to withdraw it.

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

We'll proceed, then, to PC motion 151: Mr. McDonell.

Mr. Jim McDonell: I move that paragraph 8 of subsection 122(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended

by striking out “subparagraph 6 i, ii, iii, iv or v” and substituting “paragraph 6”.

The Chair (Mr. Shafiq Qadri): Ms. Martow.

Mrs. Gila Martow: And this is also consequential to the change 122(1), paragraph 6, so I think we can move on and just withdraw.

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

PC motion 152: Mr. McDonell.

Mr. Jim McDonell: I move that paragraph 9 of subsection 122(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “subparagraph 6 i, ii, iii, iv or v” and substituting “paragraph 6”.

The Chair (Mr. Shafiq Qadri): Further comments? Ms. Martow.

Mrs. Gila Martow: It’s also consequential to the change to 122(1), paragraph 6, so I believe we can withdraw and move on.

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

PC motion 153.

Mr. Jim McDonell: I move that subsection 122(1) the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following paragraph:

“9.1 The child has been exposed to family violence or severe domestic disharmony.”

The Chair (Mr. Shafiq Qadri): Ms. Martow.

Mrs. Gila Martow: Again, this is about clarifying the fact that even if there’s no violence to the child directly, if a child has been exposed to and witnessed family violence or severe domestic disharmony, even emotional abuse within the family, even if it’s not targeted at them, it’s considered a harmful environment for a child or a youth.

There are other jurisdictions in Canada that specifically specify exposure to family violence, domestic violence or severe domestic disharmony as a factor of physical or emotional harm. Unless training is provided I think that a lot of people in Ontario might not realize that this is something that should be reported. If you’re aware of problems in the home, even if you don’t see bruises on the child, it doesn’t mean that they’re not in a very traumatic situation.

0940

I just wanted to put on the record that in 2013, the Ontario Incidence Study of Reported Child Abuse and Neglect reported that 49% of substantiated child maltreatment investigations included just exposure to family violence. So I think it’s part of the whole mix, unfortunately. We have to ensure that it’s not a “may” be reported but a “must” be reported, so that children and families receive assistance when needed and we’re not reading about them in the newspaper.

The Chair (Mr. Shafiq Qadri): Further comments? Mr. McDonell.

Mr. Jim McDonell: I think if you have the opportunity to talk to many of our police forces, they talk about,

especially in the summertime, when it gets hot, the number of instances where there are reports of violence, sometimes very hard to prove. Right now, there’s no mechanism or requirement to follow up. I think in many of these households—in my discussions, they’re looking for a reason to provide help before it falls to charges and makes it—sometimes these families need help. There are a lot of issues with unemployment or just falling on hard times. It requires that they do get a visit, if the police figure that it’s worthwhile, and an assessment. Many times, that can be the end of it.

If we don’t intervene and provide help, of course, it leads to where you’re reading about it in the paper. That’s when charges are laid and serious problems are developed. According to many of the police people I talk to, these instances could be avoided and the family could do a great job at raising their children if they get the help they need.

Certainly, some of the particular areas that we have are worse off than others. And when you’re in neighbourhoods where there are a lot of problems—air conditioners break down. Instances where an outside agency can walk in and provide that guidance and maybe point them towards certain programs that are available to them may be all they need. So I think sometimes we have to make sure that we make that initial contact to make sure that it happens.

The Chair (Mr. Shafiq Qadri): Ms. Kiwala.

Ms. Sophie Kiwala: The current definition of a child in need of protection is inclusive of child exposure to domestic violence and adult conflict when there is a risk of emotional harm to a child. As well, such an amendment should not be contemplated without extensive consultation with the violence-against-women sector and an analysis of the impacts of similar provisions in other jurisdictions.

The Chair (Mr. Shafiq Qadri): Further comments on PC motion 153? Ms. Martow.

Mrs. Gila Martow: Again, bills are extensive and you don’t want to make them more difficult to read than they already are. Just because something is mentioned in one section of a bill, if it’s something important, oftentimes it needs to be repeated and have that focus put on it in other parts of the bill, in my opinion. I think that that’s what this is about doing. Yes, it might be mentioned in one section about emotional trauma from a difficult family situation, but it doesn’t mean that it shouldn’t be repeated in other sections as well. We see lots of things repeated over and over in different sections.

The Chair (Mr. Shafiq Qadri): Comments? Mr. McDonell.

Mr. Jim McDonell: I know what Ms. Kiwala is talking about here, but I think if you talk to the people on the ground and our police forces, they’re very much looking at avoiding trying to get to that next step. They feel sometimes having it more of a routine—that if they suspect family violence. It can be not within the family; it can be all kinds of things. But it’s the fact that the child is exposed to it because of where they’re living or perhaps

the family. It just allows them to call in that advice, the outside agency that comes in and has the discussion, finds out if there's an issue—"How can we help?" I think that's where getting because they want to leave the children with the family. That's their first goal. That's where they're going with that. But sometimes if you don't get it early the problems get much worse. People get hurt and, of course, the child can feel the impact for years and years.

I think that those messages are already coming out of our police services and it needs to be heard.

The Chair (Mr. Shafiq Qaadri): Further comments on PC motion 153? If not, we'll proceed to the vote. Those in favour of PC motion 153? Those opposed? PC motion 153 falls.

To PC motion 154R, which, I believe, is the reincarnation of 154.

Mr. Jim McDonell: I move that section 122 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsections:

"Reporting child pornography

"(1.1) In addition to the duty to report under subsection (1), any person who reasonably believes that a representation or material is, or might be, child pornography shall promptly report the information to an organization, agency or person designated by a regulation made under paragraph 9 of subsection 320(2).

"Seeking out child pornography not required or authorized

"(1.2) Nothing in this section requires or authorizes a person to seek out child pornography.

"Protection of informant

"(1.3) No action lies against a person for providing information in good faith in compliance with subsection (1.1).

"Identity of informant

"(1.4) Except as required or permitted in the course of a judicial proceeding, in the context of the provision of child welfare services, otherwise by law or with the written consent of an informant, no person shall disclose,

"(a) the identity of an informant under subsection (1) or (1.1),

"(i) to the family of the child reported to be in need of protection, or

"(ii) to the person who is believed to have caused the child to be in need of protection; or

"(b) the identity of an informant under subsection (1.1) to the person who possessed or accessed the representation or material that is or might be pornography.

"Retaliation against informant prohibited

"(1.1) No person shall dismiss, suspend, demote, discipline, harass, interfere with or otherwise disadvantage an informant under this section."

The Chair (Mr. Shafiq Qaadri): Sorry, Mr. McDonell, could you just read the thing under "Retaliation against informant prohibited" again—the very last thing?

Mr. Jim McDonell: Which one was that?

The Chair (Mr. Shafiq Qaadri): Just underneath the "Retaliation against the informant"—

Mr. Jim McDonell: Oh, "No person shall dismiss"—

The Chair (Mr. Shafiq Qaadri): Sorry, I need you to say the bracketed thing again.

Mr. Jim McDonell: Oh, "(1.1)"? Or "(1.5)". Sorry.

The Chair (Mr. Shafiq Qaadri): That's it. Okay, comments on 154R? Ms. Martow.

Mrs. Gila Martow: Again, there seems to be an omission of the fact that the Child Pornography Reporting Act was updated in 2008. It doesn't seem to be reflected in this bill. So that's the main concern here. And the definition of child pornography, its inclusion in criteria for children in need of protection, the duty to report and the penalties: This is all paramount. We feel that there's a bit of a disconnect between this bill and the Child Pornography Reporting Act.

As well, we want to ensure that as long as providing information in good faith, an informant shouldn't be afraid to come forward. They should feel that they're protected as long as they can show that they were acting in good faith.

The Chair (Mr. Shafiq Qaadri): Further comments on 154R? If not, we'll proceed to the vote. Those in favour of 154R? Those opposed? Motion 154R falls.

PC motion 154.

Mrs. Gila Martow: Wasn't that the other one that replaced this one?

The Chair (Mr. Shafiq Qaadri): Correct.

0950

Mrs. Gila Martow: So we withdraw it.

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

PC motion 154.1: Mr. McDonell.

Mr. Jim McDonell: I move that section 122 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Ongoing duty to report, child pornography

"(2.1) A person who has additional reasonable grounds to believe that a representation or material is, or might be, child pornography under subsection (1.1) shall make a further report under subsection (1.1), even if the person has made previous reports with respect to the same child."

The Chair (Mr. Shafiq Qaadri): As it required previous motions which were defeated in order to be valid, it's essentially out of order. So I'll nullify 154.1 and now move to 154.2. Mr. McDonell?

Mr. Jim McDonell: I move that section 122 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Person to report child pornography directly

"(3.1) A person who has a duty to report under subsection (1.1) shall make the report directly to any organization, agency or person designated by regulation to receive such reports, and such person shall not rely on any other person to report on the person's behalf."

The Chair (Mr. Shafiq Qaadri): For precisely the same reason, 154.2 is also out of order.

NDP motion 155: Miss Taylor.

Miss Monique Taylor: I move that subsection 122(4) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out.

This deals with the fact of whether there is a duty to report for 16- and 17-year-olds. I believe this is an exemption for them. It does not apply to them. I have to say, Chair, I'm pretty tossed on this decision. We heard from several folks who came to present before us with very differing views of whether there should be a reporting mechanism for 16- and 17-year-olds. Yet, I still fall to the fact that we have young people who are coerced into doing things. Even though they sometimes may feel that they are not in danger, as adults we may see things differently. I think that it's important that we put in safeguards to ensure that we are making the best possible decision for 16- and 17-year-olds, and that's why I ask for this to be removed.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala.

Ms. Sophie Kiwala: Mandatory reporting for 16- and 17-year-olds could result in inappropriate reporting of youth who seek community services but are not in need of protection, including youth who have withdrawn from parental control voluntarily. This amendment could also negatively impact youth who wish to use those community services such as shelters but are reluctant to use them for fear that they might be reported to a society.

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

Miss Monique Taylor: As I said, Chair, I really do understand both sides of the coin, and that's why I feel so tossed about this entire section. But I really wanted to bring it to committee to talk about it, to have that conversation and to say that: I don't know if we will ever be able to get this one right, whether this section is here or not, but I wanted to ensure that we put it on the record stating that there are 16- and 17-year-olds who will find themselves in danger, whether they believe so or not.

The Chair (Mr. Shafiq Qaadri): Further comments? If not, we'll now proceed to the vote on NDP motion 155. Those in favour of NDP motion 155? Those opposed? NDP motion 155 falls.

PC motion 155.1.

Mr. Jim McDonell: I move that subsection 122(4) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out.

The Chair (Mr. Shafiq Qaadri): Once again, 155.1 is out of order because it's identical to 155.

We'll now proceed to the next motion, which is 155.2. Mr. McDonell.

Mr. Jim McDonell: I move that clause 122(5)(a) of the Child, Youth and Family Services Act—

Mrs. Gila Martow: May I ask you a question? How is it the same as 155 when that was the NDP motion?

Interjections.

The Chair (Mr. Shafiq Qaadri): How is it the same? Because—

Mrs. Gila Martow: Oh, it's the same—okay. I see, I see. Okay, yes. Sorry.

The Chair (Mr. Shafiq Qaadri): Mr. McDonell, 155.2.

Mrs. Gila Martow: I'm looking at something else. Sorry.

The Chair (Mr. Shafiq Qaadri): Yes. Go ahead.

Mr. Jim McDonell: I move that clause 122(5)(a) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “subsection (1) or (2)” and substituting “subsection (1), (1.1) or (2)”.

The Chair (Mr. Shafiq Qaadri): Thank you. And once again, it is out of order.

We'll now proceed to 155.3, a PC motion: Mr. McDonell.

Mr. Jim McDonell: I move that section 122 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Offence relating to reporting of child pornography

“(7.1) A person is guilty of an offence if the person,

“(a) discloses the identity of an informant in contravention of subsection (1.4); or

“(b) dismisses, suspends, demotes, disciplines, harasses, interferes with or otherwise disadvantages an informant in contravention of subsection (1.5).”

The Chair (Mr. Shafiq Qaadri): Once again, this required 154R to pass in order to be valid, so it is also out of order.

We'll proceed, then, to PC motion 155.4.

Mr. Jim McDonell: I move that subsection 122(8) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding “or (7.1)” after “subsection (5)”.

The Chair (Mr. Shafiq Qaadri): This required 155.3 to pass in order to be valid; therefore, it is also out of order.

We'll now proceed to the next motion, which is 155.5.

Mr. Jim McDonell: I move that subsection 122(9) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Penalty

“(9) A person convicted of an offence under subsection (5), (7.1) or (8) is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years, or to both.”

The Chair (Mr. Shafiq Qaadri): This, too, required 155.3 to be valid, and is therefore also out of order.

NDP motion 156.

Miss Monique Taylor: I move that section 122 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Reprisal prohibited

“(13) No employer or person acting on behalf of an employer shall intimidate, dismiss or otherwise penalize an employee or threaten to do so because the employee

took any of the following actions in relation to the duty to report under this section:

“1. The employee sought advice about making a report.

“2. The employee made a report.

“3. The employee co-operated in a process relating to making a report.

“4. The employee acted in compliance with this section.

“5. The employee sought enforcement of this section.”

Chair, this is a bill that I had brought forward previously, whistle-blower protection, which ensures that any worker who feels that something is not right within the system and is unjust in any way—that they feel safe to be able to bring that forward without fear of reprisal. That’s why we thought it was important that we try to ensure that it was in the act this time. It was supported throughout the House unanimously when I brought it forward for second reading, and I thought this was ample opportunity to ensure that the legislation went forward.

The Chair (Mr. Shafiq Qadri): Further comments on NDP motion 156? Ms. Kiwala.

Ms. Sophie Kiwala: This amendment is not necessary because currently in the act, subsection 122(10) provides protection from civil action for any person who acts in accordance with section 122, the duty to report, unless the person acts maliciously or without reasonable grounds for suspicion.

1000

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

Miss Monique Taylor: Chair, just for clarification: Is that new to this act compared to what was there previously?

Ms. Sophie Kiwala: Sorry?

Miss Monique Taylor: Is that new to this act compared to what was in the Child and Family Services Act?

Ms. Sophie Kiwala: This amendment prohibits reprisal by an employer against an employee who takes actions in accordance with their duty to report suspicion of child abuse or neglect under section 122 of the act. We agree with the intent of the proposed amendment; however, we’re opposed to it because the bill, as tabled, already provides protection from civil action for any person who acts in accordance with their duty to report reasonable suspicion of child abuse or neglect.

The Chair (Mr. Shafiq Qadri): I see ministry officials are mustering the courage to come up and testify. Are they coming forth? Miss Taylor.

Miss Monique Taylor: So civil action is covered, but is the fear of losing their job—

Ms. Sophie Kiwala: We’re just going to have—

Miss Monique Taylor: No, no. That’s the piece, right? So it’s to ensure that they don’t lose their job for speaking out when they feel that something’s wrong?

Ms. Estée Garfin: Estée Garfin, counsel. The provision is not new. It was imported from the Child and Family Services Act.

Miss Monique Taylor: Okay. So then this would still be relevant because previously employees didn’t have

that protection to ensure that they didn’t have to be in fear of reprisal, of losing their job when speaking out or making a report. That’s why it was important to bring it forward previously throughout the old act, and that’s why it’s just as important today to ensure that an employee does not feel that there would be reprisal against their employment for speaking out.

The Chair (Mr. Shafiq Qadri): Any further comments or questions on NDP motion 156? Seeing none, I’ll proceed, then, to the vote.

Those in favour of NDP motion 156? Those opposed? NDP motion 156 falls.

Shall section 122 carry? Carried.

PC motion 156.1.

Mr. Jim McDonell: I move that the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following section:

“Action by organization receiving report of child pornography

“122.1(1) An organization, agency or person that obtains information on child pornography under subsection 122(1.1) shall review the report and, if it reasonably believes that the representation or material is or might be child pornography, it shall report the matter to a society or a law enforcement agency, or to both as necessary.

“Annual report

“(2) The organization, agency or person shall prepare and submit to the minister an annual report with respect to its activities and actions relating to information it obtains on child pornography, and the minister shall submit the report to the Lieutenant Governor in Council and then table the report in the assembly if it is in session or, if not, at the next session.”

The Chair (Mr. Shafiq Qadri): A similar existential crisis: out of order. May I consider the next 10 sections en bloc, 123 to 132, inclusive?

Interjections: Yes.

The Chair (Mr. Shafiq Qadri): Shall sections 123 up to and including 132—sections 123 to 132—carry? Carried.

We now proceed to government motion 157.

Ms. Sophie Kiwala: I move that subsection 133(5) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Police may bring child home or to place of safety

“(5) Where a child who is actually or apparently younger than 16 is in a place to which the public has access between the hours of midnight and 6 a.m. and is not accompanied by a person described in clause (4)(b), a peace officer may bring the child to a place of safety without a warrant and proceed as if the child had been brought to a place of safety under subsection 82(1).”

The Chair (Mr. Shafiq Qadri): Further comments on government motion 157? Mr. McDonell.

Mr. Jim McDonell: Just an explanation of what it’s doing.

Ms. Sophie Kiwala: It replaces “take child home” with “bring child home,” and replaces “apprehended” with “bring the child to” and “brought to a place of safety.”

The Chair (Mr. Shafiq Qaadri): Ms. Martow.

Mrs. Gila Martow: I think I said it last week that we do agree with the many youth and organizations who came to speak to us about taking out language that makes it sound like children and youth being taken into care are somehow part of the criminal justice system, so removing words like “apprehended” is a positive step.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 157? We’ll proceed to the vote. Those in favour of government motion 157? Those opposed? Motion 157 carries.

Shall section 133, as amended, carry? Carried.

Can I consider sections 134 up to and including 142—therefore, nine sections—en bloc? Shall sections 134 up to and including 142 carry? Carried.

We’ll now proceed to government motion 158.

Ms. Sophie Kiwala: I move that subsection 133(5) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Police may bring child home or to place of safety

“(5) Where a child who is actually or apparently younger than 16 is in a place to which the public has access between the hours of midnight and 6 a.m. and is not accompanied by a person described in clause (4)(b), a peace officer may bring the child to a place of safety without a warrant and proceed as if the child had been brought to a place of safety under subsection”—sorry. Cancel all of that. You have to click the delete button on that one. Let’s try that again. Sorry.

I move that subclause 143(1)(b)(ii) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out and the following substituted:

“(ii) of a probation officer for purposes related to young persons under the Provincial Offences Act, and”

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Kiwala. Yes, the committee was having a bit of a blood pressure moment there.

Government motion 158: Comments? Mr. McDonell.

Mr. Jim McDonell: Just an explanation.

Ms. Sophie Kiwala: Basically, this amendment replaces “dealing with young persons” with “related to young persons.”

The Chair (Mr. Shafiq Qaadri): Ms. Martow.

Mrs. Gila Martow: So I’m assuming it’s just friendlier wording and there isn’t something more concrete involved in that.

Ms. Sophie Kiwala: More child-centred language, yes.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 158? Seeing none, we’ll proceed to the vote. Those in favour of government motion 158? Those opposed? Motion 158 carries.

Shall section 143, as amended, carry? Carried.

May I consider the next five sections, meaning 144 to 148, en bloc? Shall sections 144 to 148 carry? Carried.

NDP motion 159: Miss Taylor.

Miss Monique Taylor: I move that subsection 149(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following clause:

“(d) the placement of the young person in a secure de-escalation room for a period of greater than 24 hours or in a manner that the young person believes was not appropriate in the circumstances.”

This is a recommendation from the child advocate dealing with secure de-escalation and ensuring that young people are not left in such a position for greater than 24 hours.

The Chair (Mr. Shafiq Qaadri): Ms. Martow.

Mrs. Gila Martow: I think that we all agree that 48 hours sounds like an awfully long time, and the bill is bringing it down to 24 hours. I think it sounds like a great idea to demand a review every time a child is left for more than 24 hours, and I support the effort to somehow—maybe there has to be a reporting list. If it’s happening more often in certain locations than in others or with certain children’s aid workers than with others, then maybe there has to be a review. But just to have a review every time they’re in it for more than 24 hours—maybe it’s 24 and a half hours; maybe there’s some kind of emergency going on in the building—I’m concerned about using up resources that could be better used.

1010

While I support the premise and I will even support the amendment, but I just wanted to raise those concerns that again how we are building in flexibility. Perhaps what would be better is if there’s just a reporting of it, and then a review only takes place if some other red flag goes up.

The Chair (Mr. Shafiq Qaadri): Ms. Kiwala.

Ms. Sophie Kiwala: I want to thank the NDP for tabling the motion. As an external body, the Custody Review Board is not in a position to assess imminent risk and manage the behaviour of young persons in custody or detention facilities. In addition, following an application by a young person for a review by the CRB under its current mandate, it can take the CRB up to 30 days to issue a decision. This time frame would not be appropriate when dealing with matters related to the use of secure or de-escalation rooms.

The Chair (Mr. Shafiq Qaadri): Mr. McDonell.

Mr. Jim McDonell: I know that resources are short, but you don’t want to have this that children can just be—it’s Friday afternoon. It’s a long weekend. There has to be something to make sure that it’s just not an easy out. Some children may need just a little bit of time, but it doesn’t mean that they might be required to put—24, 48 hours or 72 hours just because of a lack of resources on a weekend.

Certainly when you get into the holiday season around Christmas, there’s more of a demand on some of the systems. We’ve got to make sure that we don’t make the

children suffer because of a lack of resources, and we don't make it easy just to run out the door and forget somebody for the weekend.

I think that's where I have some concern. Normally 24 hours during the week is for a reason, but we want to make sure there's not an external reason that has nothing to do with the condition of the child.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 159? Seeing none—Mr. McDonell.

Mr. Jim McDonell: Oh, I'm sorry. I thought you were calling the vote.

The Chair (Mr. Shafiq Qaadri): Those in favour of NDP motion 159? Those opposed? It's close. NDP motion 159 falls.

NDP motion 160.

Miss Monique Taylor: I move that section 149 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Order by the board

“(8) After conducting a review under subsection (3), and in addition to anything the board may do under subsection (7), the board may make one or more of the following orders:

“1. An order that the young person be released from secure de-escalation.

“2. An order directing any party to the review to do anything that, in the board's opinion, the party ought to do to promote compliance with this act, including an

order directing a party to pay compensation to the young person.”

Again, this is a recommendation from the Provincial Advocate. It's ensuring that the board responds to the youth.

The Chair (Mr. Shafiq Qaadri): We'll be concluding in about two minutes. In any case, comments on NDP motion 160? Ms. Kiwala.

Ms. Sophie Kiwala: Again, I want to thank the NDP for tabling this motion. We know that the Custody Review Board is part of Social Justice Tribunals Ontario. As an external body, the CRB is not in a position to assess imminent risk and manage the behaviour of young persons in custody or detention facilities. In addition to this, the CRB's current mandate does not contemplate making orders for monetary compensation, so it would not be equipped to make such orders.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 160? If there are none, we'll proceed to the vote. Those in favour of NDP motion 160? Those opposed? NDP motion 160 falls.

Shall section 149 carry? Carried.

Shall sections 150 and 151 carry? Carried.

I think we'll conclude there. Just to notify the committee, the next committee meeting is on Thursday, May 4, at 9 a.m. And, pending House leaders' approval, it will be a 1 p.m. start that afternoon.

Committee is now adjourned.

The committee adjourned at 1015.

STANDING COMMITTEE ON JUSTICE POLICY

Chair / Président

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

Vice-Chair / Vice-Président

Mr. Lorenzo Berardinetti (Scarborough Southwest / Scarborough-Sud-Ouest L)

Mr. Lorenzo Berardinetti (Scarborough Southwest / Scarborough-Sud-Ouest L)

Mr. Mike Colle (Eglinton–Lawrence L)

M^{me} Nathalie Des Rosiers (Ottawa–Vanier L)

Mr. Jim McDonell (Stormont–Dundas–South Glengarry PC)

Mr. Arthur Potts (Beaches–East York L)

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

Miss Monique Taylor (Hamilton Mountain ND)

Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

Mr. Bill Walker (Bruce–Grey–Owen Sound PC)

Substitutions / Membres remplaçants

Ms. Ann Hogarth (Barrie L)

Ms. Sophie Kiwala (Kingston and the Islands / Kingston et les Îles L)

Mrs. Gila Martow (Thornhill PC)

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Also taking part / Autres participants et participantes

Ms. Estée Garfin, counsel, legal services branch,
Ministry of Children and Youth Services

Clerk / Greffier

Mr. Christopher Tyrell

Staff / Personnel

Ms. Susan Klein, legislative counsel