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Assembly  
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**Official Report  
of Debates  
(Hansard)**

JP-16

**Journal  
des débats  
(Hansard)**

JP-16

**Standing Committee on  
Justice Policy**

Supporting Children, Youth  
and Families Act, 2017

2<sup>nd</sup> Session  
41<sup>st</sup> Parliament

Thursday 11 May 2017

**Comité permanent  
de la justice**

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

2<sup>e</sup> session  
41<sup>e</sup> législature

Jeudi 11 mai 2017

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Chair: Shafiq Qadri  
Clerk: Christopher Tyrell

Président : Shafiq Qadri  
Greffier : Christopher Tyrell

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# CONTENTS

Thursday 11 May 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-383



LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON JUSTICE POLICY

## COMITÉ PERMANENT DE LA JUSTICE

Thursday 11 May 2017

Jeudi 11 mai 2017

*The committee met at 0902 in committee room 1.*

**The Clerk of the Committee (Mr. Christopher Tyrell):** Good morning, honourable members. It is my duty to call upon you to elect an Acting Chair. Are there any nominations? Ms. Hoggarth.

**Ms. Ann Hoggarth:** I would like to nominate MPP Daiene Vernile.

**The Clerk of the Committee (Mr. Christopher Tyrell):** Does the member accept the nomination?

**Ms. Daiene Vernile:** I would be so honoured.

**The Clerk of the Committee (Mr. Christopher Tyrell):** Are there any further nominations? There being no further nominations, I declare the nominations closed, and Ms. Vernile elected Acting Chair of the committee.

### 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 Acting Chair (Ms. Daiene Vernile):** Good morning, committee members. I would beg your indulgence and patience as I am doing this for the first time.

We are here to resume clause-by-clause consideration of 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.

Before we begin, I would like to draw your attention to another amendment that we received yesterday, amendment 280R. This amendment should go immediately before amendment 280 in your package of amendments.

When we left off last, we were about to vote on government motion 248. We had a 20-minute recess, we're now back, and we are now ready to vote. All those in favour? Opposed? The motion carries.

Our next motion is government motion 249. Can I please have someone read that into the record? MPP Kiwala.

**Ms. Sophie Kiwala:** 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 before the heading "Prohibitions, Immunity and Offences":

"Delegation by commissioner

"307.11(1) The commissioner may in writing delegate any of the commissioner's powers, duties or functions under this part, including the power to make orders, to an assistant commissioner or to an officer or employee of the commissioner.

"Subdelegation by assistant commissioner

"(2) An assistant commissioner may in writing delegate any of the powers, duties or functions delegated to the assistant commissioner under subsection (1) to any other officers or employees of the commissioner, subject to the conditions and restrictions that the assistant commissioner specifies in the delegation."

Basically, the amendment removes references to PHIPA section numbers, and instead includes the actual wording as it appears in PHIPA.

**The Acting Chair (Ms. Daiene Vernile):** Any commentary? Yes, MPP Martow.

**Mrs. Gila Martow:** Since we're starting a new, fresh day, I just want to mention that we're still going through many, many amendments, which seem to be a section of the other bill dealing with the commissioner—the section that they need to move to put that entire section into this bill, instead of just pointing to it, which is what the original bill did. We were told that this isn't a substantial change. Instead of pointing to another government act, we are just transferring it into the bill. We never really got an explanation of why just pointing wasn't good enough—since my understanding is that oftentimes bills point to other bills. But we're moving along; we're plodding along. I just wanted that on the record since it's a fresh, new day. Thank you, Chair.

**The Acting Chair (Ms. Daiene Vernile):** Any more commentary? Yes, MPP Taylor.

**Miss Monique Taylor:** Thank you, Chair. Yes, I believe our discussion at the end of the day, the last time we sat, was our request for the freedom-of-information officer to be able to come before us, once again, to be able answer our questions, to be able to assure the committee and assure the public that this was the direction

that he would like to see moving forward. We know that when he was here in the very short time previously that he had concerns.

It's unfortunate that the government does not see the need for public confidence—something that is greatly lacking throughout Ontario, actually, whether it's on this or on many other factors.

We're talking about rewriting an entire act that deals with our most vulnerable children in this province. Making sure that our independent officers of this Legislature are confident in the work that we are doing and in the work that the government is doing shouldn't even be a question. That's why they are independent officers of our Legislature. We pay them to do this work so that they can instill public confidence in the process that is going forward.

**0910**

I think it's unfortunate that the government has refused our request—refused, quite frankly, the request of the public—to ensure that confidence.

I just wanted to be on the record once again. I'll leave it with that for now.

**The Acting Chair (Ms. Daiene Vernile):** MPP Kiwala, and then I'll come to MPP Thompson.

**Ms. Sophie Kiwala:** Basically, all of the amendments that have been raised by the member were proposed to accommodate a request from the IPC. In his written submission to my ministry in October 2016, the IPC noted this request. He said it would be more straightforward to add the legislation, sections 57 to 69 of PHIPA, with the relevant amendments set out in subsection 5.

Government motions 238 to 251 propose to import the actual wording from PHIPA, sections 57 to 69, so that the actual wording appears in the CYFSA.

To break it down into simpler language, the sections of the bill being amended were written making reference to the section numbers of PHIPA. The IPC suggested that we replace those section numbers with the actual sections of PHIPA, and we did just that.

I sincerely hope that something was merely lost in communication and that the member will allow the committee process to move forward. Quite frankly, time is of the essence on this, and we're running out of time. I hope that this has given a bit of clarity. I'm appealing to the members to let the committee process move forward. It's a very important bill, and it's very important work, and we need to make some progress on it.

The bill will bring 16- and 17-year-olds into care, and there are approximately 1,600 of them. We need to be able to proclaim that provision by September, in order to bring those 1,600 youth into care.

**The Acting Chair (Ms. Daiene Vernile):** MPP Thompson, and then MPP Martow.

**Ms. Lisa M. Thompson:** I just want to be on record as saying, "Here we go again." Here's another Liberal government bill that is getting fixed in committee. For a year and a half now, we have seen, time and again, legislation rushed. We've seen this government not get it

right, and then amendment after amendment. They correct their work in committee.

I find it rich that just yesterday we heard, in the House, accusations from across the floor, from the government side, that we're holding the process up. Meanwhile, here is another example today that we have in front of us whereby it's the government that is holding things up, because they're correcting their own mistakes in legislation through this committee process.

**The Acting Chair (Ms. Daiene Vernile):** MPP Martow.

**Mrs. Gila Martow:** I just want to comment on what Ms. Kiwala just read to us. What I would say is, it would have been nice to have had that information when I asked the question, which was a week ago, but better late than never.

It would have been nice if members of the committee were emailed that piece of information that it was specifically the commissioner who requested that the sections of the other act be put into this act, and not just point to the other act. I don't recall getting an email with that explanation. We did ask it quite a few times last week.

In the interest of not holding things up once we're here doing clause-by-clause, it would have saved time, to read that, if it had been sent to us.

I just wanted that on the record.

**The Acting Chair (Ms. Daiene Vernile):** MPP Potts.

**Mr. Arthur Potts:** This has been, repetitively, much ado about nothing. We brought legal staff forward, who indicated that there is no substantive change here. This is strictly taking a reference to an act and substituting the actual words of the act. There are no significant changes here. We had staff explain that.

We have said repeatedly in here that this was a request from the IPC. The suggestion that he needs to come in and give you a legal opinion that there's no change in here seems a little unfortunate. It has taken a lot of unnecessary time. I think we should just continue to move forward, recognizing that these are just technical amendments that do nothing substantively other than put the actual wording of the act inside this act, rather than just referring to it.

**The Acting Chair (Ms. Daiene Vernile):** Is there any more commentary? Are we prepared to vote? All those who are in favour of government motion number 249? Those opposed? The motion is carried.

We now move to government motion 250. Can it please be read into the record? MPP Kiwala.

**Ms. Sophie Kiwala:** 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 before the heading "Prohibitions, Immunity and Offences":

"Limitations re personal information

"307.12(1) The commissioner and any person acting under the commissioner's authority may collect, use or retain personal information in the course of carrying out any functions under this part solely if no other information will serve the purpose of the collection, use or

retention of the personal information and in no other circumstances.

**“Extent of information**

“(2) The commissioner and any person acting under the commissioner’s authority shall not in the course of carrying out any functions under this part collect, use or retain more personal information than is reasonably necessary to enable the commissioner to perform the commissioner’s functions relating to this part or for a proceeding under it.

**“Confidentiality**

“(3) The commissioner and any person acting under the commissioner’s authority shall not disclose any information that comes to their knowledge in the course of exercising their functions under this part unless,

“(a) the disclosure is required for the purpose of exercising those functions;

“(b) the information relates to a service provider, the disclosure is made to a body that is legally entitled to regulate or review the activities of the service provider and the commissioner or an assistant commissioner is of the opinion that the disclosure is justified;

“(c) the commissioner obtained the information under subsection 307.4(12) and the disclosure is required in a prosecution for an offence under section 131 of the Criminal Code (Canada) in respect of sworn testimony; or

“(d) the disclosure is made to the Attorney General, the information relates to the commission of an offence against an act or an act of Canada and the commissioner is of the view that there is evidence of such an offence.

**“Same**

“(4) Despite anything in subsection (3), the commissioner and any person acting under the commissioner’s authority shall not disclose the identity of a person, other than a complainant under subsection 307(1), who has provided information to the commissioner and who has requested the commissioner to keep the person’s identity confidential, unless the disclosure is necessary to comply with section 122 (duty to report child in need of protection).

**“Information in review or proceeding**

“(5) The commissioner in a review under section 307.1 or 307.2 and a court, tribunal or other person, including the commissioner, in a proceeding mentioned in section 307.9 or this section shall take every reasonable protection, including, when appropriate, receiving representations without notice and conducting hearings that are closed to the public, to avoid the disclosure of any information for which a service provider is entitled to refuse a request for access made under section 304.

**“Not compellable witness**

“(6) The commissioner and any person acting under the commissioner’s authority shall not be required to give evidence in a court or in a proceeding of a judicial nature concerning anything coming to their knowledge in the exercise of their functions under this part that they are prohibited from disclosing under subsection (3) or (4).”

Basically, the amendment removes references to PHIPA section numbers and instead just includes the

actual wording as it appears in PHIPA. Once again, it’s similar to the last motion.

**The Acting Chair (Ms. Daiene Vernile):** MPP Kiwala, in section 5, you said “protection” rather than “precaution”—just to correct.

**Ms. Sophie Kiwala:** Okay, thank you.

**The Acting Chair (Ms. Daiene Vernile):** You’re welcome.

Any commentary on this particular motion? Are we ready to vote? All in favour? Opposed? The motion is carried.

**0920**

We now move on to motion 251, a government motion. Could it please be read into the record? MPP Kiwala.

**Ms. Sophie Kiwala:** 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 before the heading “Prohibitions, Immunity and Offences”:

**“Immunity**

“307.13 No action or other proceeding for damages may be instituted against the commissioner or any person acting under the commissioner’s authority for,

“(a) anything done, reported or said in good faith and in the exercise or intended exercise of any of their powers or duties under this part; or

“(b) any alleged neglect or default in the exercise in good faith of any of their powers or duties under this part.”

Again, similarly, the amendment removes references to PHIPA section numbers and includes the actual wording as it appears in the PHIPA act.

**The Acting Chair (Ms. Daiene Vernile):** Any commentary? Ready to vote? Those in favour? Opposed? The motion is carried.

Now we move to 252. Ms. Kiwala.

**Ms. Sophie Kiwala:** I move that section 308 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill be amended by striking out “this act” wherever it appears and substituting in each case “this part”.

Basically, the amendment is a technical clarification to indicate that the section applies to part X and not to the entire act.

**The Acting Chair (Ms. Daiene Vernile):** Any commentary? Are we prepared to vote? All those in favour? Opposed? The motion is carried.

Members, shall schedule 1, section 308, carry, as amended? Those in favour? Opposed? Carried.

We move on now to schedule 1, section 309. We now have motion 253 before us. Can it please be read into the record? MPP Kiwala.

**Ms. Sophie Kiwala:** I move that section 309 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “this act” wherever it appears and substituting in each case “this part”.

Basically, this amendment is a technical clarification, similar to the last one, to indicate that this section applies to part X and not to the entire act.

**The Acting Chair (Ms. Daiene Vernile):** Any commentary, members? Ready to vote? Those in favour? Opposed? The motion carries.

Members, shall schedule 1, section 309, as amended, carry? Those in favour? Opposed? Carried.

There are no amendments to 310, 311 and 312. Shall we bundle them together?

**Ms. Ann Hoggarth:** Great idea.

**The Acting Chair (Ms. Daiene Vernile):** Those in favour? Opposed? All carried.

We now move on to schedule 1, section 313, government amendment 254. Can you please read it into the record?

**Ms. Sophie Kiwala:** I move that section 313 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:

“Society may request police record checks from police, etc.

“313. A society may, in prescribed circumstances or for a prescribed purpose, ask the Ontario Provincial Police, a municipal police force or a prescribed entity for police record checks or other prescribed information.”

Basically the amendment provides authority for societies to request police record checks or other information directly from police in prescribed circumstances or for a prescribed purpose.

**The Acting Chair (Ms. Daiene Vernile):** Any further commentary? MPP Taylor.

**Miss Monique Taylor:** I guess I’m just looking for clarification on this one, on why a society would be asking for a police check. Wouldn’t anyone who is dealing with a society have to have a police check? I’m just wondering if it’s an infringement on somebody’s rights. A clarification on it would be good, because I’m conflicted.

**The Acting Chair (Ms. Daiene Vernile):** MPP Hoggarth?

**Ms. Ann Hoggarth:** We’re recommending that we vote for this motion because access to comprehensive information respecting a caregiver’s history of criminal involvement is critical for assessing the risk of harm to children and youth receiving services under the act. Prescribing the specific purposes and circumstances for which societies may request information from police promotes greater clarity and consistency with respect to police record check practices all across the province.

**The Acting Chair (Ms. Daiene Vernile):** Thank you, MPP Hoggarth. And we do have some ministry officials. Shall we hear from them?

Can you please start by stating your names?

**Mr. Peter Kiatipis:** Good morning. My name is Peter Kiatipis. I’m the acting director of the Child Welfare Secretariat at the Ministry of Children and Youth Services.

I believe MPP Hoggarth provided the response to the question. Police record checks could be used, for example, around caregiver screening.

**Miss Monique Taylor:** Right, but if someone is applying to be a caregiver or going through the process, would they not already be submitting their own police check on their own? Why would we give them blanket ability to get something? If I’m applying or if I want to be a caregiver, I am then responsible for my police check, right? Isn’t that typically the way it goes?

**Ms. Melissa Phillips:** Melissa Phillips, counsel, legal services branch.

I think the process in this will be spelled out in the regulations. As part of the screening for becoming a foster parent or a kinship parent, the children’s aid society would ask the applicant to submit a police record check. The police record check request would then be submitted to the police. The provision is intended to ensure that children’s aid societies have access to that information before they approve the caregiver.

**Miss Monique Taylor:** But does this say that they can just go and get the police check on their own? Can the society request the police check from the police, or does the society go to the person for them to get their own police check? Because the society shouldn’t be able to just go and run a police check on anybody they want. I just don’t understand.

I’m not saying that we shouldn’t have safety of children, because absolutely that is the goal of this entire thing. But it should then be the caregiver’s responsibility, their right, to get that police check and be able to give it. If they don’t, then the society doesn’t accept them, right? But for the society to just have the overruling right to be able to go and get the police check of whoever they want—is that what this says?

**Mr. Peter Kiatipis:** This amendment would provide the authority to prescribe the circumstances under which societies could request information from the police. The purpose of caregiver screening would be one example, but there would be other circumstances that we would be prescribing in regulation, where societies would be able to request information from the police to assess any safety risks, to support them in the course of investigations and so forth.

This is something that we heard from recent child death inquests—that there needs to be more clarity and consistency across the province in the information that societies can request from police. So that’s the intent of this function.

**The Acting Chair (Ms. Daiene Vernile):** The Chair recognizes MPP Thompson.

**Ms. Lisa M. Thompson:** I have a question of clarification with regard to kinship. Did I hear you say that police checks need to be done for kinship?

**Mr. Peter Kiatipis:** Yes.

**Ms. Melissa Phillips:** Yes, and they are done presently.

**Ms. Lisa M. Thompson:** Okay. But my understanding is that in some instances, placement has to happen quickly, and kinship typically involves families. So what happens in the moment where placement has to happen quickly with family? Do you overlook that? I just need a clarification.

0930

**The Acting Chair (Ms. Daiene Vernile):** We have another ministry person who is approaching—

**Ms. Lisa M. Thompson:** Sorry, this isn't holding up; I'm just wondering, that's all.

**The Acting Chair (Ms. Daiene Vernile):** Please state your name.

**Ms. Estée Garfin:** Good morning. Estée Garfin, counsel with the legal services branch.

In response, there is a current regulation under the Child and Family Services Act that speaks to kinship service placements. There are requirements that facilitate the placement on an immediate basis, with follow-up for police record checks and child welfare checks.

**Ms. Lisa M. Thompson:** Okay.

**The Acting Chair (Ms. Daiene Vernile):** MPP Kiwala and then MPP Taylor.

**Ms. Sophie Kiwala:** I just want to reiterate what has already been stated: that the amendment is responsive to recommendations made in recent inquests that identified challenges respecting information-sharing between societies and police.

**The Acting Chair (Ms. Daiene Vernile):** And MPP Taylor?

**Miss Monique Taylor:** Currently, in the old legislation, we didn't have this. Societies had to get the police checks from the individuals themselves, not from the police; is that correct?

**Mr. Peter Kiatipis:** Currently, there are requirements that are outlined in regulation with respect to kinship placements and police record checks that are required. There are also some police record check requirements in policy. This would, again, just provide that clarity and that consistency, with the authority being built into the act.

**The Acting Chair (Ms. Daiene Vernile):** MPP Thompson.

**Ms. Lisa M. Thompson:** I just want to thank you for clarifying it because I didn't want any red tape holding up placement in an emergency situation.

**The Acting Chair (Ms. Daiene Vernile):** Any further commentary? All right. Let's vote on government motion 254. All those in favour? Opposed? The motion carries.

Thank you very much for coming forward and speaking.

Shall schedule 1, section 313, as amended, carry? All those in favour? Opposed? The motion is carried.

Members, we move on to a new section, 313.1, motion 255. This is an NDP motion. Miss Taylor, could you please read it into the record?

**Miss Monique Taylor:** 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:

“Reports to be written in plain language

“313.1 Every report published by the minister under this act shall be written in plain language.”

**The Acting Chair (Ms. Daiene Vernile):** Any commentary?

**Miss Monique Taylor:** No, I think it's plain language, Chair.

**The Acting Chair (Ms. Daiene Vernile):** Plain and simple. Any reaction? Any commentary? Are we ready to vote? All those in favour of NDP motion 255? Those opposed? The motion is lost.

We now move on to our next motion, and it is PC motion number 255.1. Can you please read it into the record?

**Mrs. Gila Martow:** 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:

“Minister's annual report

“313.1 The minister shall prepare an annual report setting out aggregated data respecting the outcomes demonstrated by children and families receiving services under this act and shall table the report in the Legislative Assembly.”

**The Acting Chair (Ms. Daiene Vernile):** Any commentary?

**Mrs. Gila Martow:** It's just basically to require an annual report so that we can measure the outcomes of children in care. As we heard from many youth who had aged out of care and are now adults, they felt that what's missing from the whole system—as well, there was a report published just in the last couple of weeks—is checks and balances to see how things are being dealt with.

As was explained to me by the member of our caucus from York-Simcoe, when she was first elected, this Liberal government, I believe it was, passed a bill to update the child welfare system. She asked for an annual report so that we could measure things. They refused. Three years down the road, there were some serious problems that had to be changed. She felt that if we would have had that annual report in our hands, that we would have caught the problem years before it made it to the newspapers.

**The Acting Chair (Ms. Daiene Vernile):** Any further commentary? All right, let us vote on PC motion 255.1. All those in favour? Opposed? The motion is lost.

Let us move on to our next motion. It is an NDP motion, 256.

**Miss Monique Taylor:** 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:

“Service provider to respond to report, etc.

“313.2 If a service provider receives a report or recommendation under this act or any other act in respect to services provided under this act, the service provider shall, within a reasonable time, provide a response to the report or recommendation and shall make the response public.”

This is really about timely responses and making sure that the public is aware of the report and what the necessary information would have been.

**The Acting Chair (Ms. Daiene Vernile):** Any reaction? Any commentary? Let us vote on NDP motion 256. Those in favour? Those opposed? The motion is lost.

We are on government motion 257. Could it please be read into the record? MPP Kiwala.

**Ms. Sophie Kiwala:** I move that section 314 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:

“Consultation with children and young persons

“(2.1) The minister shall consult with children and young persons when conducting a review under this section.”

The amendment requires that the minister consult with children and young persons when conducting every five-year review of the act.

**The Acting Chair (Ms. Daiene Vernile):** Any commentary? Let us vote, then, on government motion 257. All those in favour? Opposed? The motion is carried.

We now move on to NDP motion 258. Could it please be read into the record? MPP Taylor.

**Miss Monique Taylor:** I move that subsection 314(3) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by striking out “a written report respecting” and substituting “a written report, in plain language, respecting”.

Once again, Chair, it’s about getting plain language into the report so that when young people want to pick up that report and read it, they can understand it. It’s a request of PACY. Quite frankly, this whole legislation should have been written in plain language and understandable so that anybody could pick it up and understand it—but the reports are extremely necessary to ensure that they’re readable and understandable by everyone.

**The Acting Chair (Ms. Daiene Vernile):** MPP Martow.

**Mrs. Gila Martow:** Thank you very much. We’re going to be supporting this. You often hear that lawyers have purposely come up with a whole legal terminology and document-writing scheme to make it so difficult for people to understand that you have to hire a lawyer to explain it to you. It’s kind of an ongoing joke that you hear every now and then. An act such as this obviously has to be written in the proper legal terminology or else we open ourselves up to problems, but I would have supported and agreed with the member in that the preamble is supposed to be the part in plain language. To me, that’s my understanding of what a preamble is: It’s the plain language explanation of what the bill or that section of the bill is going to be addressing.

What we saw here is that we had this wonderful preamble, everybody read it and said, “Yes, that’s what we heard the bill was going to be.” Then people read the bill and struggled through it if they’re not a lawyer and they’re not used to reading that kind of “section 1 and pointers” and things like that. They read the bill and they were able to surmise that, “Hey, this didn’t really reflect the preamble.” A lot of very agitated people at the hearings—and then the government went back. That’s why we have around 200 government amendments.

**0940**

What’s interesting, though, is that I’m recalling youth aging out of care—many of them came to committee—community workers. These were not lawyers by any stretch of the imagination, and they were still able to read the bill and figure out that the preamble didn’t match the bill. So my hat goes off, if I was wearing it, to those people who plodded through and recognized some of the shortcomings. I’m sure it was very painstaking for them.

If we’re doing reports on child welfare, it is absolutely imperative—it’s not an act, it’s not a bill, it’s not a piece of legislation. It’s something for the public to digest and to understand. It should be something that foster parents, that anybody in the population who has concerns or wants to know or wants to learn from what we’re doing—and we want to learn what’s working and what’s not working. Obviously, the reports should be in some kind of plain language. Maybe there should be a preamble in even plainer language.

I’m looking forward to us improving child welfare in the province of Ontario to the point that more people want to foster and more people want to get involved with programming and things like that.

**The Acting Chair (Ms. Daiene Vernile):** Ms. Kiwala.

**Ms. Sophie Kiwala:** I just want to thank the member for her motion. It does align with the desire of the act to be child-centred and accessible.

**The Acting Chair (Ms. Daiene Vernile):** Any more commentary? Let us vote.

On NDP motion 258, those in favour? Those opposed? The motion is carried. Congratulations.

**Miss Monique Taylor:** I’m going to put this one in a frame.

**The Acting Chair (Ms. Daiene Vernile):** Members, amendment 259 makes reference to section 314.1, which does not currently exist in the bill. I would suggest that we stand down consideration of the section in order to first deal with amendment 260, which proposes the creation of section 314.1.

Are we all in agreement, members?

**Miss Monique Taylor:** Sorry. What does that mean? Say it again.

**The Acting Chair (Ms. Daiene Vernile):** I’m going to have our Clerk step in and explain this to us.

**The Clerk of the Committee (Mr. Christopher Tyrell):** Amendment 259 makes reference to section 314.1, and that section doesn’t currently exist in the bill. Section 314.1 would be created if amendment 260 were to pass.

**Miss Monique Taylor:** Okay, so we’ll have to stand down a few of them?

**The Clerk of the Committee (Mr. Christopher Tyrell):** The Chair proposed that we stand down consideration of section 314 and move to amendment 260, which would potentially create section 314.1. Then we would go back afterwards.

**Miss Monique Taylor:** Got it. Thank you.

**The Acting Chair (Ms. Daiene Vernile):** We're going to leap ahead to 260. This is a government motion. Could it please be read into the record?

**Ms. Sophie Kiwala:** 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:

“Review to address rights of children and young persons

“314.1 Every review of this act shall address the rights of children and young persons in part II.”

**The Acting Chair (Ms. Daiene Vernile):** Any commentary? MPP Martow.

**Mrs. Gila Martow:** Could we get an explanation?

**Ms. Sophie Kiwala:** The amendment requires that every five-year review of the act include a review of the rights of children and young persons in part II.

**The Acting Chair (Ms. Daiene Vernile):** Any further commentary? All right. Let us vote on government motion 260. All those in favour? Opposed? The motion is carried.

We are now going to go back to section 314, and we will have government motion 259. Please read it into the record.

**Ms. Sophie Kiwala:** I move that subsection 314(3) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding “including the matters described in sections 314.1 and 315” after “the review”.

The amendment clarifies that the items contained in both section 314.1, a requirement that the five-year review of the act address the rights of children and young persons in part II, and section 315, a requirement that the five-year review of the act include consideration of provisions pertaining to First Nations, Inuit and Métis children, should be included in the written report, which will be made available to the public.

**The Acting Chair (Ms. Daiene Vernile):** Any further commentary? All right. Let us vote on government motion 259. All of those in favour? Opposed? The motion carries.

Members, shall schedule 1, section 314, as amended, carry? Opposed? The motion is passed.

We are now on schedule 1, section 315. We have motion number 261, a government motion. Please read it into the record.

**Ms. Sophie Kiwala:** I move that section 315 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:

“Review to address First Nations, Inuit and Métis issues

“315. Every review of this act shall address the following matters:

“1. The additional purpose of the act described in paragraph 6 of subsection 1(2), with a view to evaluating the progress that has been made in working with First Nations, Inuit and Métis peoples to achieve that purpose.

“2. The provisions imposing obligations on societies when providing services to a First Nations, Inuk or Métis

person or in respect of First Nations, Inuit or Métis children, with a view to ensuring compliance by societies with those provisions.”

**The Acting Chair (Ms. Daiene Vernile):** Any commentary?

**Ms. Sophie Kiwala:** The amendment changes “Every review of this act shall include” to “Every review of this act shall address,” thereby aligning with the language used in the rest of the five-year review provisions.

**The Acting Chair (Ms. Daiene Vernile):** Any further commentary? Let us vote. All those in favour of government motion 261? Opposed? The motion carries.

Committee members, shall schedule 1, section 315, as amended, carry? Opposed? The motion is carried.

Let us move on to NDP motion 262. Can it please be read into the record? MPP Taylor.

**Miss Monique Taylor:** 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 to part VI:

“Review of act: consultation with children

“315.1 Every review of this act shall include consultations with children, in accordance with the prescribed rules.”

It's just about talking to our children, to our young people, and making sure that they have been consulted before the review—

**The Acting Chair (Ms. Daiene Vernile):** MPP Taylor, you said “part VI.” In Roman numerals, it's “part XI.”

**Miss Monique Taylor:** It's XI.

**The Acting Chair (Ms. Daiene Vernile):** Yes. Any more feedback, any commentary? All right. Let us vote on this motion, NDP motion 262. All those in favour? Opposed? The motion is lost.

On to our next motion. It is an NDP motion 263. Please read it into the record.

**Miss Monique Taylor:** 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 to part XI:

“Review of act: youth justice

“315.2 During the first review of this act, the minister shall consider the creation of a single, integrated system for youth justice that is operated by the minister.”

This is something that has been outlined very clearly. It's the difference between the OPS and the BPS. By bringing those two systems together and having them all under the mandate, or operated by the ministry, just makes sense.

We know that we have huge disparities in the way things are run between the two separate providers. They're dealing with the same youth. They're literally taking them from BPS officers and handing them to OPS officers.

**0950**

The entire process is completely different. The way we transport our young people is different. The tools that they have available to them are different. Everything

within the two systems is completely different. I think it's important that we have consistency and that we have the same rules, that we have the same safety measures, that we have the same tools within our corrections. That's what this amendment does. There's also a report from OPSEU called Apples to Apples and it outlines it very clearly. This is the amendment that would put those changes into place.

**The Acting Chair (Ms. Daiene Vernile):** Any commentary? Let us put it to a vote. NDP motion 263. All those in favour? Opposed? The motion is lost.

We move on to NDP motion 264. Please read it into the record.

**Miss Monique Taylor:** 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 to part XI:

“Consultation with children during policy-making

“315.3 The minister shall ensure that he or she consults with children, in accordance with the prescribed rules, during any policy-making process conducted in connection with this act.”

Again, it's just about youth consultation. The preamble talks about speaking to children, listening to children, respecting children. That is supposed to be the basis on which this legislation was created, and this is just something that puts it into legislation, to ensure that young people are being consulted.

**The Acting Chair (Ms. Daiene Vernile):** Any commentary? Let us put it to a vote. Those in favour of NDP motion 264? Opposed? The motion is lost.

We move on now to NDP motion 265. Please read it into the record.

**Miss Monique Taylor:** 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 to part XI:

“Adoption of ‘child first’ policy

“315.4 The government of Ontario shall adopt a ‘child first’ policy and a process for legislative review for the purpose of ensuring that all legislation and policies are reviewed for their impact on children and youth and shall ensure that the review addresses the expected outcomes for children and youth.”

Chair, we know very clearly that—and it's not something new; it's not something specific to one government—ministries are in silos. They don't always talk to each other. All ministries affect our children. By ensuring that we have some form of committee or some type of review that allows for ministries to come together to speak for the best interests of children, to look at different ministries through a child lens—we think is important. We think that we'll have fewer children falling through the cracks when everybody starts to focus on putting children in their mindset. So this is something that we think could possibly achieve breaking down some of those silos.

**The Acting Chair (Ms. Daiene Vernile):** Any further discussion? Then let us put NDP motion 265 to a vote. Those in favour? Opposed? The motion is lost.

We move on now to NDP motion 266. Please read it into the record.

**Miss Monique Taylor:** 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 to part XI:

“Annual report

“315.5 The minister shall publish an annual report, in plain language, which describes the following:

“1. The safety, well-being, economic conditions and social conditions of children and youth, including any outcomes prescribed by regulation.

“2. The services provided by children's aid societies.

“3. The conditions, period of time and stability of residential placements of children and youth.

“4. The well-being and economic and social conditions of children and youth living in communities which are disproportionately represented in receiving or seeking services under this act.”

This is really about making sure that things are in plain language; that there are yearly reports published so that we can keep track of where we are within the system.

We know that we have way too many black and indigenous youth within our societies and correctional facilities who aren't doing so well, and if we don't start to monitor them closely we can't make changes to ensure that the government is moving in the right direction, that our system services are moving in the right direction. This is just an extra tool for measurement and for the safety of all children in the province of Ontario.

**The Acting Chair (Ms. Daiene Vernile):** MPP Martow.

**Mrs. Gila Martow:** I think that this is a motion I'm happy to support.

It's tough because sometimes you hear people have to do a freedom of information and you wonder what it is that they wanted information about that wasn't in the annual report from that ministry or organization or whatever.

A lot of times there are, say, teachers who are doing a great job, and if nobody is sitting down and saying, “Why are there fewer kids getting detention from this teacher's class or fewer complaints to the principal about this teacher?”, then nobody is going and looking into what's going on right and we can't make the improvements.

We're sort of always focused on when things went wrong and why it went wrong and then we have an inquest and there are recommendations implemented, but what about when things are going well? What about the group homes or the children's aid societies that are doing a fantastic job? Why aren't we monitoring and saying, “Hey, maybe they've got some good ideas. Maybe they've studied what's going on in other jurisdictions around the world. Maybe they've hired somebody from Finland or Norway or Sweden who has implemented a program that's working very well and maybe we need to copy it.” But unless we're doing the reports in plain

language, unless it's something that people can see and understand and unless we're looking at what is going well in some jurisdictions, then how are we going to know to implement whatever it is they're doing well?

Sometimes I feel that there should be more recognition in government for the things that are going well as opposed to just always focusing on when things go wrong. So I would say that it would be nice if that could be taken into account—that we could learn and maybe even have people move around a little bit just for training or have seminars together to foster that collaborative atmosphere.

I'm going to use the opportunity—because the whole time I'm speaking I'm thinking of a very specific elementary school teacher named Mrs. Miller from South Africa. I remember recommending to the principal that she speak to all of the other teachers in the school about what it is that she's doing to keep the grade 1 kids under control without ever raising her voice. He did do that. He said, "This was Mrs. Martow's recommendation," and teachers would come up to me in the hall and say, "Thank you so much for recommending that," because they learned so much from it.

It was such a simple thing that she did. What she did is, she made up songs. For instance, when the kids had to line up to leave the classroom, she would say, "I see a little girl in a red jacket; she's got her knapsack, she's all ready." She made up a little song, and the kids would all line up beautifully, they would march out and there was never pushing or fighting or yelling. They were always on time; her class was never late for anything.

I'm not saying it's as simple as singing some songs to the children and youth in care. But I know, and everybody in this room knows, that there are some fantastic children's aid societies and there are some fantastic workers and counsellors out there. You hear sometimes of people who retire from policing or quit policing and go into working with youth in care and that they are the ones who get it. Let's get them out there helping everybody else learn from their experiences.

**The Acting Chair (Ms. Daiene Vernile):** Any more commentary? Let us put this to a vote. All of those who are in favour of NDP motion 266? Opposed? The motion is lost.

**1000**

Let us move on now to government motion number 267. Can it please be read into the record? MPP Kiwala.

**Ms. Sophie Kiwala:** I move that subsection 316(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following paragraph:

"4.1 governing the use of physical restraint under this act, including prescribing standards and procedures for its use, requiring service providers to develop policies governing its use and prescribing provisions that must be or may not be included in those policies;"

Basically, the amendment provides new regulation-making authority for the Lieutenant Governor in Council, the LGIC, regarding the use of physical restraints. It's a technical amendment.

**The Acting Chair (Ms. Daiene Vernile):** Any commentary? All those in favour of government motion 267? Opposed? The motion is carried.

We move now on to government motion number 268. Please read it into the record.

**Ms. Sophie Kiwala:** I move that subsection 316(3) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following paragraph:

"0.1 prescribing performance standards and performance measures for the provision of services to children in care, including prescribing a process for determining what the performance standards and performance measures should be, and implementing the performance standards and performance measures that are prescribed;"

The amendment gives the minister the authority to prescribe performance standards and measures for the provision of services to children in care, including the authority to prescribe a process for determining what the standards and measures should be, and for their implementation. It was a recommendation by PACY.

**The Acting Chair (Ms. Daiene Vernile):** Any further commentary? Let us put it to a vote. All those in favour of government motion 268? Opposed? The motion is carried.

We now move on to an NDP motion: 269. Please read it into the record.

**Miss Monique Taylor:** I move that subsection 316(3) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following paragraphs:

"17. Establishing target outcomes and measurable results for children and youth who are in care and for children and youth at the time that they leave care, having regard to the following target outcomes and any other target outcomes that the minister considers appropriate:

"i. Children and youth have stable and secure homes and living conditions rather than a placement, including customary care arrangements and culturally appropriate placements.

"ii. Children and youth have permanent resident or refugee status in Canada.

"iii. Children and youth have identification available to them and leave care with identification.

"iv. Children and youth leave care with a source of income in their own right when aging out of the system.

"v. When younger children are leaving to the care of an adult, a society has ensured adequate financial support, through subsidies or other government programs, as needed.

"vi. Children and youth have a connection to a caring adult or peer.

"vii. Preventive measures are taken and resources are made available to ensure the person with custody of a child, the extended family of a child, and the community of a child are supported in the performance of child-rearing responsibilities.

“viii. Services and resources are made available to ensure that a child is not separated from their family or from their community because of disability, lack of health care, educational needs or inadequate shelter or financial hardship.

“18. Establishing a consultation process to involve children and youth in the identification of additional target outcomes and measurable results.

“19. Respecting the collection of data that is disaggregated to reflect the outcomes of children and youth from disadvantaged groups in respect of the target outcomes set out in paragraph 17 and those identified under paragraph 18, including those children and youth who are disproportionately represented in receiving or seeking services under this act and those children and youth identified in the Poverty Reduction Act, 2009.”

This adds significant measures regarding setting targets, outcomes and measurable results, Chair. We think that it’s important to ensure that we are measuring things because we know that we haven’t done that well in the past. Because of that, we have no real data to ensure that we move forward in the right direction.

These are recommendations coming from PACY. I understand that the motion before talks about performance measures, but there is some real, concrete information in here to set out real, true standards in ensuring the safety and well-being of children as they move into the system, as they move out of the system, after they are in the system—to know exactly where they are and how they are doing so that we can shift things, going forward in the future, to ensure we’re in the right direction and doing the right thing by our kids.

**The Acting Chair (Ms. Daiene Vernile):** Miss Taylor, just for clarity, in number 19 we think we may have heard “desegregated” or “segregated” and the word is “disaggregated”.

**Miss Monique Taylor:** Disaggregated. Yes, thank you.

**The Acting Chair (Ms. Daiene Vernile):** Thank you. MPP Martow?

**Mrs. Gila Martow:** So we’re taking children, 16- and 17-year-olds, into care with this new act, mostly on a voluntary basis, but there will be times when the court orders it or there are special circumstances—perhaps physical, mental or emotional issues.

It would be nice if they would be asked to write a report. These aren’t children; these are young adults. If they were able to write a report—if they had to do it all over again, would they have gone into care, not gone into care, recommendations they have—to get the feedback from them. I think there are a lot of people who have concerns with the cost, that it’s going to be a tax burden to take this cohort into care, but obviously we all agree that it’s a necessity to offer it to them.

It’s not just about report-writing. I want to hear from them themselves. I’m hoping that there is going to be some kind of mechanism. Now with technology, it’s so easy to stay in touch in ways that we were never able to before. I hope that we are going to be able to target the

outcomes, review the outcomes, and get the proper feedback that we need so that we can constantly be improving the system.

**The Acting Chair (Ms. Daiene Vernile):** Any further comments? Let us vote, then, on NDP motion 269. Those in favour? Opposed? The motion is lost.

We now move on to voting on schedule 1, section 316, as amended. All those in favour? Opposed? The section carries.

We now move on to government motion 270. Please read it into the record.

**Ms. Sophie Kiwala:** I move that section 317 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following paragraph:

“1.1 prescribing intervals for the purpose of section 8;”

The amendment enables the Lieutenant Governor in Council to prescribe the intervals at which service providers would be required to inform children and youth in care of their rights.

**The Acting Chair (Ms. Daiene Vernile):** Any commentary? Let us put it to a vote. Those in favour? Those opposed? The motion is carried.

Committee members, we are now going to vote on schedule 1, section 317, as amended. Those in favour? Opposed? It carries.

Now we’re on to government motion 271. Please read it into the record.

**Ms. Sophie Kiwala:** I move that subsection 318(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following paragraph:

“2.1 prescribing the information to be contained in or excluded from a summary of an order made available to the public under clause 32(4)(b) or 42(4)(b);”

The amendment gives the minister the authority to prescribe the information to be contained in or excluded from a publicly available summary of a compliance order issued to a lead agency service provider or society.

**The Acting Chair (Ms. Daiene Vernile):** Any commentary? Let’s vote. Those in favour? Opposed? The motion is carried.

Members, schedule 1, section 318, as amended: Those in favour? Opposed? The section is carried.

We move on now to government motion 272. Please read it into the record.

**Ms. Sophie Kiwala:** I move that subsection 319(2) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended,

(a) by striking out “societies or agencies” in paragraph 2 and substituting “societies, persons or entities”; and

(b) by striking out “societies and agencies” wherever it appears in paragraph 3 and substituting in each case “societies, persons and entities”.

The amendment changes “societies or agencies” to “societies, persons or entities” in paragraphs pertaining to the minister’s regulation-making authority for prescribing matters requiring consultations with bands and First Nations, Inuit and Métis communities and prescribing

procedures and practices to be followed during the consultations.

**The Acting Chair (Ms. Daiene Vernile):** Any further commentary? Let us put this motion to a vote.

Those in favour? Those who are opposed? The motion is carried.

Members, shall schedule 1, section 319, as amended, carry? Opposed? The motion is carried.

Let us move on to schedule 1, section 320. We have government motion 273. Please read it into the record.

**Ms. Sophie Kiwala:** I move that paragraph 7 of subsection 320(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:

“7. governing agreements entered into under section 121, including prescribing entities required to enter into the agreements, the expiry, renewal and termination of the agreements, the provisions to be included in the agreements, the care and support to be provided to persons under the agreements, the terms and conditions on which the care and support is to be provided and any exceptions to the requirement that an agreement be entered into or that care and support be provided under section 121;”

The amendment expands the minister’s regulation-making authority for the provision of continued care and support to include prescribing the entities that could deliver this service; the expiry, renewal and termination of the agreements; the provisions to be included in the agreements and any exceptions to the agreement.

**The Acting Chair (Ms. Daiene Vernile):** Any commentary? Yes, MPP Martow?

**Mrs. Gila Martow:** Is this only necessary because we’re voluntarily, and sometimes not voluntarily, taking youth into care who are 16 and 17 years old? Is that the reason why we need to have this section added?

**Ms. Sophie Kiwala:** The amendment allows for additional requirements for continued care and support to be set out in the regulation. It refers to the regulation-making authority. The amendment is consistent with the earlier amendment to make continued care and support an entitlement for youth.

**Mrs. Gila Martow:** So it has to do with 16- and 17-year-olds?

**Ms. Sophie Kiwala:** Yes.

**Mrs. Gila Martow:** Yes? Okay.

**The Acting Chair (Ms. Daiene Vernile):** All right. Are we ready to put this to a vote?

Those in favour of government motion 273? Those opposed? The motion is carried.

Members, we are now going to move on to motion number 273.1, a PC motion. Please read it into the record.

**Mrs. Gila Martow:** I think it’s a quarter after the hour. Do we want to wait?

**The Acting Chair (Ms. Daiene Vernile):** We’re at 10:13. Is this a good time to stop?

**Mrs. Gila Martow:** Oh, I’m looking at that clock. Okay, we’ll continue.

**Ms. Lisa M. Thompson:** Yes. Let’s get it done.

**Mrs. Gila Martow:** Okay, sorry. I thought the clock was on time.

**The Acting Chair (Ms. Daiene Vernile):** Go ahead.

**Mrs. Gila Martow:** I move that paragraph 9 of subsection 320(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:

“9. designating one or more organizations, agencies or persons for the purpose of receiving reports of child pornography under subsection 122(1.1);”

Basically, we’ve tried to—

**The Acting Chair (Ms. Daiene Vernile):** Ms. Martow, I’m sorry to interrupt you, but amendment 273.1 makes reference to subsection 122(1.1) of the bill. With the failure of PC motion 154R, this subsection does not currently exist in the bill. As such, I must rule it out of order.

**Mrs. Gila Martow:** And can I comment or no?

**The Acting Chair (Ms. Daiene Vernile):** No commentary; it’s out.

Members, it’s 10:14, and I think that this is a natural spot for us to break. We will see you all again this afternoon as we continue this debate. Thank you.

*The committee recessed from 1014 to 1401.*

**The Chair (Mr. Shafiq Qadri):** Thank you, colleagues. I reconvene the Standing Committee on Justice Policy. The NDP has the floor, as they will now be presenting motion 274. Miss Taylor, motion 274.

**Miss Monique Taylor:** Thank you, Chair. Welcome back.

**The Chair (Mr. Shafiq Qadri):** Thank you.

**Miss Monique Taylor:** I move that paragraph 9 of subsection 320(2) 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 Qadri):** Comments? Questions? If none, we’ll proceed to the vote. Those in favour of NDP motion 274? Those opposed? NDP motion 274 falls.

Shall section 320, as amended, carry? Carried.

Shall section 321 carry? Carried.

We now proceed to section 322, and government motion 275. Ms. Kiwala.

**Ms. Sophie Kiwala:** I move that paragraph 7 of section 322 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding “additional” after “prescribing”.

This amendment allows for the minister to establish regulatory requirements in addition to the new clauses set out in section 171(9) pertaining to the separate approach for youth 16 and older who are held in a place of secure custody or secure temporary detention, including provisions for secure de-escalation placements over 24 hours.

**The Chair (Mr. Shafiq Qadri):** Comments on 275? If there are none, those in favour of government motion 275? Those opposed? Government motion 275 carries.

Shall section 322, as amended, carry? Carried.

Shall section 323 carry? Carried.

Government motion 276: Ms. Kiwala.

**Ms. Sophie Kiwala:** I move that paragraph 12 of subsection 324(1) of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be struck out.

This amendment seeks to strike out paragraph 12 from section 324(1), and is a technical amendment.

**The Chair (Mr. Shafiq Qaadri):** Comments on 276? If none, we'll proceed to the vote. Those in favour of government motion 276? Those opposed? Motion 276 carries.

Shall section 324, as amended, carry? Carried.

Government motion 277: Ms. Kiwala.

**Ms. Sophie Kiwala:** I move that paragraphs 4, 6, 8 and 12 of section 325 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:

"4. prescribing and governing methods of giving notice under clauses 279(8)(b) and 280(3)(b);

"6. prescribing purposes related to a society's functions for the purposes of clause 284(2)(b.1), sub-clause 287(2)(a)(ii) and subsection 288(2.1);

"8. prescribing requirements and restrictions for the purposes of clauses 284(2)(d), 287(1)(j) and (k) and 288(1)(h) and subsections 289(2) and (3), 296.1(10), 298(1) and (4) and 298.1(10);

"12. prescribing a body for the purposes of sections 296.1, 298 and 298.1;"

This amendment clarifies the authority of the Lieutenant Governor in Council to make regulations about part X—I think; maybe I can clarify that. I'll move on and keep reading—personal information, including methods of providing public notification; additional purposes for which a society can collect, use or disclose personal information; privacy protection requirements and restrictions; and the ability to name a review body to determine incapacity to consent.

That refers to part X.

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

**Mrs. Gila Martow:** I'm laughing, because when I read through this—my understanding was, of course, as the member opposite said, that this is concerning personal information and it's giving additional oversight to other sections of the act, and everybody is very concerned, especially now in the age of technology and the fact that they're implementing CPIN and all that. But this is exactly what I'm talking about. It's the opposite of plain language. It's tough for us to get through these kinds of amendments because we feel responsible that we should know what it's about before we even come here and ask what it's about. So it's pretty tough. It has to be that way because it's all of these different pointers to different sections of the bill. But then again, sometimes it would be nice, when we get these kinds of amendments, if there was an outline or something that could help us and direct us to what the purpose of it all was so that we're not going through the pages with little notes and stickies and trying to figure out what it's pointing to.

**The Chair (Mr. Shafiq Qaadri):** For future reference, in general, that's probably the responsibility of your own staff. But I think, as well, if you were to submit questions in writing either to us and/or to the ministry, or through us to the ministry, we could probably execute that for you.

**Mrs. Gila Martow:** Thanks.

**The Chair (Mr. Shafiq Qaadri):** Any further on government motion 277? If not, we'll proceed to the vote. Those in favour of government motion 277? Those opposed? Motion 277 carries.

Government motion 278.

**Ms. Sophie Kiwala:** I move that section 325 of the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following paragraphs:

"19. permitting notices, statements or any other things, that under this part are required to be provided in writing, to be provided in electronic or other form instead, subject to the conditions or restrictions that are specified by the regulations made under this section;

"20. requiring service providers to provide information to the commissioner and specifying the type of information to be provided and the time at which and manner in which it is to be provided;"

This amendment provides for Lieutenant Governor in Council regulation-making authority, similar to the last one, pertaining to electronic notices and statements, as well as information provided to the Information and Privacy Commissioner as part of their oversight function.

**The Chair (Mr. Shafiq Qaadri):** Mrs. Martow.

**Mrs. Gila Martow:** The last time the child welfare bill was updated, I believe, was 32 years ago. If we picture what life was like 32 years ago, that was before laptops, before smart phones, before most of us in this room even communicated with anybody via email or anything like that. So I would have expected that in the original bill there would have been an entire team looking at what we have to do to update—because, of course, now it's electronic notices. What does "electronic notices" mean? It means email; it means the digital world that we're living in right now, that wasn't available to anywhere near the extent—in fact, we couldn't even imagine what was coming 32 years ago.

So I'm a little nervous to see this being implemented as an amendment, because I would have thought that this was a key part of every aspect of this bill when it was being implemented—but of course if we have to do it at amendment, that's what we do.

**The Chair (Mr. Shafiq Qaadri):** Once again, just to let you know: I can see our staff people sitting at the media table—both Ron and Arianne. From their demeanour, I can sense that they'd be very pleased to receive a written request from you for further research or clarification on any of these materials.

Government motion 278: Is there any further comment before we proceed? Those in favour of government motion 278? Those opposed? Government motion 278 carries.

Shall section 325, as amended, carry? Carried.

**1410**

Government motion 279.

**Ms. Sophie Kiwala:** I move that paragraph 4 of section 326 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:

“4. respecting police record checks for the purposes of section 313, including,

“i. prescribing other entities from whom a society may request police record checks or other information,

“ii. prescribing other information that may be requested,

“iii. prescribing circumstances in which and purposes for which the request may be made, and

“iv. prescribing procedures and practices to be followed when a police record check or other information is requested.”

The amendment provides regulation-making authority for the Lieutenant Governor in Council to prescribe the circumstances and purposes for which requests for police records or information may be made by a society, and to prescribe the procedures and practices to be followed when such requests are made.

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

**Miss Monique Taylor:** This takes me back to what we were discussing earlier about the blanket ability of societies to be requesting police checks. Once I read it again, I guess I'm concerned about what “prescribing” would mean. What would the prescribed circumstances be? I understand it will happen in regulations, but do you have any idea of what that would mean? We know we have things that go wrong where parents feel that societies have overstepped their boundaries or have done things that they wouldn't think correct. Like I said, I guess it's going to come in regulations, but are there any thoughts of what those prescribed circumstances would be?

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

**Ms. Sophie Kiwala:** Just a few further pieces of information on this one. Access to comprehensive information respecting a caregiver's history of criminal involvement is critical for assessing risk of harm to children and youth receiving services under the act. Prescribing the specific purposes and circumstances for which societies may request information from police and the specific procedures and practices to be followed promotes—and this is the key—greater clarity and consistency with respect to police record check practices across the province.

Currently, there are no legislative provisions requiring police record checks for the provision of services governed by the Child and Family Services Act. Requirements are outlined in regulation and policy.

**The Chair (Mr. Shafiq Qadri):** Further comments? Miss Taylor? Ms. Martow? If none, we'll proceed to the vote. Those in favour of government motion 279? Opposed? Motion 279 carries.

Shall section 326, as amended, carry? Carried.

Shall sections 327, 328 and 329 carry? Carried.

We will now proceed to PC motion 296, which is a motion for the preamble. A preamble usually occurs at the beginning of a bill, but this is only occurring at the beginning of this schedule; therefore, we're going out of order right now to PC motion 296.

**Mrs. Gila Martow:** I move that the preamble to the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding “and must take into account the range of normal trauma responses that children in care may exhibit” after “Services provided to children and families should be child-centred”.

We all know—

**The Chair (Mr. Shafiq Qadri):** Excuse me, Ms. Martow. With exceptional regret, I have to inform you that the motion is out of order and expunged from the public record.

PC motion 297.

**Mrs. Gila Martow:** I move that the preamble to the Child, Youth and Family Services Act, 2016, as set out in schedule 1 to the bill, be amended by adding the following after “maintain connections to their communities”:

“Policy and system reform must be evidence-based and data-driven. They must be measured based on the outcomes demonstrated by children and families receiving services.”

Is this also out of order?

**The Chair (Mr. Shafiq Qadri):** Yes. Perhaps just to explain: Apparently, I guess the preamble is a sacred part of the bill and is only to be altered if all the amendments have substantially and substantively altered the bill, which apparently I think is not the case. Therefore, yes, this is in fact, unfortunately, also out of order.

**Mrs. Gila Martow:** In fact, Chair, if I may: It's the exact opposite because before, the bill did not reflect the preamble, and the amendments are to make the bill reflect the preamble. So it's actually the opposite. But, perfect; I understand what you mean.

**The Chair (Mr. Shafiq Qadri):** Do we need any further commentary from legislative counsel, anybody? Do you want to weigh in on that?

**Ms. Susan Klein:** No.

**The Chair (Mr. Shafiq Qadri):** Okay. Fair enough.

Shall the preamble carry? All those in favour? All those opposed? Shall the preamble carry?

**Miss Monique Taylor:** I'm confused.

**The Chair (Mr. Shafiq Qadri):** I'm happy to redo the vote.

Shall schedule 1, the preamble, carry? Those in favour? Those opposed? Schedule 1, preamble now carries.

Shall schedule 1, as amended, carry? Carried.

We'll now proceed to schedule 2. Shall schedule 2, section 1, carry? Carried.

We'll now proceed to—I believe this was a late addition which should have been received by everyone: government motion 280R. Ms. Kiwala.

**Ms. Sophie Kiwala:** I move that section 2 of schedule 2 to the bill be amended by adding the following subsection:

“(0.1) Subsection 27(1) of the act is repealed and the following substituted:

“Consent to service

“Consent to service: person 16 or older

“(1) Subject to clause (2)(b) and subsection (3.1), a service provider may provide a service to a person who is 16 years of age or older only with the person’s consent, except where the court orders under this act that the service be provided to the person.”

The amendment replaces government motion 280. It now references the correct subsection (3.1), not (4).

**The Chair (Mr. Shafiq Qadri):** Further comments on government motion 280R? If there are none, we’ll proceed to the vote. Those in favour of government motion 280R? Those opposed? Motion 280R carries.

Government motion 280.

**Ms. Sophie Kiwala:** We would like to withdraw this motion.

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

Government motion 281.

**Ms. Sophie Kiwala:** I move that subsection 27(3) of the Child and Family Services Act, as set out in subsection 2(1) of schedule 2 to the bill, be struck out.

The current subsection in the bill exempts a service provider from obtaining consent to service from 16- and 17-year-olds where the youth is receiving child protection services. This amendment removes this subsection to align with other amendments to remove the apprehension provisions for 16- and 17-year-olds and to provide authority to admit 16- and 17-year-olds into care only by court order.

**Miss Monique Taylor:** Chair, where are we?

**The Chair (Mr. Shafiq Qadri):** We are on government motion 281. I can provide you a copy of it, if you need it.

**Miss Monique Taylor:** I don’t think that’s what I just heard.

**Ms. Sophie Kiwala:** Motion 280 was removed.

**The Chair (Mr. Shafiq Qadri):** She read it and then she went straight into the explanation.

**Interjection:** Are you reading 280?

**Miss Monique Taylor:** No, I have 281.

**Ms. Sophie Kiwala:** I read 281.

**The Chair (Mr. Shafiq Qadri):** Yes. She withdrew 280.

**Miss Monique Taylor:** Yes, I know. I got that.

**Mrs. Gila Martow:** She read it quickly and then read an explanation.

**Miss Monique Taylor:** Okay. Maybe that’s why. The explanation kind of melded in. Sorry. Go ahead.

**The Chair (Mr. Shafiq Qadri):** Okay. So 281, so everyone’s on the same focus.

Ms. Kiwala, you’re finished?

**Ms. Sophie Kiwala:** Finished.

**The Chair (Mr. Shafiq Qadri):** Okay. The floor is now open for comments on 281. Seeing none, we’ll proceed to the vote. Those in favour of government motion 281? Those opposed? Motion 281 carries.

Shall section 2, as amended, carry? Carried.

Shall sections 3 and 4 carry? Carried.

Government motion 282.

**Ms. Sophie Kiwala:** I move that section 37.1 of the Child and Family Services Act, as set out in section 5 of schedule 2 to the bill, be amended by adding the following subsection:

“Same

“(1.1) The society may make a written agreement under subsection (1) where a temporary care agreement in respect of the child is terminated, expires or is about to expire as described in section 33 and is not extended, and may do so before the agreement terminates or expires.”

**The Chair (Mr. Shafiq Qadri):** That’s the motion. Now here comes the commentary.

**Ms. Sophie Kiwala:** This amendment permits societies to enter into a written agreement with 16- and 17-year-olds, subject to a temporary care agreement that is terminated, expires or is about to expire, providing that the society has jurisdiction where the youth resides, has determined that the youth is in need of protection, and is satisfied that no other less intrusive option is available to adequately protect the youth, and the youth consents to the agreement.

**1420**

**The Chair (Mr. Shafiq Qadri):** Comments on government motion 282? Seeing none, I’ll proceed to the vote. Those in favour of government motion 282? Those opposed? Motion 282 carries.

Government motion 283.

**Ms. Sophie Kiwala:** I move that subsection 37.1(6) of the Child and Family Services Act, as set out in section 5 of schedule 2 to the bill, be amended by striking out “may not be made” and substituting “may not come into force”.

Basically, the current subsection in the bill prohibits a society from preparing a society agreement with a 16- or 17-year-old until any temporary care agreement or a court order is terminated.

This amendment allows societies to prepare this type of agreement with youth prior to the agreement coming into force at the time a temporary care agreement or court order is terminated.

**The Chair (Mr. Shafiq Qadri):** Comments on government motion 283? If there are none, we’ll proceed to the vote.

Those in favour of government motion 283? Those opposed? Motion 283 carries.

Shall section 5, as amended, carry? Carried.

Government motion 284.

**Ms. Sophie Kiwala:** We are requesting unanimous consent on this motion.

**The Chair (Mr. Shafiq Qadri):** You have to read the motion, Ms. Kiwala.

**Ms. Sophie Kiwala:** I move that schedule 2 to the bill be amended by adding the following section:

“5.1(1) The English version of subsection 40(2) of the act is amended by adding the following clause:

“(0.a) the child is less than 16 years old;”

“(2) The French version of subsection 40(2) of the act is revoked and the following substituted:

“Mandat d’amener un enfant

“(2) Un juge de paix peut décerner un mandat autorisant un préposé à la protection de l’enfance à amener un enfant dans un lieu sûr s’il est convaincu, à la suite d’une dénonciation faite sous serment par un préposé à la protection de l’enfance, qu’il existe des motifs raisonnables et probables de croire ce qui suit :

“0.a) l’enfant a moins de 16 ans;

“a) l’enfant a besoin de protection;

“b) un autre plan d’action moins restrictif n’est pas disponible ou ne protégera pas suffisamment l’enfant.”

“(3) The English version of subsection 40(7) of the act is amended by striking out “and” at the end of clause (a) and by adding the following clause:

“(a.1) the child is less than 16 years old; and”

“(4) The French version of subsection 40(7) of the act is revoked and the following substituted:

“Appréhension de l’enfant sans mandat

“(7) Le préposé à la protection de l’enfance peut, sans mandat, conduire un enfant dans un lieu sûr si, en se fondant sur des motifs raisonnables et probables, il croit ce qui suit :

“a) l’enfant a besoin de protection;

“a.1) l’enfant a moins de 16 ans;

“b) la santé ou la sécurité de l’enfant risqueraient vraisemblablement d’être compromises pendant le laps de temps nécessaire à l’obtention d’une audience en vertu du paragraphe 47(1) ou d’un mandat en vertu du paragraphe (2).”

**Le Président (M. Shafiq Qaadri):** Merci beaucoup, madame Kiwala. Quel effort extraordinaire, mais regrettamment, je dois déclarer que ce n’est pas en fait en ordre.

The motion is, unfortunately, out of order unless you acquire unanimous consent.

**Ms. Sophie Kiwala:** We are asking for unanimous consent in response to stakeholder feedback, including from PACY, the Office of the Children’s Lawyer, Justice for Children and Youth and the Children in Limbo Task Force. We have proposed amendments to the age-of-protection provisions to ensure that 16- and 17-year-olds cannot be apprehended involuntarily unless by court order.

These amendments need to happen in two places: (1) in the new CYFSA, which comes into force in April 2018 and for which previous motions have already been passed by this committee; and (2) in the current CFSA, which would allow the age of protection provisions to come into force in the fall of 2017 with this balance reflected.

When it comes to part 2, the clearest route—

**The Chair (Mr. Shafiq Qaadri):** Ms. Kiwala, you need unanimous consent before you can actually do all that.

**Ms. Sophie Kiwala:** Oh, okay.

**The Chair (Mr. Shafiq Qaadri):** Once again, to be clear, this is unanimous consent here in this committee, not in the House. Are colleagues prepared to consider it? Do they need some time to deliberate, or are we ready to move to the request for unanimous consent?

**Mr. Arthur Potts:** Do you want to take five minutes to discuss it? Do you want to take a break?

*Interjections.*

**The Chair (Mr. Shafiq Qaadri):** Fine. Do I have unanimous consent for the consideration of this? You say no. Thank you. We do not have unanimous consent, so this motion is therefore out of order.

We are now on—

**Mrs. Gila Martow:** I understood unanimous consent to be in the House with the House leaders.

**The Chair (Mr. Shafiq Qaadri):** The committee has the same powers.

**Mr. Arthur Potts:** We were going to take a five-minute break.

**Mrs. Gila Martow:** Okay, can we take a five-minute break? That’s great.

**Mr. Arthur Potts:** It’s too late now, unless we can open it. Can we reopen it up?

**The Chair (Mr. Shafiq Qaadri):** Just a sec.

*Interjections.*

**The Chair (Mr. Shafiq Qaadri):** Okay, why don’t we regroup? We have a five-minute recess.

*The committee recessed from 1426 to 1430.*

**The Chair (Mr. Shafiq Qaadri):** Thank you. We will now require two unanimous consents—consenti, I suppose; I don’t know—one to go back to 284 and the second to therefore consider having gone back to 284.

Do I have unanimous consent to go back and consider government motion 284? Is that the will of the committee? Yes. That is now the will of the committee.

Consent number two: Do I have consent to propose or consider motion 284? I do. Therefore I will now invite motion 284 for consideration. I think we have already had it read, so presumably, we need it read again.

**Mrs. Gila Martow:** Do we need unanimous consent to be allowed to reread it?

**The Chair (Mr. Shafiq Qaadri):** She is required to reread it. Ms. Kiwala, s’il vous plaît, procédez.

**Mrs. Gila Martow:** Here is my question: Does it have to be somebody in government who reads it?

**The Clerk of the Committee (Mr. Christopher Tyrell):** Anyone can move any motion.

**Mrs. Gila Martow:** Would you like me to read it a little faster?

**Ms. Sophie Kiwala:** No, I need the practice. Alright, alright, you read it. Go.

**The Chair (Mr. Shafiq Qaadri):** Mrs. Martow, I believe this is absolutely unprecedented, but we’ll be happy to entertain it. You have the floor. I hope this is a harbinger of things to come. Government motion 284.

**Mrs. Gila Martow:** I move that schedule 2 to the bill be amended by adding the following section:

“5.1(1) the English version of subsection 40(2) of the act is amended by adding the following clause:

“(0.a) The child is less than 16 years old;”

“(2) The French version of subsection 40(2) of the act is revoked and the following substituted:

“Mandat d’amener un enfant

“(2) Un juge de paix peut décerner un mandat autorisant un préposé à la protection de l’enfance à amener un enfant dans un lieu sûr s’il est convaincu, à la suite d’une dénonciation faite sous serment par un préposé à la protection de l’enfance, qu’il existe des motifs raisonnables et probables de croire ce qui suit :

“0.a) l’enfant a moins de 16 ans;

“a) l’enfant a besoin de protection;

“b) un autre plan d’action moins restrictif n’est pas disponible ou ne protégera pas suffisamment l’enfant.”

“(3) The English version of subsection 40(7) of the act is amended by striking out ‘and’ at the end of clause (a) and by adding the following clause:

“(a.1) the child is less than 16 years old; and”

“(4) The French version of subsection 40(7) of the act is revoked and the following substituted:

“Appréhension de l’enfant sans mandat

“(7) Le préposé à la protection de l’enfance peut, sans mandat, conduire un enfant dans un lieu sûr si, en se fondant sur des motifs raisonnables et probables, il croit ce qui suit :

“a) l’enfant a besoin de protection;

“a.1) l’enfant a moins de 16 ans;

“b) la santé ou la sécurité de l’enfant risqueraient vraisemblablement d’être compromises pendant le laps de temps nécessaire à l’obtention d’une audience en vertu du paragraphe 47(1) ou d’un mandat en vertu du paragraphe (2).”

**Le Président (M. Shafiq Qadri):** Merci beaucoup pour votre présentation, madame Martow. Je pense, à ma connaissance, c’est probablement la première fois qu’un membre du Parti conservateur a proposé une motion du gouvernement.

**Mrs. Gila Martow:** I’m going to do a press release.

**Le Président (M. Shafiq Qadri):** Questions ou commentaires sur government motion 284? Il n’y a pas de commentaires? On procède maintenant avec le vote in English.

Those in favour of government motion 284? Those opposed? Government motion 284 carries.

Government motion 285.

**Ms. Sophie Kiwala:** I move that schedule 2 to the bill be amended by adding the following section:

“5.2 The act is amended by adding the following section:

“Exception, 16 or 17 year old brought to place of safety or apprehended with consent

“40.1(1) A child protection worker may bring a child who is 16 or 17 years old and who is subject to a temporary or final supervision order to a place of safety if the child consents.

“Temporary or final supervision order

“(2) In this section,

“‘temporary or final supervision order’ means an order under clause 51(2)(b) or (c), paragraph 1 or 4 of subsection 57(1), subsection 64(8) or 65.1(10) or clause 65.2(1)(a).”

This amendment gives societies authority to bring 16- and 17-year-olds subject to child protection orders to a place of safety with their consent.

**The Chair (Mr. Shafiq Qadri):** Comments on government motion 285? Mrs. Martow.

**Mrs. Gila Martow:** My understanding—and you can correct me if it’s wrong—is that this is really just to clarify that it’s going to be voluntary for those who are 16 and 17 years of age. Is there something more substantive in “temporary or final supervision order”? Is that more of a terminology thing or—

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

**Ms. Sophie Kiwala:** The act requires that a youth cannot enter a voluntary agreement until all orders to which the youth is subject are dispensed with in court. The amendment introduces an option for 16- and 17-year-olds who are subject to a supervision order and who need to leave their homes to be admitted to care with consent until the supervision order can be dispensed with and the youth can enter a voluntary agreement.

**The Chair (Mr. Shafiq Qadri):** Further comments, government motion 285? If none, we’ll proceed to the vote. Those in favour of government motion 285? Those opposed? Government motion 285 carries.

We’ll proceed now to the next section: schedule 2, section 6, the notice before the government. Ms. Kiwala.

**Ms. Sophie Kiwala:** The government recommends voting against section 6 of schedule 2 to the bill. The reason for notice rather than a motion is, if the committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section rather than pass a motion to delete it.

**The Chair (Mr. Shafiq Qadri):** Is everyone clear on that? Fine, so we’ll—

**Mrs. Gila Martow:** Can I ask a question? No?

**The Chair (Mr. Shafiq Qadri):** Please.

**Mrs. Gila Martow:** Why are we, exactly, deleting this? I might have known that a few weeks ago when I read all this, but why are we deleting this section? We’re implementing a whole new section or we’re just deleting it? Why are we deleting it?

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

**Ms. Sophie Kiwala:** It removes the changes to section 41(1)(a) and 41(4)(a) of the CFSA, which would have permitted the apprehension of a 16- and 17-year-old with or without a warrant. A court application or motion will now be required to admit a youth who is 16 or 17 to ensure the voice of the youth is heard in the decision-making. Youth who are 16 or 17 at highest risk can be admitted to care, but only following a court application or motion, which would provide for a judge to hear all evidence prior to making an order placing the child in

care, and also allow the responding parties, youth or parents, an opportunity to respond. The youth can participate in the hearing.

Voting against section 6 is consistent with the focus on the child's voice and is responsive to stakeholder feedback while also maintaining an option for admission of youth at highest risk.

**The Chair (Mr. Shafiq Qaadri):** Further comments?

We're now voting on section 6 as per the request of the notice. Those in favour of section 6 carrying? Those opposed, to delete section 6?

*Interjections.*

1440

**The Chair (Mr. Shafiq Qaadri):** Let me just explain. I'm going to re-conduct the vote. I'm going to ask for "carrying," "non-carrying." Those of you who would like to see section 6 survive, vote for it to carry. Those of you who would like to see section 6 deleted will vote against it. Understood?

Shall schedule 2, section 6, carry? Those in favour? Those opposed? Thank you. Section 6, as per the government notice, is deleted.

Shall section 7 carry? Carried.

Government motion 286.

**Ms. Sophie Kiwala:** I move that schedule 2 to the bill be amended by adding the following section:

"7.1 The act is amended by adding the following section:

"Time in place of safety limited, 16 or 17 years old

"46.1 As soon as practicable, but in any event within five days after a child who is 16 or 17 years old is brought to a place of safety with the child's consent under section 40.1,

"(a) the matter shall be brought before a court for a hearing under subsection 47(1); or

"(b) the child shall be returned to the person entitled to custody of the child under an order made under this part."

This amendment applies time limits on the next steps when youth who are 16 or 17, and subject to child protection orders, consent to going to a place of safety.

**The Chair (Mr. Shafiq Qaadri):** Further comments on government motion 286? If there are none, we'll proceed, then, to the vote. Shall government motion 286 carry? Those in favour? Those opposed? Government motion 286 carries.

Shall the next five sections, sections 8, 9, 10, 11 and 12, carry? May I consider them together? Thank you. Shall they carry? Carried.

Next section: government motion 287.

**Ms. Sophie Kiwala:** I move that schedule 2 to the bill be amended by adding the following section:

"12.1 The act is amended by adding the following section:

"Regulations: defining words or expressions in act

"223.0.1 The Lieutenant Governor in Council may make regulations defining any word or expression used in this act that is not already defined in this act and

further defining any word or expression used in this act that is already defined in this act."

This amendment provides regulation-making authority to the Lieutenant Governor in Council to define any undefined word or expression in the act, and to further define any defined word or expression in the act. It's basically a cleanup of language.

**The Chair (Mr. Shafiq Qaadri):** Comments on government motion 287? Miss Taylor.

**Miss Monique Taylor:** "Cleanup of language" is an understatement, when we look at the number of amendments that we've had to this bill.

I've never gone through this process before, but now that we're adding all of these spaces for regulations, I'm just curious if the government forgot to add the ability for regulations into the bill beforehand. I'm just not sure.

Is this typical, Chair?

**The Chair (Mr. Shafiq Qaadri):** I don't know if that's a question for me to answer, Ms. Taylor, but—

**Miss Monique Taylor:** But are regulations not typically added into the bill originally? I don't know. I'm just curious—just for learning's sake.

**The Chair (Mr. Shafiq Qaadri):** I would always encourage you to maintain your curiosity, but I don't think that's for the committee Chair to answer.

**Miss Monique Taylor:** All right.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments on government motion 287? Seeing none, we'll proceed to the vote. Those in favour of government motion 287? Those opposed? Government motion 287 carries.

NDP motion 288: Miss Taylor.

**Miss Monique Taylor:** I move that schedule 2 to the bill be amended by adding the following section:

"Amendment to O. Reg. 206/00

"12.1 Subsection 13(4) of Ontario Regulation 206/00 (Procedures, Practices and Standards of Service for Child Protection Cases) made under the act is amended by striking out "21 years of age or older" and substituting "25 years of age or older".

**The Chair (Mr. Shafiq Qaadri):** Miss Taylor, just again, it is (a) out of order, and (b) the reason is because it's seeking to go after and modify a regulation and not this bill—and by the way, the "O" was for Ontario.

**Miss Monique Taylor:** Okay. Thank you. Look at that: clarification, working together.

**The Chair (Mr. Shafiq Qaadri):** That is officially out of order, so it was dispensed with.

We'll now proceed to the next section, for which we have so far received no amendments. Shall section 13 carry? Carried.

Shall schedule 2, as amended, carry? Carried.

We are now onto schedule 3. We have the first 10 sections, 1 to 10, inclusive, for which we have received no amendments. May I consider them en bloc? Therefore, shall sections 1 up to and including 10 carry? Carried.

I now proceed to government motion 289.

**Ms. Sophie Kiwala:** I move that schedule 3 to the bill be amended by adding the following section:

“10.1 Section 278.1 of the act is amended by striking out ‘and 131(11)’.”

This amendment is complementary to an earlier amendment that added a new reference to the Child Abuse Register to section 278.1 of schedule 1. Schedule 3 of the bill deals with future amendments to the CYFSA, including provisions pertaining to the repeal of all CYFSA sections related to the Child Abuse Register to support the planned decommissioning of the Child Abuse Register when the Child Protection Information Network is fully implemented, and contains all of the information and functionality of the Child Abuse Register.

Any reference to the CAR may be accounted for in schedule 3 to ensure that when the CAR is decommissioned, schedule 3 amendments can be proclaimed to remove all reference to the CAR from the CYFSA. The amendment accounts for a new reference to the CAR and allows for its repeal once the CAR is decommissioned in the future.

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Kiwala. Is there some discrepancy somewhere?

*Interjection.*

**The Chair (Mr. Shafiq Qadri):** Okay. We’re not on a recess, but a pause.

*Interjections.*

**Mr. Mike Colle:** This is more than a pause.

**Miss Monique Taylor:** Well, there were changes. I think we’re all used to changes around this place.

**Mr. Mike Colle:** Changes.

**The Chair (Mr. Shafiq Qadri):** The floor is open for discussion. There’s no reason we have to remain silent.

**Mr. Arthur Potts:** Chair?

**The Chair (Mr. Shafiq Qadri):** Mr. Potts.

**Mr. Arthur Potts:** I love your hair today. It’s spectacular.

**Mrs. Gila Martow:** You missed my song this morning.

**The Chair (Mr. Shafiq Qadri):** I’m not sure if it’s in the Chair’s mandate to comment on hair or song, but in any case, I do thank you both for that contribution.

Miss Taylor.

**Miss Monique Taylor:** I’m ready, Chair. Thank you for your lenience and your patience.

**The Chair (Mr. Shafiq Qadri):** Before the floor is government motion 289. The floor is open for comments. Miss Taylor?

**Miss Monique Taylor:** For comments?

**The Chair (Mr. Shafiq Qadri):** On government motion 289.

**Miss Monique Taylor:** No, I had nothing on that. You could have moved ahead.

**The Chair (Mr. Shafiq Qadri):** Fair enough. Thank you. We’ll proceed, then, to the vote. Those in favour of government motion 289? Those opposed? Government motion 289 carries.

**1450**

Government motion 290.

**Ms. Sophie Kiwala:** I move that subsection 281(5) of the Child, Youth and Family Services Act, 2016, as set out in section 11 of schedule 3 to the bill, be struck out and the following substituted:

“Exceptions—other matters

“(5) Sections 282 to 310 do not apply to,

“(a) records to which subsection 127(6) or (8) apply; or

“(b) reports for which an order was made under subsection 160(6).”

The amendment aligns with the previous amendment to move a reference to section 85(8), (9) and (10), currently in section 281(5) of the act, to section 278. Section 85(8), (9) and (10) refers to publication bans related to hearings. This is a housekeeping amendment to correct a reference as appearing in section 281(5).

**The Chair (Mr. Shafiq Qadri):** Comments on government motion 290? Seeing none, we’ll proceed to the vote. Those in favour of government motion 290? Those opposed? It’s a narrow majority there. Government motion 290 carries.

Shall section 11, as amended, carry? Carried.

May I have consent for 12, 13 and 14 to be considered en bloc? Shall sections 12, 13 and 14 carry? Carried.

NDP motion 291.

**Miss Monique Taylor:** I would now ask for the Clerk—so do I now just go ahead and withdraw 291? Because it’s going to come up in turn, right?

**The Chair (Mr. Shafiq Qadri):** That is your option and recommendation.

**Miss Monique Taylor:** Okay, I withdraw. Thank you.

**The Chair (Mr. Shafiq Qadri):** NDP motion 291 is withdrawn.

NDP motion 292.

**Miss Monique Taylor:** Again, I withdraw.

**The Chair (Mr. Shafiq Qadri):** NDP motion 293.

**Miss Monique Taylor:** I withdraw.

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

Shall section 37 carry? Carried.

We now have a number of sections, I believe.

Shall schedule 3, as amended—

*Interjection.*

**The Chair (Mr. Shafiq Qadri):** Okay. Just to be clear, because the three NDP motions proposed for 291, 292 and 293 were all withdrawn, that section does not actually exist. Section 37 does not exist. Just to be clear.

We now move to consider the entire schedule, the previous, foregoing amendments. Shall schedule 3, as amended, carry? Carried.

We’re now on schedule 4. I believe we have 18 sections to consider en bloc, meaning sections 1 up to and including section 17, for which we received no amendments or proposals of motions. May I consider them en bloc?

Shall, therefore, schedule 4, sections 1, 2 up to, and including, 17 carry? Carried.

We are now on schedule 4, section 18, government motion 294. Ms. Kiwala.

**Ms. Sophie Kiwala:** I move that subsection 18(3) of schedule 4 to the bill be struck out and the following substituted:

“(3) Section 8.1 of the act is repealed and the following substituted:

“Conditions of licence

“8.1(1) On issuing or renewing a licence or at any other time, a director may impose on the licence the conditions that the director considers appropriate.

“Amending conditions

“(2) A director may, at any time, amend the conditions imposed on the licence.

“Notice

“(3) The director shall notify the licensee in writing of the imposition or amendment of the conditions.

“Contents of notice

“(4) The notice shall set out the reasons for imposing or amending the conditions and shall state that the licensee is entitled to a hearing by the tribunal if they request one in accordance with section 12.

“Conditions take effect upon notice

“(5) The imposition or amendment of conditions takes effect immediately upon the licensee’s receipt of the notice and is not stayed by a request for a hearing by the tribunal.

“Licensee must comply

“(6) Every licensee shall comply with the conditions to which the licence is subject.”

This amendment to the Intercountry Adoption Act, the IAA, strengthens the director’s authority to impose and amend decisions on issuing or renewing a licence or at any other time during the term of a licence.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Kiwala. Comments on government motion 294? Seeing none, we’ll proceed to the vote. Those in favour of government motion 294? Those opposed? Government motion 294 carried.

Shall section 18, as amended, carry? Carried.

PC motion 294.1: Ms. Martow.

**Mrs. Gila Martow:** Chair, I’m very sorry to say that I am not moving forward with this amendment, so I would like to withdraw.

**The Chair (Mr. Shafiq Qaadri):** We share your sorrow. It is officially withdrawn, Ms. Martow; fair enough. PC motion 294.1 is withdrawn.

PC motion 294.2.

**Mrs. Gila Martow:** I am also not moving forward with this amendment, so I withdraw.

**The Chair (Mr. Shafiq Qaadri):** Motion 294.2 withdrawn.

Motion 294.3.

**Mrs. Gila Martow:** I am also not moving forward with this amendment, so I withdraw.

**The Chair (Mr. Shafiq Qaadri):** Motion 294.4.

**Mrs. Gila Martow:** I almost don’t want to do it because Mr. Potts looks so happy, but I’m not moving forward with this amendment. I withdraw.

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

Government motion 295.

**Ms. Sophie Kiwala:** I move that section 2 of the Jewish Family and Child Service of Metropolitan Toronto Act, 1980, as set out in subsection 19(3) of schedule 4 to the bill, be struck out and the following substituted:

“2. Despite section 1, the powers conferred on the corporation to bring children to a place of safety under section 80 of the Child, Youth and Family Services Act, 2016 shall be exercised only within the city of Toronto.”

This amendment changes language in the Jewish Family and Child Service of Metropolitan Toronto Act, 1980, to replace “apprehend and detain children” with “bring children to a place of safety.”

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Kiwala. Any comments on government motion 295? Seeing none, we’ll proceed to the vote. Those in favour of government motion 295? Those opposed? Government motion 295 carries.

PC motion 295.1.

**Mrs. Gila Martow:** I am also not moving forward with this amendment, so I withdraw.

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

Shall section 19, as amended, carry? Carried.

Do we have consent to consider the next 11 sections, that is, sections 20 to 30, inclusive? May I have consent?

Shall sections 20 to 30 carry? Carried.

PC motion 295.2.

**Mrs. Gila Martow:** I move that section 31 of schedule 4 to the bill be amended by adding the following subsection:

“(5.1) Subsection 15(1) of the act is amended by adding the following clause:

“(c.1) to review and report on the financial situation of,

“(i) residential licensees,

“(ii) lead agencies within the meaning of part III of the Child, Youth and Family Services Act, 2016, and

“(iii) persons or entities, including children’s aid societies, that provide a service funded under the Child, Youth and Family Services Act, 2016;”

All I wanted to basically say is that we believe that this gives more power to the provincial advocate so that he has more oversight than currently and can review the financial situation of residential licensees’ care.

According to the ministry, Bill 89 will “strengthen oversight for children’s aid societies and licensed residential services.” However, the bill does not require group home operators to publicly post their inspection note reports to ensure compliance. In comparison, every long-term-care home in the province is required to post their reports.

This amendment empowers the Office of the Ontario Ombudsman. It grants the Ombudsman the same oversight power as the minister.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mrs. Martow. Further comments on PC motion 295.2? We’ll

proceed to the vote, then. Those in favour of PC motion 295.2? Those opposed? PC motion 295.2 falls.

Shall section 31 carry? Carried.

We now have the next five sections. We may consider them en bloc—

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** Oh, sorry.

Shall section 32 carry? Carried.

There is also NDP motion 295.3.

**Miss Monique Taylor:** I withdraw.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Miss Taylor. I'll consider, therefore, with consent, the next four sections: 33, 34, 35, 36; so 33 to 36, inclusive. May have I consent for that?

Shall sections 33 to 36 carry? Carried.

NDP motion 295.4R: Miss Taylor.

**Miss Monique Taylor:** Withdraw.

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

NDP motion 295.4.

**Miss Monique Taylor:** Withdraw.

**The Chair (Mr. Shafiq Qaadri):** NDP motion 295.5R.

**Miss Monique Taylor:** Withdraw.

**The Chair (Mr. Shafiq Qaadri):** NDP motion 295.5.

**Miss Monique Taylor:** Withdraw.

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

Shall section 37 carry? Carried.

Shall schedule 4, as amended, carry? Carried.

We now revert back to section 1. Shall section 1, as amended, carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall the title of the bill carry? Carried.

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** Just to be clear, it was section 1, not “as amended,” but just section 1 which carried. I hope that’s clear to everyone.

Shall Bill 89, as amended, carry?

**Mr. Arthur Potts:** Recorded vote.

**The Chair (Mr. Shafiq Qaadri):** No jokes, Mr. Potts. If you’d like one—

**Mr. Arthur Potts:** I want a recorded vote on this one.

**The Chair (Mr. Shafiq Qaadri):** Okay, fair enough.

### Ayes

Berardinetti, Colle, Kiwala, Potts.

**The Chair (Mr. Shafiq Qaadri):** Bill 89, as amended, carries.

Shall I report the bill, as amended, to the House? Carried.

Thank you, colleagues, for your patience and endurance.

**Mr. Mike Colle:** Thank you for your leadership, Mr. Chair and the Clerk. The staff who were here all this time, I want to thank you. And the opposition for their kind work: Thank you.

*Interjection.*

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

**Miss Monique Taylor:** A clarification: We received notice that we are sitting next Thursday for clause-by-clause. Now what happens? Where are we now? We’re done, right? We don’t have to come back? No? We’re good.

**The Chair (Mr. Shafiq Qaadri):** Thank you. The committee is adjourned.

*The committee adjourned at 1502.*







## **STANDING COMMITTEE ON JUSTICE POLICY**

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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<sup>me</sup> 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)

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Mr. Granville Anderson (Durham L)

Mr. Han Dong (Trinity–Spadina L)

Ms. Ann Hoggarth (Barrie L)

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

Mrs. Cristina Martins (Davenport L)

Mrs. Gila Martow (Thornhill PC)

Ms. Lisa M. Thompson (Huron–Bruce PC)

### **Also taking part / Autres participants et participantes**

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

Mr. Peter Kiatipis, acting director, Child Welfare Secretariat,  
Ministry of Children and Youth Services

Ms. Melissa Phillips, counsel, legal services branch,  
Ministry of Children and Youth Services

### **Clerk / Greffier**

Mr. Christopher Tyrell

### **Staff / Personnel**

Ms. Susan Klein, legislative counsel