

Amplify Youth Voice
Donner une voix aux jeunes
OsmoZiti gas miadhi
amplify youth voice
放大青年声音

Ontario
Child
Advocate

Intervenant
en faveur
des enfants
de l'Ontario

You Have A Voice

Ontario Child Advocate 2018 Report to the Legislature



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Note: Names have been changed to protect the privacy of the youth who participated in the creation of this report.





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Who We Are and What We Do

We believe that a gap, if not a chasm, exists between what our service systems promise children and youth and their lived experiences and rights.

We also believe the voices of children and youth can fill that chasm and provide the opportunity for change.

Our role as an Office—whether we are working with individual children, with their caregivers, or on behalf of groups of young people in our mandate—is to elevate those voices. We strive to ensure that the wisdom of children and youth is heard by those who can make a difference, and to ensure that their rights are realized and paramount in all decisions made about their lives.

Children and youth have rights. We work to ensure that those who are obligated to protect those rights take their responsibility seriously.

The Advocate's Office was established 10 years ago. Under the *Provincial Advocate for Children and Youth Act, 2007*, our role is to:

- **Provide an independent voice** for young people—including First Nations children and youth and children and youth with disabilities—by partnering with them
- **Encourage communication and understanding** between children and their families and the people who provide them with services
- Educate children, youth and their caregivers about **the rights of children and youth**
- **Investigate complaints** concerning a child or group of children under the care of a Children's Aid Society (CAS) or a residential licensee where the CAS is the placing agency



Our Mandate

We strive to be child-centred in our work. We serve:

Children connected to child welfare

We work alongside children who are seeking or receiving services in Ontario's child welfare systems to promote their rights, raise any concerns about their safety, and improve the quality of their lives.

Indigenous children and youth

We partner with Indigenous children and youth to make sure they have the supports and services they need to thrive.

Students in Provincial and Demonstration schools

We work with children and youth who attend (or want to attend) Provincial and Demonstration schools for those who are deaf, blind, deafblind or have learning disabilities.

Young people in the youth justice system

We work with young people to help them understand their rights in the justice system and make sure they receive effective, responsive care and support.

Children coping with mental health challenges

We work with children and families to push for a more accessible, comprehensive mental health care system.

Children with disabilities or special needs

We bring young people with disabilities into the conversation so they have a voice when it comes to addressing gaps in the service and education systems.

Racialized, LGBTQI2S, newcomer and other marginalized children

We work to understand and combat the over-representation of marginalized groups of young people in Ontario's service systems of care.

Who We Serve

For the past 10 years, we have stood with Ontario's most vulnerable children and youth. To us, they are:

- People who must struggle mightily for the rights that come easily to others
- People whose futures can be as bright as any others in the province, if given the opportunity
- People whose lived experiences are a legitimate and important source of knowledge for the province
- People who desire positive change and the chance to contribute to it
- People who have a voice

How We Work

When we think about how we work, we often say we are “walking with children and youth.” The *Provincial Advocate for Children and Youth Act*, 2007 mandates us to partner with children and youth. In doing so, we always listen and take their direction. Sometimes in our advocacy, we find ourselves “walking alongside” young people such as when we work on systemic advocacy. At other times, such as in community development advocacy, we “walk behind” them and work to support them to speak for themselves. When we conduct investigations, we walk in front of the children and youth we serve to make recommendations that will improve the systems that govern their lives. At every step of the way, we are—as our Act has instructed—the “partner” of the children and youth in our mandate.

When a young person reaches out to us, we:

- listen
- hear the young person’s perspective, and
- work with them to advocate for what matters to them

We hear from young people, both individually and in larger groups, about a range of issues. They often report feeling:

- unsafe
- isolated and alone
- powerless
- voiceless
- without support or resources
- unfairly treated
- disrespected
- invisible
- without privacy

When our Office becomes involved:

- We work to create the conditions that enable a young person (or groups of young people) to feel safe when sharing their thoughts and to actively participate in efforts to resolve their issues or concerns.
- With a young person’s consent, or with a group of young people, we connect them to those who are in a position to listen and make decisions that affect their lives. We ensure that the young people understand the risks, benefits, potential consequences and outcomes of any steps they are prepared to take.
- We ensure young people’s wishes are considered seriously and taken into account.
- We optimize opportunities for young people to feel heard, respected and understood.

We do all of this by:

- identifying and understanding what the young person’s (or group’s) goals are and what they think a resolution may look like
- developing an advocacy plan that sets out how a resolution may be reached, and
- helping the young person (or people) decide what action to take to address their issue or concern

The *Provincial Advocate for Children and Youth Act* defines advocacy as “promoting the views and preferences of children and youth.”

We strive to be an exemplar of meaningful child and youth participation in every aspect of our work.

Provincial Advocate for Children and Youth Act, 2007

We work with individual children and youth, and on behalf of children and youth in our mandate as a whole, to ensure that their rights are respected and realized. That's another way of saying that individual rights are part of a larger whole; each type of advocacy informs the others.

Individual rights advocacy

We answer thousands of calls, emails and messages each year from young people, their families, caregivers and other members of their support network. We take a client-directed, rights-based approach to advocacy, which means that our Advocates take instructions directly from the young people affected. They speak or meet with young people to listen to their concerns directly and let them know they have the right to assistance from our Office when they feel the system is not working for them.

Section 16 (1) of the *Provincial Advocate for Children and Youth Act* empowers the Advocate to:

- receive and respond to complaints
- represent the views and preferences of children and youth to services providers, and
- use informal methods to resolve disputes between children or youth and agencies and service providers

Systemic advocacy

When we see patterns or trends in the calls we receive or in our meetings with young people, we may decide to take a closer look at an issue.

Section 16.1 (1) of the *Provincial Advocate for Children and Youth Act* authorizes the Advocate to conduct systemic reviews on behalf of children and youth. The Advocate may do so upon the request or complaint of one child or youth or on the Advocate's own initiative.

"Systemic" reviews focus on government legislation and guidelines, agency policies and the practices of organizations as they provide services to children and youth. When engaged in systemic advocacy on a particular issue, the

Office brings together young people who have direct knowledge and experience with the issue to share their ideas and recommendations for change at the policy, funding or service delivery level.

Community development advocacy

Section 1 (a) of the *Provincial Advocate for Children and Youth Act* spells out the expectation that the Advocate's Office will provide an independent voice for children and youth—including First Nations, Inuit and Métis children and youth and children with special needs—by partnering with them to bring issues forward.

When we work with children and youth, we sometimes notice commonalities or links among their issues and needs. We may then create a space where young people can come together to share their experiences and map out possible solutions to issues and gaps in the system. Through this process, young people are able to become powerful self-advocates.

The obligation to provide education to children, youth and their caregivers about the rights of children and youth is contained in Section 1 (c) of our governing legislation.

Investigations

We can investigate a complaint from anyone who has a concern about a child (or a group of young people) receiving or accessing services from a Children's Aid Society (CAS) or from a residential licensee where a CAS is the placing agency. When all other complaint processes have been exhausted, we can assess complaints to determine when an investigation is warranted and, if so, lead individual and systemic investigations into matters, including child deaths and critical injuries.

The investigative function of the Advocate's Office is set out in Section 15 (2) of the *Provincial Advocate for Children and Youth Act*.

Sophia's story:

Fighting for a more suitable living situation

BY AN ADVOCATE

This case began when I got a call from a 15-year-old girl who said she felt disrespected by a staff member at her group home. We talked about possible paths and ultimately, Sophia asked that I speak with the staff member for her.

The staff member was receptive, so next time, all three of us met together. That meeting was really productive too, but as our conversations unfolded, it became apparent to Sophia that her difficulty with the staff member was really a symptom of a larger issue: she was struggling with living in a group home and felt that her Children's Aid Society (CAS) worker wasn't taking her seriously.

So I asked Sophia if she wanted to explore other living arrangements, and she was very excited about that.

The first change was that CAS assigned Sophia a new case worker—and somehow in the process, it was discovered that her biological father had an Indigenous background. Sophia had never been connected with or known about those roots. Her new worker gave her the opportunity to be connected to cultural community support. She chose not to, but if she wants those supports at some point in the future, they will be there for her.

Sophia told me she really felt heard and supported by her new worker. She felt that

the new worker listened and was letting her dictate her own choices. She felt like the worker could still say no to her, but would only do that after trying her very best to make something work.

When I left her case, Sophia was living with her mother on a temporary basis (her mother was planning a move), and her CAS worker was looking into options other than a group home. They were looking for a temporary place for Sophia with a family member or friend while her mom's new place was being built. The long-term plan was to move Sophia and her mom back together.

Last time I talked to Sophia, she felt very well connected with her CAS worker and her mom. She had all these natural advocates in her life, and she had really learned how to advocate for herself and speak up even when it was difficult. We agreed she actually didn't need me anymore, which is an amazing outcome.

Sophia told me she felt really heard and supported by her new worker. She felt that the new worker listened carefully and was letting her dictate her own choices.

Message from the Provincial Advocate

I can remember the moment very clearly: just more than 10 years ago, I was in the boardroom of the office of the Speaker of the Legislative Assembly. In front of me was my immediate family. The Speaker and the Clerk of the Legislature were beside me. My heart was pounding and, I admit, I was sweating. After I took the oath and signed the document, I officially became Ontario's first independent Provincial Advocate for Children and Youth.

My sister was crying. The Speaker asked her, "What are you crying about? It's an honour!" Everyone laughed. But of course, that was exactly why she was in tears. And I felt it too. I realized I was being given both a great privilege and a great responsibility. As I stood there, all I could think about were the children and youth who were now counting on me to be a "partner" who would ensure their voices were heard. I knew then, as I know now, the critical role our Office could play in their lives—and I was determined not to let them down.

Ten years on, our Office has become what it is today. Moment by moment—thanks to the passion and determination of our dedicated staff and thousands of courageous, strong young people from all corners of Ontario—we created an Office that is recognized nationally and internationally as a model for child advocacy.

In its 10 years, the Office has developed four intertwined functions that are tied to the legislation that guides us: individual rights advocacy, systemic advocacy, community development advocacy and investigations. These four areas come together to form child advocacy. To use a metaphor, we strive to journey with the children and youth within our mandate. We travel with them, but allow them to guide us. At times, they will ask us to travel in front and speak

for them. At other times, they will ask us to travel beside them and advocate with them. At times, they will ask us to support them as they advocate for themselves. But always, in every function, we are with them.

I am sad to say that this is my last annual report. As I prepare to leave the Office, my mind is on the young people of this province, just as it was when I stood in the Speaker's boardroom 10 years ago. My eyes are teary once more. It's not that the children and youth in our mandate are special or extraordinary. They are human beings, after all, just like you and me. But they are people who live in extraordinary circumstances. Somehow in their lives, they find the strength to overcome the challenges they face. It is really remarkable. What's more, when given support and the chance to be heard, they find their voices. They speak for themselves and for other children who may find themselves in similar situations. We can learn so much from them, and we must.

It has been the privilege of a lifetime to walk with the children of this province. I am indebted to them. From my heart, I thank each and every one of them for that privilege. And I thank the Province of Ontario for the opportunity to have served them.



A handwritten signature in black ink, appearing to read 'I. Elman'.

Irwin Elman
Provincial Advocate for
Children and Youth

Child Welfare

Panel looks into deaths of children in residential placements

In 2017–2018, children living in residential care continued to live in very difficult circumstances. Many felt, as one youth put it, like they were “in storage waiting to be dumped out at 18 years of age to nothing.” As happens every year, some young people in residential care lost their lives. We worked with the Chief Coroner of Ontario to develop a process to examine the deaths of 12 young people who died in residential care between 2014 to 2017. We aimed to ensure that the process included the families of the young people, the front-line staff of the homes in which they died, and of course, children and youth with lived experience in residential care as key sources of information for the expert panel.

Devastating fires in group homes

More than one child or youth died in fires at group homes in 2017. In May, a fire at an Ottawa home took the life of a youth from a northern First Nation community. Earlier in 2017, a fire claimed the lives of two caregivers at a group home in Oakwood. Both tragedies were examples of young people facing unimaginable risks while under the province’s care and protection. Our Office continues to support the Nishnawbe Aski Nation’s call for a discretionary inquest into the death of the teen who died in Ottawa. We continue to argue that an inquest should be held in every instance where a child dies in residential care.





Indigenous children still disproportionately represented

Indigenous children and youth continued to be over-represented in Ontario's child welfare system in 2017–2018. Rather than being offered a say in where to be placed, too often these children were sent to homes that were hundreds or even thousands of kilometres from their communities, leaving them isolated and cut off from their families, communities, language, cultures and natural advocates. This burden reinforces rather than heals the ongoing legacy of the Indian Residential Schools.

Emergency meeting on child welfare

During a two-day emergency meeting in January 2018, Canada's then Minister of Indigenous Services (Jane Philpott) set out a six-point plan to reform Canada's child welfare services for First Nations, Inuit and Métis families, calling the situation a "humanitarian crisis." The meeting aimed to confront the over-representation of Indigenous children in the child welfare system. (Indigenous young people comprise just 7.7 percent of the population under 14 years of age, but make up more than half of the children in that age group in the child welfare system.)

Minister Philpott committed the federal government to implementing orders from the Canadian Human Rights Tribunal. In 2016, it said the federal government was

discriminating against Indigenous children by providing insufficient funds for services.

Our Office responded with a statement recognizing that Indigenous children and youth are over-represented in residential care and agreeing that numbers have reached crisis proportions. In our statement, we:

- recognized that coordinated solutions are required and called for immediate and long-term action to address the social determinants of health for Indigenous children and youth
- committed to a process for change that will support reconciliation
- reiterated our belief that the voices of children and youth are integral to any process designed to improve their lives, and that Indigenous peoples have the inherent right to self-determination, including the right to care for their children
- called (once again) for the implementation of the Truth and Reconciliation Commission's Calls to Action and acknowledged the negative impact that colonization, residential schools, the Sixties Scoop and the current child welfare system have had on Indigenous children and youth, and
- affirmed our belief that the United Nations Convention on the Rights of the Child is the cornerstone of all children's rights and that its implementation should be informed by the United Nations Declaration on the Rights of Indigenous Peoples

Leah's story:

Being rights-based builds trust

BY AN ADVOCATE

A few years ago, I received a phone call from a 16-year-old girl who was living in a group home in Thunder Bay. Leah had ended up there when her adoptive mother died and her father couldn't handle her care.

She called our Office because the home had put her on a safety protocol without telling her why, and she found this to be upsetting and unfair. A safety protocol essentially limits a person's movements. In her view, they had taken her freedom away, so she was looking for advice about her rights.

I contacted the Children's Aid Society (CAS), and they indicated that the reason for the safety protocol was that Leah was being "unsafe". In the midst of these inquiries, she decided she actually wanted to move south to be closer to her family. But the CAS was denying that request for jurisdictional reasons.

So we took the case to the Residential Placement Advisory Committee, which makes recommendations to the CAS. From there, we had to appeal to the Child and Family Services Review Board. Finally, after that, Leah was allowed to move.

Ultimately, the move didn't pan out. Leah was trying to find herself, but spiralled a little bit and had a fairly hard time of it. At one point, she was admitted to the Child and Adolescent Mental Health Unit. She eventually returned to the group home.

After a while, she contacted me again to ask for help transitioning to independent living with CAS support. She was 17 by then. The last time I spoke to her, she was living on her own and things were going well.

Our help was important in this case because Leah was a person who had the right to voice her thoughts on where she lived, and she had some legitimate reasons for wanting to move—for example, to be closer to her sister. When she called us, she knew we wouldn't tell her what to do, because we're not a "best interests" organization—we're rights-based. Being rights-based builds trust. Children have a right to have a say in their lives.

**Our help was important in this case
because Leah
was a person who had
the right to voice her thoughts on where she lived.**



The Evolution of the Child, Youth and Family Services Act

Child, Youth and Family Services Act, 2017: Giving young people in care a say in their future

In April 2018, after more than three decades, Ontario's governing legislation for child, youth and family services, including child welfare, finally got the overhaul that many people had long been hoping and calling for. *The Child and Family Services Act* was repealed and the *Child, Youth and Family Services Act, 2017* (CYFSA) came into force. As a result, young people now have a legislated right to have a say in their own lives and the services they receive.

Unfortunately, it took the death of Katelynn Sampson to bring about many of the child-centred, rights-based provisions in the new CYFSA. The seven-year-old was killed by her guardians in 2008. The updated Act incorporates many of the more than 170 recommendations that came out of the inquest into her death. In fact, the CYFSA now formally enshrines the spirit of "Katelynn's Principle," a principle called for by the Advocate's Office that requires the views and voices of children and youth to be at the centre of all legislation, policy and services.

"I feel like young people had been calling for change for a really long time," says Ashley Ash, a fourth-year social work student at Ryerson University and former Youth Amplifier with the Ontario Child Advocate. "After what we went through with Katelynn Sampson, the province knew that we needed to do better."

"You could be picked up from school and then driven to some random house. You weren't told where you were going. You weren't told what was happening. You weren't told why you were moving. You could even end up in a different city."

—Ashley Ash, former Youth Amplifier
with the Advocate's Office

The importance of being heard

Being "voiceless" is a feeling Ash is all too familiar with. She was in care from the age of one until she was adopted at age 12, bouncing from one foster home to another. She says not only did she not have a voice as a child, she often didn't know what was going on in her own life—an experience she spoke about at the 2017 legislative hearings.

"You could be picked up from school and then driven to some random house. You weren't told where you were going. You weren't told what was happening. You weren't told why you were moving. You could even end up in a different city," says Ash. "It was ridiculous."

Saskatchewan's former Children's Advocate, Marv Bernstein, says the overhaul of Ontario's child welfare legislation was long overdue. As UNICEF Canada's chief policy advisor until 2017, Bernstein spoke at numerous hearings leading up to the new Act. He calls the old Act "stale," "needs-based" and "paternalistic." He also thinks it didn't establish the rights-based framework necessary for young people to express their views and have them taken seriously.

When the changes to the Act were first introduced in 2016, Michael Coteau, Ontario's Minister of Children and Youth Services at the time, called the proposed legislation "the biggest game-changer in child protection in decades."

Putting children and youth front and centre

“The new legislation talks about children being at the centre of decision-making and service delivery—and it’s overlaid by universal rights that are set out in the United Nations Convention on the Rights of the Child,” says Bernstein. “It also stipulates that the courts are supposed to consider the voices and views of children as a mandatory factor. Previously, courts had some discretion as to whether or not they would consider the view of the child in making a best interest determination. Now it is set up to be the first consideration.”

Bernstein points out that the CYFSA also moves away from using language he believes contributed to a disconnect between the rights of young people and the realities they faced.

“The language was quite stigmatizing. We had terminology like children being ‘runaways,’ ‘wards of Children’s Aid Societies’ or ‘wards of the Crown,’” he explains. “In fact, we had language in Ontario that didn’t appear in child welfare legislation anywhere else in the country.”

But the new Act offers more than a change in terminology. It aims to ensure that young people have access to more culturally appropriate services—particularly Indigenous and Black children and youth. It also improves the oversight of service providers, including children’s aid societies and licensed residential services, so that children and youth receive consistent, high-quality services across Ontario. And it raises the age of protection from 16 to 18—an increase that brings Ontario in line with other provinces. For the first time in Ontario, societies can provide the full range of child protection services to eligible 16 and 17 year old youth, including voluntary agreements with societies.

“The right to receive services and be protected should apply up to the point the young person achieves adulthood,” argues Bernstein. “We heard from young people who were on the streets—sometimes they were homeless—and they wanted to seek voluntary services at the age of 16 or 17, but there wasn’t the authority or legislation to provide those services.”

Gitte Granofsky is the former chair of the Children in Limbo Taskforce, one of the many groups that advocated for Ontario’s age of protection to be increased. (The

“Every single person working in the field needs to be properly trained in the legislation...There also needs to be greater training for younger people, so they know their rights and the avenues for recourse if, for some reason, they are not happy with the services. I think we are moving in a really good direction, but there needs to be greater accountability.”

— Ashley Ash, former Youth Amplifier with the Advocate’s Office

taskforce was a provincial coalition of professionals who worked with and for children in Ontario. It came to a close in 2012.) Granofsky believes that one of the reasons it took decades for the Act to be overhauled is the way the province’s child welfare system itself is set up.

Building a better system

“The systems are just so rigid and there is a lot of fighting between them. They really can be very rigid in hierarchy,” she explains. “For instance, foster parents are at the bottom of the hierarchy. But they need to have all the information so they can help the kids—instead of being at the bottom and not really knowing what is happening.”

Granofsky says finding a way to bring about changes took the effort, determination and cooperation of a long list of people—from children and youth themselves to the Advocate’s Office to the Ministry. But she says their work isn’t done.

“I think there is still a long way to go to actually have these ideas, these rights, recognized and to make sure the children have a voice in the system,” says Granofsky. “I think people have to go out and really be agents and speak to those teenagers, and we all have to fight for that.”



Ash thinks the challenge now is to find ways to ensure young people are at the centre of decisions that affect them. She believes achieving that will take more than just changing the wording in the legislation—wording she believes still isn't strong enough to ensure young people's rights are protected. She thinks more concrete solutions are needed to ensure there are no gaps between the promises of the new legislation and the lived experience of youth in the system.

"Every single person working in the field needs to be properly trained in the legislation," she says. "I think there also needs to be greater training for younger people, so they know

their rights and the avenues for recourse if, for some reason, they are not happy with the services. I think we are moving in a really good direction, but there needs to be greater accountability."

Bernstein agrees.

"We have to continue to hear from young people in terms of day-to-day decisions. We have to ask them: so what has happened since this new legislation was put in place?" He argues. "We've come quite a distance, but we are not in the end zone."

"We had [stigmatizing] terminology like children being runaways, wards of Children's Aid Societies or wards of the Crown ...We had language in Ontario that didn't appear in child welfare legislation anywhere else in the country."

—Marv Bernstein,
Saskatchewan's former Children's Advocate

Jack's story:

A safe school environment makes all the difference

BY AN ADVOCATE

One of the first calls I took when I started as an Advocate more than two years ago was from a 14-year-old boy who had a number of educational needs. He had been having serious anxiety issues. He also had learning disabilities and had been diagnosed with fetal alcohol spectrum disorder.

But the biggest issue was that he needed to be in the right school environment. He had been in the public school system, jumping from school to school, but had faced serious bullying. He had been assaulted at a couple of schools. He couldn't bring himself to go to the schools within his own community because he just didn't feel safe.

When he was in grade 8, a school that could meet all of his needs was identified for him outside of his local community, about a half-hour ride from where he lived. But by the end of his grade 8 year, the school board had pulled the transportation funding for him to go to that school and he was denied access.

He started high school in his community. But he would get so sick that he would vomit and couldn't leave the house. I don't think he spent a full day in that high school in grade nine. He actually lost his whole year. His

mom tried a number of different things and even set up meetings, but he would run out from the school because he would see the kids who had assaulted him and he just didn't feel safe.

So, we needed to work with the school board to get him approved for specialized transportation so he could attend the school outside his community. In the end, we got him back into that school, but it was a long haul.

But getting back into that school has made all the difference for him. His mom actually sent me an email the other day telling me that this September was the first year he had ever started on the actual first day of school. And he hasn't missed a day since.

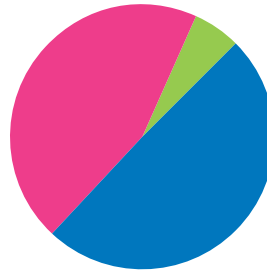
His mom actually sent me an email the other day telling me that this September was the first year he had ever started school on the actual first day of school.

Advocacy: 2017–2018 Highlights

Helping Youth Find Their Voices

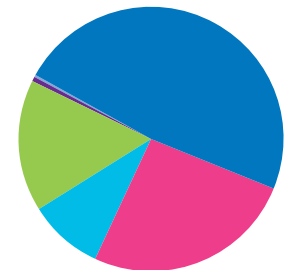
Every year, we receive thousands of calls from children and youth seeking support. Their complaints and issues span our six mandate areas and every call is unique. Often, children and youth turn to us because they lack natural advocates in their lives. The role of our Office is not to try to determine what is in their best interests and ensure they do it. Instead, we listen to their concerns, present options and try to outline the potential outcomes. When the child or youth decides what option they want to pursue, we help ensure their concerns are heard. We also make sure they know, and can exercise, their rights.

Service Statistics



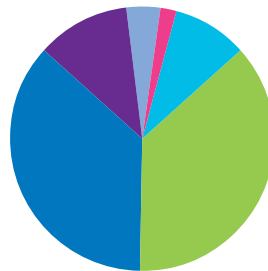
Cases by Type

■ Dispute Resolution - **49.5%**
 ■ Case Consultation - **44.9%**
 ■ Rights Advice - **5.6%**



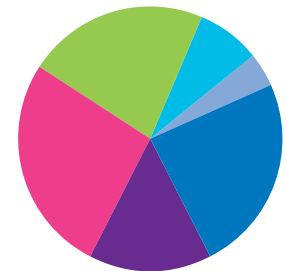
Dispute Resolution Categories

■ Child Welfare - **48.15%**
 ■ Youth Justice - **25.87%**
 ■ CMH - **16.01%**
 ■ Special Needs - **9.14%**
 ■ Provincial Schools - **0.62%**
 ■ Holding Cells - **0.21%**



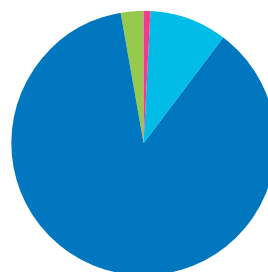
Dispute Resolution by Age

■ 1-6 - **2.19%**
 ■ 7-11 - **9.08%**
 ■ 12-15 - **36.85%**
 ■ 16-17 - **36.51%**
 ■ 18-19 - **11.3%**
 ■ 20+ - **4.07%**



Case Consultation by Age

■ 1-6 - **24.18%**
 ■ 7-11 - **5.16%**
 ■ 12-15 - **26.64%**
 ■ 16-17 - **22.13%**
 ■ 18-19 - **7.79%**
 ■ 20+ - **4.10%**



Rights Advice by Age

■ 1-6 - **0.86%**
 ■ 7-11 - **9.48%**
 ■ 12-15 - **87.07%**
 ■ 16-17 - **2.59%**



Intake Calls
2,790

Residential Care Blueprint



*We are youth in care and this is part of our story
Some may say it's our “#Trajectory”
We know that some policies are pre-existent
However, from experience they remain inconsistent
We're representing children from every age range
We're using our voice to implement
#FundamentalChange*

*Please show me I mean more than a temporary smile
Remind me that I'm important and that I'm worthwhile
We may bring baggage but don't give up on us
It will take time to open up and trust
We make mistakes like every human being
But please look beyond the behaviour you're seeing
We know it's not simple to do what you do
But just know there are supports there for you*

*Times will get tough and we may disagree
But please keep in mind the effects restraints have on me
Communication first, law enforcement last
We're really not criminals, we just had to grow up fast
Accessibility is beyond what you see
Sometimes it's about accepting our individuality
Please implement structure but include us in the plan
Be open to flexibility and we'll be your biggest fan*

*So, if you're listening and you're still on the fence
Read between the lines, this is just common sense!*

—Written by members of the Residential
Services Youth Panel (2017)

In June 2017, the Residential Services Youth Panel released *Envisioning Better Care for Youth*, its input into Ontario's new blueprint for residential care. The Advocate's Office had helped convene the panel, which consisted of a dozen youth aged 18 to 25 from across the province with experience in the residential care system. Supported by the Office, the panel began meeting monthly in early 2017 to discuss its vision of a better residential care system for Ontario and outline the direction the former Ministry of Children and Youth Services (MCYS) should take as it began the long process of reforming the residential care system.

In July 2017, the former MCYS released its blueprint, entitled “Safe and Caring Places for Children and Youth: Ontario's Blueprint for Building a New System of Licensed Residential Services.” Drawing on various sources—including the youth panel as well as First Nations, Métis, Inuit and urban Indigenous partners—the blueprint established a vision and a series of guiding principles.

Its stated vision was: “High quality residential services in Ontario will effectively meet the needs of children, youth and families, contribute to lasting, positive outcomes and enable the fulfillment of each person's individual and unique potential.”

It also came up with three “quality pillars” for reform:

- **Safe and Healthy Places:** Physical spaces that are welcoming and meet the needs of children and youth—including food, shelter and clothing—in culturally appropriate contexts.
- **A Sense of Belonging:** Places where children and youth feel at home and are supported by caring, qualified adults to form and maintain attachments and develop a sense of stability, continuity and hope.
- **Places and Services to Meet the Needs of Children and Youth:** The right placement at the right time and access to services as close as possible to home.

The blueprint sets out immediate and short-term actions as well as longer-term plans, beginning with modernizing the legislation that governs licensed residential care.

Motherisk

The Motherisk Commission completed its review of individual child protection cases involving faulty Motherisk hair strand testing and released its final report this year—but not before potentially damaging posters were circulated to Ontario schools.

In February 2018, the Motherisk Commission released “Harmful Impacts: The Reliance on Hair Testing in Child Protection,” its report on what had become known as the Motherisk hair-testing scandal. The report contained 32 recommendations affecting as many as 17 organizations.

The background

From 2005 to 2015, the Motherisk Drug Testing Laboratory at the Hospital for Sick Children tested strands of hair from more than 16,000 individuals for child protection purposes (i.e., to look for evidence of drug and alcohol abuse). Overall, 56 percent of those who were tested had a positive result. In some cases, this led to children being removed from their homes and families.

“We just don’t throw that information out there. On 100 levels, it’s potentially damaging.”

But in 2015, a review concluded that the hair-testing methodology had been inadequate and unreliable. The Provincial Advocate noted that as a result of this issue, there are likely children in care today who will spend the rest of their lives wondering if flawed evidence led them to be removed from their homes forever.

In response, Ontario created the Motherisk Commission in 2016 to review the cases affected by the lab’s work and assist people who may have been affected by the test results.

Controversial posters

Near the end of March 2017, well before the commission’s final report, we learned that the Ontario Ministry of Education had distributed flyers and posters to schools on

The Motherisk Commission in Numbers

- 24,000 hair samples from 16,000 individuals tested from 2005 to 2015
- 56% percent of those who were tested had a positive result
- 1,271 cases were reviewed
- Flawed testing had a substantial impact on the outcome of 56 cases where families were “broken apart”
- In 4 instances to date, children have been returned to parents



behalf of the Motherisk Commission that some children could find upsetting or confusing.

The posters were about the flawed alcohol- and drug-testing program. They said:

“Were you taken from your parent by the Children’s Aid Society? ...Children’s Aid Societies used hair strand tests to see if parents were using drugs or alcohol. We now know that these tests were unreliable. Do you want to know if this testing was relied on in your case? If yes, we may be able to help and it’s completely confidential.”

This was ostensibly an attempt to engage youth. It was well meaning, but certainly flawed. Rather than reaching out to every child (or former child) who may have been affected, the Ministry of Education decided to simply put up posters in schools.

A trauma-informed approach would have considered that the stigma that often accompanies being a child in care would likely be exacerbated by random posters put up in school hallways. A trauma-informed approach would

have seen the Motherisk Commission as an opportunity to carefully assist affected children and youth in learning about their own histories, since young people often do not know the full circumstances of why they came into care. They often speak about being “left out of their own lives.”

The Advocate felt strongly that the posters could be damaging to children involved with Children’s Aid Societies. He spoke out immediately and asked that they be taken down. One concern was that some children who saw the posters might feel confused and destabilized. Adoptive parents were reporting that their children were upset and alarmed. Another concern was the possibility of children being bullied by others who knew they’d been removed from their birth families.

As the Provincial Advocate said at the time, “We just don’t throw that information out there. On 100 levels, it’s potentially damaging.”

Ultimately, the Ministry of Education withdrew the flyer from all schools.



Growing Up Too Fast

In 2018, the Provincial Advocate published “The Girls, Who...,” a powerful, poignant and articulate collection of stories from young women who were, in their own words, forced to grow up too fast.

The stories, which are based on the girls’ lived experiences, are short and powerful. Each has an unnamed girl as its central character (“The Girl”). In virtually every story, a young Girl begins with a certain amount of hope and positivity. But in each story, events and influences gradually dull that hope and take their toll. In the stories, we encounter parents who are addicted to drugs, girls who spend their lives looking for love, girls who are forced to pack up and move regularly, girls who are angry, and girls whose life events fuel a range of mental health issues.

The Provincial Advocate came across the girls behind these stories when he was invited to listen to a group of

outspoken, insightful young women who were part of a stay-in-school program in Ontario. They had already written and illustrated “The Girls, Who...” and hoped their experiences and insights could make a difference for others like themselves. They partnered with the Advocate’s Office to publish the document.

The young women behind “The Girls, Who...” hoped their stories could help school personnel understand the students who were sitting in their classrooms. With the Motherisk Commission experience in mind, the Office provided the Ministry of Education with electronic and hard copies of the “The Girls, Who...” and they were distributed across Ontario.

You can view the publication at:

<https://www.provincialadvocate.on.ca/publications/partnership-reports/thegirlswhoen.pdf>

Excerpt from “The Girls, Who...”

The Girl Who Was Bad at School

There once was a Girl who was about to start School. She did not have a backpack, or pencils, or paper, but she had a smile on her face and ideas in her brain.

On the first day of School, The Mother said to The Girl, “I did not make you a lunch.”

So The Girl went to School with her smile and her ideas. As the day wore on, her smile wore off, and her ideas felt fuzzy inside of her brain. Her stomach was angry and yelled at The Girl during silent reading time. When The Teacher asked a question about the story, The Girl did not know the answer.

“You are not good at School,” said The Teacher.

On the tenth day of School, The Mother said to The Girl, “I did not pay for your school trip.”

So The Girl went to School with an Imaginary Friend while a big yellow bus took the other students to learn things. The Imaginary Friend was savvy and taught The Girl how to play hide and seek against the principal in the halls. When The Teacher asked a question about the field trip, The Girl did not know the answer.

“You are not good at School,” said The Teacher.

On the one-hundredth day of School, The Mother said to The Girl, “I did not break up with The Boyfriend.”

So The Girl went to School with a pit in her stomach and the sound of her Mother’s Skull being banged against the bedroom wall. The Girl’s own black eye was throbbing, and instructed The Girl to bury the mark with her hood. When The Teacher asked a question about the lesson, The Girl did not know the answer.

*“You are not good at School,” said The Teacher. “F**k you,” said The Girl, and she was not allowed to stay at School that day.*

On the one-thousandth day of School, The Mother said nothing to The Girl.

So The Girl did not go to School. She wiped the vomit off The Mother’s cheek and held her hand until her drug trip wore off. Then, The Girl dressed The Mother as nicely as she could and took her to The Church where they both ate soup. For the next nine-hundred and ninety-nine days, The Girl did not go to School. Instead, she waited, wiped, dressed The Mother and fed her soup.

On the two-thousandth day of School, The Paramedic in the Emergency Room said, “She did not live through the night.”

Youth Justice

In August 2017, the Ontario Child Advocate with the Correctional Investigator of Canada released its report entitled “Missed Opportunities: The Experience of Youth Adults Incarcerated in Federal Penitentiaries,” which found that Correctional Services Canada (CSC) is wasting chances to help young federal inmates turn their lives around. The report was the result of a first-of-its-kind partnership between an independent federal Office and an Office of a Legislature. The work came out of the Office’s participation as a party with standing at the Ashley Smith inquest along with its recommendation—directed to Corrections Canada and accepted by the jury—to create a strategy to support “emerging adults” in adult corrections.

The 63-page report found that CSC doesn’t provide inmates under 21 years of age with the programs and supports they require, whether to cope with being incarcerated or to prepare for life after prison. Investigators found that most prisoners in that age group were not enrolled in programs or school—not for lack of motivation, but because so few programs are offered and waitlists are long.

The report also noted that the programs on offer are not always appropriate for younger people. For example, there are anger management programs (which may be suitable for some older inmates), but younger offenders need to learn basic skills, such as how to cook, apply for a job or open a bank account.

Under the law, reaching the age of 18 means assuming full culpability and criminal responsibility as an adult. The underlying assumption is that by age 18, youth have achieved their full physical and psychosocial development. However, we know that for many, that is not the case.

This collaboration between the two offices was necessary to develop a better understanding of how young people come into contact or conflict with the criminal justice system in the first place, as well as to understand their experiences within the system and what happens when they find themselves in the adult correctional system.

Based on their joint investigation, the offices have asked the federal government to stop putting prisoners aged 18 to 21 into segregation. The report contains 20 recommendations,

many of which are aimed at combatting what the report concluded was the “essential arbitrariness” of the distinction between the youth and adult criminal justice systems. The recommendations include:

- making high school education and vocational skills training more available,
- incorporating policy best practices and lessons learned about the use of force on young adults into officer training,
- training some parole officers as youth care counsellors to provide guidance, support and basic counselling,
- providing correctional program facilitators with specialized training for working with youth and young adults, including specific training on racialized youth and young adults, and
- developing a pilot mentor program where older offenders can be trained and paired with younger ones, incorporating culturally appropriate training.

Report highlights

- **Young adult offenders comprise 2.7% of the overall federal prison population**
- **Yet they represent 6% of prisoners in solitary confinement or “administrative segregation”**
- **These statistics are worse for women, Indigenous and black offenders under the age of 21**
- **Force is used more often on young adult offenders than others, with Indigenous young adult offenders disproportionately affected**



Secure Isolation

The new *Child, Youth and Family Services Act* (CYFSA) came into effect in April 2018 with the aim of putting children and youth at the centre of decision-making, promoting more accountable, responsive child, youth and family services and tightening up the oversight of Children's Aid Societies and licensed residential services.

However, the Provincial Advocate believes the new legislation does not go far enough to prevent youth from being kept in secure isolation.

In 2015, our Office released “It’s a Matter of Time: Systemic Review of Secure Isolation in Ontario Youth Justice Facilities.” In that report, we called on the Ontario government to amend the *Child and Family Services Act* to prohibit young persons from being placed in secure isolation for periods exceeding 24 hours without exception. Under that Act:

- Young people under 16 years of age could not be kept in secure isolation for longer than eight hours in a 24-hour period or 24 hours in a given week
- Youth 16 years and older could be segregated for up to 72 continuous hours or a cumulative period of up to 72 hours in a seven-day period
- The provincial director could approve an extension beyond 72 hours if there were reasonable and probable

grounds to believe it necessary to keep the young person in secure isolation for safety reasons

The updated legislation renames “secure isolation” to “secure de-escalation”—but does not abolish the practice of isolation altogether. According to the ministry, the new term “acknowledge[s] that the practice is ‘secure’ while making a greater connection to the fact that staff involvement is paramount when using ‘de-escalation’ methods. When a youth is placed in a secure de-escalation room, staff undertake ongoing engagement and discussion with the young person to support their de-escalation, with a focus and plan for the young person to be able to exit the room at the earliest opportunity.”

Regarding maximum periods in “de-escalation,” the new legislation states that “in no event shall a child or young person be kept in a secure de-escalation room for a period or periods that exceed an aggregate of eight hours in a given 24-hour period or an aggregate of 24 hours in a given week.”

The new legislation also still allows “for the indefinite isolation of youth aged 16 or older with the provincial director’s approval.”

Emerson's story:

The right to mental health care in youth justice facilities

BY AN ADVOCATE

This fall, I received a call from an 18-year-old youth who was being held in a remote youth justice facility. Emerson was having nightmares, insomnia and anxiety, but couldn't seem to get these issues addressed. He thought he needed medication, but there was no one to prescribe them. A nurse practitioner can prescribe medication, and one was supposed to visit the facility weekly, but she hadn't been there in over two weeks.

Emerson said he really needed medical help for mental health issues, but no one at the facility seemed to believe him enough to do anything about it.

So I called the facility administrator, who didn't even know that the nurse practitioner hadn't been coming in. He said, "No, no, Emerson is fine—he's meeting regularly with a social worker. He's just getting over some addiction issues. He's sleeping well and has a good discharge plan."

I called Emerson back. He said the administrator had it all wrong: his meetings with the social worker were not helping at all. He still wasn't sleeping at night and was too anxious to even leave his room.

He repeated his plea for medical attention. I emailed the administrator and told him that Emerson was still reporting a lot of symptoms and needed to see a medical professional as soon as possible. The reality is that if Emerson was out in the community, he would have

access to all kinds of health care—and he has the right to that care even if he's locked up.

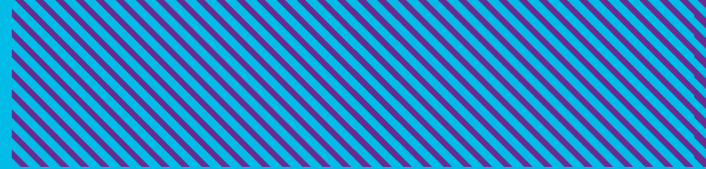
I'm never adversarial in my initial approach, and the administrator wasn't either. He was just very matter-of-fact and not that motivated about changing his response. He acknowledged they had been having some trouble getting the nurse practitioner in—but other than that, he just repeated his initial arguments. He also hinted that Emerson's history and prior drug use were behind his requests for medication.

So I started to escalate. I said this is not okay: Emerson needs to see someone and you're going to find someone for him.

The very next day, they offered him a telepsychiatry appointment. He met with the doctor virtually, and got what he needed. When I called him later to check, he was much happier. He said, "There's a good plan for me now and I have a prescription." I encouraged him to call me back if he still needed assistance, but I never heard back from him, so I think the issue was resolved.

Emerson said he really needed medical help for mental health issues, but no one at the facility seemed to believe him enough to do anything about it.

Initiatives



We Have Something to Say

The We Have Something to Say (WHSTS) initiative brings together hundreds of young people with disabilities who use the “We Have Something to Say” report (which they wrote in partnership with our Office) as a tool for advocacy. In the report, they argue that children with disabilities wish to be seen as more than their disability. Their work centres on the education system: they see no greater chasm between promise of a system and the reality for children than the education system for students with disabilities.

WHSTS advisors have met with the Ministry of Education Equity Branch to discuss increasing student input into inclusion in schools. Advisors are planning a forum for school administrators and Ministry of Education policy-makers to help them move beyond strategies, plans and position papers to meaningful change that would find its way into the lives of students. They call this project “Flip the Forum.”

WHSTS youth advisors have also been in touch with the Children’s Ombudsman of Ukraine. Ukraine will attempt to replicate the WHSTS model as it works toward de-institutionalization.

HairStory

HairStory brings together Black youth from across the province who have lived experience in systems of care. In 2017–2018, youth advisors from HairStory were busy writing their report, which stems from a forum they held for hundreds of their peers. The report will be released in 2018–2019. These advisors also supported the One Vision One Voice project of the Ontario Association of Children’s Aid Societies in bringing together Black youth in care to find their voices, and developed a pilot outreach process for the Office for Black Youth.

HairStory worked with the Human Rights Commission of Ontario this year as it began looking at the issue of policing and racialized youth, and worked to create a submission to Justice Michael Tulloch as he prepared his report for the Ontario government on the use of carding by police.

Feathers of Hope

Through Feathers of Hope (FOH), we continue to mobilize the energies of First Nations youth to create communities that are healthier and safer. With our help, these youth are changing the systems and services that they depend on.

In 2017–2018, the Advocate’s Office continued to support the implementation of the recommendations found in the FOH’s 2016 report: *Justice & Juries: A First Nations Youth Action Plan for Justice*. In August 2017, we collaborated with the Ontario Justice Education Network (OJEN) to bring over 25 Aboriginal youth together for a 2.5-day workshop. The aim was to create a space for Aboriginal youth to explore the role technology solutions can play in building a justice system that both reflects Aboriginal experiences and is responsive to Aboriginal traditions.

Our Voice Our Turn Japan

Inspired by the Our Voice Our Turn hearings and the release of *My Real Life Book*, youth in and from care in Japan have formed Our Voice Our Turn Japan. These courageous youth have written their own report calling for fundamental change in child welfare in their country. Their activity has spurred two prefectures (provinces) in Japan—Akita and Totorri—to begin to develop a child advocacy service based on Ontario’s model.

Investigations



The Investigative Unit

When a young person—or any member of the public—comes forward with a complaint about a Children’s Aid Society (including residential care or the death of a child) and asks us to investigate, our Investigative Unit decides whether to proceed based on its mandate and jurisdiction.

The complaints processes available under the *Child, Youth and Family Services Act* must be exhausted and all other investigations completed (including children’s aid investigations, police investigations and coroner’s investigations) before the Advocate’s Office is considered to have the “jurisdiction” to initiate an investigation. Also, if a specific issue is before the court and a judge is expected to make a decision about it, the Investigative Unit cannot proceed until the court process is completed.

In our 2017–2018 fiscal year, we received 157 requests for investigations. We referred the vast majority to the Children’s Aid Society Internal Complaint Process or the Child and Family Services Review Board. Many other complaints involved matters that were before the court. To date, the Investigative Unit has accepted all individual requests for investigation in cases that have met the jurisdictional criteria.

If a young person needs help to complete a complaints process, someone from our Advocacy Unit will assist them. Adult callers can get help filling out complaints forms (if necessary) and will receive a follow-up call from our Office 30 days after the initial contact to determine whether they have met any obstacles in making their complaint to the local Children’s Aid Society, Child and Family Services Review Board or other complaints mechanism.

Roadmap

In 2017–2018, we created an online “road map” to help the public understand how to request an investigation. Investigations undertaken by the Ontario Child Advocate are described in the law that governs the work of our Office.

They focus on:

- making recommendations to improve services
- promoting the best interests, protection and well-being of children, and
- upholding the principles expressed in the United Nations Convention on the Rights of the Child

Types of investigations

To date, we have undertaken:

- individual investigations
- systemic investigations, and
- “mini” systemic investigations

Systemic investigations are large-scale enquiries that involve many or most of the agencies operating in Ontario. For example, our investigation into the use of physical restraints in children’s residences is a systemic investigation. So far, it has involved children from 23 different Children’s Aid Societies and interviews with more than 135 people. We have also engaged in consultations about the use of physical restraints with Children’s Aid Society representatives, residential service providers, child and youth workers, unions and children’s mental health providers.



In Harm's Way: Serious Occurrence Report, Vol. 2

In December 2017, we released our Serious Occurrence Report, Vol. 2, entitled *In Harm's Way*?

This report was based on an analysis of more than 4,000 Serious Occurrence Reports submitted to the Ministry of Children and Youth Services (now the Ministry of Children, Community and Social Services) by residential service providers from January 1 to March 31, 2014.

Serious Occurrence Reports are official reports to the Ontario government about noteworthy incidents, and are required by law. They cover incidents such as:

- death
- serious injury
- suspected abuse
- physical restraint
- missing persons
- complaints about residents
- disasters in a residence
- complaints about operational, physical or safety standards

More importantly, Serious Occurrence Reports contain information about the kinds of things young people have been complaining about for many years.

While some have characterized Serious Occurrence Reports as a “needless administrative burden,” we believe they contain important information that can help protect children and young people in care.

We also think it's important to issue a “road map” for service providers about the issues our Investigations Unit looks at. In fact, the first systemic investigation undertaken by the unit related to the use of physical restraints at children's residences in Ontario.

Why? One reason was that physical restraints accounted for half of all Serious Occurrences reported to the government during this time period. In 44% of the cases we reviewed, there was insufficient information to legally justify the use of physical restraints—yet they had been used.

After releasing *In Harm's Way?*, we held public consultations with service providers who specialize in child welfare, children's mental health, residential services, child and youth workers and unions. Their feedback to date indicates that the issues we identified based on Serious Occurrence Reports filed in 2014 continued to exist in 2018.

Our report contains a number of recommendations. We are still accepting feedback from the public through a consultation paper on our website.



Death and Serious Bodily Harm Reporting System

In 2016, the Ontario Child Advocate launched an online Death and Serious Bodily Harm (DSBH) reporting system. The system lets service providers notify us easily and immediately of any incident of death or serious bodily harm to a child or youth who has sought or received services from a Children's Aid Society within 12 months of the incident.

Serious bodily harm includes any physical or psychological harm or injury that has a significant negative impact on a child's or youth's health, comfort and well-being. This includes:

- physical harm where injuries may require medical care
- incidents of a sexual nature, and
- a child or youth witnessing or experiencing an event likely to cause psychological harm, such as domestic or other violence

Time Frame	Number of Death and Serious Bodily Harm Reports received
June 10 to Dec. 31, 2016 (6.5 months)	2,900
2017 (12 months)	4,238
Jan. 1 to July 31, 2018 (7 months)	2,459

When we review an individual submission to the DSBH reporting system, we may refer a child or youth who was involved in an incident to an Advocate for support. But our research team also studies the patterns and trends in these reports to identify systemic issues in the province or matters that may need further investigating. To date, our Investigations Unit has initiated two individual investigations based on the information we received through the reporting system, both of them relating to the use of physical restraints. Ultimately, the goal of this analysis is to enhance services and supports for children and youth in Ontario.

Our staff is working continuously to improve the DSBH database and user experience. We aim to make it as easy as possible to complete notification forms.

2017–2018 Developments in Investigations

Since 2014, the Advocate's Office has collaborated with the Office of the Chief Coroner and the Ministry of Children and Youth Services (now the Ministry of Children, Community and Social Services) to develop a new model to review and analyze child and youth death. The objective is to improve the health, safety and well-being of Ontario's

children and reduce the Ontario child mortality rate by better understanding how deaths can be prevented.

In January 2018, we entered into a memorandum of understanding with the former Ministry of Children and Youth Services and the Office of the Chief Coroner to jointly fund a team of four people hired by the Chief Coroner's Office to lead the development and implementation of the new model and expand it across the province.



Letter from the Provincial Advocate to the Young People of Ontario

To the young people of Ontario,

I thank you.

As Ontario's Child Advocate, it has been my job for the past 10 years to build an Office that works with you to ensure your voices are heard so you have a say in the decisions that affect your lives. Even though I reported to the Ontario Legislature officially, if truth be told, I always thought of you as my real bosses. When faced with a question or an issue, I often thought: "What would young people want me to say or do?" You were my touchstone. And you never let me down.

When you call our Office seeking support, you demonstrate such enormous strength. Just picking up the phone to make that call takes real courage. Any time I talked to you on the phone or met you in person, I never forgot that when we said goodbye, I was leaving you on your own to travel on what was often a difficult journey. You have inspired me, not only with your elegance in managing the "silencing" you often face, but even with your fury at the injustices you too often encounter.

I have also often marvelled at your willingness to think of others and try to make a difference for them—no matter what circumstances you found yourselves in. I have listened to you comb through your lived experiences—often extremely difficult lived experiences—even though it might trigger deep pain. You did this to make some sense of your world. But you also did it to make a difference.

I want to acknowledge the debt of gratitude I owe you and the debt I feel Ontario owes you. There is no question that

you have made a difference. By your example, you have given hope to so many other children—children who will, in turn, find the courage to name their worlds and find their voices.

I often think about a young person who once told me she was "walking in the bright light of her full potential." At the time, I thought how fortunate I was to be walking alongside her because that "bright light" she was referring to was spilling onto me. When our Office shines, it does so in your bright light.

Ten years ago, I wrote to let you know that I intended to lead an Office that demonstrated its belief in you, each and every day. I hope you feel we have done that. We still believe in you, perhaps even more strongly than we did a decade ago.

As I prepare to step down as Ontario's Child Advocate, I want to thank you and let you know you will be forever in my heart.

Take good care,



A stylized handwritten signature in black ink.

Irwin Elman
Provincial Advocate for
Children and Youth

Annie's story:

Fighting to have her voice heard

BY AN ADVOCATE

About a year ago, a 15-year-old girl from Sudbury called our intake line. She was going through so much at the time. It wasn't clear whether she was going to be placed in extended society care or go back home.

When she called, she was quite direct. She told me: "I need someone to come and see me." I asked her to tell me a bit about what was going on, and she said: "They just won't listen to me for any Plan of Care. I go in there, and there are all these people around the table, and nobody asks me my opinion, or if they do, they don't listen to me. So I need someone to come and help me speak up."

At the first Plan of Care I attended last fall, I went in and there were a lot of people around the table. It was very intimidating. There was the school, the CAS, the group home and the police. I introduced myself and told them I was there to help elevate this young person's voice.

She spoke and people seemed to listen to her. I was thinking to myself that it seemed to be going okay. Afterward, she turned to me and said: "Thank you so much for coming. My Plans of Care never go like that. This is the first time they actually asked my opinion."

I've been going to her Plans of Care once a month for a year now and I have seen the dynamics start to shift. By January, the table was almost cut in half. The police were no longer there. It was less intimidating and you could see her starting to speak out. She wasn't always getting what she wanted, but she had a voice and people were listening to her and valuing her opinion.

I think what she sees in our Office is that we are that unbiased partner that is going to help elevate her voice. I think by being there, I have helped give her the confidence to speak up. I also think it is quite helpful in situations like hers that these organizations understand there is a body out there that is going to be on the side of young people.

**Thank you so much for coming.
My Plans of Care never go like that.
This is the first time they actually
asked my opinion.**

Financials

Statement of Expenditure for the Year Ended March 31, 2018

	Budget: For the year ended March 31, 2018 (Note 3 & 6) (\$)	Actual: For the year ended March 31, 2018 (\$)	Actual: For the year ended March 31, 2017 (\$)
Salaries & Wages	6,449,600	5,839,783	4,957,977
Employee Benefits (Note 4)	1,483,400	1,135,752	1,000,552
Transportation & Communication	960,600	1,074,878	1,291,193
Services	3,827,100	3,019,524	3,168,986
Supplies & Equipment	198,400	447,368	179,557
Total	12,919,100	11,517,305	10,598,265

Commitments (Note 5)

See accompanying notes to financial statement.

Approved:



Irwin Elman
Provincial Advocate for Children and Youth

1. Background

The *Provincial Advocate for Children and Youth Act*, 2007 was enacted to provide an independent voice for children and youth. The Office of the Provincial Advocate for Children and Youth (Office) serves children and youth in state care and the margins of state care through individual, systemic and policy advocacy. Pursuant to the passing of Bill 8 into law as the *Government Transparency and Accountability Act*, 2014, new powers tied to investigation were added to the *Provincial Advocate for Children and Youth Act*, 2007. On March 1, 2016, the Office's new investigative powers were proclaimed, allowing the Office to conduct investigations and make recommendations to improve children's aid services and services provided by residential licensees where Children's Aid is the placing agency.

The Office is mandated to strive to be an exemplar in youth participation at all levels of its work. The Office is also mandated to take a special interest in children and youth with special needs, First Nations children and youth, children and youth in Ontario's schools for the deaf and blind, and Ontario's Demonstration schools.

2. Significant Accounting Policies

The Office, as part of the Legislative Assembly Fund, follows the modified cash basis of accounting, which allows an additional 30 days to pay for expenditures incurred during the year just ended. This differs from Canadian public sector accounting standards in that, for example, under the modified cash basis of accounting, liabilities incurred but unpaid within 30 days of the year just ended are not recorded until paid, and expenditures for assets such as computers and office furnishing are expensed in the year of acquisition rather than recorded as fixed assets and amortized over their useful lives.

3. Expenditures

Expenditures are paid out of monies appropriated by the Legislative Assembly of Ontario. These monies are part of the Legislative Assembly Fund. Expenditures are reported net of recoverable sales tax, which is recovered by the Office of the Assembly on the Office's behalf.

The Office of the Assembly provides Financial and Human Resources services, without charge.

4. Employee Benefits

The Office's permanent employees (and non-permanent employees who elect to participate) participate in the Public Service Pension Fund (PSPF) which is a defined benefit pension for employees of the Province and many provincial agencies.

The Province of Ontario, which is the sole sponsor of the PSPF, determines the Office's annual payments to the fund. As the sponsor is responsible for ensuring that the pension fund is financially viable, any surpluses or unfunded liabilities arising from statutory actuarial funding valuations are not assets or obligations of the Office. The Office required annual payments of \$430,700 (2017: \$368,000) included under its employee benefits.

The cost of unused vacation and earned legislated severance entitlements are recorded in the Statement of Expenditure when paid.

The cost of post-retirement non-pension benefits is paid by the Province and is not included in the Statement of Expenditure.

5. Commitments

The Office has extended its current lease agreement with its landlord for its Toronto Office premises expiring on January 31, 2021. The Office has entered into a 10-year lease agreement for its Thunder Bay Office ending on September 30, 2026.

Future minimum rental payments for the lease are as follows:

Fiscal Year	Total (\$)
2019	519,900
2020	527,100
2021	447,500
2022	39,800
2023 and thereafter	179,100
	<u>1,713,400</u>

The Office is committed to pay its proportionate share of realty taxes and operating expenses for its Toronto premises, which amounted to \$403,900, during 2017.

6. Budgeted Figures

The budget was prepared by the Office and approved by the Board of Internal Economy, an all-party legislative committee

7. Bank Account

The Office holds funds in a bank account used to pay honorariums, if the Office is not able to receive funds on a timely basis from the Legislative Assembly Fund before any events. As at March 29, 2018 the bank balance was \$7,830 (FY 2017: \$7,810).



It's Time, Ontario

We wrote the call to action below prior to December 6, 2018, when the Ontario government decided to shutter the Ontario Child Advocate and repeal the *Provincial Advocate for Children and Youth Act*. Now more than ever, it is a clarion call.

Our aim to actively improve the lives of children and youth in state care will be the true reflection of our honouring the lives of those children and youth no longer with us. In the end, it is the collective responsibility of all—our Office, government, service providers, educators, and the broader community—to protect and support Ontario's children. We have our work cut out for us.

This paragraph was part of the first annual report we delivered to the Legislature more than 10 years ago—a report that quickly became known as the “90 Deaths” report. Our goal was to introduce Ontario to a group of children who had been invisible up to then: the 90 children who were connected to the child welfare system one way or another—whether in care, at home with support from a child welfare agency, or at the centre of a protection investigation—and who had died the previous year.

This report was met with a firestorm of criticism, not only from the service system, but from the coroner himself. I was surprised that our call for a multi-ministry, multi-sector

meeting to determine how we could better protect children and support families could provoke such anger.

We quickly realized that the children who had died while invisible to the province (though not necessarily to their communities and families) represented all the children within our mandate: First Nations children, children living with a “special need,” youth in conflict with the law, children in the Provincial Schools for the Deaf and Demonstration Schools, and children whose identities placed them at risk, such as Black children and LGBTQ2S youth. The struggle of these children to overcome incredibly difficult barriers threatened their ability to reach their full potential and went largely unnoticed by Ontario.

We decided we would have to mobilize young people. We knew their lived experience was incontrovertible. We also knew the courage it would take for them to speak their truth to power. But we believed in them. Today—after 10 years characterized by thousands of individual calls, youth-led hearings, inquests (where young people played a significant



role in shaping jury recommendations), youth gatherings and forums, listening tables and many reports created in partnership with young people—we may just be at a different place in Ontario.

As young people have named their worlds, their struggles have been laid bare. We see them. We must not turn away. Young people have told Ontario not only what was wrong, but how they would see it fixed. Their voices have found their way into policies, directives, action plans, blueprints, strategies and even legislation committed to the right of self-determination for Indigenous, Inuit and Métis in Ontario, including the right to care for their own children.

These commitments have found their way into the lives of children and have changed them for the better. The difference between the province's good intentions and fine words and the lived experiences of far too many children is a gulf. We know this because their voices have filled it.

Young people have given Ontario a new *Child, Youth and Family Services Act* (CYFSA). What began as a housekeeping exercise to “modernize” the Act was upended by the voices of young people. Today, all services provided under the Act are legally required to ensure that all children, regardless of age, have the opportunity to meaningfully participate in decisions made about them. But turning the fine words in this new legal document into concrete, positive action in the lives of children and youth will require a sea change in the culture of the services that touch their lives.

It's time, Ontario.

The CYFSA does not commit to countering anti-Black racism. It acknowledges systemic racism and the barriers it creates for children and families receiving services, and requires service providers to account for culture and other identity factors when providing services.

It's time, Ontario.

Ontario has an opportunity. We know what is wrong. We know what right would look like. We must accept the call to action from young people who have exposed the problems and then asked us: “What are you going to do about it?” We must answer that call together across governments, across jurisdictions, across sectors, tackling the thorny questions and wicked problems. We must continue to provide the opportunity for young people to lead us.

Without them, we will lose our way. With them, the fundamental change we must create is possible.

We can do this, Ontario. We must do this. Reach out to the children and young people we have served. Stand with them.

Listen to them. Amplify their voices.

Now more than ever, it is time, Ontario.

Joan's story:

Ensuring deaf children get the services they need

BY AN ADVOCATE

I started working with Joan three years ago, when she was just 14. It's a very complicated case because it is so layered. Joan has been in CAS care since the age of 10. She has a severe learning disability and mental health issues, as well as being a young deaf woman who uses American Sign Language. She attended a Provincial School for the Deaf during the week and would go to a group home on the weekends.

Normally, an Advocate works with a case for a year at most. Sometimes you can have a case where you can resolve things in a week. This one was unique and went on longer because every time it seemed like the issue was addressed, a new one would arise—whether it was an accommodation issue at her school or a mental health issue. There were also behavioural issues that impacted her ability to attend school, and the school wanted to expel her. But it was the only deaf school in the area that was available to her.

I support her through the process to make sure wherever she is placed, they have the resources to meet Joan's needs and accommodate her fully.

As an Advocate with a disability, I can communicate with Joan directly. I'm a friendly face because of the common language. I make sure she has an overall understanding of the system, walking her through everything step by step and trying to explain it to her in her first language.

The other service providers have no idea how to deal with a deaf child, how to book an interpreter, who to hire or anything about deaf culture. So I support her through the process to make sure wherever she is placed, they have the resources to deal with her and accommodate her fully.

I think the communication part has been very important for her, to help her to express herself and have a voice. I am there to make sure she gets the accommodations she wants. For example, she may ask for a sign language interpreter so she can have full access to a program, just like anyone else. I am there to help her be heard.

It took a while for us to develop a relationship, but now she knows who I am, and she can trust me. I'm deaf and she is deaf as well, so she can look at someone else who has a disability and feel that connection. I think that is what makes the difference for her.

Talk to Us

Are you looking for help? Start here.

If you are a child or youth looking for help or wanting to make yourself heard, reach out to us. We will put you in touch with an Advocate who can help you solve problems and make sure your concerns are front and centre.

We believe that...

- You have rights.
- You have a voice.
- You deserve support in making your voice heard.

We can offer that support. We will listen. We will work with you to get answers and find solutions.

Contact the Ontario Child Advocate
Telephone: 416-325-5669
Toll free: 1-800-263-2841
advocacy@provincialadvocate.on.ca



إعلام صوت الشباب
Umlawic'g kō mōdōnōy
তরুণ কণ্ঠে আওয়াজ তুলে
Dutōn CāCōPōōōōōōōōōōōō
Amplify Youth Voice
Donner une voix aux jeunes
Osnažiti glas mladih
destakovať hlas mládeže
扩大青年的声音

**Ontario
Child
Advocate**

**Intervenant
en faveur
des enfants
de l'Ontario**