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July 28, 2008
RE: Decision on Eligibility
      File Number CA08-0123

Jennifer Scott, Vice Chair et al,

    Thank-you for your response letter dated July 24, 2008 where the Board determined that my application had been assessed and determined not to be eligible for review based on a definition of "services" under section 3 of the *Child and Family Services Act*.

1. Procedural Fairness:

    According to CFSRB *Rules of Procedure* 4 and 6, the Board may exercise any of its powers under the Rules on its own initiative <u>or at the request of a party</u> (myself) and may waive application of or vary any of the Rules at any time <u>subject to considerations of procedural fairness</u>.

    Therefore, I am seeking leave from the Board to do all that is in its power, considering Part I General - Rules 4 & 6, paying special attention to the consideration of procedural fairness, to reconsider or to continue the review at a stage where I would be allowed to submit documents that I thought I would be allowed to submit prior to the Board making its submission and since I thought I would have an opportunity to attend a pre-hearing to make an argument as to the eligibility of my complaint based on provisions of the *Child and Family Services Act* which the Board appears to have inadvertently overseen while making its determination of eligibility.

    I spent a great deal of time considering the definition of a child-welfare service as defined in the *Child and Family Services Act* prior to making my application for review to the Board with the understanding that I would be able to further explain or flesh-out the definition of a child-welfare services under the Act during a pre-hearing stage, and subsequently did not file such details with my original application.

    Therefore, in the interests of procedural fairness, I would like to request from the Board that the Board do what ever is possible in the circumstances to reinstate the proceedings to allow me to make my submission as I expected I would be able to do after making my initial application.

    My understanding that I would have an opportunity to submit documentation and argument during a pre-hearing on the eligibility of the Board's jurisdiction is evidenced in my original application to the Board, where I wrote down that I am available for contact by the Board at any time for further details. (the last line of my application).

2. <u>Exceptional Circumstances:</u>

Also in Rule 11, the Board may, upon request, extend the time for filing an application or a document in exceptional circumstances as long as the reasons for the request are provided.

Therefore, since I am not represented by Counsel, and since I have never been through the Board Review Procedure before validating my lack of knowledge in that area, I am making a motion to request from the Board in this -- <u>an exceptional circumstance</u> -- an opportunity to have the time extended to file documentation based on the following factors:

a) I did not realize that the Board would make its decision on eligibility prior to allowing me to address and argue the eligibility of the application

b) I believe the Board inadvertently missed considering part of the definition of "services" in section 3 of the *Child and Family Services Act* as the decision letter only listed the following definitions in its decision.

- "child development services"
- "child treatment services"
- "child welfare services" (*** *see below*)
- "community support services" (** *see below*)
- "and youth justice services"

The Board did not, and may have overseen or missed the following definition of "Child Welfare Services" as defined elsewhere under section 3, but as defined under "services" as indicated by the triple star above.

*** Section 3 of the *Child and Family Services Act* as the Board stated, defines a "*service*" as a "*child welfare service*" among others, yet the Act also further defines a "child welfare service" as meaning the following:

(above, rather than below the definition of "*service*" as it is listed in alphabetical order)

- a residential or non-residential service, including a prevention service,
- a service provided under Part III (Child Protection),
- a service provided under Part VII (Adoption), or
- individual or family counselling; ("service de bien-être de l'enfance")

** Section 3 of the Child and Family Services Act also further defines "child welfare service" as a "community support services". The Act also further defines "community support services" as follows:

- "community support service" means a support service or prevention service provided in the community for children and their families;

Argument on Eligibility:

It is my argument that Society memberships are a "prevention service" provided in the community as defined in the Act since memberships enable members of the community to vote upon and approve or disapprove a Society's child welfare services, policies, procedures and practices, as either being helpful or harmful to children.

"Child welfare services" are not only intended to protect children from their harm caused to them from their birth or adoptive families, they are also services which protect children in foster care or under the care of a Society from institutional abuse and neglect, regardless of their source.

Members of a Society can demand changes in services and programs as long as those services are within the purview of, and in keeping with, the spirit and purpose of the *Child and Family Services Act* and it's Regulations, and if those demands are not met, the members can call a meeting to change the Board of Directors or any of the policies, procedures and practices of the Society through member votes.

So in essence, Society memberships are a prevention service as defined under "child welfare service" in the Act.

I submit this to the Board with all due respect and seek recommendations from the Board on this issue.

Sincerely,

John Dunn