

2010 Five-Year Review of the Child and Family Services Act

Recommendations to the Minister of Children and Youth Services



Submitted by:
The Foster Care Council of Canada
www.afterfostercare.ca

Introduction

In 1999 legislation was introduced by Janet Ecker -- the Minister responsible for child protection services at the time -- which makes it mandatory to conduct a review of the *Child and Family Services Act* (Act) every five years as a means of ensuring the legislation is always responding sensitively and effectively to changing needs of children and youth they serve and of the community.

The first mandatory review of the Act took place in 2005 after the newly formed Ministry of Children and Youth Services posted an announcement on their website seeking input from the public regarding possible changes to the Act.

Several organization's, professionals, and individuals made submissions to the Ministry with recommendations for change and a report was subsequently published summarizing the submissions made.

These submissions in conjunction with consultations the Ministry engaged in with various child welfare service stakeholders guided the Ministry in drafting what was then titled Bill 210, an act to amend the *Child and Family Services Act*.

In December of 2009 the Ministry posted an announcement on their website regarding the second review of the *Child and Family Services Act* and seeking submissions from the public with a deadline of January 31, 2010.

This deadline gave citizens just over 30 days to review a statute which has more than 200 sections and to formulate recommendations for changes to a very complicated piece of legislation. This short amount of time does not give citizens nearly enough time to organize, review, understand, and make recommendations for change which can improve the experiences and outcomes of those who are affected by it.

In response to the Ministry's invitation to make submissions regarding the mandatory review of the Act, the Foster Care Council of Canada drafted this list of recommendations for submission, and in an effort to accommodate citizens need for more time to organize and conduct a proper review in the future, we have created a permanent Five-Year CFSA Review Committee and invite the public to join us in making recommendations for changes in the next, and subsequent reviews.

It is our hope as an organization made up of foster foster children and their supporters that the Ministry will take our recommendations into consideration while drafting legislation which will have a serious impact on the lives of children and youth affected by child welfare services.

Foster Care Council of Canada

Who We Are

The Foster Care Council of Canada is a member supported organization which is made up of former foster children and their supporters who advocate for improved transparency and accountability in child-welfare services across the country.

Mission Statement

“Involving current and former foster children and their supporters in the process of improving the transparency and accountability of child welfare services through a strong and united voice”

Position Statement on Child Welfare Services

“It is our position that child welfare authorities are necessary to protect children who are being abused or seriously neglected and that these authorities require strong, proactive, responsive, transparent, and accountable oversight mechanisms to ensure that the best interests of the child are being met.”

What We Do

We strive to inform Canadians of important child-welfare related issues and events and to advocate for much needed changes by engaging in the following;

- launching child-welfare related public awareness campaigns
- conducting child-welfare related research and reporting our findings to both the government and the public
- assisting current and former child-welfare clients in the process of acquiring access to their own personal records held by various child-welfare authorities
- providing guidance and support to current and former child-welfare clients regarding complaints procedures and criminal injuries compensation claims resulting from their time in foster care
- endorsing, intervening in, or initiating legal action where it is deemed necessary, appropriate, and possible to do in the public interest

www.afterfostercare.ca

Board of Directors (Sorted alphabetically by last name)

John Dunn - ON - Former Foster Child – Volunteer Executive Director

John Dunn John Dunn, of Ottawa, Ontario is the founder and volunteer executive director of the Foster Care Council of Canada. As a child, John lived in foster care for 16 years, most of which were with his brother Ron Dunn. (Ron has been a bike courier in Toronto for over twenty years!) Both John and his brother were moved 13 times while in foster care. In 1988, when John was 18 years of age, he chose to leave foster care and live on his own. Approximately 13 years later, in 2001 when he contacted the Catholic Children's Aid Society of Toronto to get copies of his own life records, he learned that Children's Aid Societies generally, as a matter of internal policy, do not provide copies of former foster kids' life records to them. John entered into a complaint procedure with the Society and was unsuccessful in getting copies of his records. This treatment of former foster children is what inspired the creation of the Foster Care Council of Canada.



Gary Curtis - ON - Former Foster Child – Director

Gary Curtis of Winchester, Ontario (South of Ottawa) was a Crown Ward under the Children's Aid Society of Ottawa for his entire childhood up to the age of 18. Gary lived in 6 different foster homes, an orphanage and the Ottawa Children' Village, plus a couple of temporary homes all by his 8th birthday. In 2003 Gary started out by requesting a copy of his file from the Children's Aid Society of Ottawa and finally received about 60% of it. During Gary's search, he discovered the Foster Care Council of Canada and is now actively involved in various aspects of its work where he specializes in Disclosure and Information aka: Records.



Alice Daniels - BC - Director - West Coast

Alice Daniels has been doing poverty law advocacy for approximately 13 years. She is based in Revelstoke British Columbia, but has worked on cases in almost every province of Canada. Her specialties are child welfare-services and family law issues, although over the years she has been, and continues to be involved with advocating for other issues as well. Alice works under a supervising lawyer and has done so for the past ten years. She is the mother of 8 children, 5 of which experience a disability or disabilities ranging from minor learning disabilities to severe behavioural disorders. Alice has informed us that she is the first person in the province of British Columbia to ever get her children back from child-welfare after they have been permanent wards of the government.

Picture Not Available

Michele Farrugia - ON – Former Foster Child - Director

Michele Farrugia (pronounced Mickay-lay Farroogia) is a former crown ward who recently left foster care and is now on extended care and maintenance (ECM). Michele says that he felt like he did not have a voice in most of the group homes he was at and that he was not afforded all of his rights. Michele is very interested in advocating for reforms to the child welfare system and has as his main focus the experiences of children and youth in group homes, legislative reform, and general child welfare related advocacy. *Continued on next page...*



Continued on from previous page...

David Witzel - ON - Former Foster Child - Director

David Witzel was born in Timmins Ontario in 1947 to alcoholic parents who were abusive to both him and his brother. His parents abandoned them when David was seven years of age after taking them to the Hamilton-Wentworth Children's Aid Society (HWCAS), under which they were made Crown Wards. In their foster home David and his brother were consistently and severely abused emotionally, physically and sexually for years. When David was 21 he joined the US Marine Corps and remained in service with them for 3 years. During that time he was deployed to Viet Nam for 13 months. David suffered from alcoholism between the ages of 13 to 35 when finally on Thanksgiving Day, October 18, 1982 he quit drinking -- "with God's help" David emphasizes. 5 years later in 1987 David's life changed drastically for the better when he met his wife and daughter. In 2004 David applied for his foster care records from the HWCAS and only received a 4 page summary. After pushing further for more information David received an additional 8 page summary. Still unsatisfied, David talked with the law firm (Torkin Manes Cohen Arbus LLP) who kindly DONATED their services successfully obtaining not only his own files, but those of his brother as well. David notes that they also arranged and set him up with the law firm Jellinek Law Office and Ms Simona Jellinek kindly took on the case on a pro-bono basis. David sought accountability for the abuse he and his brother suffered while in foster care both through the HWCAS and through the Police without success. He initiated and is still involved in trying to obtain more information on himself and his life through Freedom of Information and Privacy Protection Act requests (FIPPA) and in 2008 joined the Board of Directors of the Foster Care Council of Canada



Bev Yates - ON – Community Member - Director

Bio Pending

Picture Not Available

RECOMMENDATIONS

Preamble to Section 1

Current Wording

None

Recommendation

In order to make legislation easier to read and more purposeful for those who are affected by it there should be a preamble guiding the reader on how to use the Act.

Section 2

Current Wording

Other purposes

(2) The additional purposes of this Act, so long as they are consistent with the best interests, protection and well being of children, are:

- 1. To recognize that while parents may need help in caring for their children, that help should give support to the autonomy and integrity of the family unit and, wherever possible, be provided on the basis of mutual consent*

Recommendation

Other purposes

(2) The additional purposes of this Act, so long as they are consistent with the best interests, protection and well being of children, are:

- 1. To recognize that while parents may need help in caring for their children, that help should give support to the autonomy and integrity of the family unit and, wherever possible, be provided on the basis of mutual consent and any help a Society offers or refers to parents for this purpose shall be recorded in a form as prescribed in the Regulations which shall include a section allowing the parent's to express the reason or reasons for their decision to either accept or deny the Society's offer of help, and the form shall be included in the family file and / or continuing record for the court to review*

Comment: This recommendation would ensure that the court is fully aware of whether or not a Society has offered services to support the autonomy and integrity of the family unit where possible and the reasons why a parent has or has not accepted the services a Society has offered to parents, and makes it easy for the court to see by putting this information in a Form which can be quickly reviewed, is laid out in the Regulations so that the Society or the clients can download, print, and fill them out to ensure the Societies are complying with the Regulation in cases where the Society or worker fails to use the form.

Section 3 Definitions

Current Wording

None

Recommendation

None

Comment: There should be a definition of 'medical treatment' which differentiates between prescriptions and actual 'medical procedures' so that children are not apprehended because a parent does not want to give their child a certain prescription drug (unless the prescribed drug is required to keep them alive)

Section 45 Hearings Private

Current Wording

Hearings private unless court orders otherwise

45 (4) A hearing shall be held in the absence of the public, subject to subsection (5), unless the court, after considering,

(a) the wishes and interests of the parties; and

(b) whether the presence of the public would cause emotional harm to a child who is a witness at or a participant in the hearing or is the subject of the proceeding,

orders that the hearing be held in public.

Recommendation

Hearings private unless court orders otherwise

45 (4) A hearing shall be held in the absence of the public, subject to subsections (5), (11), and (12) unless the court, after considering;

(a) the wishes and interests of the parties; and

(b) whether the presence of the public would cause emotional harm to a child who is a witness at or a participant in the hearing or is the subject of the proceeding,

orders that the hearing be held in public.

Reason for Decision

(11) In every case, the court shall consider subsections 45 (4)(a) and (b) and shall make a detailed written explanation for its decision to proceed in the absence of the public which

explains in detail:

(i) why the court determined the presence of the public would cause emotional harm to the child.

(ii) the type of emotional harm anticipated by the court

(iii) the age of the child(ren)

(iv) whether the child was directly consulted by anyone regarding this issue

(v) the child's response where that child's response can be reasonably ascertained.

(vi) the wishes and interests of the parties as expressed by them]

Support Persons

(12) Support persons as chosen by the party requesting one shall be permitted to enter and attend a hearing that is held in the absence of the public unless the court determines the support person's behaviour within the hearing to have been disruptive, and orders that the person leave, or not enter and attend further hearings without leave from the court.

Comment: Adding subsection 45 (12) would allow any party who feels they need it, to have a support person / witness at a hearing to ensure fairness of proceedings in case transcripts are not able to be ordered by the party due to the extreme cost of obtaining them. If a party wants to appeal a decision, they require transcripts, but often can not afford them, leaving the vulnerable party unable to exercise their right to appeal unless a CAS or judge somehow pays for the transcripts.

Also, similar to section 136 of the Courts of Justice Act, which allows a party acting in person or their lawyer to record court hearings to supplement their notes, a party who has a support person, is better able to recollect things which may have been said if their support person attends and they can discuss the court hearing at a later time to keep it active in their mind.

Section 54 Assessments

Current Wording

Copies of report

(3) *At least seven days before the court considers the report at a hearing, the court or, where the assessment was requested by a party, that party, shall provide a copy of the report to,*

- (a) the person assessed, subject to subsections (4) and (5);*
- (b) the child's solicitor or agent of record;*
- (c) a parent appearing at the hearing, or the parent's solicitor of record;*
- (d) the society caring for or supervising the child;*
- (e) a Director, where he or she requests a copy;*
- (f) where the child is an Indian or a native person, a representative chosen by the child's band or native community; and*
- (g) any other person who, in the opinion of the court, should receive a copy of the report for the purposes of the case. R.S.O. 1990, c.C.11, s.54(3).*

Child under twelve

(4) Where the person assessed is a child less than twelve years of age, the child shall not receive a copy of the report unless the court considers it desirable that the child receive a copy of the report. R.S.O. 1990, c.C.11, s.54(4).

Child twelve or older

(5) Where the person assessed is a child twelve years of age or more, the child shall receive a copy of the report, except that where the court is satisfied that disclosure of all or part of the report to the child would cause the child emotional harm, the court may withhold all or part of the report from the child. R.S.O. 1990, c.C.11, s.54(5).

Recommendation

Child under twelve

(4) Where the person assessed is a child less than eighteen years of age, the child shall receive a copy of the report and where possible, the Society shall contact the child to:

- a) explain the meaning of the report and its contents;
- b) explain to the child the possible effects the report may have on the child's life;
- c) explain to the child the child's right to be heard by the court in response to the report, and shall instruct the child on how to make submissions to the court;
- d) answer any of the child's questions resulting from the report

and a written summary of the explanations and answers given under paragraphs b), c), and d) shall be entered into the child's file, and a copy thereof shall be sent to the child or the person having lawful custody of the child to be placed in the child's life book.

Child twelve or older

(5) Where the person assessed is over eighteen years of age, the person assessed shall receive a copy of the report, and a copy shall be entered into the person's file.

Comment: These recommendations seek to ensure that a child who has had an assessment done regarding themselves will be fully informed (where possible) of their right to be heard and to participate where possible when decisions are being made about their lives. They will also ensure that where a child is too young at the time to speak to the issues, that they have a better understanding as they get older of why they are where they are, or what happened at the time as opposed to just going by what people can tell them years later. These recommendations also assist the child to get copies of records the Societies currently do not let children and adults from care obtain in an effort to increase the transparency and accountability of child welfare to children who experience it.

Section 71 Expiry of Orders

Current Wording

Expiry of orders

71. (1) *An order under this Part expires when the child who is the subject of the order,*
(a) attains the age of eighteen years; or (b) marries, whichever comes first. R.S.O.
1990, c.C.11, s.71(1).

(2) Repealed: 2006, c.5, s.27.

Recommendation

Expiry of orders

71. (1) *An order under this Part expires when the child who is the subject of the order,*
(a) attains the age of eighteen years; or (b) marries, whichever comes first. R.S.O.
1990, c.C.11, s.71(1).

(2) Where an order under this Part

(a) is about to expire under subsection 71. (1); or

(b) where a person who was the subject of an order under this Part is for any reason
no longer receiving services from a Society and that person is under the age of 24
years;

the Society shall offer to meet with the child at least six months before an order expires under
subsection 71. (1), or upon contact with a person mentioned under paragraph (b) shall offer
to meet and discuss available options under section 71.1 or further options as appropriate in
the circumstances as prescribed in the regulations

Comment: Depending on which comes first, the Society is to sit with the person who is or was the subject of an expiring order before they leave care as in (a) above, or if they have already left care for any reason, are still under the age of 24, and they come back to the Society asking for help or support, the Society will be obligated to provide them with services under ECM or other means as prescribed in the regulations.

Section 85 Offences

Current Wording

Offences

Idem

85 (3) A person who contravenes subsection 45(8) or 76(11) (publication of identifying information) or an order prohibiting publication made under clause 45(7)(c) or subsection 45(9), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than three years, or to both. R.S.O. 1990, c.C.11, s.85(2,3).

Recommendation

OFFENCES

Idem

(4) A person who contravenes subsection 15 (3) (g) and a director, officer, or employee of a corporation who authorizes, permits, or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 unless otherwise stated

Comment: Section 85 creates offences for anyone who violates certain sections of the Act. There are no offence provisions in the Child and Family Services Act which give citizens the ability to ensure child welfare authorities are complying generally with the CFSA or with any other Acts which are applicable to child welfare authorities. Adding subsection 85 (4) as recommended would enable citizens to enforce the CFSA through easier-to-navigate and more accessible provincial offences charges, since the Ministry of Children and Youth Services is not enforcing the Act or taking action to ensure other applicable Acts are enforced as required by section 15(3)(g) of the Act. Crown Attorneys have the power to stay any charges which appear to be an abuse of process, and justices of the peace act as "gatekeepers" to prevent groundless charges from being laid in the first place, so any MPP's who fear adding a general offence provision would lead to abuse can feel assured this will not be at issue. Charges have to be approved by a Justice of the Peace before getting to court and that depends on if it appears to the Justice of the Peace that there are reasonable grounds to believe an offence has been committed and a reasonable prospect of the matter being successful.

Section 114 Commitment to Secure Treatment

Current Wording

Application for order for child's commitment

Child entitled to be present

114. (8) *The child who is the subject of an application under subsection (1) is entitled to be present at the hearing unless,*

(a) the court is satisfied that being present at the hearing would cause the child emotional harm; or

(b) the child, after obtaining legal advice, consents in writing to the holding of the hearing in his or her absence.

Recommendation

Child entitled to be present

114. (8) The child who is the subject of an application under subsection (1) is entitled to be present at the hearing unless.

~~*(a) the court is satisfied that being present at the hearing would cause the child emotional harm; or*~~

~~*(a) the child, after obtaining legal advice, consents in writing to the holding of the hearing in his or her absence.*~~

and the child shall be given at least 7 days notice of the application under subsection (1) where possible.

Comment: Removing paragraph (a) ensures the child's right to have their voice heard and considered when decisions are being made that affect their lives in accordance with article 12 of the United Nations Convention on the Rights of the Child. Paragraph (b) becomes paragraph (a) and the new paragraph (a) ensures that a child is given ample notice to enable them to decide whether they wish to appear in the court to speak to, and have their comments considered by the judge regarding his or her placement in a secure treatment facility.

Section 116 Assessment Report for Secure Treatment

Current Wording

Copies of report

116 (4) *The court shall provide a copy of the report to,*

- (a) the applicant;*
- (b) the child, subject to subsection (6);*
- (c) the child's solicitor;*
- (d) a parent appearing at the hearing;*
- (e) a society that has custody of the child under an order made under Part III (Child Protection);*
- (f) the administrator of the secure treatment program; and*
- (g) where the child is an Indian or a native person, a representative chosen by the child's band or native community.*

Court may withhold report from child

(6) The court may withhold all or part of the report from the child where the court is satisfied that disclosure of all or part of the report to the child would cause the child emotional harm. R.S.O. 1990, c.C.11, s.116.

Recommendation

Copies of report

(4) The court shall provide a copy of the report to,

- (a) the applicant;
- (b) the child, subject to subsection (6);
- (c) the child's solicitor;
- (d) a parent appearing at the hearing;
- (e) a society that has custody of the child under an order made under Part III (Child Protection);
- (f) the administrator of the secure treatment program; and
- (g) where the child is an Indian or a native person, a representative chosen by the child's band or native community.

~~Court may withhold report from child (6) The court may withhold all or part of the report from the child where the court is satisfied that disclosure of all or part of the report to the child would cause the child emotional harm. R.S.O. 1990, c.C.11, s.116.~~

Comment: Ensures the child gets copies of the report (transparency/accountability)

Part VIII (Section 178 - 191) Confidentiality of and Access to Records

Current Wording

(Too long and not all parts enacted)

Recommendation

A thorough review of this section of the Act should be done and shall be done in consultation with current and former wards and other members of the child welfare community, in order to ensure they are considering all parties affected by such legislation, because currently, former wards often are not permitted to obtain copies of their records or parts thereof (Serious occurrence Reports) and it appears that this is often done to protect the agencies from lawsuits due to abuse suffered by children in foster or group care as opposed to just maintaining confidentiality which is the blanket defense cited for withholding such records.

Comment: These actions by the Societies and by the Ministry of Children and Youth Services may fall under section 139 of the *Criminal Code of Canada* in that they may amount to criminal charges of Obstruction of Justice.

Section 178 Powers of Program Supervisor

Current Wording

Powers of program supervisor

194.(1) For the purpose of ensuring compliance with this Act and the regulations a program supervisor may, at all reasonable times, upon producing proper identification, enter,

(a) the premises of a licensee;

(b) a children's residence; or

(c) a place where a child receives residential care, and may inspect the facilities, the services provided, the books of account and the records relating to the services, and make copies of those books and records or remove them from the premises to copy them as may be reasonably required.

and may inspect the facilities, the services provided, the books of account and the records relating to the services, and make copies of those books and records or remove them from the premises to copy them as may be reasonably required

Recommendation

and may shall inspect the facilities, the services provided, the books of account and the records relating to the services as prescribed and make copies of those books and records or remove them from the premises to copy them as may be reasonably required

194.1 Inspections under 194 (1) shall be conducted without notice

Comment: Currently group homes are often given notice by the Ministry of Children and Youth Services of the fact that a licensing review is about to take place and this defeats the purpose of a review because the group homes often engage in a flurry of home repair, clean up and last ditch efforts to comply with licensing requirements.

The word 'may' should be changed to 'shall' in order to make it mandatory for the program supervisor during a compliance review to look at the documents referred to in section 194 (1) and the words 'as prescribed' should be added as shown, to create or amend a regulation to further detail the books and records and parts thereof which shall be specifically reviewed as part of their consideration of issuing, renewing, revoking, or refusing a license.

The prescribed regulations should include forms that the program supervisor should fill out during the reviews which ensure the ministry that all records are reviewed and that comments detailing the contents of the books and records are completed.

This would make it possible for citizens to FIPPA request such forms in order to review and ensure inspections/reviews are being done as required and would allow youth in care to request them to ensure their accuracy and report to the Ministry if they are not accurate.

Section 224 Five-Year Review of CFSA

Current Wording

Beginning of review

(2) *The Minister shall inform the public when a review under this section begins and what provisions of this Act are included in the review.*

Recommendation

Beginning of review

(2) The Minister shall inform the public ~~when~~ at least six months before a review under this section begins by issuing a province-wide press release and by putting a notice on the ministry website ~~indicating~~ and what provisions of this Act are included in the review.

Comment: Citizens need more time to organize and work together to make recommendations to the Minister regarding potential legislative amendments by sharing their experiences to see common themes and to determine where changes need to be made.

Section 227 Community Engagement Committee

Current Wording

None

Recommendation

Community Engagement Committee

227 (1) The Minister shall maintain a permanent community engagement committee which includes

- (a) children who are currently in the custody of a Society,
- (b) adults who were in the custody of the Society,
- (c) parents of children who are and who have been in the care of a Society, and
- (d) other community based professionals who interact with child-welfare and youth justice service providers

Purpose

(2) The purpose of the committee is to consult with the public in order to

- (a) ensure the CFSA is being complied with by service providers
- (b) review and provide input regarding ministry policies, guidelines, directives, legislation and regulation

Comment: Citizens need more time to organize and work together to make recommendations to the Minister regarding potential legislative amendments by sharing their experiences to see common themes and to determine where changes need to be made.

General Recommendation – Registered Social Workers

Current Wording

None

Recommendation

All Children's Aid Society staff who make decisions regarding, and who work with Children and Families in the community shall be registered with the College of Social Workers and Social Service Workers in order to ensure they have some level of external accountability for the services they provide.

General Recommendation – Ombudsman Oversight

Current Wording

None

Recommendation

The Ombudsman of Ontario shall have oversight of Children's Aid Societies in the areas which are not within the jurisdiction of the Child and Family Services Review Board.

Note: In CFSRB decision *W.P. and B.P. v. Lennox-Addington F&CS (CFSA s.68)*, 2008 CFSRB 17 (CanLII) (<http://canlii.org/en/on/oncfsrb/doc/2008/2008cfsrb17/2008cfsrb17.html>) the board appears to be demonstrating how redundant it is due to the limitations placed upon it by the Ministry's own regulations and parent legislation.

Special Thanks:

For sponsoring the printing of this report

John Dunn
Executive Director
Foster Care Council of Canada
12-1160 Meadowlands Drive East
Ottawa, ON, K2E 6J2
1-613-220-1039
johndunn@afterfostercare.ca
http://www.afterfostercare.ca

Speakers:

John Dunn, Executive Director, Former Foster Child
Michele Farrugia (pronounced Mick-ay-lay farroogia), Director, Volunteer, Former Foster Child
David Witzel, Director, Former Foster Child

**RE: MANDATORY 5-YEAR REVIEW OF ONTARIO'S CHILD PROTECTION
LEGISLATION**

**Media Advisory / Press Release
For Immediate Release
January 29, 2010**

NOTE: This media advisory is followed by the press release:

TORONTO (Queens Park Media Studio) - The Foster Care Council of Canada, an organization made up of former foster children and their supporters will be announcing their submission and recommendations to the Minister of Children and Youth Services in relation to the mandatory five-year review of the Child and Family Services Act which governs Children's Aid Societies in Ontario.

The Council will also make two announcements regarding the formation of a permanent, citizen based, five-year review committee, and their "Ride for Accountability of Children's Aid Societies" (RACAS) which is an awareness bicycle ride from Ottawa to Windsor.

Date: Friday, January 29, 2010

Time: 1 p.m.

Location: Queens Park (Legislative Assembly of Ontario) in the media studio, University and Wellesley Aves., Toronto, Ontario

PRESS RELEASE
For Immediate Release

Queens Park, Toronto, January 29, 2010 1PM: The Foster Care Council of Canada, an organization made up of former foster children and their supporters will hold a press conference at the media studio of the Legislative Assembly of Ontario to announce their submission and recommendations to the Minister of Children and Youth Services in connection with the mandatory five-year review of the Child and Family Services Act.

The Council will also make two announcements regarding the formation of a permanent, citizen based, five-year review committee, and their "Ride for Accountability of Children's Aid Societies" (RACAS) which is an awareness bicycle ride from Ottawa to Windsor.

Speakers will include former foster child John Dunn, the founder and volunteer executive director of the Foster Care Council of Canada, and board members Michele Farrugia and David Witzel who are also former foster children.

Background

In May, 1999, legislation was introduced by Janet Ecker -- the Minister responsible for child protection services at the time -- which makes it mandatory for the Minister to conduct a review of the Child and Family Services Act every five years for the purpose of ensuring the legislation is always -- as Ecker said -- responding sensitively and effectively to changing needs.

John Dunn, the volunteer executive director of the Foster Care Council of Canada and a former foster child who spent sixteen years of his childhood under the authority of the Catholic Children's Aid Society in Toronto said "after the first review of the Act in 2005, the Ministry of Children and Youth Services, at the request of the Ontario Association of Children's Aid Societies (OACAS), attempted to weaken the complaint procedures available to foster children by proposing to remove existing external oversight mechanisms such as the ability for children to escalate their complaints to the Society's more independent board of directors, to have the board's decision reviewed by a Ministry appointed Director, and to make it impossible for vulnerable children to have an advocate representing them to initiate a complaint on their behalf, which children have the right to do under paragraph 103(1)(b)(ii) of the Act".

After the Ministry introduced the first version of Bill 210 during its first reading, the Foster Care Council of Canada and other community groups such as Canada Court Watch (canadacourtwatch.com), Dufferin Voices of Children Alliance (fixcas.com), Fighting4Families (fighting4families.webs.com), and Rally4Accountability (rally4accountability.webs.com) rallied support from citizens in Ontario who were partially successful in getting MPP's to prevent the Ministry from further weakening the complaints procedure as they had first proposed. However, despite the pressure, Ministry still managed to push through legislation which prevents children in care from having representatives file complaints on their behalf, even when they fear retaliation for doing so as was reported in a previous report from the Office of the Child and Youth Advocate titled "Voices from Within".

The Foster Care Council of Canada will also invite the public to join a 5-year review committee to prepare for the next review of the Act in 2015.