



The Foster Care Council of Canada

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Andre Marin
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Andre Marin,

According to Subsection 103 (b)(iii)¹ of the *Child and Family Services Act* a child in foster care in Ontario has the right to “speak in private with and receive visits from” ... “the Ombudsman appointed under the *Ombudsman Act* and members of the Ombudsman's staff”.

For several years both you and your office have stated that you do not have jurisdiction over Children's Aid Societies.

It is my hope that Subsection 103 (b)(iii) of the *Child and Family Services Act* does give you jurisdiction, or at least indicates an earlier position of MPP's in Ontario to give you jurisdiction over Children's Aid Societies.

Can you please clarify to me and to the public how section 103 (b)(iii) applies to your office and what your office can or can not do in relation to this provision if a youth were to contact you to ask for a private visit or to file a complaint about a CAS?

Sincerely

John Dunn
Foster Care Council of Canada

¹ *Rights of communication, etc.*

103. (1) A child in care has a right,

(a) to speak in private with, visit and receive visits from members of his or her family regularly, subject to subsection (2);

(b) to speak in private with and receive visits from,

(i) the child's solicitor,

(ii) another person representing the child, including the Provincial Advocate for Children and Youth,

(iii) the Ombudsman appointed under the *Ombudsman Act* and members of the Ombudsman's staff, and

(iv) a member of the Legislative Assembly of Ontario or of the Parliament of Canada; and

(c) to send and receive written communications that are not read, examined or censored by another person, subject to subsections (3) and (4). R.S.O. 1990, c. C.11, s. 103 (1); 2007, c. 9, s. 25 (2); 2009, c. 2, s. 8 (1).