

THE CROWN WARD

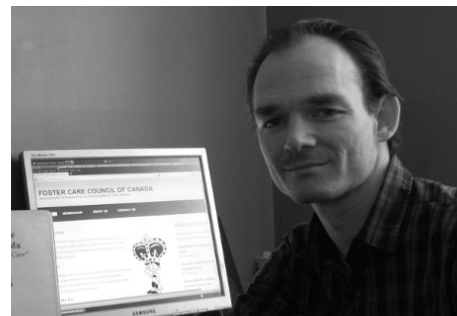
CHILD PROTECTION SERVICES IN CANADA

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A WORD FROM THE EDITOR

THE CROWN WARD is a *Foster Care Council of Canada* publication which educates Canadians about our provincially mandated child protection services and provides an avenue for dialogue regarding those services and the people who receive, provide, and regulate them.



This is a national newsletter, however, being our first issue it mainly focuses on Ontario at this time. We need story ideas and feedback from YOUR province as well so contact me by e-mail at johndunn@afterfostercare.ca and be sure to put NEWSLETTER in the subject line of your e-mail or it will be filtered to the junk folder and never see the light of day!

John Dunn - *Editor*

ADVOCATE CONFERENCE

Child protection and family court conference: Saturday, August 25, 2012 9:00am – 12:00am REGISTRATION DEADLINE: JULY 24, 2012. After this date, first come first served. Must be arranged with Isaiah Tubbs Resort 1-800-724-2393

When a person reads “*Child Protection and Family Court Conference*” the first thing which comes to mind might be a high-priced, exclusive event for child protection professionals such as CAS executives, lawyers, judges, Ministry staff, and child protection workers.

Instead, what you will find, is a grassroots movement of regular community-based citizen advocates whose lives have been impacted by the child protection industry and family courts coming together for a single purpose -- to discuss various ways to strategically overcome identified issues in these systems. The Facebook page of the event says the following:

'It is our goal to bring all those working on issues of social injustice, primarily the family courts and child protection industry, together under one roof to offer solidarity, unity & motivation to make real change' This is something the movement has needed for decades. The focus of the event is how to strategically overcome identified issues.

Many advocates have been invited to make presentations at the conference, the details of which can be obtained by contacting the following organizers;

BRENDA EVERALL:

Phone: 613-645-2103

E-mail: brendaeverall@gmail.com; or

JANE SCHARF:

E-mail: mjslegalservices@yahoo.com

OMBUDSMAN OVERSIGHT OF CASs IN ONTARIO

Ontario's foster children and youth, their natural families, members of the adoption triad, foster parents, and some child protection staff deserve Ombudsman oversight of CAS

For decades Ombudsmen in Ontario have been unsuccessful in seeking independent, external, and effective oversight of Children's Aid Societies (CAS) because the government and MPPs have blocked them.

However, the current Ombudsman, André Marin, has been the most active and effective Ombudsman in the fight for oversight of CASs. Each of his annual reports – as well as many of his private and public presentations -- have included statements demonstrating that Ontario is the only province in all of Canada which does not permit oversight of CASs and other similarly unaccountable bodies which are better known as the '*MUSH Sector*'. (Municipalities, Universities, Schools, Hospitals and Police)

For many years, Bills have been introduced in the Legislature by the Ontario NDPs which sought to give Ombudsman oversight of the CASs, however the Ontario Liberals appear to have been whipped by their party leader, Dalton McGuinty, to vote against them. Some of those Bills have simply “died on the table” when the Legislature prorogued. (ended)

The latest Ontario NDP Bill for oversight of CASs, Bill 110, seeks Ombudsman oversight of CASs by asking MPPs to vote YES to amending (changing) the *Ombudsman Act* to permit the Ombudsman to deal with complaints about CASs just like they do for other government funded institutions.

Recently, it appears the Ombudsman, André Marin, along with the citizens of Ontario have had an impact on Premier Dalton McGuinty's long-standing position against Ombudsman Oversight of CASs since -- according to the Ombudsman -- McGuinty

may now be “open” to the idea of giving the Ombudsman oversight of the CASs/ MUSH Sector.

I believe this slight shift in position has only been made possible because of years of the following efforts; public protests, the introduction of Bills for Ombudsman oversight of CASs, letter, Internet and phone awareness campaigns to MPPs, petition signing events, public presentations to the Legislative Committees, and most importantly, responsive media coverage to list a few.

Everyone on the front lines should be VERY proud of themselves for the efforts they have made to maintain a unified message for “Ombudsman Oversight”.

A list of many of the rallies held by individuals and groups since 2010 -- in addition to schedules for those still planned -- has been meticulously collected and maintained for the public thanks to the never-ending, dedicated work of Robert McQuaid of the Dufferin Voices of Children Alliance (VOCA). See the list of rallies by visiting the following webpage.

www.fixcas.com/news/2012/rally12.htm

Regardless of the progress made so far, for everyone to let up now just because McGuinty has hinted at being 'open' to Ombudsman oversight would be fatal.

We still need YOU to call or e-mail your MPP asking them to vote YES to BILL 110 or any other Bill for Ombudsman Oversight of CAS which will protect children and youth in foster care, their family members, and some professionals in the system who would like to see things fixed, but are afraid to speak out for fear of reprisals. For example, members of OPSEU / lawyers / judges / doctors / psychiatrists / psychologists / social workers / child and youth workers / child protection workers / university professors... the list goes on.

Find your MPP at <http://www.ontla.on.ca>

OTTAWA CAS DEFIES COURT ORDERS

The Ottawa CAS repeatedly defied court orders in a case where they were ordered to terminate their custody of, and supervision over a child and his father, and to provide disclosure.

An Ottawa father named Stacey Dowdall had his child taken away from him by the Ottawa Children's Aid Society (CAS) following conflict between himself and his girlfriend at the time.

In time, she left to return to her home province and after several months in foster care, Dowdall's child was returned to him under a supervision order. Once Dowdall proved to the CAS that he never was a risk to his child, the court ordered that the supervision order be terminated and that custody of the child be returned to the father.

Dowdall informed the Foster Care Council of Canada that within two weeks of that court order, the CAS's worker, *Mohamed Said* -- a worker who is not registered with the *College of Social Workers and Social Service Workers* -- phoned Dowdall demanding to make a home visit, then threatened that if Dowdall did not comply, things would not go well for him and his son.

Following this threat, the father filed a motion in the court seeking the following; Declarations clarifying that the CAS no longer had supervision over him or his child; that the CAS did not have a right to enter his home unless they had a court order or unless they were there to apprehend his child; Orders restraining the CAS from entering his home, and an Order for the CAS to close his file.

Dowdall also informed us that on the date of his motion, the judge was unable to deal with the motion due to a filing technicality and that despite this, the judge stated that she appreciates the concerns raised to the court by Dowdall regarding the CAS's

behaviour. We were also told that during the hearing, the CAS's lawyer told the court that she had now been informed by the worker that a letter had recently been sent to Dowdall confirming that his file is now closed. The judge reiterated that although she did not have the jurisdiction to deal with this matter because of the filing technicality, that at least by Dowdall bringing the motion in the first place, he had achieved what he had set out to achieve -- which was to force the CAS to close his file.

The Society's harassment of Dowdall is not only illegal, it is also immoral. This father's bravery and persistence paid off in the long run, however as of the date this article was written, Dowdall tells us that he had still not received the disclosure the court repeatedly ordered the CAS to provide to him several months ago, which is yet another defiance of court orders by the CAS. Dowdall is currently involved in difficult negotiations with the CAS after they gave him parts of his files but not all that had been ordered. In our next issue, we will follow up with Dowdall to see how his pursuit for his records went. If you are aware of other cases where a CAS has defied direct court orders, we would like to hear from you. Our contact info is on the first page.



The screenshot shows the homepage of the Foster Care Council of Canada. At the top, the title reads "THE FOSTER CARE COUNCIL OF CANADA". Below this is a blue header with the text "FOSTER CARE COUNCIL OF CANADA" and the tagline "Advocating for Transparency and Accountability in Child Welfare". A dark blue navigation bar contains the links "HOME", "MEMBERSHIP", "ABOUT US", and "CONTACT US". The main content area is divided into sections: "Introduction" (welcoming members and describing the organization's advocacy), "Mission" (stating the goal of improving transparency and accountability), and "What We Do" (listing activities like public awareness campaigns and research). A cartoon character holding a crown is on the right. The website URL "www.afterfostercare.ca" is displayed at the bottom.

GOVERNMENT AND MPPs UNITED IN SECRECY OF CAS RECORDS

For decades, MPPs and the Ontario Government have been united in maintaining secrecy of CAS records by helping them remain outside of the jurisdiction of Access to Information legislation

When freedom of information and protection of privacy legislation was introduced in the Ontario Legislature approximately 20 years ago, Children's Aid Societies (CAS) advocated through the Legislature (elected MPPs) to ensure that their records would remain exempt from access to information legislation due to their "sensitive nature". The MPPs at the time supported the CASs request to remain outside the jurisdiction of access to information legislation by ensuring that CASs remained exempt from having to comply with it.

Every MPP since that time, and any MPP who today fails to advocate for CASs to come under the current access to information legislation is party to the act of maintaining secrecy of CASs records in that they are actively concealing decades of illegal and immoral activity conducted by CASs which is recorded within those records. By doing so they are also actively blocking the rights of access to records of fostered children, youth, and their families.

When parts of an Act (law) are drafted, sometimes MPPs decide to put some sections of that Act on hold for various reasons. They do so by writing the following text under those sections "**This section shall come into force on a day to be named by proclamation of the Lieutenant Governor**". By doing this, they can still pass the legislation and keep certain sections frozen until they are ready to deal with them, or until resources are in place to comply with them.

Ten years after the 'CONFIDENTIALITY OF AND ACCESS TO RECORDS' provisions of the *Child*

and Family Services Act were enacted and **never proclaimed** these sections were automatically 'repealed' (deleted) in 2012 due to the fact that no MPPs pushed for them to be proclaimed.

For over ten years, Ontario MPPs ignored complaints about CAS's illegal and immoral activity, including the abuse of children and youth in care by not letting the CAS's records become subject to access to information legislation.

This, despite calls from the Ontario Privacy Commissioners who have sought to have access to information legislation include CASs. Why is it that when MPPs hear decades of stories of CASs conducting themselves in illegal and immoral ways, they just sit back and ignore it? The only way people can get any real access to their files held by a CAS is to try and get a court order for them. This is a very costly and onerous procedure which many are not able to engage in.

The CASs will continue to say that they have internal access to records policies and procedures, but this becomes a battle for anyone who really wants to get more than just a nicely written summary of what the disclosure worker deems safe enough to provide to the requesting party without revealing too much of the CAS's illegal or immoral activity.

On two separate occasions, when the Toronto CAS was asked for copies of its Policy regarding client access to their records, the CAS responded by stating that their access to records policy is under review and therefore not currently available or in force.

This is just plain wrong. When changes to a law are pending, they don't repeal the law first, leaving no law in force, then create a new law. They leave the existing law in force, then make changes to it once those changes have been approved. Just an example of tactics used by CASs to avoid giving clients access to their records. If you're an MPP, please make CAS subject to FIPPA!