

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.

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.



John Dunn - Editor

TRANSGENDERED FORMER FOSTER CHILD FILES HUMAN RIGHTS COMPLAINT AGAINST SUDBURY YWCA

A transgendered woman and former foster child has filed a human rights complaint against the Sudbury YWCA (Young Women's Christian Association)

Jessica Larabee, a transgendered woman and former foster child who lived in foster care for 15 years from age 3 after being abused and neglected by her parents has filed a human-rights complaint against the Sudbury Ontario YWCA women's shelter after being denied accommodation based on her sexual identity.

Larabee has experienced homelessness off and on after aging out of foster care in 2006. Although she identifies as a woman, she was born male. During the summer of 2011 Larabee was homeless and seeking shelter with the Sudbury YWCA when she was asked a series of questions by staff about her genitals, including whether she has a penis or a

vagina and if she peed standing up or sitting down, "very sexual questions that if you asked someone who is not trans, I believe would be considered sexual harassment" Larabee says. "The only people who should really know what I have or what I don't have or what it looks like ... are me, my partner and I guess the doctors" Larabee asserts. "I almost tried to kill myself. I had no family to turn to for support. The YWCA Sudbury humiliated me".

YWCA executive director Marlene Gorman has been reported as saying she can't comment on individual cases and that "Someone who identifies as a transgendered woman would be referred to another safe space".

The human rights complaint has been filed and a hearing date is to be scheduled. The goal of the human rights complaint is to educate the public. "I just want the YWCA Sudbury to do what the YWCA Toronto, Ottawa, and Kitchener is already doing- accommodating trans people" Larabee said.

Keep updated on this matter at <http://fixywca.blogspot.ca>

BARBARA MACKINNON AND OTTAWA CHILDREN'S AID WITHHOLDING BOARD COMMITTEE AGENDAS AND MINUTES FROM PUBLIC

Barbara MacKinnon openly admits to withholding agendas and minutes of Board committee meetings from the public despite being an organization funded by taxpayers

The Children's Aid Society of Ottawa, an organization funded by taxpayers which reported over \$72 Million dollars in expenses last year alone, has been very secretive about its corporate operations. This is evidenced by the fact that for over 70 years the Society never advertised in their common areas or on their website, once they got one, the fact that their Board of Directors (Board) meet monthly and that those meetings are open to the public. Nor did they inform citizens that they can join the Society as voting members to advocate for changes to their policies and procedures through corporate membership.

Only in recent years, and in an attempt to 'appear' more transparent in their operations did they publish some basic information about their board meetings to the public through their website. This was prompted after the media reported on illegal and secretive conduct by the Society and its executive director Barbara MacKinnon after they were charged with Offences under the *Corporations Act* for failing to furnish a list of the Society's corporate members when required to do so by a concerned member of the community.

However, despite appearing to have been embarrassed into putting that basic information about Board meetings on their website, the Society and MacKinnon continue to conduct the business of the Society covertly in that, to date, they refuse to permit members of the public to read the agendas and minutes of the various Board committees and

working groups where the actual work is conducted, including the governance of the Society, managing its finances, developing/modifying policies and procedures, and, overall, making decisions which seriously impact the lives of vulnerable children, youth and their families on a daily basis.

The committees and working groups meet behind closed doors, on different dates than the general Board meetings, and, with no public oversight.

Although the monthly Board meetings are open to the public and the minutes of those meetings can be obtained, the minutes of the committees and working groups are not included for the public. The Board minutes only indicate the decision of the Board to approve or disapprove of them.

In an email response to this issue from MacKinnon, she admits the current practice of the Society "*is not to publicly distribute Board committee and working group minutes*" and that "*the committee and working group minutes become redundant once they are received by the Board of Directors*". Any reasonable person could glean from this statement that MacKinnon and the Board feel the information they base their decisions upon are somehow top-secret, not to be seen by the taxpayers who fund them.

MacKinnon concluded her email by stating that this practice "*ensures public access to the decisions of the Board of Directors*". A response which appears to be carefully crafted to mislead people into thinking they are being transparent when in fact they are not. Even City Hall lets the public view the minutes of, and attend committee meetings. Why not Children's Aid? It's time for real transparency and accountability via Ombudsman oversight!

NOTE: When asked to review this article for approval prior to publication MacKinnon wrote: "*I do not agree with the content of your article. Thank you for asking*" despite having written the emails above.

ONTARIO CAS AND OACAS LOBBYING TO REMOVE CHOICE FROM OLDER YOUTH

Are the OACAS and its members being honest in their advocacy efforts? Existing legislation shows otherwise

The Ontario Association of Children's Aid Societies (OACAS) and its member agencies -- the Children's Aid Societies (CAS) -- have been lobbying the government to remove choice from youth aged 16 and 17 and possibly to remove the power of discretion from judges to decide whether services need to be forced upon them.

They are asking the government to change the *Child and Family Services Act* (the Act) so that youth aged 16 and 17 will no longer be able to refuse being apprehended (taken away) from their families or the places they choose to live or to refuse other services a CAS wishes to impose upon them against their will.

If the OACAS and CASs are successful in convincing the government to change the Act, doing so could have the following effects on youth aged 16 and 17 in Ontario:

- They could lose their right to be heard and most importantly considered in decisions which affect their lives currently afforded them under the *UN Convention on the Rights of the Child*
- Judges could lose their current powers of discretion under the existing legislation to determine whether or not the CAS should be granted permission to apprehend or force services on them
- Youth who have found the foster care system more harmful than good could lose their ability to leave it by emancipating themselves

Currently, section 27 of the Act already gives CASs the authority to provide services -- including residential services -- to youth aged 16 or older if those youth want them by signing an agreement for such.

In addition to voluntary services for youth who want them, the same section already gives the court the power of discretion to decide whether or not to force services upon a youth aged 16 or older when a CAS attempts to force it upon them via a court order.

Also, for youth who want services -- including residential services -- but are afraid to ask because of intimidation or other reasons, section 27 helps them by letting the CAS apply to the court for an order so it appears as if the CAS initiated it rather than the youth.

All of these scenarios and more are covered already by section 27 of the Act which reads as follows:

Consent to service: person over sixteen

27. (1) A service provider may provide a service to a person who is sixteen years of age or older only with the person's consent, except where the court orders under this Act that the service be provided to the person. R.S.O. 1990, c. C.11, s. 27 (1).

We sent an email to the OACAS for clarification of this issue and have received no response.

According to the Home page of the OACAS, the OACAS and Ontario Children's Aid Societies recommend raising the age of protection to 18 and they believe Children's Aid should have the ability to intervene when older children are abused or neglected and be able to work with children and their families, and help them make connections in the community to access supports and services.

However, currently section 27 of the Child and Family Services Act already gives the Societies and the courts authority to provide services to youth over the age of sixteen as long as the youth wants to receive those services and gives consent. (See below)

Consent to service: person over sixteen

27. (1) A service provider may provide a service to a person who is sixteen years of age or older only with the person's consent, except where the court orders under this Act that the service be provided to the person. R.S.O. 1990, c. C.11, s. 27 (1).

Can the OACAS please explain why they are lobbying the government to increase the age of protection to 18 when they already have the ability to do so under the current legislation if the youth consents to such services?

The Act already provides the power to protect and serve youth aged 16 and over. Changing the law would only prevent them from having a choice.

ONTARIO CAS SPENDS MILLIONS ON P.A.R.T. AND OACAS MEMBERSHIP FEES

Are Children's Aid Societies wasting money meant for families and children with no oversight?

Ontario's Children's Aid Societies (CAS) -- which have been complaining about the Ministry reducing their funding and closing their doors in some cases -- have been spending approximately \$15,000 per year in "Membership Fees" for a province-wide program known as "Practice and Research Together" or "PART".

PART was incorporated on October 15th of 2009 and currently consists of a Board of Directors made up of various staff members and/or Executive Directors of CASs across the province as well as staff from the Ontario Association of Children's Aid Societies (OACAS).

PART started out in September of 2007 with a membership of 18 of 53 Societies at a cost to Ontario

taxpayers of \$270,000 at \$15,000 each. By January of 2009, PART was joined by over 36 CASs, therefore increasing the cost of PART memberships to over \$555,000 for taxpayers. That's over half a million dollars a year, at least since 2007, for a grand total of over \$3 Million to date.

In addition to millions in PART membership fees, the OACAS -- a registered lobby group -- also takes over \$3 Million dollars a year from CASs in the form of membership fees as reported in the OACAS annual reports. By reading the OACAS annual report, you will also notice that the OACAS spends approximately \$3 Million a year on their own staff salaries. The Ministry also provides millions to the OACAS directly in addition to the millions in membership fees they get from the CASs.

This is money the Ministry (you the taxpayer) allocated to CASs to help families and children in need. Do MPPs notice this? Do they care? What about the Auditor General of Ontario? Are they aware of this? Do they care? Will they do anything about this?

The Ministry is not doing anything about it, the MPPs are not doing anything about it, and the Auditor General is not doing anything about it. However, if the Ombudsman were to get oversight of CASs I am sure he could put pressure on this issue and get results.

Again, that too is up to the MPPs to allow it to happen. Yet another reason for the need to have Ombudsman oversight of Children's Aid Societies in Ontario.

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