

# Ontario's Bill 88 must be scrapped

**In spite of recent amendments, Bill 88 is still a bad piece of legislation which will further harm children, parents and the taxpayers of Ontario**

**By Vernon Beck - Child and Family Justice Advocate**

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On Wednesday Dec 4, 2013, I attended public hearings at Queen's Park in reference to Bill 88, an Act to amend the Child and Family Services Act.

The background and progress of the proposed legislation can be viewed on line at:

[http://www.ontla.on.ca/web/bills/bills\\_all.do?locale=en](http://www.ontla.on.ca/web/bills/bills_all.do?locale=en)

Mr. Rod Jackson, MPP from Barrie, Ontario introduced the Bill with one of the underlying objectives to provide financial assistance to young adults 16 years of age and older who were in need of financial help to support themselves.

While Mr. Jackson's intentions were good and the Bill's objective to help young adults a laudable one, there is a significant flaw with Bill 88 which Mr. Jackson and those who have pushed this bill forward have failed to openly discuss in public.

The real danger of Bill 88, if passed into law, would give significant additional tax dollars to Children Aid Societies (CAS) to control and manage.

Unfortunately, the province's various CAS agencies have an absolutely dismal failure of providing services for children and families in a fair and cost effective manner.

CAS agencies and those professionals who make money providing services for the CAS agencies of course support the bill because it potentially could bring in thousands of young adults under their care and control of CAS.

This in turn would result in tens if not hundreds of millions of dollars annually into CAS coffers, money which the taxpayers of Ontario cannot afford when the Province is going broke.

Under Bill 88 group home and foster home providers would make a windfall off the additional tax dollars being funneled to CAS coffers.

## **Lack of accountability and waste with CAS**

Tragically, public money given to CAS agencies is often wasted on fat salaries, perks and general waste.

It's not uncommon for executives at each of the provinces CAS agencies to get paid in excess of \$100,000 per year, not to mention the perks that go along with their jobs.

Below is a photo of the personal vehicle belonging to the Director of a CAS agency located in a rural Ontario community.

Few in Ontario can afford to own or even drive such a luxurious and gas guzzling vehicle.



**Personal vehicle of a CAS employee**

As another example, it's not uncommon for CAS workers who are getting paid in excess of \$50,000 to sit and watch parents at supervised CAS operated access centers.

Such observational visits could be just as easily provided by local agencies such as the YWCA at a fraction of the cost to the taxpayers.

In addition to the high salaries, CAS agencies spend a lot of tax money spent on unnecessary litigation fighting children and families rather than helping them.

Hamilton Family law lawyer, Michael Clarke, "Their [CAS] funding issues could be easily met, in my view, if the societies redirected their efforts from prosecution and toward providing real, concrete assistance. Too often, society social workers spend their time drafting affidavits, sitting in court and preparing for litigation instead of in the field, helping families and children in crisis."



**Family Law lawyer, Michael Clarke**

Last month I interviewed one 19-year-old male from Lindsay, Ontario.

The boy told me that he hated the CAS and had hated them for as long as he could remember.

He said that he wanted to go home years ago and that his father desperately fought to get him out of CAS but the taxpayer funded lawyers from the CAS were just too powerful for his father to get him home.

CAS raised this boy most of his life but while in care he had been shuffled from home to home and psychologically and physically abused.

“If they [CAS] had cared for me properly when I was younger I would not be under their control now. Here I am 19 years of age and do not even have a grade 10 education. CAS never really cared about me when I was growing up and now it is too late.”

The boy said that the money he got from the local CAS was a joke. “As much as I hate the CAS, I get \$400 a month more by remaining with CAS than I would get on welfare so I really have no choice except to stay under the care of the CAS.”

As far as the services the boy receives, he stated, “The CAS worker might call me on the phone maybe once per month or maybe once every two months and just asks me how I am doing.”

The boy said he just tells the worker he is doing fine just as do most of his friends on the same CAS funding program.

With the extra money he and his friends have lots of extra money to purchase drugs and booze. In the words of this boy, “CAS is a joke” and if it was not for the extra money that he can only get from CAS he would leave care in a minute.

Jane Scharf a paralegal from Ottawa has been advocating for children and families for years told the Committee, “Primarily, we want to ask the committee to scrap this bill entirely. We think that there are serious problems with the administration of the children’s aid societies that are well known to

the public at this point. Until those problems are fixed, we don’t want to see their jurisdiction expanded to include all youth aged 16 to 24, even those who were never in the care of children’s aid, which Bill 88 would do.”

Most of those who did not profit from the CAS generally were opposed to passage of Bill 88.

### **Bill 88 will open a Pandora’s Box**

Of all the speakers who presented to the Committee, Archbishop Dorian Baxter gave the most riveting presentation.

Archbishop Baxter is well known as being the first Canadian to successfully launch a lawsuit against the CAS and win.

In Archbishop Baxter’s case, Mr. Justice Somers of the Oshawa Court found the Durham CAS guilty of the “grossest negligence, the grossest incompetence, malicious prosecution and blackmail.”

Baxter stated to the Committee, “I think what we really need more than anything is accountability ... We do not need to give any more power to an organization that has already shown that it needs desperately to be held accountable.”

In his closing remarks, Baxter summed up Bill 88 with the following words, “Do not allow this bill to pass. It will usher in a Pandora’s Box of tyranny beyond human comprehension.”

### **Bill 88 must be stopped**

The bottom line is that it simply does not make any logical sense for CAS agencies to be given more money and power to expand their empires considering the scandalous state of accountability and transparency which many of these agencies have consistently demonstrated over the past many years.

Yes, there should be special funding allotted to help young adults 16 years of age and above who truly need financial help. Few will disagree with that.

However, when it comes to managing any program to financially assist young adults 16 years of age or older, Children’s Aid agencies should not be given this task.

Jane Scharf and Pamela Palmer who both presented at the Committee hearings say that the most effective way of cleaning up the mess with CAS is to take child protection out of the hands of the private sector CAS agencies and to make it government operated as is the case with child protection in other provinces of Canada. Together, they are spearheading a campaign to do just that.