

90

DEATHS
NINETY VOICES SILENCED

ANNUAL REPORT 2007—2008

*Office of the Provincial Advocate
for Children and Youth*



*Bureau de l'intervenant provincial en
faveur des enfants et des jeunes*

*ANNUAL REPORT FOR THE
OFFICE OF THE PROVINCIAL ADVOCATE
FOR CHILDREN AND YOUTH
2007—2008*



**WE HAVE
OUR
WORK
CUT OUT
FOR US**



PHOTO BY VIRTUE BAJURNY

DECEMBER 31, 2008

Shortly after I was appointed to the position of Advocate in mid-summer, I learned with horror of the death of eight-year-old Katelynn Sampson in downtown Toronto in early August. Her body showed signs of much trauma. Her legal guardian has since been charged with murder.

Soon afterwards came the grim news of a First Nations youth in care who died in Kenora, in Northern Ontario. While his death did not garner the media attention that Katelynn's did, I knew that the death of a child in Ontario's North was as meaningfully tragic as a child's death anywhere in the Province.

I was, in my innocence, shocked and astonished that two young people, "known to the system" had died in a single year. Despite having worked in the children's services sector for the past twenty years, I had been under the impression that there had been perhaps one death per year of a child in care, beyond

Data on the number of deaths are from the Report of the Paediatric Death Review Committee and Deaths Under Five Committee. Both committees have been established by the Office of the Chief Coroner of the Province of Ontario, and they report annually. The data included here are from the joint report of the committees published in June 2008 and cover the twelve months ending December 31, 2007. The report is available at <http://www.ontca.ca/images/stories/PDRCAAnnualReport2008FinalCopy.pdf>.

Data regarding the number of deaths, ages affected, and number of open Children's Aid Society files are found on pages 52, 53, and 55 of the report. Comparisons with past years are made with data on pages 14 and 16.

those who were medically fragile, a number that I considered to be too high. I began to meet with a number of different people, including government representatives and the Chief Coroner of Ontario. I also read the report of the Paediatric Death Review Committee and Deaths Under 5 Committee (2008).

I discovered that during the last year for which statistics are fully known, which is 2007, 90 children and youth known to the child protection services in Ontario died. (In this report, such children and youth are referred to as "children and youth in care.") These were children and youth recognized as in some peril either because they were "open cases" of a Children's Aid Society in the province, or had died within a year of their case files being closed. In short, they were children and youth to whom public bodies had already expressed public obligation to intervene for a child's best interest.

Most of the deaths were preventable. The Coroner lists them in the five universal manners of death: 16 were considered accidental, the accidents almost entirely ones that could have been foreseen; 9 were suicides; 4 were homicides; 8 were from natural causes and could probably not have been prevented; 22 are considered undetermined, which means that there was no evidence for any specific classification or that they fit within more than one classification; 17 are still to be classified; and 14 were not considered appropriate by the Coroner for investigation.

Where the manner of death is known, 45 per cent of the children who died were under one year of age, and 32 per cent were youth between 12 and 18 years old.

Strategies that could reduce the number of deaths are in most cases straightforward. They include providing safer sleep environments for very young



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children (for instance, not placing infants on their stomachs to sleep); supplying coordinated mental health resources for youth; providing children with better supervision; early intervention with caregivers to improve their care and mindfulness; and ensuring that more attention is paid to children's medical needs.

One could argue that the number of children and youth in care who died during the past year was lower than in previous years, which may be true. One could argue that the number 90 is very small compared with the 26,260 open files of Children's Aid Societies. And one could argue that the 90 children and youth in care is less than 25 per cent of all children and youth who died in Ontario during the year.

The Office of the Provincial Advocate for Children and Youth rejects these explanations. The number of children and youth in care who died in Ontario is too high by any standard.

It is important to acknowledge and thus honour the deaths of those children and youth by significantly fine-tuning our responses to their needs. They were, because of the state's obligation to their well-being, "our children." It is also important to learn about the lives of the deceased in order to better serve the thousands of other children and youth in care, in children's mental health settings, and in custody, to whom we as a Province have made a commitment.

Many serious questions came to my mind then, questions raised by both Katelynn's death and that of the young man in Kenora that could similarly apply to many of the other children and youth in care who died in the past year. The child welfare system may have been in Katelynn's life and that of her family over many years. How did that service help her and her family? Reports indicate that her school had not seen her for several months prior to her death, nor had she often been observed in public by neighbours during the same period. What is the responsibility of the school system for child protection and well-being? Who were the adults in Katelynn's life—neighbours, shopkeepers, crossing guards, and others whom children get to know? Katelynn resided in Toronto's Parkdale community, one under some strain. Would resources not made available to Katelynn and her family in that community—resources accessible to more advantaged children in other parts of the city—have made a difference in her life? Where were the supports for the family?

At the time, I asked for an inquest into both deaths so there would be a transparent public investigative process. This was needed not to allocate blame but to determine exactly what happened. We all have a responsibility for the well-being of children in our society, and we need to know where the



PHOTO BY VIRTUE BAJURNY

breakdowns are occurring so we can act in ways to protect children. Starting a process with the intention of blaming some individuals is not helpful, but starting a process to uncover all the facts to see where useful change can be made and to harness whatever positive energy exists around children and youth is crucial. I plan to approach each incident involving children and youth in care that comes to the attention of the Advocacy Office by engaging with and listening directly to children and youth themselves and tapping in to the best instincts and resources of those adults whom children rely on.

Unfortunately, that transparent examination will not occur anytime soon in Katelynn's case—the criminal process must first be completed, and that could take several years.

As noted elsewhere in this report, getting the information related to each incident is not easy. In many cases, it seems almost impossible. The matter of access to information is one that we will pursue vigorously.

One aspect of our responsibility is to do what we can to assist and work with others, including children and youth in care themselves, to ensure that the number of deaths decreases, and to put in place programs and strategies with that purpose for the long term.

The Advocate's job is to serve children who, when systems fail, may be in peril. Their safety often depends on a program built on respect for their rights and on the participation of adults who listen. As this annual report indicates, we have a broad mandate that involves a number of initiatives and challenges as well as ongoing work. Our understanding of the specific and broad circumstances surrounding the deaths of children and youth in care helps us to focus on the quality of life for those living in the system. Our aim to actively improve the lives of children and youth in state care will be the true reflection of our honouring the lives of those children and youth no longer with us. In the end it is the collective responsibility of all, this Office, the government, service providers, educators and the broader community-neighbours, family, friends to protect and support Ontario's children. We have our work cut out for us.

Irwin Elman
Provincial Advocate for Children and Youth



OUR MAJOR INITIATIVES & OPPORTUNITIES

THE FOLLOWING ARE FOUR AREAS OF INITIATIVES AND OPPORTUNITIES IDENTIFIED BY THE ADVOCACY OFFICE DURING 2008:

1. ACCESS TO INFORMATION

Good information is essential for the operation of the Advocacy Office. We need it to help resolve issues that youth have contacted us about, to know how to respond to incidents involving children and youth in care, and to investigate any deaths among our charges.

But we have found that good information is difficult to come by, and our legislative powers do not extend broadly enough to assure that persons with good information will make it available to our office, even on a confidential basis. We do not want this information in order to accuse any individual or institution but to help us take the most positive action to benefit children and youth in care. We believe that people involved with such children have their best interests at heart but are often limited by rigid systems,

poor information, and other obstacles that lead to breakdowns in care. Good information would help us discover where there are snags so we can advocate for change.

The issue came to a head at the end of July, when the Office received a complaint from a youth in detention. He cited physical abuse, and we set out to investigate. The detention centre was already the subject of a review by our Office because of other complaints.

Our staff contacted the appropriate person in the Ministry of Children and Youth Services and attempted to get the relevant reports and photographs of his injuries. Those attempts were rebuffed over the next three months, as the Ministry took the position that under its guidelines we were not entitled to the information. Obviously, then, we were unable to advocate well for this particular individual. In late November, we commenced an application in the Ontario Court of Justice to obtain the information from the Ministry of Children and Youth Services.

Excerpt from the affidavit filed in court asking for the release of the information:

“An open and complete investigation is important to A.B. [the youth—not his real name or initials] and the protection of young people.... [W]e are currently reviewing the [institution]. One of the issues is how the institution responds to the complaints of young people. It is our Office’s experience that respect for the rights of young people helps keep them safe.... [T]he proper administration of justice includes ensuring the safety of a young person who is in detained in custody awaiting trial.”

Another part of our struggle, referred to in court documents though not part of the application itself, was to obtain information regarding the death of children and youth in care. The relevant Children’s Aid Society is required to prepare, in the case of such a death, a Child Fatality Case Summary Report and an Internal Death Review Report, which are submitted to the Coroner and provided to the Ministry. These are obviously very critical documents for the understanding of the events leading to the death of the child or youth, and entirely necessary for the work of the Advocacy Office. The Ministry’s position regarding its ability to release this information has changed over time, but ultimately it took the position that it could not legally release the reports to our Office. Our request for the reports remains unfulfilled.

At the same time as communication was ongoing with the Ministry on these matters, the Government introduced Bill 103. Bill 103 proposed amendments to the *Child and Family Services Act* and unrelated changes to our statute, the *Provincial Advocate for*

Children and Youth Act, 2007, which established the Advocacy Office as an independent office of the Legislature. In light of the difficulties we experienced in obtaining information that would enable us to advocate for children and youth, we appeared before the Standing Committee on Social Policy and proposed an amendment to Bill 103. The amendment would ensure that information sought in the court motion would be available to our Office as of right. The amendment did not pass.

The application to the Ontario Court of Justice and our proposed amendment proceeded in lock-step. After our application was served but before a court hearing was held, the Government released to us the report requested in respect of A.B.’s complaint. Our Office engaged in further discussions about a protocol between the Ministry and our Office for the requesting and release of other information. At the time of the writing of this report, the good news is that we are near agreement on draft protocol with the Ministry. While details of the protocol are

We receive about 3000 phone calls annually from the more than 20,000 children and youth in care asking for assistance. The calls last year were split almost equally by sex, with males showing a slight predominance. We know that for a youth to speak up and make a complaint takes hope and courage.

Children and young people come into care for reasons of neglect or abuse, certainly not by their own choice. They speak about the feelings of being removed from their home while in many cases the person whose actions caused them to come into care stays put. They meet worker after worker and move from home to home, despite the system's best efforts to maintain continuity and stability. It is not surprising that many of them feel their lives are spinning out of their control. These are conditions rife for hopelessness.

Even at the best of times, life in care is not easy. Youth in care often relate a version of the same story: "When someone learns that I am in care, they always ask me, 'What did you do to come into care?' Of course I tell them I did not do anything. Something happened to me."

The stigma of being in care, many say, is terrible.

not yet finalized our concern is that the Protocol speaks to the process through which information will be requested and delivered not the information itself. The proof will be in the pudding. We are aware of the obligations of Government to protect personal information, however access to information provides our Office with the tools to keep children and youth safe. The more information our Advocates have access to, the more meaningfully they can advance the rights of young people.

We will continue to seek an amendment to the Provincial Advocate for Children and Youth Act that will allow for easier access to information for our Office. In the meantime, we will continue to strongly use all avenues available to us to obtain the information we need to fulfill our mandate.

2. HELPING YOUTH FIND A VOICE

 The Advocacy Office believes that all young people, particularly those in state care (child welfare, youth justice and children's mental health systems), require three things to successfully make the transition to independence: resources, connection, and a voice:

 **RESOURCES:** Access to practical resources (housing, education, employment, etc.) necessary for a successful transition to independence.

 **CONNECTION:** The opportunity to develop or receive support from caring adults and each other. The opportunity and support to contribute to other members of the community through their leadership and involvement in various programs and by the supportive networks they themselves help to create.

 **VOICE:** The hope, confidence and opportunity to make decisions about their own lives, at all levels of the service they receive, and the chance to effect change in their world.

Our Office places high value on assisting youth in finding their voice, and good starts were made towards this goal during 2008.

In March 2008, we invited organizations serving youth in London, Hamilton, Ottawa, Sudbury, Windsor, Toronto, and Thunder Bay to work to encour-



age young people in their communities to talk about their hopes, vision, and strategies for dealing with youth violence. Each organization chose youth leaders to develop their own project to assemble and record the comments and feelings of children and youth in their communities and then to disseminate their findings.

One group created a video shown on November 20, National Child Day, in a movie theatre in Toronto with 400 people attending. Another group held a press conference in Thunder Bay on November 20 to release their 50-page report highlighting the strategies and solutions they thought would make their communities safer and healthier.

Building on these experiences, in Thunder Bay, Toronto, Sudbury, Windsor and Ottawa we have plans to form reference groups or hubs in at least five regions of the province—to act as consistent and stable touchstones for the Office in creating access to the voices of young people. These projects will be further developed in 2009.

In response to recommendations made to our Office by the School Community Safety Advisory Panel of Toronto (chaired by Julian Falconer)

regarding a death at C.W. Jefferys Collegiate Institute in Toronto, our Office convened a group of young people at Westview Centennial Secondary School and will convene a group of children at the First Nations School in Toronto. The goal of the work is to learn more about the process through which children and youth can feel ownership of their schools and education while offering them an opportunity to speak out about their immediate concerns. Reports will be produced by the children and youth involved and by the Office by the end of the 2008–2009 school year.



Our Office brought together ten young people in care (or recently in care) to meet with the then new Minister of Children and Youth Services to discuss the concerns regarding transitioning out of care. We also assembled a group of youth to provide feedback and direction on issues raised by the Inquiry into Pediatric Forensic Pathology in Ontario (the Goudge Inquiry), which examined the grossly substandard work of the pediatric pathologist Dr. Charles Smith. The group made recommendations relating to the impact that Dr. Smith's errors had on families and their surviving children.

“I have to leave my community because there is no Grade nine here. I’m nervous about going ‘cuz I have to leave. I kinda want to go but I’m really going to miss my family and friends. My mom is scared that I won’t come back and she is afraid of the city.”

—14 year old youth from a northern Ontario First Nations community



When the Federal Government in 2008 suggested amendments to the *Youth Criminal Justice Act*, our Office approached young people who had lived experience with the justice system, and who were residing in both open and closed custody settings, to assist us in defining our position in relation to the proposed amendments. We created several groups to work on the issues.

The recommendations made by the young people centred on pre- and post-intervention methods that work to reduce recidivism; on the role of advocates in the lives of young people who come in contact with the law; on whether the Youth Criminal Justice Act currently reflects current reality; on the rights of young people; and on the function of the Advocacy Office.

In their evaluations, the young people spoke highly of the group experience. They noted their pleasure at the opportunity to be engaged in a process that involved them in providing feedback in an area where they had some expertise, and in a context that was designed to be straightforward and understandable.

We were also able to employ five young people to work at our Office throughout the summer via the Ontario Summer Employment Program.

As noted later in the report, establishing ways for children and youth in care to be more directly connected to all aspects of our work is a focus we intend to pursue vigorously in the coming year.

3. JORDAN’S PRINCIPLE



Named for Jordan River Anderson, a First Nations Child from Manitoba who died without

spending a day at home because of Federal / Provincial Government Jurisdictional disputes, this principle, which we wholeheartedly endorse, establishes the needs of the child as the first and most pressing priority. It is succinct:

Where a jurisdictional dispute arises around government services to a Status Indian or Inuit child, the government department of first contact pays for the service to the child without delay or disruption. The paying government can then refer the matter to intergovernmental processes to pursue repayment of the expense.

The principle was adopted on December 12, 2007, by resolution of the Parliament of Canada on a private member’s motion, and though it has been approved by the Manitoba legislature, it has not been fully implemented by the Canadian Government or any provincial or territorial government.

Our Office is often asked to ensure that Jordan’s Principle is respected. One such case involved a young aboriginal girl, from a remote Northern community, who attempted suicide. She was taken to a large urban centre for treatment, where her parents and siblings joined her, since they were seen as essential to her recovery. Unfortunately, the costs of the parents’ and siblings’ stay in the city became problematic—which level of government would cover the cost? Our intervention has not been able to resolve the issue, but the application of Jordan’s Principle would: let the first level of government involved—in this case, federal—pay the costs, then negotiate with the provincial government how the



PHOTO BY VIRTUE BAJURNY

cost would be shared or repaid. If this were done, the urgent needs of the family and the child would be appropriately and respectfully served.

It is a common-sense approach that is necessary now.

4. THE NORTH

 Children and youth in the North—that is, North and Northwestern Ontario—pose particular access challenges for our Office, challenges that have been recognized and acknowledged for a number of years. First, there are more than three dozen communities that are physically isolated and accessible only by air. Second, the many First Nation children and youth—who make up more than half of the population of these communities—fall under federal jurisdiction, even though many of the resources they need are provincially based. Third, though there are 15 child welfare agencies and almost a dozen youth justice facilities in the North, some working in First Nation traditions, there is a significant shortage of services such as mental health programs, children’s aid workers and supports, youth justice programs and culturally appropriate resources.

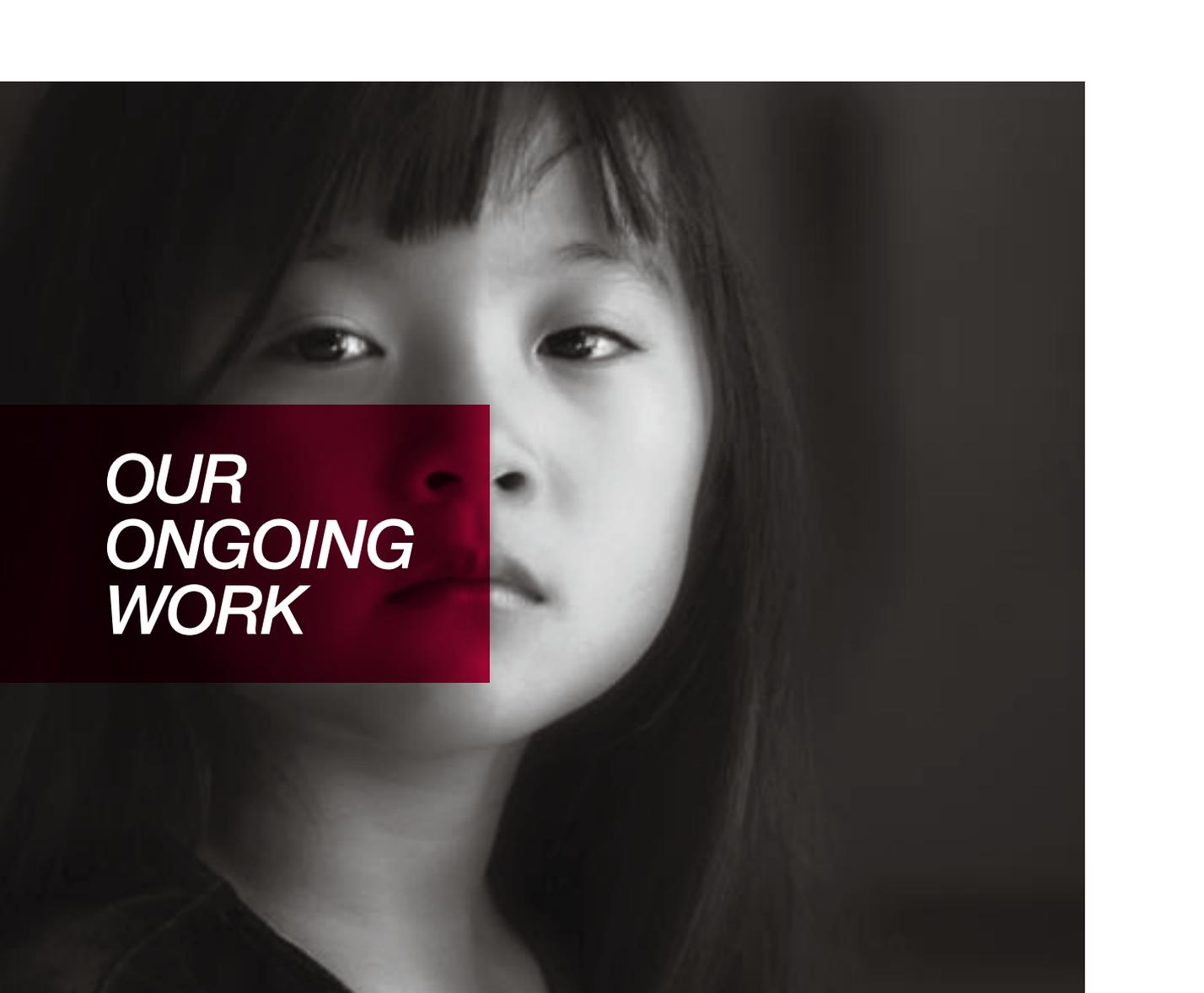
 In the past, our Office has assigned one advocate to deal with all calls from these communities, which helped ensure that callers have access to our staff person with the widest range of knowledge about issues in the North. Advocates and youth coordinators travel to the fly-in communities to get a first-hand understanding of issues, to meet with community leaders, and to make personal connections.

This method puts in place a wider network so that local agencies can hook in to other resources through the assistance of our Office. Our Office acknowledges that this approach, while successful, has not been enough and that a greater effort is necessary.

Of particular concern is that more than 10 communities in the North are without permanent public schools. The case of the Attawapiskat First Nation is instructive. In 1985 it was learned that the school had been built on the site of a large diesel spill. Finally, in 1999, it was agreed that a school in this location was dangerous to the health of those attending, so portables were set up for classes to temporarily operate in. Eight years later, federal promises of a new school remain just promises, and the portables have not proven to be structurally sound and are inadequately serviced—students must wear their coats inside.

Our Office has maintained a key role in the Mamow Sha-way-gi-kay-win / North South Partnership in working together to find solutions. We have assisted the partnership in bringing together in the North community leaders from Southern Ontario with leaders in Northern communities to identify and develop solutions to specific problems. (Three such visits were made in 2008.)

We feel challenged as advocates for children and youth in care in the North because of the difficulty of meeting their reasonable demands. We fear saying we can do more than we know we can accomplish. We will be focusing increasingly in 2009 on how our office can better advocate for children and youth in care in the North.



OUR ONGOING WORK

THE ADVOCACY OFFICE was created well over a decade ago, and was lodged in the forerunner of the Ministry of Children and Youth. As noted, in 2007, Bill 165 made the Office a separate and independent entity reporting directly to the Legislature. The Office operated with temporary leadership until Irwin Elman was appointed Advocate in mid-summer 2008.

Because of its changing status, the Office has been experiencing uncertainty for the past year. The most recent audited statement is for a six-month period in 2007, which obviously bears no relationship to the expenses of the present Office. The annual budget for the Office when it existed as part of a provincial ministry was in the order of \$1.8 million.

*Audited Statement of Expenditure for the Period
from August 15, 2007 to March 31, 2008*

SALARIES & WAGES	\$562,910
EMPLOYEE BENEFITS	\$91,504
TRANSPORTATION & COMMUNICATION	\$91,344
SERVICES	\$186,602
SUPPLIES & EQUIPMENT	\$67,047

TOTAL *\$999,407*

Excerpt from a letter to a Children's Aid Society from a youth in care:

“I feel I have been living in limbo since my arrival [at this group home]. My experience so far has been one of uncertainty and confinement which has fostered violent behaviour from me and some of my co-residents. I feel that the spirit of the youth offender still lingers in these halls. As a resident I have been threatened by calls to be locked in my room and have witnessed other residents being shipped off during the night. I feel that these experiences have fed our perception of held in prison.

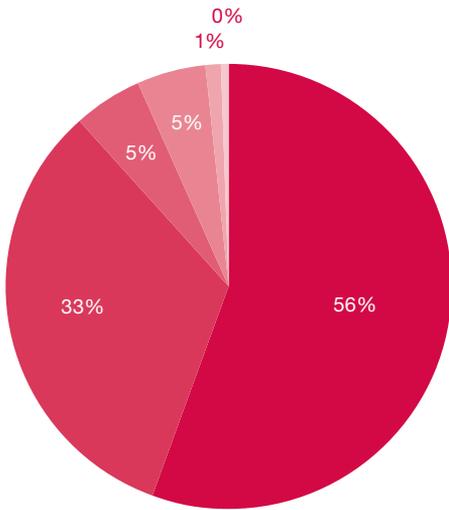
“We feel as if we are constantly being watched, bedrooms feel like holding cells.... I would like small things like having my hygiene products in the bathroom as I would at home, a cozy bedroom decorated to my liking with my personal belongings but most of all an environment we can call home temporarily.”

The approved budget for the current year and Office is \$3.9 million, although approval of this amount was obtained only in mid-December, which means that for almost the whole of this year the Office has been working on the basis of a very tentative budget. Our staff prides itself on the ability to have functioned well throughout 2008 in such an uncertain state.

The staff complement is currently 21. That includes Irwin Elman, 13 advocates (with 1 serving schools for deaf and blind children and youth), 2 part-time youth coordinators, and 5 administrative staff. About half the budget is spent on salaries and benefits, the other half on research, consulting,

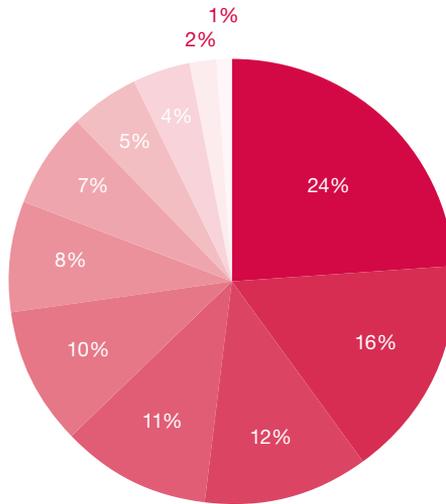
legal services, and the costs of running an organization—rent, travel, supplies, etc.

We have accomplished a great deal with our current resources and will continue to do so. All other provinces in Canada, except Prince Edward Island, have child and youth advocates. In all cases, their staffs are larger, as are their budgets on a per capita basis. We do not believe that this discrepancy is a reason for a request to expand: we will ask only if greater funding seems useful and important to enhance our role as advocates for children and youth.



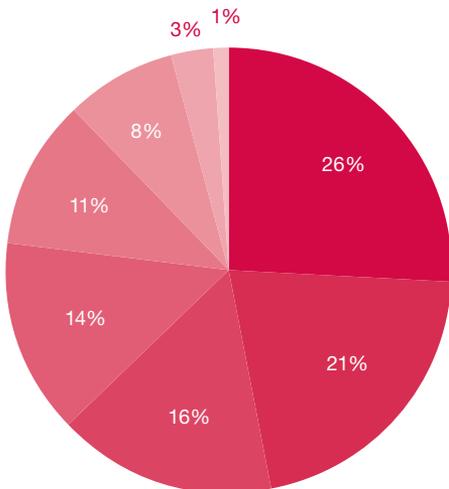
Cases by Case Category

- Dispute Resolutions
- Consultation
- Complex Case Situations
- Rights Advice
- Other
- Reviews



Cases by Region

- Other
- Toronto
- Central East Region
- South West Region
- Central West Region
- Northern Region
- Eastern Region
- South East Region
- Hamilton / Niagara
- North East Region
- Out of Province

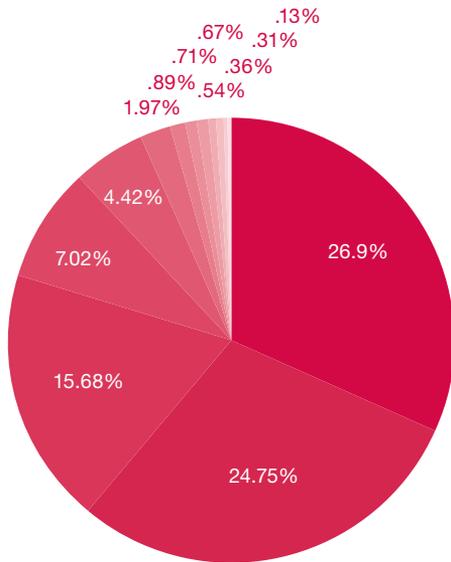


Cases by Service

- Child Welfare
- Group Home
- Young Offender
- Children's Mental Health
- Other
- Residential / Demonstration Schools
- Foster Home
- Out of Province / Federal

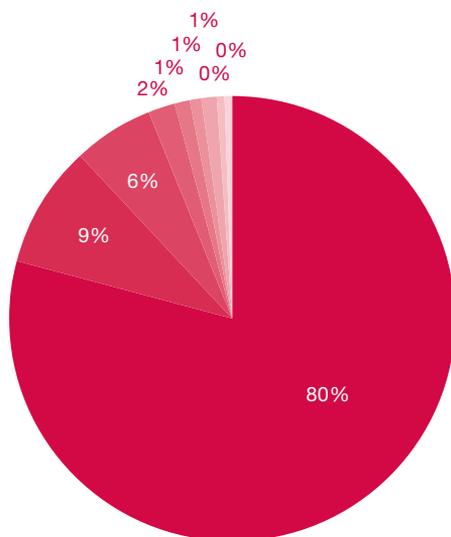
Case work, or what we call individual advocacy, is the “bread and butter” of our work. As has been mentioned we consistently receive over 3,000 calls each year to our 1 800 number. Individual advocacy informs all of our work. It is a primary means for us to understand emerging issues. It is a way for us to understand which services might require a systemic review. The charts below explain a little about who calls us, the reasons we are called, and from where they call.

Our Advocates understand the courage it can take for a child or young person to pick up the phone and call us. We always begin with this understanding and respect in mind. We listen and we support. We know that as more and more children and young people become aware of the Advocacy Office and, as we develop new ways to allow children and youth to engage with us, the number of calls will grow. We are determined to offer the same level of support to those individual callers as we always have.



Status of Youth Calling

- Parental Responsibility
- Crown Ward
- Not Provided
- Society Ward
- Temporary Care Agreement
- Independent
- Supervision Order
- Extended Care & Maintenance
- Interim Order
- Legal Guardian
- Kinship in Care
- Customary Care Agreement
- Kinship Out of Care



Ministerial Jurisdiction of the Caller

- Ministry of Children & Youth
- Ministry of Education
- N/A
- Ministry of Attorney General
- Ministry of Community & Social Services
- Ministry of Safety & Correctional Services
- Ministry of Health
- Federal Government
- Out of Province



ADVOCATES FROM OUR OFFICE undertook a Quality of Care Review of a large Children's Aid Society in Southern Ontario. Reviews have been made in previous years of other Societies. This review involved interviewing anonymously and confidentially a random sample of almost 100 children and youth in care in a wide variety of circumstances: in regular, specialized, and treatment foster care; in kinship care (that is, where care is the responsibility of a close relative); among those living on extended care and maintenance; among those living independently; in group homes; in custody; and in other care arrangements.

The conclusion of the review is indicative of the findings:

Children in the care of the... Society, for the most part, reported a high level of satisfaction in some very important basics of life. Young people are well clothed and fed, report that their health and dental concerns are looked after, and most believe

that, should they need it, they would be able to get counseling. More than ninety-five per cent of the young people interviewed reported that they attended school, and reported caregivers would support their participation in religious and cultural activities. All of the children were provided with rights pamphlets and further, they felt that they had rights in the settings in which they were living. Most of the children lived in homes in which they stated they felt safe and found the rules to be reasonable. An especially important finding was that the majority of young people reported feeling cared about by the people with whom they lived and their assigned CAS worker 'made sure' they were taken care of properly.

Of course, the review did reveal concerns, particularly with some service providers to the Society, and the report included recommendations that our Office is pursuing to make sure that they are acted on.

A young woman, born deaf, attended a school for the deaf from an early age where she has done well. But approaching blindness associated with Usher Syndrome, a genetic disorder, means she is becoming unable to communicate except with a trained intervener.

Most families cannot afford to retain an intervener for weekends and holidays, and there is a Ministry waiting list for the service, so funding is not available. In this case, an intervener can be provided for only three to five hours a week.

She is a very determined young woman who does not want her disabilities to define or defeat her.

As well as the planned reviews, our Office undertakes additional reviews as needed, when circumstances warrant.

Our Office is concerned about the number of calls it receives from youth stating they are not permitted to contact us, and that penalization might follow. This, of course, is contrary to the law. In one situation where a youth reported the problem to a Ministry employee, our Office asked the Ministry how the matter would be dealt with. The Ministry responded that it could reveal nothing to us unless the consent of the youth was first obtained. This kind of roadblock is comparable to the access to information problem referred to above, and hopefully will be resolved with it. As for the larger issue of ensuring that agencies permit and encourage calls to our Office, this will be one of our objectives in the coming year.

Our Office has been concerned about the use of tasers (conducted-energy devices) on youth in care.

We are currently investigating the tasing of a 14-year-old girl who was locked in a court holding cell. We believe that at the present time there should be a moratorium on the use of tasers on children and youth unless lives are at risk and such use of force is the only alternative.

We continue to be aware of the heartbreaking plight of children and youth with special needs and their families. Service networks and coalitions find government funding for things like summer camps or at-home intervenors or respite care impossible to access. Our Office is frequently contacted by parents at the end of their rope. Fundraising efforts and efforts to squeeze funding from government are often at or well past their limits. But often it isn't money as much as government flexibility that is required. The Advocacy Office will continue to pursue solutions for special-needs children.



LOOKING AHEAD

OUR PRIORITIES FOR 2009 INCLUDE THE FOLLOWING:

1. STRENGTHENING ADVOCACY

It is an ongoing project to strengthen the work we do with children and youth when they call our office. It challenges us to increase our outreach so more children and youth are aware of our office and the service it can provide, and to look for new ways to be effective advocates. This will clearly be a matter that remains at the top of our agenda.

2. DEATHS OF CHILDREN AND YOUTH KNOWN TO THE SYSTEM

We will push to find ways to better the lives of children and youth in state care, thus finding strategies to reduce the number of deaths among them. We recognize that this effort will mean working as advocates with many partners—first with children and young people themselves and then with community

leaders, agencies, and others—in a range of settings, perhaps using various strategies. We believe that the majority of individuals working with children and youth share our goals and will encourage new approaches.

We will request standing at inquests held to investigate the death of a child or youth in state care with the purpose of bringing the voices of young people to bear on the issues.

3. THE NORTH



We hope to explore improved methods of responding to needs in Northern and Northwestern Ontario. We will begin by hiring a Director of Service or Deputy Provincial Advocate from and for the North. This person will lead a broad consultation to see what works best for people there: an office located in the north? A virtual office? Better networks? We do not wish

to predetermine how to proceed, so consultation is the first step and implementation will probably not occur until mid-year. This step will require additional funding and will be a part of our 2009–2010 budget submission to the Board of Internal Economy of the Ontario Legislature.

4. YOUTH PARTNERSHIPS



We believe that young people are our partners. This belief is born from our experience of working with children and youth, but it also reflects the statutory basis for our office. Meaningful youth partnerships are created from a grassroots approach, forming strong local bases from which the Advocacy Office can develop. Involvement is good for children and youth and good for the Advocacy Office. We will work with existing youth organizations building on our work during the past year, to form refer-

ence groups/hubs in five regions of the province, using existing groups, enlarging them or establishing new groups. We will also consider innovative ways of communicating with children and youth in care, such as a radio initiative modeled on that of the System Kidz Manitoba Youth in Care Network, and through imaginative use of the internet. We are also aware of the difficulty in hearing the voices of children: we will consider new approaches. If we can help children and youth in care to trust their own voices, the more control they will have, and the better off they will be, with better outcomes when they emerge from care to live on their own. Even if children and youth speak in perfect pitch, it matters not if the adults are not listening. Part of our work is to help the adult decision makers learn that respecting the voice of youth creates safety.



PHOTO BY VIRTUE BAJURNY

5. JORDAN'S PRINCIPLE



We will work for the implementation in Ontario of Jordan's Principle—that the obligation to first meet the needs of the child supersedes Government interests regarding jurisdiction. This undertaking will need to involve a statement of support by the Premier or a senior Minister, passage of the Principle by the Ontario Legislature, inclusion of the principle in statements of government policy priorities, and an implementation plan developed with full participation of First Nation and non-governmental organizations.

6. CORONER'S RECOMMENDATIONS

Virtually every jury that presides over a coroner's inquest into the death of a child or youth in care

makes recommendations. We wish to follow the recommendations to determine general directions and to see how many are implemented. The Coroner's Office has said that 70 to 75 per cent of the recommendations are implemented, but we think an independent assessment, particularly looking for trends and gaps, would be useful and could provide some unexpected ways forward.

WE RECOGNIZE that new issues will arise that will claim our attention, just as issues that we hope to resolve (such as access to information) may demand more time. But we believe the Advocacy Office is now well organized and ready to play a stronger role in advancing the interests of children and youth in care in Ontario.



*Office of the Provincial Advocate
for Children and Youth*



*Bureau de l'intervenant provincial en
faveur des enfants et des jeunes*



OUR
COMMITMENT
TO YOU



This section is for young people. It contains information on how to access us, what to expect if a case is opened and what your rights are if people try to penalize you for trying to contact our office. We hope you keep this book and add your own names and numbers of people you connect with or who you might want to get in touch with at some point. You're welcome to tear out any and all pages that you don't want to keep, including the cover. This book was made for you so please make it your own.



31 DECEMBER 2008

I am here to work with you.

My job as the Provincial Advocate is to use our office to help you raise your concerns about the service and support you receive from the government as children and young people. Our job is not to speak for you, but to find ways of ensuring that your voices are heard by those in positions that affect you. We will respond to your complaints and concerns. We will be an advocate for you.

Before being appointed by the Legislature in July 2008 as the Provincial Advocate for Children and Youth, I spent over 20 years working with youth leaving care of the Toronto child welfare system. I remember telling the Legislature's Hiring Committee that I had probably met over 6,000 youth in and from care and that the most important lessons I have learned about my work came not from a book, or a lecture from some professor, but from the youth I have met. I have come to rely on the wisdom of the young people I work with as a touchstone to know both what I should be doing and if what I am doing is working.

As Advocate I know the young people like you who I talk to want to concentrate on more than just the parts of the system that are a problem. But when I discovered there were 90 deaths in the system I realized that was too strong a signal to ignore. It is a signal to us all, and especially the managers responsible for the system, that we must come together to prevent deaths.

Our Office will work to ensure that our doors are open to you, whether you are a First Nations child or youth, a youth in custody, a child or youth living with what some call "special needs," a child or youth in one of Ontario's Provincial Schools. We will create opportunities for you to raise issues that are important to you about the systems that govern your lives. We want to create ways for people in control of those systems at every level to learn from you.

Children and youth like you have overcome tremendous barriers in the past to become loving parents, lawyers, professors, plumbers, artists, activists—you name it. Many of these individuals have in turn assisted people like yourselves to achieve their own success. We are here to help you with the hard work and courage needed for you to take the risks to overcome barriers you face—and we believe you have the ability to do so.

I intend to lead an Office of the Provincial Advocate for Children and Youth that demonstrates each day our belief in you.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Irwin Elman".

Irwin Elman
Provincial Advocate for Children and Youth



Youth have rights.

If something doesn't feel fair, maybe it's not right. If you are in care or custody, under 21 years old, and you don't think anyone you know is listening to you, call the Advocacy Office.

We accept collect calls.

Our toll-free number is 1-800-263-2841. If for some reason you are not permitted to dial a 1 800 number, call us collect at 0-416-325-5669. Our TTY number is 0-416-325-2648. Or email us at advocacy@provincialadvocate.on.ca

Staff are available to accept your calls between 8:30am and 9pm, Monday to Friday, and 10am to 8pm on Saturday and Sundays. (In Northwestern Ontario, staff are available from 7:30am to 8pm Monday to Friday, and 9am to 7pm Saturday and Sundays.) If you leave a message, we will return your call within 24 hours.

The law requires that if you wish to call the Advocacy Office, you must be permitted to do so without delay, and with privacy.

We are the Office of the Provincial Advocate for Children and Youth, a body established by and reporting directly to the Legislature of Ontario. Our job is to help speak up for children and youth in care and custody to and help youth speak up for themselves.

If you call us, we will provide you with whatever assistance we can. This might involve our office looking into your complaint, with your support and in a way that you are comfortable with. We will attempt, with your support, to resolve the situation in a way you think is appropriate.



My Connections



My Resources



My Voice

VOICE = strength, empowerment, _____, expression, creativity,
being heard, _____, being visible, communication.

RESOURCES = knowledge, information, access, _____, opportunity,
services, _____, independence, help.

CONNECTION = attachment, trust, compassion, _____, meaning,
friendship, belonging, _____, love.

If you are a child or youth in care in Ontario, you have the right to...

- Be and feel safe
- Be treated fairly no matter your race, sex, culture, religion, abilities, or sexual orientation
- Have a say about what happens to you and express your thoughts and feelings
- Be properly fed, clothed, and cared for
- Go to school and have an education
- Receive medical and dental care
- Participate in social and recreational activities
- Participate in your religion and culture and speak your language
- An interpreter if you are not being understood because of language or abilities
- Reasonable privacy
- Know and understand the rules, responsibilities, and consequences
- Talk privately with the Advocacy Office or your lawyer
- Be told how to contact the Advocacy Office

If you are 12 or older, you also have the right to:

- Know if a decision is being made about you in court so that you can go there when it happens
- Ask to have a review or an appeal of your placement
- Help make your plan of care

If you are a young person charged with a criminal offence, you have the right to:

- Know why you are being arrested
- Call a lawyer AND a parent or adult you trust
- Have a lawyer represent you
- Call your lawyer as needed
- Ask for a Reintegration Leave (a day or weekend pass)
- Ask the Custody Review Board to review certain decisions regarding your care

*If it doesn't feel fair, maybe it's not right!
Call the Advocacy Office.*

OUR OFFICE

250 Davisville Avenue, Suite 503
Toronto, Ontario M4S 1H2

Toll Free: 1 800 263-2841
TTY: (416) 325-2648
Tel: (416) 325-5669
Fax: (416) 325-5681

advocacy@provincialadvocate.on.ca

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"Children and youth like you have overcome tremendous barriers in the past to become loving parents, lawyers, professors, plumbers, artists, activists—you name it. Many of these individuals have in turn assisted people like yourselves to achieve their own success. We are here to help you with the hard work and courage needed for you to take the risks to overcome barriers you face—and we believe you have the ability to do so.

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