

Select Standing Committee on Children and Youth  
**ANNUAL REPORT 2017-18**



**LEGISLATIVE ASSEMBLY**  
of BRITISH COLUMBIA

**MAY 2018**  
THIRD SESSION  
OF THE 41<sup>ST</sup> PARLIAMENT





May 30, 2018

To the Honourable  
Legislative Assembly of the  
Province of British Columbia

I have the honour to present herewith the *Annual Report 2017-18* of the Select Standing Committee on Children and Youth.

This report covers the work of this Committee from October 25, 2017 to May 9, 2018, as well as the work of the Committee in the 40th Parliament during the time period of May 19, 2016 to February 22, 2017. On behalf of the Committee, I extend many thanks to the previous Committee and its Chair, Jane Thornthwaite, Member for North Vancouver-Seymour, for their work, including initiating the review of the *Representative for Children and Youth Act* that was completed by this Committee in the 41st Parliament.

I also wish to recognize Michelle Stilwell, Member for Parksville-Qualicum, for her leadership as Deputy Chair of this Committee.

British Columbia's second Representative for Children and Youth, Bernard Richard, announced his resignation on April 11, 2017. On behalf of all Members of the Legislative Assembly, the Committee thanks Mr. Richard for his service and acknowledges his positive impact on the provincial child welfare system during his time in the position.

Respectfully submitted on behalf of the Committee,

Nicholas Simons, MLA  
Chair



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# Composition of the Committee

## Members for the 41st Parliament, Second and Third Sessions

Nicholas Simons, MLA	Chair	Powell River-Sunshine Coast
Michelle Stilwell, MLA	Deputy Chair	Parksville-Qualicum
Sonia Furstenau, MLA		Cowichan Valley
Rick Glumac, MLA		Port Moody-Coquitlam
Joan Isaacs, MLA		Coquitlam-Burke Mountain
Ronna-Rae Leonard, MLA (from April 10, 2018)		Courtenay-Comox
Jennifer Rice, MLA (to April 10, 2018)		North Coast
Rachna Singh, MLA		Surrey-Green Timbers
Laurie Throness, MLA		Chilliwack-Kent
Teresa Wat, MLA		Richmond North Centre

## Members at the dissolution of the 40th Parliament

Jane Thornthwaite, MLA	Chair	North Vancouver-Seymour
Melanie Mark, MLA	Deputy Chair	Vancouver-Mount Pleasant
Marc Dalton, MLA		Maple Ridge-Mission
Carole James, MLA		Victoria-Beacon Hill
Maurine Karagianis, MLA		Esquimalt-Royal Roads
John Martin, MLA		Chilliwack
Don McRae, MLA		Comox Valley
Dr. Darryl Plecas, MLA		Abbotsford South
Linda Reimer, MLA		Port Moody-Coquitlam
Jennifer Rice, MLA		North Coast

## Committee Staff

Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees

Alayna van Leeuwen, Committee Research Analyst

# Terms of Reference

On February 14, 2018, the Legislative Assembly agreed that the Select Standing Committee on Children and Youth be appointed to foster greater awareness and understanding among legislators and the public of the BC child welfare system, including the specific needs of indigenous children, youth, families and communities, and in particular to:

1. Receive and review the annual service plan from the Representative for Children and Youth (the "Representative") that includes a statement of goals and identifies specific objectives and performance measures that will be required to exercise the powers and perform the functions and duties of the Representative during the fiscal year;
2. Be the committee to which the Representative reports, at least annually;
3. Refer to the Representative for investigation the critical injury or death of a child;
4. Receive and consider all reports and plans transmitted by the Representative to the Speaker of the Legislative Assembly of British Columbia; and,
5. Pursuant to section 30(1) of the *Representative for Children and Youth Act*, S.B.C. 2006, c. 29 complete the comprehensive review of the Act or portions of the Act by February 28, 2018 to determine whether the functions of the representative described in section 6 are still required to ensure that the needs of children and young adults as defined in that section are met.

In addition to the powers previously conferred upon Select Standing Committees of the House, the Select Standing Committee on Children and Youth be empowered:

- a. to appoint of their number one or more subcommittees and to refer to such subcommittees any of the matters referred to the committee and to delegate to the subcommittee all or any of its powers except the power to report directly to the House;
- b. to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
- c. to conduct consultations by any means the committee considers appropriate;
- d. to adjourn from place to place as may be convenient; and
- e. to retain personnel as required to assist the committee;

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.



# The Work of the Committee

Since 2006, with the unanimous adoption of the *Representative for Children and Youth Act* by the Legislative Assembly, the all-party Select Standing Committee on Children and Youth (the Committee) has served as a public forum for the review of reports by the Representative for Children and Youth.

The establishment of the Representative for Children and Youth as a statutory officer of the Legislature was a key recommendation of the 2006 report entitled *BC Children and Youth Review: An Independent Review of BC's Child Protection System* by the Honourable E.N. (Ted) Hughes. In recommending the establishment of an all-party Committee to review the work of the Representative, the Hughes report said that an all-party committee would “help Members of the Legislative Assembly to understand that their relationship with the Representative should be a collaborative one,” and that it is his “fervent hope that it will encourage Government and the Opposition to work together to address some of the very real challenges facing the child welfare system.”

The Committee's Terms of Reference provides a general mandate – as recommended by the Hughes report – for the Committee to “foster greater awareness and understanding among legislators and the public of the BC child welfare system.” On October 24, 2017, the Legislative Assembly added to that general mandate a direction to the Committee to consider the “specific needs of Indigenous children, youth, families and communities.” The Committee provides a public forum for discussion of reports by the Representative for Children and Youth, with the Terms of Reference specifying that the Representative will report to the Committee at least annually, and that the Committee will review all reports and plans the Representative provides to the Speaker of the Legislative Assembly. The Committee is also required to review the *Representative for Children and Youth Act* every five years.

This report covers the activities of the Committee from May 19, 2016 to May 9, 2018. The reporting period includes the Committee's work in the Fifth and Sixth Sessions of the 40<sup>th</sup> Parliament prior to the provincial general election on May 9, 2017. A summary is provided in the Appendix.

The Committee was reconstituted with new membership in the Second Session of the 41st Parliament. At its first meeting on October 25, 2017, Nicholas Simons was elected Chair and Michelle Stilwell Deputy Chair. Since the fall of 2017, the Committee has reviewed seven reports from the Representative, completed its review of the Representative for Children and Youth Act, and initiated planning for special projects the Committee would undertake.

Minutes, meeting documents and transcripts from the Committee's meetings are available on the Committee's website: [www.leg.bc.ca/cmt/cay](http://www.leg.bc.ca/cmt/cay)

## Meeting Schedule

The Committee met on the following dates for the purposes described below.

### Second Session, 41st Parliament

October 25, 2017	Election of Chair and Deputy Chair Orientation and organizational discussion
November 28, 2017	Report review - <i>Room for Improvement: Toward better education outcomes for children in care</i> (October 2017)
December 7, 2017	Briefings - Representative for Children and Youth's introduction to the work of the Office and presentation of the Office's submission regarding review of the <i>Representative for Children and Youth Act</i> ; Ministry of Children and Family Development introduction to the work of the Ministry  Report review - <i>Annual Report 2016/17 and Service Plan 2017/18 to 2018/19</i> (September 2017)
January 26, 2017	Report review - <i>B.C. Adoption &amp; Permanency Options Update</i> (December 2017); <i>Last Resort: One family's tragic struggle to find help for their son</i> (October 2016)  Deliberations - Review of the <i>Representative for Children and Youth Act</i>
January 30, 2017	Report review - <i>Missing Pieces: Joshua's Story</i> (October 2017)  Deliberations - Review of the <i>Representative for Children and Youth Act</i>  Adoption of Committee's report <i>Review of the Representative for Children and Youth Act</i>

### Third Session, 41st Parliament

February 15, 2018	Election of Chair and Deputy Chair  Deliberations - Review of the <i>Representative for Children and Youth Act</i>
February 21, 2018	Deliberations - Review of the <i>Representative for Children and Youth Act</i>
April 11, 2018	Report review - <i>Delegated Aboriginal Agencies: How resourcing affects service delivery</i> (March 2017)
May 9, 2018	Report Review - <i>Broken Promises: Alex's Story</i> (February 2017)  Special project - Planning

# Orientation and Briefings

## Committee Orientation

On October 25, 2017, at the Committee's first meeting of the 41st Parliament, the Clerk to the Committee provided an orientation. The Committee discussed its Terms of Reference as it sets out the specific responsibilities under the Committee's mandate. The Clerk drew the Committee's attention to a new addition to the Committee's Terms of Reference by the Legislative Assembly that the Committee "be appointed to foster greater awareness and understanding among legislators and the public of the BC child welfare system, including the specific needs of indigenous children, youth, families and communities."

The Clerk also noted the requirement in the Terms of Reference to complete the statutory review of the *Representative for Children and Youth Act* by February 28, 2018. The Clerk provided an update on the outstanding Representative's reports to be reviewed by the Committee, and referenced the Committee's ability to undertake special projects on topics of interest.

## Representative for Children and Youth Briefing

The Representative for Children and Youth, Bernard Richard, and the Deputy Representative, Dawn Thomas-Wightman, attended the Committee's first meeting to introduce themselves and provide a brief overview of the Office of the Representative for Children and Youth.

The Representative informed the Committee that the Office has three key priorities: the over-representation of Indigenous children and youth in care; mental health and addictions services for children and youth; and transitions out of care. Following a brief overview of the Office's mandate and statutory responsibilities, the Representative provided a preview of forthcoming reports from the Office. He reflected on how the Office is working to incorporate the voices and views of children and youth in its work.

The Representative and Deputy Representative also discussed ongoing work to strengthen the Office's relationship with the Ministry of Children and Family Development. They referenced a recent protocol signed by the two organizations, as well as the three working groups established to collaborate on specific issues: plans of care, outstanding recommendations from the Office, and the implementation of recommendations from the 2012 residential review project. Committee Members learned that the Office has now established a practice of earlier and more detailed engagement with the Ministry prior to the release of reports.

## Ministry of Children and Family Development Briefing

On December 7, 2017, senior officials from the Ministry of Children and Family Development provided an overview of the work of the Ministry. Ministry officials began by presenting the Ministry's vision and goals, the key statutes under the Ministry's portfolio, and how the Ministry and Delegated Aboriginal Agencies are structured and staffed to carry out the Ministry's mandate with respect to its six core service delivery areas:

- early years, including child care;
- services for children and youth with special needs;
- child and youth mental health services;
- child safety, family support and children in care services;
- adoption services; and
- youth justice services.

Following an explanation of historic context and key data around children and youth in care, the Ministry highlighted significant developments in the child welfare system. The Ministry also discussed its approach to responding to a variety of recommendations, including those from the Representative for Children and Youth and from Grand Chief Ed John's November 2016 report on Indigenous child welfare.

Officials concluded the presentation by outlining the concept of a role for the Committee in receiving confidential briefings on specific child welfare cases. Ministry officials explained that there are currently strict legislative limits on the circumstances under which the director of child welfare is able to share personal information related to a child welfare case. As an example, the director may only share personal information with the minister responsible for the *Child, Family and Community Services Act* if such disclosure is necessary for the administration of that Act. Officials said that the Ministry is unable to respond to questions and concerns about a specific case, or to correct factually incorrect information that may have been publicly circulated by others. They suggested that it would be in the public interest for the public to have assurance that the child protection system is responsive and effective. Reflecting on what they saw as a possible role for the Committee in discussing policy and practice related to child welfare cases, officials suggested the Committee could consider further discussions with the Ministry on the existing legislated confidentiality provisions, and what legislative changes might be required to establish a role for the Committee in receiving confidential briefings on child welfare cases.

# Annual Report 2016/17 and Service Plan 2017/18 to 2018/19

The Representative for Children and Youth, Bernard Richard, appeared before the Committee on December 7, 2017 to discuss the *Annual Report 2016/17 and Service Plan 2017/18 to 2018/19* (released in September 2017). Dawn Thomas-Wightman, Deputy Representative for Children and Youth, and Alan Markwart, Chief Operating Officer, also attended.

## Representative's Presentation

The Representative provided an overview of the structure of his Office and its three core areas of responsibility. He noted that most of the Office's staff provide advocacy services, connecting people who contact the Office with advice and assistance in dealing with various elements of the child and youth-serving system. He explained that the Office's monitoring role involves developing reports and recommendations for systemic improvements to a range of government-funded programs and services for children and youth, and noted that the Office is currently working on a review of services and supports for children and youth with Fetal Alcohol Spectrum Disorder, and on a process for assessing the quality of care plans for children and youth in care. The Representative reported that the Office investigates on average of three or four of the approximately 800 critical injuries or deaths reported to the Office each year. He also emphasized the importance of child and youth engagement in the work of the Office, and noted the Ignite Your Spirit forums for Indigenous youth in care as an example of an initiative providing a meaningful opportunity to inform children and youth of services and programs intended for them.

The Representative noted that the previous year was very busy for the Office: 12 reports were released, and 2,600 calls were received from people seeking advocacy assistance. In his first year of service in the position, he has been working to refocus on the Office's priorities; reset the approach to working with children, youth and families, government ministries, and other stakeholders; and restructure the leadership positions within the Office.

## Committee Inquiry

Members requested further information on the work of the Office going forward, as outlined in the service plan. The Representative responded by explaining the Office's work on a strategic plan intended to better align the work of the Office with its three key priorities (overrepresentation of Indigenous children and youth in care; mental health and addictions, and transitions from care). He also noted the establishment of two joint working groups with the Ministry of Children and Family Development – one on addressing outstanding recommendations from the Office; the other on implementing Grand Chief Ed John's 2016 recommendations in his major report on reforming Indigenous child welfare in BC. The Representative mentioned that evidence suggests young adults previously in care have difficulty accessing certain programs intended to support them in their transition to adulthood, which is an issue his Office wants to work on going forward.

The Representative reported that the Office currently has three individual critical injury or death investigations under way that will be reported on within the next two years. In response, Members asked how the Office determines which critical injuries or deaths to investigate, with the Representative replying that the Office reviews about 70 files per month. After determining which of those are within the Office's mandate, they conduct a review of those that are seen to have a connection to services for children and youth. The Office will then select a few cases for investigation with a view to identifying positive opportunities for systemic change.

The Representative responded to a Member's question about the 10 percent reduction in advocacy cases last year by suggesting that while the transition year in the Office may have affected the number, it is still close to the 10-year average. Members asked about the Representative's perspective on program eligibility criteria for tuition waivers for young adults formerly in care. The Representative talked about the importance of the tuition waivers, but pointed to examples where the criteria, such as the upper age limit of 26 and spending at least two years in care, are overly restrictive in his view. Members suggested it would be useful to conduct a follow-up study of outcomes for young adults who receive tuition waivers.

Members requested an update on the use of hotels as temporary accommodation for youth in care, including what the standards of care are with respect to youth housed in hotels. The Representative and the Chief Operating Officer explained that a contract for care includes standards of care, but noted monitoring and oversight of adherence to the standards remains an issue of concern. The Chief Operating Officer reported that a multi-stakeholder group, including the Representative's Office, is working on implementation of the 2012 Residential Review Project recommendations which include recommendations on appropriate quality assurance and oversight of contracted resources. Members asked when and why contracted residential services became an element of BC's child welfare system, with staff from the Representative's office explaining that BC has a fairly long history of use of contracted staffed residential resources.

The Committee sought an explanation for the increase in critical injuries documented in the annual report. The Representative suggested that since the change in policy in 2009/10 around what constitutes a critical injury, the number of critical injuries has been fairly stable; however, ongoing training to ensure Ministry staff understand the policy and make reports accordingly could contribute to a reported increase in critical injuries. Members also asked how reporting is done by the Ministry, and what contributes to the probable under-reporting noted by the Representative. The Deputy Representative suggested that the case management system, social workers' caseloads, and lack of awareness and understanding of the meaning of critical injury may all contribute to delays in reporting and under-reporting.

Noting how frequently children are taken into care due to neglect, Members asked whether the Representative felt enough was being done by the Ministry to address the root causes of Indigenous children being taken into care. The Representative said that despite progress on some specific matters, he did not think enough was being done. Members also asked how many communications staff the Office has, and how the Office works with the Coroners Service.

# Reports Reviewed

## ***Room for Improvement: Toward better education outcomes for children in care (October 2017)***

The Representative for Children and Youth report, *Room for Improvement: Toward better education outcomes for children in care* is a monitoring report examining the educational outcomes for children and youth in continuing care enrolled in the K-12 public school system. Findings in the report are based on a data analysis of selected education measures, as well as surveys of teachers, administrators, support staff, foster parents and other adults involved in education of children and youth in care, and focus groups of children and youth in care or previously in care.

Bernard Richard, Representative for Children and Youth, was accompanied by Deputy Representative Dawn Thomas-Wightman in presenting the report to the Committee on November 28, 2017.

### **Representative's Presentation**

Reflecting on the connection between educational attainment and important measures of population health and well-being, the Representative informed the Committee that children and youth in continuing care have much poorer educational outcomes than the rest of BC's children and youth. He reported that outcomes for Indigenous children and youth in continuing care, and those with a special needs designation, are particularly troubling. He provided several comparative examples to illustrate the discrepancy in their outcomes relative to the general BC student population. For example, 51 percent of youth in continuing care graduated high school within six years of starting grade eight; for Indigenous youth in continuing care, the number is 44 percent. The provincial average graduation rate is 89 percent.

The Representative emphasized that trauma and frequent moves are significant impediments to children and youth in care succeeding in school. He provided an overview of the six recommendations in the report directed at the Ministry of Education and the Ministry of Children and Family Development. The report recommended increased funding to school districts to support children and youth in care; improved in-school supports, with a specific focus on helping all Indigenous students and Indigenous students who are in care; a person in each school district responsible for coordinating information and support for the education of children and youth in care; trauma assessments for all children and youth in care, with trauma recovery support to be provided in school; and that caregivers (such as foster parents) have the authority to provide written permission for children and youth in their care to participate in school activities.

### **Committee Inquiry**

Committee Members asked whether social workers are able to make a positive contribution to the school experience of children and youth in care, with the Representative suggesting that given constraints such as caseloads, the educational component of the plans of care may receive less attention relative to other

priorities. Members asked about the role of foster parents in supporting the education of children and youth in their care. The Representative reported that he has heard from foster parent associations that foster parents would appreciate more support with the educational component of the care of children and youth. Given the Representative's emphasis on the challenging impacts of trauma experienced by children and youth in care, Members sought his view on whether foster parents and schools are sufficiently trained and supported in dealing with trauma. In response, the Representative said the training and support is insufficient.

Hearing that frequent moves are disruptive for children and youth in care, sometimes requiring them to change schools, Members asked why children and youth in care are moved so frequently, and whether the Office has ever specifically studied the issue of frequent moves between foster homes and other care placements given that it may be a root cause of poor outcomes for children and youth. Both the Representative and Deputy Representative said that frequent moves had not been studied by the Office as an issue in its own right, but that many reports from the Office touch on the reasons why children and youth placements can be unstable, and recommend ways to improve stability and permanency for children and youth in care. Members suggested that better assessments of the needs of children and youth coming into care might result in more stable and appropriate placements for them. Members also asked whether the Office is aware of a technological tool to help social workers better match children and youth with care and housing options.

The Committee requested the Office's assessment of implementation of the Office's past recommendations on education-related matters. As one example, the Deputy Representative said that there has been some success with a 2008 recommendation to establish within schools a "point of contact" for children and youth in care, but that lack of awareness was a major impediment to the point of contact playing an effective role as envisioned in the Office's recommendation. Members also asked what could be done to improve awareness of the cross-ministry guidelines for education planning and support for children and youth in care developed in 2008, and what the Office's view is with respect to the fall 2017 updates to the guidelines. Members were told that more work needs to be done to enhance the effectiveness of the guidelines and that while some of the language in the updates is encouraging with respect to incorporating principles of trauma-informed care, it is too early to assess the updates. On the theme of information-sharing, Members sought the Representative's opinion on whether there are barriers to teachers being made aware that their students are in care, and if so, whether that should be addressed; he said it is important for teachers, social workers and other professionals to be able to work together.

Members discussed the report's recommendation to ensure that children and youth in care have permission slips for school activities signed in a timely fashion. The Deputy Representative clarified that foster parents and social workers are not always aware that they are allowed to sign some types of permission slips, and explained how the process works for higher-risk activities that could attract a liability and for which foster parents might not be comfortable having the authority to sign. In response to questions about how to share information and improve implementation of best practices, the Representative acknowledged the challenge of making systemic improvements. He also suggested that the significant input from Ministry of Education and Ministry of Children and Family staff may help ensure the recommendations are practical and have the support of those concerned with carrying them out.



## ***B.C. Adoption & Permanency Options Update (December 2017)***

The Representative for Children and Youth report, *B.C. Adoption & Permanency Options Update*, is the fourth follow-up report examining the government's progress in improving adoption and permanency outcomes for children and youth in care in response to the Representative's 2014 report entitled *Finding Forever Families: A Review of the Provincial Adoption System*.

The Committee reviewed this report on January 26, 2018, with the Representative for Children and Youth, Bernard Richard; Dawn Thomas-Wightman, Deputy Representative; and Alan Markwart, Chief Operating Officer, in attendance to present the report and answer questions.

### **Representative's Presentation**

The Representative presented the report's finding that more than 1,000 children and youth in the permanent care of the government are awaiting adoption or some other permanency option. This is similar to the figure at the time of the original 2014 report by the Office, despite there being about 200 fewer total children in care compared to 2014, and despite a recent addition to the Ministry of Children and Families' budget for increasing adoption and permanency rates. The report concluded that the numbers for the first six months of fiscal year 2017/18 are not on track to meet or exceed the totals for the past two fiscal years. A drop in the number of Indigenous children adopted was highlighted as a concern as well. A positive finding was an increase in the number of approved adoptive homes compared to past rates.

### **Committee Inquiry**

Members asked how many of the Delegated Aboriginal Agencies have authority to conduct adoptions, and whether the agencies would benefit from having adoption workers dedicated to facilitating adoptions. The Deputy Representative replied that two agencies have that authority, and that the remainder partner with the Ministry in order to complete adoptions but have not yet been supported in having dedicated adoption workers. Post-adoption supports and resources were also raised. The Representative mentioned custom adoption as an example where resolving the funding issues and providing post-adoption support could help families, especially low-income Indigenous families, undertake custom adoptions, which may increase the number of Indigenous children adopted into Indigenous families. Members followed up with a question about what needs to happen to facilitate custom adoption. The Deputy Representative cited barriers such as lack of understanding from the Ministry, the requirement to have the adoption recognized by the Supreme Court, and the lack of post-adoption support. The need for more devolution of authority to Indigenous Communities generally was also discussed.

On the theme of financial barriers and resources, Members asked about current policies around post-adoption support, including what support is provided to an adoptive family relative to a foster family, whether the support varies based on factors that can increase need for support (such as living in a rural area where a family needs to travel to access specialized services), and what support is provided for First Nations agencies in terms of staff resources and funding to facilitate adoptions.

Members sought an explanation of the process for a prospective adoptive family to be approved, with the Deputy Representative noting that while the detailed process involved in a home study of a prospective family

is likely appropriate, this process and other factors can contribute to a long wait for prospective adoptive families. They also asked about the number of Indigenous families currently approved as adoptive homes relative to the number of Indigenous children available for adoption. The Deputy Representative explained that relative to their proportion of the population, Indigenous people are overrepresented as caregivers, but even still, there are barriers to recruiting enough Indigenous adoptive families to match the number of Indigenous children and youth awaiting adoption.

Inquiring about reasons for why the report found that adoptions are not currently on pace with past results, Members requested the Representative's view as to what extent changing demographics (such as more older children awaiting adoption) might play a role in the lack of improvement in the results, as well as whether the Ministry is maintaining adoptions as a priority. Members also asked whether the Ministry is doing enough to ensure children and youth in care have their connection to their communities and cultures maintained, and suggested that delays in finding permanency options may be attributed in some cases to time spent trying to reunite a child or youth with parents or family before adoption becomes the plan for the child or youth's care.

## ***Last Resort: One family's tragic struggle to find help for their son*** **(October 2016)**

The Representative for Children and Youth report, *Last Resort: One family's tragic struggle to find help for their son*, examines the circumstances around the death in 2015 of a 15-year old boy, Nick Lang. Nick Lang died in a care home where he was residing less than a week after his arrival, while attending a court-ordered full-time attendance program for youth with substance use issues. The coroner was unable to determine whether his death was suicide, or the unintentional result of self-asphyxiation as a means of inducing a temporary euphoria.

Representative for Children and Youth, Bernard Richard; Deputy Representative Dawn Thomas-Wightman; Alysha Hardy, Senior Investigator; and Alan Markwart, Chief Operating Officer, presented the report to the Committee on January 26, 2018.

Nick Lang's parents, Peter Lang and Linda Ten Pas, were in attendance to observe the proceedings. Mr. Lang was invited to briefly address the Committee on behalf of his family.

### **Representative's Presentation**

The Deputy Representative led the presentation, since the report was issued before Mr. Richard assumed his position as Representative. She began by thanking Nick Lang's parents for their active participation in the investigation, and noting that this investigation is unlike many of the Office's investigations in that the youth in question had never been in care, and had the benefit of capable, stable parents as advocates for him. Nonetheless, she said, services that may have changed the course of his life were not available to him when he needed them.

The Deputy Representative provided an overview of the report's five recommendations, including establishing a comprehensive system of substance use services (including considering secure care, or involuntary detainment, as a potential element of the spectrum of treatment services); developing a strategic plan to provide culturally relevant and appropriate services for Metis children and families; developing a plan to establish co-located mental health and substance use services in schools; ensuring Intensive Support and Supervision Program (ISSP) workers are available at all times; and inter-ministry collaboration to establish guidelines on what information can be shared with schools about youth involved in the youth justice system.

### **Committee Inquiry**

Members expressed their condolences to Mr. Lang and Ms. Ten Pas, and commended them for their courage both in seeking help for their son and in continuing to advocate for change that may help other children and youth.

Members sought more information about the origins and role of the ISSP, and what the report's reference to ISSP workers being available all year round meant. The Chief Operating Officer explained that ISSP workers have been a fairly longstanding element of the youth justice system, providing community-based support and supervision such as assisting youth with attending appointments and school, and he explained that ISSP workers sometimes staff youth custody centres (e.g. backfilling during vacation seasons).

Members asked if the Representative has met with the Minister of Mental Health and Addictions. The Representative replied that he has not formally met with the Minister, but has met with senior staff in the Ministry several times. Noting the report's reference to consideration of secure care, Members asked if the government has a position on secure care. The Representative discussed his Office's position of support for the concept, while acknowledging that secure care presents concerns in terms of civil liberties, and effectiveness as a treatment method if not supported with a complement of "step-down" services for when youths are released.

The Committee was interested in the Office's view on how navigating services could be improved. The Representative and the Chief Operating Officer talked about how the existing array of services, mental health and substance use in particular, can be difficult to navigate, but that integrated case management approaches (such as New Brunswick's school-based delivery model) can reduce the challenges of navigating services and service providers. In response to a question as to whether there would be legislative barriers to establishing the "one child, one file" approach used in New Brunswick, the Representative said that amending legislation to clarify when information can be shared could help address the real and perceived restrictions on sharing personal information about children and youth amongst service providers. The Chief Operating Officer mentioned that ethical guidelines, codes of conduct, and requirements of professional regulatory bodies may also need to be considered in evaluating possible barriers to information-sharing.

Members asked about government's response to the various reviews of Nick Lang's death. Noting that Nick Lang had not received a mental health assessment, Members discussed the lack of resources and wait times for accessing mental health and substance use treatment, with staff of the Office agreeing that wait times are a significant issue.

## **Address to the Committee**

Peter Lang, Nick Lang's father, was invited to speak to the Committee on behalf of Nick's family. He stressed how critical it is that cultural competence be integrated throughout the services provided by the Ministry of Children and Family Development, and especially in the youth criminal justice system. In speaking of finding purpose in the tragedy of his son's death, he emphasized the importance of seeking positive change in the systems that serve children and youth, and de-stigmatizing discussions around mental health. He shared his view that secure care, with appropriate oversight and safeguards, should be considered.

The Committee thanked Mr. Lang and Ms. Ten Pas for their courage in supporting their son during his struggles, and for their continued efforts to advocate for other children, youth and families.

Following Mr. Lang's remarks, the Committee engaged in further discussion with the Representative and his staff, sharing their views on improving cultural competence in service provision and addressing barriers between ministries that contribute to difficulty accessing services.

## ***Missing Pieces: Joshua's Story (October 2017)***

*Missing Pieces: Joshua's Story* reports on the Representative for Children and Youth's investigation of the death by suicide of a 17-year-old youth referred to in the report by the pseudonym Joshua. Following his second suicide attempt in one month, Joshua was committed to a secure adult psychiatric unit in another hospital in March 2015, and was later transferred to the BC Children's Hospital where he spent four months before taking his own life on the hospital's grounds.

The Committee reviewed the report on January 30, 2018, with Representative for Children and Youth Bernard Richard and Alysha Hardy, Senior Investigator, appearing before the Committee.

### **Representative's Presentation**

The Representative provided an overview of Joshua's lifelong struggles with mental illness. He reported that Joshua and his family had received services at various times in his life, but they were not provided in a coordinated or sustained way, nor at critical times such as after suicide attempts, and as such, the services did not fully meet his needs. As an example, the Representative explained that Joshua's care at the BC Children's Hospital was likely appropriate to his needs at the time, but he ended up spending an unusually long time there due to professional disagreements around a safe plan of care for him upon discharge. The report pointed to systemic shortfalls in terms of a lack of placement options for children and youth with serious mental illness, difficulty for families accessing long-term consistent mental health services, and no single point of accountability for child and youth mental health services.

The report made a single recommendation: that the new Ministry of Mental Health and Addictions lead the planning and implementation of a full continuum of mental health services for children and youth, and that the provincial government provide resources to support a comprehensive system.

### **Committee Inquiry**

Members asked if the Representative had an estimate of the number of children and youth who might be in need of the "step-up" and "step-down" services that the Representative described as an important part of a comprehensive child and youth mental health system. The Representative reported that he did not have an estimate, but discussed research indicating that anxiety and depression amongst children and youth is growing. He further explained that research points to a gap in services for children and youth who have needs beyond what community-based support can address, but who likely don't require institutional, hospital-based services.

On the theme of what services children and youth need, Members sought an explanation of how treatment in a child and youth-serving mental health system would be different from a system for adults, and whether the recently established "Foundry" youth mental health service hubs are able to fill the existing service gaps. After stating that adult services are not appropriate for children for a variety of reasons, he added that the Foundry model is an example of the kind of approach that may have helped someone like Joshua earlier in his life. Members also asked how services might differentiate in treating children, youth and adults within a comprehensive mental health system, with the Representative describing a spectrum of care ranging from general strategies (including education and stigma-reduction), broadly-available early intervention on anxiety

and depression, through to acute care for the relatively small number of children and youth with more serious mental illness.

The Committee inquired as to why the report focuses so strongly on the last few months of Joshua's life considering that some early experiences in his life could reasonably be expected to have exacerbated the mental health problems he experienced later on. The Senior Investigator explained that in 2004, at the time the Ministry of Children and Family Development investigated concerns about Joshua's treatment by a babysitter, Joshua had not disclosed that he had been abused by the babysitter. She also emphasized that while early childhood experiences are very material to a person's life trajectory, the Office's role is to look at whether services provided by a public body may have contributed to a critical injury or death, which may lead to a focus on the time just prior to a critical injury or death. The Representative elaborated, saying that focusing on the latter months of Joshua's life also helps underscore that while he received the highest level of care available in BC, there was a service gap in terms of meeting Joshua's complex needs – it seemed he could not be safely discharged from the hospital. Members commented that lack of resources and high caseloads seem to have been an issue in Joshua's care. The Representative also mentioned that there was a limitation on the information they could access from internal hospital records.

Members asked about the role of Ministry of Children and Family Development services earlier in Joshua's life, and whether factors such as a mismatch between services offered and families' needs limit the effectiveness of services for children such as Joshua. The Senior Investigator said that in Joshua's case, each time Joshua and his family were stabilized or seemed to be doing well, the service was withdrawn, when longer term, comprehensive services would have likely helped the family. She and the Representative discussed issues such as differences of opinion between families and the Ministry as to what services families need, long wait times for mental health assessments, and the inherent difficulty posed by Joshua's serious mental illness.

In relation to the recommendation, Members requested the Office's views on the role of the Ministry of Mental Health and Addictions in leading planning and implementation of a comprehensive child and youth mental health system, including whether funding should be reallocated from the Ministry of Children and Family Development for that purpose. The Representative emphasized that in his view, mental health demands a "one child, one file" approach and that in many ways, current approaches to funding and organizing ministries and mandates does not readily support that kind of approach. In a similar vein, Members asked whether the Office thought the services it envisions in a comprehensive system could be provided under existing budgets, or whether significant new spending is needed. The Representative suggested that more resources would be needed to recruit and pay professionals needed to reduce the wait times for mental health assessments, but also that the money that is currently in the system could be spent more effectively; over time such investments might save on downstream costs such as those related to incarceration, homelessness and addictions.

Members also asked about how the *Mental Health Act* might relate to secure care, about policies and practices that may contribute to stigma and impede parents from getting help under voluntary care agreements, and the current or potential role of voluntary care as an option for supporting families.

## ***Delegated Aboriginal Agencies: How resourcing affects service delivery (March 2017)***

The Representative for Children and Youth monitoring report *Delegated Aboriginal Agencies: How resourcing affects service delivery* examines the context and experiences of staff working in the Delegated Aboriginal Agencies (DAAs). At the time of the report's release, 23 DAAs served 42 percent of all Indigenous children and youth in care in BC. In addition to reviewing relevant literature from other jurisdictions, and reviewing applicable policies, standards and other context-setting documents informing delivery of services through the DAAs, the Office of the Representative for Children and Youth conducted interviews with social workers, team leaders and executive directors from 19 of the DAAs.

On April 11, 2018, the Representative for Children and Youth, Bernard Richard; Acting Deputy Representative Alan Markwart; and the Executive Director of Monitoring, Colleen Ellis, met with the Committee to present the report. Also in attendance from the Office were Carly Hyman, Chief Investigator, and Karen Nelson, Senior Investigations Analyst.

### **Representative's Presentation**

The Representative explained that a 2015 report by the Office, *The Thin Front Line*, found that inadequate staffing levels and other issues led to high caseloads for social workers and compromised their ability to meet child welfare standards. That report did not examine in detail whether and how the experience of DAAs differed from that of social workers with the Ministry of Children and Family Development. As such, the Office undertook an examination of the specific circumstances related to staffing and resourcing of DAAs.

The overall conclusion of the report on DAAs was that services and supports for Indigenous children and families served by DAAs are not equal to what is provided to non-Indigenous children and youth. The Representative cited a number of factors, such as a failure to account for higher needs stemming from the legacy of residential schools and other colonial policies; heavy caseloads for child protection workers; inadequate federal funding for preventative and family support services contributing to an inadvertent incentive to take children into care; confusing and inconsistent provincial policies for funding DAAs; DAAs being unable to offer competitive salaries and benefits compared to the Ministry; and poor trust and communication between DAAs and the Ministry.

The Representative discussed contextual changes since the time the report was being developed. He cited the federal government's commitment to act in response to the January 2016 Canadian Human Rights Tribunal ruling that found that federal funding models have discriminated against Indigenous children by not adequately accounting for the needs of children and youth living on-reserve. He mentioned attending the federal government's emergency meeting on Indigenous child welfare. He noted that in responding to the release of this report, BC's Minister of Children and Family Development cited a number of recent commitments such as providing funding to implement Grand Chief Ed John's November 2016 recommendations, and increased funding to DAAs. The Representative suggested it is too early to assess the effectiveness of the recent federal and provincial efforts to improve Indigenous child welfare, but that he hoped his Office's report would help establish a baseline for continued monitoring of Indigenous child welfare strategies.

## Committee Inquiry

Observing that some of the Representative's findings point to problems with allocation and management of funds, and issues not directly related to funding (such as communication between the Ministry and DAAs), Members asked what kinds of positive solutions the Representative might propose. The Representative stated his view that his Office has a responsibility to deliver critical observations on the need for systemic change. He said that Indigenous communities are advocating forcefully for better approaches and more autonomy, but that they need tools and resources to support them in seeking a path forward.

Members asked how many Indigenous children in care live on-reserve compared to off-reserve, and for the Representative's view as to the reasons why recent federal funding does not seem to be flowing through to the front lines. The Representative was not able to provide specific detail on the use of the federal funding and noted that 70 percent of First Nations members in BC live off-reserve. He explained that while all DAAs receive some provincial funding for prevention services, off-reserve agencies are generally funded by the province and on-reserve agencies by the federal government.

The Committee sought the Representative's view on success stories in the DAAs, and on what a vision or end goal for Indigenous child welfare should be. The Representative reflected on the difficulty large organizations such as the Ministry have in seeking out new ways of doing things when they tend to be preoccupied with day-to-day operations. He provided the success story of 'Nagmis, a community that has successfully carried out its goal of not having a child taken into care, and cited another recent case where community involvement enabled a mother and newborn to stay together.

Members asked how the path forward could be reframed to reflect Indigenous perspectives. The Representative said that despite diverse cultures, practices and opinions, there is a lot of consensus amongst Indigenous peoples as to how their communities should play a principal role in redefining child welfare, and on the need for support, tools and resources to move forward. He added that DAAs need to be effective, but so does the Ministry with respect to Indigenous children and youth not currently served by DAAs.

The Committee discussed the importance of a solution-oriented approach and questioned whether identifying and learning from successes could help with spreading improvements through the system. The Representative said that the report was a deliberate effort to establish a baseline from which continued, robust and independent monitoring and reporting would be undertaken by his Office, and that this approach is in keeping with his Office's role in monitoring key public services for children and youth. He said that not including recommendations in this report was an intentional choice. Members discussed with the Representative roles and responsibilities in monitoring progress versus initiating change and asked whether the legislative framework that currently exists needs to be changed to support better outcomes. The Representative referenced some upcoming amendments to the *Child, Family and Community Service Act* and agreed that the legislation is an important foundation for how services are delivered.

Members offered the perspective that there have been many strong practices and policies in the system over many years, but for various reasons they may not have been sustained or fully implemented. Members emphasized that significant contextual factors, such as policy changes, funding structures and budget allocations, should be considered as they can support or impede successful child welfare practice.



## ***Broken Promises: Alex's Story (February 2017)***

A report into the 2015 death by suicide of 18-year-old Alex Gervais, *Broken Promises: Alex's Story*, chronicles the many years the young man spent in the care of the child welfare system. Alex Gervais lived in 17 different placements, including in foster care, group homes, and in the 49 days prior to his death, a hotel placement with minimal to no supervision from the individual contracted to care for him.

The Representative for Children and Youth, Bernard Richard; Acting Deputy Representative Alan Markwart; Chief Investigator Carly Hyman; and Senior Investigator Alysha Hardy attended the Committee's May 9, 2018 meeting to review the report.

### **Representative's Presentation**

The Representative outlined the circumstances leading to Alex being removed from his birth parents and placed in care, and the various care placements he subsequently experienced. The Representative highlighted missed opportunities to find stability and permanency for Alex, and inadequate action on the underlying issues that were likely driving some of the behaviours that his caregivers found challenging to manage. He described the quality of care received by Alex as "questionable," noting that Alex had complained to social workers about inadequate food and clothing, being locked in a room on more than one occasion, and being given drugs and sexually assaulted by a staff member. The Representative reported that Alex lived in a contracted residential resource that was shut down by the Ministry of Children and Family Development due to extremely serious problems with the care provided there (including substance use by staff and youth in the home), and was then relocated to a hotel where the individual paid to care for Alex failed to do so.

The report made four recommendations centred on: improving support for permanency options for children and youth unable to return to their birth families; implementing recommendations in other reports (including the Representative's June 2014 report on adoption, and Grand Chief Ed John's 2016 report on improving Indigenous child welfare); ensuring children and youth in care receive timely and uninterrupted mental health services; and allocating additional resources to improve the quality assurance, oversight and financial accountability for contracted residential resources.

The Representative told the Committee that some progress has been made on parts of the recommendations since the time the report was released. He referenced a project of his Office and the Ministry to monitor planning for children in care, his Office's three-year pilot program to review the quality of care planning, and the Ministry's plan to hire 120 more Child and Youth Mental Health Services practitioners in the next three years.

### **Committee Inquiry**

Members began by asking how and why the residential resource Alex lived in (prior to being moved to the hotel) was closed. The Acting Deputy Representative explained the Ministry's various steps to correct reported issues in the residence before the Ministry conducted an investigation and then terminated its contract. The Representative added that there has been progress since the time of the report's release in terms of improved Ministry policies and oversight with respect to placing children and youth in hotels.

Noting that a bill to amend the *Child, Family and Community Service Act* is currently before the Legislative Assembly, Members asked whether the Representative believes the bill addresses issues evident with Alex's care. In responding, the Representative expressed the view that principles in the existing legislation, such as "least disruptive measures" and maintaining cultural connections of children in care, were not being applied in practice in the context of Alex's care. His concerns with the bill include that it does not adequately reflect the calls to action Truth and Reconciliation Commission's report or the United Nations Declaration on the Rights of Indigenous Peoples; that First Nations were not adequately consulted on the bill; and that his Office only had a short time to review a draft version of the bill prior to its introduction.

Members asked how vulnerable children and youth who may not be able to effectively self-advocate might be better supported with advocacy services. The Representative suggested that high caseloads negatively affect social workers' ability to advocate for children in their care. The Senior Investigator explained improvements made within the Office to ensure that the team reviewing the critical injuries and deaths reported to the Office follows up with the team responsible for advocacy if it seems a child or youth who was subject to a critical injury may benefit from the Office's advocacy services.

Members had several questions on the process for reviewing critical injury and death reports received by the Office, and the number and types of incidents reflected in the reports. Members and the Representative discussed the importance of ensuring children and youth, and professionals responsible for them (such as teachers, social workers and caregivers) are aware of the Office, and that they facilitate children and youth in seeking help. The Representative added that social workers sometimes contact the Office looking for assistance. Following up on that point, Members asked whether caseloads are a practice issue identified by social workers who contact the Office looking for help; the Representative confirmed that caseloads and paperwork are commonly cited concerns.

The Committee requested an update on whether funding issues such as that which prevented Alex's stepmother from caring for him permanently have been addressed, and asked whether his Office is working to make sure Ministry practices on permanency planning are improved. The Representative said that while there is recognition that supporting families should be a priority, more must be done to align resources and policies in order to put that priority into practice. Additionally, he reflected on the inherent difficulty of working in child protection, especially in rural and remote areas with fewer services and supports for social workers to connect children and youth in care with.

Members referenced the daunting systemic challenges evident in the *Broken Promises* report, specifically noting the funding required to support a child in a homelike environment as compared to the high costs of placing a child in a residential resource or hotel, and asked whether such structural problems have been fixed. Members sought the Representative's view on how the Ministry's standards, protocols and practices could be improved to better support strengthening families, with the Representative noting that increasing difficulty in recruiting foster families could itself necessitate aligning policies and resources to provide preventative support services to families.

# Other Activity

## **Review of the *Representative for Children and Youth Act***

The *Representative for Children and Youth Act* requires the Committee to undertake a statutory review of the Act every five years and further requires the Committee to initiate a review of the Act prior to April 1, 2017. The Committee commenced initial work on the review in the 40th Parliament and continued its review following the provincial general election on May 9, 2017.

The Committee released its report on the review of the *Representative for Children and Youth Act* on February 28, 2018. The Committee made nine unanimous recommendations to strengthen the Act, including expanding the mandate of the Representative for Children and Youth by adding advocacy for young adults who have previously been in care, and clarifying the Representative's existing mandate with respect to advocating for children and young adults with special needs. Other recommendations focused on confirming the Representative's authority to monitor and oversee the child and youth-serving system includes reviewing certain internal government reviews of child welfare matters, as well as the provision of services referenced under the Act's regulation. The Committee also made a recommendation that the Act be amended to remove the reference to determining whether the functions of the Representative are still required, and instead state that the Committee will undertake a comprehensive review of the Act.

The Committee's report is available on its website: [www.leg.bc.ca/cmt/cay](http://www.leg.bc.ca/cmt/cay)

## **Special project planning**

Having reviewed all outstanding reports from the Office of the Representative for Children and Youth as of May 9, 2018, the Committee continued discussions on potential special projects during its May 9 meeting. While some Members favoured immediately starting a project on foster care – a priority since a Member first introduced a motion calling for such a study during the Committee's December 7, 2017 meeting. Other Members voted in favour of a motion to defer starting a foster care project until the Committee considers other options for special projects. The Committee will continue its discussions at a subsequent meeting.

## **Resignation of the Representative for Children and Youth**

During the April 11, 2018 Committee meeting, the Representative for Children and Youth, Bernard Richard, informed the Committee of his resignation, effective August 31, 2018. Mr. Richard explained that in addition to taking on a new role with an Indigenous child welfare agency in his home province of New Brunswick, he is looking forward to being closer to his family. Reflecting on the important role of the Committee, he thanked the Committee for the many opportunities he had to present the work of his Office to the Committee. The Chair and Deputy Chair both expressed their thanks to Mr. Richard for his service, remarking that while his time in the position was relatively short, his efforts have been greatly appreciated.

# Appendix 1: Summary of Activities (May 19, 2016 – February 22, 2017)

## Meeting Schedule

The Committee met on the following dates for the purposes described below.

### Fifth Session, 40th Parliament

May 19, 2016	Report review - <i>Cyberbullying: Empowering children and youth to be safe online and responsible digital citizens</i> (November 2015); <i>The Placement of Children and Youth in Care in Hotels in British Columbia: A Joint Special Report</i> (January 2016)
September 26, 2016	Election of Deputy Chair  Report review - <i>The Placement of Children and Youth in Care in Hotels in British Columbia: A Joint Special Report</i> (January 2016) (Ministry of Children and Family Development presentation on the report)  Adoption of the Committee's <i>Annual Report 2015/16</i>
October 24, 2016	Report review - <i>Implementation of the Plecas Review, Part One: Decision Time</i> (April 2016); <i>Approach With Caution: Why the Story of One Vulnerable B.C. Youth Can't be Told</i> (May 2016); <i>A Tragedy in Waiting: How B.C.'s mental health system failed one First Nations youth</i> (September 2016)  Briefing - the Office of the Representative's potential priorities for review of the <i>Representative for Children and Youth Act</i>
November 15, 2016	Appointment of an Acting Representative for Children and Youth
January 12, 2017	Introduction of the Acting Representative for Children and Youth  Report review - <i>10 Years of Advocacy: Representative's Report Card - 2015/16 Annual Report and 2016/17 to 2017/18 Service Plan of the Office of the Representative for Children and Youth</i> (October 2016); <i>A Review of Youth Substance Use Services in B.C.</i> (May 2016); <i>Too Many Victims: Sexualized Violence in the Lives of Children and Youth in Care</i> (October 2016)  Briefing - Hon. E.N. (Ted) Hughes regarding the review of the <i>Representative for Children and Youth Act</i>

## Sixth Session, 40th Parliament

February 22, 2017      Election of Chair and Deputy Chair

Briefings - Ministry of Children and Family Development regarding key developments in the child welfare system and Ministry performance management; Ministry of Justice and Attorney General regarding the review of the *Representative for Children and Youth Act*

## Reports Reviewed

### ***Cyberbullying: Empowering Children and Youth to Be Safe Online and Responsible Digital Citizens (November 2015)***

At the May 19, 2016 Committee meeting, Information and Privacy Commissioner Elizabeth Denham, and Representative for Children and Youth Mary Ellen Turpel-Lafond, along with senior staff from the Office of the Representative for Children and Youth, presented the joint report by the two statutory officers. The Representative and the Commissioner suggested a “digital citizenship” approach under which ministries collaborate to educate children and youth on privacy and online safety, and made five recommendations in support of that approach.

### ***The Placement of Children and Youth in Care in Hotels in British Columbia (January 2016)***

The Office of the Representative for Children and Youth and the Ministry of Children and Family Development collaborated to produce a joint report which called for three actions: create a practice directive covering hotel placement use; improve coordination and communication to help social workers avoid hotel placements by having current information on existing residential capacity; and undertake regular public reporting on placement of children and youth in hotels.

On May 19, 2016, Representative for Children and Youth Mary Ellen Turpel-Lafond presented her Office’s view on the report, suggesting that the number of youth placed in hotels points to systemic problems, such as insufficient residential care capacity and a need for better information sharing and coordination to ensure existing capacity is used effectively.

On September 26, 2016, senior staff of the Ministry of Children and Family Development provided the Committee with an overview of recent developments in Ministry policy with regard to use of hotels as accommodations for children and youth in care. Ministry officials provided context around why the use of hotels as a temporary placement had historically not been tracked, and explained the measures now in place to ensure hotel use is tracked in support of the Ministry’s goal of not placing children and youth in hotels. They also updated the Committee on plans for a database tool to ensure social workers can find residential placement options.

### ***Implementation of the Plecas Review, Part One: Decision Time (April 2016)***

On October 24, 2016, Representative for Children and Youth Mary Ellen Turpel-Lafond presented her Office’s response to the report commissioned by the government entitled “Plecas Review, Part One: Decision Time” released December 4, 2015. She explained her Office’s involvement in advocating for the mother and children concerned in the “J.P. case,” a central subject of the government’s terms of reference for the report by Mr.

Bob Plecas. The Representative informed the Committee of a variety of concerns with the review process and findings, such as little or no consultation with Indigenous organizations, and the suggestion that improved internal ministry quality assurance functions might supplant the Representative's role in providing external oversight of the ministry. The Representative noted areas of agreement with Mr. Plecas' findings, such as his recommendations around enhanced recruitment and retention strategies for social workers, the benefit of senior ministry management having experience in front-line social work, and a larger budget allocation for the ministry.

### ***Approach With Caution: Why the Story of One Vulnerable B.C. Youth Can't be Told (May 2016)***

Representative for Children and Youth Mary Ellen Turpel-Lafond made a presentation to the Committee on October 24, 2016, explaining that the report is unique in terms of being a very high-level summary of an investigation into the circumstances of a youth who was the subject of 21 reportable critical injury incidents between 2011 and 2016. She said that the youth was concerned about being identified as the subject of the report despite anonymizing details about the youth. The Representative reported that the Public Guardian and Trustee and the Ministry of Children and Family Development raised concerns about identifying the youth and requested that a full report not be released. The Representative said that for accountability reasons, she felt the Office should release a summary report that highlights some relevant systemic issues, such as the youth's time spent living in a contracted residential resource that was later closed after a Ministry investigation into the home.

### ***A Tragedy in Waiting: How B.C.'s mental health system failed one First Nations youth (September 2016)***

At the October 24, 2016 meeting, Representative for Children and Youth Mary Ellen Turpel-Lafond presented another report on an investigation into the suicide of an Indigenous youth. The report's key finding was that a lack of timely access to mental health services contributed to "Chester's" death. Despite living in proximity to an urban area, and well-known and effective therapeutic approaches for treatment of people with symptoms such as Chester was experiencing, access to necessary mental health services was still inadequate. The Representative's report also emphasized that Indigenous children and youth face additional barriers to accessing services in a timely way, noting a nine-month waitlist to access services through Aboriginal child and youth mental health.

### ***10 Years of Advocacy: Representative's Report Card - 2015/16 Annual Report and 2016/17 to 2017/18 Service Plan of the Office of the Representative for Children and Youth (October 2016)***

The tenth anniversary of the enactment of the *Representative for Children and Youth Act* and the last year of service for Mary Ellen Turpel-Lafond following her two terms, the maximum allowed under the Act, took place in 2016. As such, the annual report incorporated a retrospective look at the first decade of the operation of the Office of the Representative for Children and Youth in addition to a service plan for the upcoming fiscal year. The Acting Representative for Children and Youth, Bernard Richard, presented the report to the Committee on January 12, 2017.

In presenting the report, Mr. Richard emphasized that 2015/16 had been the busiest year ever for the Office, establishing a single-year record for the largest number of advocacy cases (2,096) dealt with. The Office

issued 13 public reports, participated in more than 100 community events, including workshops, conferences and information booths. Between April 2015 and March 2016, the Office received reports of 138 deaths and 665 critical injuries of children and youth. Fifty-six full-time equivalent employees operate out of the Office's three locations, with a budget for the 2016/17 fiscal year of \$8.83 million in operating expenses and \$50,000 for capital expenses.

### ***A Review of Youth Substance Use Services in B.C. (May 2016)***

Acting Representative for Children and Youth Bernard Richard presented to the Committee on January 12, 2017 a report reviewing publicly funded substance use services delivered by BC's health authorities and funded by the Ministry of Health. The review concluded that the substance use service system lacks integration and has a number of barriers, ranging from hours of operation, lack of developmentally and culturally appropriate services, and difficulties in moving between services, all of which are especially problematic for Indigenous youth, LGBTQ+ youth and other youths with specific needs (e.g. pregnant and parenting youths). Services were found to be unevenly available, with significant differences across regions, perhaps related to a lack of provincial standards, quality assurance processes and planning. Two of the report's three recommendations relate to establishing more centralized leadership and planning for a youth substance use and child and youth mental health services system, and one recommendation suggests a broad stigma-reduction and education campaign for both professionals and the public.

### ***Too Many Victims: Sexualized Violence in the Lives of Children and Youth in Care (October 2016)***

Acting Representative for Children and Youth Bernard Richard presented the report to the Committee on January 12, 2017. This report is based on an aggregate review of 145 reports of sexualized violence against 121 children and youth in care of the government or Delegated Aboriginal Agencies between 2011 and 2014. The report sought to examine systemic issues that lead to children and youth in care, particularly Aboriginal girls, being vulnerable to sexualized violence, and made three recommendations to improve protections for children in care.

### ***Tribute to the Work of Mary Ellen Turpel-Lafond***

October 24, 2016 was Mary Ellen Turpel-Lafond's last appearance before the Select Standing Committee on Children and Youth before the expiry of her second and final term of office. Committee Members thanked Ms. Turpel-Lafond on behalf of all Members of the Legislative Assembly. Committee Members expressed appreciation for her 10 years of dedicated service, noting that as BC's first ever Representative for Children and Youth, she had a significant impact on establishing the Office's important role in BC's child and youth serving system.

### ***Appointment of an Acting Representative for Children and Youth***

Mary Ellen Turpel-Lafond's second and final term expired on November 27, 2016. The Special Committee to Appoint a Representative for Children and Youth released its report on November 15, 2016, unanimously recommending to the Legislative Assembly the appointment of Mr. Bernard Richard as the new Representative. The Legislative Assembly was not sitting at the time.

Under the *Representative for Children and Youth Act*, the Select Standing Committee on Children and Youth may appoint an Acting Representative when there is a vacancy in the office and the Legislative Assembly is

not sitting. The Committee adopted a motion on November 15, 2016 appointing Mr. Richard as the Acting Representative commencing November 27, 2016. On February 16, 2017, the Legislative Assembly adopted a motion appointing Mr. Richard as Representative for Children and Youth, pursuant to section 2 of the Act.

### **Review of the Representative for Children and Youth Act – First Phase**

The *Representative for Children and Youth Act* requires the Committee to review the Act every five years, and specifically requires the Committee to initiate a review by April 1, 2017. Accordingly, the Committee began the statutory review of the Act during the 40th Parliament.

On October 24, 2016, Representative for Children and Youth Mary Ellen Turpel-Lafond provided a preliminary overview of possible priorities for recommended changes to the Act, and noted that her Office would present an official submission under the leadership of the next Representative.

The Committee invited written, video or audio submissions from organizations and individuals between mid-December 2016 and mid-February 2017. The Committee received 16 written submissions with recommended changes to the Act.

The Honourable E.N. (Ted) Hughes briefed the Committee on January 12, 2017, and on February 22, 2017, the Deputy Attorney General Richard Fyfe made a presentation to the Committee providing an overview of the Ministry of Justice and Attorney General's written submission. Also on February 22, 2017, the Committee heard presentations providing information and updates on Ministry of Children and Family Development activities since 2011, and on performance management in the Ministry.

In recognition of the fact that a new Representative for Children and Youth was appointed in February 2017, and in recognition of the dissolution of Parliament for the purposes of the May 9, 2017 provincial general election, the Committee chose to defer completion of the statutory review until the next Parliament.





