

Select Standing Committee on Children and Youth
ANNUAL REPORT 2018-19



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

MAY 2019
FOURTH SESSION
OF THE 41ST PARLIAMENT



May 30, 2019

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the Annual Report 2018-19 of the Select Standing Committee on Children and Youth.

This report covers the work of this Committee from May 10, 2018 to May 22, 2019.

Respectfully submitted on behalf of the Committee,

Nicholas Simons, MLA
Chair

Table of Contents

Composition of the Committee	i
Terms of Reference	ii
The Work of the Committee	1
Annual Report 2017/18 and Service Plan 2018/19 to 2019/20	3
Reports Reviewed	6
<i>Promoting Access to Breastfeeding in Child Welfare Matters</i> (August 2018) . . .	6
<i>Time to Listen: Youth Voices on Substance Use</i> (November 2018)	9
<i>Alone and Afraid: Lessons Learned from the Ordeal of a Child with Special Needs and his Family</i> (December 2018)	12
Other Activity	15
Appointment of an Acting Representative for Children and Youth	15
Special Project: Children and Youth with Neuro-diverse Special Needs.	15

Composition of the Committee

Members

Nicholas Simons, MLA	Chair	Powell River-Sunshine Coast
Michelle Stilwell, MLA	Deputy Chair	Parksville-Qualicum
Sonia Furstenaus, MLA		Cowichan Valley
Rick Glumac, MLA		Port Moody-Coquitlam
Joan Isaacs, MLA <i>(to February 12, 2019)</i>		Coquitlam-Burke Mountain
Ronna-Rae Leonard, MLA		Courtenay-Comox
Ellis Ross, MLA <i>(from February 21, 2019)</i>		Skeena
Rachna Singh, MLA		Surrey-Green Timbers
Laurie Throness, MLA		Chilliwack-Kent
Teresa Wat, MLA		Richmond North Centre

Committee Staff

Kate Ryan-Lloyd, Acting Clerk of the Legislative Assembly

Jennifer Arril, Committee Clerk

Karan Riarh, Committee Research Analyst

Katey Stickle, Committee Researcher

Terms of Reference

On February 14, 2018, and February 21, 2019, 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.¹

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

- a. 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. 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. Conduct consultations by any means the committee considers appropriate;
- d. Adjourn from place to place as may be convenient; and
- e. 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.

¹This mandate was not included in the Terms of Reference adopted by the Legislative Assembly on February 21, 2019 as the Committee's work with respect to a review of the Act was concluded by the February 28, 2018 deadline.

The Work of the Committee

The Select Standing Committee on Children and Youth (the Committee) is appointed by the Legislative Assembly to foster greater awareness and understanding of BC's child welfare system, including the specific needs of Indigenous children, youth, families and communities.

This mandate includes acting as a public forum for the review of reports by the Representative for Children and Youth. The Representative is an independent officer of the Legislature responsible for providing advocacy services to children, young adults and families; monitoring, reviewing and auditing the effectiveness of designated services; and reviewing, investigating and reporting on the critical injuries and deaths of children.

The Committee is also responsible for reviewing the *Representative for Children and Youth Act* at least once every five years; the most recent review was completed in February 2018. The Committee may also undertake special projects on aspects of the child and youth-serving system; previous special projects examined child poverty and child and youth mental health.

This report covers the activities of the Committee from May 10, 2018 to May 22, 2019. During this period, the Committee reviewed four reports from the Representative, including the Representative's annual report and service plan and a joint report by the Representative and the Ministry of Children and Family Development. The Committee also appointed an Acting Representative following the resignation of former Representative Bernard Richard, and began a special project on children and youth with neuro-diverse special needs.

Meeting documents, transcripts and minutes are available on the Committee's website: www.leg.bc.ca/cmt/cay

Meeting Schedule

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

Third Session, 41st Parliament

May 29, 2018	Deliberations – Review of <i>Annual Report 2017-18</i> Adoption of <i>Annual Report 2017-18</i>
August 28, 2018	Consideration and appointment of an Acting Representative for Children and Youth
October 16, 2018	Introduction and general discussion, meeting the new Representative for Children and Youth, Dr. Jennifer Charlesworth Special project discussion

- October 17, 2018 Report review – *Promoting Access to Breastfeeding in Child Welfare Matters* (August 2018)
- November 22, 2018 Special project discussion
- January 21, 2019 Report review – *Annual Report 2017/18 and Service Plan 2018/19 to 2019/20* (September 2018); *Time to Listen: Youth Voices on Substance Use* (November 2018); *Alone and Afraid: Lessons Learned from the Ordeal of a Child with Special Needs and his Family* (December 2018)
- Initial briefings on children and youth with special needs – Representative for Children and Youth; Ministry of Children and Family Development
- Special project discussion

Fourth Session, 41st Parliament

- February 28, 2019 Organizational meeting
- Special project discussion
- March 26, 2019 Briefings on children and youth with neuro-diverse special needs – Ministry of Children and Family Development; Representative for Children and Youth
- March 27, 2019 Briefings on children and youth with neuro-diverse special needs – Ministry of Health and Provincial Health Services Authority; Ministry of Education; Community Living BC
- March 28, 2019 Briefing on children and youth with neuro-diverse special needs – Office of the Advocate for Service Quality
- May 21, 2019 Public hearing on children and youth with neuro-diverse special needs: Terrace
- May 22, 2019 Public hearing on children and youth with neuro-diverse special needs: Fort St. John and Prince George
- Deliberations – *Review of Annual Report 2018-19*
- Adoption of *Annual Report 2018-19*

Annual Report 2017/18 and Service Plan 2018/19 to 2019/20

The Representative for Children and Youth, Dr. Jennifer Charlesworth, and the Deputy Representative, Operations, Alan Markwart, appeared before the Committee on January 21, 2019 to present the *Annual Report 2017/18 and Service Plan 2018/19 to 2019/20*, released in September 2018.

Representative's Presentation

The Representative highlighted that the annual report and service plan was released at a time of transition and largely reflects work done under the previous Representative, Bernard Richard. While the basic priorities remain the same, her office is working on updating the strategic plan. The Representative also shared that in addition to individual advocacy and investigative reports, her office is looking into systemic advocacy by examining themes from individual cases and reviewing them for trends and patterns that can inform improvements.

A top priority for the office is Indigenous child well-being, including reducing the number of Indigenous children in care and improving services to Indigenous children and families. The Representative reminded the Committee that the leadership structure was recently changed to reflect this priority – namely, the office now has two Deputy Representatives, one for Operations, Alan Markwart, and one for Indigenous Strategies and Partnerships (ISP), Dawn Thomas.

The Representative emphasized the importance of bringing an Indigenous lens to the work of her office and of practicing cultural safety, given the overrepresentation of Indigenous children and youth in the child welfare system. She noted that the work of the ISP team underpins all core areas of her mandate and that the team is focused on two key areas: monitoring, researching and evaluating initiatives to ensure services and supports are accessible, appropriate, culturally attuned and effective for Indigenous children and youth; and leading Indigenous youth engagement efforts, including enhancing existing initiatives and complementing the work of delegated agencies, friendship centres and Indigenous organizations.

During 2017/18, the office received 2,600 advocacy-related calls, opened 1,500 individual cases, employed 15 youth, visited 35 communities and engaged with more than 2,700 youth. The Representative noted that her office released six reports, including an annual report and service plan, and two reports on reviews and investigations of child deaths and critical injuries. The monitoring team also released two reports, one on education outcomes for children in care and one on adoption and permanency options, and the critical injury and death review team released the investigative report, *Missing Pieces: Joshua's Story*. The critical injury and death review team also reviewed 936 critical injuries and deaths, and completed 15 comprehensive case reviews during this period.

Committee Inquiry

The Committee noted that the office restricted staff recruitment to Indigenous applicants only, with a human rights exemption from the BC Human Rights Tribunal, and inquired whether this restriction was still in place given the office had achieved their goal of 20 percent of staff identifying as Indigenous. The Representative informed the Committee that recruitment has shifted to Indigenous applicants preferred, for which a human rights exemption is not required. She indicated that some positions currently filled by Indigenous staff are auxiliary, and as such, the recruitment strategy may need to be re-examined to determine if returning to an Indigenous applicants-only approach is required to ensure Indigenous representation remains at 20 percent. The Representative further emphasized the importance of having staff that reflect the individuals they serve, noting that 60 percent of children and youth in care are Indigenous.

Committee Members had a number of questions with respect to advocacy cases, including calls about children in care and the number of cases on Vancouver Island. The Representative reported that advocacy calls are largely a measure of frustration, concern and confusion about how to navigate the system and access services. She also noted that while the number of calls decreased from the prior year, the complexity of calls has increased. With respect to Vancouver Island, the Deputy Representative, Operations, shared that the high number of cases from this region is reflective of a history of advocacy. The Representative further explained that high numbers of advocacy cases anywhere may be indicative of strong advocacy or information sharing by the Ministry of Children and Family Development about the work of the office. She noted that her office does follow up with local Ministry staff or service providers if a significant number of concerns or complaints emerge from a particular area, pointing to the example of staffing levels as a common area of concern.

Another area of interest for Committee Members was engagement and outreach. They requested more information about youth employed by the office, engagement with youth with special needs and disabilities, the impact of the Ignite Your Spirit events, and engagement with multicultural communities. The Committee learned that the 15 youth employed by the office are primarily focused on communications and social media, as well as providing advice and ensuring the office has a youth lens and a youth voice; the social media youth team is representative of young people with different abilities. Three auxiliary youth engagement coordinators are also hired on a part-time basis to organize the Ignite Your Spirit events. The Representative stated that she will be reporting to the Committee on the impact of the Ignite Your Spirit events, and that based on a preliminary review of feedback, the office is considering reallocating resources to support cultural camps and established engagement opportunities hosted by other organizations. With respect to engaging multicultural communities, the Representative and the Deputy Representative, Operations, acknowledged this as an area that the office could improve upon.

The Committee requested clarification about how critical injuries are classified as the categories may not be mutually exclusive (for example, a suicide attempt by drug overdose). The Representative clarified that the most significant pressing concern gets coded based on information

available in case files and review statements; if a youth describes an overdose as a suicide attempt, it would be coded as a suicide attempt.

In response to a question about a review of the legislative mandate, the Deputy Representative, Operations, informed Committee Members that the Representative's mandate with respect to young adults with special needs is currently restricted to Community Living BC services; however, some cases have issues involving service areas outside the scope of the Representative's mandate, including social assistance, housing, mental health and education. As such, they support expanding the Representative's mandate beyond Community Living BC services to include a broader range of programs and services.

The Committee also asked about gaps in services in rural and remote communities. The Representative described challenges with access to services and timely assessments and interventions, and the disproportionate impact on Indigenous children and youth.

Committee Members further inquired whether file closures would be an appropriate performance indicator. The Deputy Representative, Operations, explained that given the nature and complexity of cases, the time required for each case can vary and as such, a performance target based on file closure would not be recommended.

Reports Reviewed

Promoting Access to Breastfeeding in Child Welfare Matters (August 2018)

Released on August 29, 2018, *Promoting Access to Breastfeeding in Child Welfare Matters* is a joint special report by the Ministry of Children and Family Development and the Representative for Children and Youth. This collaborative initiative examined policies and practices to strengthen families' capacity to care for infants, support access to breastfeeding or breastmilk, and potentially prevent the unnecessary removal of infants. Findings in the report are based on data from the Ministry of Children and Family Development on infants who entered care within 12 months of birth, and analysis of 110 Representative for Children and Youth advocacy files from 2013 to 2018 involving breastfeeding mothers. The report also examined model support programs at Families in Recovery Square Care Unit (FIR Square) at BC Women's Hospital and Health Centre and the Sheway program in Vancouver, as well as jurisdictional and literature reviews.

Dr. Jennifer Charlesworth, Representative for Children and Youth, and Alex Scheiber, Deputy Director of Child Welfare with the Ministry of Children and Family Development, presented the report to the Committee on Wednesday, October 17, 2018. Accompanying staff from the Office of the Representative for Children and Youth included: Alan Markwart, then Acting Deputy Representative for Children and Youth; Blair Mitchell, Executive Director of Advocacy; Carly Hyman, Chief Investigator; and Karen Nelson, Senior Investigative Analyst. Claudine Fletcher, Practice Analyst from the Ministry of Children and Family Development was also present.

Representative and Ministry Joint Presentation

The Representative began the presentation by explaining why the report was initiated, referring to a high-profile case in which the BC Supreme Court ordered the Ministry of Children and Family Development to increase an Indigenous mother's access to her infant for breastfeeding and bonding. After discussions with the Ministry of Children and Family Development, it was decided that a joint report was the best way to deal with systemic concerns about access to breastmilk and bonding opportunities in child welfare cases.

The report found that since 2013, an average of 475 infants (under 12 months of age) are brought into care every year, most of whom are Indigenous. In 2017/18, this included 188 infants less than seven days old. The most commonly cited reason for removal is neglect.

In examining the Office of the Representative for Children and Youth advocacy files, the Representative noted several key challenges in cases involving breastfeeding mothers, including differing medical opinions about the safety of breastmilk in situations involving substance abuse and safety concerns regarding domestic violence. She also referenced challenges with consistently

weighing cultural considerations for Indigenous families, inconsistent pre-birth planning, and the ability to facilitate or supervise breastfeeding in cases where a child had been brought into care.

The Representative also acknowledged that some members of the Indigenous community did not feel adequately engaged in the development of this report. She noted that while BC's Delegated Aboriginal Agencies were approached for input, this was viewed as insufficient when examining an issue that disproportionately affects Indigenous families. Recognizing this, the Ministry and the Office of the Representative for Children and Youth have taken concrete actions to better consult and include Indigenous views going forward.

The Deputy Director informed the Committee that the cross-jurisdictional scan did not reveal any specific guidelines or policies around promoting breastfeeding; however, the report did find examples of programs and approaches that work – particularly in terms of prevention and residential support. He highlighted two programs in BC, FIR Square and Sheway, as promising practices which provide support services early and place the child and mother together. The report also found that more strategies with an intensive and long-term approach are required to enhance access to breastmilk and alleviate barriers. For example, many supervision programs only allow a parent access to their child for two to three hours a day which does not facilitate breastfeeding.

The Deputy Director also provided an overview of the Ministry's action plan, as outlined in the report, which includes: updating the Ministry of Children and Family Development's practice directive with respect to helping mothers and their infants remain together; developing guidelines for social workers to promote breastfeeding in circumstances where infants have been removed; and researching and implementing models of supportive housing for mothers and infants at risk. The Ministry is also working with the Ministry of Health, Ministry of Mental Health and Addictions, and Indigenous partners to increase access to evidence-based programs that provide prenatal and postpartum care for women who use substances, and working with the Office of the Representative for Children and Youth to improve access to advocacy services.

Committee Inquiry

Committee Members observed that children's attachment to their families and cultural identity are already guiding principles in the *Child, Family and Community Service Act* and inquired why this issue is now being explored. The Deputy Director acknowledged that these are well-established principles; however, he noted a number of barriers to serving at-risk newborns and their mothers, such as lack of housing and inadequate numbers of supervisors.

The Committee remarked on some conflicting information in the report about whether breastfeeding enhances the maternal-infant bond. The Senior Investigative Analyst explained that differing perspectives on breastfeeding and bonding were found in the literature; while breastfeeding is best in some circumstances, it is not always best nor is it the only means of promoting attachment and bonding. She agreed that these perspectives could be clarified in the conclusion of the report.

Members expressed concern that the Ministry's action plan is focused on reviewing policies and guidelines rather than on funding and implementation. The Deputy Director acknowledged these concerns and reiterated the Ministry's work and commitment to making progress on this issue and reducing the number of infants and children in care, and the importance of having concrete strategies in place.

The Committee inquired about the number of infants removed from parental care in other jurisdictions and about the definition of "neglect" as a reason for removing infants. The Deputy Director indicated that a significant number of children are in care across Canada and that the issues, particularly with respect to Indigenous children, are similar. Regarding neglect, the Deputy Director referenced the definition in the *Child, Family and Community Service Act* which denotes that a child has been or is likely to be physically harmed. There are also subcategories of neglect which refer to a parent's ability or unwillingness to care for a child.

Time to Listen: Youth Voices on Substance Use (November 2018)

Released on November 15, 2018, *Time to Listen: Youth Voices on Substance Use*, is the Representative for Children and Youth's examination of youth substance use issues. The report applies a youth lens to the issue, reflecting on the experiences of youth and their suggestions for changes to improve their safety and well-being. Findings in the report are based on youth focus groups and surveys, the views of front-line professionals, and an aggregate review of the 154 substance-related critical injuries and deaths in 2017 reported by the Ministry of Children and Family Development.

The Representative for Children and Youth, Dr. Jennifer Charlesworth, presented the report to the Committee on January 21, 2019. From the Office of the Representative for Children and Youth, she was accompanied by Deputy Representative, Operations, Alan Markwart; Chief Investigator, Carly Hyman; and Investigations Analyst, Monique Auger.

Representative's Presentation

The Representative shared that in 2017 alone, 24 youths lost their lives due to overdose in BC, double the number from 2016. She also highlighted figures provided by the BC Coroners Service which found that there were 1,380 suspected illicit drug overdose deaths in the first 11 months of 2018, 16 of which involved youth under the age of 19. She noted that the lack of accessible services available to youth who use substances has been a significant concern for her office for many years and has been the subject of several reports.

This report found that the first reason youth gave for using substances was to numb the emotional pain caused by past events or trauma, noting that in a review of substance-related injury and death files, 86 percent of youth had experienced at least one known measure related to trauma in their lifetime. The Representative also highlighted the need for culturally-relevant and safe substance use services for Indigenous youth and for foster parents to have the skills to effectively communicate and care for youth who use substances. She further discussed the importance of schools working with students who are struggling with substance use rather than expelling or suspending them, and the role that positive connections can play in improving health and wellness outcomes for youth using substances. According to the Representative, these findings point to the need for harm reduction to be a key component of wraparound services.

The Representative provided an overview of the five recommendations in the report including that the Ministry of Mental Health and Addictions ensure a commitment to youth engagement in its mental health and addictions strategy, and in partnership with the Ministry of Health, lead the creation of an accessible and youth-friendly single source of information about all provincially available youth mental health and substance use services. She also recommended that the Ministry of Mental Health and Addictions lead the development and implementation of a comprehensive system of substance use services, with specific attention to culturally relevant services and supports for Indigenous youth and their families, as well as the development and implementation of a full spectrum of youth-specific harm reduction services. Finally, the Representative recommended

that the Ministry of Children and Family Development, in partnership with the Ministry of Health, develop a comprehensive training program for foster caregivers to help build skills for open dialogue with youth about substance use. The Representative reported that the respective ministries have accepted the intent of all the recommendations and pledged to act on them.

Committee Inquiry

Committee Members asked about the emphasis on harm reduction as opposed to detox or long-term treatment. The Representative stated that a comprehensive system is needed and spoke about the third recommendation in the report which calls for a comprehensive system of substance use services including education right through to intensive treatment and support. She also emphasized that harm reduction does not encourage addiction or long-term substance use.

The Committee inquired about the schools and agencies that were contacted in researching the report and whether peer support emerged as an important element. The Representative highlighted the example of Directions Youth Services, a youth hub in Vancouver that was one of the organizations approached for the report. Directions Youth Services brings together young people who are experiencing trauma and other challenges, and creates a sense of belonging and connection. The Representative also described the challenge that schools face in balancing the safety of all youth with the well-being of specific individuals. She added that examining the role of the education system, including alternate education options, will be important for her office going forward.

Members asked about the liability of foster parents if a youth in their care suffers an injury resulting from substance use and about safeguarding other children in the home. The Representative acknowledged the importance of creating an environment in which all children in a foster home are safe and suggested that the selection of foster caregivers and the supports they are provided may need to be examined. She also stated that there is liability insurance and explained that foster caregivers are responsible for ensuring they can provide care.

Committee Members had several questions about the recruitment, screening and training of foster caregivers. The Representative indicated that a very thorough screening process is in place, and that in situations where caregivers are found to be using illicit substances, the Ministry of Children and Family Development reviews the situation and closes homes. With respect to the training recommended in the report, the Representative explained that it is meant to help foster parents understand substance use, including its origins and the impact that it has on physical, emotional and mental well-being. She added that the training is not intended to be a barrier to foster caregiver recruitment and the Chief Investigator added that it is optional training provided by the Ministry.

The Committee asked why there were no references in the report to queer children and youth or to the LGBTQI2 community. The Representative acknowledged that issues of identity and sense of belonging are crucial and added that her office is now monitoring critical injuries pertaining to transgender, non-conforming gender, and non-binary youth in a more systemic way. The

Investigations Analyst added that this issue is a limitation of the report and an area for further exploration.

In response to a question about the best way for society to institutionalize the development or the nurturance of resilience in children and youth so they do not turn to substance abuse, the Representative acknowledged this as a critical question and one that her office has been discussing. She concluded that a lot of young people have overcome extraordinary adverse circumstances which can inform coping strategies.

Alone and Afraid: Lessons Learned from the Ordeal of a Child with Special Needs and his Family (December 2018)

The Representative for Children and Youth's December 10, 2018 investigative report, *Alone and Afraid: Lessons Learned from the Ordeal of a Child with Special Needs and his Family*, examines the case of Charlie (a pseudonym), a young boy with complex special needs, and his family who did not receive the support and services they needed.

Dr. Jennifer Charlesworth, Representative for Children and Youth, presented the report to the Committee on January 21, 2019. She was accompanied by Alan Markwart, Deputy Representative, Operations; Carly Hyman, Chief Investigator; Jessica Randhawa, Investigator; and Jenn Morgan, Senior Investigations Analyst.

Representative's Presentation

The Representative began her presentation with an overview of Charlie's case, noting that despite eight formal reports to the Ministry of Children and Family Development about Charlie, he was never actually seen by a social worker. She also described his multiple hospital stays, the delay in his autism diagnosis and his absences from school. The Representative indicated that his mother did not receive respite services from the Ministry and that his Indigenous heritage was never identified by the Ministry. She stated that Charlie's story is reflective of challenges many families experience in trying to access supports and services, and demonstrates a need for changes to the system.

To that end, the Representative made 11 recommendations for the Ministries of Children and Family Development, Health and Education. She highlighted that the report reflects a new approach to the development of recommendations as they were created following extensive consultation with the ministries, as well as other professionals and stakeholders. The Representative emphasized that the most significant recommendation is for the Ministry of Children and Family Development to undertake a comprehensive assessment of the needs of children and youth with special needs in BC and of the capacity of the child and youth with special needs division of the Ministry to meet those needs.

Other recommendations include: taking immediate steps to improve conditions for families like Charlie's; developing an integrated services delivery model that enables information-sharing and offers a case coordinator option; creating a plan to ensure early identification, timely assessment, and appropriate and accessible supports for children under six with signs of developmental delay; and developing a protocol to address unexplained school absences. The Representative further recommended that all child protection social workers receive mandatory training in working with children with special needs and that they be supported to follow existing policy with respect to seeing children during protection assessments. She also emphasized the importance of ensuring identifying a child or youth as Indigenous at the first point of contact with the Ministry of Children and Family Development so that a connection with their community and culture can be supported on an ongoing basis.

Committee Inquiry

The Committee remarked that there have been similar reports and investigations by the Representative over the last few years and inquired about progress in this area. The Representative acknowledged the long-term nature of these challenges and stated that children and youth with special needs is an area that requires more focused attention. The Chief Investigator added that significant improvements have been made in training for children and youth with special needs social workers, which the Ministry of Children and Family Development aims to provide to child protection staff as well. In addition, since the 2011 *Isolated and Invisible: When Children with Special Needs are Seen but Not Seen* report, guidelines for child protection social workers and children and youth with special needs social workers to communicate when they are involved with the same family were developed; however, these guidelines were not followed in Charlie's case.

Members noted that caregivers often seem reluctant to let the Ministry know the extent of a problem and asked how this culture of fear can be addressed. The Representative stated that this is an ongoing concern and reiterated the Ministry's efforts to demonstrate its orientation to a more fulsome family-support approach, including engaging community-based organizations to assist in providing necessary support.

Committee Members also asked about respite options and procedures. The Representative explained that many respite options are available, ranging from a couple of hours per day to respite homes that can be visited one weekend per month depending on the needs of the family and the child. She added that in the case of a child with autism, consistency is extremely important in terms of routines and the familiarity of caregivers. She also indicated that it can be very difficult for parents to navigate the system of services and supports available and to be able to afford a respite caregiver. The Investigator noted that Charlie's mother did ask for in-home respite to allow for Charlie to stay in a familiar environment, but she did not receive this service.

The Committee raised questions about policies for home visits and whether Ministry staff are required to see the child they are visiting. The Investigator spoke about her previous experience as a child protection worker and noted that policy states that the worker must see the child. According to the Investigator, if a child cannot be seen, supervisor approval must be documented, something which did not occur in Charlie's case. Members also inquired about policies for closing a file. The Investigator explained that guidelines are clear on what needs to happen to close a file, including seeing the child, interviewing both parents and seeing the home. According to the Investigator, these guidelines were not followed in Charlie's case. She reiterated the report's recommendation for the Ministry to support child protection social workers to follow current policy and ensure children are seen during child protection investigations.

In response to questions about assessment in Charlie's case, the Representative explained that Charlie visited a medical clinic in January 2008 and the doctor, noting significant delays in Charlie's speech, made a referral for a developmental assessment; however, his actual autism diagnosis was not until the summer of 2009. Members also asked if there was a specific point when Charlie should have been put in protection. The Representative acknowledged that there were many times

when a more thorough intervention may have stabilized Charlie's family and enabled them to continue to provide care rather than having to put him into foster care. The Investigator added that there are different levels of intervention in these cases and a child does not automatically come into foster care if they are found to be in need of protection. In Charlie's case, the Investigator noted that other family members may have been able to support Charlie's mother, but they were not approached.

The Committee asked about strategies for preventing a case like Charlie's from happening again and about opportunities for the Representative to raise awareness by presenting on this topic to teachers on professional days or to District Parent Advisory Councils (DPACs). The Representative shared that the Minister for Children and Family Development, in her response to the report, committed to working earnestly to ensure policies and guidelines with respect to assessments would be upheld. She added that the Office of the Representative for Children and Youth will be monitoring the Ministry in this respect. Regarding presenting on this issue to schools and DPACs the Representative explained that she has a policy of accepting any invitation to speak on this topic as these opportunities are critically important.

Other Activity

Appointment of an Acting Representative for Children and Youth

On August 28, 2018, the Select Standing Committee on Children and Youth adopted a motion appointing Dr. Jennifer Charlesworth as the Acting Representative for Children and Youth commencing August 31, 2018. The former Representative, Bernard Richard, had announced his resignation, effective August 31, 2018, earlier in the year.

The Committee's appointment followed the unanimous recommendation of the Special Committee to Appoint a Representative for Children and Youth that Dr. Charlesworth be appointed as BC's next Representative in a report released on July 16, 2018, and ensured continuity for the Office of the Representative for Children and Youth. Section 5(2) of the *Representative for Children and Youth Act* provides that the Committee may appoint an Acting Representative when the office is vacant and the Legislative Assembly is not sitting.

On October 1, 2018, the Legislative Assembly appointed Dr. Charlesworth as Representative for Children and Youth, pursuant to section 2 of the Act.

Special Project: Children and Youth with Neuro-diverse Special Needs

On November 22, 2018, the Committee agreed to undertake a special project on children and youth with special needs. Following initial briefings from the Representative for Children and Youth and the Ministry of Children and Family Development in January 2019, Committee Members refined the scope of the project to children with neuro-diverse (e.g.: ASD, FASD and developmental delay) special needs with a focus on eligibility and assessment processes.

The Committee received additional briefings in March 2019 from the Representative and the Ministry of Children and Family Development, as well as the Ministry of Health and the Provincial Health Services Authority, the Ministry of Education, Community Living BC and the Advocate for Service Quality. On April 15, 2019, the Committee launched a public consultation inviting parents, caregivers, service providers, advocates and others with an interest in or experience with children and youth with neuro-diverse special needs to share their input, experiences and recommendations.

The consultation closes June 7, 2019. The Committee will review and consider all input, and is expected to release a report with recommendations in the early fall.

