



Select Standing Committee on Children and Youth

ANNUAL REPORT

2020-21

July 2021



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

Second Session, 42nd Parliament



July 21, 2021

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the Annual Report 2020-21 of the Select Standing Committee on Children and Youth.

This report covers the work of this Committee from December 9, 2020 to March 31, 2021.

Respectfully submitted on behalf of the Committee,

Jinny Sims, MLA
Chair

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COMPOSITION OF THE COMMITTEE

Members

Jinny Sims, MLA, Chair
Surrey-Panorama

Coralee Oakes, MLA, Deputy Chair
Cariboo North

Susie Chant, MLA
North Vancouver-Seymour

Fin Donnelly, MLA
Coquitlam-Burke Mountain

Karin Kirkpatrick, MLA
West Vancouver-Capilano

Mike Morris, MLA
Prince George-Mackenzie

Kelli Paddon, MLA
Chilliwack-Kent

Jennifer Rice, MLA
North Coast

Henry Yao, MLA
Richmond South Centre

Committee Staff

Susan Sourial, Committee Clerk

Katey Stickle, Committee Research Analyst

Natalie Beaton, Committee Researcher

Mary Newell, Administrative Coordinator

Stephanie Raymond, Committees Assistant



TERMS OF REFERENCE

On December 9, 2020, 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. Undertake, pursuant to section 30(1) of the *Representative for Children and Youth Act*, (S.B.C. 2006, c. 29), a comprehensive review of the Act or portions of the Act before April 1, 2022 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.

That, 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 its number one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee and to delegate to the subcommittees 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.

That the Committee 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.



FOREWORD BY THE COMMITTEE

Following the announcement by the Tk'emlúps te Secwépemc Nation that it had located the remains of 215 children in unmarked burial sites at the former Kamloops Indian Residential School, our thoughts are with the Tk'emlúps te Secwépemc Nation and the families and loved ones of all the children who attended this institution. We recognize that the residential school system and colonialism have had, and continue to have, a profound impact on Indigenous children, youth, families and communities in BC and across the country. Today, we know that Indigenous children and youth are overrepresented in the child welfare system, separated from their families, communities, and culture.

As we reflect on our work as a Committee and on our meetings with the Representative for Children and Youth, we know that our systems of support must improve for Indigenous children and youth in care. The reports we reviewed this year highlighted the importance of preserving connections to culture, family and community; the great need for culturally safe services and supports for Indigenous children, youth and families; and the need for meaningful sharing of research, data and information with Indigenous communities. We are committed to continuing to work with the Representative to shine a light on the challenges and needs of Indigenous children, youth, families and communities in this province.

In looking back over the past year, Committee Members also acknowledge the significant impact the COVID-19 pandemic has had on children, youth, families and caregivers as facility closures and physical distancing measures limited access to important services and supports. While necessary to control transmission of the COVID-19 virus, these measures were especially difficult for families of children and youth with support needs, many of whom were struggling to find appropriate supports before the pandemic. As we emerge from the pandemic, we as a Committee will continue to monitor and bring awareness to the new and ongoing challenges facing British Columbia's children, youth and families.

June 29, 2021



THE WORK OF THE COMMITTEE

Established in 2006, 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.

The Committee acts as a public forum for discussion of reports by the Representative for Children and Youth (the “Representative”). Its Terms of Reference include several statutory responsibilities pursuant to the *Representative for Children and Youth Act*, including conducting a review of the Act at least once every five years. Additionally, the Committee is empowered to undertake special projects on aspects of the child and youth-serving system; previous special projects examined child poverty, child and youth mental health, and children and youth with neuro-diverse special needs.

The Representative is an independent officer of the Legislature with a three-part mandate as per section 6 of the *Representative for Children and Youth Act*. Their responsibilities include 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 and youth. As an independent officer, the Representative annually submits an estimate of budgetary

resources to the Select Standing Committee on Finance and Government Services.

This report covers the activities of the Committee from December 9, 2020 to March 31, 2021. A summary of the Committee’s work in the Fifth Session of the 41st Parliament from April 29, 2020 to September 17, 2020 is provided in the Appendix.

At its first meeting on December 17, 2020, the Committee elected Jinny Sims, MLA as Chair and Coralee Oakes, MLA as Deputy Chair. On January 13, 2021, the Committee met for an informal orientation session and briefing to support Members elected in the October 24, 2020 provincial general election as well as returning Members who were new to the Committee. The Clerk to the Committee provided background information on the Committee and its status as a permanent committee of the Legislative Assembly and reviewed the Terms of Reference. Following the Clerk’s presentation, the Representative, Dr. Jennifer Charlesworth, provided the Committee with an overview of the role and responsibilities of her office.

During this reporting period, the Committee reviewed five reports, including the Representative’s annual report and service plan. All Committee meetings were conducted virtually using the Zoom platform due to the COVID-19 pandemic.

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:

December 17, 2020

Election of Chair and Deputy Chair

January 13, 2021

Informal orientation and briefing

February 4, 2021

Review of the Representative's reports:

- *Annual Report 2019/20 and Service Plan 2020/21 to 2022/23* (September 2020)
- *Illuminating Service Experience: A Descriptive Analysis of Injury and Death Reports for First Nations Children and Youth in B.C., 2015 to 2017* (December 2020)
- *Detained: Rights of children and youth under the Mental Health Act* (January 2021)

February 5, 2021

Review of the Representative's reports:

- *Left Out: Children and youth with special needs in the pandemic* (December 2020)
- *A Parent's Duty: Government's Obligation to Youth Transitioning into Adulthood* (December 2020)



REVIEW OF THE REPRESENTATIVE FOR CHILDREN AND YOUTH'S ANNUAL REPORT AND SERVICE PLAN

The Representative, Dr. Jennifer Charlesworth; Acting Deputy Representative, Operations, Alan Markwart; Executive Director, Advocacy, Blair Mitchell; Deputy Representative, Advocacy and First Nations, Métis and Inuit Relations, Samantha Cocker; and Executive Director, Reviews and Investigations, Carly Hyman appeared before the Committee on February 4, 2021 to present the *Annual Report 2019/20 and Service Plan 2020/21 to 2022/23*, released in September 2020.

Representative's Presentation

The Representative began her presentation by acknowledging the role of the late Honourable Ted Hughes in creating the Office of the Representative for Children and Youth. She also provided an overview of the responsibilities of the office which are outlined in the *Representative for Children and Youth Act* and regulation. This includes assisting children, youth, young adults and their families who need help in dealing with service systems, advocating for improvements to those systems, and providing oversight of the Ministry of Children and Family Development and other public bodies. To carry out this mandate, the office employs 75 FTEs, with advocates throughout the province, and had a budget of \$9.75 million for the 2019-20 fiscal year.

The Representative also provided an overview of activities related to each of the key areas of the office's mandate. Regarding critical injuries and deaths of children and youth

in government care or those who have received reviewable services, the Representative reported a 16 percent increase in reportable circumstances during the 2019-20 fiscal year, for a total of 3,185 reports during that period. The Representative noted that 42 percent of these reports were determined to fall within their mandate and the most reported categories of critical injuries included emotional harm, suicide attempts and suicidal ideation, sexualized violence, physical harm, substance-related harm, and physical assault. She explained that an increase in these reports over the last few years is mainly due to improved compliance with reporting expectations by the Ministry of Children and Family Development as well as the combined impact of the toxic drug supply and the COVID-19 pandemic.

With respect to advocacy, the office opened 1,583 cases in the 2019-20 fiscal year. Of those cases, 26 percent were complaints regarding quality of care or services received by children, youth and young adults and their families; 22 percent were related to ineffective, inadequate or absent planning; and 19 percent involved families looking for information regarding services. The Representative highlighted that the complexity of advocacy cases has increased over the last few years as many children, youth and families deal with acute and multiple issues as well as multiple service providers. This increased complexity has led to an increase in the average length of time (more than seven months) that the office is

involved in such cases. The Representative also noted that there has been a reduction in the total number of advocacy cases, which is similar to the experience of other organizations and is likely due to the COVID-19 pandemic.

The Representative also discussed the role of the monitoring team in relation to systemic themes and patterns regarding government programs and services. In 2019-20, the monitoring team implemented a new recommendation tracking process for public bodies following the release of a report. The Representative shared that this team is nearing the final stages of a research project that examines the areas of cultural planning for First Nations, Métis, Inuit and urban Indigenous children and youth; transitional planning for youth aging into adulthood; and permanency planning across all age categories.

Noting the overrepresentation of Indigenous children in the child protection system, the Representative additionally discussed the work of the First Nations, Métis and Inuit relations team which is dedicated to improving services for Indigenous children and youth and young adults. She emphasized the importance of the work of this team in light of federal legislation, *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*, which enables Indigenous communities to resume jurisdiction over child welfare services, and in light of progress in implementing recommendations from a number of significant reports such as *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*; the *Truth and Reconciliation Commission of Canada: Calls to Action*; and Grand Chief Ed John's 2016 report, *Indigenous Resilience, Connectedness and Reunification - From Root Causes to Root Solutions*. Furthermore, the Representative described the office's collaborative approach in building working relationships with First Nations and Métis governments, communities, and organizations.

Finally, the Representative commented on the closure of the Burnaby office. She explained that there were existing concerns about the accessibility of this space and that when staff shifted to remote work due to the COVID-19 pandemic they saw an opportunity to close this office. Instead, staff will

hold clinics and visit Foundry centres and other youth hubs when it is safe to do so.


Committee Inquiry

Committee Members inquired about accountability for public bodies providing services to children and youth and whether that might be incorporated into the *Representative for Children and Youth Act*. The Acting Deputy Representative, Operations stated that it may be possible to build further accountability mechanisms into the Act.

Members also sought further information about working with health authorities in relation to child and youth mental health. The Executive Director, Reviews and Investigations explained that the Act requires health authorities to report critical injuries and deaths of children and youth who receive reviewable services, which include mental health and substance use services provided by public bodies. To date, the office has not received those reports; however, they did initiate a working group in June 2018, which includes each of the health authorities, to work on this matter. The office anticipates receiving those reports in this fiscal year.

The Committee also asked about the transition to adulthood and the role of Community Living BC (CLBC) and Services to Adults with Developmental Disabilities (STADD). The Representative explained that her mandate includes advocacy for young adults receiving CLBC services for youth up to the age of 24, but not reviews and investigations of CLBC. She noted that the office's advocates work with STADD navigators to assist children under the age of 19 if they are receiving Child and Youth with Special Needs (CYSN) services.

In response to a question about recommendations related to the toxic drug supply, the Representative referenced the office's 2018 report, *Time to Listen: Youth Voices on Substance Use*, which pointed to the need for a robust array of services including harm reduction. She also noted that the office is trying to understand the impact of the pandemic on overdose events and commented on the complexity of cases involving substance use, mental health issues, placement instability, history of being in care, and sexual violence.



REVIEW OF THE REPRESENTATIVE FOR CHILDREN AND YOUTH'S REPORTS

illuminating Service Experience: A Descriptive Analysis of Injury and Death Reports for First Nations Children and Youth in B.C., 2015 to 2017 (December 2020)

Released on December 8, 2020, *illuminating Service Experience: A Descriptive Analysis of Injury and Death Reports for First Nations Children and Youth in B.C., 2015 to 2017* examines critical injuries and deaths of First Nations children and youth. This is the second report produced by the Representative's office that intentionally aims to work collaboratively with, and in service of, First Nations, Métis, Inuit and urban Indigenous communities.

The Committee reviewed the report on February 4, 2021. In attendance were: Dr. Jennifer Charlesworth, the Representative for Children and Youth; Alan Markwart, Acting Deputy Representative, Operations; Samantha Cocker, Deputy Representative, Advocacy and First Nations, Métis and Inuit Relations; Carly Hyman, Executive Director, Reviews and Investigations; Jennifer Morgan, Investigation Analyst; and Karen Nelson, Acting Manager, Reviews and Investigation.

Representative's Presentation

To begin her presentation, the Representative highlighted the reporting practices used in *illuminating Service Experience* and its sister report *Invisible Children: A Descriptive Analysis of Injury and Death Reports for Métis Children and Youth in*

B.C., 2015 to 2017 (July 2020). The Representative described how research relationships have taken a colonizing approach, and the research produced has not always been helpful for the communities involved. In light of this, she acknowledged that possessing the data in this report comes with significant responsibilities, including the responsibility to share with the communities from which it is drawn in ways that are most useful to them and to help those communities' efforts to improve services for their children and youth. To do this, the office worked in collaboration with Indigenous communities to produce a report that reflects what those communities requested. Further, the Representative wanted to ensure the children and youth in this report were not defined solely by what has happened to them.

For this report, the office first conducted preliminary analyses, including an overview of injury types and basic demographics, and shared these with First Nations leadership and child-serving organizations, including the First Nations Leadership Council representing the First Nations Summit, the Union of British Columbia Indian Chiefs and the BC Assembly of First Nations; the Delegated Aboriginal Agencies Directors Forum, and several Delegated Aboriginal Agencies and

service providers. In addition, a presentation was made at the All Chiefs meeting in 2019. The office analyzed electronic records for a sample of 200 children and youth in care with injuries along with their care plans. This report's areas of interest include mental health services, cultural interventions or traditional approaches to wellness in response to injuries and deaths, concerns about urban Indigenous youth and their needs, transition planning and a lack of supports for youth transitioning out of care, and concerns about the complex needs of some young people and the lack of services for them. The Representative noted that the report does not include any recommendations as the office focused on providing data that could be of service to the communities affected.

The Representative stated that 54 percent of children and youth in care are First Nations and nine percent are Métis. As Census 2016 data notes that only six percent of BC's population is Indigenous, this highlights the over-involvement of the child welfare system in the lives of Indigenous peoples. The Representative also noted that 53 percent of the injuries reported to the office involve Indigenous children. She explained that the most commonly reported injury for both First Nations and non-Indigenous children and youth was sexualized violence, with the highest proportion of the sexualized violence injuries being reported for youth ages 13 to 18. Additionally, it was found that physical assault injuries were reported significantly more than the office expected for First Nations youth and less than expected for non-Indigenous youth. Substance-related injuries accounted for 14 percent of injuries reported for First Nations children and youth and 16 percent of injuries reported for non-Indigenous children and youth. The Representative also noted that caregiver mistreatment injuries were reported significantly more than expected for First Nations children and less than expected for non-Indigenous children. The report showed that many of the children and youth who were experiencing injuries had one or more confirmed mental health concerns; however, only four percent of these children and youth were accessing Aboriginal Child and Youth Mental Health services and only five percent had access to traditional healing or Indigenous mental health practices.

In their examination of care plans, the office found that some First Nations children and youth with injuries may not be accessing the services they need. This analysis also showed that in almost half the cases, there was no evidence that the child or youth's nation was involved in or informed of their care planning. The Representative expressed concern about the lack of engagement in the mental health services that have a cultural component as culture is a protective factor. She recognized that recent changes to the *Child, Family and Community Service Act* and the new federal legislation, *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*, have emphasized the importance of cultural continuity and maintaining ties to families and communities. The Representative said that the office will use the report to understand how these legislative changes will impact the involvement of First Nations in the lives of their children and youth.

Committee Inquiry

In response to questions about opportunities to connect Indigenous elders to youth in care, the Representative stated that this is an important Indigenous practice which is being lost due to the impact of colonization. This practice could be promoted through the resumption of jurisdiction over child welfare under the federal legislation, *An Act Respecting First Nations, Inuit and Métis children, youth and families*. She explained that the office is looking into this issue and the idea of keeping families safely together to foster intergenerational connectedness.

Committee Members inquired about the often culturally insensitive diagnostic criteria of Fetal Alcohol Syndrome Disorder (FASD). The Representative stated that the office will be releasing a report in the coming months that explores differential diagnosis of FASD. She explained that they found far fewer Indigenous children are diagnosed with Autism Spectrum Disorder (ASD) than would be expected, given the population. She explained that implicit assumptions are made as Indigenous children are more often diagnosed with FASD than ASD when they are displaying very similar behavioral challenges.

The Representative provided the Committee with more information on how the office is promoting a whole of government approach to address the overrepresentation of First Nations children and youth in the child welfare system. She stated that the complexity of the issues requires such an approach, along with a whole-community approach which includes working with community-based agencies and community leadership. As such, the recommendations are aimed at multiple ministries.

The Committee requested further insight into whether geography impacts the prevalence of sexualized violence. The Representative and the Investigation Analyst explained that sexualized violence was common across small population centres and large population centres. They stated that there are other systemic factors, such as a sense of belonging or identity, intersection with gangs, length of time in care, instability of placement while in care, and the ability for a child or youth to stay connected with their culture, which have a greater impact on the prevalence of sexualized violence than geography or population size.

Detained: Rights of children and youth under the Mental Health Act (January 2021)

The Representative appeared before the Committee on February 4 and 5, 2021 to present *Detained: Rights of children and youth under the Mental Health Act*, released on January 19, 2021. The report focuses on the involuntary detention of children and youth under the *Mental Health Act*. Also in attendance were: Alan Markwart, Acting Deputy Representative, Operations; Samantha Cocker, Deputy Representative, Advocacy and First Nations, Métis and Inuit Relations; Carly Hyman, Executive Director, Review and Investigations; Jennifer Morgan, Investigation Analyst; Karen Nelson, Acting Manager, Reviews and Investigations; Dorothy Easton, Investigations Analyst; and Jordan Watters, Manager, Reviews and Investigations.

Representative's Presentation

In her opening remarks, the Representative explained that under the *Mental Health Act*, a young person can be admitted and detained against their will, have treatment imposed on them, and be subject to discipline, restraint or periods of isolation. She explained that young people who are detained under the Act are not always aware of their rights, including their right to a second medical opinion and to a Mental Health Review Board hearing and access to legal counsel, and that they rarely exercise their rights under the Act. The report found that the number of young people detained under the Act increased 162 percent during the ten-year period from

2008-09 to 2017-18. The Representative acknowledged that involuntary detention can be an important mechanism to help patients of all ages who are at risk to themselves or others; however, she stated that it is also important that the voices of those detained are heard and their self-determination is grounded in the *Canadian Charter of Rights and Freedoms* and international human rights instruments. The report makes 14 recommendations focused on admission, rights, treatment and ways to improve the system of treatment, and voluntary mental health care.

The Representative noted that in examining this issue the office found that information was either not collected or varied from one health authority to the next in a number of significant areas such as the number of Indigenous children and youth who are admitted under the Act or the length of time that a child or youth is detained. She explained that this lack of data leaves a gap in understanding the full effect of the Act. The report also found that oversight of restraint and confinement measures is inadequate. The Representative stated that the use of these practices demands rigorous oversight and accountability but currently no legislation or regulations are in place to guide the use of these measures.

Additionally, the Representative acknowledged that the impact of how First Nations, Métis, Inuit and urban Indigenous people experience mental health detentions is one

of the many ways in which Indigenous peoples have had their rights stolen as a result of colonization, residential schools and their vast overinvolvement in the child welfare system. The Representative stated that although the involuntary detention of First Nations, Métis, Inuit and urban Indigenous children and youth under the Act may be intended for their safety and protection, it can be seen and experienced as oppression imposed by the state on Indigenous peoples.

In closing, the Representative stated that there must be a comprehensive system of culturally appropriate, youth-specific, voluntary community services so that involuntary detention is only used as a last resort. When it is found that it is necessary to detain a young person, she explained that it should be done in a manner that is culturally attuned, trauma-informed and respects and responds to the diverse cultural needs of the individual with robust follow-up services in the community after discharge.

Committee Inquiry

The Representative provided clarity on how the Ministry of Children and Family Development identifies if a young person who is detained has mental illness or addiction issues. She explained that one of the challenges in the mental health system is a lack of access to services and supports which has resulted in diagnoses or assessments of mental health concerns being delayed. She noted that the Ministry has a child and youth mental health unit that includes mental health clinicians with access to psychiatrists and psychologists who would work with young people with mental health concerns. In terms of how her office finds out if the young person has mental health concerns, she explained that if a

child experiences a critical injury or another significant event, such as being detained, then the office should receive details on the incident and the child or youth.

The Committee sought further information on how to protect the rights and voice of a young person who has been detained under the Act. The Executive Director, Review and Investigations, noted that recommendations in the report address this concern. These include that an independent body be notified every time a child or youth is detained under the Act and that this independent body be mandated to provide both rights advice and advocacy support for young people. She also stated that it is important that Indigenous young people be connected with the Indigenous patient navigators in hospitals.

In response to Committee questions, the Manager, Reviews and Investigations explained that the language used in the report, such as “detained”, and “involuntary detention”, is the language in the Act and emphasizes the powers pursuant to the Act to restrict the freedom of young people. The Representative shared that moving forward, it will be necessary to change the language used to discuss mental health and substance use so it is less stigmatizing.

Committee Members also inquired about follow-up supports following discharge from mental health facilities and detention. The Representative shared that it is important to ensure children and youth have the necessary wrap-around supports and are connected to their care post-discharge and in the healing journey.

Left Out: Children and youth with special needs in the pandemic **(December 2020)**

The Representative, Dr. Jennifer Charlesworth, appeared before the Committee on February 5, 2021 to present *Left Out: Children and youth with special needs in the pandemic*, released in December 2020. She was joined by Alan Markwart, Acting Deputy Representative, Operations; Blair Mitchell, Executive Director, Advocacy; and Samantha Cocker, Deputy Representative, Advocacy and First Nations, Métis and Inuit Relations.

Representative's Presentation

The report explores the impact of the COVID-19 pandemic on the families of children and youth with special needs. By way of background, the Representative explained that the report was prompted by concerning trends and issues that emerged from the office's tracking of advocacy requests and critical injury and death reports for families receiving services from the Child and Youth with Special Needs (CYSN) program. In response to these concerns, the office consulted with families, networks, and community advocacy organizations to understand the complex impact of the pandemic on these families. The report was led by the office's advocacy team and builds on the work and advocacy of BC community organizations and families, including surveys that were conducted in the first months of the pandemic. In addition to these earlier surveys, the office conducted their own three-day survey in November 2020. A total of 545 families of children and youth with special needs responded to the survey, representing rural and urban families from each region of the province and including families of First Nations, Métis and Inuit children. Further to the survey, the office also held in-depth meetings with ten families from across the province whose children were experiencing a diversity of special needs.

The report found that COVID-19 related closures and physical distancing measures had a significant impact on families and their children, many of whom lost access to vital medical treatments, therapies, specialized recreational activities, and respite. Further, the Representative shared that emergency

measures put in place to provide extra support and flexibility in services were inconsistently communicated and available; therefore, many families did not know about these options before they were discontinued. However, the Representative also explained that access to supports and services for children and youth with special needs has been inequitable for decades, especially with respect to eligibility criteria. She noted that supports for children and youth diagnosed with autism provide a model in which families have more control over funding; however, even within this model there are many therapies not covered.

The Representative also highlighted the eight points for immediate action identified in the report. These include extending pandemic related benefits and processes for CYSN families; declaring CYSN families essential workers to allow them to access services during lockdowns; streamlining approval processes for emergency benefits; collaborating with community public health officials to explore whether bubbles could be created for in-home services; and creating a roundtable of designated representatives of family networks, advocacy groups, community service providers and ministries. She added that these measures will help families in the short-term, but do not address the broader historical issues within the system. To that end, the Representative urged an immediate re-engagement of community partners on the design, development, and implementation strategy for the new CYSN framework.

Committee Inquiry

Committee Members sought further information about the role of the Ministry of Education in supporting children and youth with special needs. The Representative explained that the Ministry does play a role in this regard and that funding to support children and youth diagnosed with autism drops from \$22,000 to \$6,000 when children start school on the basis that more services are provided within the school system; however, this is often not the case.

In answer to a question about government's response to the report, the Representative explained that the points for action have been received by government and some movement has been made to address them. For example, the Provincial Health Officer responded within 24 hours to express interest in having further conversations on some of the actions that are within their authority; however, the Representative expressed concern that some families are still struggling to access adequate supports in the meantime.

Members also asked about the economic impacts of caring for children and youth with special needs. The Representative noted that the Ministry of Children and Family Development

is conducting an economic analysis as part of the CYSN framework and that her office is monitoring that work.

The Committee also inquired about supports for young adults with special needs as they transition to adulthood. The Representative affirmed that this transition is an important issue but was not a focus of this report. The Executive Director, Advocacy explained that the office's advocacy mandate extends to youth transitioning to Community Living BC (CLBC) services but only if they have been receiving a service prior to their 19th birthday. He also highlighted some challenges for youth and their families related to the transition from receiving services provided by the Ministry of Children and Family Development to those provided by CLBC.

A Parent's Duty: Government's Obligation to Youth Transitioning into Adulthood (December 2020)

A Parent's Duty: Government's Obligation to Youth Transitioning into Adulthood, released on December 15, 2020, examines how youth who have been raised in government care can be better supported as they move into adulthood. The report includes recommendations to change supports for youth transitioning out of government care to provide them with the same kind of sustained support that young people who are not in care typically receive from their families.

On February 5, 2021, the Committee reviewed the report. In attendance were: Dr. Jennifer Charlesworth, the Representative; Alan Markwart, Acting Deputy Representative, Operations; Samantha Cocker, Deputy Representative, Advocacy and First Nations, Métis and Inuit Relations; Blair Mitchell, Executive Director, Advocacy; and Pippa Rowcliffe, Executive Director, Monitoring.

Representative's Presentation

As highlighted in the report, the transition to adulthood is a difficult time for any young person, and for the hundreds of BC youth in care who turn 19 each year, the transition out of government care or a youth agreement it is a particularly challenging time. The Representative explained that many

youth, due to their experiences in government care, are not prepared for the transition. She noted that gaps in government supports during this transition create inequitable and difficult access for youth who could benefit from them. In her presentation, the Representative called for supports for young people coming out of care that more closely resemble the kinds of experiences that families provide to their children to transition into independence.

The Representative explained that government does not systematically capture longitudinal data on the experiences and outcomes of young people transitioning into adulthood. She explained that the lack of data is a challenge for anyone attempting to analyze the impact of the supports, especially for First Nations, Métis, Inuit and urban Indigenous youth. The office therefore used data such as high school completion rates, rates of accessing income assistance, and participation in programs such as Agreements with Young Adults (AYA) or the provincial tuition waiver program. The Representative shared that the office also consulted with key stakeholders, including youth who were in care, front-line service providers, community service agency representatives and staff

representatives from the First Nations Leadership Council, Métis Nation and Delegated Aboriginal Agencies.

The report found that BC youth with backgrounds in government care or a youth agreement are disproportionately represented amongst young people experiencing homelessness. Further, many have poor educational outcomes and earnings, and struggle with trauma and mental health issues that may bring them into contact with other systems of care. The Representative noted that these indicators point to the system failing these young people. She added that the majority of the youth in care or transitioning out of care are disproportionately First Nations, Métis, urban Indigenous and Inuit who spend longer periods of time in care than non-Indigenous children and youth. She also noted that due to the trauma many youth experience, both before and during their time in care, many young people have higher rates of mental health challenges, such as post-traumatic stress, anxiety and depression, than their non-care peers. The Representative explained that services and supports therefore need to recognize the unique needs of youth in care, including their cultural needs. This is reflected in the recommendation that the Ministry of Mental Health and Addictions assist with developing and implementing a plan for enhanced services that are trauma-informed and culturally appropriate.

The Representative also provided an overview of programs introduced by government in recent years to aid the transition to adulthood for these young people, including enhancements to AYA to provide 48 months of support and medical benefits to eligible young adults up to their 27th birthday. She explained that the eligibility criteria of AYA have resulted in fewer than 10 percent of the total number of eligible young people between the ages of 19 and 26 receiving it as of March 2020. She also discussed the provincial tuition waiver program which has enabled more than 1,000 former youth in care to access a post-secondary education.

The recommendations in the report include improving transition planning by engaging youth in the process, starting it early (by age 14) and extending it beyond the age of 19. Additionally, the Representative noted that for Indigenous youth, transition planning must be supported

by the reclamation of culture and identity. The report also recommends the creation of specialized transition workers, through community agencies, especially Indigenous agencies and entities, who can accompany young people from the time they turn 19 until they turn 27. The Representative noted that emergency measures put in place in response to the COVID-19 pandemic, such as temporarily allowing youth in care who turn 19 during the pandemic to stay in their placements, have been beneficial to a number of young people. She recommended that government analyze the results of the emergency measures to determine if there's value in making them permanent. The Representative shared that improving and expanding supports for youth and young adults in their transition out of government care is also economically beneficial. The Representative stated that a 2016 BC cost-benefit analysis estimated major savings to government – more than \$100 million annually – that would result from funding the kinds of recommendations included in the report.

In her presentation, the Representative took time to acknowledge the passing of Katherine McParland, to whom the report is dedicated. Katherine was a former youth in care who was an advocate for youth experiencing or at risk of homelessness.

Committee Inquiry

Committee Members inquired about a community-based strategy that could be used to support youth in care and transitioning out of care. The Representative shared that solely providing additional professional services into a child's life will not help with the transition out of care; instead, it is necessary to create community or village-based care networks and supports. She explained that such an approach would include both supporting families so that they can care for their children, and supporting communities that support those families. She further explained that these practices are important because they reduce reliance on professional services for children and youth, making the transition out of care easier. The Deputy Representative also provided examples of these practices including Aunt Leah's Place and a Métis child welfare agency, Kikékyelc: A Place of Belonging.



APPENDIX 1: OTHER ACTIVITY

Summary of Activities during the Fifth Session of the 41st Parliament, April 29, 2020 - September 17, 2020

Meeting Schedule

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

April 29, 2020

Review of the Representative's report:

- *Youth Substance Use Services in B.C. – An Update* (March 2020)

September 17, 2020

Review of the Representative's reports:

- *Invisible Children: A descriptive analysis of injury and death reports for Métis children and youth in British Columbia, 2015 to 2017* (July 2020);
- *A Way to Cope: Exploring non-suicidal self-injury in B.C. youth* (September 2020)

Reports Reviewed

Youth Substance Use Services in B.C. – An Update (March 2020)

The Committee reviewed the March 2020 report *Youth Substance Use Services in B.C. – An Update* on April 29, 2020.

In her presentation to the Committee, the Representative explained that the report assesses the availability and accessibility of publicly funded youth substance use services in BC; however, the report does not capture an assessment of the quality, efficacy or outcomes of these services. The report found that the system of services is complicated and there is no centralized point for access to information. Service types also vary by region and the process to access each

service differs across organizations. The Representative also explained that while many services are available, they are not necessarily accessible due to limited hours of operation and wait times. In addition, the Representative shared that while most service providers have a policy around cultural safety training, some providers expressed concerns about racism, stating that non-Indigenous services are not culturally safe for First Nations, Métis, Inuit and urban Indigenous youth.

The report also includes findings with respect to different services, including counselling services, intensive case

management, in-patient treatment, withdrawal management, residential treatment, supportive recovery, and harm reduction. Overall, the Representative explained that there is a lack of youth-specific substance use services in northern BC as well as in rural and remote places across the province. She stated that an important consideration for future work is the high potential for resource extraction and development in many of these communities and the associated social costs including escalation of substance use. Other areas to

Invisible Children: A descriptive analysis of injury and death reports for Métis children and youth in British Columbia, 2015 to 2017 (July 2020)

The Representative presented *Invisible Children: A descriptive analysis of injury and death reports for Métis children and youth in British Columbia, 2015 to 2017* to the Committee on September 17, 2020. She explained that the report used a new collaborative approach to research and examine critical injuries and deaths of Métis children and youth during a three-year period. She recognized that experiences of Métis children and youth have historically been recorded within broader “Indigenous” data and the report actively aims to redress that practice with targeted research into Métis-specific data. The Representative shared that the report is grounded in data received through the office’s legislative mandate, such as reportable circumstances, and is also informed by collaborative work with Métis Nation BC, the Métis Commission for Children and Families of BC, the Métis-specific delegated Aboriginal agencies and a Métis scholar with expertise in child welfare. The Representative acknowledged that the privilege of possessing such data comes with significant responsibilities, including the responsibility to share it with the communities from which it is drawn and to help those communities’ efforts to improve services for their children and youth.

The report found that the most common types of injury reported for Métis youth were sexualized violence, suicide attempts, and caregiver mistreatment. Additionally, the

examine going forward include the effectiveness of substance use services and the interplay of services and other social determinants that can either hinder or support a young person's access. The Representative concluded that this report enables her office to track the progress that the Ministry of Mental Health and Addictions and the Ministry of Health are making to improve access to and information about youth substance use services in BC.

Representative explained that neurodevelopmental disorders and mental health concerns were evident for Métis children and youth in care who experienced critical injuries; however, only 15 percent of the children and youth were receiving services from the Ministry of Children and Family Development’s CYSN program. Another key finding was that more than half of the Métis children and youth with injuries had anxiety disorders and more than one-quarter had symptoms of depression.

Another important theme was the lack of significant opportunities to connect Métis children and youth with their cultures and communities. The Representative explained that this was due to the absence of consistent and informed identification of Métis heritage and active attention to and funding for cultural connections. The Representative stated that misidentification was a major issue related to gaps in social worker knowledge and ability to identify Métis children and youth as well as persistent misconceptions regarding Métis and First Nations identity. The report found that nearly 75 percent of the children represented in the report experienced multiple placements while in care with little evidence of planning for reunification with family. In addition, Métis children and youth in care who experienced critical injuries were rarely placed with Métis families.

A Way to Cope: Exploring non-suicidal self-injury in B.C. youth (September 2020)

At its September 17, 2020 meeting, the Committee reviewed *A Way to Cope: Exploring non-suicidal self-injury in B.C. youth*. In her presentation to the Committee, the Representative explained that non-suicidal self-injuries (NSSI) refer to the intentional and direct injuring of one's body without suicidal intent – the most common form is skin-cutting but this may also include scratching, burning, banging body parts, limiting food intake, unsafe sex, and poisoning. The report focuses on serious and repeated episodes of NSSI and aims to provide an opportunity for collaborative learning and knowledge sharing with government decision-makers and service providers.

The report includes: aggregate data of critical injuries of youth who receive government services and engage in NSSI; a comprehensive review of the files of five young people; and a literature review. The Representative stated that research shows that female youth experience NSSI more often than males and that up to one-third of youth engage in some form of NSSI in their adolescence. As to the reason for engaging in NSSI, the Representative explained that young people often undertake this behaviour to regulate their emotions. She also noted that there is a link between childhood trauma, especially physical or sexual abuse in childhood, and NSSI in adolescence.

In terms of supporting youth who engage in NSSI, the Representative expressed concern about the limited evidence that culture was considered in working with these youth, especially given the prevalence of NSSI for First Nations, Métis, Inuit and urban Indigenous young people. The report also found that many youth were labelled as “difficult to engage”, “unwilling to engage” or “performing” which was a barrier to service. The Representative also provided details on cognitive behavioural therapy and dialectical behaviour therapy which can be effective tools for supporting youth and reducing occurrences of NSSI.

The Representative shared that the office plans to follow up on this research with an update on services for children and youth who engage in NSSI in 2022 and expressed hope that the report will be used to inform service improvements.

