

SELECT STANDING COMMITTEE ON
CHILDREN AND YOUTH

Annual Report 2023-24

April 2024



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

FIRST REPORT
FIFTH SESSION, 42ND PARLIAMENT



April 29, 2024

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the First Report of the Select Standing Committee on Children and Youth for the Fifth Session of the 42nd Parliament. This report covers the work of the Committee from April 1, 2023 to March 31, 2024.

Respectfully submitted on behalf of the Committee,

Jinny Sims, MLA
Chair

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COMPOSITION OF THE COMMITTEE

Members

Fourth and Fifth Sessions, 42nd Parliament

Jinny Sims, MLA, *Chair*
Surrey-Panorama

Mike Bernier MLA, *Deputy Chair*
Peace River South

Michele Babchuk, MLA
North Island

Bob D'Eith, K.C., MLA
Maple Ridge-Mission

Kelly Greene, MLA
Richmond-Steveston

Karin Kirkpatrick, MLA
West Vancouver-Capilano

Norm Letnick, MLA
Kelowna-Lake Country

Doug Routley, MLA
Nanaimo-North Cowichan

Aman Singh, MLA
Richmond-Queensborough

Committee Staff

Karan Riarh, Committee Clerk

Lisa Hill, Committee Research Analyst

Mary Heeg, Committee Researcher

Alexa Neufeld, Parliamentary Committees Coordinator

TERMS OF REFERENCE

On February 26, 2024, the Legislative Assembly agreed that the Select Standing Committee on Children and Youth be empowered 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; 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 at least once every five years, but by no later than April 1, 2027, 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 report to the House as soon as possible; and that during a period of adjournment, the Committee deposit its reports with the Clerk of the Legislative Assembly, and upon resumption of the sittings of the House, or in the next following Session, as the case may be, the Chair present all reports to the House.

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”). The Representative is an 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.

This report covers the activities of the Committee from April 1, 2023 to March 31, 2024, during which time the Committee reviewed seven reports from the Representative, including her annual report and service plan, and completed its review of the Representative for Children and Youth Act.

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. In addition to activity from April 1, 2023 to March 31, 2024, the list includes consideration and adoption of this report.

Fourth Session, 42nd Parliament

April 24, 2023

- Review of the Representative for Children and Youth reports
 - *Advocating for Change: Five Years in Review*
 - *Toward Inclusion: The need to improve access to mental health services for children and youth with neurodevelopmental conditions*

May 1, 2023

- Review of the Representative for Children and Youth reports
 - *Missing: Why are children disappearing from B.C.’s child welfare system?*
 - *Key Components of Effective Service Delivery for Children and Youth with Support Needs and Their Families: A Research Review and Analysis*

May 8, 2023

- Update from the Office of the Representative for Children and Youth on its *Paddling Forward* strategy and discussion of its key performance indicators framework

October 4, 2023

- Review of the Representative for Children and Youth reports
 - *The Right to Thrive: An Urgent Call to Recognize, Respect and Nurture Two Spirit, Trans, Non-Binary and other Gender Diverse Children and Youth*
 - *Annual Report 2022/23 and Service Plan 2023/24 to 2025/26*
- Discussion of the Committee’s process for considering Representative for Children and Youth reports and opportunities for follow-up
- Updates from the Office of the Representative for Children and Youth on its investigative and review work and key performance indicators

November 22, 2023

- Review of the Representative for Children and Youth Report *Still Left Out: Children and youth with disabilities in B.C.*
- Committee deliberations on *Still Left Out: Children and youth with disabilities in B.C.*

- Updates from the Office of the Representative for Children and Youth on recommendations monitoring, investigative and review work, and key performance indicators

Fifth Session, 42nd Parliament

March 4, 2024

- Election of Chair and Deputy Chair

April 23, 2024

- Review and adoption of the Committee's *Annual Report 2023-24*

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

On October 4, 2023, the Committee reviewed the Representative for Children and Youth's *Annual Report 2022/23 and Service Plan 2023/24 to 2025/26*, which was released in September 2023. Dr. Jennifer Charlesworth, Representative for Children and Youth, was joined by Samantha Cocker, Deputy Representative.

Representative's Report and Presentation

The Representative began by outlining the context of her Office's work. This includes recent federal and provincial legislation reasserting Indigenous jurisdiction over child welfare, which has prompted the Office to consider its changing role and increase its focus on building relationships with Indigenous communities. The Office also collaborated with its academic partners during the fiscal year, which included specific research institutes and all six public universities in BC. The Representative noted that, while her Office is the second-largest children and youth advocate's office in Canada, it still relies on partnerships and networks of support. The Representative outlined numerous challenges that continue to shape her Office's work, including increased misinformation and disinformation about gender-diverse children and youth contributing to discrimination and stigma, the toxic drug crisis, cost of living, and housing challenges.

In terms of her Office's processes, the Representative noted that not every issue or policy area the Office is involved in is subject to a public report. She highlighted that on some issues, the Office is making significant progress through conversations with decision-makers and service providers.

The Representative noted that the Office's advocacy statistics have decreased slightly over the past fiscal year. In 2022-23, the Office was contacted by or about 1,492 children; this is down from 1,795 service requests received in 2021-22. The Representative noted that advocacy statistics have not returned to their pre-pandemic levels; however, she indicated that advocacy work has become increasingly complex, in part due to under-resourced child-serving systems. She also

suggested that lower numbers of service requests could be due to a lack of awareness about the Office and added that she has recently hired three youth and community engagement coordinators to increase public awareness.

The Representative noted that over recent years, the numbers of critical injuries and deaths reported to the Office had increased significantly; however, in 2022-23, the number of these types of incidents have stabilized. In 2022-23, the Office received 4,802 reports of critical injuries or deaths, compared to 5,082 in 2021-22. The Representative suggested that this could be partially due to the ministries and agencies being short-staffed but expressed hope that the number of reportable circumstances have actually peaked.

In terms of upcoming work, the Representative listed some of her Office's priorities for the next year. This includes the release of a discussion paper on what supports can be provided to vulnerable families to prevent children from coming into care. The Office is also working on a report on child participation and rights in family law and *Child, Family and Community Service Act* proceedings. The Representative emphasized that avoiding lengthy legal proceedings can mitigate undue hardship on children and families. Another area of examination is a report that looks at systems that are failing to serve young girls with complex needs. The Representative also noted that she has announced an investigation into the death of an 11-year-old in foster care in the Fraser Valley and a related systemic review (both of which are outlined in the chapter on organizational and operational updates). She shared that announcing the investigation before it is completed is something she has not done before.

The Representative identified that her Office will continue to monitor progress on its reports. She emphasized that a key area for follow-up is the report *At a Crossroads: The Roadmap from Fiscal Discrimination to Equity in Indigenous Child Welfare*, which examines the different levels of funding that Indigenous children in care receive depending on whether they live on or off reserve. The report has received increased

attention, both in BC and other jurisdictions, because increases in federal child welfare funding for Indigenous children living on reserves has heightened the disparity between on-reserve funding and off-reserve funding, and the corresponding resources and supports provided to Indigenous children and families.

The Representative discussed some other ongoing priorities, including engaging with families of children and youth with support needs who have been involved in previous reports. She also referenced the toxic drug supply and how the Office will be convening discussions in collaboration with the Wosk Centre for Dialogue with experts on the topic, including young people. Additional priorities highlighted include Indigenous mental health, transitioning to adulthood, and residential services.

Committee Inquiry

Committee Members noted that the Representative announcing an investigation while it is underway is unprecedented, and inquired why the Office does not do this more often. The Representative said that she decided to speak publicly about the investigation after considering the best interests of the family, receiving encouragement from the First Nations Leadership Council, and in response to calls for a public inquiry. She also explained her typical process for undertaking an investigation, which involves examining reportable circumstances, conducting a comprehensive review, and then moving to an investigation, which is not publicly announced until the report is released.

The Committee commented on the diverse challenges in rural and remote areas, which affect both Indigenous and non-Indigenous communities and children. The Representative expressed concern about how many children are being removed from their community to an urban centre to receive services. She emphasized that this separates children from their families, communities, interests, and schools. She added that the systemic review will examine if ministry staff shortages play into these types of decisions.

REVIEW OF REPRESENTATIVE FOR CHILDREN AND YOUTH REPORTS

Committee Process

When considering a report of the Representative, the Committee will receive a presentation from the Office of the Representative for Children and Youth in a public meeting and ask questions of the Representative and staff; government bodies named in a report do not appear. On occasion, the Committee has followed up with government bodies and asked them to appear at a subsequent meeting to respond to a report, provide updates on the status of implementing recommendations, and answer questions.

Over the past year, Committee Members reflected on opportunities to improve this process to better support accountability and transparency by potentially engaging government bodies more regularly, whether in writing or by requesting appearances. They noted that not every report may require further conversations with government bodies and that consideration of any follow up should be determined

on a case-by-case basis. At its October 4, 2023 meeting, the Committee agreed to formalize this approach moving forward and adopted the following motion:

Committee Decision

That following the Select Standing Committee on Children and Youth's review of each Representative for Children and Youth report, the Committee consider whether it wishes to follow-up with the appropriate government bodies on the status of the implementation of recommendations contained in the report; and for clarity, this does not apply to Representative for Children and Youth reports that do not contain recommendations or provide an update on the status of recommendations.

Advocating for Change: Five Years in Review

Advocating for Change: Five Years in Review was released in April 2023. The report documents the status of recommendations issued by the Representative for Children and Youth between 2017 and 2021 and identifies organizational and structural barriers to change.

The Committee reviewed the report on April 24, 2023. Dr. Jennifer Charlesworth, the Representative for Children and Youth, was accompanied by Samantha Cocker, Deputy Representative, and Jennifer Dreyer, Executive Director, Systemic Advocacy and First Nations, Métis and Inuit Research.

Representative's Report and Presentation

Since the Office was established in 2006, the Representative and her predecessors have made 216 recommendations. The report outlines the status of 63 recommendations, issued

across 10 reports between 2017 and 2021, that have been assessed using the Office's monitoring guidelines and that have had at least one annual progress report. The report finds that 14 percent of these recommendations have been completed, and an additional 10 percent have seen substantial progress.

The Representative indicated that over time her Office has shifted the focus of its recommendations from compliance to a more systemic focus, while still responding to the urgent issues facing children and youth. The Representative shared that the Office developed a new monitoring process to track progress of implementation of recommendations in 2019, with input from the ministries that receive the most recommendations, including the Ministries of Children and Family Development, Education and Child Care, Health, and Mental Health and

Addictions. The guidelines established a process where public bodies are required to submit annual progress reports on their progress implementing recommendations.

The Representative indicated that progress made on recommendations varies between public bodies. She shared that half of the recommendations directed towards the Ministries of Health and Mental Health and Addictions and one-third of the recommendations directed to the Ministry of Children and Family Development (MCFD) have not had any progress. She noted that the Ministry of Education and Child Care and the Mental Health Review Board have made substantial progress on recommendations addressed to them. The Representative's Office assessed a recommendation as "substantial progress" when most of the activities that directly support implementation have been completed. The Representative highlighted that the main policy areas in which recommendations have received the least progress are child and youth mental health and children and youth with support needs.

The Representative emphasized that the intention of her report was to provide a fulsome overview of the status of recommendations, not to allocate blame to any public body. The report divides the 63 recommendations into 321 separate actions for change and categorizes those actions based on where they fall along a series of steps to implementation, including: problem identification; problem analysis; strategy, policy, and legislative development; policy, regulation, or legislative enactment; practice development and implementation; service delivery and implementation; and evaluation and monitoring. For each category, the report identifies how many of the actions related to recommendations have been completed. For the actions that remain incomplete, the report identifies some of the barriers to change.

Based on this analysis, the Representative identified broader factors that either hinder or enable progress on recommendations. The first barrier identified is conducting meaningful engagement. The Representative noted that only one of her 10 actions for change to collaborate with youth and young adults has been completed, along with none of her 14 actions for change related to engagement with Indigenous communities. The next barrier identified by the Representative is taking a "whole-of-government" approach

to transforming services. Specifically, the Representative noted that collaboration between different ministries is a long-standing challenge; of the Office's 24 actions for change related to this type of cooperation, only three have been completed. Another challenge found by the Representative is implementation of recommendations that are aligned with government strategic frameworks, such as the Ministry of Mental Health and Addictions' *A Pathway to Hope: A roadmap for making mental health and addictions care better for people in British Columbia*. Of the 32 recommendations aligned with existing ministry frameworks, none of been completed. The Representative found that this is partly because of delays in implementation due to resource issues, high demands for engagement, and the COVID-19 pandemic. She also suggested that it may be challenging for public bodies to balance short-term, urgent recommendations with long-term, systemic change. The last barrier identified by the Representative is limited data collection and issues with government information systems. Of the seven actions for change to improve data stewardship and public reporting, only two have been completed.

With respect to recommendations with progress, the first enabling factor identified was comprehensive project management. The Representative indicated that of the 27 action plans that included effective project management, 14 showed substantial progress. She noted that both the Ministry of Education and Child Care and the Mental Health Review Board have developed specific action plans to implement recommendations and have contributed significant resources to enable progress. The Representative also noted that recommendations were more likely to be completed when public bodies contracted work to subject-matter experts, because contractors were able to complete the work more efficiently; all eight calls to action for which public bodies used contracted services have seen substantial progress or been completed. The Representative also found that on some files, the COVID-19 pandemic acted as an enabling factor; for example, she noted that changes in policies regarding youth transitions out of care were accelerated during the pandemic.

The Representative additionally noted that public bodies often assess their progress on recommendations higher than the Representative does but that they have acknowledged they are struggling to implement recommendations. In terms

of ongoing actions related to recommendation tracking, the Representative indicated that she and her staff will also be reflecting on ways to improve their process, including engaging more with public bodies.

Committee Inquiry

The Committee inquired about how the Representative plans to ensure the report leads to increased implementation of recommendations. The Representative highlighted some of her Office's processes intended to support implementation of her recommendations, including how staff have centralized their review of progress on recommendations to consider overall implementation rather than looking at each report individually. The Representative also shared that she is taking steps to bring ministries and other child- and youth-serving organizations together to discuss the development of and progress on recommendations. The Executive Director, Systemic Advocacy and First Nations, Métis and Inuit Research noted public bodies may have greater success if they can learn from the strategies of other public bodies to overcome barriers to implementation. She provided an example of how three ministries took different approaches to a recommendation regarding development of fetal alcohol spectrum disorder training, with varying levels of success and that having knowledge of the approaches taken by other public bodies improved progress.

Committee Members highlighted a previous discussion with the Representative regarding efforts to bring together ministries to consider recommendations and asked for an update on this work. The Representative shared that her Office has arranged to host conversations between multiple ministries to discuss intersecting issues like mental health and substance use. Her office will also be meeting with the nine public bodies to which they have issued recommendations to discuss the enabling factors and barriers identified in *Advocating for Change*. The Representative encouraged the Committee to consider its own role and different governance structures that might contribute to positive change.

When asked about key successes, the Executive Director referenced the Mental Health Review Board's quick response to the Representative's recommendation regarding involuntary detention of young people under the *Mental Health Act*. She indicated that the speed of this response was due to

the development of a thorough and specific action plan, along with collaboration with consultants who had valuable community relationships.

Committee Members asked whether *Advocating for Change* had received media attention. The Representative indicated that she deliberately took a "soft release" approach, including bringing the report to the Committee first and briefing ministers and deputy ministers to enable further change and collaboration. She emphasized that she is focused on the issues and taking a big-picture approach while recognizing that people in the system are working hard. The Executive Director clarified that for many of the recommendations that remain incomplete, there has been pre-planning work, but the Office assesses progress based on the impact on children.

The Committee inquired about how to promote meaningful engagement with Indigenous peoples while respecting that Indigenous organizations may be facing high demands for engagement as well as additional work to resume jurisdiction over child welfare services. The Representative acknowledged the challenges faced by Indigenous organizations and communities in relation to engagement and emphasized the importance of providing communities and organizations like Indigenous child and family services agencies with the resources required to meet these demands. The Executive Director indicated that using existing structures for consultation in order to engage Indigenous peoples on multiple topics promotes effective use of organizations' and communities' time. The Deputy Representative added that more strategies need to be developed to support meaningful engagement in rural and remote communities.

The Committee also reflected on the significant changes that have taken place in the child- and youth-serving system and government broadly, regarding legislation around anti-racism and enabling the resumption of jurisdiction over child welfare by Indigenous governing bodies and asked for the Representative's perspective. The Representative reflected on the tension between working to address systemic problems and helping children who need an immediate response. She highlighted the important role of innovating on a smaller scale and then expanding the successful aspects of those efforts.

Recommendations Monitoring Update

At the Committee's November 22 meeting, the Representative provided an update on the status of her recommendations. She noted that her report *Advocating for Change: Five Years in Review* was released in April which reported on the implementation status of the Representative's recommendations since 2017. She added that at the time *Advocating for Change* was released, only 14 percent of the recommendations included in the report were complete. The Executive Director, Systemic Advocacy, First Nations, Métis and Inuit Research provided an update on the recommendations now that a year has passed since the initial analysis and shared that 17 percent of the recommendations have been completed. Executive Director Dreyer added that nearly 20 percent of recommendations have seen significant progress. Despite this, she noted that 60 percent of recommendations are still assessed as little to no progress, and three recommendations have been downgraded since last spring because of commitments being abandoned.

Positive developments since the release of *Advocating for Change* include increased quality of the action plans submitted by public bodies, the development of a collaboration agreement by MCFD, and the hiring of contractors to support the creation of a child and youth substance use and wellness framework. Executive Director Dreyer indicated that recommendations where a ministry's response is aligned with a strategy or framework are still less likely to see change. She also emphasized that the Representative's Office tries to focus on both immediate and systemic changes but indicated that the action plans in relation to the recommendations that the Office has received from public bodies is often focused exclusively on long-term changes. Other barriers identified by the Office include a lack of data stewardship, challenges taking a "whole of government" approach, and insufficient infrastructure and coordination to support meaningful engagement with Indigenous partners, youth, and rights holders.

Executive Director Dreyer stated that three reports that have seen progress include *A Parent's Responsibility: Government's obligation to improve the mental health outcomes of children in care*, *Skye's Legacy: A focus on belonging*, and *Missing: Why are children disappearing from BC's child welfare system*. In particular, she noted that, while not all the recommendations

in *Missing* are complete, there has been significant effort and commitment towards completing them. Reports where there are ongoing challenges to implement recommendations include *At a Crossroads: The roadmap from fiscal discrimination to equity in Indigenous child welfare*, *Detained: Rights of children and youth under the Mental Health Act*, and *Excluded: Increasing understanding, support, and inclusion for children with FASD and their families*.

Following the Representative's update, Committee Members considered the information provided and reports it may wish to follow up on. The Committee supported a further examination of the *Detained* report and adopted the following motion:

Committee Decision

That the Select Standing Committee on Children and Youth request the appropriate government bodies appear before the Committee to provide an update on the status of implementing recommendations in the report of the Representative for Children and Youth titled *Detained: Rights of children and youth under the Mental Health Act* at the earliest opportunity.

Toward Inclusion: The need to improve access to mental health services for children and youth with neurodevelopmental conditions

Toward Inclusion: The need to improve access to mental health services for children and youth with neurodevelopmental conditions was released in April 2023 with recommendations aimed at improving mental health services for children and youth with support needs. The report is based on a contracted research report by Dr. Charlotte Waddell and Dr. Christine Schwartz at the Children's Health Policy Centre (CHPC) at Simon Fraser University, which documented the prevalence of and effective treatments for mental health disorders among children and youth with neurodevelopmental conditions.

The Committee reviewed the report on April 24, 2023. Dr. Jennifer Charlesworth, the Representative for Children and Youth, was accompanied by Alan Markwart, Executive Lead, Legislation and Special Initiatives.

Representative's Report and Presentation

The Representative began her presentation by describing her Office's previous work related to children and youth with support needs (CYSN) and the Committee's 2016 report on child and youth mental health, *Concrete Actions for Systemic Change*. She indicated that the impetus for the current report was the provincial government's announcement in November 2022 of a "reset" of the initial rollout of the Children and Youth with Support Needs Framework (CYSN Framework) originally announced in October 2021.

In their research report, Dr. Waddell and Dr. Schwartz determined the prevalence of mental health disorders among children and youth with neurodevelopmental conditions by conducting a systematic review of epidemiological surveys on children 18 years or younger in high-income countries. To determine effective treatments, the researchers conducted three systematic reviews of randomized control trials evaluating treatments for specific mental health concerns among children with autism spectrum disorder, fetal alcohol spectrum disorder (FASD), and intellectual disabilities. The report indicates that, despite a lack of provincial data, the jurisdictions from which data was available are likely comparable to British Columbia. The Representative also

noted that the data does not include disaggregated data on Indigenous children or the impact of the COVID-19 pandemic.

Regarding prevalence, the researchers found significantly higher rates of anxiety, attention deficit hyperactivity disorder (ADHD), oppositional defiant disorder, conduct disorders, and depression among children with neurodevelopmental conditions as compared to children in the general population. For example, the Representative noted that rates of anxiety were eight times higher for children with autism spectrum disorder, rates of major depressive disorder were 28 times higher for children with FASD, and rates of ADHD were more than twice as high for children with intellectual disabilities.

The other area investigated by the CHPC researchers was effective treatments for mental health disorders for children and youth with support needs. The Representative shared that the interventions found to be particularly effective include cognitive behavioural therapy for children with autism who are diagnosed with anxiety, parent training for children with FASD and intellectual disabilities, and social skills training for children with FASD. The Representative noted that these options are based on treatments identified in scientific literature and that there was no research related to services that are developed with Indigenous communities which could integrate traditional knowledge which she emphasized is highly important.

The Representative acknowledged government progress on mental health but stated there is more work to be done. She emphasized the need to take a whole-of-government approach in order to take a holistic view of mental health and neurocognitive developmental disabilities for children. The Representative found that existing mental health services for children with neurodevelopmental conditions were fragmented and had gaps. She also noted that most mental health systems of care have been designed for more neurotypical children. Regarding mental health services that are currently available, the Representative noted that these services for children with neurodevelopmental conditions are typically delivered in the following ways: child and youth mental health services

provided by the Ministry of Children and Family Development (MCFD); specialized mental health services for children with developmental disabilities, partially funded by MCFD and delivered by the health authorities; mental health services delivered by the health authorities in hospitals; and complex care and intervention programs, funded by MCFD, that are provided to children and youth with support needs who are in care. The Representative indicated that staffing challenges and wait times are barriers to the delivery of these services. The report also notes that comprehensive and accurate data about these services, such as the number of children and youth served, is not available.

The Representative made four recommendations in the report. The first recommendation is that MCFD ensure that the CYSN Framework reset include purposeful engagement with Indigenous communities and organizations, service providers, and families regarding mental health services for children and youth with support needs. The Representative also recommended that the CYSN Framework reset include maximized service delivery linkages and pathways to accessing mental health services, and that provision of mental health services be included as part of the evaluation framework. The Representative also recommended MCFD implement comprehensive mental health screening, assessment, and treatment services for children and youth with support needs. Additionally, she recommended that the Ministry of Mental

Health and Addictions, in collaboration with other public bodies, conduct research on the prevalence of mental health disorder among children and youth with neurodevelopmental conditions to help inform service planning. Finally, the Representative reiterates a recommendation from her 2021 report *Excluded: Increasing understanding, support and inclusion for children with FASD and their families*, that the Ministry of Citizens' Services initiate the development of a cross-ministry plan, in collaboration with other public bodies, to collect high-quality demographic and service data that allows for disaggregation. The report emphasizes that this data would provide a crucial foundation for policy and program development and delivery.

Committee Inquiry

Committee Members suggested that some of the recommendations in the Representative's report may be aligned with the work MCFD is doing in the family connection centre pilots and asked the Representative for her perspective. The Representative indicated that there is an appreciation of the need to include mental health in family connection centres, but this was missing from the evaluation criteria used to select operators for the centres. She added that her office is meeting with all of the family connection centres to share the findings of the report so that they can be integrated into the design of the centres.

Missing: Why are children disappearing from B.C.'s child welfare system?

Missing: Why are children disappearing from B.C.'s child welfare system? was released in April 2023. The report presents findings from the Representative's office regarding children and youth who go missing from BC's child welfare system. The report also examines conditions that have led to children being lost while in care, sometimes resulting in serious injuries or death.

The Committee reviewed the report at its May 1, 2023 meeting. Dr. Jennifer Charlesworth, the Representative for Children and Youth, was accompanied by Samantha Cocker, Deputy Representative and Jennifer Dreyer, Executive Director, Systemic Advocacy and First Nations, Métis and Inuit Research.

Representative's Report and Presentation

The Representative began her presentation by noting that her Office has been studying the issue of children and youth disappearing from BC's child welfare system for some time. For the purposes of the report, the child welfare system refers to an array of designated services, as defined in the *Representative for Children and Youth Act*, that are intended to support children and youth who are in care under any legal status, in an out-of-care placement, or on a Youth Agreement under the *Child, Family and Community Service Act*; or in care, custody, or guardianship under the *Adoption Act*. The Representative's office defines a young person who is lost or

missing from care as a child or youth whose whereabouts are unknown to the Ministry of Children and Family Development (MCFD) or the Indigenous Child and Family Service Agency (ICFSA) responsible for them and where information about their circumstances that contributes to or arises from their disappearance is unknown or incomplete. Staff at the Representative's Office initiated a major project on young people who are lost or missing from care in the fall of 2022. As work progressed on the project to inform the report, the Office continued to receive a number of notices of children who were lost or missing from care and who had experienced serious or life-altering critical injuries or deaths. Based on the urgency of this issue, staff determined that more immediate action was required and preliminary findings were released in an issues brief.

The Representative indicated that, between April 1 and December 31, 2022, her Office received 520 reports regarding children and youth whose whereabouts were unknown and for whom there were safety concerns. These reports represented 198 distinct children, and an average of 37 children who went missing one or more times per month; four of these children died. During the same time frame, MCFD's Provincial Centralized Screening received 12,262 reports regarding children and youth whose whereabouts were unknown and for whom there were no safety concerns, for an average of 432 distinct children each month who went missing one or more times. The Representative noted that, taken together, this information suggests that nearly 470 children and youth in care whose whereabouts were unknown are reported within or to MCFD each month.

The Representative emphasized that her report was not intended to cast blame on any individuals or public bodies, but rather to shed light on an urgent issue that requires collaborative action. She noted that the reasons that children and youth go missing from care are complex and can be due to individual circumstances, societal factors, or systemic issues within the child- and youth-serving system. The Representative noted that, according to the data received from MCFD and ICFSA's between April 1 and December 31, 2022, the highest number of reports were for cisgender females at nearly 50 percent and Indigenous children and youth at 54 percent. The report also indicated that only 24 percent of the reportable

circumstances for children and youth who were lost or missing were reported within the required 24-hour timeframe.

The Representative's staff highlighted a number of common factors among children and youth who were regularly missing for periods of time or who may be considered homeless, including the involvement of multiple service streams in their lives, such as child welfare, mental health, substance use, and police. The report highlights inconsistencies between MCFD and policing policies which the Representative indicated requires further discussion to ensure that the threshold for reporting lost or missing children and youth in care is not higher than for their peers who are not in the system of care. The Representative noted that many of these children and youth have experienced multiple traumatic events in their lives, which may include separation from their families and physical, mental, or emotional harm or abuse. Related to this, themes of grief, loss, and "unbelonging" can exist due to lack of connection with their families or siblings, as well as the death of loved ones. The Representative reported that many of these young people have had multiple social workers and service providers in their lives but have not developed meaningful relationships due to a number of factors, including staff turnover or burnout in professions related to the child- and youth-serving system.

In addition, the report describes how, due to negative experiences, many of these young people have a lack of trust in the people offering them support and the child- and youth-serving system in general. Placement shortages and a lack of suitable placements for children and youth are another factor that can contribute to young people going missing, with some ending up in shelters or in unapproved caregiver arrangements that may not be suitable or safe. The Representative spoke about systemic "push and pull" factors which can contribute to a child or youth feeling that they are "pushed" to leave their home or placement or that they are drawn to certain elements that "pull" them away. Push factors might include not feeling valued or heard by their caregivers; pull factors can include substance use, or luring and entrapment that can lead to sexual exploitation.

In terms of a longer-term response to address the issues highlighted in the report, the Representative recommended a special convening of the child- and youth-serving systems and the children, youth, families, and communities they

serve to respond to gaps or “cracks” in the system that are contributing to children and youth being pushed or pulled away from care and being subjected to increased risks of serious incidents, critical injuries, or deaths. The Representative emphasized that this needs to include an exploration of what creates a sense of “unbelonging” for these children and youth, in what ways their needs are unmet, and how systems of care and protection could be aligned to respond more effectively, including upholding the rights of children who have disappeared from the system.

The Representative made nine recommendations to be undertaken by MCFD’s Provincial Director of Child Welfare in collaboration with ICFSA Directors. The first two recommendations focus on improving monitoring and reporting, including collecting more reliable data to identify, monitor, and respond to children and youth who are lost or missing in BC’s child welfare system more effectively, and working more closely with the Representative’s Office to enhance the quality and consistency of reporting. In terms of policy-related improvements, the Representative recommended removing the requirement for missing children in care to have additional safety concerns before a child is reported lost or missing and to align policies in this regard with provincial policing standards. The Representative also made a recommendation to adopt interim practice guidelines for social workers and care teams to improve engagement with children and youth during and after incidents where they go missing.

In terms of better ensuring that the voices of children and youth are included, the Representative recommended removing the requirement for youth to be “habitually” missing before staff work with them to determine why they go missing as well as adopting recommendations from an Ontario Provincial Advocate for Children and Youth report related to documentation on why the child left, what happened while they were away, if medical care was required, and what could prevent them from leaving again. Language was another key theme with the Representative recommending the development of resources, guidelines, and learning and training for staff on using child-centred, person-first, destigmatizing language in conversations with, and documentation of, children and youth. Finally, the Representative reiterated her recommendation from her

2021 report *Skye’s Legacy: A focus on belonging* to develop a systemic needs analysis of cultural and family support resources to ensure social workers are better supported to promote a sense of belonging and identity for Indigenous children and youth in care.

Committee Inquiry

Committee Members commented on the fact that the majority of children and youth go missing from contracted home care arrangements and asked the Representative how care providers could improve their sense of connection and belonging to encourage young people to stay. The Representative spoke about the need to examine the current approach that underpins supports for children and youth to determine whether the current model can be improved or how its design could be creating a sense of unbelonging. She highlighted the need to understand how this might contribute to push or pull factors, including the quality of residential care, training for those who provide care, and the number of foster homes that are available to provide a family environment. She also stressed the importance of family supports to enable children and youth to remain at home, whenever possible. The Deputy Representative noted the importance of further consultation with youth to learn more about push and pull factors and what MCFD and ICFSAs can do to promote better connections for these young people to improve their placements.

The Committee expressed concern about caseloads for social workers and whether high workloads contribute to children going missing. The Executive Director indicated that caseloads vary between different regions in the province, and that caseloads may be higher in rural and remote communities or regions with recruitment challenges. The Deputy Representative noted that there is funding provided through the Canadian Human Rights Tribunal for agencies that have on-reserve caseloads. She noted that many agencies limit their caseloads to not overextend staff due to having a number of high-risk youth or young people who are particularly struggling. While these agencies have been able to access funding for social workers through the Tribunal, she noted that there are significant discrepancies for children and youth off-reserve, both within MCFD and within delegated agencies or ICFSAs.

Committee Members wondered if there are different strategies for children in care as opposed to youth in care to help promote a sense of belonging and whether the timing of when the young person came into the care system had any effect on their feeling of stability. The Representative noted that every child or youth has their own unique personal history and experience in the child- and youth-serving system of care and their sense of belonging or desire to remain in their placement or be somewhere else can be quite different. She stressed that this is why it is so important for practitioners to take the time to understand each young person's unique history and their particular needs to determine the best approach. The Executive Director also noted the complexity of each individual child or youth's experience and how this can lead to placement breakdown and how being moved from place to place can exacerbate a young person's feelings of unbelonging over time.

The Committee asked about MCFD's response to the Representative's recommendations and whether her recommendation related to a more long-term, systems-wide approach would be undertaken at the same time as the nine recommendations that are more focused on short-term actions. The Representative indicated that she has been in contact with the Minister of Children and Family Development who has agreed to implement the recommendations within the six-month timeframe stipulated in the report. This includes the special convening of the child-serving systems and the children, youth, families, and communities they serve and more

short-term operational changes related to policy, practice, data collection, and reporting. In response to a question about ensuring the report's recommendations are implemented, the Representative indicated that her Office is working with MCFD staff on another report related to young people where the Ministry's progress implementing the recommendations in the *Missing* report will be a factor, so there will be further opportunities for follow-up by staff in the Representative's Office.

Committee Members expressed concerns regarding the amount of time that a young person can be missing or away from their placement before it is reported to MCFD or the police. In particular, the Committee highlighted the statistic in the report that 13 days is the average time a child or youth was missing from care and wondered if there is a way for young people to be reported as missing any earlier through a streamlined or simplified reporting process. The Representative noted her recommendation's reference aligning Ministry policies with provincial policing standards concerning missing children which considers all missing children and youth high risk until an assessment can be done to ensure expedited actions to determine the young person's whereabouts and their safety. The Executive Director stated that the Ministry's current policy and procedures are subjective and rely on the caregiver to determine what level of risk applies to a missing child or youth through a risk assessment process. She noted that the policing process is much less subjective and provides a more immediate response.

Key Components of Effective Service Delivery for Children and Youth with Support Needs and Their Families: A Research Review and Analysis

Key Components of Effective Service Delivery for Children and Youth with Support Needs and Their Families: A Research Review and Analysis was released in February 2023. The report was commissioned by the Representative for Children and Youth to provide information to the Ministry of Children and Family Development (MCFD) as it moves forward with its Children and Youth with Support Needs (CYSN) Framework. Through a research review and analysis, the report examines: the key components of effective service delivery systems for

children and youth with support needs and their families; identifies the components needed to address the mental health requirements of children and youth with special needs; and analyzes how to effectively deliver services to Indigenous children and youth with support needs and their families. The report includes guidance from the Representative to MCFD on how best to improve supports and services for children and youth with support needs and their families.

The Committee reviewed the report on May 1, 2023. Dr. Jennifer Charlesworth, the Representative for Children and Youth, was accompanied by Deputy Representative Samantha Cocker and Executive Director, Systemic Advocacy, First Nations, Métis and Inuit Research Jennifer Dreyer, as well as the author of the research report, Dr. Pat Mirinda, Professor Emerita, Department of Educational and Counselling Psychology, and Special Education, Faculty of Education, University of British Columbia.

Representative's Report and Presentation

The Representative spoke about her Office's focus on advocacy for children and youth with support needs and their families, noting that there are thousands of children and youth with support needs who receive little or no support in the current child- and youth-serving system, often due to the requirement for children and youth to have certain diagnoses to receive certain services. The Representative was of the view that this approach does not take the child or youth's functional or developmental needs into account. The Representative noted that her Office has produced four reports since 2018 that address children and youth with support needs specifically which included recommendations to transform the existing system to better meet the needs of these children and youth and their families.

This report emerged out of the provincial government's release of a new CYSN framework in October 2021 that included the development of family connection centres throughout the province which would provide a range of services delivered by multidisciplinary teams. The Office decided to undertake research and commission Dr. Mirinda to look at potential characteristics of successful family connection centres and determine if the model proposed by the provincial government made sense. While the implementation of the framework and the family connection centres was paused after concerns were raised by the families of children and youth with support needs in November 2022, the Office continued with the research to inform the development of what are now going to be four pilot family connection centres.

Dr. Mirinda began her presentation by clarifying that her analysis was not intended to assess different models of service delivery—such as family connection centres or individualized funding—but rather to identify a number of key components

that should be part of any effective model. Dr. Mirinda noted that she examined literature from various jurisdictions related to key components of effective service delivery for children and youth with support needs and their families as well as what barriers exist to providing effective service delivery.

Through this research, Dr. Mirinda identified six key components for effective service delivery, as well as additional elements of effective service delivery that support mental health and effective service delivery for Indigenous children. The first key component is family-centred care, which includes three aspects: an understanding that parents or caregivers know their children best and want the best for their children; that families are unique and one type of service or support will not be suitable for every family; and that optimal child functioning occurs within a supportive family and community context as children can be adversely affected by the stress and coping skills of family members. The other five key elements of effective service delivery identified by Dr. Mirinda include: cross-sector collaboration; care coordination across therapies; sufficient, equitable, and accountable funding; services customized to meet individual needs; and appropriate staff training related to the service model. Dr. Mirinda also identified two additional elements of effective service delivery that specifically support mental health, which include wraparound supports and ease of referral and access to services. As well, Dr. Mirinda highlighted specific elements related to the provision of care to Indigenous children, youth, and their families which are the need to embed Indigenous culture, values, and practices into care, often referred to as "two-eyed seeing," and the need to ensure supports are provided to the whole family. "Two-eyed seeing" is a term created by Mi'kmaq Elders Albert and Murdena Marshall who developed the idea that an individual can learn to take the perspective of seeing, from one eye, the strength of Indigenous ways of knowing, and, from the other eye, the strengths of Western ways of knowing, and use both of these perspectives for the benefit of those being served.

The Representative spoke about the proposed CYSN Framework and how it compares with the key elements for service delivery identified by Dr. Mirinda's research. Areas for improvement identified by the Representative include: inadequate funding for staff, resources, and necessary training; inadequate recruitment and retention of therapy and support

staff, which can result in long waitlists for services and insufficient service availability; restrictive eligibility criteria for respite supports for families and family counselling; an unclear or inadequate evaluation plan to monitor the quality and availability of services; and a lack of cross-sector collaboration or care coordination across ministries.

In terms of guidance provided to MCFD going forward to transform the CYSN Framework and systems for service delivery, the Representative highlighted the need for a substantial funding increase, including a sustained cross-ministerial funding plan to build staff capacity. The Representative noted that this could be supported through the development of a coordinated plan with the Ministry of Post-Secondary Education and Future Skills to build professional capacity in identified areas such as speech language pathology or behavioural intervention. She also suggested that MCFD continue to initiate meaningful consultation with families, service providers, and other experts. The Representative also suggested that MCFD could engage with experts to assist in modelling realistic projections for increased funding to improve equity, accessibility, and quality in the delivery of services. She also spoke in favour of increased cross-sector or cross-ministry collaboration to support a “whole child” approach to enable better coordination of services and supports. The Representative talked about plans to share Dr. Mirenda’s research with the family connection centres, disability organizations, and government ministries that have not already received the report. She also indicated that her staff are continuing to collaborate with families that have previously provided input for her reports to ascertain whether services have improved for children and youth with support needs and their families.

Committee Inquiry

Committee Members inquired about whether provincial privacy legislation poses any barriers to the collaboration and information sharing that needs to take place between parents and providers of wraparound supports. The need to ensure that appropriate consent is obtained prior to sharing information between members of the wraparound care team was also highlighted by the Committee. Based on her research, Dr. Mirenda noted that the most effective wraparound systems of care involve someone who is designated to be at the centre of the wraparound circle of care for each individual child or youth

and that all information is channeled through that designated individual. Dr. Mirenda indicated that most of her research on wraparound care originated in the United States or Australia, where mechanisms or agreements have been developed to enable information sharing while maintaining privacy within a wraparound circle of care. The Representative acknowledged that there are significant concerns about privacy and consent within a wraparound circle of care. She noted that some professional codes of conduct, codes of ethics, legislation, and regulations already provide opportunities to share information. The Representative was of the view that there is an opportunity to examine long-established conventions related to privacy and information sharing to establish more fulsome information sharing within established boundaries of the members of the wraparound circle of care.

The Committee asked the Representative to provide clarification regarding the process put forth by the provincial government for implementation of the new CYSN Framework and family connection centres. The Representative indicated that her understanding is that while the four pilot sites for family connection centres will go ahead as planned, the reset and consultation process, along with any learning and evaluation gathered from the four family connection centres, will provide an opportunity to review and determine the best way forward.

The Right to Thrive: An urgent call to recognize, respect and nurture Two Spirit, trans, non-binary and other gender diverse children and youth

On October 4, 2023, the Committee reviewed the Representative for Children and Youth's June 2023 report, *The Right to Thrive: An urgent call to recognize, respect and nurture Two Spirit, trans, non-binary and other gender diverse children and youth*. Dr. Jennifer Charlesworth, the Representative for Children and Youth, was accompanied by Pippa Rowcliffe, Deputy Representative, and John Yakielashek, Executive Director, Reviews and Investigations. The Representative was also joined by Dr. Elizabeth Saewyc, Executive Director of the Stigma and Resilience Among Vulnerable Youth Centre (SARAVYC) at the University of British Columbia.

The Right to Thrive examines the experiences of Two Spirit, trans, non-binary, and other gender-diverse (2STNBGD) children and youth who have interacted with the child-serving system. It is accompanied by a research report prepared by SARAVYC. *The Right to Thrive* makes eight recommendations related to upholding the rights of 2STNBGD young people, taking a coordinated approach to gender-affirming care, and ensuring staff in the child-serving system have adequate training.

Representative's Report and Presentation

The Representative emphasized the urgency of the topic, reflecting on recent protests by opponents of gender-affirming respect and care. She shared that her Office began to investigate this topic because of patterns in the critical injury and death reports of 2STNBGD children, evidence that these children thrive as much as their cisgender peers when they receive gender-affirming respect and care, and the documented rise in discrimination and hate towards 2STNBGD people. The Representative emphasized that stigma, discrimination, bullying, disconnection, and lack of care are the source of poorer life outcomes—not the fact these children are Two Spirit, trans, non-binary, or gender-diverse.

To prepare the report, the Representative's Office examined aggregate critical injury and death data, as well as stories of individual young people identified by the investigations team. The Office also contracted a research group to

conduct a review of policy, practice standards, guidelines, and programming in BC and other jurisdictions related to 2STNBGD children and youth in the child-serving system. Additionally, the Office commissioned SARAVYC to prepare an accompanying report, which includes two literature reviews, population-level data analysis, and interviews with 2STNBGD young people. The Representative's Office was supported by a circle of advisors composed of 19 community practitioners, researchers, advocates, and academics.

The Representative's findings include: that 2STNBGD youth are experiencing disproportionate negative mental health outcomes, such as suicidal ideation, suicide attempts, and self-harm; that being referred to by the wrong gender pronouns or a dead name (the name that a person, often a trans person, was given at birth but is no longer actively using) by caregivers and social workers can contribute to poor mental health; and that 2STNBGD children are experiencing challenges with housing instability and a sense of unbelonging. After reviewing critical injury and death reports between 2018 and 2021, the Office found that a disproportionate percentage (44 percent) of injury reports of 2STNBGD young people were related to suicidality and self-harm, compared to their cisgender peers (14 percent among cis males and 22 percent among cis females). The Representative highlighted that some of the 2STNBGD young people experience multiple injuries and often have multiple support needs.

The Representative shared two stories of young people who are featured in the report, Avery and Robin. Avery was a trans young person with autism and multiple mental health concerns. They wanted to receive gender-affirming care but were told that their mental health needed to stabilize first, despite the possibility that their mental health crisis was linked to, if not caused by, the gender dysphoria they were experiencing due to the onset of puberty. Avery eventually received puberty blockers, which are medications that temporarily suppress puberty, and their mental health stabilized. Facing long waitlists for services and a lack of service providers with sufficient knowledge related to their

challenges, Avery died of suicide before they were able to receive the full range of gender-affirming care they needed.

Robin was born in a small Indigenous community outside of BC, before moving to the province. Robin experienced challenging circumstances including family violence, poverty, and housing instability, and was diagnosed with post-traumatic stress disorder. Robin was taken into care but their foster caregivers were not able to meet their needs and when they lived in staffed care homes, they did not feel safe or accepted. The Representative's Office received 25 reportable incidents related to Robin, including sexualized violence and exploitation and injuries related to substance use. The Representative shared that Robin now accesses shelters in the Downtown Eastside because they feel more accepted there than in government care.

Dr. Saewyc discussed the companion report developed by SARAVYC, titled *Trans, Nonbinary and Two Spirit Young People's Experience of Government Care and Health Services in BC*. SARAVYC conducted two literature reviews: one on care experiences related to mental health and substance use, as well as access to health care generally for trans and non-binary young people; and a second literature review on the needs of gender-diverse youth who have been in government care or who are unstably housed. Due to limited local available research, the researchers included studies from the US as well as Canada. SARAVYC also examined the 2019 Canadian Trans Youth Health Survey and the 2018 BC Adolescent Health Survey. Additionally, the researchers interviewed 15 gender-diverse young people, ages 16 to 23, from across the province who had experience with government care or mental health and substance use services in BC.

Gender-diverse young people shared that they frequently experienced misgendering and disrespect at home, in care, and from professionals. They also experienced high rates of violence and discrimination, higher than cisgender youth in care. The youth shared struggles with wait times, geographic barriers to care, and challenges accessing supportive, knowledgeable, and culturally safe providers. Additionally, they shared how affirming and transformative it was to have an informed health care provider or foster parent, or access to culturally embedded supports or counsellors. Dr. Saewyc noted that the interview findings align with current academic literature on the topic. The young people that SARAVYC

interviewed also spoke positively of the freedom, confidence, and enjoyment that they experience related to their gender. Dr. Saewyc agreed that 2STNBGD children and youth experience positive outcomes when their gender identity and expression is affirmed and emphasized that this is a protected right under BC and Canadian human rights legislation.

The Right to Thrive makes eight recommendations intended to ensure the rights of 2STNBGD children and youth are upheld. The first is that the Ministry of Attorney General identify opportunities to strengthen legislative and/or regulatory protections to address disinformation about and discrimination against 2STNBGD children and youth and lead the implementation of those changes. The Representative also recommended that the Ministry of Health lead the development of a cross-government commitment to gender-affirming care, including creating a set of principles that will guide this coordinated approach. Additionally, the Representative recommended that the Ministries of Health, Education and Child Care, and Mental Health and Addictions establish action plans and timelines to incorporate the principles into their policies and training materials. Further, the report recommends that the Ministry of Mental Health and Addictions review the service access needs of 2STNBGD children, youth, and their families and incorporate new plans, guidance, or protocols into the anticipated revised action plan for *A Pathway to Hope*, which is the Ministry's plan for improving mental health and addictions care.

The report's last four recommendations are directed to the Ministry of Children and Family Development (MCFD). One recommendation is to establish an action plan and timelines to incorporate the principles developed by the Ministry of Health into MCFD's training materials, practice guidelines, and services across all service lines to ensure that staff feel knowledgeable in providing gender-affirming care. Additionally, the report recommends creating at least two provincial positions to provide specialized practice consultation and support to MCFD staff, caregivers, and out-of-care providers. It also recommends providing foster parents with supports and specific training on gender-affirming care and ensuring that all residential resource contracts for staffed resources include requirements for policies that are specific to gender-affirming care.

The Representative concluded her presentation by saying she is disappointed that there has not been more action to support 2STNBGD young people and added that she wrote a letter to the Premier and relevant ministers to encourage more proactive steps by government. She emphasized that she hopes government will work cooperatively to stand apart from other jurisdictions that are eroding the rights of 2STNBGD children and youth.

Committee Inquiry

Committee Members expressed strong support for the rights of 2STNBGD children and youth and thanked the Representative,

Dr. Saewyc, and other staff for their work on this file. They asked for an example of potential legislative changes government should explore. The Representative suggested one such change is ensuring that existing human rights instruments clearly articulate that the rights of 2STNBGD young people are protected. She added that another example would be to implement the Committee's recommendation from its 2023 review of the *Representative for Children and Youth Act* to amend the Act to provide the Representative jurisdiction over services for 2STNBGD children and youth.

Still Left Out: Children and Youth with Disabilities in BC

The Committee reviewed the Representative's report titled *Still Left Out: Children and youth with disabilities in BC* at its November 22, 2023 meeting. Dr. Jennifer Charlesworth, the Representative for Children and Youth, was accompanied by Samantha Cocker, Deputy Representative. *Still Left Out* is a follow-up to the Representative's 2020 report *Left Out: Children and Youth with Special Needs in the Pandemic*. Rather than making any new recommendations, the follow-up report reiterates the Representative's recommendations for government to improve services and supports for children and youth with disabilities.

Representative's Report and Presentation

For *Still Left Out*, the Representative reached out to the 10 families whose stories were shared in *Left Out*, as well as four families that participated in her report *Excluded: Increasing Understanding, Support and Inclusion for Children with FASD and their Families*. The Representative's Office also conducted an online survey of more than 1,000 families of children and youth with disabilities in British Columbia.

Still Left Out found that not much has changed for the 14 families since *Left Out* and *Excluded* were released. The families said they are still struggling to access supports and services that are under-resourced, have long waitlists, and are difficult to navigate. The Representative stated that survey respondents shared similar concerns, with nearly 75

percent of respondents feeling no or minimal confidence that their child will receive the services they need within the next three years. Additionally, 14 percent of respondents said they had considered placing their child under a voluntary care agreement so their child could access necessary supports and services. The Representative's Office estimated that there are up to 80,000 children and youth with disabilities in British Columbia who are not receiving any support.

Since 2018, the Representative has made 25 recommendations related to supports for families of children with disabilities in various reports. These recommendations and their implementation status are included at the end of *Still Left Out*. In her presentation, the Representative emphasized that many of these recommendations are not close to being implemented. The Representative stated that this lack of action is significantly impacting children and their families and that families are exhausted and overwhelmed by the systems that are supposed to help them. The report urges government to move forward on immediate and medium-term actions to support families of children and youth with support needs and to implement recommendations from past reports by the Representative.

The Representative noted that she supports government's stated vision for a needs-based framework for children and youth with support needs; however, she emphasized that the process to develop the framework has been lengthy and is still

not complete. The Representative acknowledged that there have been funding increases to support underserved children with disabilities but stated that *Still Left Out* found that these children are not much better off than they were before. She noted that children with fetal alcohol spectrum disorder (FASD) and Down syndrome are still ineligible for services that children with other diagnoses, such as autism spectrum disorder, may receive. More than 34 percent of survey respondents said their children are ineligible for any support.

In *Still Left Out*, the input from the 14 families and survey respondents is organized into four broad age groups: birth to age five, school years, middle school to high school, and early adulthood. During her presentation, the Representative shared some of the stories from families featured in the report. She told the Committee about Maria, a mother of twin boys who both have cerebral palsy. To attend daycare, Maria's children need support from aides, but there was too much demand for the available funding. Eventually Maria received funding, which improved her family's experience, but her children are about to age out of the program. The Representative also shared the experience of Maeve, who has three children with FASD. Maeve has had to pay out of pocket or seek funding from charities to access resources that her children are ineligible for as kids with FASD. The Representative stated that Maeve shared that navigating BC's systems of care and lack of understanding about FASD has been extremely stressful.

To conclude her presentation, the Representative noted that in November she and members of her team visited several BC communities that have family connection centres in development and met with dozens of families and services providers. The Representative acknowledged government investments in services for children and youth with support needs but said her Office has heard repeatedly that these investments have not positively impacted families' experiences. She shared that her Office extended the timeframe for the survey and has now heard from over 1,300 respondents. The Representative intends to use this input in upcoming reports.

Committee Inquiry

Committee Members asked questions about what changes can be made to address the issues raised in the report. The Representative highlighted the need to: increase human

resources, including through expanding post-secondary programs; provide parents basic information about assessment and other processes; and allow families some flexibility within the existing rules.

How navigation of supports and services could be improved for families was another area of interest for the Committee. The Representative shared that she has heard from families that consistent, clear, up-to-date information about available services would be helpful. She stated that hiring in-person and over-the-phone navigators would also be beneficial but noted that this does not address the needs of children who are underserved because of a lack of programming. The Representative also noted that helping people navigate complex systems in the short term is not sufficient; it is also necessary to change systems to make them less complicated.

Members inquired about how to make services and supports as efficient, transparent, and accessible as possible. The Representative reiterated that families have shared that the most difficult part is trying to understand the requirements of the system and not having help to navigate it. She added that program eligibility differs between regions, so sometimes parents might apply in one area and then move to a different region and not be eligible for services. The Representative also noted that some programs have budget caps, and once that financial limit is reached, no more families can receive services even if they are eligible. Finally, the Representative referenced coordination between ministries and services that require ongoing re-assessment as challenges.

The Committee asked the Representative to elaborate on the idea that investments made by government have not had an impact yet. The Representative explained that this means that resource allocations have not yet translated into services that are readily and widely available to families. For example, she shared that there was funding provided for respite services for kids with FASD, but it was only enough to cover 400 families. The Representative added that trying to find practitioners to deliver services is very difficult. She emphasized that it is important to examine investments and assess their impact, how they are being evaluated, and any barriers to implementation or access.

Members asked for examples of eligibility constraints that prevent children from accessing funding and services. The

Representative shared that some families of children with autism that receive individualized funding are unable to spend the money because of challenges finding caregivers or because administrative work involved with managing and paying caregivers. While reimbursement policies are in place, the Representative added that families having to spend money upfront to receive services could be a financial barrier for some.

Members were interested in potential changes to the child-serving system that are relatively easy to make and could make a meaningful difference for children and their families. The Representative shared that she has heard from families about several small changes that could make a big difference and is in the process of compiling those into a report. The Representative agreed that it is important to conceptualize recommendations as short-, medium-, and longer-term actions, but noted that BC's child-serving system was designed a long time ago and in many ways is still not meeting current needs.

ORGANIZATIONAL AND OPERATIONAL UPDATES

Throughout the 2023-24 fiscal year, Representative for Children and Youth Dr. Jennifer Charlesworth updated the Committee on various aspects of her Office's work, including its *Paddling Forward* strategy, development of Key Performance Indicators (KPIs), and investigative and review work. The Representative presented on these topics at the Committee's May 8, October 4, and November 22 meetings, and was accompanied by staff including:

- Pippa Rowcliffe, Deputy Representative
- Samantha Cocker, Deputy Representative
- John Yakielashek, Executive Director, Reviews and Investigations
- Susan Predy, Manager, Reviews and Investigations

***Paddling Forward* Strategy**

At the Committee's May 8 meeting, the Representative provided an overview of her Office's *Paddling Forward* strategy, which includes her Office's priorities and areas of ongoing strategic work. The Representative spoke about the canoe metaphor used in *Paddling Forward*, which represents the infrastructure, values, and enabling mechanisms, such as policies, procedures, funding, and corporate services, that allow her staff to undertake their work. The Representative noted that the strategy is designed to embrace the Office's values, referred to as the "six Rs": relationship, respect, relevance, responsibility/responsiveness, reciprocity, and repair. The strategy also outlines the four principles that guide the work of her staff: cultural safety and anti-racism, trauma awareness, restorative approaches, and complexity thinking.

Key Performance Indicators (KPIs)

The Representative presented a draft of her Office's newly developed KPIs to the Committee at its November 22 meeting. The Office's previous set of KPIs, which formed the basis for performance measurement in the Office's annual reports, was originally developed in 2008, in consultation with the Committee at the time. In her *Annual Report 2021/22*

and *Service Plan 2022/23 to 2024/25*, the Representative committed to updating the KPIs for her Office.

The Representative sought the Committee's input on KPIs at the Committee's May 8 meeting. She noted that the Office's original KPIs were focused on inputs (e.g., the number of calls the Office receives) and outputs (e.g., the number of reports it releases). The Representative emphasized that this method of measuring performance does not capture how effective the Office is or what impact it is having. She noted that she has encouraged public bodies to shift towards measuring outcomes and wants to hold her Office to the same standard. The Representative indicated that the development of a new performance measurement framework needs to reflect her Office's mandate and responsibilities, the values and principles outlined in *Paddling Forward*, and transparency, accountability, and impact.

In terms of feedback and questions at the May 8 meeting, Members asked about ways to measure and report on systemic changes that may be difficult to quantify. The Representative agreed that some aspects of systemic change are easier than others to quantify or measure, such as tracking policy implementation. She noted that tracking, measuring, and reporting on how systemic changes are affecting the lives of children, youth, and their families over time is more challenging. Deputy Representative Rowcliffe stated that transitioning from KPIs that are activity- or output-based is an important step towards gaining a better understanding of the state of systemic issues. The Deputy Representative noted that closer examination and measurement of the "levers of change," such as new or revised policies, increased investment, and improved training and capacity-building, can help the Office better understand if or how systemic issues are being addressed. Related to this, the Representative's commitment to track and report on implementation of her recommendations by ministries and other organizations on an annual basis could help measure if systemic changes are taking place.

While acknowledging that qualitative data is important, Committee Members stressed the importance of quantitative data, including analytics and changes in trends, to balance analysis and reporting on systemic issues. The Committee was interested in ensuring that both types of data are considered by the Representative in the development of KPIs and her new performance framework to provide a fulsome representation of the child- and youth-serving system. The Representative echoed the Committee's comments regarding the importance of both quantitative and qualitative measures. She highlighted that quantitative data analysis may bring systemic issues to light, which could then be examined more fully through qualitative measures that capture the experiences of children, youth, and their families.

The draft KPI framework includes three types of measures that the Office will be tracking: outputs as well as short-term and medium-term outcomes. In terms of outputs, the KPIs include metrics the Office is already tracking, such as the number of reportables received and reviewed and the number of youth and community outreach sessions held, as well as new metrics the Office is planning to measure, such as the number of comprehensive reviews completed and the number of hours spent in advocacy meetings.

At the November 22 meeting, the Representative explained that the short-term outcomes are similar to outputs but are closely related to a greater likelihood of better outcomes for children. For example, a short-term outcome the Office is already tracking is the number of recommendation monitoring reports released, and one they are proposing to measure is positive testimonials from Indigenous partners. Medium-term outcomes, according to the Representative, are things that the Office can measure as indicators of the broader change that the Office is working towards. All of the proposed KPIs in this category are new metrics for the Office. Some examples include new investments generated in response to recommendations, policy changes attributed to the Office's work, and the creation of appropriate structures to address cross-ministry work.

Investigative and Review Work

In June 2023, the Representative announced that she would investigate the circumstances that led to the abuse of two First Nations children in care in the Fraser Valley and ultimately

resulted in the death of one of the children. At the October 4 meeting, the Representative provided the Committee with information about the investigation. She explained that she is combining this investigation with a broader aggregate review that examines systemic issues and that the Office has not taken this approach before. The systemic review will consider how the experience of the child that the investigation is focused on may reflect the experiences of other children. The Representative highlighted that her Office has committed to releasing the investigation and systemic review by June 2024.

The Representative noted that while her Office has done many reports on specific issues, she has not taken a broader view of how the child-serving system works and what needs to change. The Representative described her statutory authority related to investigations as well as how she generally approaches them. Even though her mandate includes critical injuries of children, the Representative has chosen to only investigate deaths, out of concern that publicly reporting on an investigation related to a living child could cause further trauma. She also noted that she has significant powers to compel participation and disclosure but tries to encourage family members to participate voluntarily. The Representative anticipates having several "circles of advisors," with significant Indigenous representation, contributing to this investigation.

In terms of factors the Representative is considering while beginning the investigation, she emphasized the importance of not causing additional harm. She also highlighted that the First Nations Leadership Council and Indigenous child and family services agencies have encouraged the Representative to do a systemic review while being mindful of Indigenous communities resuming jurisdiction over child welfare services as a result of recent federal and provincial legislation.

Members inquired about the Representative's process for conducting an investigation and a systemic review at the same time. The Representative emphasized the importance of coordination and consistency in this case and noted that each aspect of the review will follow the same structure and will integrate Indigenous methodologies into the investigation and systemic review. The Representative acknowledged that the emotional aspect of this project will be challenging for her staff. Other challenges include: time constraints; seeking out good advisers; gaining the trust of family, community

members, and front-line staff; and maintaining the support of the First Nations Leadership Council, Métis Nations BC, and Indigenous child and family service organizations.

Members expressed concern that government can remove a child from their home and end up placing them in more harm. The Representative noted that reports of emotional harm injuries are increasing and that the systemic review will consider decisions around placing children into care and whether the supports provided to keep families together are sufficient.

At the Committee's November 22 meeting, the Representative shared that the Office has started the investigation and has identified the key topics for the systemic review and that external subject-matter experts will be engaged to provide information on certain topics. Additionally, the Office has recruited Indigenous matriarchs and Elders to provide guidance. The Office has established a leadership and management structure, completed a project charter, and is working on a detailed work plan. The Office is also conducting the interview stages of the investigation and the background research on the systemic issues.

Some of the issues being considered in the systemic review include: jurisdiction, self-determination, and transitional decision-making for Indigenous communities; out-of-care and extended-family placement options; workforce capacity issues in the broader child-serving sector; child welfare policies, procedures, and responsiveness, including the effect of the COVID-19 pandemic; and interministerial, inter-agency, and nation-to-nation communication and planning. The Representative also shared that she is going to undertake several rounds of engagement, including online, in-person, and through surveys. Additionally, the Office is developing a two-eyed seeing methodology, relying upon the expertise of Executive Director, Systemic Advocacy, First Nations, Métis and Inuit Research Jennifer Dreyer.

Other Committee Activity

Review of the Representative for Children and Youth Act

On April 26, 2023, the Committee released a report on its review of the *Representative for Children and Youth Act*. Section 30 (1) of the Act requires the Committee to review the Act, or sections of it, every five years to “determine whether the functions of the representative described in section 6 are still required to ensure the needs of children and included adults are met.” The Committee made 28 recommendations to support reconciliation and incorporate Indigenous perspectives in the Act, to clarify and address gaps in the representative’s mandate, and to strengthen and modernize existing provisions. To inform its work, the Committee received briefings from the Representative, the Ministry of Children and Family Development, and the Ministry of Attorney General, and held a public consultation.

