

Privatization of Welfare with Bill 88

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Is this bill designed to get kids off the street and keep them out of jail as supporters of the bill are saying or is this a sneaky way to privatize welfare for 16 to 24 year olds?

Bill 88 is a one page long: http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=2815

THE PLATITUDE

Paragraph 1 contains nothing but a platitude. It states that services under the Child and Family Services Act (CFSA) "should" be provided in accordance with the United Nations Convention on the Rights of the Child. Notice the use of the word "should". This means nothing legally. If this law was to have teeth for enforcement it would need to contain the use of the word "shall" rather than "should". And/or it would also indicate what consequences would be imposed on Children's Aid Society (CAS) if the rights of the child are violated.

THE FORCE FACTOR

If you are familiar with the CFSA you will know that children can't be forced into care or to stay in the care of the CAS after the age of 16. (CFSA 41. (1) (a)).

Under Bill 88 all youth age 12 to 18 and "older" (potentially up to age 24) are eligible to receive services including income support from CAS. This Bill expands the CAS mandate to include youth who were not entitled to services after age 16 because they were not in care before the age of 16. (CFSA 29. (2) (a)) "No temporary care agreement shall be made in respect of a child, (a) who is sixteen years of age or older;"

Bill 88 repeals section (2) (a) and replaces it with this: "(1.1) A child who is 16 years of age or older and the society having jurisdiction where the child resides may make a written agreement for the society's care and custody of the child if the person who has custody of the child is temporarily unable to care adequately for the child."

CFSA 71. (3) already has this provision: "A society or agency may provide care and maintenance in accordance with the regulations to a person who is 18 years of age or more if, when the person was 16 or 17 years of age, he or she was eligible for support services prescribed by the regulations, whether or not he or

she was receiving such support services." The new Bill 88 section 29 1.1 quoted above makes all youth eligible at 16 and 17. Bottom line is all 16 to 18 years of age and older can receive temporary and extended care services from CAS which will replace OW and ODSP for this age group whether they were in CAS before 16 or not.

How does this new provision of the CFSA force youth from 16 and older to agree to accept services from CAS? Well if you consider that the Ontario Works Act S.O. 1997, CHAPTER 25 SCHEDULE A. 9. (vi) and the Ontario Disability Support Program, 1997 S.O. 1997, CHAPTER 25 SCHEDULE B 9. (V) only allows a person to get financial assistance if they are not eligible for any "compensation" or any other "financial resource". Bill 88 makes children 16 and older eligible for services with CAS, which includes income support whether or not they were in care before. Therefore, a person age 16 and older who would currently be entitled to OW or ODSP would be automatically ineligible to receive OW or ODSP income support and forced to accept the CAS offer of a temporary service or extended care agreement or they would be on the street or worse. This would include youth over 16 in care and who want to leave or youth wanting to leave home to live independently and do not want to go into the custody of the CAS.

Jane Scharf reports, "I have been recently working with a young mother who has had great difficulties with the CAS. When she was 13 she was placed with the CAS because her mother died. When she came into care, CAS got her to sign a care agreement that stated she would be in care until age 18. The document was in English and the girl only spoke French so she was unaware of what she was signing until she reached the age of 16 and wanted to leave. CAS told her that if she left they would have police bring her back because she signed an agreement to stay with CAS until she was 18. She chose the harsh life on the streets over the CAS group home placement they had her in and lived on the street without income for the next two years. At eighteen she became pregnant and CAS removed her baby because she

was young and she had been in CAS care herself. (CFSA 37 (2) (reference for the CAS use of risk of future harm as cause for removing a child is described in a pamphlet funded by the Provincial Government and distributed by the courts. On page 7 of the flyer it says CAS can apprehend a child at birth if the parent is "a teen mom, especially if she was ever in the care of the CAS." Now all youth will be more vulnerable to having their children apprehended by the CAS.

The pamphlet can be found here: http://www.onefamilylaw.ca/doc/FLEW_legal_EN_02.pdf

This young woman reported to myself and the Office of Children's Advocate during their public hearing that she had been seriously neglected and abused while in the care of the CAS from age 13 to 16."

Pamela Palmer reports "I received a report recently from a 20 year old girl currently in the care of the CAS. She reported that CAS had bribed her into care 3 months prior to her turning 16, by the society promising to pay for her own apartment once she turned 16. She said even though they fell through with their promise to her, she states she doesn't want to leave their care because they are currently giving her over \$900 a month and it is substantially more than she would receive from OW, over \$300 a month more. She says they are supposed to end this income support at the age of 21, but she wants to enroll in University and will explore whether or not they will extend this income support past the age of 21. She wants to do this as there is no limitation in the act stating just what age they are suppose to cut off this support as the act says 16 and older." (CFSA 71. (3))

Many advocacy groups across Ontario receive numerous calls from teens in the exact same or similar situations on a regular basis. They are reporting neglect and abuse in CAS foster homes and group homes and how they are being intimidated, harassed and bribed to stay in CAS custody. My greatest concern is that this new Bill will make it even harder for these kids to get out of the CAS system and back home or out

on their own if this is what they need and want.”

PRIVATIZATION OF WELFARE FOR YOUTH 16 AND OLDER

The Private Member Rod Jackson who introduced Bill 88 does not even mention in his address to the legislature that it will be CAS who will get the exclusive contract for the privatized youth welfare system. In fact he refrains from mentioning the CAS at all in his address but instead uses another term which is synonymous but not well known i.e. the Child Welfare System (CAS). Jackson claims that CAS has programs that keep youth off the street and out of jail but nothing could be further from the truth. CAS wards and former wards are vastly overrepresented in the street and jail population some studies showing up to 80% from the CAS system even though they make up less than 1% of the youth population in Ontario. Jackson also claims there are no programs for youth other than the CAS programs which is also blatantly untrue. In every major city in Ontario there are extensive programs for youth that are not in CAS. These programs have much better outcomes even though they operate on a shoestring budget unlike the huge budgets accorded to the CAS from the public purse. (You can find Jackson's address to the Legislature at second reading in the Hansards September 19, 2013).

In effect CAS will be taking over welfare services for children 16 and “older”. This is problematic because as is typical with all CAS services there is no accountability to the taxpayer that this money will be spent as intended and appropriately. A young person may find themselves in a hell of a pickle if OW or ODSP turns them down because they are theoretically entitled to CAS services but CAS will not accord these services to them. This young person will soon find out that nowhere can they find assistance to help them because this agency does not answer to anyone or anything. Even the courts are expressly prohibited from ordering services be provide by the CAS to a child in their care. (CFSA 51 3.2 (c)). Tragically former crown wards already make up the vast majority of the homeless population and these are youth that are entitled to services under the current CFSA but are unable to secure them even though CAS is receiving funds for them.

These legislative changes will see a huge increase in CAS budgets to accommodate the increased caseload i.e. 16 years old and up to potentially 24 years of age who are currently on OW or ODSP. These youth will need to be transferred to the CAS caseload due to

the changes established through Bill 88. The Canadian Centre for Policy Alternatives just put out a report called “The Young and the Jobless”, showing that Ontario has the highest unemployment rate for youth in the country. (<http://ca.finance.yahoo.com/news/ontarios-youth-unemployment-among-worst-canada-235848457.html>) therefore, this budget increase for CAS will be considerable. This increase in caseloads will significantly decrease the caseload in OW and ODSP and will cause layoffs of welfare workers across the Province. This also means more resources to an agency that is private and does not have to account for the vast resources it receives via the public purse.

THE CONCLUSION

On September 19, Rob Jackson the Conservative MPP for Barrie spoke about his rationale for his private members bill which if passed would expand the CAS jurisdiction to include all youth 16 and older who were not in CAS previously. In his address to the legislature he said that children who are not in the “care” of the CAS after 16 end up homeless, in jail or worse because they do not have social services available to them for income support, housing, education, personal support etc. Mr. Jackson is misrepresenting the facts as each major city in Ontario has community and OW and ODSP programs that provide emergency shelters, transitional housing, subsidized housing, employment programs, outreach programs, drop-in centres and case management programs available to youth who were never in CAS. ODSP offers employment support for persons with disabilities including counseling and therapy that is not covered by OHIP or other means. In his address he claims that children in the care of the CAS are better off but fails to mention that 80% of street youth and jail population came through the group home and foster care system of the CAS. If he truly wants to help the homeless youth as he claims, why is he not making this bill about the 80% who are in CAS jurisdiction already and holding CAS accountable for outcomes of youth in their care instead of trying to force all youth under the jurisdiction of the CAS.

Even though all three parties voted unanimously for the bill September 19 and Jackson said the Children's Advocate Irwin Elman supports the bill Elman disagrees with this and says now the government does not support the bill and he does not support it in its current form. (stated in an interview with Pamela Palmer and Jane Scharf on October 15. Bill 88 does not answer the concerns of the thousands of child and family advocates across the province,

including the Ontario Ombudsman and the Office of the Provincial Advocate for Children and Youth that have been raising issues in regards to the human rights and charter violations that already occur and exist under the current Child and Family Services Act. Again, these are but a few of the more serious problematic issues that both offices and children and parents across the province are reporting.

The Ombudsman receives 1,500 complaints each year about the conduct of the CAS workers and they cannot investigate because they have no authority to hold this private organization accountable. In fact, no one does. Every right you have in law is unenforceable when dealing with the CAS under the current laws. Before we go expanding their jurisdiction, we need to have a serious independent public inquiry into the activities and conduct of the organization known as the Children's Aid Society, as well as the legislation that gives them so much power with absolutely no oversight. In the meantime, Bill 88 would expand CAS jurisdiction through privatization of the OW and ODSP for youth 16 and older. This would include youth that were not in the care of the CAS before turning 16 years of age, they would now qualify for services in turn forcing them into the care of the CAS and out of OW and ODSP. Unlike the CAS, OW and ODSP are 100% accountable and transparent. This bill needs to be scrapped because it is not favorable to the children and their families or to the Ontario taxpayer.

The Auditor General of Ontario Report 2006 shows the CAS has “doubled their funding since 1998/99 and 2004/05 fiscal years, rising from \$541.7 million to \$1.173 billion while their key service volumes, including the numbers of families served increased by only about 40% over the same pay period.” Currently, it is estimated that the CAS is receiving over \$1.5 Billion tax payer dollars plus private donations and federal funding per year.

We want to see child welfare services offered by the Provincial Government so there would be automatic Ombudsman oversight. The existing Child and Family Services Act already allows the province to take CAS over. (CFSA section 22 (1)) We also want child protection services offered under the criminal code as was intended in the Constitution Act of Canada (91. (27)).

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