

Legislative  
Assembly  
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législative  
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**Official Report  
of Debates  
(Hansard)**

SP-46

**Journal  
des débats  
(Hansard)**

SP-46

**Standing Committee on  
Social Policy**

Supporting Children's  
Futures Act, 2024

1<sup>st</sup> Session  
43<sup>rd</sup> Parliament  
Monday 27 May 2024

**Comité permanent de  
la politique sociale**

Loi de 2024 visant à soutenir  
l'avenir des enfants

1<sup>re</sup> session  
43<sup>e</sup> législature  
Lundi 27 mai 2024

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Chair: Steve Clark  
Clerk: Lesley Flores

Président : Steve Clark  
Greffière : Lesley Flores

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House Publications and Language Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400  
Published by the Legislative Assembly of Ontario



Service linguistique et des publications parlementaires  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400  
Publié par l'Assemblée législative de l'Ontario

ISSN 1710-9477

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON SOCIAL POLICY

## COMITÉ PERMANENT DE LA POLITIQUE SOCIALE

Monday 27 May 2024

Lundi 27 mai 2024

*The committee met at 0905 in committee room 2.*

### COMMITTEE BUSINESS

**The Chair (Mr. Steve Clark):** Good morning, everyone. The Standing Committee on Social Policy will now come to order. We're here today to conduct clause-by-clause consideration of Bill 188, An Act to amend the Child, Youth and Family Services Act, 2017 and various other Acts.

We're joined today by Hansard, broadcast and recording, and by Bruno Falardeau from the Office of the Legislative Counsel, who will assist us with our work if there are any questions.

The proposed amendments have been filed with the Clerk. They have been distributed to members both electronically and in hard copy.

Are there any questions from members of the committee? MPP Fife.

**Ms. Catherine Fife:** Good morning, Chair. Happy Monday. I do have a quick motion to introduce to the committee for consideration with regard to Bill 21, and I'm prepared to read it into Hansard. Also, I have physical copies for committee members.

**The Chair (Mr. Steve Clark):** Just give a minute to the members of the committee to get a written copy of the motion, MPP Fife, and then I'll allow you to speak to the motion.

You can proceed.

**Ms. Catherine Fife:** Thank you. I move that the committee conduct hearings on Bill 21, Fixing Long-Term Care Amendment Act (Till Death Do Us Part), 2022, on Monday, June 10, 2024, from 9 a.m. until 10 a.m. and from 1 p.m. until 6 p.m.; and

That the Clerk of the Committee be authorized to immediately post notices regarding the hearings on the Ontario parliamentary channel and on the Legislative Assembly's website; and

That the deadline for requests to appear for hearings be 12 p.m. on Wednesday, June 5, 2024; and

That witnesses shall be scheduled in groups of three for each one-hour time slot, with each presenter allotted seven minutes to make an opening statement followed by 39 minutes of questioning for all three witnesses divided into two rounds of 7.5 minutes for the government members, two rounds of 7.5 minutes for the official opposition mem-

bers, and two rounds of 4.5 minutes for the independent member of the committee; and

That witnesses appearing be permitted to participate in person or participate remotely; however, a maximum of two individuals may appear in person on behalf of an organization, and any additional representatives of that organization shall participate remotely; and

That the Clerk of the Committee shall provide a list of all interested presenters to each member of the subcommittee on committee business and their designate as soon as possible following the deadline for requests to appear; and

That if all requests to appear cannot be accommodated, each member of the subcommittee on committee business or their designate may provide the Clerk of the Committee with a prioritized list of presenters to be scheduled, chosen from the list of all interested presenters for those respective hearings, by 2 p.m. on Thursday, June 6, 2024; and

That the deadline for written submissions be 7 p.m. on Tuesday, June 10, 2024; and

That legislative research provide the committee members with a summary of oral presentations and written submissions as soon as possible following the written submission deadline; and

That the deadline for filing amendments to the bill be 12 p.m. on Wednesday, June 12, 2024; and

That the committee meet for clause-by-clause consideration of Bill 21 at Queen's Park on Thursday, June 13, 2024, from 9 a.m. until 10 a.m. and from 1 p.m. until 6 p.m. and from 6:30 p.m. until midnight; and

That the subcommittee on committee business be authorized to revise hearing dates, deadlines and clause-by-clause if necessary.

I'm prepared to briefly speak to the motion.

**The Chair (Mr. Steve Clark):** Go ahead.

**Ms. Catherine Fife:** Committee members will know that the Till Death Do Us Part legislation, Bill 21, has been sitting at this committee for 550 days. It's an important piece of legislation that would take the first step for spousal reunification in long-term care.

You have all been contacted, I know, several times by Mr. Jim MacLeod, who is a Cambridge resident. He and his wife, Joan, have been married for over 65 years. They have been separated for five and a half years. She resides at Hilltop. She is becoming more and more fragile, and time is not on their side. He drives every day to see her, but he is in his eighties, and he will no longer be able to do

that for an extended period of time. He has actually sent the Premier the gas bill for the mileage in that endeavour, because he feels very strongly that care campuses are the wave of the future, so that he should be able to just walk down the hall to see his wife, Joan.

I know that all of us in this committee understand how wrong it is that seniors are separated in their final years. It is cruel. I've been working with a researcher, Madison Robertson at Queen's University, who also has been gathering evidence that shows how detrimental it is for the health of the partner and the spouse.

Jim is a strong and determined fellow. He is supporting five other couples who are separated at Fairview right now. This is not a one-off situation in Ontario. Saturday morning, he called me, and he's at his wits' end. He really needs this billed to be called.

I understand that the government does not think that this is a perfect bill. If it is not perfect, we can fix it. We should reach out to Ontarians and find out how they are feeling about the state of affairs in long-term care. That 550 days is time that we will never get back, but this motion expedites consultation, and I know that the members of the social policy committee would be willing to work together and solve this issue.

We can find a compassionate solution for spousal reunification, but that work has to start at this committee. I'm asking members of this committee to vote in favour of calling the Till Death Do Us Part legislation, Bill 21. Let's get to work on finding a compassionate solution.

**The Chair (Mr. Steve Clark):** Further discussion?

**M<sup>me</sup> France Gélinas:** This is an issue that I deal with on an ongoing basis. I want to share the story of a specific couple in Sudbury. She was admitted to Finlandia, a very good long-term-care home. He was admitted to a different long-term-care home. She had dementia and wanted to see her husband really badly. He did not, but he was very frail and was admitted to long-term care also, in a different long-term-care home. He called my office every single day, wondering when he was going to move to be with her, or her to move to be with him. Every single day, he called me. He called the care coordinator every single day to see where he was on the list. This went on for 18 months. The day that we were finally able to move that case forward, his wife died, so they were never together. They had been married for 72 years. They were separated for the last 18 months of their lives—both in long-term care, but unable to see one another. Their kids would do the best they could to go pick him up; it was difficult, because of his frailty—to bring her. It was just hell.

0910

The way the rules are right now is that if you are fed and you have shelter, you're safe—you're list number 4. There are all sorts of priority lists for people to go to long-term care, and the minute you are fed and have a roof over your head, you are no longer a priority. This is wrong. We have to take into account the mental health of the people there, the stress that it puts on them. The mental stress was just unbearable.

The people at what was the CCAC, the LHIN, the home and community care—went through the whole thing—wanted them to be reunited. But with the rules that were there, with the high number of people on ALC lists at the hospital, the high number of people in the community waiting for a primary placement, it was never feasible to put them in the same long-term-care home. He was at Pioneer Manor; she was at Finlandiakoti—two very good long-term-care homes. There's nothing wrong with those homes. What was wrong is that we could not switch one so that they could be together.

On the flip side, I was able to, by shaming the system, get couples to be reunited. You just cannot believe the difference it makes, in the last few months that people have to live, to be with their spouse. Most of them have been married for 60, 65, 70 years. They still love each other. They still want to be together. They still want to care for one another. When you put them in two different long-term-care homes and then the rules make it impossible to move them, this is just cruelty at its worst.

We have a chance to change this. We have a chance to help frail, elderly people be happy, be with their loved one, by working on that bill. You supported it at second reading. If you look at Hansard as to the arguments that were made in support of this bill, I think we all agree that we want this to happen.

We can change the rules as to who gets priority for access to a long-term-care home, to respect that this is the minimum we can do to help some very frail, elderly people who still want to be with their loved ones, who still want to be with their spouse. We have an opportunity to do this next week. There is nothing on the docket for this committee next week. We can get that done. I guarantee you, you will get thank yous from all over the province, because there are people who want to be reunited; there are people who have been married for decades and decades and still love one another and still want to be together. The rules, as they stand, could be changed. It's as easy as that. It is our job to change those rules so that we take the mental health of people who have lived together into consideration when we decide where on the priority list they should be. To simply look at "you're fed, and you have a roof over your head" is not enough. Look at their mental health. So if both spouses want to be together, let's put them on the 1A list rather than the number 4 list, and we will get it done. It's not going to increase the number of people waiting for a bed. They're already in long-term care. They're already there. They just need to be higher on the list so that they can be switched. I think we can do that. I think we should do that.

**The Chair (Mr. Steve Clark):** MPP Clancy.

**Ms. Aislinn Clancy:** I just want to say that I think it's a good fiscal decision, too. The couple I've met find being helpful good for them. It could alleviate a bit of strain on the system. Double occupancy is a lot more affordable than single occupancy. It could free up homes in the community where seniors are over-housed, so it could be a solution to the housing supply. It could be a solution to

the lack of LTC beds, because they're sharing a bed, having double occupancy.

In this legislation, the one we're going to discuss today, Bill 188, we've talked about the efforts we should make to keep siblings together. Obviously, we don't want to cause a gap in the system where it can be costly and cumbersome to reunite people. But, just like in this legislation we put wording in there to encourage the reunification of siblings so that they can stay together throughout their placements in the child welfare system, this to me is of the same vein, where we can put in some wording in legislation to encourage us to keep families together where possible.

So I think on a compassionate level, it makes a lot of sense, and I think it's actually a housing solution and it's fiscally responsible for our system to optimize the beds we have and the housing we have.

In the cases that I've heard in my office, the partner that's not in care actually is really capable in other ways. Sure, there are mobility issues or other things, but they could be a real help to our understaffed and under-resourced long-term-care system by doing the feeding etc. I think it makes sense on a lot of levels and so I'm open to this.

**The Chair (Mr. Steve Clark):** MPP Kusendova-Bashta.

**Ms. Natalia Kusendova-Bashta:** Good morning, everyone. Happy Monday.

This morning, we're here to consider clause-by-clause for Bill 188, and I just have to say very respectfully there are many private members' bills that are waiting on the docket. It is, in fact, this government that has passed the largest number of private members' bills, including opposition bills, in the history of Ontario. Even my own private members' bill, Improving Dementia Care in Ontario Act, is on the docket for this committee.

In response to some of the things you have said, as the PA to long-term care, I have to say I visited many long-term-care homes, including Finlandia in Sudbury, and I can attest to the excellent care that patients and residents are receiving. I've actually met a lovely couple, a wife that comes to visit her husband every single day in Finlandia. It's a cultural home and, as you know, our government's priority is to grow more culturally and linguistically appropriate care.

As the members know very well, our Fixing Long-Term Care Act already prioritizes care home applicants who want to reunite with their spouses or partners. In recognition of this, every long-term-care home with regular long-stay beds has reunification priority-access beds. These beds are for residents' spouses or partners who are in crisis. We are also providing subsidy funding to subsidize the cost of semi-private rooms. That way, couples can stay together when sharing the cost of one room.

But of course, we have a crisis list, as the member is very well aware, and your bill does not address that. Your bill does not include care requirements, meaning that spouses with minimal care needs or no needs at all could be pushed to the top of the waiting list at the expense of others in urgent or crisis care situations.

So, for that reason, I will be recommending that we vote against this motion, because we already have our bill that addresses these issues. We'll continue working with our residents, with the long-term-care sector, to find solutions but, right now, we really need to take care of people who need the care the most, and those people are on the crisis list.

Of course, we're investing into the long-term-care sector: \$4.9 billion in our recent budget, \$155 million for the construction funding subsidy. We're building long-term-care beds across this entire province, including in all of your communities. We're doing the work that needs to be done, but we cannot compromise care of the very, very ill patients. From my own experience, I can tell you that patients that are coming into long-term care today are a lot sicker than they were 10 or 20 years ago and their needs are a lot more complex. So we need to ensure that those residents are prioritized and they receive the care that they need.

**0920**

**The Chair (Mr. Steve Clark):** MPP Fife.

**Ms. Catherine Fife:** That's obviously a disappointing response from the government, I'd have to say. The goal of Bill 21 would enshrine in legislation the rights of seniors to be together. We will never design a long-term-care system that meets the needs of spousal reunification if we don't enshrine it in legislation. Because, as we all know, we all have couples in our ridings that are currently separated.

The criticism of the bill is not factually correct, Chair. It is a bill that is designed to create a system where it's not optional for seniors to be separated. The government has referenced their long-term capital plan for long-term care. That capital plan should include spousal reunification, and if Bill 21 passed, it would have to.

Instead of trying to fix the system afterwards, after the fact—as my colleague MPP Gélinas has referenced, after the pain and anguish of seniors being separated—instead of trying to backtrack and correct a flawed system, we should design a system right now that meets the needs of spousal reunification.

Chair, I'll be asking for a recorded vote on this, please.

**The Chair (Mr. Steve Clark):** Any further comments or are we ready to vote? MPP Gélinas.

**M<sup>me</sup> France Gélinas:** I want to make one last pitch. Is the bill perfect? No. But is what we have in place perfect? No. There are still so many people who are husband and wife and who live in two different long-term-care homes who cannot be reunited together. It is happening right here, right now. Even with the changes that long-term care made, the mental health of the person in long-term care is not taken into account when we assign whether they're going to be a priority 1A or priority 1, 2, 3 or 4. This is wrong.

We have an opportunity to change this. They are suffering when they are apart. We are doing that suffering on those elderly people. It is on each and every one of our shoulders that we are putting those people through. These are people that are in their nineties that have been married

for a very long time. All they want is to be together. They already are in long-term care, but they cannot make it on a priority list to be reunited, no matter what we have in place now. Things as simple as taking their mental health into account would help.

This is such a small step that we could do to alleviate suffering for people who don't deserve to be treated like that. They didn't do anything wrong. Why are we punishing them in the last days of their lives? This is what we are doing.

We have a chance to change this. Don't let it go by. It doesn't have to be perfect. At committee, we can certainly improve upon the bill, but a step in the right direction will help a lot of frail elderly people be a whole lot more respected and a whole lot happier than they are now.

**The Chair (Mr. Steve Clark):** Thank you, MPP Gélinas. Are members ready to vote?

### Ayes

Clancy, Fife, Taylor.

### Nays

Bouma, Coe, Dowie, Grewal, Kusendova-Bashta, Pierre.

**The Chair (Mr. Steve Clark):** I declare the motion lost.

## SUPPORTING CHILDREN'S FUTURES ACT, 2024 LOI DE 2024 VISANT À SOUTENIR L'AVENIR DES ENFANTS

Consideration of the following bill:

Bill 188, An Act to amend the Child, Youth and Family Services Act, 2017 and various other Acts / Projet de loi 188, Loi modifiant la Loi de 2017 sur les services à l'enfance, à la jeunesse et à la famille et diverses autres lois.

**The Chair (Mr. Steve Clark):** Before we begin clause-by-clause consideration of Bill 188, I'm going to allow members to make comments to the bill as a whole. Afterwards, debate on the bill will be limited to the specific item that's under consideration. As always, please wait to be recognized by the Chair. All questions and comments should be made through the Chair.

Committee members, pursuant to standing order 83, are there any brief comments in advance of the discussion of Bill 188 as a whole? MPP Taylor.

**Miss Monique Taylor:** I just want to say what a pleasure it was to have the people who came to speak before us and to try to strengthen the bill and to speak in favour of what's before us. There are important aspects of this bill that I know have been driven by lived-experience voices and youth currently in care to ensure that they have rights not just while in care but also when they leave care. So those are really important aspects that I was proud to see

in this bill, and I congratulate the Child Welfare PAC folks who have worked so hard to ensure that this legislation was pushed forward.

There are several things that we wish we would have seen. We will be calling for those today. The re-enactment of the child advocate was absolutely crushing to the vulnerable children of this province in every sector, and to see that office be shuttered—it's just not enough to put the Ombudsman in place to take over that advocacy work that was so necessary. When you do advocacy work, you hear voices, you speak to every sector and every need in our community. And when that office was taken away, those voices were stifled. So by placing the Ombudsman in that place—sure, it does the work on a complaints basis, but we know that they're just not capable nor are they mandated to be able to look after children in the same way that the child advocate's office did.

And we know that children are falling apart in this province. They're failing in so many directions. We see them struggle when it comes to education. We're seeing them struggle with mental health, with abilities to get services. If there's anything that we should be doing, it's making sure that our foundation is strong. And the foundation of any community is its children. So to not have measures in place to focus directly on our most valuable resource is really unfortunate.

Losing the ability to have a ministry stand alone for children was probably the first callous thing that this government did against children in need in our communities, and, really, that focused on children's need. To wrap them into community and social services was a disservice to children. So that's something that I feel very strongly about. Like I said, if we cannot focus on our children, the same people who will grow to take care of our communities, it's a disservice. It truly is. It's a disservice to the people that we serve and the people who will continue to be served for decades to come in the province of Ontario. And when we talk about a strong brand of Ontario, when we talk about a strong home, that has to come from roots, and roots only grow when we nurture our kids.

So those are a lot of my initial comments. I'm quite sure that I will have several more as we continue through the process. That's it for me. I just wish that we could do better, and I hope that the government members will see to supporting amendments for this bill to ensure that we truly are capturing the voice of our most vulnerable resource, our children.

**The Chair (Mr. Steve Clark):** MPP Clancy.

**Ms. Aislinn Clancy:** I want to start off with appreciation. I think we all heard really good feedback, especially from young people—or not so young anymore, but folks who had had lived experience in the child welfare system. So that was really great to see. And I think something we ask here all the time is, "How were you consulted?" And I think there was good feedback, that there was a lot of effort made by the ministry to seek out expert voices, to seek out voices of those with lived experience. That was really a good experience. It was great to hear the thought and effort that was put into legislation to bring it to where we are



today. Because of this, I saw that people had very specific praise, especially about their information being accessible—that was great to see—a lot of clarity around that information and privacy stuff coming from the bill, a lot of really troubling group homes that now will be held more accountable for making profit off of really bad care. I'm glad to see more accountability.

**0930**

Here we are, talking about a group that's the most vulnerable. Kids in care I think are the most vulnerable in our society, and anything we can do to bring more accountability, bring more oversight, bring more protection I think is really important.

It was good to hear from the college of social work as well about them wanting to partner with the government so that they can share when there is a concern on their end, how they can bring those concerns forward to social workers in the sector. And I think there are a lot of ways in which this bill will reduce harm, especially related to some of those bad actors in the sector.

I do want to highlight some feedback, and this is just a general theme for the sector: funding. I know we didn't hear as much from folks with lived experience, because that's not their bread and butter, but when I reached out to our local CAS, they're really, really, really struggling. They're at a 10-year low for their funding and they say there was a quality assurance measure and it's because of lack of funding that it can't meet those quality standards.

Another thing that was highlighted in my efforts to gather information was how many kids are being referred to child protective services because they don't have adequate housing. That was at 20%. Some 20% of the referrals to the child welfare sector is because of folks facing really extreme poverty. I just got a call yesterday in my riding from a social worker from my old job saying, "I have this lady. She's on welfare, living in a hotel with her kids." We see this on a regular basis that the gaps in our community services—they've been really starved for the last decade. Because of those gaps, whether it be mental health, developmental services or just abject poverty, those are reasons why people are being referred to child welfare services. Because parents can't parent under these circumstances.

So I hope that we can look a little further at the gaps and the reasons why kids are coming into care. There was a quote from one of our child welfare systems that they don't want to be parents. The government shouldn't be parents, right? So when there are circumstances when we can shore up the caregivers that are really trying their best, whether that be by ensuring they have the wraparound supports or they have enough money to just pay rent and buy food, we'll go a lot further to preventing kids from coming into care in the first place.

Another concern that I hope we can address at some point is the use of the child welfare sector by teens. I had a stat that 60% of the kids referred to care are teenagers. I did have a chat this past week with our local youth shelter. Again, they haven't had an increase in funding and they're looking closing their doors. This is shocking. It's the only

youth shelter in a region of 600,000. This youth shelter is having that conversation this evening about closing their doors. They don't get a cent from the government. It was hard to hear. The CEO say she's lost 47 teens in her years, and with the drug crisis—if we are really worried about human trafficking, if we're worried about the well-being of young people, I hope we can also properly fund, adequately fund these services in our community because this is a real threat that we will be facing in my community in the coming months, to be honest, and that's alarming.

So, yes, we need housing; yes, we need a bump to OW and ODSP so people can afford rent and food. We need to shore up these community organizations. I know in the mental health sector, for example, we have cut—just in my own personal network, whether it's Hamilton or Burlington. There's one in Burlington—MPP Pierre, in your riding—where the most expert social workers working in the not-for-profit sector—so they're already pros, and they are working in a sector that underfunds them, and we are closing their organization and offering them a job down the street for \$10,000 less. We're shoving expert social workers, expert psychotherapists in the not-for-profit sector into the private sector. If you are curious about it, please come and talk to me. I have many in my network who are expert social workers, expert psychotherapists who are moving or have moved into the private sector because we aren't funding outpatient support for trauma and complex care for kids who are being sexually abused. That care is gone. We've moved to a brief eight-to-10, eight-to-12 session model which does not serve this very population right here now that we're talking about.

We can prevent kids from going into care by ensuring that the not-for-profit sector—these are low- and middle-income folks—can afford to get proper mental health care in their community. This is well done in a financially responsible way by not-for-profits. I assure you that these kids will end up being incarcerated or being in an inpatient psychiatric unit, which I assure you costs far more every day than properly funding expert care for complex trauma and attachment issues in the not-for-profit sector, whether it's public health or a not-for-profit agency.

Please come up to me after and talk about this. Just in my personal network, I could list three of these issues where this is happening right now, as we speak, and it's a disservice to the care that we really need to be expanding, because that's the crisis I think our CAS in Windsor talked about. They said they're having a crisis to access this expert care in the not-for-profit sector, to prevent kids from coming into care, to prevent kids from being parented by a government, which is not what we're really built for. I hope that we can work towards ending that crisis.

The CASs have talked about a deficit. It was a \$63-million gap just to shore up, to be functioning. When I think about the sector, I've already noticed as a social worker in the schools—I could call them five years ago, two years ago, one year ago, and say, "Look, I have this issue. I need you to address it." I know what I'm doing when I make that referral; I've been doing this a long time.

Now when I pick up that phone, I don't get a response. I don't get the investigations that we need.

I think we're going to see a lot of harm done, because we're stretching the elastic band so far that the workers that we have are moving out of there because they're burnt out, so we have very inexperienced folks working in CAS. We're understaffed because of the funding issues that we have. So I think we have to look at the funding gaps, because we can't have not-for-profits and CASs living on overdraft. I think any of us right here, if we had to live in overdraft, we would be crapping our drawers. I can't imagine what it's like to be an executive director of a child welfare society looking at the reality of living in overdraft.

I am concerned about the number of placements. We know families who give kin care get one tenth—one tenth—the amount that a foster care gets. If I think about the \$10,000 we give to a foster care service for one child, that's more than someone gets on Ontario Works. So we would rather pay someone else more than the funding that we could provide to a caregiver to just pay the rent and pay for food for their own child, let alone if grandma takes over.

I can tell you, I think my next private member's bill is going to be a "recognition of grandparents parenting" bill, because nothing is more exhausting and heartbreaking than a grandparent who says, "Do you know what? I just wish I could take my child out for ice cream and be a fun grandma. I just want to be a fun grandma. I want to bring them back home and have that special day, instead of every day talking about homework and 'Did you have a shower?'" We have a lot of people in a network who are taking care of their grandkids or their niece or nephew. They know it's the right thing to do. But we need to look at how we compensate those families, because it's a tenth of in the for-profit sector.

The CASs I talk to said those for-profit care providers keep increasing the amount that they're charging to provide care, but the funding that CASs get to provide for that care hasn't gone up. So there is an increasing gap in the amount of funding they're being charged for the placement and the amount of money they get from the government.

I just hope we can look into the root causes of some of the cracks in our system, because we can put all the legislation we want in place, but if it is a crumbling system, we're no further ahead. I hope we'll also look into some of the demands on our developmental services. And thank you for the increase in funding; I know we've put money forward to reduce that wait-list, but I hope we can have, maybe, a review.

Part of the amendments I put forward—I apologize for the delays; we had some real glitches with getting these things finalized. But one of the things is, we ought to look closely at those kids with developmental needs who are in our foster care system, because if you refer a kid with complex developmental needs and you refer a kid without complex developmental needs, guess what? It's the same thing, and it shouldn't be. We need to look at the care we

provide these two different communities and make sure that we're giving proper support to them.

**0940**

So I urge you to look at my—these were things that were asked for, the amendments I put forward, by various community leaders, just to tweak a really good policy to make it more relevant to different communities that use child welfare or just to have a deeper dive into the root causes and needs and concerns of this sector.

Thank you.

**The Chair (Mr. Steve Clark):** I just want to remind members that, pursuant to standing order 83, I just ask that your comments be brief on the bill so then we can move into clause-by-clause.

MPP Bouma?

**Mr. Will Bouma:** Yes, I was going to ask the question of when these were received, but I think we can understand from the member that the latest amendments were filed long after the deadline. And so are we entertaining them, or can I make a motion then that we strike them as they were received past the deadline?

**The Chair (Mr. Steve Clark):** Being late doesn't make them out of order, based on the direction from the House, if I understand that correctly.

*Interjection.*

**The Chair (Mr. Steve Clark):** Yes. It would need to be time-allocated for the deadline to be hard and fast. Some of the amendments that have been received might be out of order, and we'll deal with them at the time, but being late doesn't preclude the committee from dealing with them. So it's really up to the committee.

**Mr. Will Bouma:** But giving no time before this morning to actually have a look at any of these, then I would make a motion—

**The Chair (Mr. Steve Clark):** I recognize that the timing this morning is problematic for the members of the committee, but it's up to the members to decide whether they're going to vote in favour of the amendments or not. We will work with legislative counsel and indicate which motions are out of order, if any. But since this bill isn't time-allocated, the deadline isn't as hard as if it was time-allocated.

**Mr. Will Bouma:** So can I make a motion then that we strike them from the business today?

**The Chair (Mr. Steve Clark):** We'd need to have a minute on that.

**Mr. Will Bouma:** Sure.

**The Chair (Mr. Steve Clark):** We'll just recess for five minutes. We'll just recess for five, and we'll reconvene at 9:51.

*The committee recessed from 0946 to 0950.*

**The Chair (Mr. Steve Clark):** We'll reconvene.

In consultation with the Clerks, we've indicated that your motion to remove those amendments is out of order, considering that members can move things on the fly. So, we'll just park your suggestion as being out of order.

Are members prepared to begin clause-by-clause? No?  
MPP Gélinas.

**M<sup>me</sup> France Gélinas:** I wanted to make a comment, but I promise you, Chair, it will be very brief.

**The Chair (Mr. Steve Clark):** Yes, we've got to tighten up our comments.

**M<sup>me</sup> France Gélinas:** Okay. And I think there was somebody else on the other side, also, who wanted to make comments, but I'm not sure.

My comment is the bill is a step in the right direction. The bill acknowledges that we have group homes right now who are not providing good care. We have people that have aged out of care whose information is being used not to help those children at all. We have taken steps in that legislation that will make things better, but we all know that legislation is not a progressive process. You do it, and then you don't touch it for 10, 15, 25 years, until you do it again. We have opportunities right here, right now to make changes to the end goal that we all want. The steps that are in the bill are all things that we support. Let's learn from all of the people that know the system inside and out, that have come to talk to us, to share with us ways to make the bill even better at achieving the end goal that we all agree we want to achieve. This is what our motions will try to do. Our motions are based on what we have heard, on the recommendations, and they are in support of the directions we want to go. They just make it more bulletproof that our end goal will be achieved, and I hope you will consider those.

**The Chair (Mr. Steve Clark):** Thank you. You're good? Okay.

We'll begin consideration of clause-by-clause for Bill 188 now. With the committee's indulgence, since the majority of the bill is set out in sections, I'm going to propose that we stand down the preamble of the bill to postpone its consideration until after section 1. Do members agree with that proposed approach? Okay.

We'll now move on to the amendment package. The first amendment, 0.1: independent member. MPP Clancy.

**Ms. Aislinn Clancy:** I do apologize. They were submitted earlier, but we had some struggles, so thank you for your understanding.

**0950**

This was an amendment suggested by leaders in the First Nation, Inuit and Métis communities. There was a concern about some of the legislation being overly restrictive and not being considerate of the context of fly-in communities, for example. It also speaks to the jurisdiction. I think we're all trying to decolonize some of the harms done and learn from the harms done in the past. So I hope that you'll see under here that this opens up more leadership in First Nations communities over—

*Interjections.*

**Ms. Aislinn Clancy:** Pardon me?

**The Chair (Mr. Steve Clark):** Can you move your motion?

**Ms. Aislinn Clancy:** Oh, sorry. Silly me. Okay. I got into the talk—newb mistake.

**The Chair (Mr. Steve Clark):** Go ahead.

**Ms. Aislinn Clancy:** Thank you for stopping me. Okay.

I move that section 0.1 be added to the bill:

“0.1 The Child, Youth and Family Services Act, 2017 is amended by adding the following section:

“Supporting First Nations, Inuit and Metis communities.

“1.1(1) The ministry shall support First Nations, Inuit and Metis communities in processes led by such communities to ensure that the Supporting Children's Futures Act, 2024 is implemented in a way that is in alignment with An Act respecting First Nations, Inuit and Metis children, youth and families (Canada) and that respects the inherent jurisdiction of Indigenous communities as it relates to child and family services.

“Same

“(2) In fulfilling the obligation under subsection (1), the minister shall explore ways to integrate recommendations specifically relating to Indigenous persons and communities from inquests and reports, including the Freeman inquest.”

**The Chair (Mr. Steve Clark):** MPP Clancy has moved an amendment. The proposed amendment is out of order because it's beyond the scope of the bill. Therefore, I rule the amendment out of order.

The next amendment, amendment 0.2: MPP Clancy.

**Ms. Aislinn Clancy:** I move that section 0.2 be added to the bill:

“0.2 The act is amended by adding the following section:

“Best interests of children with intellectual and developmental disabilities

“1.2 The ministry shall form a task force of experts to develop recommendations for the purpose of ensuring that this act takes into account the best interests of children with intellectual and developmental disabilities who need care under this act.”

**The Chair (Mr. Steve Clark):** MPP Clancy has moved an amendment. The proposed amendment is out of order because it is beyond the scope of Bill 188. Therefore, I rule the amendment is out of order.

The next amendment, 0.3: MPP Clancy.

**Ms. Aislinn Clancy:** Thank you, Chair—

**The Chair (Mr. Steve Clark):** Sorry, just before I do—section 1: Shall section 1 carry? Carried.

Okay, proceed with draft amendment 0.3.

**Ms. Aislinn Clancy:** I move that section 2 of the bill be amended by striking out section 9.1 of the Child, Youth and Family Services Act, 2017 and substituting the following:

“Rights re Ombudsman

“9.1 A child in care has a right to be informed in language suitable to their understanding of the existence and role of the Ombudsman, of how the Ombudsman may be contacted, of the information described in subsection 14.0.1(1) of the Ombudsman Act and of culturally relevant and identity-affirming resources available to them.”

**The Chair (Mr. Steve Clark):** Discussion? MPP Clancy.

**Ms. Aislinn Clancy:** Yay, made it to discussion. Thank you so much.

We talked a lot about how inaccessible it was for young people to learn about the ways they could advocate for themselves when in care. This was a theme, I think, across all of those with lived experience. I think we have an opportunity at this moment not only to ensure that young people are informed, but I know myself as a social worker that informed consent means different things to different people. I could read this page to a teenager or a 10-year-old or a five-year-old or someone who doesn't speak English and it will not be informed consent, as I see it.

What this amendment does is to ensure that we're reflecting on how we inform young people of the Ombudsman Act in a way that they can understand. Not only could we use language that's developmentally appropriate for them, we could deliver the information in a way that's accessible, but we could also use language and vocabulary that they can understand. I really think that it's just a small layer, but it ensures that those people that we're trying to hold accountable are delivering what I consider informed consent or information in a language suitable to a young person's understanding.

If I have a child with developmental disabilities who is 16, they might have an iPad that they use to communicate. If they don't speak English, how do we ensure that they get interpretation? This is a small tweak just to be sure that we're really trying to be sure that every child in care—because we know that it's a really complex and diverse population, how do we make this more accessible to them?

**The Chair (Mr. Steve Clark):** Discussion?

**Miss Monique Taylor:** Thank you to MPP Clancy for this amendment. I think it's a housekeeping amendment, quite frankly. It just cleans up the previous legislation that was there, which was quite bare-bones and, yes, does state that a child needs to be informed. But making sure that it's actually focused on the child's ability to learn and to hear is really important, so we'll definitely be supporting this amendment and hope that the government will see fit to really making this small change that just says, "If I need an iPad or if I need a speaking or listening or"—oh, goodness; sorry, my brain—"audio to be able to focus and to understand what my rights are," then that should be provided and it shouldn't be a question. This is literally housekeeping.

**The Chair (Mr. Steve Clark):** MPP Pierre.

**Ms. Natalie Pierre:** The Ombudsman Act is the appropriate forum for requirements for the Ombudsman, not the Child, Youth and Family Services Act.

**The Chair (Mr. Steve Clark):** Any further debate? MPP Gélinas.

**M<sup>me</sup> France Gélinas:** I would like to point the members of the committee to the written submission that the Ombudsman of Ontario has submitted to the committee regarding this part of the act. According to his office, it's certainly something that he would support having in this legislation to make sure that kids in care who connect with the Office of the Ombudsman have culturally relevant and identity-affirming resources available to them.

So, this is something that we would also support.

**The Chair (Mr. Steve Clark):** Further debate? MPP Clancy.

**Ms. Aislinn Clancy:** Yes, my understanding is that a big part of this legislation is about informing kids about the Ombudsman. We are addressing the Child, Youth and Family Services Act in what we're working on here, correct? And I just want to point out that I hope we saw some data that there is a disproportionate number of kids from First Nation, Inuit and Métis backgrounds—I think they're maybe 3% in Toronto and they're 25.5% of the kids in care, and the same goes for racialized communities.

Part of the relevance is just making sure that we're in tune with the realities of the population that we're serving here.

**The Chair (Mr. Steve Clark):** Are members prepared to vote on motion 0.3? All those in favour, please raise your hands. All those opposed? Motion lost.

Shall section 2 carry? Carried.

Section 3, amendment 0.4: MPP Clancy.

**Ms. Aislinn Clancy:** I move that section 3 of the bill be amended by striking out "described in subsection 14.0.1(1) of the Ombudsman Act" in the portion before paragraph 1 of section 15.1 of the Child, Youth and Family Services Act, 2017 and substituting "described in section 9.1".

**The Chair (Mr. Steve Clark):** Discussion? MPP Clancy.

**Ms. Aislinn Clancy:** I'm having a brain fart. Sorry; I can't remember. I talked about it on Friday—

*Interjection.*

**Ms. Aislinn Clancy:** Yes, just—can I have a second? Can I pop out? I know it's weird, but can I ask for a five-minute recess?

**The Chair (Mr. Steve Clark):** Sure.

**Ms. Aislinn Clancy:** Thank you.

**The Chair (Mr. Steve Clark):** Well, it's more than five, right?

*Interjection.*

**The Chair (Mr. Steve Clark):** Five is okay?

Yes, okay.

*The committee recessed from 1004 to 1009.*

**The Chair (Mr. Steve Clark):** Okay, we'll reconvene. MPP Clancy, are you ready to provide some comments on 0.4? You moved the amendment.

**Ms. Aislinn Clancy:** I'd like to withdraw. That one referred to the one we just did not pass, so it's irrelevant.

**The Chair (Mr. Steve Clark):** Okay, withdrawn.

The next section, 0.5: Are we ready to move that motion? Go ahead, MPP Clancy.

**Ms. Aislinn Clancy:** I move that section 3 of the bill be amended by adding the following subsections to section 15.1 of the Child, Youth and Family Services Act, 2017:

"Contacting Ombudsman

"(2) The government of Ontario shall ensure that children and young persons are provided with a variety of means, including digital means, for contacting the Ombudsman, and that information about such means is posted in schools and libraries.

"Yearly report

“(3) Each year, the Ombudsman shall publish a report which shall include the following information about each children’s residence or other place where residential care is provided under the authority of a licence:

“1. The number of children receiving care at the residence or other place.

“2. The number of social workers working at the residence or other place and the ratio of social workers to children.

“3. Information about systemic racism and racial disparities at the residence or other place and how such racism and disparities are identified and monitored.

“4. The prescribed information relating to interactions between social workers and children at the residence or other place.”

**The Chair (Mr. Steve Clark):** Discussion?

**Ms. Aislinn Clancy:** The first part of this: We were talking a lot about how most of the kids in care who came forward had no idea—zero idea—that there was any way for them to advocate for themselves.

We all know that there was information on a website somewhere that said, “Call this number. Email this thing.” I’ve worked with youth for a very long time, and the ones that I know use these things—they text. They use Snapchat. They do not email. They do not phone. Actually, there’s really good data now that you’ll all be interested in knowing, that teenagers now would prefer to text than call, so we’ve reached a point in history where people will text and not call. I have kids who will not talk on the phone. It’s a huge barrier for them to make a phone call.

All this brief bit says is by “digital means.” So how do we make them reach out to say things are not going well? We know when they’re not going well, it can be—we’ve heard a lot of lived-experience stories, right? These aren’t small things they’re trying to speak up about. So it’s just making that information more available.

Some kid gets told on the day that they’re removed from their child care—if anybody here has talked to someone who has received a cancer diagnosis, your brain does not work on that day. It does not function at all. You do not absorb information. You’re in fight-flight-freeze mode. You’re literally breathing and having a beating heart.

So all this does is say, “Look, if we had something up at a school, in a bathroom, in a guidance office or in a library”—this is where teenagers are. This is where they go. And so, yes, we could tell them when they got removed from their parents’ care, but if we don’t make sure that not only do they have digital means to report this, but they could be reminded of it on a day when their brain is actually functioning—we could get some real traction here. We can make sure that kids can speak up.

Just like Kids Help Phone, they have a texting option now. They have a messaging option now. We have to move with the times. If we don’t get to this bill for another 20 years or 15, we really have a chance to create some language to really make sure we have information where young people are.

The other thing is just reporting back. We have a lot of times where we didn’t get it right; it’s not about not getting it right, but I think from the Ombudsman perspective, it’s “How do we get a little bit of information back?” For example, in our education system, we have equity offices. We’ve asked them to talk about racism. Give us racial data. Collect racial data. Put that on your radar.

All we’re doing is asking for the Ombudsman to do the same thing so it kind of falls in line with how our systems are working. We want culturally specific long-term care. We have DEI offices in school boards. This just weaves that into the Ombudsman’s office. It creates a little bit of numbers data.

Ratios are key. At the for-profit homes, their ratios are bad. I will just tell you that they make money by understaffing their homes, period. That creates some pretty scary situations. I know lots of social workers who are like, “I’m out,” and have never worked in social work again because of it. So we’re just asking for a little data back and make sure that we include the DEI stuff in that data to make sure that we’re in tune with our population that we serve.

**The Chair (Mr. Steve Clark):** MPP Pierre.

**Ms. Natalie Pierre:** I recommend voting against this motion because it’s not the Ombudsman’s role to track statistics.

**The Chair (Mr. Steve Clark):** MPP Taylor.

**Miss Monique Taylor:** I think it’s unfortunate that the government does not see while we have this bill in front of us that it’s most important to strengthen it for kids. We should be going out of our way to do whatever we can to make sure that we’re speaking to kids in their language.

We know that in today’s day and age, kids’ language is digital. Having reporting back, we heard very clearly the need for data from several of our presenters, and that we cannot move forward if we don’t know where we’ve been.

**The Chair (Mr. Steve Clark):** Thank you, MPP Taylor.

We’re now at 10:15, so we’ll recess until 1 p.m.

*The committee recessed from 1015 to 1300.*

**The Chair (Mr. Steve Clark):** Thanks, members. We will now reconvene with our clause-by-clause consideration of Bill 188.

When we adjourned this morning, when we took our recess, I believe we had concluded debate on independent member motion 0.5. Are members prepared to vote? Are you ready to vote? No, you’re not?

MPP Gélinas, further discussion on 0.5?

**Mme France Gélinas:** Yes. In—I’m sorry; I was in public accounts and running back. In her motion—

**Miss Monique Taylor:** Right here.

**Mme France Gélinas:** Oh. Thank you, thank you.

So I wanted to, again, draw the committee’s attention to the written document that the Ombudsman has sent to the committee, where the Office of the Ombudsman would like to see some changes, and certainly, the changes asked for by the Ombudsman are in line with the content of this motion.

**The Chair (Mr. Steve Clark):** Are members ready to vote? Will all those in favour of the amendment please raise their hand? All those opposed? Motion lost.

Shall section 3 carry? Carried.

So now, we'll move to NDP, the opposition, motion number 1, which is 3.1. MPP Taylor.

**Miss Monique Taylor:** I move that section 3.1 be added to the bill:

“3.1 The act is amended by adding the following section:

““Report by minister

“58.1(1) No later than January 1, 2025, and every two years thereafter, the minister shall make a report that includes the following:

“1. The number and types of serious occurrence reports received from children’s residential care.

“2. The number of children who have died living in children’s residential care, including a description of the nature of each death that does not include identifying information.

“3. The number of inspections made to children’s residential care and the nature of those inspections.

“Publication

“(2) The report shall be published on a website of the government of Ontario.

“Same

“(3) The report shall be published in accordance with Ontario’s anti-racism data standards as well as any similar standards applicable to other marginalized groups.”

**The Chair (Mr. Steve Clark):** Discussion? MPP Taylor.

**Miss Monique Taylor:** This definitely goes in line with the protection of children and knowing exactly where we come from to know how to change things going forward. Having these serious occurrence reports received and making sure that the minister is very much aware and makes a report to the public on the state of residential care is a way forward. There’s no sense in doing all of the work and then continuing to fail if you are not recording and reporting on what is happening.

We have seen way too many children die and have unfortunate circumstances while in residential care. Making sure that the reports are published for people to see and understand the state of our residential care facilities are very important work moving forward. I hope the government members see the importance of data and public reporting when it comes to our most vulnerable children.

**The Chair (Mr. Steve Clark):** Further discussion? MPP Clancy.

**Ms. Aislínn Clancy:** I think this level of transparency is part of the accountability we’re looking for. If we don’t do any data collection related to this bill, it might as well be something we just throw into the wind, because we won’t know whether it’s working or not. I think data is a great benchmark for understanding the impact of any legislation we pass.

I love the part—I do appreciate very much the part about collecting anti-racism data. We know that child welfare has a disproportionate number of young people from racialized community: Indigenous, Métis and First

Nations community. Black-identifying children disproportionately fill our child welfare system. So I think having an equity lens in the data and having some level of data collection will help ensure that we can make decisions rooted in data. I love the term “measure twice, cut once.” So I hope we can keep measuring, because I think that way, going forward, we have a mechanism, a little barometer, to keep track of how we’re doing.

I support this because I do think having that level of accountability and transparency with the public—we’re giving millions of dollars to service providers. We ought to know how they’re doing. This is one way to ensure that we collect that data, rather than leaving it to chance.

**The Chair (Mr. Steve Clark):** Discussion? MPP Smith.

**Ms. Laura Smith:** Thank you. Through you, Chair: While I appreciate what the member opposite is saying, much of the information about data collection is already reported as long as the reports do not include personal information. The authority already exists to publish information with respect to licensed residential care, including information about inspection. The ministry maintains a public registry information about licensees, including conditions on licences, and the provisions of 188 would allow us to expand that to include records of enforcement actions under the proposed new powers in this legislation.

So we’re going to keep working to improve the quality of the child welfare data and report on it, but I find that that motion is not necessary, given we already have all these protections.

**The Chair (Mr. Steve Clark):** Further discussion? MPP Gélinas.

**M<sup>me</sup> France Gélinas:** I think we all want the same end goal. We all want the child protection system to be there. We all know that we are not doing that great right now. When you look at the stats—40,000. That is the number of serious occurrences that has to be filled out by residential care workers: 40,000 a year. When we look at the number of children that have died in care, we average in Ontario between 10 and 20 children who will die in care. When we look at things as simple as how many inspections of those homes where children have died are done, that information is really, really hard to get even for people like us who know how to work through freedom of information and that kind of stuff.

Making that information accessible, available, mandatory reporting, I guarantee you will help us achieve our end goal of making sure that every single child in care is well looked after, does not live through a serious occurrence that mandates a report 40,000 times a year and does not die in care. We all know that, once you measure something, once you publish something, it is the first step in declaring that we have a problem and we want to make things better.

I would love nothing more than to see the 40,000 complaints go down to zero. I would love nothing better than to see the 10 to 20 children dying in care to go down to zero. I would love to know how many inspections are actually done.

I think this would motivate everybody within the system to do better, and this is what this motion is trying to do. It has the support of the Children's Aid Foundation of Canada. It has the support of the Ombudsman of Ontario. It has the support of the Information and Privacy Commissioner. It has the support of the Association of Native Child and Family Services Agencies of Ontario, and a number of other people who presented or sent written requests.

This has to be in legislation so that it happens, so that we reach our end goal of making the system better.

**The Chair (Mr. Steve Clark):** Anything further?

**Miss Monique Taylor:** Recorded vote, please.

### Ayes

Clancy, Gélinas, Taylor.

### Nays

Grewal, Kusendova-Bashta, Pang, Pierre, Quinn, Laura Smith.

**The Chair (Mr. Steve Clark):** I declare the motion lost. The next amendment for consideration is 1.1. MPP Clancy, do you want to move the amendment?

**Ms. Aislinn Clancy:** I move that section 3.1 be added to the bill:

“3.1 The act is amended by adding the following section:

““Language of choice

“16.1 Service providers shall make reasonable efforts to communicate with children and young persons and their families in their preferred language.”

**The Chair (Mr. Steve Clark):** MPP Clancy has moved the amendment. The proposed amendment is out of order as it's beyond the scope of the bill. Therefore, I'm going to rule that the amendment is out of order.

MPP Clancy, you have another amendment, 1.2, that amends section 4. Do you want to go ahead with that amendment?

**Ms. Aislinn Clancy:** I move that section 4 of the bill be amended by striking out subsection 87(8.1) of the Child, Youth and Family Services Act, 2017 and substituting the following:

“Exception

“(8.1) Despite subsection (8), a prescribed person may publish or make public the information described in that subsection in the prescribed circumstances, and subject to any prescribed restrictions or limitations, only if such publication would not directly or indirectly disclose the identity of any individual or if the individual consents.”

**The Chair (Mr. Steve Clark):** Discussion?

**Ms. Aislinn Clancy:** We are making great strides in helping young people own their stories, especially at this time in history, where everything is online—super important. This was requested by the Information and Privacy Commissioner of Ontario. What we recognize here is that that consent needs to be considerate of other people in the

room. So if you are in a group home or you're publishing something online, we just need to always remind young people and anyone posting any information that they can't include the identity of other people in those circumstances.

It's just making it crystal clear that, yes, you can publish information about yourself, so young people can post something online about their own experiences, they can share their own stories, but they can never overstep the privacy of others that they live with or are friends with. This is really important that we put that in writing and remind young people of that covenant.

**The Chair (Mr. Steve Clark):** Further discussion?

**Ms. Natalie Pierre:** I recommend voting against this motion because the ministry is committed to taking the time required to develop the prescribed circumstances that will be subject to exemptions to ensure that a balanced approach is taken to the privacy rights of individuals. The ministry will work directly with former children and youth in care, the Information and Privacy Commissioner of Ontario, FNIM partners and communities and other stakeholders and individuals to develop the regulations.

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**The Chair (Mr. Steve Clark):** MPP Gélinas.

**M<sup>me</sup> France Gélinas:** Again, the Information and Privacy Commissioner of Ontario, in their written statement sent to each and every one of us, makes a direct ask for this to be included—not in regulations, not down the road when we think that it's—but to be in legislation. We have those independent officers of the Legislature. We have mandated them with important mandates; in this case, to protect people's privacy. When the Information and Privacy Commissioner, who knows this file inside and out, asks for something to be added to legislation, I think we should listen.

**The Chair (Mr. Steve Clark):** Further debate? Are members prepared to vote?

**Ms. Aislinn Clancy:** Recorded.

### Ayes

Clancy, Gélinas, Taylor.

### Nays

Grewal, Kusendova-Bashta, Pang, Pierre, Quinn, Laura Smith.

**The Chair (Mr. Steve Clark):** I'll declare the motion lost.

Shall section 4 carry? Carried.

New section 4.1, motion by MPP Clancy. Go ahead.

**Ms. Aislinn Clancy:** I move that section 4.1 be added to the bill:

“4.1 The act is amended by adding the following section:

“Information re Ombudsman

“124.1 If a person requests, is offered or enters into an agreement under section 124, or if the society or prescribed entity terminates the agreement, the person shall be informed by the society or prescribed entity of the

existence and role of the Ombudsman and of how the Ombudsman may be contacted.”

**The Chair (Mr. Steve Clark):** Discussion?

**Ms. Aislinn Clancy:** This was requested by the Ombudsman themselves. We have been talking a lot about our desire for young people and families to know about the Ombudsman, but we know that if we leave things up to chance, this may or may not happen.

All this does is prescribe two circumstances—very, very, important circumstances. As a social worker, when I enter into a relationship with a client, I do informed consent. All we’re saying is that when a family or a young person enters into care, enters into a relationship with a society, this is a perfect opportunity for them to learn about the Ombudsman’s office.

Also, when they leave—exit interviews. MPP Pierre, as an HR professional, you know how important those exit interviews are, right? You can glean a lot of good learning and feedback when you talk somebody at the door, as they leave.

This was requested by the Ombudsman, and I think it’s just saying that on these two circumstances, coming in and going out, these are the moments where we have to ensure that they know about the Ombudsman’s office and how to reach out to them.

**The Chair (Mr. Steve Clark):** MPP Gélinas.

**M<sup>me</sup> France Gélinas:** I wanted to read directly from the document that the Ombudsman of Ontario sent to us. He starts with: “Provide that all children’s aid societies must inform a youth who is turned down for a” voluntary youth service agreement “about the existence and role of the ... Ombudsman” by adding—and this is the wording that he sent to us: “Where a child wants to enter into an agreement under this section and a society decides not to enter into an agreement, the child shall be informed, in language suitable to their understanding, of the existence and role of the Ombudsman of Ontario and of how the Ombudsman of Ontario may be contacted.”

He goes on to say: “Provide that all children’s aid societies must inform a youth who requests, is offered, or enters an agreement under” section 124 information about the Ombudsman by adding—he gives the example of the Ready, Set, Go agreements. Those are the words that the Ombudsman has sent to us: “Where a person requests, is offered, or enters into an agreement under subsection (1), or the society terminates the agreement, the person shall be informed by the society of the existence and role of the Ombudsman of Ontario and how the Ombudsman of Ontario may be contacted.”

I wanted to put the words of the Ombudsman on the record. I realize that he did not come to do a deputation, but he did send us some very good recommendations through his written submission which I think we should take into account when we vote on this motion.

**The Chair (Mr. Steve Clark):** MPP Smith.

**Ms. Laura Smith:** This motion would require amendments to the Ombudsman Act. Per section 2, section 124 of the act that we’re talking about right now, it has the

authority in regulation to achieve this intent. So this does not really work within the confines of what the request is.

**The Chair (Mr. Steve Clark):** MPP Gélinas.

**M<sup>me</sup> France Gélinas:** I would like to ask legislative counsel if the amendment, as is, could be passed by this committee or not.

**Mr. Bruno Falardeau:** Whether an amendment can be passed or not, that’s ultimately a call for the Chair of the committee. But if there’s any question related to policy, that’s a question for the ministry to answer or ministry counsel to answer. I cannot answer that question.

**The Chair (Mr. Steve Clark):** Yes, and I think in legislative counsel’s defence, the motion isn’t out of order. I haven’t ruled it out of order. So I think we can just continue to debate it. When debate is finished, we’ll have the vote. That’s the best way to handle the motion.

MPP Clancy first, then MPP Taylor.

**Ms. Aislinn Clancy:** The purpose of what we’re doing today is Bill 188, and a lot of it has to do with children and young people and families being informed about the Ombudsman. This is adding one layer of detail just to ensure that we have two points of contact when it would happen.

I know as a social worker that once it gets into an intake process, it’s codified. It becomes routine. And so when we talk about the language of preference, when we talk about points of contact, this just adds detail, because if we leave it up to “hopefully, someday, this will entrust blah, blah, blah,” it just doesn’t add a little bit of concrete steps we can take that will make sure that it’s done in a way that adds this detail.

To me, adding in these two points of contact is really baseline standard of care for any sort of interaction with the society and with a social worker. This would become routine, and then we would get what we want from this bill. If we leave it up to, “Please inform them about the Ombudsman,” and we don’t give any detail about how or when or in what language, I think it doesn’t help it be effective. This will help it be effective.

**The Chair (Mr. Steve Clark):** MPP Taylor.

**Miss Monique Taylor:** I believe during previous portions, when we had people come to speak to us, we were told at that time that there already were measures in place for the Ombudsman’s office to be contacted and for information to be given. This legislation under Bill 188 was supposed to strengthen that measure. If the Ombudsman doesn’t think that this measure is already strong enough, I don’t think he would be sending us recommendations of how to ensure these two measures ensure, right off the bat, as soon as the agreement is signed with the children’s aid society, that the information is given, and when the child leaves, again, that the information is given.

That this was not called out of order defies the government’s argument that this would have to go under the Ombudsman Act, and I hope the government members will reconsider when it comes to ensuring that Bill 188 will actually work and passing this motion.

**The Chair (Mr. Steve Clark):** Anything further? Are members prepared to vote for 1.3?



**Ms. Aislinn Clancy:** Recorded.

**Ayes**

Clancy, Gélinas, Taylor.

**Nays**

Grewal, Kusendova-Bashta, Pang, Pierre, Quinn, Laura Smith.

**The Chair (Mr. Steve Clark):** I declare the motion lost.

Section 5: Shall section 5 carry? Carried.

New section 5.1, NDP motion number 2: Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I move that section 5.1 be added to the bill:

“5.1 The act is amended by adding the following sections:

“Inspectors

“154.1 Inspectors must have training and experience in trauma-informed care of children.

“Interviews

“154.2(1) Inspectors shall interview every resident who is interested in providing information to the inspector regardless of the age and capacity of the resident.

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“Same

“(2) Any interview conducted with a resident as part of an inspection must be conducted in a private and confidential setting regardless of the age and capacity of the resident being interviewed.

“Day and time

“154.3 Inspections at residential care facilities shall be conducted at a day and time that supports the ability of residents to participate in the inspection, such as after school hours or on a weekend.”

**The Chair (Mr. Steve Clark):** Discussion? MPP Taylor.

**Miss Monique Taylor:** This definitely strengthens the ability of the inspectors and ensures that they have the proper qualifications and understand childhood trauma and what young people could be facing. If we just hire inspectors who don't understand signs of trauma, then they may not pick up on a child's signs as clearly.

Also, we have heard very clearly over the years of inspections happening when there are no kids home, so while they're in school or whether they're out. Making sure that kids are in the home when the inspectors come is absolutely valuable. If they're not there, then it's time wasted and lives being put further at risk.

Making sure that the settings of where those interviews happen, that there's privacy, that people are free to speak, instead of having workers look over their shoulder if they're not comfortable, or whoever the problem might be with—if it's another kid, whoever it is—making sure that they have that space to do that and that they're able to interview anyone who is in the home and is willing to be interviewed: These are simple measures that we should be arming our inspectors with to ensure that they are doing

the best possible job and that we're not just sending somebody off the street who has no idea of what it's like for childhood trauma, mental health issues or whatever that young person is facing or feeling and being able to pick up on those signals.

**The Chair (Mr. Steve Clark):** MPP Pierre.

**Ms. Natalie Pierre:** This amendment duplicates work already undertaken for licensing inspectors. The ministry has implemented mandatory training for licensing inspectors that includes trauma-informed care modules developed by the recognized experts at Ontario's Child and Parent Resource Institute. These modules are designed to help inspectors understand the impacts of trauma and enhance their ability to work, especially with children and youth in a way that supports a culture of safety for them.

The Child, Youth and Family Services Act, 2017, already includes requirements for inspectors to interview children in licensed residential care settings privately. Licensing inspectors also have the authority to conduct inspections at a reasonable time so they can determine appropriate inspection timing to assess for compliance with licensing requirements.

**The Chair (Mr. Steve Clark):** Further discussion? MPP Gélinas.

**M<sup>me</sup> France Gélinas:** So we had the Ontario Association of the Children's Aid Societies that came and told us that what we have in place does not work. To mandate in law that every inspector will receive training in trauma-informed care of children is a whole lot stronger than what exists right now that is not working. To mandate in law that the inspections are conducted at times when kids in care are at the home, to mandate in law that those inspection interviews will be done in private and safe settings, to mandate in law that inspectors have to interview everybody who wants to be interviewed maybe makes it that much stronger. This is something that the people on the front lines are asking for. They want to see this in legislation in order to achieve the goal that we all want to achieve: to protect our children.

The way we have it now—to leave things out of legislation, to regulations to come at a later time, to accountability agreements that can be changed—is very, very different than to have it in law in Ontario. When the people on the front lines come and ask us to put it in law, that's because they see the need. They see what is working and not working, the way we have it now, and they also understand the power that a law carries, that it is not an option anymore, that it has to be done. We all agree that this is what needs to be done. Let's put it in law so that we make sure that it happens all the time.

**The Chair (Mr. Steve Clark):** MPP Clancy.

**Ms. Aislinn Clancy:** Yes, I think it does strengthen the bill. It turns it into a commitment instead of something that I think—I'm glad we're working towards this. So I want to start off by saying I'm really glad that the inspectors are getting this training and that they have this standard, but I do believe that it does strengthen the bill by making it a requirement rather than an intention. A requirement means that it will be done.

I worry that, as we have really stretched CAS societies that are underfunded, that an inspection can be done in haste, that we'll have increasing demands on this team and then we do run the risk of cutting a corner, and I think it's just trying to set a baseline for corners that can't be cut. And so I think having it in terms of law would ensure that the inspectors really see the importance of this in a different way. Thank you.

**The Chair (Mr. Steve Clark):** Any further debate? Are members prepared to vote?

**Miss Monique Taylor:** Recorded vote, please.

**The Chair (Mr. Steve Clark):** Recorded vote being called.

### Ayes

Clancy, Gélinas, Taylor.

### Nays

Grewal, Kusendova-Bashta, Pang, Pierre, Quinn, Laura Smith.

**The Chair (Mr. Steve Clark):** I declare the motion lost.

The next amendments is 2.1, from the independent member. MPP Clancy.

**Ms. Aislinn Clancy:** I move that section 5.1 be added to the bill:

“5.1 The act is amended by adding the following section:

“Co-operation

“154.1 Persons employed in a place of open custody, of secure custody or of temporary detention shall fully co-operate with any investigation conducted by a children's aid society including requests for information or the production of documents or things in their possession.”

**The Chair (Mr. Steve Clark):** Do you want to speak to your amendment?

**Ms. Aislinn Clancy:** It just expands a little bit to include how these investigations are done. This is, again, from the Ombudsman. So these are important voices. I think any time we have a bill that will impact somebody's work and will impact the young people, these are our experts. The Ombudsman, I would say comfortably, is an expert in this field on how these investigations happen.

So including those that are in the judicial process is important. We have to take the bill and the intention of it and apply it also to those in detention. I think this would ensure that whether you're in a group home or a detention centre, your rights would be respected. And so I think that it's good for us to defer to the Ombudsman's advice and strengthen the bill by including this population.

**The Chair (Mr. Steve Clark):** MPP Smith.

**Ms. Laura Smith:** Through you, Chair, respectfully, I recommend voting against this motion because section 154 is specific to youth justice investigations and inspections, and these are undertaken by the ministry's investigations unit or youth justice licensers. The operational policy in the ministry's existing youth and justice sector's

manual is a more appropriate place to clearly outline the scope and the roles and responsibilities associated with CAS investigations. Focusing any future updates to this manual would also allow for time, for more analysis and consultation with facilities and impacted stakeholders.

**The Chair (Mr. Steve Clark):** MPP Taylor.

**Miss Monique Taylor:** Any time that a youth has come into any type of issue within any facility that is run by the province of Ontario, all adults should be responsible to transparency and accountability. I think this motion does exactly that. I think it's unfortunate, once again, that the government just refuses to open this bill up to enough transparency and accountability to actually, truly do the meaning behind the bill, which is to protect kids.

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**The Chair (Mr. Steve Clark):** Anything further?

**Ms. Aislinn Clancy:** I guess my hope going forward is that the ministry will seek out a meaningful conversation with the Ombudsman. Obviously, the Ombudsman felt that these amendments were needed, that we weren't there yet, that there was something missing. With all due respect as well, I hope that you'll create a meaningful conversation with the Ombudsman and understand why these amendments were requested.

This is the expert on this subject matter in the province of Ontario. I think we owe it to the Ombudsman to follow up about the suggestions, to understand why they said that they're needed in legislation if they're “redundant.” That's my hope, that you'll take their suggestions and have a meaningful next step in response to the suggestions made.

**The Chair (Mr. Steve Clark):** MPP Gélinas.

**M<sup>me</sup> France Gélinas:** If a child ends up in open custody, secure custody or temporary detention, the parents of that child have a lot of rights to information, to ask questions, to gain information about their child. But if the same child ends up in open custody, secure custody or temporary detention but is in the care of the CAS, they do not have the same access to information that a parent would have.

This is wrong. When a child is in custody, the parents are usually very involved with their children to try to help them through that difficult time. If this child happens to be in the care of children's aid rather than in the care of their parents, children's aid should have the same access to information about this child, about what is going on in the open custody, the secure custody or the temporary detention.

When the Ombudsman asked us to rectify this difference between the two, again, it's because what we have now does not work. What we have now treats kids in custody like—I don't know—second-line citizens. They don't have as many rights. If you have a mum and dad, you will have rights, but if you don't have a mum and dad and you're in the care of the CAS, you don't have as many rights. Why? Why not? They are children. The children's aid society wants to try to help those kids, just like parents want to help their kids who end up in custody. Give them the same access.

The Ombudsman encouraged us, has asked us to make those changes because the system we have now is discriminatory against kids who don't have a mum and dad and depend on children's aid.

**The Chair (Mr. Steve Clark):** Are members prepared to vote?

**Ms. Aislinn Clancy:** Recorded.

### Ayes

Clancy, Gélinas, Taylor.

### Nays

Grewal, Kusendova-Bashta, Quinn, Pang, Pierre, Laura Smith.

**The Chair (Mr. Steve Clark):** I declare the motion lost.

There are no amendments to sections 6 to 7. Therefore, I'm going to propose that these sections be bundled. Is there agreement to this? Yes. Any debate? Are members prepared to vote? Shall sections 6 and 7, inclusive, carry? Carried.

We will now move to opposition motion 3. MPP Taylor.

**Miss Monique Taylor:** I move that section 7.1 be added to the bill:

"7.1 The act is amended by adding the following section:

""Unlicensed settings

""244.1(1) No child shall be placed in residential care in an unlicensed setting.

""Same

""(2) For the purposes of subsection (1), an unlicensed setting includes,

""(a) a motel;

""(b) a short-term rental unit;

""(c) unlicensed group settings;

""(d) offices; and

""(e) any other unlicensed setting.""

**The Chair (Mr. Steve Clark):** Discussion?

**Miss Monique Taylor:** We have definitely, in all of our constituency offices, I'm sure, heard of horrifying stories of young people not having proper places to sleep at night, being homes, in particular. And the lack of funding that our children's aid societies have seen for years—2022-23, I think, was the year, the first time that children's aid societies have run a deficit of over \$15 million—never done in history before, and looking at a deficit of \$50 million in the upcoming year.

Those deficits caused the problems of not being able to support families at home, and this is exactly what happened. So now we're taking kids into care, and we have absolutely nowhere to put them. We have a report by CUPE Ontario, who did a report from all of their workers, that talked about settings of where youth are being placed. We have kids, as this motion calls against, in motels room. We have kids in short-term rentals, so Airbnbs. We have them in unlicensed group settings. We have them in CAS offices. The young person who is in a CAS office has

autism, and there is absolutely nowhere to give this child a home. This is not acceptable—and other unlicensed settings.

We know we have children as young as two years old in hotel rooms. In hotel rooms, how are children's aid workers being able to provide proper meals to children? How are they possibly providing them a safe, comfortable home setting? They're not. They're not, and they're not capable of doing so.

We need to do better as a province and ensuring that no child is put in unlicensed or other places other than proper homes is the only way forward. That will take the government actually investing in kids, which I know is difficult for them to do, but it has to happen. They are our most vulnerable children and they have been neglected for years, not just by this government but by governments years before, to put us in the position that we're in. But they are now worse off than it's ever been. Running deficits and living off of line of credits is not acceptable when we need to ensure that kids have safe homes to live their lives in. So I hope that the government members see fit to support this motion.

**The Chair (Mr. Steve Clark):** MPP Smith.

**Ms. Laura Smith:** We do want the best care for our children, and that's specifically why we would not want to limit that kind of child that may need extra care to just those that are licensed. The fact of the matter is, pulling a child away from a home that they love and know could be very disruptive to them. Not only mentioning the fact that they could be amongst their own family members in that home.

This legislation requirement that all children must be placed in a licensed residential setting could have hugely negative impacts on that child and youth, especially those with complex medical care and needs. Requiring them to be potentially removed from a placement which has been determined by the placing agency to be appropriate and tailored could be very damaging. So I disagree with this motion.

**The Chair (Mr. Steve Clark):** Any further discussion? MPP Clancy and then MPP Gélinas.

**Ms. Aislinn Clancy:** I do hope that we can dig a little deeper. I know of many families that live in motels. Motels have become really difficult spaces. I know a lot of motels and hotels in my riding are going to get shut down because they're used for shelter and now they can't get insurance because of the harms that happen.

I get what you're saying, MPP Smith. I understand what you're saying about creating limitations, but we should try to inquire about why this is happening, because it is happening, right? There are kids that are in substandard care. It is happening.

One of the causes is just looking at the funding formula. We fund kids in care differently than we do in trying to keep kids out of care. So the way we fund kids in care and the way we fund trying to keep kids out of care are very different.

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And even just the difference between kin care and a foster parent is \$1,000 for kin care and \$10,000 for a foster parent. We have a lot of grandparents and aunts and uncles who are caring for their family members but getting very little compensation, and poverty is increasingly the reason why people come into contact with the children's aid society, because they can't make it work.

Housing is, I would say, one of the number one needs that—if you ask CAS workers what they're seeing and what they want help with, it's addressing the housing insecurity and instability of the kids, young people and families. And so, compensating families would go a long way. Preventing people from being evicted—the family that I'm in touch with right now, we're trying to find a housing solution. It's because they have no access to a rental place. The parent is a good parent. They are on welfare, which is \$739 a month, and they are in touch with the CAS because they don't have access to adequate housing. They're living in a motel.

And that's somebody with a caregiver. So we think of a kid without a caregiver: The government is their parent, and they are living in a motel, which is happening. I think it's on us to inquire about why that is the best we can do and inquire about how we address the root causes of why that is actually happening right now.

I would say, if you talk to your YW—please, I talk to the YW. I know one of my colleagues who I worked with at the city was YW staff, and she said more and more families and young people and caregivers are living in motels. So I really hope that you can do a better job digging at how we can address this housing insecurity, because our homes are turning into hotels and our hotels are turning into shelters. If we look at somebody in a motel who is in the care of the children's aid society, that's us as parents, the government acting as a parent, putting a young person in a motel, which is happening.

So I hope that while the government may not support this bill, they take very seriously the realities being faced by the lack of adequate foster child placement and the gaps in funding kin care at this moment in time.

**The Chair (Mr. Steve Clark):** MPP Gélinas.

**M<sup>me</sup> France Gélinas:** There is no scenario that ends with good care provided to a child in an Airbnb, good care provided to a child in a motel room. Those two don't jive. By putting it in law that those unlicensed settings—including motels, short-term rental units, unlicensed group settings, offices—cannot be used to place children in care, we will put a whole lot of motivation under the CAS to have discussions with the ministry as to how we prevent this.

There's not one children's aid society that looks forward to placing more kids in a hotel room by themselves. None of them do this. They want to place children with loving families who will support the child and give every child the best future possible. No children's aid society is looking forward to placing a child in a hotel room.

By putting it in law, we really mandate the government and the ministry to work with children's aid, to make sure

that they have the resources available to prevent this from happening. We want good-quality care and support for our children. It is not happening in a hotel room.

**The Chair (Mr. Steve Clark):** Are members prepared to vote on opposition amendment number 3?

**Miss Monique Taylor:** Recorded, please.

**Ayes**

Clancy, Gélinas, Taylor.

**Nays**

Grewal, Kusendova-Bashta, Pang, Pierre, Quinn, Laura Smith.

**The Chair (Mr. Steve Clark):** I declare the motion lost.

There are no amendments to sections 8 to 26. Therefore, I'm going to propose again that we bundle these sections. Is there agreement by members of the committee? Carried.

Any debate? Seeing members are prepared to vote, shall sections 8 to 26, inclusive, carry? Carried.

We'll now move to independent motion 3.1. MPP Clancy.

**Ms. Aislinn Clancy:** I move that section 26.1 be added to the bill:

“26.1 Sections 283 and 284 of the act are repealed.”

**The Chair (Mr. Steve Clark):** MPP Clancy has moved this amendment. The proposed amendment is out of order as it's beyond the scope of the bill. Therefore, I rule the amendment as being out of order.

We'll now move onto the next section, which is the independent member number 3.2.

**Ms. Aislinn Clancy:** I move that section 27 of the bill be amended by striking out clause 291.1(2)(a) of the Child, Youth and Family Services Act, 2017 and substituting the following:

“(a) the information is requested by the minister and is provided in a format from which all identifying information has been removed;”

**The Chair (Mr. Steve Clark):** Discussion? MPP Clancy.

**Ms. Aislinn Clancy:** This was, again, requested by the Information and Privacy Commissioner of Ontario—so, again, the expert in Ontario when it comes to people's information.

We have left a lot of doors open. I think, if there's one thing that we've walked away from in the delegations, it was that people who left care did not want their information accessible to anybody who works in children's aid societies. We haven't done the same for the ministry. The ministry can still access any information they want, for any purpose that they want. All this says is that the ministry can only request anonymous information. So if you work in the ministry, you can't just look up your neighbour down the street; you can only look up anonymous information. This is what we all know is used to aggregate data and create reports. We don't need to know

that Sarah Jones and Muhammad Hamid were in care, and we shouldn't be able to look up their personal information.

This just puts that level of protection—and, again, requested by the expert when it comes to information and privacy. The Information and Privacy Commissioner of Ontario asked for this, and it's a simple, clerical thing to add the clause about not including identifying information—so taking all the wins we have about children's aid societies being able to access information and taking that same spirit and applying that to the ministry.

**The Chair (Mr. Steve Clark):** MPP Pierre.

**Ms. Natalie Pierre:** Respectfully, I recommend voting against this motion because the proposed motion would result in the ministry no longer having access to any personal information about a child or youth who formerly received child welfare services once the new restrictions are in force. The ministry's ability to properly administer the CYFSA and conduct analysis for system and program planning would be significantly impacted without access to personal information.

**The Chair (Mr. Steve Clark):** Further discussion? MPP Gélinas.

**M<sup>me</sup> France Gélinas:** When the Information and Privacy Commissioner tells us that the ministry should not have access to that information, they are fully aware of the responsibility of a minister and of a ministry. They are also fully aware of the importance of protecting personal information.

We have the same type of limitations with the Minister of Health. The Minister of Health has access to a ton of health information, but none of them are identifying. I don't know why the ministry of children and youth should have access to personal information to do their work when many other ministries who work directly with people have legislation that does not give them access to your personal information.

You can give access to the ministry if you want the ministry to do any kind of—you give them access and then they gain access to all of the personal information that's needed to do whatever you've asked the ministry to do. But the ministry of children and youth should not have access to personal information any more than any other ministry has access right now.

It comes from the Information and Privacy Commissioner, telling us to change this so that we are in line with the laws in Ontario that protect our personal information. Why are we always treating children in care differently than anybody else?

1350

**The Chair (Mr. Steve Clark):** MPP Clancy.

**Ms. Aislinn Clancy:** I just wanted to make a request. The government often says, "Trust us. This is how it's going to be. This is how things will unfold." I sincerely hope there will be a follow-up with the Information and Privacy Commissioner of Ontario. They've given us a variety of recommendations that come from somewhere and they believe in these amendments. So I really hope that there will be a meaningful follow-up with the commissioner about the recommendations they put forward,

because I think we leave ourselves at, again, the risk of doing harm by not having limitations on how a ministry can access personal information.

It's as easy as consent. I know that any of us who have signed the PHIPA, the health privacy forms—then you know your rights and you can request access to that or people have to ask you for permission. So, all this is says is that it's not inherent that you have access to identifying information. I would never want any ministry employee to, again, know the most vulnerable moments of my life, which I think is what we heard from these people with lived experiences. And if people want that information, it is upon them to ask permission. So this just puts a caveat in there that if you want my identifying information, you should ask me for permission. I think that's fair, and that's something I would want for myself, and I think that's what the folks with lived experience were so excited about, but we need to apply the same rules evenly across different ministries and across different staff groups.

**The Chair (Mr. Steve Clark):** Are members prepared to vote on the amendment?

**Ms. Aislinn Clancy:** Recorded.

**Ayes**

Clancy, Gélinas, Taylor.

**Nays**

Grewal, Kusendova-Bashta, Pang, Pierre, Quinn, Laura Smith.

**The Chair (Mr. Steve Clark):** I declare the motion lost.

Shall section 27 carry? Carried.

Shall section 28 carry? Carried.

Opposition motion number 4: MPP Taylor.

**Miss Monique Taylor:** I move that section 28.1 be added to the bill:

"28.1 The act is amended by adding the following section:

“Access to own personal information:

“292.2(1) Any individual who was a child in care or received care and support pursuant to an agreement made under section 124 may access any personal information collected when the individual was receiving care or care and support, as the case may be, and determine what personal information shall be editing or retracting.

“Same

“(2) The person in custody of the personal information accessed by the individual referred to in subsection (1) shall edit or redact the personal information in accordance with the individual's determination.”

**The Chair (Mr. Steve Clark):** MPP Taylor, can you just read the last line of section 292.2, please, again?

**Miss Monique Taylor:** As in the case may—

**The Chair (Mr. Steve Clark):** “And may determine”—

**Miss Monique Taylor:** Oh: “and may determine what personal information shall be editing or redacting.”

**The Chair (Mr. Steve Clark):** Thank you.

**Miss Monique Taylor:** Sorry. Thank you.

**The Chair (Mr. Steve Clark):** It’s okay.

Discussion? MPP Taylor.

**Miss Monique Taylor:** This came from a former youth in care who came before us, as well as I believe a few other—all of them, actually, spoke to it. When they came before the committee, they talked about the fact that they had very difficult times being able to access their own files and disagreeing with what was in their files.

We heard clearly from one person who, as a young person, refused to have lunch and was then told that she had an eating disorder and wanted to be able to edit her file to remove that. We have people who can write pretty much whatever they want in a young person’s file and it stays there forever, and that in itself is not fair nor okay. They should have immediate access to their own files when they ask for it. This would come in line with those asks by the same people who worked very diligently to be able to bring us Bill 188 in the first place. So, it’s their request. This bill was written for them, and so I think adding their lived voices to this and making sure that they have access to their own files and the ability to edit and redact is only the right thing to do.

**The Chair (Mr. Steve Clark):** Further discussion? MPP Smith.

**Ms. Laura Smith:** Through you, Chair: The problem with the motion requested is confusion. What you’re discussing is possibly under section 292, which is disclosure of personal information without consent. I think that we have to look at this logically and realize that there would be a lot of confusion in bringing this kind of a motion.

The privacy amendments already contained in Bill 188 are protecting the privacy of children and youth with a history of involvement in the child welfare system. It better protects them by restricting access and disclosures to others in the child welfare records.

I have to say, the proposed amendments do not provide enough detail to create an effective system for service providers to respond to requests for access, edits and redactions, which I think defeats the purpose of what this bill is putting forth.

Additional purposes for which a service provider can disclose records that are subject to renewed restrictions can be outlined in regulations to be developed following consultation.

**The Chair (Mr. Steve Clark):** MPP Taylor.

**Miss Monique Taylor:** They don’t need protection from themselves. The files are written about them. They’re asking for access to their own files. They’re not asking for anybody else to have access, and they don’t need consent. They are asking for their own files.

**The Chair (Mr. Steve Clark):** MPP Clancy?

**Ms. Aislinn Clancy:** I’m good.

**The Chair (Mr. Steve Clark):** You’re good? MPP Gélinas.

**M<sup>me</sup> France Gélinas:** We all listened to the presentations that were done by Kemesha Alli, by Nicole Bonnie, by Carina Chan, by Ann Fitzpatrick, by Nadia George, by Victoria Hanton, by Rebekah Jacques, by Meaghan Martin, by Amelia Merhar, by Ingrid Palmer and—there was a group also; the name escapes me right now—the Child Development Institute. They all asked for this change to be made.

Those are mainly people with lived experience, people who have tried to gain access to their own file and have come to see us to say they thank us for the steps that were done but want us to bring it a step further, because they have lived experience, because they have tried to gain access to their own record and know the mountains that others will have to face like they faced in order to gain access to their own record.

We know that those people in care that have aged out of care that have tried to gain access to their own personal information—they have shared their horror stories with us. They told us that the system does not work. They thanked us for the small step done forward, but they have already warned us that the way the bill is written right now is not going to achieve our end goal of giving people who have aged out of care access to their own personal information. I cannot see a reason why we would not listen to their lived experience, why we would not listen to what they’re asking us to do.

This is why this section of the bill exists. This section of the bill exists because we want to make sure we’ve learned, we heard them. Well, let’s hear them to the end. Let’s do the tweaking of the bill to make sure that people who age out of care gain access to their own record and are able to edit and redact some of it as they see fit.

Just so you know, the initial writing would be there, very much like a medical record. When you make a mistake on your chart, the initial write-up will be there and then the correction is underneath, and you know that a correction has been done and who has done the correction. This is what they’re asking for, because they have lived experience and they know the hardship it causes many of them.

**The Chair (Mr. Steve Clark):** MPP Clancy.

**Ms. Aislinn Clancy:** Yes, I think something in this sector where we’re trying to right some wrongs is the power imbalances.

I think when you are the subject matter and the object of something—this kind of, I think, would go a long way to re-empowering young people who have had lived experience in care. If you could imagine anything written about you over time and not having a voice in that—if we look at student records, some of those files can be hundreds and hundreds of pages.

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I think it’s a symbolic measure to give a voice to people on their own story and try to shift the balance. You can never shift that balance back. We know that governments and CASs and social workers have more power because of their privilege, education, their role. Young people, I think, feel victimized by that and disempowered from this.

This is one step toward giving them a bit of their voice, giving them a bit of their power back, which I think is very therapeutic for people trying to move away from a time in their life when a lot of harm was done, having a voice in that.

I always tried to write my notes imagining they would read it. I've been through this with families asking for a printed copy of their CAS record. It is not simple or easy at all. It's quite an ordeal for someone with, I would say, degrees in this, so I can't imagine what it's like. It needs to be easier, but also the effort of having the youth's voice in that file would right a lot of wrongs in terms of a power imbalance.

**The Chair (Mr. Steve Clark):** MPP Gélinas, a quick final comment.

**M<sup>me</sup> France Gélinas:** I would like to add that if you go into Hansard, when the minister came with the ADM, the ADM actually agreed with this. This is a question that was asked of the ADM and his answer was clear and is in Hansard for everybody to read. The ADM to the minister says that this should be a right and this should be done and agreed that the way the law was written needed some tweaking. You can go into Hansard; we all have it. You can see what the assistant deputy minister had to say about this. I think we should listen and do those changes.

We've heard the story. We know how hard it is for a person who has aged out of care to gain access. Let's help them.

**The Chair (Mr. Steve Clark):** Are members prepared to vote on the amendment?

**Miss Monique Taylor:** Actually, Chair, can we have a five-minute recess? Then maybe the government members can talk to staff and rethink this amendment.

**Mr. Nolan Quinn:** No.

**Miss Monique Taylor:** Does it have to be unanimous consent? They're not going to do it. Okay.

**The Chair (Mr. Steve Clark):** Well, I asked if members were prepared to vote. Some members are prepared to vote, so—

**Miss Monique Taylor:** That's fine. Recorded vote.

**The Chair (Mr. Steve Clark):** Recorded vote.

### Ayes

Clancy, Gélinas, Taylor.

### Nays

Kusendova-Bashta, Pang, Quinn, Laura Smith.

**The Chair (Mr. Steve Clark):** I declare the motion lost.

There are no amendments to sections 29 to 36. Therefore, I'm going to propose again that we bundle these sections. Is there agreement? Any debate? Are members prepared to vote? Shall sections 29 to 36, inclusive, carry? Carried.

We'll now move to section 37, opposition amendment number 5. MPP Gélinas.

**M<sup>me</sup> France Gélinas:** I move that section 37 of the bill be amended by adding the following subsection:

“(4) The act is amended by the adding the following section:

“Information sharing

“54.1. The college may share relevant information with governing bodies and other bodies, including children's aid societies.”

**The Chair (Mr. Steve Clark):** Discussion? MPP Gélinas.

**M<sup>me</sup> France Gélinas:** Absolutely. By adding this section, we make sure that the Social Work and Social Service Work Act is modified so that social workers in receipt of information relevant to the care of a child can share that information with other governing bodies, including the children's aid society. If it was a health professional, one of the seven colleges that regulate health professionals, they all have the right to do this.

It is often social workers who become aware of a child's need, of what's going on with a child. If they work in an interdisciplinary team right now, it will be the nurse who will call the CAS to let them know. It will be the College of Nurses or others, but if you belong to the college of social work, they're not allowed.

This has to change. This is a simple change that needs to be done to the bill in order to allow social workers to do this. It is something that was also asked for during the submissions to our committee.

**The Chair (Mr. Steve Clark):** Further discussion?

**Ms. Natalie Pierre:** Respectfully, I recommend voting against this motion because Bill 188 would already provide anyone regulated by the Social Work and Social Service Work Act, 1988, with the discretion to allow for the disclosure of information to anyone, including children's aid societies, if necessary, to reduce or eliminate a significant risk of serious harm to a person or a group of persons.

Further, these proposals increase consistency across sectors in how confidential information may be shared. They reflect provisions found in legislation governing other professional colleges, including the College of Early Childhood Educators, the Ontario College of Teachers and the regulated health professions governed by the Regulated Health Professions Act, 1991.

The motion creates a broad, sweeping exception that would allow for the sharing of relevant information without defining what is meant by the word “relevant” and does not provide parameters or restrictions to ensure that the privacy rights would be safeguarded.

**The Chair (Mr. Steve Clark):** Further discussion?

**M<sup>me</sup> France Gélinas:** You'll remember when the college was there, I asked that specific question. There is a distinction between what a college is allowed to share and what an individual member of that college is allowed to share. The motion is specifically to the college. The college is the one that holds their members accountable.

If, during an investigation of something going on with the social workers, the college becomes aware of a threat

to a child, of a situation with a child, right now, the college is not allowed to share that information, and after this bill is passed, the college won't be allowed. If a social worker has done wrong—it doesn't happen very often, but it does happen—they're not going to be the one who will share that information with CAS. But if the college becomes aware of this wrongdoing to a child, they won't be allowed to share it unless we pass this motion.

This motion would make sure that not only do we put the onus on individual social workers to share information with CAS, but we put it on the college who oversees the social workers, who becomes aware. Unfortunately, it is their job to deal with everything that goes wrong, and in doing this, if they become aware of things, the college, as a whole, is not allowed to contact the CAS and won't be unless we pass this motion.

**The Chair (Mr. Steve Clark):** Anything further? Are members prepared to vote?

**M<sup>me</sup> France Gélinas:** Recorded.

### **Ayes**

Clancy, Gélinas, Taylor.

### **Nays**

Grewal, Kusendova-Bashta, Pang, Pierre, Quinn, Laura Smith.

**The Chair (Mr. Steve Clark):** I declare the motion lost.

Shall section 37 carry? Carried.

Shall section 38 carry? Carried.

Shall section 39 carry? Carried.

Shall the preamble carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 188 carry? Carried.

Shall I report the bill to the House? Carried.

Thank you to all the members for your deliberations and your clause-by-clause consideration of Bill 188. I want to thank you all.

The committee now stands adjourned.

*The committee adjourned at 1413.*









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