

Office of the Provincial Advocate
for Children and Youth for Ontario

SUBMISSION TO THE STANDING COMMITTEE
ON JUSTICE POLICY RE: BILL 140

“AN ACT TO ENACT THE HOUSING SERVICES ACT 2010, REPEAL THE
SOCIAL REFORM ACT, 2000 AND MAKE COMPLEMENTARY AND OTHER
AMENDMENTS TO OTHER ACTS”

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Submission to the Standing Committee on Justice Policy
Re: Bill 140 “An Act to Enact the Housing Services Act 2010, repeal the Social Reform Act, 2000 and make complementary and other amendments to other Acts”

The Office of the Provincial Advocate for Children and Youth (“Advocate’s Office”)

is an independent office of the Legislature of Ontario, established under the *Provincial Advocate for Children and Youth Act, 2007*. This legislation authorizes the office to;

- a) “Provide an independent voice for children and youth... by partnering with them to bring issues forward;
- b) Encourage communication and understanding between children and families and those who provide them services;
- c) Educate children, youth and their caregivers regarding the rights of children and youth...and;
- d) [Be] an exemplar for meaningful participation of children and youth through all aspects of advocacy serves”

The Provincial Advocate has the authority to provide advocacy services to children and youth in state care and the ‘margins’ of state care. Groups of children and youth who fall within the mandate of the Advocate’s Office include:

- Young people involved with the Youth Justice System,
- Children and youth seeking or receiving services from the Child Welfare System,
- Children and youth receiving services from the Mental Health System,

- Students at the Provincial and Demonstrations Schools
- First Nations children and youth
- Children and youth with special needs

Taking a rights based approach to advocacy, the Advocate’s Office carries out its activities with the consent of children or youth. Advocates work “for” and “with” young people to uphold the rights enshrined in the *Provincial Advocate for Children and Youth Act*, the rights and principles defined by the *United Nations Convention on the Rights of the Child*, and those defined in Ontario’s *Child and Family Services Act (CFSA) (1990, Chapter C. 11)*.

Crown Wards: Ontario’s Children

How does a child become a ‘Crown Ward’?

The Child and Family Services Act is the legislation that governs the child welfare system in Ontario and grants Children’s Aid Societies (“CAS”) the powers to provide protective services for children and families, up to and including taking on the legal role of parents/guardians for children who cannot be cared for by their families. A child is brought into state care for reasons that include, physical, emotional, sexual abuse, and or neglect. There are also situations where a parent may place a child in care because they are no longer able to care for them. In exceptional circumstances, children whose parents are deceased and where other family

member are unable to care for them could be placed in state care and later made a ward of the Crown.

In Ontario, when a child is apprehended and placed in the care of CAS, attempts are typically made to work with the family for eventual reunification or to explore whether there are any kith or kin with whom the child could live. If the child has to remain 'in care', he or she may become a ward of the Crown through a court decision. This means that the Government has assumed permanent responsibility and guardianship for that child until the age of 18 - the age of majority in Ontario. Commonly known as "crown wards" these young people can, quite literally, be regarded as the Province's children.

At 18, a youth is no longer considered a child in need of care and the youth is expected to live independently. Typically, youth who are living in foster homes, group homes, and transitional housing program (through CAS) must leave the home they are living in when they turn 18 because the funding agreements that pay the cost of their care are completely withdrawn. Several youth in the care of CAS describe this experience as "difficult". Young people who have experienced this sudden withdrawal of support are adamant that "no child should be forced to live on their own until they are ready; no one cares whether we are ready". For many children and youth leaving care, this is a continuation of a loss of control that began with the circumstances that caused them to enter care.

The *Child and Family Services Act* provides youth with the opportunity to receive some support and financial assistance until they turn 21. A youth may be eligible for Extended Care and Maintenance (ECM) and continued support from their Social Worker to assist with their independent living arrangements. Typically, these youth receive a monthly stipend that covers their living expenses i.e. rent, food, clothing, transportation etc. Medical and dental coverage may also continue. However, when the youth turns 21 years old the stipend is immediately stopped and the young person is expected to cover the cost of their living expense either through employment means or, most cases, through 'welfare'. At this time, any social supports the child was receiving through CAS are also terminated. The "Province's child", at 21, is now completely on his/her own.

There is much evidence and little dispute that children and youth who are Crown Wards are not achieving their full potential. In fact, a recent report written by Homelessness in Canada: The Road to Solutions, Raising the Roof (2009), found that 43 % of homeless youth had previous child welfare involvement and 68% had come from foster homes, group homes and or a youth centre. The same report identified that 71% had previous criminal justice involvement. And that street youth identified their living arrangements as unsafe about 20% of the time. Numerous reports going back to the mid 1980s recognize that youth leaving care are over represented in the Youth Justice System, Mental Health and Shelter System.

According to the Ontario Association of Children's Aid Societies' ("OACAS") Annual Report (2009), of the 17,876 children in care, approximately 9,200 children and youth are permanent

wards of the Crown. Those 9,200 children are at risk and will remain at risk unless the Province takes a different approach in meeting their needs. The Government parents Crown Wards on behalf of the people of Ontario and as a parent has an obligation to provide their children with opportunity.

Although funding for children's aid societies flows through the Ministry of Children and Youth Services (MCYS), this Ministry should not bear sole responsibility for Crown Wards. A 'whole government' approach is needed if the Province's children are to receive the opportunities they deserve. Every Ministry has a role to play in parenting the "Provinces children". They can do this by increasing access to practical resources, facilitating connections between youth in and from care with supportive adults, other youth and to healthy communities. As one young person said "it's not rocket science".

A Crown Ward has the same desire and needs as any other child in the Province. They have the same dreams as our sons and daughters, brothers and sisters and the same dreams as we do.

Young people in and from care have many ideas about what would make a difference in their lives and what might provide for better outcomes for them and those younger coming into the system after them. These ideas correspond with the findings of study after study and can be grouped into three themes:

Resources: Access to practical resources (housing, employment, education etc.) necessary for a successful transition to independence.

“Support us and watch what we can do!”

(18 year old youth in care)

Connection: The opportunity to develop or receive support from caring adults and each other. The opportunity and support to contribute to the community through leadership and involvement in various programs and by the supportive networks they help create.

“To be on your own does not mean being alone”

(17 year old youth in care)

Voice: The hope, confidence and opportunity to make decisions about their own lives, at all levels of the service they receive, and the chance to effect change in the world.

“Let us make decisions for ourselves, listen to us and when we need it be there for us, to pick us up and help us back on track”

(21 year old former youth in care)

Bill 140: An Opportunity to Make a Difference in the Lives of the “Province’s Children”

Housing an issue for youth in and from care

Almost 15 percent or approximately 2,600 youth in the care of Children’s Aid Societies are living independently. In some cases, youth as young as 16 years old are living independently. At 18 years old, youth formerly in care are moving into apartments, boarding homes, shelters and other independent living situations. In contrast, the average age for independent living among the general population in Canada is 27 years of age.

According to Kirby (2008) “Homeless and Mental Health Illness: Solving the Challenge”; homelessness in Canada is rising quickly and young people and seniors are the two fastest growing groups. One in seven users of emergency shelters across Canada are children and almost a third of Canada’s homeless are between the ages of 16 and 24. (p. 8, 10)

In consultation with youth in and from care across the Province, youth identified some of the housing barriers and issues they faced:

- **“The landlords would show us the apartment and then call us to say the place was rented by someone else based on us being young”.**

- **“We have to look extra hard and long for an apartment because landlords don’t want to rent to a youth”.**
- **“Once the landlord see that we’re from CAS they think we are bad kids and don’t want us renting their places”.**
- **“Not having a place to live or having a place that is too expensive affects our schooling and employment”.**
- **“We are tired of living in the drug houses or in places with bullet holes in the doors”.**
- **“I had to drop out of school to focus on my stability because I was couch surfing”**
- **“The money we receive from CAS does not afford us a decent place to live, it barely covers the rent”.**
- **“We don’t have the support of our parents to turn too when things get tough; we are on our own for the most part”.**

The overall housing barriers and challenges facing youth in and from care are without a doubt disheartening, yet they are “fixable”. It is not unreasonable to want a home and, in fact, it’s what we all hope for at some point in our lives. We need to create better avenues that take our

children in the right direction; towards greater outcomes, success and achievements. We need to create real homes, not shelters.

Bill 140

The overall strategy, encompassed in Bill 140, put forth by the Ministry of Municipal Affairs and Housing (MMAH) and outlined in the “Building Foundations; Building Futures” policy paper is a step in the right direction for marginalized and low income individuals and families. Crown Wards in Ontario share the vision and the principles of the paper..

The four pillars announced in the Ministries Housing Strategy: putting people first, creating strong partnerships, supporting affordable housing options and accountability are fundamental in providing better outcomes for marginalized and low income individuals and families.

The “Asset Building Program” outlined in the Strategy must be fully funded with “new” money or it should be abandoned. Creating a plan that provides the additional support announced in the strategy would require trained individuals who have a devoted amount of time dedicated to case management. According to LeSage (May 2010) report on the Eviction of Al Gosling, the Toronto Community Housing Corporation is a social housing provider but has neither staffing nor funding to provide supportive housing services. Without the proper process, support and financial backing, this program can do more harm than good by raising expectations of tenants and service providers.

The Provincial Advocate recommends an approach similar to the one outlined in the *“Roots of Violence Report”* (McMurtry and Curling, 2008) that features working in neighbourhood partnerships in the most disadvantaged areas to build strong communities and to nurture healthy, well-educated and engaged youth. These initiatives should be based on the efficiencies of aligning governments and communities to get at entrenched social problems in a collaborative way. If implemented, this can bring an array of services together in communities that will support tenants. Without a “whole government approach” (and “new” money) as suggested in the *“Roots of Violence Report”*, the idea becomes empty rhetoric.

The present concern is that without “new money” available to provide Ontarians with the type of housing options necessary to decrease the long wait list, build improved housing and increase the much needed resources such as services to support tenants, the strategy’s potential will remain unrealized.

Bill 140: The Opportunity

Bill 140 provides the Legislature through the Committee on Social Policy an opportunity to enshrine simple changes that represent a commitment to the Province’s children in law. The changes proposed below will not challenge the public purse but will change lives- the lives of your children.

A.) Special Priority Designation for Crown Wards

Crown Wards should be designated as a “Special Priority” by the Province and identified in the special priority policy for housing under provincial and local eligibility rules. Not all Crown Wards will want to live in Rent Geared to Income Housing, but it is critical that these young people should be given the opportunity to do so if they choose.

The Provincial Advocate recommends that RGI housing be offered to youth leaving care automatically, prior to youth in care turning 21 years of age.

B.) Enhanced Wait List

Crown Wards and former Crown Wards should be included in any “enhanced wait list” for housing. This would allow them to be able to transfer units more easily for example if they required to move closer to school.

C.) Simplifying Rent Geared to Income

ECM should be counted as income to ensure eligibility to RGI housing but Extended Care and Maintenance should not be considered income in the calculation of rent.

Scholarships received by Crown Wards and Former Crown Wards should not be considered income in rent calculations in order to support the achievements of Crown Wards and remove barriers to graduation and unsuccessful completion of secondary and post secondary education. The Province should want to encourage and motivate Crown Wards to work towards high achievement. Therefore, a scholarship should be treated as a reward for that hard work and dedication and not be considered income when calculating rent.

Additionally, In order for any person to live in Canada and be eligible to work, attend post-secondary education, receive health care coverage, travel in and out of Canada and qualify for many of the different services like Rent Geared to Income they must file for Permanent Residence (status) in Canada through Citizenship and Immigration Canada. If approved, the individual is then considered a “permanent resident” and can later apply for Canadian Citizenship. Once permanent residence is attained, an individual is eligible for all services within Canada.

Crown Wards without “status” in Canada face tremendous difficulties as they venture out on their own towards independence. These young people are often children who have no status before they become Crown Wards or placed on ECM. Although permitted to receive financial support that covers their living expenses they are not eligible for RGI until status has been attained and this has often proven to be a very long and difficult process. In order to respect equity for all, Crown Wards should be eligible for Rent Geared to Income Housing

D.) Local Review Process

Service Managers should be required to establish a distinct local review process with all child welfare agencies in their jurisdiction, recognizing that each region has local needs. Moreover, a separate strategy and implementation plan to support Crown Wards and Former Crown Wards in each region should be developed in conjunction with youth in and from care, as well as service agencies including child welfare and Service Managers. It is important that youth contribute to the solutions and are given the opportunity to have a voice in decisions that could affect them.

E.) Simplifying the System

Local strategy by Service Managers should not be approved without a specific policy that supports Crown Wards and former Crown Wards in each jurisdiction. These discussions should include youth and should take into account the barriers and challenges faced by youth in and from care.

As part of the next step of implementing the New Housing Framework, local working groups need to include representatives from the child welfare system and youth in and from care. After all, the strategy points out that “Ontario is working hard to support our most vulnerable citizens and offer a range of housing options”. When considering who our vulnerable citizens are, we **MUST** include Crown Wards.

Ontario Provincial Advocate for Children and Youth Recommendations

1). Crown Wards should be designated a **“Special Priority”** by the province and identified in the special priority policy for housing under provincial and local eligibility rules. This Special Priority designation should be reflected in section 44 of Bill 140 in order to demonstrate the province’s commitment to Crown Wards. Section 24 of Ontario Regulation 298.01 should also be amended to reflect this designation.

2). Crown Wards and former Crown Wards should be included in any **“Enhanced Wait List”** for housing i.e. they should be given priority in transfers and permitted to transfer to another jurisdiction without losing their place on the wait list.

3). Section 47(2)(a) of Regulation 298/01 should be amended to ensure that Extended Care and Maintenance allowances should not be considered as income in the calculation of rent. ECM should be treated in the same manner as Social Assistance considering they are both living allowances provided by the government. A simple solution would be to require Crown Wards to pay the minimum rent geared to income payable, which is 85 dollars.

4) Section 50 (3) should be amended to ensure that scholarships received by Crown Wards who are attending post secondary education on a full time or part time basis are not considered income in rent calculations.

5) Crown Wards without “status” (permanent residency) in Canada should be eligible for rent geared to income housing. Section 7(b) of Regulation 298/01 should be amended to include Crown wardship as one of the eligibility requirements.

6). The “**Asset Building Program**” must be fully funded with “new” money or it should be abandoned.

7). Section 6(2) of Bill 140 should be amended to require Service Managers to conduct an assessment of current and future housing needs of the Crown Wards in their jurisdiction.

8). Section 8 of Bill 140 should be amended to ensure that approval of local housing and homelessness plans is contingent on the existence of a specific strategy that supports Crown Wards and former Crown Wards in each jurisdiction.

9). As part of the “**Next Step**” of implementing the New Housing Framework, local working groups need to include representatives from the child welfare system and youth “in-and- from” care.