

The Child and Youth Advocate: an adult looking out for kids in Ontario

The story of Bill 165--and how YOU can have a say

In Ontario, most children grow up in families.

Parents are responsible for making sure their children have what they need to grow up into strong, healthy adults – food, a place to live, that they go to school, that they are safe from violence or abuse, and that they have the chance to say what they think.

These are rights that all children have.

Sometimes, a child's parents are not able to take care of the child on their own. Sometimes, parents and children need help from people like counsellors and social workers.

What we hope you'll learn from this:

- The Government of Ontario provides a variety of services for children and youth like counselling, residential treatment, foster care or youth justice services.
- When young people receive these services they are considered to be in the 'care' of the government.
- Right now there are about 25,000 children and youth in government care and the government has an Advocate to make sure those kids are okay.
- The government has decided to make the Advocate a better voice for children in government care and they have created Bill 165.
- What will Bill 165 do to help kids?
- What will it **not** do?
- Would you like to see changes made to this Bill?
- Children have a right to have a say about the issues that concern them—like this Bill.
- How you can have a say.
- What other people are saying.

Children and youth in government care

Sometimes, children and young people need to live somewhere else and be cared for by someone else for a while. That could be a foster parent or a group home, or a special school. Sometimes, young people are arrested by the police or placed in a detention facility.

When a child or young person is taken care of by anyone who is not her or his family, we say that she or he is **in government care**. When this happens, the **Government of Ontario** is responsible for making sure the child is okay.

In Ontario, there are about 25,000 children in the care of the government right now. You might be one of those kids or you might know someone who is.

The government is responsible for the kids in its care

The government is responsible for making sure that the social workers, police officers, foster parents and other grown-ups who take care of you if you are in police custody, in a group home, in a foster home, or in other places away from your family, are doing a good job.

That means you have the same rights as kids who are not in government care—you are still entitled to a healthy environment with nutritious food, a place to live and sleep, schooling so that you can learn, and being safe from violence. The people who take care of you must not hurt you physically or be mean to you. If you are not happy with the way you are being treated, you must be able to complain, and your voice must be heard.

The Child and Youth Advocate



The government has put one special person in charge of watching out for children in government care. That person is the **Child and Youth Advocate**.

If you think that the people taking care of you are not doing a good job; if you feel frightened or you have been hurt by the people who are supposed to take care of you, you can contact the Child and Youth Advocate for help.

There are laws that tell the Advocate what she (right now the Advocate is a woman; the job could also be held by a man) is allowed to do to help young people.

Time for a new law

Now, the government of Ontario has decided to make a *new* law about the Child and Youth Advocate.



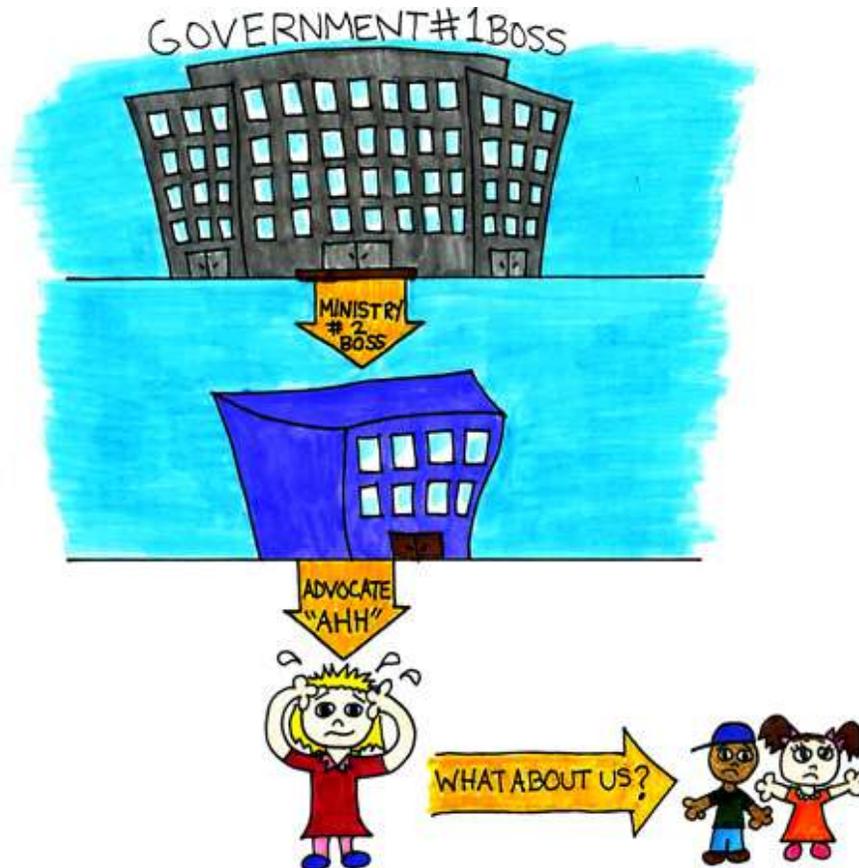
Have you ever visited this building? This is where laws are made

◀ This building is where the **Legislative Assembly** happens. All of the people who are elected—the **members of parliament**—meet here to make the laws.

The **government** isn't a single person; it is a group of people who make decisions for the whole province. Even if we vote for them, it doesn't mean we always agree with their decisions. Sometimes we need to tell them what we think should change. When new laws are being made, members of the public like you and me are invited to tell them what we think.

Why do we need a new law?

Right now, the Advocate's job is to help kids in government care. The Minister of Children and Youth Services is her immediate boss and the Government of Ontario is her big boss.



This means that if you are a child in government care with a complaint about the government or the things it does for you, the Advocate has to investigate her own boss! This is a real problem because it makes it harder for the Advocate to really work for children and youth.

Bill 165



The government has proposed a new law, called **Bill 165**. Because Bill 165 is not actually a law yet, right now the Advocate still works the way she always has. Bill 165 will become a law when the **members of the provincial parliament—the MPPs**—vote on it.

If Bill 165 becomes a law, it will make the Advocate completely independent. Instead of the government being her boss, the Advocate will be her own boss. Her only responsibility will be to children and youth in government care. The Advocate will not have to ask permission from the government to speak out on behalf of children and youth. Instead, she will be able to go to the **Legislative Assembly** (where all of the MPPs work) and tell them whatever she wants to say.

What do you think?

Before the MPPs vote on Bill 165, a special Committee has been set up to hear from the public and especially young people to find out what you think of the Bill.

We need to make sure that what the Bill says is good enough to protect young people and to make sure that the Advocate can really work for you.

Let's take a look at how Bill 165 will change the Advocate's job. Your questions and thoughts are important to help understand if more changes need to be made so that Bill 165 will be a really good law that protects children and youth.

Looking closer at Bill 165

How would the advocate work for you?

The Advocate is not a super-hero: she can't do anything she wants. The proposed law, Bill 165, tells her what she can and cannot do.



The main ideas of Bill 165 are that:

- ① The Advocate should work for kids
- ② The Advocate should be easy to reach
- ③ The Advocate should produce public reports
- ④ The Advocate should help to protect young people and improve their lives
- ⑤ The Advocate should include the opinions of young people

① THE ADVOCATE SHOULD WORK FOR KIDS

The Advocate should work for children and young people and help them when they're having a hard time.

- 1. So what are some situations you have faced that you felt were unfair, scary, difficult or needed to change?*
- 2. How would you like the new Advocate to be able to help?*
- 3. Who should be able to use the Advocate?*
- 4. What else would be important to think about?*



Some extra background: What does Bill 165 say about who the Advocate should work for?

The Child and Youth Advocate will be independent

The Child and Youth Advocate will make her reports to the **Legislative Assembly--the MPPs** who are elected by the people of Ontario. The government will not be her boss.

The Child and Youth Advocate will only be concerned about kids in government care

The Child and Youth Advocate will only work to respond to the concerns and problems of any young person in Ontario who is in the care of the government: in detention centres, group homes, jail, kid jail, mental health institutions or treatment centres. She will only work for kids in government care and will not respond to problems that other children or youth have.

The Child and Youth Advocate won't help kids in schools for the deaf and blind, on probation or in police custody

Even though these groups **are** represented by the Advocate right now, in Bill 165, they will no longer be represented by the Advocate. There will be different laws designed to protect these children instead.

The Child and Youth Advocate may not be able to advocate for kids with complex special needs

These are kids who right now get help from many different people and different agencies and different parts of government. Bill 165 is not clear on whether the Advocate would be allowed to represent them all.

The same Child and Youth Advocate will serve First Nations children and youth like everyone else

If you are a young person from a First Nations community, the same Child and Youth Advocate who works for all of the other children covered by Bill 165 in Ontario will be responsible for making sure that you are o.k.

② THE ADVOCATE SHOULD BE EASY TO REACH

An Advocate to help young people is no good if kids don't know about her, about what she can do for them, or how they can get in touch with her.

If you want to speak with the Advocate now, there is a 1-800 number you can call. But how do kids know about this number and about the Advocate?

- 1. How can kids know that the Advocate is looking out for them?*
- 2. What might make it hard for kids to get in touch?*
- 3. What ideas do you have that would help kids to be able to reach the Advocate?*
- 4. What else would be important to think about?*

Some extra background: What does Bill 165 say about how kids can reach the Advocate and know what she does?

Agencies and services will be responsible for making sure that kids in government care are told about the Advocate and have information to contact her.

Agencies and services will not have to make sure that kids are actually *able* to contact the Advocate whenever *they* want. Agencies won't have to give kids access to a phone or privacy to make the call, for example.

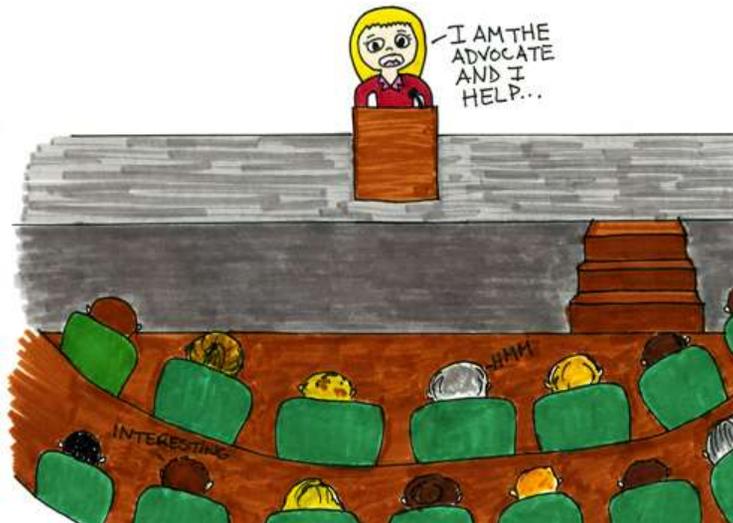
The Child and Youth Advocate will be able to visit kids, but Bill 165 doesn't say how it will happen.



③ THE ADVOCATE SHOULD PRODUCE PUBLIC REPORTS

The Advocate will write reports on what she finds out about how kids in government care are being treated. Every year, she'll present a report to the members of parliament in the legislature. This will make sure that everyone knows what is going on, what kinds of problems kids in government care are facing, and what the Advocate is doing to help these kids.

1. So, how could kids be involved in creating and presenting the Advocate's reports?



2. What would you like the members of parliament to do when they hear the report?

3. What else would be important to think about?

④ THE ADVOCATE SHOULD HELP TO PROTECT YOUNG PEOPLE AND IMPROVE THEIR LIVES

The Advocate for Children and Youth is here for you!

- 1. What are the things that the Advocate could do to help protect you?*
- 2. What are the things that the Advocate could do to improve your life and the lives of other children and youth in government care?*
- 3. What else would be important to think about?*

⑥ THE ADVOCATE SHOULD INCLUDE THE OPINIONS OF YOUNG PEOPLE

The Advocate's job is to represent children and youth.

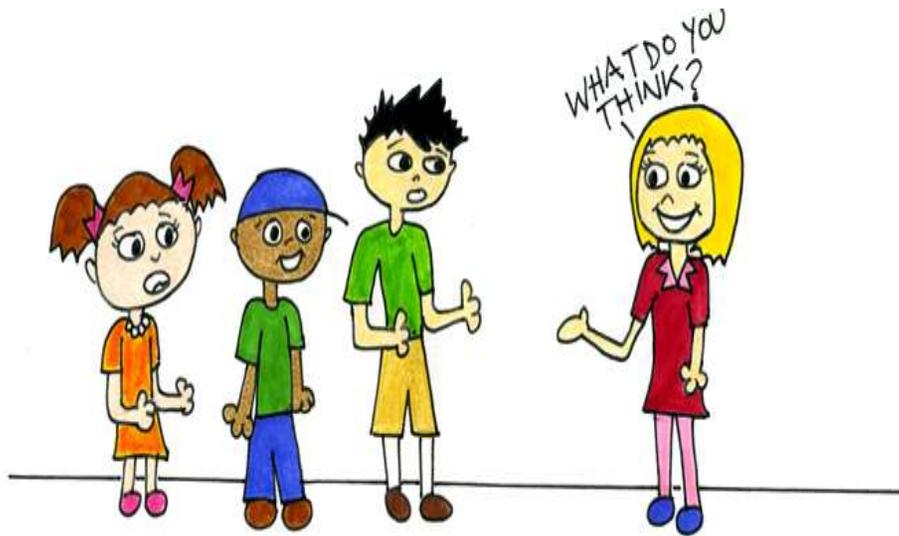
- 1. Who should choose the new Advocate?*
- 2. Who should evaluate her to see if she's doing a good job?*
- 3. How should she work with young people so that her opinions reflect what you think?*
- 4. How should she help young people speak out directly to say what you think?*
- 5. When the government creates laws in the future that will directly affect children and youth in Ontario, how should they be included?*

Some extra background: Who wrote Bill 165?

It is a Bill that was thought of and written by adults only.

Young people were not given the opportunity to help create it from the very beginning.

Now, children and youth have an opportunity to understand it and to express your opinions and your suggestions for how it might be made better.



HOW CAN I SAY WHAT I THINK?

Have Your Voice Heard On Bill 165!

Interested in making a presentation or submission to the Committee looking at Bill 165? Call, fax or email Anne Stokes and Kevin Dwyer so that you can be added to the list of people who want to make a presentation or send their thoughts in a letter, recording or other expression of what you think.

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Learn more about the Committee and its mandate at www.ontla.on.ca

Need more information? We can help! Find out how you can:

GET INFORMED ● BE HEARD ● BE SEEN

Visit: www.voicesforchildren.ca

**This Need to Know guide to Bill 165 was developed by
Voices for Children.**

WHAT ARE SOME CONCERNS AND QUESTIONS OTHER PEOPLE HAVE ABOUT BILL 165?

1. **Bill 165 as it is written now leaves out or is unclear about some groups who already receive help from the Advocate now:**

The Child and Youth Advocate will not help kids in schools for the deaf and blind, on probation or in police custody

The Child and Youth Advocate may not be able to advocate for kids with complex special needs

Some people are asking:

Should these children and youth be included?

2. Some people are saying that Bill 165 as it is written now does not clearly state **how** kids will know about the Advocate and **how** they will be able to get in touch with her:

For example, agencies and services will not have to make sure that kids have information right in their hands.

Agencies and services will not have to give kids ways to contact the advocate like being able to make a private phone call.

The Child and Youth Advocate will be able to visit kids, but Bill 165 doesn't say how.

Some people are asking:

How will children know that there is an Advocate looking out for them?

If a young person is having problems with the adults who are responsible for taking care of him or her, how will she or he know about the Advocate?

How will kids be able to contact and speak with the Advocate?

What responsibility should caregivers and service providers like foster parents, social workers and others to help young people to contact or see the Advocate?

What should happen to any adult who tries to prevent a young person from speaking with the Advocate?

How long should kids have to wait before she calls you back or before you can see her?

3. Some people are saying Bill 165 as it is written now does not say clearly enough what exactly the Advocate can and cannot do.

Some people are asking:

What kinds of powers does the Advocate need to do her job?

4. Some people are saying that Bill 165 as it is written now will not give the Advocate enough **investigatory** powers:

The Child and Youth Advocate will not have the right to force people to be witnesses.

For example, if a young person complains about the way she's being treated by the police officers in a youth detention centre, the Advocate cannot force police officers tell their side of the story in court.

Investigatory powers mean things like forcing people to be witnesses to tell her what they heard or saw, demanding to see documents like records or letters, investigating when a child dies while in government care, and entering facilities like treatment centres, jails and homes to check them out.

The Child and Youth Advocate will not be allowed to demand documents to help her in her work like your records, a report or a letter that could help to understand what happened and to prove that what the young person says is true.

The Child and Youth Advocate will not be allowed to review the death if a child or youth dies while he or she is in police custody or in care.

The Child and Youth Advocate will not be allowed to enter a facility, for example a youth detention facility, whenever she wants.

Some people are asking:

Should the Advocate have more investigatory powers?

5. **Bill 165 as it is written now** does not mention that there are many First Nations children in government care. Some people are concerned that their unique needs will not be met with just a single Advocate for the whole province and for all of the children in government care.

Some people are asking:

Should there be an Advocate or an office of the Advocate in Northern Ontario?

Should there be a separate Native Child Advocacy Office to represent First Nations young people?

6. **Some people are saying that even though Bill 165 is all about protecting and giving voice to children and youth, it was thought of and written entirely by adults.**

Some people are asking:

When the government creates laws in the future that will directly affect children and youth, how can they be included from the outset?

Is there a role for the Advocate to ensure that they are included?