



June 17, 2021

Mikiko Otani, Chairperson
Committee on the Rights of the Child
Human Rights Treaties Division
Office of the United Nations High Commissioner for Human Rights
Palais Wilson – 52, rue des Pâquis
CH 1201 Geneva
Switzerland

Dear Mikiko Otani,

On behalf of the Canadian Council of Child and Youth Advocates (CCCYA), I welcome the opportunity to present this submission in contribution to the United Nations Committee on the Rights of the Child's Day of General Discussion (DGD) on Alternative Care.

The CCCYA is an association of children's Advocates, Representatives and Ombudspersons from across Canada who are independent officers of the legislatures in their respective jurisdictions with mandates to promote and protect children's human rights through complaint resolution, advice to government, amplification of child and youth voices, and public education functions. CCCYA members work together to identify areas of mutual concern and address national issues.¹

In this work, CCCYA members advocate for groups of children and youth whose experiences and views are often under-represented, and which are being sought by the Committee for the purposes of this DGD. These include, but are not limited to, children and youth who are in, or have recently transitioned out of, alternative care, children and youth with disabilities, Indigenous children, LGBTQ2S+ children, racialized children and children whose socio-economic background often leads to their placement in alternative care. Knowledge gained through these efforts informs this submission.

Additionally, as children, youth, and young adults with experience in alternative care are the foremost experts in the subject matter being discussed by the Committee, the CCCYA has also facilitated a Youth Submission to the 2021 DGD and encourages readers to refer to that document.

If we can provide you with any additional information about our work that may be of assistance to the Committee in its discussions on children's rights in alternative care, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Broda', written in a cursive style.

Lisa Broda, PhD
President, Canadian Council for Child and Youth Advocates
Saskatchewan Advocate for Children and Youth

¹ CCCYA. (2019). About Us. [Available at: <http://www.cccya.ca/content/index.asp>]



Canadian Council of
Child and Youth Advocates



Conseil Canadien des Défenseurs
des Enfants et des Jeunes

United Nations Committee on the Rights of the Child Day of General Discussion – Alternative Care

CCCYA Written Submission

CANADIAN COUNCIL OF CHILD AND YOUTH ADVOCATES

June 2021

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CCCYA

CANADIAN COUNCIL OF CHILD & YOUTH ADVOCATES

Alberta Office of the Child and Youth Advocate

www.ocya.alberta.ca

British Columbia Representative for Children and Youth

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Manitoba Advocate for Children & Youth

www.manitobaadvocate.ca

New Brunswick Child & Youth Advocate

www.cyanb.ca

Newfoundland & Labrador Office of the Child & Youth Advocate

www.childandyouthadvocate.nl.ca

Nova Scotia Office of the Ombudsman, Youth Services

www.novascotia.ca/ombu/index.htm

Nunavut Representative for Children and Youth

www.rcynu.ca

Ontario Ombudsman Children and Youth Unit

www.ombudsman.on.ca/what-we-do/topics/children-youth

Prince Edward Island Office of the Child and Youth Advocate

www.childandyouthadvocatepei.ca

Québec Commission des droits de la personne et des droits de la jeunesse

www.cdpcj.qc.ca

Saskatchewan Advocate for Children & Youth

www.saskadvocate.ca

Yukon Child and Youth Advocate Office

www.ycao.ca

The Canadian Council of Child and Youth Advocates is an association of appointed children's advocates from the ten provinces and two territories of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Nunavut, Ontario, Prince Edward Island, Québec, Saskatchewan and Yukon.

Overview

In Canada, child protection services and alternative care are provincial/territorial responsibilities. Therefore, legislative frameworks and operational systems differ slightly across the jurisdictions represented by members of the Canadian Council for Child and Youth Advocates (CCCYA).

When assessing progress against international standards, such as the United Nations General Assembly’s Guidelines for the Alternative Care of Children, it could be said that a combination of legislation, policies and practices in Canada sets out a framework for child protection and alternative care that appears largely consistent with these principles. However, the application of this framework falls short for far too many children and youth and, in particular, for First Nations, Métis and Inuit children and youth. In some instances, formal standards of care need to be more robust. In others, issues of resource allocation can lead to insufficient or inconsistent implementation of the standards that have been put in place.

Through their advocacy functions, investigations, and systemic reporting, CCCYA members have conducted a vast body of work on child protection systems and alternative care. This submission provides a broad overview of this work in response to some of the guiding questions posed by the Committee in its “Guidelines on participation and submissions”, identifying good practices, persistent issues of concern and recommendations for improvement. While provincial and territorial governments have implemented some of the recommendations outlined here resulting in positive changes, there are many that still require action.

What are examples of legislation, policies or programmes that effectively strengthen families and prevent separation? What is it that makes them effective?

A particular area of concern for the CCCYA is the vast overrepresentation of Indigenous children and youth in the child welfare system. Stemming from structural inequalities and systemic racism, Indigenous children continue to be most at risk of family separation. Both immediate and long-term actions are required to address the social determinants of health for these children and youth, including adequate housing, elimination of poverty, improvements to infrastructure, and ensuring clean water and food security. The CCCYA highlighted the challenges faced by Indigenous youth to the Committee in 2010,² and, sadly, the situation has not significantly changed since then.³⁴⁵

² Canadian Council for Child and Youth Advocates. (2010). *Aboriginal Children and Youth in Canada: Canada Must Do Better*. [Available at: http://www.cccya.ca/images/english/pdf/aboriginal_children_youth_advocates_position_paper_2010.pdf]

³ Office of the Child and Youth Advocate Alberta. (2016). *Voices for Change: Aboriginal Child Welfare in Alberta*. Edmonton, AB: Author [Available at: https://www.ocya.alberta.ca/wp-content/uploads/2014/08/SpRpt_2016July_VoicesForChange_v2.pdf]

⁴ Office of the Child & Youth Advocate. (2019) *A Long Wait for Change: Independent Review of Child Protection Services to Inuit Children in Newfoundland and Labrador*. St. John’s, NL: Author [Available at: <https://www.childandyouthadvocate.nl.ca/files/InuitReviewExecutiveSummaryEnglish.pdf>]

⁵ Manitoba Advocate for Children and Youth and the First Nations Health and Social Secretariat of Manitoba. (2021). *Joint Submission to the Expert Mechanism on the Rights of Indigenous Peoples: Study on the rights of the*

We believe that Indigenous peoples have the inherent right to self-determination, including the right to care for their children. In 2020, federal child welfare legislation, *An Act Respecting First Nations, Inuit and Métis children, youth and families*,⁶ came into force. This is a step in the right direction, as it affirms the inherent jurisdiction of Indigenous Peoples over child welfare and creates a pathway for the creation of Indigenous child welfare laws. Furthermore, it sets national legal standards and principles applicable to all provinces and territories providing child protection services to Indigenous children (on or off reserve) with the intent to prevent and remedy the breakdown of Indigenous families. For instance, it legislates principles that were formerly only found in policy in many jurisdictions, such as prohibiting poverty from being the sole reason for apprehension, prioritizing kinship placements, and requiring ongoing assessment for the potential of family reunification. There are, however, many aspects of implementation that need to be more adequately addressed, such as support for and funding to empower Indigenous communities to claim their jurisdiction and draft their own child welfare legislation. The recent discovery of what are believed to be the remains of 215 Indigenous children at a former residential school in British Columbia is a stark and devastating reminder of the continuing and urgent need for reconciliation in child welfare.

Another group of children that continues to be vulnerable to family separation in Canada is children with disabilities, as they often enter the child welfare system to receive services related to their disability. Barriers to helping families care for their children continue to include wait times preventing early assessment and intervention, underfunding of a flexible continuum of respite services, difficulties accessing support services centralized in urban centres, and a lack of coordination/communication between various service providers. The risk of family separation for these children is exacerbated by the fact that governments provide funding directly to alternative caregivers to care for children with disabilities, but similar funding is not provided to families to support keeping their children at home. Some recommendations put forward to remedy these gaps have been to:

- develop integrated service delivery models and funding protocols between disability, health, education and child welfare services to enable information and cost sharing for children and families who use multiple programs, as well as to assist families in navigating these systems;
- expand outreach of Fetal Alcohol Spectrum Disorder (FASD) services to rural and remote communities;
- monitor and flag situations when children with special needs are not accessing available funding or are not attending schools; and
- remedy inequities in income support to families unable to participate fully in the paid workforce due to the care of their child with special needs.

Indigenous child under the United Nations Declaration on the rights of the child. Winnipeg, MB: Author [Available at: https://manitobaadvocate.ca/wp-content/uploads/2021-03-1-UNDRIP_Joint_Submission.pdf]

⁶ Government of Canada, *An Act Respecting First Nations, Inuit and Métis children, youth and families*, S.C.2019, c. 24 [Available at: <https://laws-lois.justice.gc.ca/eng/acts/F-11.73/FullText.html>]

See footnoted reports for more details and additional recommendations.⁷⁸⁹¹⁰

While special measures in this regard should be provided to the most vulnerable groups, supporting all families to meet the basic needs of themselves and their children will help to prevent family separation. Governments must invest more significantly in early childhood supports, supports to young families, and supports to single parent families with young children.¹¹¹² Maltreatment can be prevented with appropriate and comprehensive supports to parents. In this regard, recommendations have been put forward to ensure evidence-informed and culturally-safe parenting programs and resources for children under age five, with special attention placed on rural and remote communities.¹³

There has been some success in Canada with the expansion of the federal Aboriginal Head Start Urban and Northern Initiative,¹⁴ which aims to support Indigenous children through locally controlled and designed early intervention strategies to enhance culture and language, education, health, nutrition, social support and parental and family involvement. Other examples of effective programs for preventing family separation are those that provide supports to families at risk by removing structural barriers to meeting their case plan goals. This can include the provision of in-home support (such as parent aids) for families at risk of separation at the same level as is provided to foster parents to maintain placements. There are also programs in Canada that provide 24-hour staffed housing suites for the entire family, as well as childcare and transportation to facilitate parent/caregiver attendance at addictions, parenting, domestic violence or other programming

⁷ Manitoba Advocate for Children and Youth. (2021). *Bridging the Gaps: Achieving Substantive Equality for Children with Disabilities in Manitoba*. Winnipeg, MB: Author [Available at: <https://manitobaadvocate.ca/wp-content/uploads/MACY-Report-Bridging-the-Gaps-Achieving-Substantive-Equality-for-Children-with-Disabilities-in-Manitoba.pdf>]

⁸ Saskatchewan Advocate for Children and Youth. (2014). *Two Tragedies: Holding Systems Accountable*. Saskatoon, SK: Author [Available at: [https://www.saskadvocate.ca/sites/default/files/u3/Two Tragedies Holding Systems Accountable Advocate %20 Childre %20Youth May 2014 0.pdf](https://www.saskadvocate.ca/sites/default/files/u3/Two%20Tragedies%20Holding%20Systems%20Accountable%20Advocate%20Childre%20Youth%20May%202014%200.pdf)]

⁹ Representative for Children and Youth. (2018). *Alone and Afraid: Lessons learned from the ordeal of a child with special needs and his family*. Victoria, BC: Author [Available at: https://rcybc.ca/wp-content/uploads/2019/04/rcy-aloneafraid-dec2018_revised-web_14_dec_2018.pdf]

¹⁰ Representative for Children and Youth. (2020). *Left Out: Children and youth with special needs in the pandemic*. Victoria, BC: Author [Available at: https://rcybc.ca/wp-content/uploads/2020/12/CYSN_Report.pdf]

¹¹ Office of the Child and Youth Advocate. (2020). *State of the Child Report: Protecting Child Rights in Times of Pandemic*. Fredericton, NB: Author [Available at: <https://static1.squarespace.com/static/60340d12be1db058065cdc10/t/606b4d8e599ffc2a2f445a03/1617644962701/2020-State-of-the-Child-Report-2.pdf>]

¹² Yukon Child and Youth Advocate Office. (2019). *Empty Spaces Caring Connections: The experiences of Children and Youth in Yukon Group Care*. Whitehorse, YT: Author [Available at: <https://www.docdroid.net/d48O4G4/190509ycao-2019-sr-eng-06-fnl-may-08-pdf#page=4>]

¹³ Manitoba Advocate for Children and Youth. (2021). *Still Waiting: Investigating Child Maltreatment After the Phoenix Sinclair Inquiry*. Winnipeg, MB: Author [Available at: https://manitobaadvocate.ca/wp-content/uploads/Maltreatment_Report.pdf]

¹⁴ Government of Canada. (1998). Aboriginal Head Start Urban and Northern Initiative. [Available at: <https://www.canada.ca/en/public-health/services/health-promotion/childhood-adolescence/publications/aboriginal-head-start-urban-northern-initiative.html>]

meant to reduce risk.¹⁵ Family treatment programs for parents struggling with addiction also provide avenues for families to stay together while risks are being addressed.

The need for these supports had been identified years ago in the UN’s Guidelines for the Alternative Care of Children, as well as in the Calls to Action of Canada’s Truth and Reconciliation Commission.¹⁶ Yet, while variations of these initiatives do exist in some jurisdictions and communities, greater commitment is still required to make these programs more accessible to more families who need them.

Finally, high workloads have been a long-standing concern to CCCYA members across the country and are a barrier to preventing family separation. Child protection systems must be more accountable to ensuring workloads of child protection staff are manageable so they have sufficient time to build relationships with families and focus on preventative work that, over time, could lead to a reduction in demand for protection services.¹⁷¹⁸

What are examples of successful family reunification, and what factors contribute to their success (or failure)?

On paper, child welfare legislation and policy across Canada largely comply with the Guidelines for the Alternative Care of Children around family reunification. However, these principles are often not exercised in practice. CCCYA member offices have found through daily advocacy functions and investigations into child deaths that appropriate reunification planning does not always occur. This was also a major theme identified by youth participants in the CCCYA Youth Submission to this DGD. Moving too quickly toward reunification, failing to fully appreciate the impacts of lengthy periods of separation (especially where bonds and attachments may be fragile) and not recognizing that these circumstances can be overwhelming to parents, caregivers, and children, can lead to further instability and/or family breakdown. Furthermore, family services often close their files too soon after reunification, terminating supports and services for families before they are ready. In some jurisdictions, there are concerns that the child protection system prioritizes family reunification, even if not safe for or in the best interests of the child.

Through their advocacy work, CCCYA members have seen successes when culturally-safe reunification policies are followed, informal/community supports are identified and connected to the family, large siblings groups are returned in step progression, respite services are made available and transition supports are provided until the family is stabilized. Additionally, formal

¹⁵ For example, see Central Urban Métis Federation Inc. “Coming Home Program” [Available at: <https://www.cumfi.org/coming-home-program>]

¹⁶ National Centre for Truth and Reconciliation. *Truth and Reconciliation Reports* [Available at: <https://nctr.ca/records/reports/>]

¹⁷ Saskatchewan Advocate for Children and Youth. (2014). *Two Tragedies: Holding Systems Accountable*. Saskatoon, SK: Author [Available at: https://www.saskadvocate.ca/sites/default/files//u3/Two_Tragedies_Holding_Systems_Accountable_Advocate_%20Childre_%20Youth_May_2014_0.pdf]

¹⁸ Manitoba Advocate for Children and Youth. (2021). *Still Waiting: Investigating Child Maltreatment After the Phoenix Sinclair Inquiry*. Winnipeg, MB: Author [Available at: https://manitobaadvocate.ca/wp-content/uploads/Maltreatment_Report.pdf]

recommendations to government have been made on the need for frontline caseworkers and their supervisors to be trained in trauma, its symptoms, side effects, prevention and response, and to be versed in the risk and protective factors of child maltreatment. As children under 5 have been found to be particularly vulnerable if families are not adequately supported following reunification, complete case reviews have been recommended for every child in care under age 5 for whom reunification is planned.

See footnoted reports for more detail and additional recommendations.¹⁹²⁰²¹

What are the examples of legislation, policies, or practices to support effective monitoring, access to complaints mechanisms or interdisciplinary and judicial oversight of children in alternative care?

Independent child advocate offices, such as CCCYA members, with legislated mandates to oversee public service provision to children and youth are critical. While mandates of the CCCYA offices in Canada may differ, a core function of most is to provide advocacy to individual and/or groups of children within alternative care to ensure they are receiving the services they are entitled to, their voices are being heard and their rights are being respected, protected and fulfilled.

As stated in our Alternative Report to the Committee in response to Canada's combined 5th/6th report on its implementation of the Convention on the Rights of the Child,²² while it is positive that child advocate offices have recently been created in Nunavut and Prince Edward Island, during the same period the advocate office in Ontario was abolished with only some of its functions re-directed to the provincial Ombudsman. Furthermore, there remains no independent child advocate in the Northwest Territories, and Canada still does not have a federal commissioner for children and youth despite numerous recommendations in this regard by the Committee and advocacy bodies in Canada. Effective monitoring and oversight of children's rights within alternative care, as well as within other child-serving systems that could prevent the need for alternative care, is hampered by this lack of access to appropriate complaint mechanisms in all jurisdictions. A standing recommendation of the CCCYA is for the establishment of advocate offices in all provinces and territories and a federal, independent human rights institution for children in line with the Paris Principles. In the absence of a federal commissioner for children, the CCCYA does what it can to fill this gap and advocate at national and international levels. However, it faces

¹⁹ Manitoba Advocate for Children and Youth. (2021). *Still Waiting: Investigating Child Maltreatment After the Phoenix Sinclair Inquiry*. Winnipeg, MB: Author [Available at: https://manitobaadvocate.ca/wp-content/uploads/Maltreatment_Report.pdf]

²⁰ Manitoba Advocate for Children and Youth. (2018). *In Need of Protection: Angel's Story*. Winnipeg: Author [Available at: <https://manitobaadvocate.ca/wp-content/uploads/2019/05/Angels-Story.pdf>]

²¹ Office of the Child and Youth Advocate. (2020). *State of the Child Report: Protecting Child Rights in Times of Pandemic*. Fredericton, NB: Author [Available at: <https://static1.squarespace.com/static/60340d12be1db058065cdc10/t/606b4d8e599ffc2a2f445a03/1617644962701/2020-State-of-the-Child-Report-2.pdf>]

²² Canadian Council for Child and Youth Advocates. (2020). *The Canadian Council of Child and Youth Advocates' Alternative Report to Canada's Combined Fifth and Sixth Reports on the Convention on the Rights of the Child* [Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fNGO%2fCAN%2f42227&Lang=en]

barriers in doing so as members have no financial or other resources specifically designated for this work.

How and to what extent do current legislation, policies and programmes ensure high-quality alternative care? What could be improved?

In keeping with international principles to place children with other close family members if they cannot return to their parents, many Canadian jurisdictions have policies that prioritize placement of children with extended family to maintain connections to the child’s familial, cultural, and community background. Furthermore, extra support and training are available in some regions to enhance the capacity of kinship caregivers to provide a nurturing environment. High-quality alternative care is attentive to and emphasizes the perspectives of children and youth before final approval of the placement.

Additionally, to ensure ongoing high-quality care, robust quality assurance and accountability structures must exist within all levels of child welfare service provision. These measures must be culturally appropriate, consistent across the provincial/territorial jurisdiction providing service, and formalized in policy.

Specifically, CCCYA members in several jurisdictions have concerns related to the accountability structures for group home care. Despite the Guidelines for Alternative Care of Children calling for “an overall deinstitutionalization strategy”, some jurisdictions in Canada have seen rapid growth of group homes, the operation of which is contracted by governments to private companies. It is imperative that services, oversight and accountability should not diminish when governments contract for group home care. Recommendations for improvement to group care in general include having oversight and quality assurance measures that:

- reflect a holistic approach that accounts for the child’s physical, mental, emotional, spiritual and cultural well-being;
- include comprehensive evidence-based quality-of-care definitions, standards, and outcome measures;
- involve independent investigative services for responding to critical incidents of children and youth residing in group home care;
- ensure adequate human and financial resources are provided to undertake timely and proactive reviews;
- include a permanent government liaison/resource for group home operators which provides a clear point of contact and support; and,
- ensure qualifications and training of group staff are appropriate to the needs of the young people in each residence.

See footnoted reports for further detail and additional recommendations.²³²⁴²⁵²⁶²⁷²⁸

What measures can be taken to ensure there is a well-trained, supported and supervised multi-sectoral workforce in your context or area of work? What makes them effective?

A well-trained, qualified, and supported workforce in child welfare is integral to achieving positive outcomes for children and families. However, across Canada, systems are challenged with recruitment and retention of experienced child protection staff in rural, northern, and remote communities. Additionally, as previously mentioned, under-resourcing results in high caseloads, often jeopardizing the ability of even the best-intentioned and most capable caseworkers to dedicate the time required to provide child and family-centred services, as well as to be properly supported and supervised in this work. Recommendations from CCCYA members put forward in this regard have been for government(s) to:

- engage independent, comprehensive studies to determine appropriate standards for caseload sizes in different service areas based on their unique demographics and service needs;
- update minimum standards for child protection work in jurisdictions where needed, as well as training on these standards;
- institute mandatory training for caseworkers in working with children and youth with special needs, including requirements that children are seen alone when responding to child protection reports;
- provide additional training for caseworkers in responding to trauma and child maltreatment (as mentioned earlier);
- conduct regular assessment of caseworker and supervisory competency;
- give consideration to wages and benefits when funding residential care so as to attract and retain well-trained and capable staff; and
- ensure appropriate training for alternative caregivers in LGBTQ2S+-specific issues.

²³ Saskatchewan Advocate for Children and Youth. (2021). *Someone to Watch Over Us*. Saskatoon, SK: Author [Available at:

[https://www.saskadvocate.ca/sites/default/files/pdfs/reports/Someone to Watch Over Us Special Report Final March 2021.pdf](https://www.saskadvocate.ca/sites/default/files/pdfs/reports/Someone%20to%20Watch%20Over%20Us%20Special%20Report%20Final%20March%202021.pdf)]

²⁴ Manitoba Advocate for Children and Youth. (2018). *In Need of Protection: Angel's Story*. Winnipeg, MB: Author [Available at: <https://manitobaadvocate.ca/wp-content/uploads/2019/05/Angels-Story.pdf>]

²⁵ Saskatchewan Advocate for Children and Youth. (2015). *No Time for Mark: The Gap Between Policy and Practice*. Saskatoon, SK: Author [Available at: [https://www.saskadvocate.ca/sites/default/files/u3/No Time For Mark The Gap Between Policy and Practice.pdf](https://www.saskadvocate.ca/sites/default/files/u3/No%20Time%20For%20Mark%20The%20Gap%20Between%20Policy%20and%20Practice.pdf)]

²⁶ Saskatchewan Advocate for Children and Youth. (2014). *Lost in the System: Jake's Story*. Saskatoon, SK: Author [Available at: [https://www.saskadvocate.ca/sites/default/files/u3/Advocate Lost in the System child death report Sept 2014.pdf](https://www.saskadvocate.ca/sites/default/files/u3/Advocate%20Lost%20in%20the%20System%20child%20death%20report%20Sept%202014.pdf)]

²⁷ Yukon Child and Youth Advocate Office. (2019). *Empty Spaces Caring Connections: The experiences of Children and Youth in Yukon Group Care*. Whitehorse, YT: Author [Available at: <https://www.docdroid.net/d48O4G4/190509ycao-2019-sr-eng-06-fnl-may-08-pdf#page=4>]

²⁸ Office of the Provincial Advocate for Children and Youth. (2016). *Searching for Home: Reimagining Residential Care*. Toronto, ON: Author [Available at: https://ocaarchives.files.wordpress.com/2019/01/residentialcarereport_en.pdf]

See footnoted reports for further detail and additional recommendations.²⁹³⁰³¹³²³³³⁴³⁵

How can we ensure that children and young people are fully and meaningfully involved in decision-making on prevention of family separation and the provision of high-quality alternative care? What are examples in your context of the participation of children in decisions relating to alternative care, including decisions relating to their individual placement?

Children and young people are the experts of their own lives and experiences, and should be active and full participants, meaningfully engaged in any decisions being made about their care. They should be involved in their own case planning, they should feel heard by their supports and service providers, and they should feel confident that their case plan is being followed.

In some jurisdictions, if a youth objects to a residential placement, they are legally entitled to a review of that placement by an advisory committee that will consider its appropriateness.³⁶ However, this right is not afforded to children and youth in all jurisdictions.

As highlighted in the CCCYA Youth Submission presented to this DGD, young people often are not often involved in, or even sufficiently informed of, decisions around their care and placements. The issue of high caseloads is relevant here as well. Although child welfare policies across Canadian jurisdictions include processes such as case conferencing that provide opportunities for youth to be involved in discussions around their care plans, these do not always occur due to competing demands on caseworkers' time. Furthermore, youth indicate that when caseworkers do not have time to spend developing relationships with them, they do not feel comfortable sharing

²⁹ Saskatchewan Advocate for Children and Youth. (2014). *Two Tragedies: Holding Systems Accountable*. Saskatoon, SK: Author [Available at: [https://www.saskadvocate.ca/sites/default/files/u3/Two Tragedies Holding Systems Accountable Advocate %20 Childre %20Youth May 2014 0.pdf](https://www.saskadvocate.ca/sites/default/files/u3/Two%20Tragedies%20Holding%20Systems%20Accountable%20Advocate%20Childre%20Youth%20May%202014%200.pdf)]

³⁰ Representative for Children and Youth. (2018). *Alone and Afraid: Lessons learned from the ordeal of a child with special needs and his family*. Victoria, BC: Author [Available at: https://rcybc.ca/wp-content/uploads/2019/04/rcy-aloneafraid-dec2018_revised-web_14_dec_2018.pdf]

³¹ Manitoba Advocate for Children and Youth. (2021). *Still Waiting: Investigating Child Maltreatment After the Phoenix Sinclair Inquiry*. Winnipeg, MB: Author [Available at: https://manitobaadvocate.ca/wp-content/uploads/Maltreatment_Report.pdf]

³² Manitoba Advocate for Children and Youth. (2018). *Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions*. Winnipeg, MB: Author [Available at: <https://manitobaadvocate.ca/wp-content/uploads/2019/05/Documenting-Decline.pdf>]

³³ Office of the Advocate for Children and Youth. (2016). *Speaking Out: A Special Report on LGBTQ2S+ Young People in the Child Welfare and Youth Justice Systems*. Edmonton, AB: Author [Available at: https://www.ocya.alberta.ca/wp-content/uploads/2014/08/SpRpt_2017November_Speaking-OUT.pdf]

³⁴ Commission des droits de la personne et des droits de la jeunesse. (2019). *Enquête systémique sur les services dispensés aux enfants en famille d'accueil de la région de la Mauricie et du Centre du Québec pour la période du 1er janvier 2013 au 31 décembre 2016*. Quebec City, QC: Author [Available at: <https://www.cdpedj.qc.ca/storage/app/media/publications/enquete-mauricie.pdf>]

³⁵ Office of the Provincial Advocate for Children and Youth. (2016). *Searching for Home: Reimagining Residential Care*. Toronto, ON: Author [Available at: https://ocaarchives.files.wordpress.com/2019/01/residentialcarereport_en.pdf]

³⁶ Ontario Child, Youth and Family Services Act, 2017, c 14, ss 62-66 [Available at <https://www.ontario.ca/laws/statute/17c14#BK84>]

their views. Caseloads must be kept manageable so that youth consultation can occur at every step of the child protection process.

On a broader level, children should also be involved in the quality assurance processes built into the system. For example, whenever there is a review of resources such as foster homes or group homes for quality assurance or licencing purposes, youth residing there should be informed and consulted.³⁷³⁸

In Canada, there are external mechanisms that assist youth in having their voices heard. Children can be appointed their own legal counsel if a child protection matter is before the court. In this way, if the court is considering a supervision order to support the family in keeping the children at home, children can be involved in identifying conditions they feel must be met for them to feel safe. If they are being made wards, their lawyer can present their views regarding placement decisions. There are, however, many shortcomings with this process. These include lack of consistency in the form of legal representation available to children across Canada, insufficient funding and training, a paternalistic approach focused on protecting children rather than empowering them, and a reluctance to enhance the legal status of the CRC by directly incorporating it into Canadian law. For children’s participation in legal processes to be truly meaningful, these limitations must be addressed. See footnoted report for further detail and recommendations.³⁹

Outside of court, children can contact the independent, legislated child advocate offices of the CCCYA in the jurisdictions where they exist. Advocates and representatives then amplify the voice of the child through contacting caseworkers/supervisors on their behalf, attending case conferences with the child or coaching them on self-advocacy.

What support do care-leavers need? What do policy makers need to understand about care-leavers?

This is an area that has been identified in the CCCYA DGD Youth Submission and by many CCCYA member offices across Canada as one in which current supports are insufficient. Many youth in alternative care have a history of trauma, experience mental health challenges and/or struggle with substance use. These challenges are often not adequately addressed, and sometimes exacerbated, while in care. Additionally, youth in Canada advise that they are often not given sufficient information on how to meet their needs related to transportation, education, employment, housing, money management, community resources/services, or sexual and mental health. Consequently, most youth are not pre-equipped with the skillset to live independently and, simultaneously, address the burdens they carry from their childhood. Before a youth reaches the

³⁷ Office of the Provincial Advocate for Children and Youth. (2019). *Investigation Report: Johnson Children’s Services Inc.* Toronto, ON: Author [Available at: <https://ocaarchives.files.wordpress.com/2019/05/jcsinvestigationreporten.pdf>]

³⁸ Office of the Provincial Advocate for Children and Youth. (2016). *Searching for Home: Reimagining Residential Care.* Toronto, ON: Author [Available at: https://ocaarchives.files.wordpress.com/2019/01/residentialcarereport_en.pdf]

³⁹ Jackson, M, Martinson, D et al. (2021). *Implementing Children’s Participation Rights in Family Law and Child Welfare Court Proceedings: Literature Review.* Victoria, BC: Representative for Children and Youth. [Available at: <https://rcybc.ca/wp-content/uploads/2021/06/RCYFREDAFinalLiteratureReview26112020.pdf>]

junction of leaving care, it is necessary to ensure this information is provided and that a network of positive relationships is established (especially with their caseworkers and other service providers) through which follow-ups are done at regular intervals to assess youth's evolving needs and whether additional supports and/or referrals to services are required.

See footnoted reports for further detail and additional recommendations.⁴⁰⁴¹⁴²⁴³⁴⁴

⁴⁰ Office of the Child and Youth Advocate. (2019). *A Critical Time: A Special Report on Emerging Adults Leaving Children's Services Care*. Edmonton, AB: Author [Available at: https://www.ocya.alberta.ca/wp-content/uploads/2014/08/SpRpt2019November_A-Critical-Time.pdf]

⁴¹ Representative for Children and Youth. (2019). *A Parent's Duty: Government's Obligation to Youth Transitioning into Adulthood*. Victoria, BC: Author [Available at: <https://rcybc.ca/reports-and-publications/a-parents-duty/>]

⁴² Office of the Child & Youth Advocate. (2019) *A Long Wait for Change: Independent Review of Child Protection Services to Inuit Children in Newfoundland and Labrador*. St. John's, NL: Author [Available at: <https://www.childandyouthadvocate.nl.ca/files/InuitReviewExecutiveSummaryEnglish.pdf>]

⁴³ Jane Kovarikova. (2017). *Exploring Youth Outcomes After Aging Out of Care*. Toronto, ON: Office of the Provincial Advocate for Children and Youth [Available at: <https://ocaarchives.files.wordpress.com/2019/01/report-exploring-youth-outcomes.pdf>]

⁴⁴ Yukon Child and Youth Advocate Office. (2019). *Empty Spaces Caring Connections: The experiences of Children and Youth in Yukon Group Care*. Whitehorse, YT: Author [Available at: <https://www.docdroid.net/d48O4G4/190509ycao-2019-sr-eng-06-fnl-may-08-pdf#page=4>]

APPENDIX

Previously Published Material by CCCYA Members on Alternative Care

Due to limited space, this submission was not able to address the total body of work completed by CCCYA members relevant to the topic of alternative care. For additional detail on the issues referenced in this submission, and for more information that can assist the Committee in answering the guiding questions listed in the “2021 Day of General Discussion Children’s Rights and Alternative Care - Guidelines on participation and submissions”, we invite the Committee to review the publications listed here.

Canadian Council of Child and Youth Advocates

Canadian Council for Child and Youth Advocates. (2020). *The Canadian Council of Child and Youth Advocates’ Alternative Report to Canada’s Combined Fifth and Sixth Reports on the Convention on the Rights of the Child* [Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fNGO%2fCAN%2f42227&Lang=en]

Canadian Council for Child and Youth Advocates. (2010). *Aboriginal Children and Youth in Canada: Canada Must Do Better*. [Available at: http://www.cccya.ca/images/english/pdf/aboriginal_children_youth_advocates_position_paper_2010.pdf]

Alberta

Office of the Child and Youth Advocate. (2019). *A Critical Time: A Special Report on Emerging Adults Leaving Children’s Services Care*. Edmonton, AB: Author [Available at: https://www.ocya.alberta.ca/wp-content/uploads/2014/08/SpRpt2019November_A-Critical-Time.pdf]

Office of the Child and Youth Advocate. (2016). *Voices for Change: Aboriginal Child Welfare in Alberta A Special Report*. Edmonton, AB: Author [Available at: https://www.ocya.alberta.ca/wp-content/uploads/2014/08/SpRpt_2016July_VoicesForChange_v2.pdf]

British Columbia

Jackson, M, Martinson, D et al. (2021). *Implementing Children’s Participation Rights in Family Law and Child Welfare Court Proceedings: Literature Review*. Victoria, BC: Representative for Children and Youth. [Available at: <https://rcybc.ca/wp-content/uploads/2021/06/RCYFREDAFinalLiteratureReview26112020.pdf>]

Representative for Children and Youth. (2020). *Left Out: Children and youth with special needs in the pandemic*. Victoria, BC: Author [Available at: https://rcybc.ca/wp-content/uploads/2020/12/CYSN_Report.pdf]

Representative for Children and Youth. (2019). *A Parent's Duty: Government's Obligation to Youth Transitioning into Adulthood*. Victoria, BC: Author [Available at: <https://rcybc.ca/reports-and-publications/a-parents-duty/>]

Representative for Children and Youth. (2018). *Alone and Afraid: Lessons learned from the ordeal of a child with special needs and his family*, Victoria, BC: Author [https://rcybc.ca/wp-content/uploads/2019/04/rcy-aloneafraid-dec2018_revised-web_14_dec_2018.pdf]

Manitoba

Manitoba Advocate for Children and Youth. (2021). *Bridging The Gaps: Achieving Substantive Equality for Children with Disabilities in Manitoba*. Winnipeg, MB: Author [Available at: <https://manitobaadvocate.ca/wp-content/uploads/MACY-Report-Bridging-the-Gaps-Achieving-Substantive-Equality-for-Children-with-Disabilities-in-Manitoba.pdf>]

Manitoba Advocate for Children and Youth. (2021). *Still Waiting: Investigating Child Maltreatment After the Phoenix Sinclair Inquiry*. Winnipeg, MB: Author [Available at: https://manitobaadvocate.ca/wp-content/uploads/Maltreatment_Report.pdf]

Manitoba Advocate for Children and Youth and First Nations Health and Social Secretariat of Manitoba. (2021). *Joint Submission to the Expert Mechanism on the Rights of Indigenous Peoples: Study on the rights of the Indigenous child under the United Nations Declaration on the rights of the child*. Winnipeg, MB: Author [Available at: https://manitobaadvocate.ca/wp-content/uploads/2021-03-1-UNDRIP_Joint_Submission.pdf]

Manitoba Advocate for Children and Youth. (2020). “*Stop Giving Me A Number and Start Giving Me A Person*”: *How 22 Girls Illuminate the Cracks in the Manitoba Youth Mental Health and Addiction System*. Winnipeg, MB: Author [Available at: <https://manitobaadvocate.ca/wp-content/uploads/MACY-Special-Report-Suicide-Aggregate-2020.pdf>]

Manitoba Advocate for Children and Youth. (2020). *Safe and Sound: A Special Report on the Unexpected Sleep-Related Deaths of 145 Manitoba Infants*. Winnipeg, MB: Author [Available at: <https://manitobaadvocate.ca/wp-content/uploads/SafeSleep-Report.pdf>]

Manitoba Advocate for Children and Youth. (2019). *A Place Where It Feels Like Home: The Story of Tina Fontaine*. Winnipeg, MB: Author [<https://manitobaadvocate.ca/wp-content/uploads/2019/07/Tina-Fontaine.pdf>]

Manitoba Advocate for Children and Youth. (2018). *In Need of Protection: Angel's Story*. Winnipeg, MB: Author [Available at: <https://manitobaadvocate.ca/wp-content/uploads/2019/05/Angels-Story.pdf>]

Manitoba Advocate for Children and Youth. (2018). *Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions*. Winnipeg, MB: Author [Available at: <https://manitobaadvocate.ca/wp-content/uploads/2019/05/Documenting-Decline.pdf>]

New Brunswick

Office of the Child and Youth Advocate. (2020). *State of the Child Report: Protecting Child Rights in Times of Pandemic*. Fredericton, NB: Author [Available at: <https://static1.squarespace.com/static/60340d12be1db058065cdc10/t/606b4d8e599ffc2a2f445a03/1617644962701/2020-State-of-the-Child-Report-2.pdf>]

Newfoundland and Labrador

Office of the Child & Youth Advocate. (2019). *A Long Wait for Change: Independent Review of Child Protection Services to Inuit Children in Newfoundland and Labrador*. St. John's, NL: Author [Available at: <https://www.childandyouthadvocate.nl.ca/files/InuitReviewExecutiveSummaryEnglish.pdf>]

Ontario

Office of the Provincial Advocate for Children and Youth. (2019). *Investigation Report: Johnson Children's Services Inc.* Toronto, ON: Author [Available at: <https://ocaarchives.files.wordpress.com/2019/05/jcsinvestigationreporten.pdf>]

Jane Kovarikova. (2017). *Exploring Youth Outcomes After Aging Out of Care*. Toronto, ON: Office of the Provincial Advocate for Children and Youth [Available at: <https://ocaarchives.files.wordpress.com/2019/01/report-exploring-youth-outcomes.pdf>]

Office of the Provincial Advocate for Children and Youth. (2016). *Searching for Home: Reimagining Residential Care*. Toronto, ON: Author [Available at: https://ocaarchives.files.wordpress.com/2019/01/residentialcarereport_en.pdf]

Quebec

Commission des droits de la personne et des droits de la jeunesse. (2019). *Enquête systémique sur les services dispensés aux enfants en famille d'accueil de la région de la Mauricie et du Centre du Québec pour la période du 1er janvier 2013 au 31 décembre 2016*. Quebec City, QC: Author [Available at: <https://www.cdpcj.qc.ca/storage/app/media/publications/enquete-mauricie.pdf>]

Saskatchewan

Saskatchewan Advocate for Children and Youth. (2021). *Someone to Watch Over Us*. Saskatoon, SK: Author [Available at: [https://www.saskadvocate.ca/sites/default/files/pdfs/reports/Someone to Watch Over Us Special Report Final March 2021.pdf](https://www.saskadvocate.ca/sites/default/files/pdfs/reports/Someone%20to%20Watch%20Over%20Us%20Special%20Report%20Final%20March%202021.pdf)]

Saskatchewan Advocate for Children and Youth. (2015). *No Time for Mark: The Gap Between Policy and Practice*. Saskatoon, SK: Author [Available at:

[https://www.saskadvocate.ca/sites/default/files//u3/No Time For Mark The Gap Between Policy and Practice.pdf](https://www.saskadvocate.ca/sites/default/files//u3/No_Time_For_Mark_The_Gap_Between_Policy_and_Practice.pdf)

Saskatchewan Advocate for Children and Youth. (2014). *Lost in the System: Jake's Story*. Saskatoon, SK: Author

[[https://www.saskadvocate.ca/sites/default/files//u3/Advocate Lost in the System child death report Sept 2014.pdf](https://www.saskadvocate.ca/sites/default/files//u3/Advocate_Lost_in_the_System_child_death_report_Sept_2014.pdf)]

Saskatchewan Advocate for Children and Youth. (2014). *Two Tragedies: Holding Systems Accountable*. Saskatoon, SK: Author [Available at:

[https://www.saskadvocate.ca/sites/default/files//u3/Two Tragedies Holding Systems Accountable Advocate %20Childre %20Youth May 2014 0.pdf](https://www.saskadvocate.ca/sites/default/files//u3/Two_Tragedies_Holding_Systems_Accountable_Advocate_%20Childre_%20Youth_May_2014_0.pdf)]

Yukon

Yukon Child and Youth Advocate Office. (2019). *Empty Spaces Caring Connections: The experiences of Children and Youth in Yukon Group Care*. Whitehorse, YT: Author [Available at:

<https://www.docdroid.net/d48O4G4/190509ycao-2019-sr-eng-06-fnl-may-08-pdf#page=4>]