

Ombudsman seeks power over CASs

Children at risk without oversight of Children's Aid Societies: Marin

By Jeff Esau

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Ontario children are at risk because there is no independent scrutiny of the province's 53 Children's Aid Societies, Ontario's ombudsman says.

Andre Marin says the existing law governing Children's Aid Societies prevents him from investigating the more than 300 complaints he receives annually about CASs.

Even worse, legislation being considered for the child protection system would remove all accountability of CASs, which operate as "private agencies." In other provinces, Mr. Marin says, child protection is a public function or is shared between government and private agencies.

Speaking to the legislature's standing committee on social policy in Toronto last week, Mr. Marin said that not only would Bill 210 fail to provide effective oversight, but it would remove the sparse complaint mechanisms now in place.

"If that small window (of accountability) closes, Ontario will have the dubious distinction of having solidified its position as being at the back of the oversight pack in Canada in ensuring that the most vulnerable of our children have an independent avenue of redress."

The solution, he told legislators, would be to add a single provision to the Child and Family Services Statute Law Amendment Act to give the Ontario ombudsman authority over Children's Aid Societies.

He said no one should be surprised at his persistence because "administrative decisions taken by these societies have life-and-death impact on children in need."

Mr. Marin gives disturbing examples of what can happen when CASs are beyond scrutiny, as in the case of five-year-old Jeffrey Baldwin, who was starved to death in Toronto in 2002. Two people are still on trial in Toronto over the boy's death.

Mr. Marin notes that Ontario affords convicted criminals housed in privatized provincial jails protection by the ombudsman, but fails to extend the same protection to children.

"The sheer irony here in Ontario is that you have the ombudsman's office positioned to help protect convicted criminals, but we've left children in this province in a lurch," he says.

In an interview yesterday, Mr. Marin said his decision to make a public statement was prompted by the lack of progress in his months-long campaign of "glad-handing" with Ontario Children and Youth Services Minister Mary Anne Chambers, her deputy minister and the bureaucrats responsible for the bill.

"I've been lobbying the ministry. This is not just me coming out of nowhere last week. I've been quietly working in the background, but there were no results," he said.

Still, Mr. Marin says there are signs of hope. "The minister sent me a message after my testimony saying that she was open to amendments and, again, that's encouraging, but we're not there yet. I haven't seen it on paper."

Ottawa child welfare advocate John Dunn said he is pleased with the ombudsman's public discussion about the issue.

Mr. Dunn, 35, was in care himself for 16 years and lived in 13 foster homes.

He recently formed the Foster Care Council of Canada after advocating for himself and others in the area of child protection for five years.

As the new organization's executive director, Mr. Dunn is preparing to circulate a petition to ask the government to "enact legislation giving the Ontario Ombudsman's Office jurisdiction over all Ontario's Children's Aid Societies."

Looking back, Mr. Dunn can identify the rights he should have had as a ward of the state. He hopes the ombudsman can help others by bringing some insight, impartiality and a cool head to the CASs.

Mr. Dunn has seen firsthand that fear and panic often cause parents to make rash and inappropriate statements to the CAS. "Then the CAS worker gets offended and the relationship becomes strained. Things are said between them that cause the worker to label the parent 'emotionally unstable.' They may even truly believe that the parent is like that, but it's only spawned by their fear of losing their kid."

Mr. Dunn thinks the legislation "has a lot of good things in it," such as open adoptions and kinship care. "But the fact that they're going to reduce any external accountability is what inspired my whole petition action," he said.