

**MINISTRY OF CHILDREN & FAMILY DEVELOPMENT
INFORMATION BRIEFING NOTE**

CLIFF #220821

PREPARED FOR: Minister Stephanie Cadieux - **FOR INFORMATION**

TITLE: Atira Women's Resource Society (AWRS)

PURPOSE: Response to concerns from Janice Abbott, Chief Operating Officer (CEO), of AWRS, regarding the creation of new ministry-funded licensed child care spaces in the City of Surrey, and assistance to families receiving Ministry services at the Maxxine Wright Early Care and Learning Centre (MWECLC).

BACKGROUND:

- AWRS is a non-profit organization committed to ending violence against women through direct services and educational programs.
- Programs include outreach to Aboriginal women and seniors, community health centers, housing, recovery and counselling, and a child care facility (MWECLC).
- MWECLC, located in Surrey, offers licensed care for infants, toddlers and three-to-five year old children, some of whom are in the care of the Ministry.
- Janice Abbott, CEO of AWRS, contacted the Honourable Stephanie Cadieux, Minister for Children and Family Development, on January 5, 2015 to question why the ministry approved capital funding to create new licensed child care spaces in their community when the MWECLC has vacancies and is not currently operating at full capacity.
- Ms. Abbott also questioned why the ministry has not fulfilled its commitment to employ a half-time social worker at MWECLC to assist families receiving Ministry services under the *Child, Family and Community Services Act* (CFCSA).

DISCUSSION:

- The Ministry of Children and Family Development (MCFD) provides a number of programs and services to support the MWECLC, including:

Child Care Major Capital Funding Program:

- There were four successful projects announced in the City of Surrey for the first intake of the 2014/15 Child Care Major Capital Funding Program (see Appendix A).
- The Centre for Child Development (CCD), located approximately 1km from MWECLC, is the only project located within a 15 km radius.
- CCD's child care major capital funding application was considered for the following reasons:
 - Surrey is a community with high demand and low supply of licensed child care spaces, as well as higher than average rates of vulnerability based on Early Development Instrument (EDI) data;
 - The CCD has experience operating a child care facility, and currently has families on its waitlist; and
 - The new child care spaces would accommodate children with special needs.

- MWECLC did not apply for child care major capital funding in 2014/15; however, MCFD partnered with BC Housing to provide \$1.6 million in capital funding in 2009 to build the MWECLC, including 59 licensed child care spaces.
- The project was part of a larger development to create transitional and short-term stay units. Other partners included Human Resources and Skills Development Canada and the City of Surrey.

s.13

Child Care Operating Funding Program (CCOF):

- MWECLC has been in receipt of CCOF since the facility opened in October 2010. However, a review of their CCOF identified that MWECLC had not submitted an enrolment report since July 2014.
- August 2014 to November 2014 enrolment reports have now been received by the Ministry and are being processed for payment. Once the December 2014 Enrolment Report is submitted, the society will be up-to-date with respect to CCOF funding.
- MWECLC is currently licensed for 49 spaces (24 infant/toddler spaces; 25 three-to-five spaces); and 20 preschool spaces, but had been operating under capacity since April 2014.
- For the period of April to July 2014, the average enrolment reported was 20 infant/toddler spaces (four spaces under capacity) and 18 three-to-five spaces (seven spaces under capacity).
- MWECLC does not appear to be running the preschool program at this time.

Child Care Subsidy Program:

- MWECLC is currently providing service to children receiving child care subsidy; however, there are ten fewer children this year compared to last year.
- The total amount of subsidy paid in 2012/13 was approximately \$200,750 (25 children) compared to \$100,600 (15 children) in 2014.
- The total number of children with *CFCSA* involvement was 19 in 2012/13 compared to 9 in 2014.

Child Welfare:

- The Ministry has a 0.5 full-time equivalent (FTE) social worker position connected to the MWECLC. This position has been in place for several years.
- The position is currently vacant and should be filled by February.

- The Community Service Manager, Family Service Team Lead for the geographic area and a Circle 5 Family Service Team Lead attend bi-monthly management meetings with AWRS and the Fraser Health Authority.
- The Multi-Disciplinary Team, Team Leader has established two social workers from her team who carry the cases for the women living in Transitional and Second Stage housing at AWRS. The MWECLC is used when required.

ADVICE:

MCFD recognizes the challenges faced by AWRS and MWECLC and has taken the following actions:

- The CCOF program has contacted MWECLC and resolved the issue of outstanding enrolment reports;
- Child Care Subsidy program has contacted MWECLC to offer assistance to clients accessing subsidy and offer any additional support required for children with *CFCSA* involvement;
- MCFD will dedicate a 0.5 FTE social worker position, connected to the MWECLC, once the position has been filled.

Appendix A: 2013/14 Child Care Major Capital Funding Program – Surrey Recipients

Program ADM/Branch: Randi Mjolsness, Assistant Deputy Minister, Policy and Provincial Services/Allison Bond, Assistant Deputy Minister, Service Delivery

Program Contact (for content): Arif Lalani, Executive Director, Provincial Services

Drafter: Jon Barry, Director, Child Care Programs and Services

Date: January 15, 2015

Appendix A: Results of the 2013/14 Child Care Major Capital Funding Program – Facilities located in the City of Surrey

In November 2014, the Ministry announced results of the first intake for the 2014/15 Child Care Major Capital Funding Program, including four projects in the City of Surrey, building 95 spaces with a provincial funding contribution of approximately \$694,000.

Project #1: Little Scholars Learning Academy Ltd.

- Address: 17720 57 Ave, Cloverdale, V3S 1H2 (Surrey - Cloverdale)
- Number of child care spaces to be created: 36 (12 infant/toddler and 24 three-to-five).
- Funding: the total project cost is \$309,795 with a total provincial contribution of \$170,795 (average provincial cost per space of \$4,744).

Project #2: Centre for Child Development Preschool

- Address: 9460 140 St, Surrey, V3V 5Z4 (Surrey - Green Timbers)
- Number of child care spaces to be created: 37 (group multi-age).
- Funding: the total project cost is \$712,500 with a total provincial contribution of \$500,000 (average provincial cost per space of \$13,514).

Project #3: Kids Zone Child Care

- Address: Prince Charles Elementary School, 12405 100 Avenue, Surrey, V3V 2X2 (Surrey - Whalley).
- Number of child care spaces to be created: 14 (school-age).
- Funding: the total project cost is \$17,250 with a total provincial contribution of \$15,250 (average provincial cost per space of \$1,089).

Project #4: Little Timbers Family Childcare

- Address: 9035 147 St, Surrey, V3R 3V6 (Surrey - Fleetwood)
- Number of child care spaces to be created: 8 (group multi-age).
- Funding: the total project cost is \$10,633 with a total provincial contribution of \$7,975 (average provincial cost per space of \$997).

**MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT
INFORMATION BRIEFING NOTE**

CLIFF #221199

PREPARED FOR: Minister Stephanie Cadieux – **FOR INFORMATION**

TITLE: Kimberly's Law: Proposed Reforms to the Justice System and BC Schools

PURPOSE: To provide information on the proposed reforms in Kimberly's Law

BACKGROUND:

- Kimberly Proctor was an 18 year old girl who was sexually assaulted and brutally murdered on March 18, 2010. Kimberly's body was mutilated, carried in a duffel bag on public transit, and subsequently lit on fire.
- s.22 , who were 16 and 17 at the time of Kimberly's murder, were convicted and sentenced as adults to life in prison with no chance of parole for 10 years.
- In June, 2012, Premier Christy Clark announced the 10-point ERASE Bullying Strategy – the most comprehensive bullying prevention and threat assessment strategy in Canada.
- The Strategy includes a five-year, multi-level training program for 15,000 educators and community partners to help them proactively identify and address threats – more than 8,000 people have already been trained.
- Effective October 23, 2012, the federal government made changes to the *Youth Criminal Justice Act* (YCJA Canada) which created new requirements on the Crown (see below re Proposal 2: Transfer to adult court).
- On January 10, 2013, Kimberly's family held a press conference proposing seven reforms to the justice system and to BC schools, entitled "Kimberly's Law." See www.kimberlyslaw.com
- The federal petitions were presented to the House of Commons on May 29, 2014 and June 4, 2014 by MPs Randall Garrison and James Lunney. The BC legislature received the family's signed petition in two batches by Jane Thornthwaite and John Horgan on May 14, 2014.
- These proposals fall under both provincial and federal jurisdiction. They propose to "establish threat assessment protocols in schools to address threatening behaviours of teenagers" and "seek to strengthen laws to hold young offenders charged or convicted of first or second degree murder fully accountable for their actions."
- Any changes to the YCJA fall within the jurisdiction of the federal government.
- BC specific legislation, the *Youth Justice Act*, (YJA BC) provides authority to deal with provincial statute violations and municipal by-law infractions. The YJA BC also provides for the designation and regulation of youth custody centers, the appointment of probation officers, the establishment of programs for young offenders, extrajudicial sanctions, supervision and case management of youth on bail, peace bonds, probation, intensive support and supervision program orders, supervision in the community, conditional supervision and reintegration leave from a youth custody center.
- The Ministry of Justice and Attorney General (MAG) is responsible for the sections of the YJA BC related to criminal proceedings against youth.

- The *Parental Liability Act* is administered by MAG.

DISCUSSION:

The seven proposals of Kimberly's Law are as follows:

1. Mandatory Counselling and Treatment

Isolated, aggressive or problematic students (or dropouts), are often known to their peers, family or educators. Some advertise their "issues" on social media; others, through word of mouth, reputation and action. Young persons are defined as 12-17 years of age in Provincial and Federal statutes. A goal should be to identify and assist troubled youth before they commit harm. If such young persons are identified in a Threat Assessment Protocol, then social workers or counselors should determine a risk of harm and a treatment plan if necessary. Involuntary treatment should be reviewed and ordered by the Provincial Court.

MCFD Comment:

- BC currently has no legislation that provides a mandate for the provision of safe/secure care.
- Government is committed to providing the most appropriate services for youth who struggle with substance misuse and/or mental health issues. Some jurisdictions have legislation for involuntary detoxification and stabilization of youth suffering from severe drug addiction.
- Within the youth justice system, a judge may recommend substance misuse treatment to take place in a youth custody facility as part of a youth's sentence or may order participation in community based treatment as a condition of community supervision.
 - This can include placement in one of four community residential substance misuse treatment programs funded by MCFD.
- In addition, in certain circumstances under the *Mental Health Act*, individuals with substance misuse issues who are also suffering from a mental disorder may be admitted to a psychiatric facility for assessment and treatment if they pose a clear danger to themselves or to others.
- s.13

2. Transfer to Adult Court

Transfers to adult court for violent young offenders who have been convicted of first or second degree murder are not automatic. A 16 year old possesses sufficient maturity to be held accountable for their actions. There should be automatic adult court transfers for young offenders aged 16 or older who are charged with first or second degree murder.

MCFD Comment: There is no longer any provision in the YCJA with respect to transfer to adult court. The provision now permits Crown to make an application to the court to impose an adult sentence if the young person is found guilty. As of October 23, 2012 whenever a youth is found guilty of a "serious violent offence" as

defined in the YCJA, that was committed after the youth turned 14 years old, the Crown must consider whether it would be appropriate to make an application for an adult sentence. If the Crown decides not to make an application, it must advise the court of that decision. In the Kimberly Proctor case, the Crown did make such an application, which was granted by the Court.

3. Publication of Young Offenders Name Upon Guilty Plea

The public is currently barred from knowing the names of young offenders until sentencing. Notwithstanding, the media is free to publicize the name of the victim including the details of the crime at any time in the process. “Innocent until proven guilty” only applies until guilt is determined or admitted. Once a young offender has pled guilty, his or her name should be made public.

MCFD Comment: Both the Young Offender’s and a child victim’s identity are closely protected under the YCJA Canada. A child victim’s identity can be published if he/she chooses to do so after attaining the age of 18. A child victim’s parents may also publish that victim’s identity if he/she is deceased. The identity of a young offender can only be published with a court order pursuant to sec. 110 YCJA Canada.

4. Truth in Sentencing

Young persons sentenced as “adults” for first or second degree murder do not receive the same incarceration period as adults. The incarceration period of “life sentence” for an adult convicted of murder is 25 years but only 10 years for a young person. A life sentence for a young offender tried as an adult should be the same as an adult or the “adult sentencing” terminology needs to be abolished. The public should not be misled that a young person sentenced as an adult for murder will receive a 25 year adult sentence.

MCFD Comment: MCFD agrees with MAG that the question of why a young person is eligible for parole after 10 years instead of 25 years, is a federal policy issue.

5. Interim Custody

Young persons who are charged with first or second degree murder under the **Criminal Code** should be detained in custody separate and apart from other young persons in the same facility. This will ensure that other young inmates are not exposed or traumatized by boastful details of crimes committed by those charged with first or second degree murder.

MCFD Comment: the Director, Youth Custody determines on a case by case basis, what is the appropriate care for a youth that is detained and takes into account the harm that a youth may cause to other youth.

6. Threat Assessment Protocols in Schools

Schools must be safe and healthy places for students to learn and grow. Schools should implement threat assessment protocols to identify students (or others) who have made threats or engaged in threatening behaviour as witnessed by family, peers or educators. The goal of the protocol is to ensure the safety, well-being, and security

of all persons at schools and to prevent harm. Some local School Boards have already developed threat assessment protocols and work in coordination with counselling services, social workers and local law enforcement. **This should be regulated by Provincial Statute.**

MCFD Comment: MCFD has on a “one off” basis worked with School Districts (at their request) to put Threat Assessment Protocols in place. MCFD is willing to assist other School Districts in the same way. A few Community Youth Probation Officers have had direct involvement working with Threat Assessment Protocols.

7. Parental Responsibility Act (now the *Parental Liability Act*)

The primary source of information, control and responsibility for young persons remains with parents. Parents need to be held civilly liable for the actions of their young persons subject to a “due-diligence” defence. The *Parental Responsibility Act*, S.B.C. 2001, Chapter 45 provides limited civil action relief for victims of property-related crimes. The Act should be amended to include civil relief for damages from injury to a person or loss of life. The compensation for such damages could be limited to a maximum amount of \$25,000 as per the *Small Claims Act*. Such financial penalty may compel otherwise uninvolved parents to take more control for the violent actions of their children or seek outside assistance.

MCFD Comment: The *Parental Liability Act* is administered by the Ministry of Justice and Attorney General.

ADVICE:

- s.13

-

-

Program ADM/Branch: Allison Bond, ADM, Service Delivery Division
Christine Massey, ADM, Policy and Provincial Services

Program Contact (for content): Lenora Angel, ED, Youth Justice Services/Leah Bailey, Director, Legislation and MCFD Legal Support

Drafter: Lenora Angel/Leah Bailey

Date: February 17, 2015

**MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT
INFORMATION BRIEFING NOTE**

CLIFF #221256

PREPARED FOR: Minister Stephanie Cadieux - **FOR INFORMATION**

TITLE: Aboriginal Service Innovations (ASI)

PURPOSE: To provide an update on the status of the 2015/16 ASI: Child Safety and Permanence program, and the ASI Early Years program.

BACKGROUND:

ASI- Early Years:

- There is \$6M in annual funding available for 2014/15 and 15/16 for the Aboriginal Service Innovations – Early Years initiative inclusive of \$300K in staffing costs.
- A Call for Applications was posted on BC Bid on April 10, 2014 and closed on May 13, 2014.
- Over 130 applications were received and total amount requested by organization totaled over \$27.5M.
- In total, 126 applications met the administrative requirements and were evaluated by a multidisciplinary evaluation team chaired by Shared Services BC. An elder from the Shuswap Nation provided oversight and advice to the evaluation team.
- The volume of applications received and the length of time required for each contract negotiation impacted the start dates for service delivery.
- A total of 36 contracts were funded. The current contract commitment for the 36 contracts are:
 - \$3.47 M committed for Year 1 (fiscal 14/15)
 - \$5.57 M committed for Year 2 (fiscal 15/16)
- All ASI-EY contract start dates range from August – November 2014 with all contracts ending March 31, 2016.
- SSBC posted a summary of the contracts awarded on BC.
- All remaining eligible and ineligible applicants were also notified by SSBC and debriefing sessions were provided upon request.
- A surplus of approximately \$2.0M is available for the fiscal 14/15 as a result of contracts beginning later in the 14/15 fiscal year.
- A standardized ASI-EY quarterly template was provided for reporting.
- Staff from Aboriginal Policy and MCFD Procurement and Contract Management are currently reviewing reports with the agencies.

ASI Child Safety & Permanence Program:

- The previous 2014/2015 Aboriginal Service Innovations: Child Safety and Permanence (ASI: CSP) program budget of \$8.2 million has been re-instated for the 2015/2016 fiscal year.
- In 2014/2015 32 Aboriginal service agencies received contracts through ASI: CSP to provide service to aboriginal children - this included:

- 10 Delegated Aboriginal Agencies;
 - 3 Métis service providers; and,
 - 3 Friendship Centres.
- The 2015/2016 ASI: CSP Application for Funding was posted on BC Bid on January 7, 2015.
- At the same time, an email notice was sent to aboriginal service providers using a distribution list from the Ministry of Aboriginal Relations and Reconciliations informing agencies of the opportunity to apply for funding from this program.
- On January 13, 2015, and January 15, 2015, information teleconferences were held to walk through how to fill in the Application for Funding template as well as answer any questions that prospective applicants may wish to pose.
- The Application for Funding closed on BC Bid at 2:00pm February 4, 2015.
- Government was experiencing problems with Outlook at the time potentially causing some applications to arrive after the closing time.
- Government Systems was asked to confirm which applications were sent prior to the deadline.
- A definitive answer on which applications were sent before the deadline does not appear possible.
- Several applications including those sent prior to the deadline were never received in the MCFD Mailbox.
- Recommendation from Central Procurement staff is to use end of day (2359 hrs.) as the deadline for accepting applications to ensure we don't refuse any applications because of our systems error.
- All applications received by 2359 hrs. have been accepted for review.
- 49 applications have been confirmed with a total ask of approximately \$16.7 million.
- Applicants include:
 - 13 Delegated Aboriginal Agencies;
 - 4 Métis organizations; and,
 - 5 Friendship Centres.
- All applications will be scored by:
 - Denise Devenny, Executive Director Aboriginal Services, MCFD
 - Kristine Heaney, ASI: CSP Contract Manager, MCFD
 - Shane DeMeyer, Director of Operations, MCFD
 - Neil Rich, Procurement Project Manager, MCFD
 - Susan Rivet, Procurement Specialist, SSBC (Independent Reviewer)
- Contract Review and scoring will be completed by February 27, 2015.
- Contract negotiations to begin March 2, 2015.

Program ADM/Branch: Cory Heavener, Provincial Director of Child Welfare and Aboriginal Services

Program Contact (for content): Shane DeMeyer, Director of Divisional Operations

Drafter: Shane DeMeyer

Date: February 16, 2015

**MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT
INFORMATION BRIEFING NOTE**

CLIFF # 221367

PREPARED FOR: Minister Stephanie Cadieux

TITLE: Provincial Domestic Violence Plan - Year Two/Three Funding and Commitments.

PURPOSE: Consider potential partnerships and options to carry out the commitments in the Provincial Plan focused on Aboriginal populations (\$2M) and Perpetrators (\$1M).

BACKGROUND:

- In February 2014, the BC government released its three-year *Provincial Domestic Violence Plan*.
- Highlights from the \$5.5M plan include:
 - \$2M to develop and deliver programs specifically for Aboriginal women, men and children affected by domestic violence – including victims and perpetrators.
 - \$1M to provide support and intervention programs for perpetrators prior to potential involvement in the criminal justice system.
- It is expected that the \$5.5 million commitment for the next 2 years can be managed from existing budgets and One Time Only (OTO) funding.
- The intent was that the service delivery ministries would build their budget plans for future fiscal years around these commitments.
- There is currently no commitment for funding past 2017/18.
- Discussions are underway regarding *Provincial Domestic Violence Plan* - options for moving forward with year 2 and 3 commitments for Aboriginal populations and perpetrators prior to justice involvement (appendix 1).

DISCUSSION:

- The implementation of year 2 and 3 commitments will support and further the efforts of community Aboriginal leaders, Ministry of Aboriginal Relations and Reconciliation (MARR) and the Minister's Advisory Council on Aboriginal Women (MACAW) to address the risks and violence that many Aboriginal women and communities are exposed to.
- The Provincial Plan year 2 and 3 funding is specifically focused on direct services and is separate from the MACAW's *Giving Voice* grant project funded by BC Government.
- The implementation of year 2 and 3 commitments will take into account other funding available for *Violence Free BC* initiatives through civil forfeiture grants to prevent duplication.

DIRECT SERVICES FOR ABORIGINAL CHILDREN, YOUTH AND FAMILIES (\$2M)

- The Provincial Plan commits \$2 Million investment for development and delivery of programs specifically for Aboriginal women, men, children and youth who have been or are at risk of being impacted by domestic violence (includes potential abusers/perpetrators).

- s.13

- s.13

-

-

-

-

-

DIRECT SERVICES FOR PERPETRATORS OF DOMESTIC VIOLENCE (\$1M)

- The Provincial Plan commits \$1M investment to provide direct services for perpetrators prior to involvement with the criminal justice system.
- s.13

- s.13

-

ADVICE:

- s.13
- It is also important that we leverage and build on existing programs/initiatives and strong partnerships between government and community anti-violence sector to:
 - carry out year 2 and 3 commitments in the Provincial Plan pertaining to Aboriginal populations and perpetrators; and,
 - support and strengthen the systemic response to domestic violence.

APPENDICES:

1. Options for moving forward with year 2&3 commitments
2. s.13
- 3.
- 4.

Program ADM/Branch: Beverly Dicks, Assistant Deputy Minister, Provincial Office of Domestic Violence and Strategic Priorities

Program Contact (for content): Sobhana Daniel, Executive Director

Drafter: Sobhana Daniel, Executive Director

Date: February 23, 2015

**PROVINCIAL DOMESTIC VIOLENCE PLAN – OPTIONS FOR MOVING FORWARD WITH YEAR 2&3 COMMITMENTS
(FOR ABORIGINAL POPULATIONS AND PERPETRATORS PRIOR TO JUSTICE INVOLVEMENT)**

NOTE: The information* below is from the Provincial Domestic Violence Plan (2014)

Consultation with MoJ, MCFD/Delegated Aboriginal Agencies/PODV, MARR and MACAW/ the newly established Joint Partners Table and other key partners will guide the implementation of the options proposed below.

FOCUS AREA*	PROPOSED ACTIONS INCLUDE*	INVESTMENT RESULTS INCLUDE*	POTENTIAL OPTIONS
DIRECT SERVICES FOR ABORIGINAL CHILDREN, YOUTH AND FAMILIES (\$2M)	<p>▶\$2 Million investment for development and delivery of programs specifically for Aboriginal women, men, children and youth who have been or are at risk of being impacted by domestic violence (includes potential abusers/perpetrators)</p> <p>▶Programs will reflect best practices and will be delivered by First Nation communities, Métis agencies and Aboriginal organizations</p> <p>▶The investment will support hiring to deliver direct services to victims, children and perpetrators of domestic violence in communities</p>	<p>▶Therefore, the development and delivery of this proposed action will be done in collaboration with Aboriginal communities and an advisory provincial group, from the beginning</p> <p>▶This action will increase the number of direct services delivered on and off reserve to Aboriginal women, men, children and youth who have been impacted by domestic violence</p> <p>▶ It is projected that increased funding in communities with a high Aboriginal child population will result in the development and implementation of community driven, culturally relevant domestic violence prevention and intervention programs</p>	s.13

s.13

<i>FOCUS AREA*</i>	<i>PROPOSED ACTIONS INCLUDE*</i>	<i>INVESTMENT RESULTS INCLUDE*</i>	<i>POTENTIAL OPTIONS</i>
DIRECT SERVICES FOR PERPETRATORS OF DOMESTIC VIOLENCE (\$1M)	<p>▶\$1 Million investment to provide direct services for perpetrators of domestic violence prior to potential involvement with the criminal justice system</p> <p>▶The investment will support the delivery of direct services to domestic violence perpetrators or potential abusers</p>	<p>▶This action will provide for direct services for perpetrators of domestic violence prior to potential involvement in the criminal justice system</p> <p>▶Therefore, this action will occur within the social/human service sector and outside of the criminal justice system</p> <p>▶An evaluated, evidenced based program will be implemented across BC to provide support and intervention to perpetrators or potential abusers to hold them accountable and support change in behaviour and attitude</p>	s.13

Page 17 to/à Page 19

Withheld pursuant to/removed as

s.13