

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

CLIFF #229795

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

TITLE: Upcoming Report from the Representative for Children and Youth on Review of Sexualized Violence Perpetrated Against Children and Youth in Care

PURPOSE: To summarize the draft report that is expected to be released on October 4, 2016.

BACKGROUND:

- On September 7, 2016, the Representative for Children and Youth (RCY) sent an embargoed copy of the draft report to the ministry for the purposes of administrative fairness review in advance of finalization of the report.
- On September 26, 2016, the Provincial Director of Child Welfare sent the ministry's administrative fairness review response to the RCY.
- The ministry has not yet been provided a copy of the final report.

DISCUSSION:

- In undertaking this aggregate review, the Representative sought to understand the nature of sexualized violence occurring against children in care, including the characteristics of perpetrators, which children are most vulnerable, how they can be best protected, what the criminal justice system response is and how the resulting service needs of children and youth are being met.
- Information was gathered from:
 - 145 reports of sexualized violence involving 121 children and youth who were in care at the time of the incidents that took place between 2004 and 2014.
 - Interviews with social workers who had guardianship responsibilities for the children and youth involved;
 - An overview of related ministry policies and guidelines; and,
 - An exploration of best practices around sexualized violence against children and youth.
- This report finds that sexualized violence is not a rare occurrence for children and youth in care and children and youth are more vulnerable if they are Aboriginal or have complex needs. For younger children in this aggregate review, sexualized violence was most likely to occur in a placement setting whereas for older youth it was public places and private residences. Almost all of the perpetrators in this aggregate review were male and known in some way to the children or youth they victimized.
- Other findings of the draft report include:
 - A disproportionate number of children and youth who are subjected to sexualized violence while in care are Aboriginal girls.
 - There is a lower standard for MCFD investigations of alleged sexualized violence when children and youth are in care than when they are not in care and no policies or guidelines exist for guardianship social workers specifically

for preventing and responding to sexualized violence once children and youth are in care.

- The child welfare and justice systems most often fail to respond to children and youth who are victims of sexualized violence while in care in a direct or sustained way to support these young people to address the root causes with appropriate partners in the system.
 - Service options for children and youth in care who have been subjected to sexualized violence, especially those with complex needs, are not low-barrier, youth-friendly, culturally appropriate or widely accessible.
 - Sexualized violence of children and youth in care occurs across multiple settings.
- The draft reports contains three recommendations, one of which is directed to MCFD:

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- On September 20, 2016 a meeting took place in which representatives from the ministry and representatives from the RCY discussed the draft recommendations.

Program ADM/Branch: Provincial Director of Child Welfare/Quality Assurance

Program Contact (for content): Cory Heavener

Drafter: Chris Welch

Date: September 30, 2016

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

CLIFF: 230098

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

TITLE: Representative for Children and Youth (RCY) Investigation Report - s.22

PURPOSE: Update Minister Stephanie Cadieux on the key findings and recommendations of the upcoming investigation report from the RCY, expected to be released on October 20, 2016

BACKGROUND:

- The RCY conducted an investigation into the death of s.22 Métis male s.22 who at the time of his death was receiving youth justice services on Vancouver Island.
- s.22 died in s.22 on s.22 in the home of an approved ministry caregiver who found s.22 hanging in a closet and unresponsive. The Coroner's investigation found the cause of death to be 'undetermined', as evidence could not determine whether the death was due to injuries inflicted intentionally or unintentionally.
- MCFD first became involved with s.22 and his family briefly in June 2013 and January 2015. In April 2015 s.22 was convicted of s.22 s.22
- MCFD conducted a case review that was completed in October 2015. The review focused on s.22 supervision, care and services provided by MCFD staff, including compliance with youth justice policy and procedures. The review found several risk factors that contributed to s.22 death. These were: s.22 s.22
- The MCFD case review made 12 recommendations for changes in youth justice in response to s.22 death – most were policy based and came into effect on May 31, 2016. All of the recommendations have been implemented.

DISCUSSION:

- On October 5, 2016, the RCY sent an embargoed copy of the draft report to the ministry to respond by October 19, 2016 for the purposes of administrative fairness review in advance of the final report. The draft report did not include the Executive Summary, Introduction, Recommendations or Conclusion.
- The ministry is finalizing the administrative review of the draft report and will be responding to the RCY by the end of the day October 19, 2016 as per their request.
- A final embargoed report was received on October 17, 2016 and is embargoed until 9am on Thursday, Oct. 20, 2016. The final report includes the Executive Summary and Recommendations.
- The key findings of the report are as follows:
 - The concern for families and service providers struggling with the voluntary aspect of substance use services in B.C. continually turning to the youth justice

system as a substitute for secure care to access compulsory services for youth with substance use issues.

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- The role that skilled ISSP workers can have for youth like s.22 to support and facilitate a youth's participation in activities and programs, facilitating reintegration back to the community and reducing the risk of recidivism. The ministry's role to ensure ISSP services is available for youth in keeping with the youth's court order.
- Issues related to the interpretation of the privacy under the *YCJ Act* and the ability for youth probation officers and involved professionals to communicate and share information when serving the needs and best interests of youth involved in the justice system.
- Professionals' working with children and families to ensure information is shared with all of a child's legal guardians, including situations when a child lives with only one parent and both parents remain as legal guardians, that they are involved in decisions that affect their children.
- Ministry staff attended a meeting with RCY staff on October 12, 2016 to discuss ideas for recommendations. Ideas included: s.13
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- The final embargoed report contains five recommendations as follows:
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Program ADM/Branch: Cory Heavener/Provincial Director of Child Welfare
Program Contact (for content): Alex Scheiber, Deputy Director of Child Welfare
Drafter: Janice Chow, Director, Quality Assurance
Date: October 18, 2016