



FOSTER PARENTS SOCIETY OF ONTARIO

Charitable Status # 0873919-09

January 29th, 2010

CFSA Review
Strategic Planning and Analysis Branch
Ministry of Children and Youth Services
56 Wellesley Street West, 15th Floor
Toronto, Ontario M5S 2S3

Sent by E-Mail: CFSAreview@Ontario.ca

Dear Sir or Madam,

The Foster Parent Society of Ontario (FPSO) has prepared a number of recommendations for the Ministry of Children and Youth Services to review, in preparation for the scheduled 2010 update of the Child and Family Services Act (CFSA).

Respectfully Yours:
On behalf of the Foster Parents Society of Ontario

Vanessa Milley

Vanessa Milley
Foster Parents Society of Ontario
Governance and Policy Chairperson

ALL ABOUT US

Our Story Began on June 22, 1973, when a group of foster parents, representing 11 regions of Ontario, working together with the Ontario Association of Children's Aid Societies, met in Toronto.

As a result of that meeting the Foster Parent's Association of Ontario (FPAO) was formed. Their goal was to connect foster parents across the province as one voice, sharing their accomplishments knowledge and common concerns.

During the first seven years most of the representatives and their local associations struggled to cover the cost of attending meetings. FPAO decided to use a central conference as a means to help foster parents meet one another and provide diverse training that was not available in their local areas. Since FPAO was considered a section of OACAS their conferences were held jointly until 1981. By 1980, with the monies raised from the conferences, FPAO was able to start reimbursing regional representative expenses.

However, as a section of OACAS, The Foster Parent Association of Ontario was subject to their decisions and financial constraints. OACAS also held final veto power on all FPAO motions and Bylaw amendments. Although planning began as early as 1981 to gain independence, it was not until 1987 at an annual meeting held at the University of Guelph that membership voted to become an incorporated body...to become independent. Incorporation was finally realized on March 29, 1990 with the creation of the Foster Parents Society of Ontario. Their mission was to become the dedicated voice of foster families across Ontario.

In those early years FPAO faced many challenges of a new corporation

- Establishing By-Laws
- Obtaining Charitable Status
- Registering a Logo
- Establishing a Working Relationship with the Ministry of Community and Social Services as well as OACAS
- Planning and providing relevant annual conferences.

THE NEW F.P.S.O. STORY

Today we currently represent over 40 local foster parent associations divided into 25 regions. We serve over 5,000 foster families across Ontario some examples that have been worked on by the FPSO Board of Directors in the past few years in order to increase communication and support foster parents in the province:

FPSO has worked and continues to work on such diverse issues as:

- Extended Care and Maintenance – to extend this amount up until the age of 24 years of age with provisions allowing foster children to remain as foster children if they remain living at home and attending post secondary education.
- Allow for foster children with special needs to remain as foster children with per diems paid as many of the high school programs for these children will keep them until 21 years of age.
- Drug and Dental Card for this age group across the province.
- Statistics to be more comprehensive and also include adoption and kinship information.
- Services to children – length and time required to get services can jeopardize placement.
- Standard rates across the province.
- Insurance for foster parents
- FPSO a number of years ago set up an Ad Hoc Committee to investigate Legal funds during a trying time. This is now a separate organization.
- Damages
- Safe Assessment Tools
- Foster Parent Rights
- Training for Foster Parents
- Advocacy Training
- FPSO supported creating four zones where FPA presidents and advocates come together to share information.
- Decision to extend Presidents meetings to two days twice a year so that FPA presidents can network and bring forth foster parent concerns that they would like FPSO to work on.
- As we are a volunteer organization we are in the process of setting up AdHoc Committees to work on for example giving our website a new look where a number of potential foster parents visit by emails we that receive.

We are committed to supporting a positive teamwork approach between our members, the agencies they work with, the Ministry of Child and Youth Services, OACAS and various foster care organizations.

We identify and present to local and provincial forums, foster families concerns as well as foster parent strengths in providing the unique services they supply, providing quality care to over 30,000 children in Ontario foster care.

We also promote the need for increased training to foster families and support the implementation of Pride and OnLac.

“FPSO is the dedicated voice of foster parents in the province of Ontario.”

OUR FOCUS

Connecting to and building relationships with Children and Youth, Foster Parents and our communities.

(Foster community, Child Care community and the communities in which we live.)

WHAT DO WE DO?

We prepare foster children and youth for their future and for our future.

Will they be:

- Homeless
- Self destructive or
- Contributing to their community

We advocate on behalf of foster parents in the province of Ontario so that legislation and individual agency policies truly reflect what is necessary to ensure that our children and youth become contributing members to their community and are receiving the benefits of such.

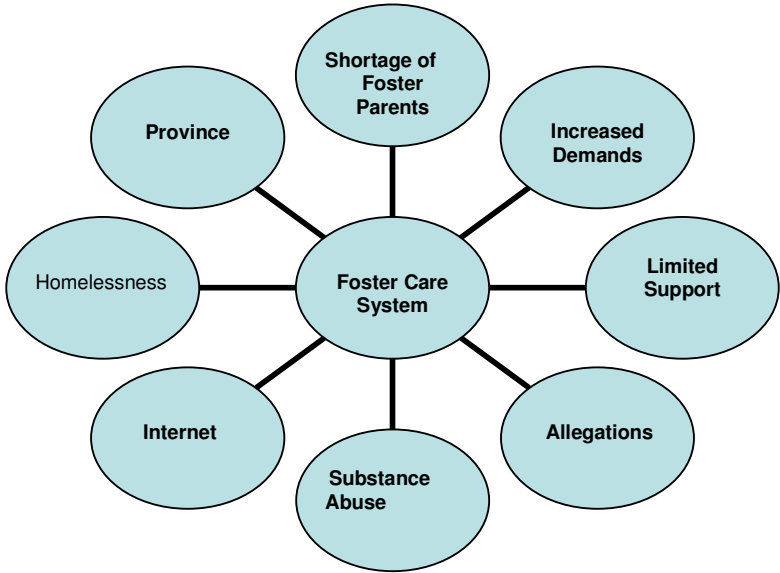
HOW DO WE DO IT?

- Provide information and support to foster parents
- Develop and mobilize our resources and the resources of others
- Connect foster parents to those resources
- Engage our communities in the care of our children and youth
- Engage those involved in conversations that explore what we could do and what we could do better

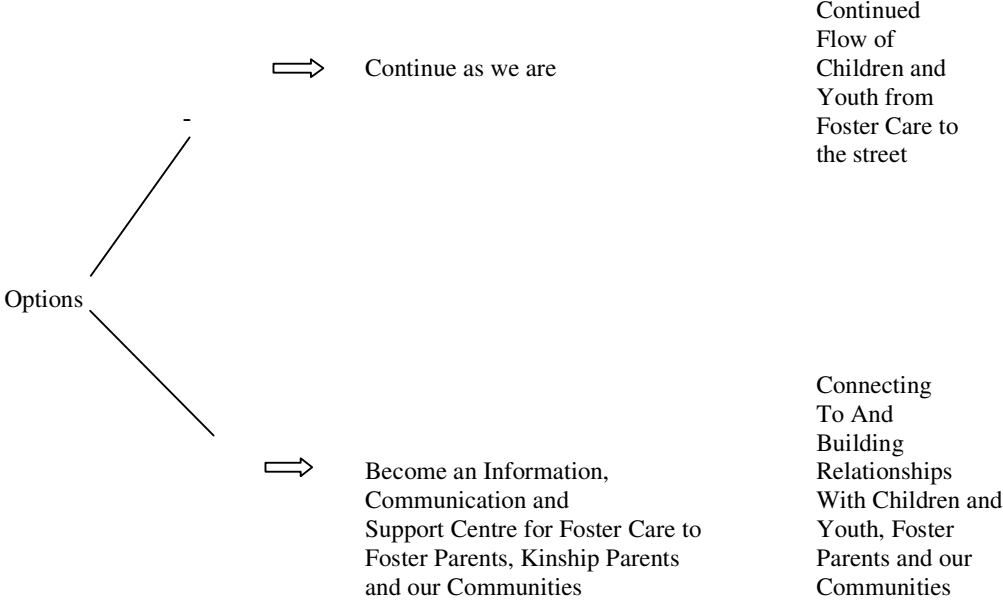
WHOSE INTERESTS DO WE CONTRIBUTE TO?

Children and Youth in Care
All Children
Foster Parents in Ontario
Foster Parents in Canada
Our Communities
Ministry of Child and Youth Services

Forces of Change



Our Options



WHAT IS IMPORTANT TO US?

EACH CHILD AND YOUTH

- Knows they are special and safe from harm
- Understands they have value
- Receives care based upon their individual needs
- Has options that are more attractive than the streets
- Is prepared to contribute positively to our communities
- Knows that when they have no place else to go they are always welcome in our home
- Maintains positive relationships with our foster parent community and contributes to the conversation about how we can do more and do better.

EACH FOSTER PARENT IS

- Well equipped, trained and confident
- Treated with respect and supported during crisis
- Recompensed fairly in per diems across the province
- A respected member of their community
- Knows how to demonstrate they care for the children living in their homes
- Engaged in creating a new F.P.S.O.

COMMUNITIES

- Are engaging with us in developing our children and youth
- Are engaged with us in providing children and youth with alternatives to the street

MINISTRY

- Is comfortable with the new direction of the F.P.S.O.
- Knows they can rely on the F.P.S.O. as the voice of all foster parents
- Knows the F.P.S.O. will assist foster parents in providing a caring and safe home for all children.

OUR FOUR KEY INTERESTS

The Focus of Our Efforts over the Next Three Years

How Do We Better

Help foster parents prepare children and youth to be contributing members of our communities?

HOW DO WE BETTER

Engage the community in caring for children and youth before, during and after foster care?

HOW DO WE BETTER

Demonstrate we care?

HOW DO WE BETTER

Continually improve what we do?

SECTION 1

BETTER OUTCOMES FOR CHILDREN AND YOUTH

CONTRIBUTING TO BETTER OUTCOMES

The CFSA's paramount purpose, "to promote the best interests, protection and well being of children", reflects additional foundations for the achievement of successful life outcomes by children and youth. This review of the Act presents the ministry with the opportunity to have a discussion focused on whether the legislation effectively supports the outcomes that matter most to young people's success and to identify any additional outcomes that should be reflected in the CFSA, its regulations or policies.

Section 1 "To promote the best interests, protection and well being of children"

What do you think are the important results for children and youth who participate in programs and services provided for in the CFSA? Why?

That society ensures that the necessary resources are provided so that these children and youth have the opportunity to realize their full potential and take their rightful place as a fully functioning contributing member of society and thereby ensuring that they are receiving the benefits of such. We do not believe the CFSA adequately provides enough legislation to reflect the above outcome and/or effectively links individual services to these outcomes. Therefore, FPSO has listed what we feel are current barriers and the opportunity for change in this area.

Barrier; Definition and Eligibility for protection and Treatment of Youth at risk, and how they are planned for;

Youth at risk currently is regarded as children and youth who are society wards prior to their sixteenth (16th) birthday.

Opportunity; Legislation changed to allow protection to eighteen (18) years of age;

FPSO recommends that the CFSA act be amended to allow children to come into care until their eighteenth (18th) birthday, with full and equal supports and services. Many of the youth in our society are just not prepared for adulthood until well after their 18th birthday. We are concerned about the barriers created by society not allowing these youth the safety net of coming under the protection of the society, and to be maintained in a foster home.

Barrier: How youth whose challenges limit their abilities to function are planned for:

FPSO recommends that the Ministry of Children and Youth Services formally recognizes the sector of vulnerable youth whose challenges limit their abilities to function. Often to the detriment of these youth at the age of 18 they are referred to community living and removed from their foster families; whereas, they should remain in their foster families as long as required with full per diems. These children are currently being removed from their long term foster homes and the only familial relationships that they have known and embraced. Youth with undeveloped capabilities may need to remain in care indefinitely. Their attachment to their foster parents ensures that they are recognized as valued and thriving members of society.

FPSO recommends the Ministry of Children and Youth services recognizes those youth whose behavioural challenges, and low Emotional Quotient (EQ) encourages them to leave the protection of the society and along with it the security of their foster homes, group homes, or alternative care. This move may be by choice of the youth or requirement of the system. FPSO also recommends these youth be allowed to return to the protection of the Society.

Opportunity: Legislation and/or policy to enable vulnerable youth to remain under the protection of society.

These youth should have the benefit of permanence which in most cases is long term foster care which was recognized as one of the pillars of permanence in 2005. Legislation and supporting policies should be put into place to allow these children to remain in their foster homes until the age of 24 if appropriate.

Barrier: Lack of Post Secondary Education

The primary barrier to a post secondary education is a lack of a high school diploma. The secondary barrier would be the lack of proper funding. Both these factors negatively impact our youth in care, further compounding their difficulty to being gainfully employed. Gainful employment is the key to preventing homelessness in Ontario and FPSO is very concerned with the statistic that 25% of all homeless people in Canada have been in foster care at some time during their early life. * Please see attached document from Statistics Canada on homelessness in Ontario

Opportunity: Changing legislation to better support the Youth in care to achieving their individual optimal level of education.

High School;

FPSO recommends extending the foster home per diem for our youth in high school. The majority of youth in care find themselves turning 18, having not yet completed high school. This is due to trauma and some of the life experiences that foster children have faced in contrast to the general population as well as when their birthday falls within a calendar year. Lack of a high school diploma is the primary obstacle in the way of our children achieving a post secondary education.

Post Secondary (within the foster home)

FPSO recommends that the per diem be maintained for foster children who are still living in the foster home and attending a post secondary institution until the completion of the post secondary program or their 24th birthday, whichever comes first.

We would like to see per diems continue until a youth has completed grade 12, and follow them into post secondary education as long as they remain in the foster home up to the age 24, or are supported by the ECM if they are living on campus. We would also like to see further development of vocational schools to provide greater opportunities for youth who are non-academic.

Post Secondary (living on or by campus);

FPSO recommends that all foster children, of post secondary age, who are in a program, and live on or by campus be covered by Extended Care and maintenance (ECM) until the completion of the program or their 24th birthday whichever comes first.

FPSO recommends that Cost of Living Allowance (COLA) at the Consumer Price Index (CPI) rate be applied yearly to the ECM amount in this category.

FPSO would recommend the ministry setting up a commission to look at the precipitating factors that lead to homelessness, including having at some time in their earlier lives being involved in foster care.

Barrier; Lack of Permanence

The 2005 review of the CFSA focused on permanence, yet the legislation itself limits permanency, by requiring children to leave care at 18, to go out on their own, or into community living rather than staying in their foster homes, furthermore children in stable placements who are willing to be long term foster home placements.

Opportunity: To Change Legislation to support permanence in foster homes;

The Ministry of Children and Youth Services formally recognizes long term foster care as one of the pillars of permanence for some of our children in care. We understand how important it is for a child to know who they are and where they belong. For some children this belonging is in the foster home. Not all children can return home, not all children are suited for or interested in adoption, Kinship, Guardianship, and custody. For many children in care the only real permanence or sense of belonging is to remain with their foster families.

We would like to see provisions put in place to help maintain the relationships children and youth build with the foster family while they are living in our homes. There is current a lack of recognition that these relationships are most often lifelong.

FPSO recommends that data be collected on the long term psychological impact or lifelong damage, to the separation of siblings and consequent individual adoptions. No family of children should be separated in foster care based on a dollar value or the assumption of foster parents being incapable of parenting more than four children. When siblings are raised together in the same foster home, they are able to maintain their identity, common history, and emotional connection. This will produce resilient adults.

FPSO recommends setting up a commission to look at adoption and kinship breakdowns, and their precipitating factors, to improve the parameters utilized for adoption purposes.

Barrier to Permanence: 2005 Legislation removing the Vested Interest Clause Section 61;

The vested interest foster parents had the right to before the 2005 CFSA revisions entitled them to put forward what they as primary caregivers understood to be in the best of interest of the child, this often had bearing on the permanence of the child, in light of adoption by the foster family. In 2005 this provision was removed, and a provision was put in place requiring the foster home to be notified if the child is going to be removed if they have had the child in their home for two years. Foster Parents are assuming that this is for them to be able to voice their perspective regarding the child's future. Simultaneously, legislation was changed to have a permanency decision made at the one year mark for all foster children five years of age and under. These collaborative changes essentially silenced the voice of the foster parents regarding their position on the permanency and care of these children.

Opportunity; reinstall the Vested interest clause

FPSO recommends the Ministry of Children and Youth Services reintroduces vested interest into section 61 of the Child and Family Services Act (CFSA).

With vested interest returned to the CFSA act it enables foster parents, the primary caregivers of the children, to be able to speak on behalf of the child, they know and care for.

Foster Parents are key participants in the child welfare system, and as members of the professional team, should be heard regarding the children in their care. This would help support the ministries goal of *“Everyone involved in service delivery contributes to achieving common outcomes”*

Barrier: To Permanence Adoption Subsidy;

FPSO recommends that the Ministry of Children and Youth services direct funds for the purposes of adoption subsidy.

Foster Parents have adopted 58% of all children available for adoption in Canada. If agencies had specific monies designated for adoption subsidies, these monies would enable a greater number of children and youth with challenges to be adopted.

Opportunity, For 2005 legislation to be instituted regarding Adoption subsidies.

In 2005 it was understood that the ministry would be allotting funds to agencies for adoption subsidy, this did not happen, this has limited foster homes from adopting the children already in their homes which would be a continuation of permanence. We are aware that 58% of all adoptions in Canada are by the foster families, and some of the most successful adoptions are the ones within the foster family.

Section 2

Improving Outcomes by Working Together

Barrier; Foster parents have no rights

The issue arises from Foster parents having to sacrifice their own human rights as guaranteed under the charter of rights and freedoms unlike any other Canadian citizens in order to become foster parents.

Foster Parents not only have a lack of rights and the protection the rights would provide, but their vulnerability is further compounded due to a lack of an appeal process. There is a complaint procedure but it only extends as far as questioning the process a decision is made by, it does not provide any opportunity to question the actual decision. Leaving the foster parent with no way to address a decision they do not agree with.

Legislation set up the Child and Family Services Review Board but that board actually reviews the process that was used to make the decision but there have been many arguments used as to jurisdiction of the child and family services review board. The scope for which to hear an appeal is very limited has not really been set up to include foster parents and the power and authority of this board should be expanded. Foster Parents are not only denied an appeal of a decision made by a CAS, but they are also unable to access the Ombudsman who was to be put in place with the 2005 review of the CFSA.

As Foster Parents are intimately involved in the service delivery, protecting their rights and respecting their need for a true appeal, and Ombudsman representation, will support them in their work to achieve common outcomes for children in care. If we do not take care of the primary caregivers, we limit their ability to freely care for the children. They will constantly live under the burden of vulnerability.

Opportunity; Provincial Foster Parent Bill of Rights;

FPSO has prepared a draft for a Provincial Bill of Rights for foster parents. We would like to see the Ministry review and adopt this document into provincial policy for use in the child welfare system. Entrenching a foster parent Bill of Rights will both inform and protect Ontario's foster parents. This will increase retention of foster homes.

Document attached

Foster parents voluntarily work within a system that leaves them vulnerable to allegations, as well as misunderstandings. Due to the nature of the system, foster parents actions, intentions and words are constantly scrutinized. This effort of the agencies to continually verify through this scrutiny that foster homes are truly the safe places the children need to be raised in, leads to circumstances that cause subjective decisions to be made at times through the use of the Balance of Probability Theory. Not all of these decisions are in the foster parent's best interest, or are the investigative protocols agreed with by the foster parents. Currently a foster parent may appeal the process but not the decision. If the information arrived at making the decision was in error this does not allow for the decision to be overturned. FPSO would like to see a true appeal process put in place which not only looks at the process but also if the decision made was correct.

During the 2005 review of the CFSA, it was understood that an ombudsman would be put in place to be a nonpartisan mediator in situations where there was a disagreement with a CAS, however this was not put in place. The lack of an ombudsman limits accountability of CAS's and the decisions they are making.

Barrier: Marginalized Effectiveness

FPSO is the dedicated voice of foster parents in the province of Ontario, our mandate is to advocate for what the foster parents of Ontario need, as well as what the foster children of Ontario need. However we are a not for profit volunteer board, and are limited in our ability to affect changes for the benefit of the children and foster parents primarily due to limited funds, limited manpower, and limited acknowledgement as members of the professional team.

Opportunity:

FPSO recommends the Ministry of Children and Youth Services fund FPSO with an annual allotment of \$500,000.00 for the purposes of promoting fostering and properly representing the foster parents of Ontario in the province. This would truly enable us to work as part of the professional team, and support the goals of every child in care graduating from secondary school and growing into a resilient young person.

SECTION 111

IMPROVED SERVICE EXPERIENCE

Improved Service Experience

Barrier: Lack of third party liability

Agencies without sufficient third party liability coverage are creating fiscal vulnerability in the care of any child who is significantly injured while in care.

Opportunity; Provide the third party liability coverage

The Ministry of Child and Youth Services provide an insurance rider to agency insurance policies to cover contingencies or exceptions for foster children in the province of Ontario, who are seriously injured. Foster parents should not be expected to cover treatment costs for a seriously injured child under their third party liability insurance due to a shortfall in the agency coverage.

SECTION 1V

**MODERNIZING the Act REDUCING THE ADMINISTRATIVE
BURDEN**

Modernizing the Act REDUCING ADMINISTRATIVE BURDEN

Are there specific changes to the Act and its regulations that will help the ministry and its partners focus on and achieve outcomes?

- FPSO would advocate that foster parents in the province are all paid per diem amounts based on skill level of foster home with set rates across the province for regular, specialized and treatment homes. The current rates in the central region should be the base. This would eliminate the current disparity among the province and adequately allow agencies to have some of the children and youth in private foster care or outside placement institutions returned to a family based model which has been proven to be the best model for a child.
- FPSO would advocate that ministry set the pay scale for worker's across the province with increments for job performance and experience. This would lead to significant costs savings.
- FPSO would advocate that the reimbursable amounts for needs for a child be set by the ministry and have cola attached as some agencies have not increased these amounts in the last 10 years.
- Regulation 70, Section 2:15 where agencies support the establishment of a foster parent association. There should be set out a monetary amount per open home as defined by the ministry. This monetary amount should be reviewed every five years by the ministry and set by the ministry.
- FPSO would advocate the ministry not only issue the directives but also write the policies which would be standardized across the province. This would lead to significant costs savings to the child welfare system as each agency currently spends a significant amount of time writing policies to support directive and this is done 52 times in the province.

SECTION V

**IMPROVING ACCESSIBILITY AND RECOGNIZING
DIVERSITY**

Improving Accessibility and Recognizing Diversity

It is felt that the CFSA itself actually eliminates barriers by ensuring equal opportunities for all children across the province. All agencies are expected to provide for children according to standards set by the province. There are provisions for cultural differences and care by the creation of Native Agencies like the Toronto Native and Child Family Services, Dilico or Tikinagan, who have the ability to provide for children in a more traditional manner with appropriate “Customary Care.”

There are an increasing number of families moving from Northern First Nation communities to live in the city. This transition can create problems that results in children coming into care when parents are unable to adjust or adjust quickly enough to a different culture, lifestyle and social scene for the timelines of the CFSA. The native agencies may be able to find supportive family in the city but more likely back in their home community and the funding required to cover the extreme costs of flying in and out of the northern communities (we have read lately that this can cost \$400.00 a minute for workers to charter a plane to see a child) is not attached to the requirements of the legislation.

Whether in their home communities or the city, children in care in Native agencies are not, unfortunately on an equal playing field with other children in care in the province because the turnover rate of workers in a child’s life has become is an extreme problem in northern areas and is something that would not be believed, in other areas of the province, and as a result –continuity, plans of care which set out the planning by goals and objectives for the child and the well-being of children is seriously undermined.

Youth with FAS, giving birth to children with FAS is an ongoing problem that is mushrooming. Foster parents who have foster children with FAS into adulthood know the full extent of support they will require throughout their lives—their children will also need our support. The emotional and financial expenditures of maintaining a healthy, supportive relationship with these our foster children and grandchildren is not something that is addressed in the CFSA, financially supported, recognized or understood by the rest of society.

SECTION V1

ALIGNMENT WITH OTHER LEGISLATION

Alignment with Other Legislation

Plans of Care

To ensure proper planning for a child the plan of care is extremely important as it sets out the planning and goals and objectives for a specific time frame. Foster parents should be signing the plans of care (which is a record of minutes of the meeting) that they agree with the accuracy of information outlined in the plan of care. This is not available when agencies are using the e-form as in Central Region. The duplicate form of goals and objectives which used to be signed by foster parent, worker and child over 12 is also no longer in use. **Many agencies in the province are still refusing to give foster parents a copy of the plan of care (this is a problem between the CFSA Act and compliance with supporting legislation).** The question then arises: How is a foster parent truly be considered a member of the service delivery team. This is in direct opposition to the ministry messaging of the professional delivery team.

Anti-oppression

FPSO acknowledges that diversity is addressed very well in the CFSA Document. However, the same cannot be said for the supporting policies and practices. Diversity and cultural compliance is something that can be captured in the crown ward reviews. Many agencies have employed cultural and diversity workers to deal with diversity, cultural and anti-oppression. Yet, foster parents in the province in increasing numbers are currently reporting that they are feeling totally oppressed and this has been happening for the last couple of years. The system of checks and balances is not balanced.

Funding;

FPSO is cognizant of the strains of current economic times, which will realistically affect child welfare over the next two or three years. ***However, our children's wellbeing and future successes cannot and should not be jeopardized as a result of fiscal restraints that are beyond their control.***

FPSO recommends the Ministry of Children and Youth Services fund FPSO with an annual allotment of \$500,000.00 for the purposes of promoting fostering and properly representing the foster parents of Ontario in the province. This would truly enable us to work as part of the professional team.

In closing,

A number of years ago the phrase “**members of the professional team**” was coined, promoted and used widely. Foster parents and agencies alike embraced the philosophy of the professional team, and gains have been made.

There is still room for further gain. The Service model has designated foster parents as, “service care providers”, which essentially removes us from the professional team. However everyone involved in service delivery contributes to achieving common outcomes. We wish to be fully recognized as a professional member of the team, not as less than a subcontractor.

We look forward to meeting with you to further discuss our recommendations for improvements in the future of child welfare.

Respectfully Yours:

On behalf of the Foster Parents Society of Ontario

Vanessa Milley

Vanessa Milley
Foster Parents Society of Ontario
Governance and Policy Chairperson