Submission to the Ministry of Social Services re:

The Child and Family Services Act
The Adoption Act, 1998

Introduction

In January 2013, the Ministry of Social Services invited Ombudsman Saskatchewan, along with many other government and non-government stakeholders, to participate in a legislative review of *The Child and Family Services Act* and *The Adoption Act, 1998*. Several task teams made up of members from the invited sectors were asked to review specific legislative issues based on the themes highlighted in the 2010 Saskatchewan Child Welfare Review Panel Report, *For the Good of our Children and Youth*. The role of the task teams was to develop recommended options about potential amendments to both Acts. Ombudsman Saskatchewan participated in the task team that looked at the dispute resolution and appeal processes in the Child and Family Services (CFS) program and under *The Child and Family Services Act*. The task team did not consider the review and appeal processes available through the courts when dealing with child and family services matters, nor did the task team review the processes available under *The Adoption Act, 1998*.

In a letter dated April 28, 2014, we have been invited to further participate in the legislative review process and respond, through a written submission, to the themes raised and questions posed in *The Child and Family Service Act and The Adoptions Act, 1998: Review Discussion Guide—2014*. We thank the Minister and the Ministry of Social Services (the Ministry) for this opportunity.

In responding, Ombudsman Saskatchewan recognizes that our role in the child and family and adoptions systems is unique. Though we have general jurisdiction in both systems, we do not have specific jurisdiction. In matters related to children and youth, Saskatchewan's Advocate for Children and Youth has specific jurisdiction. We are also an office of last resort, meaning that individuals who seek our assistance must first have exhausted the statutory appeal and review processes available in either system. Typically these appeal and review processes are provided through the courts or administrative tribunals.

Though our direct involvement in the child and family services and adoptions programs has been limited, our involvement with the Ministry has been significant. Beyond individual cases, we have completed two systemic reviews of Ministry programming. In 2010, we released *A Question of Fairness: A Review of the Assessment and Collection of Overpayments in the Saskatchewan Assistance Program*. We have also concluded a

review of how young persons in care with intellectual and developmental delays are transitioned from the CFS program to the Community Living Service Delivery program. This review will be released in the fall of 2014. We have also completed several policy consultations, including a review of the appeal process provided to foster parents.

We will focus our response on six themes raised in the *Review Discussion Guide – 2014* concerning *The Child and Family Services Act* (the CFS Act). These are:

- solving disputes
- reviews of administrative decisions
- a child's right to participate
- age of the child
- supporting youth transitioning into adulthood
- the need for a fair practices office

Ombudsman Saskatchewan – Our Role

The Ombudsman is an officer of the provincial Legislative Assembly. Independent from government Ombudsman Saskatchewan's mandate, as outlined in *The Ombudsman Act, 2012,* provides us with broad powers to investigate the administrative decisions, actions and omissions of provincial ministries, agencies of the government[1] and publicly funded health entities[2] (collectively, the government). Our mission is to promote and protect fairness in the design and delivery of government services.

Ombudsman Saskatchewan has four primary functions.

1. **Receive, investigate and resolve complaints.** The Ombudsman may investigate complaints from a person or body of persons affected in their personal capacity by a government decision, action or inaction. In carrying out this role, the Ombudsman and her staff are not advocates. Ombudsman Saskatchewan works with both citizens and government to achieve a fair resolution to the concerns brought forward. At the conclusion of an investigation, the Ombudsman may make recommendations to government for improvement.

2. **Undertake reviews into concerns at the initiative of the Ombudsman.** Also known as an Ombudsman's own-initiated or a systemic review, these types of reviews are commonly used when the Ombudsman has identified areas within government services that are either a common source of complaint or an identified concern affecting a group of citizens. We analyze the underlying causes of the concerns and, when appropriate, make recommendations to government for improvement.

3. **Work to resolve complaints in a non-adversarial manner.** Equally as important as investigating individual complaints or systemic concerns, the Ombudsman and her staff work to resolve issues in a constructive manner that brings timely resolution and supports transparent and fair administrative practices within government. Using alternative dispute resolution (ADR) methods such as coaching, facilitated communication, negotiation and mediation, the Ombudsman and her staff work with citizens and government decision makers to achieve shared resolution. The vast majority of the complaints coming to Ombudsman Saskatchewan are resolved using these case resolution methods.

4. **Promoting fairness in government's administrative practices.** Though much of our work is concentrated on individual cases, we also look to find ways to influence and improve (individually and collectively) the administrative practices of government officials. Since 2004, Ombudsman Saskatchewan has offered fair practices training (also known as *The Fine Art of Fairness*) throughout government. Our training is a comprehensive two-day course offered to government employees. It provides them with information and tools about the role and importance of fairness in the administration of services, to improve their decision making, and to help them effectively communicate with those who receive their services.

   Since 2008, we have offered government what we refer to as **fairness lens reviews** or consultations. These reviews are meant to be proactive. We encourage government to request them when they are in the process of developing or introducing program policies and procedures. The Ombudsman and her staff review drafts provided by government and offer commentary directed towards improving the overall administrative fairness of the policies or procedures. Our fairness lens reviews are not intended to provide legal advice. Nor does our involvement limit our ability to take any future actions, or make further comments or recommendations with respect to the administration of a specific policy or procedure.

Solving Disputes

In the *Review Discussion Guide – 2014* the Ministry asked what should *The Child and Family Services Act* say about solving disputes? Should ADR options be included in legislation? If so what methods should be included? Should ADR be mandatory? Should ADR be available within or outside the court process? And how do you ensure the child is involved in any available ADR process?

ADR methods fall along a continuum of dispute resolution processes which escalate in formality and prescribed procedures. On one end of the continuum are the informal methods, such as facilitated discussions or negotiations. These flow into to more formalized processes such as conciliation or mediation and end with highly formalized decision making processes such as arbitration, or those found in administrative tribunals or the courts.

In Canada, two of the more common ADR methods used in child protection matters are mediation and family group conferencing. Other culturally responsive ADR methods have also been introduced, such as Sharing or Talking Circles. Even within the formal court process, ADR methods are utilized, for example in pre-trial conferences.

"When families are part of the decision making process and have a say in developing plans that affect them and their children, they are more likely to be invested in the plans and more likely to commit to achieving objectives and complying with treatment that meets their individual needs."[3] An ADR process, no matter the specific methods or practice used, can promote collaborative decision making between the child or youth, their parents or caregivers, extended family, and the Ministry or involved CFS agency. Collaborative decision-making options often "better engage families; improve working relationships between families; foster parents and professionals; produce high levels of settlements at all stages; save judicial time; promote more timely resolution of cases; and improve parental compliance with case plan tasks in a cost efficient manner that is highly rated by both families and professionals."[4] As such, ADR options should be included in any future CFS or adoption legislation.

There are a variety of recognized ADR methods, both informal and formal, that can be made available to children, youth and their families. The specific ADR methods that will be the most effective for the individual child or youth and their family will depend on a variety of factors that cannot necessarily be captured in legislation. As opposed to listing which ADR methods should be available in legislation, the concept of collaborative and culturally responsive decision-making between children, youth, their families and communities, and child welfare authorities should be embedded in legislation as the preferred dispute resolution option. It is a stark reality that aboriginal children and youth are over-represented in the child welfare system in Canada and more so in Saskatchewan. ADR processes that are culturally responsive and recognize the inherent rights of First Nations and Métis communities should be embedded in legislation and made available both to aboriginal and non-aboriginal children, youth and families.

The concept of collaborative decision-making, including what and when any ADR specific options are available should be supported by principles set out in the legislation that support the following ideals:

- The best interests of the child are paramount and central to any decision-making process undertaken in the child protection system.
- The child's voice is essential and central to any decision-making process undertaken in the child protection system.
- Timely resolution of disputes is in the child's best interests.
- Collaboration is the preferred decision-making model in "child protection matters and should be promoted and sustained throughout the system."[5]
- ADR processes are voluntary and the resolutions arrived at are consensus-based.
- ADR processes should, whenever possible, be made available before Ministry or agency-based or court-imposed solutions.
- Any and all decision-making processes must be culturally responsive and address the unique needs of aboriginal children, youth, their families and communities.

ADR options are most effective when introduced very early in the process as an alternative to adversarial interventions – whether the intervention is Ministry-, agency- or court-imposed. The question of whether ADR processes should be mandatory is challenging considering the essence of collaborative decision-making processes is that the parties choose to engage in the process and any resolution reached is built through consensus. Mandatory ADR processes may conflict with these basic tenets. New legislation should not make ADR processes mandatory, but should allow for the option if the parties agree. In addition, legislation should require the assessment of individual cases to determine whether ADR is suited to resolving the matters and allow for the possibility of settling disputes at an early stage that will otherwise go to court to better avoid the positional entrenchment of the parties.

ADR processes should also be available both prior to and during any court process. Court matters could be held in abeyance to allow the parties access to an ADR option. This may also assist with the resolution of some issues that have gone to an appeal in the courts, but for which the courts are not the best or most appropriate dispute resolution process available. Child protection matters, however, should not be adjourned indefinitely, leaving children and youth unprotected or in a state of limbo. Decision-making must be timely and should not take longer than is necessary or reasonable.

There will be times when ADR methods are not appropriate, however, such as when allegations of violence (e.g. child physical or sexual abuse) are the subject of the disagreement or when there is a significant power differential between the parties that

cannot be safeguarded against. No matter the process used, the best interests of the child must be paramount in any decision-making process. The safety and protection of the child must never be subservient to the interests of parents, caregivers, the Ministry or other agencies.

Finally, it is always in the best interest of the child to ensure their voices are central to any decision-making process. Legislative provisions should recognize the child as a party in any decision-making process. We will speak more about the need to ensure a child's right to participate below.

Reviews of Administrative Decisions

In the course of their duties, CFS social workers and their managers make many administrative decisions when dealing with an individual child protection case. The Ministry currently has both internal and external review processes available. Which process is used is very dependent on the nature of the decision. Although several decisions made by a CFS worker are administrative in nature, such as the apprehension of a child, given their adverse impact on the individual child and their family, the review mechanism required is through the courts. Generally, the work of Ombudsman Saskatchewan involves matters of administration that are not reviewable by the courts. Our comments will focus on the range of administrative decisions reviewed internally through the Ministry.

Much of our work with government, including the Ministry, involves concerns raised by individuals about the administrative decisions of officials, the process used to make the decisions, and the availability and accessibility of any review processes. We believe that when an administrative decision made by a government official adversely impacts or can potentially impact an individual, the decision should be subject to review. The rigour of the review will depend on several factors (such as the nature of the decision, the impact of the decision on the individual affected and the legitimate expectations of those involved), but providing access to a review process is a requirement of the duty of procedural fairness owed to the individual affected by the decision.

We have developed a best practices guideline with respect to decision making in government (see Appendix A). We consider these best practices when reviewing individual decisions and when making recommendations to government.

In our work with the Ministry, we have found that a number of the internal review processes available are mostly unknown to those impacted by the decision. Individuals often do not know which decisions can be reviewed or how to access internal review processes. Internal processes that are largely unknown are not accessible to the individual. Within any internal review process, there are real and perceived power

imbalances between the "client" and the Ministry.[6] These power imbalances become more striking if the individual is a child or youth in care. "Clients" must often initiate a review process by first going to those who made the original decision before others in the Ministry can review the same decision. We have heard from individuals that they are unwilling to raise their concerns for fear that they will "make the worker mad." Others have told us that they simply do not have faith in the impartiality of an internal process. Many individuals who wish to access an internal review process would benefit from support provided by informal or formal community advocates. Access to community-based advocates is problematic as few exist generally, and especially outside urban areas.

In the *Review Discussion Guide – 2014*, the Ministry has asked whether there should be a review process that is independent of child protection services. Further, if so, what should the process look like? What matters should or should not be reviewed? And how could a child's voice be included? These questions are directed to adding an external review process without commenting on the need for strong internal processes. Internal review processes are needed, but they must be made widely known, understood and accessible to those who wish to access them. The integrity of internal processes should be strengthened by ensuring that basic procedural fairness is built in. For example, internal reviews of decisions should not be conducted by staff who were part of the original decision. This means some decisions of CFS workers should not automatically be reviewed first by unit supervisors, if they were part of or approved the original decision.

The Ministry should consider introducing some form of external review process involving reviewers who are independent of the Ministry. Examples of this (adjudicators and administrative tribunals) are already in place in the Ministry's Income Assistance programs There are examples of external and independent review processes in other provinces' child and family service systems. For example, the Child and Family Services Review Board of Ontario has jurisdiction under its *Child and Family Services Act* and *Education Act* "to hear applications and appeals of matters affecting children, youth and families" including "emergency secure treatment admissions; school expulsions; adoption refusals; inter-country adoption denials or restrictions; removals of Crown wards from long term foster care placements; and complaints about children's aid societies."[7] In Manitoba, the *Foster Parent Appeals Regulations* outline both the internal (agency, CFS Authority and ministry) and external (independent adjudicator) review and appeal process afforded to a foster parent when child welfare authorities are seeking to remove a child from their care.[8]

Any review process used in Saskatchewan must address the over-representation of aboriginal children and youth in the provincial child welfare system. Consultation should occur with First Nations and Métis governments and communities to determine

what form of external review processes will best meet their needs and the needs of aboriginal children, youth and families and communities who receive services from the child welfare system.

Whatever form of external review is chosen, there are key characteristics that should be included:

- The process must be independent from the child welfare authorities.
- The process must be collaborative and restorative in nature.
- The process must be informal, uncomplicated and accessible.
- The process must be culturally responsive and reviewers must be culturally competent.
- Decisions of the external review process should be reviewable by the courts.

Saskatchewan's CFS system will benefit from both a stronger internal review process and an independent external review process. To accompany these processes, ADR options should be developed so disputes may be resolved before they escalate. The children and youth who are the subject of the decisions should be allowed to participate in all review processes. Advocacy support should be made available for those who require it.

However, reviews (whether internal or external) come after a decision is made and often too late for those who are impacted by the decision. Good decision-making is part of good social work practice and should be supported by an organizational structure that embraces fairness and transparency. In 2009, Ombudsman Saskatchewan recommended that the Ministry of Social Services introduce a Fair Practices Office. A Fair Practices Office is an internal organizational ombudsman whose role is to promote and foster fairness in Ministry services. At that time, the Ministry rejected our recommendation.

The Right of Children and Youth to Participate

In this section, we use "child" to refer to children under the age of 12 and "youth" to refer to 12- to 18-year-olds.

Section 29 of the CFS Act says that the court may allow a child or youth who is the subject of a protection hearing to be served with notice of the hearing, to be present at the hearing, to be brought before the court and interviewed by the court. It also states that the child or youth shall not be considered a party to the protection hearing. While children and youth are the subjects of the CFS Act, they are not always allowed to have a voice in the process. This stands in stark contrast to youth who are charged

under *The Youth Criminal Justice Act* (YCJA). Youth aged 12 and older who are charged under the YCJA are entitled to legal counsel and to participate in their own defence.

Many children and youth who are subject to protection orders are a source of relevant information in their child protection proceedings. In order for an administrative decision to be procedurally fair, all information that is relevant should be fully and fairly considered by the decision maker. As a result, efforts should be made to include and consider information from the child or youth when decisions are being made about them.

The legitimacy of ensuring that children and youth have a right to have their voice heard and to participate in both judicial and administrative processes that impact them has long been recognized. Under the United Nations *Convention on the Rights of the Child* (CRC), Article 12 states:

> 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
> 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

While the CRC is an international treaty, Canada is a signatory to the convention and should abide by its principles where possible.

Children and youth who are subjects of child protection proceedings in Saskatchewan should have the opportunity to participate, be represented, and to have their voice and their perspective heard and given due weight. This meets the requirements of procedural fairness and the principles of the UN Convention.

Youth should be included as parties in the court process and provided the opportunity to be present, be represented by counsel, and to provide relevant information in the proceedings. Wherever practical, children and youth who are the subject of child protection proceedings should be afforded counsel to represent their interests. Youth who are party to a child protection proceeding could obtain and instruct counsel. For children under the age of 12, their interests could be represented by independent counsel such as an *amicus curiae*. The *amicus* would act as friend of the court and ensure the child's best interests are at the forefront in any proceeding.

Beyond the court process, children and youth should also be considered as parties to and be able to participate in all other decision-making, ADR or review processes that are currently available or will be available in the future in the CFS system. In participating, children and youth should be entitled to an advocate, who is independent from the Ministry, their parents, and caregivers. The advocate would assist the youth to participate or represent the child's best interests and ensure their views are understood and, more importantly, considered.

Defining the Age of a Child

The CFS Act defines a child as "an unmarried person actually or apparently under 16 years of age." Child protection services are provided to any child under the age of 16. Child protection services can be provided to youth age 16 to 17, but only in circumstances that are "exceptional in nature."[9] For youth who are permanent or long-term wards and who require support beyond their 18th birthday, the Ministry (pursuant to section 56 of the CFS Act) can provide supports until the young person is age 21.

The Ministry can provide limited services to some youth who are 16 and 17 years of age, but again only in specific circumstances. Youth can enter into a service agreement with the Ministry if they do not have a parent willing or able to care for them or if they cannot live with their parent due to "reasons of safety." Section 10 of the CFS Act allows the Ministry to enter into agreements with 16- and 17-yearolds to provide care, supervision and support until they can return home or until their 18th birthday. In these cases the Minister does not act as parent, but rather as a service provider. For many youth who are unwilling or unable to enter into section 10 agreements, the support and services system ends when they are age 16. Most adult services, however, are not yet available to 16- or 17–year-olds. This represents a gap in our current child and family services system.

In the majority of other Canadian jurisdictions, including British Columbia, Alberta, Manitoba, Ontario, and Quebec, a child is defined more broadly for the purposes of protection and includes young people up to age 18 or 19.[10] The CFS Act in Saskatchewan should be amended to define a child for the purposes of child protection services as a person under the age of 18. Consideration should also be given to setting out in the CFS Act what constitutes services to youth and what supports should be available and accessible to youth as they age out of care.

Supporting Youth Transitioning into Adulthood

Reaching age 18 is a major life event for any young person, but turning 18 does not mean a young person automatically becomes an independent adult. Young people transition gradually from childhood to adolescence to full adulthood, typically while living in supportive families. Supportive families provide young people the time, opportunity, and emotional and financial support to acquire the necessary life skills to achieve their independence. Most young people will achieve relative independence from their families by age 25.[11] That is, they likely have:

- achieved a "level of education and training that will permit some level of economic success."
- developed "social and relational skills necessary for being part of and raising a family."
- developed "a web of connections with peers, colleagues, business associates, and friends."[12]

For many youth in care, their pre-care experience and general absence of supportive environments have placed them at a distinct disadvantage as they age out of care.

A young person ages out of care "when he or she reaches the age of majority without having been adopted, reunified with his or her family … or otherwise given a permanent family."[13] Aging out of care for many youth can mean the end of not only supportive networks and relationships provided by case managers, foster parents and other care givers, but also the end of financial, educational, vocational, mental health and other services provided or funded by the child welfare system. These young people are expected to have the skills to navigate the adult world independently upon leaving foster care. While some youth in care experience a smooth transition to adulthood and achieve a level of success, a significant proportion do not.[14]

Canadian research suggests that young people who age out of care do not fare as well as their peers who had not been in the child welfare system. Research suggests that youth who leave care:

- are less likely to be living with their family.
- are homeless at some point after leaving care.
- are young parents and, as parents, are more likely to be involved with child welfare services.
- are more likely to be on income assistance.
- have a lower level of education.
- are less likely to rate their health as excellent or good.
- have experienced depression or depressive symptoms.
- engage in higher levels of alcohol and drug use.
- are more likely to have experienced sexual victimization.

- are more likely to have been arrested for a criminal offence.
- have a more fragile social support network and tenuous ties to family. [15]

The reasons why many young people in care struggle upon leaving care are complex and varied. They can include a variety of personal, interpersonal and system factors that increase the young person's vulnerability and ultimately affect their capacity to successfully navigate the transition from care. Many youths have no family support and once they age out are "left without the ongoing support of foster families or other care givers." Some of them then also return to families who are ill-equipped to support them.[16] Others have had damaging pre-care experiences and their time in care has been "unable to compensate them or help them overcome their past difficulties."[17] Others experience multiple disruptions while in care (e.g. removal from their biological family, foster care breakdown, disruption in school placement) that leave them "ill-prepared for independence."[18] Many young people leave care without an appropriate or realistic plan and no connections to appropriate adult services or supports.

The majority of young people leaving care would benefit from specialized programs and services to facilitate their transition from the child welfare system to independence. These programs are typically called transition services. In Canada, the availability, structure and purpose of transition services varies across jurisdictions, but most fall into three broad categories: (1) services that better prepare the young person for independent living, (2) services that support the young person in establishing independence, and (3) supported living programs that extend support to a young person in care beyond the age of 18 as they transition to independence or to appropriate adult services.[19] These programs and services can be provided by the child welfare system in conjunction with other service providers who specialize in services to young people. They are designed to mitigate the risks associated with youth in care in order to improve outcomes. Typically, transitioning a young person in care can begin when they are between the ages of 12 and 16, and support and services can continue well past their 18th birthday.

In Saskatchewan, services and supports typically end well before the young person's 18th birthday. For many youth, transitioning from care begins at age 15 and supports end once they age out of care at age 16. Some youth receive supports between the ages 16 to 18, but only those who have entered into a support agreement (as allowed under section 10 of the CFS Act) with the Ministry, or who are long term or permanent wards. Only long term or permanent wards who enter into an Extension of Support Agreement (under section 56 of the CFS Act) can continue to receive supports past their 18th birthday. These supports end when the young person turns 21.

Beyond section 56 agreements, the CFS Act is silent on after-care services or transition services. Any and all planning and ultimately services provided by the CFS system to support a young person as they age out of care must be completed before they actually leave care. This includes access to funding and supports unique to the CFS program that cannot be replicated in adult programs.

It is largely unknown how youth who have left the Ministry's care have fared. Research from other Canadian jurisdictions suggests that youth leaving care have poor outcomes and would benefit from ongoing supports and services. But how well is the Ministry preparing youth to leave care? In 2007, the Ministry commissioned a study that looked at how prepared youth in care were to live independently once they left care.[20] Generally, youth reported they did not have any immediate plans or had not discussed plans for leaving care with their CFS case managers.[21]

The CFS Act requires the Ministry to act as a good parent would. It is the Ministry's responsibility to ensure that all young people aging out of its care have the opportunities and supports they need to navigate the adult world. We are not suggesting that the age thresholds imposed by the CFS Act should be expanded, or that young adults should be forced to accept the involvement of the CFS program against their wishes. But the Ministry should also consider what additional supports and services will be needed to improve outcomes for all youth leaving care.

The Ministry should consider introducing legislative provisions that:

- require the development and implementation of transition plans for all youth aging out of care. These provisions should outline when transition planning should begin, outline the responsibilities of Ministry staff during the planning process, and allow for the involvement of the young person, their family, caregivers, and appropriate service providers in the development and implementation of the plan.
- speak to the need to share information between the CFS program, the young person, and their support networks and service providers involved in transition planning and provide CFS workers the authority needed to allow for the sharing of relevant information.
- allow the Ministry to develop after care services for youth aged 16 to 25 years, who require support once they age out of care.
- where appropriate, allow the Ministry to provide financial supports or financial supplements for youth involved in after care services.

The Need for a Fair Practices Office

In 2009, Ombudsman Saskatchewan recommended that the Ministry establish an internal ombudsman or Fair Practices Office (FPO). An FPO would act as an organizational ombudsman operating in an arm's length capacity from the Ministry's administrative structure, but responding directly to the Deputy Minister. The function and scope of an FPO could either be program-specific or Ministry-wide. No matter the function or scope, the primary purpose of an FPO, at a minimum, should allow the office to:

- promote fairness and foster clearly-stated and broadly understood organizational values of the Ministry.
- receive, investigate and resolve complaints about the policies and practices of the Ministry that have not been resolved through existing internal dispute resolution mechanisms.
- identify complaint trends and systemic issues, and make recommendations for improvement.
- work with and act as a liaison between the Ministry and community-based organizations and advocacy groups to improve Ministry services.

An FPO would not act as an adjudicator or conduct investigations for adjudication. Rather, it would be authorized to resolve issues constructively, act as an expert on fairness, provide advice to Ministry staff on fair practices, and assist in facilitating non-judicial appeals related to Ministry services.

There are two examples of fair practices offices in Saskatchewan: the Workers' Compensation Board and SGI. Since their introduction, we have seen a reduction of complaints escalating to Ombudsman Saskatchewan as they provide an accessible internal process for concerns to be addressed. FPOs within government organizations support and further the principles of fairness and equity in all administrative practices and can lead to greater public confidence in the Ministry's service programs.

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[1] Agencies of government include the commercial and Treasury Board Crowns, and other boards and agencies whose members or directors are appointed by the Lieutenant Governor in Council or are otherwise responsible to the Crown for carrying out their work.

[2] Publicly-funded health entities include the regional health authorities, the Saskatchewan Cancer Agency and health organizations as defined in *The Regional Health Services Act* and its regulations.

[3] Child Welfare Information Gateway (2010). *State Managers Series Bulletin for Professionals: Family Engagement*. Retrieved online, July 8, 2014 at https://www.childwelfare.gov/pubs/f_fam_engagement/f_fam_engagement.pdf. See also: Association of Family and Conciliation Courts (2012). *Guidelines for Child Protection Mediation*. Retrieved online, July 2, 2014 at http://www.afccnet.org/Portals/0/Guidelines%20for%20Child%20Protection%20Mediation.pdf (AFCC).

[4] AFCC, *Ibid.*

[5] AFCC, *Ibid.*.
[6] Client is a term used by the Ministry, but not usually by Ombudsman Saskatchewan.
[7] Government of Ontario website. Public Appointments Secretariat page. Retrieved online July 2, 2014 at https://www.pas.gov.on.ca/scripts/en/boardDetails.asp?boardID=715.
[8] Government of Manitoba, Manitoba Family Services website. *Removing Foster Children* page. Retrieved online July 2, 2014 at http://www.gov.mb.ca/fs/cfsmanual/1.5.6.html#policy.
[9] *The Child and Family Services Act*, SS 1989-90, c C-7.2, s 18.
[10] In Alberta, the *Child, Youth and Family Enhancement Act*, RSA 2000, c C-12, defines a child as, "a person under the age of 18 years and includes a youth unless specifically stated otherwise." In British Columbia, the *Child, Family and Community Service Act*, RSBC 1996, c 46, defines a child as, "a person under 19 years of age and includes a youth." In Manitoba, *The Child and Family Services Act*, CCSM, c C80, defines a child as, "means a person under the age of majority."
In New Brunswick, the *Family Services Act*, SNB 1980, c F-2.2, defines a child as,

> a person actually or apparently under the age of majority, unless otherwise specified or prescribed in this Act or the regulations, and includes
> (a)an unborn child;
> (b)a stillborn child;
> (c)a child whose parents are not married to one another;
> (d)a child to whom a person stands in loco parentis, if that person's spouse is a parent of the child; and
> (e)when used in reference to the relationship between an adopted person and the person adopting or the relationship between a person and his birth mother or birth father, a person who has attained the age of majority;
> but, for the purposes of making a determination under Part VII, does not include a person who has been married.

In Newfoundland and Labrador, the *Children and Youth Care and Protection Act*, SNL 2010, c C12-2, defines a child as, "a person actually or apparently under the age of 16 years." The *Child and Family Services Act*, SNWT (Nu) 1997 c 13, which covers both the Northwest Territories and Nunavut, defines a child as, "a person who is or, in the absence of evidence to the contrary, appears to be under the age of 16 years, and a person in respect of whom an order has been made under subsection 47(3) or 48(2)." In Nova Scotia, the *Children and Family Services Act*, SNS 1990, c 5, defines a child as, "a person under sixteen years of age unless the context otherwise requires." In Ontario, the *Child and Family Services Act*, RSO 1990, c C.11, defines a child as, "a person under the age of eighteen years." In Prince Edward Island, the *Child Protection Act,* RSPEI 1988, c C-5.1, defines a child as, "a person under the age of eighteen years." In Quebec, the *Youth Protection Act*, CQLR, c P-34.1, defines a child as, "a person under 18 years of age." In the Yukon territory, the *Child and Family Services Act*, SY 2008, c 1, defines a child as, " a person who is under 19 years of age."
[11] D. Altschuler, *et. al.* (2009). *Supporting Youth in Transition to Adulthood: Lessons Learned from Child Welfare and Juvenile Justice*. Centre for Juvenile Justice Reform. Retrieved October 29, 2013 from http://cjjr.georgetown.edu/pdfs/TransitionPaperFinal.pdf at 13.
[12] D. Altschuler, *et. al.*, *Ibid*.
[13] D. Altschuler, *et. al.*, *Ibid*. at 7.
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