



Centre for Equality Rights in Accommodation  
Centre pour les droits à l'égalité au logement

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**RE: CERA's Submission to the Government of Ontario on the child welfare system**

**About CERA**

The Centre for Equality Rights in Accommodation ("CERA") is a not-for-profit charitable organization dedicated to preventing evictions, ending housing discrimination and addressing human rights violations in housing across Ontario. For sixteen years, CERA has served 1500 clients annually who are facing eviction and human rights violations in their housing, such as the need for accommodation for disability. We also work with tenants, landlords, post-secondary institutions, community partners and the public to deliver public education to communities and vulnerable individuals to build the capacity of Ontarians to understand their housing rights. CERA's high volume of clients gives us a unique and current insight into the issues faced by renters across the GTA and Ontario, particularly vulnerable renters, including youth, seniors, newcomers to Canada, racialized individuals, persons with disabilities and families.

**CERA's Work with Youth**

CERA has been working on preventing youth homelessness since 2011. Our Youth Program has been assisting young people to overcome barriers to housing. Designed and implemented by peer facilitators, this type of support also uses art to creatively engage young people in learning about their rights and the law. Through our work, we meet the most vulnerable young people who are often denied access to housing or treated badly as tenants for variety of reasons. Those reasons are often connected to previous life experiences of hardship and marginalization, resulting in a repetitive cycle that follows them through their adulthood. Our experience and interaction with youth aligns with reports published by the Canadian Observatory on Homelessness (Homeless Hub), A Way Home Canada, and the National Learning Community, including *Youth Homelessness: Child Welfare and Youth Homelessness in Canada: A Proposal for Action* (2017) and *Without a Home: The National Youth Homelessness Survey* (2016). These reports discuss the strong connections between youth who experience homelessness and the child welfare system.

CERA takes the position that homelessness prevention should be prioritized and integrated in a strategic way into all systems engaging with children, including those related to child welfare, education, health, and immigration. Importantly, CERA considers the provincial child welfare system as being in a unique position to best engage with children and youth who are at risk of homelessness.

### **Ontario's Child Welfare System**

Ontario's Ministry of Children, Community and Social Services announced a call for engagement on August 23, 2019, to address challenges the province's child welfare system is facing, including that:

- "Children and youth don't always get the quality of care they deserve.
- A disproportionate number of Black and Indigenous children and youth are in the care of children's aid societies.
- Children and prospective adoptive parents are not being matched together for adoption as often as could be possible.
- The supports and services children and families access when they need help are not consistent across the province.
- Despite a 23 per cent reduction of the average number of children in care over the past six years, the system is not operating as efficiently as it should."

We appreciate the opportunity to provide comments and recommendations related to the above-mentioned concerns.

### **Issues and Gaps**

Youth in care often face homelessness or housing precarity after they transition out of care. These issues and gaps in services must be addressed. According to Gaetz (2014), 41 to 43% of homeless youth said they have been through foster care or group homes, highlighting a system that is simply not working, and in some cases, may be making the lives of the children and youth it is designed to help worse.

#### Housing instability while in care:

Many children and youth experience housing instability while in care. This includes experiencing multiple placements while in care and being shifted several times between and through group homes, foster homes, living with their friends, and living with their family, as well as moving among different homes and running away. This pattern is linked to a greater likelihood of becoming homeless after leaving care, as studies show that youth who experienced multiple placements while in care, and youth who run away are more likely to experience homelessness in the future (Curry & Abrams, 2015). It is therefore critical to ensure housing stability while in care to decrease the likelihood of youth in care becoming homeless or experiencing housing precarity after they leave care.

### Transitions out of care:

CERA hears from clients who were in care and who are experiencing housing precarity that there was a significant gap in services and supports after they reached the age of 25. This aligns with studies which show that difficult transitions out of care are linked to experiencing homelessness later in life. In *Without a Home* (2016), it was reported that 30% of those interviewed indicated that their difficult transition out of care contributed to their homelessness. After transitioning out of care at either age 16 or 18, youth are left with little or no support and often have a difficult time securing housing. Their peers who are not in care often receive continued financial and emotional support from families or guardians well into their early 20s or even 30s. It is imperative that the child welfare system recognize and acknowledge the disparity between the supports youth in care receive as compared to their peers who are not in care, and the profound impact that the lack of supports has on future stability.

### Normalization of homelessness from a young age:

Youth who experience homelessness at younger ages are more likely to be homeless later in life. More than 40% of homeless youth become homeless before the age of 16 (Nicholas, et al., 2017). According to *Without a Home* (2016), the younger an individual is when first experiencing homelessness, the more likely it will be that they will become homeless again and will spend more time in homelessness. For these individuals, homelessness and housing instability become normalized.

CERA has worked with a young man in his early twenties who had lived in 50 different places by the age of 16. As he had become accustomed to this aspect of his life, he had not realized that he was homeless.

The high rate of youth who have experienced homelessness before the age of 16 may seem surprising, given that the government's role in protecting people 16 and under. However, we know that some young people end up on the streets because they are running away from care environments (in particular, group homes and/or foster care), or because they have run away from, or been kicked out of, their familial homes and their absences were not reported to the police or child protection services. With youth under 16 usually ineligible to stay in homeless shelters, they can easily end up on the streets homeless and exposed to many risks.

### Inequity and overrepresentation of marginalised groups:

Numerous studies indicate that Indigenous and Black children and youth are over-represented in the child welfare system in Canada (OHRC, 2018). Research included in the 2018 Ontario Human Rights Commission report, *Interrupted childhoods: Over-representation of Indigenous and Black children in Ontario child welfare*, "suggests that professionals in the community – such as school and medical staff – over-report racialized families to child welfare authorities and that this may be linked to bias" (p. 24). In addition, factors such as poverty, discrimination and intergenerational trauma are noted as putting children at risk of entering the care system.

The overrepresentation of these groups in the child welfare system is a key concern given that experiences in care are associated with housing instability and homelessness, as well as academic underperformance, poor mental and physical health, underemployment, and interactions with the criminal justice system during and after care, which is a vicious cycle that is difficult to break.

*Without a Home* (2016) also found that LGBTQ2S youth are overrepresented among youth experiencing homelessness across Canada and are more likely to be involved with child protection services at some point in their lives. Transgender and gender non-binary youth were more likely to report child protection involvement than cisgender youth (70.8% vs. 56.9%), and LGBTQ2S youth were more likely to report involvement with child protection than straight youth (62.8% vs. 55.8%). Those who identified as LGBTQ2S were also slightly more likely than those who identified as straight (50.0% vs. 46.3%) to have been in foster care and/or group homes.

## **Recommendations**

Based on the Province's role in promoting the best interests, protection and well-being of children, and in light of the issues and gaps identified above, CERA has several recommendations for the Ministry of Children, Community and Social Services to ensure better conditions for children and youth in and after care, and to prevent the possibility of homelessness.

### Support in transitioning from care:

Currently, the Ministry of Children, Community and Social Services provides transition and life skills programs in which "youth-in-transition workers connect youth who are 16 to 24 years old to community services and provide support with stable housing, education resources, employment services, and life skills training".

The Homeless Hub's report *Child Welfare and Youth Homelessness in Canada: A proposal for Action* (2017) recommends that extended support would be an essential step for preventing youth homelessness after they leave care. This means that, rather than ending support or significantly reducing it, young people who transition out of care at ages 16 to 18 would receive ongoing support from the state until they are 25. This approach recognises that young people who are not in care are usually receiving support from their families, social networks and communities as they enter adulthood, including financial support and knowledge and advice. For youth who are transitioning out of care, similar services and supports must come from agencies specialised in the given sectors and in working with youth.

Based on this proposal, CERA recommends that increased support for youth transitioning out of care should include:

- A care worker assigned to youth in care when they are 16 years old who provides ongoing support until the individual is 25 years old. The care worker will support them in creating a plan

for after they exit care, including for aspects such as housing, education, employment, well-being, health, community and family involvement, and other important concerns. Young people should be actively engaged in developing this plan so they know and understand the range of options available to them and gradually become prepared for adulthood, and to ensure that self-advocacy is promoted and supported. The provincial government should track youth as they transition out of care until they are 25 and ensure that the services and supports are implemented and accessible. For youth who choose to leave care early, they should receive similar options and support.

- A guarantee by the Government of Ontario that all young people leaving care will have access to housing that is affordable, accessible, safe, and sustainable. This comes from the recognition that housing is a human right and that there are major barriers preventing young people from accessing housing when they have little or no support. CERA hears from many youth who are being discriminated against and harassed by landlords for a variety of reasons, especially if they belong to marginalized communities. Acknowledging the current crisis in the housing market, we propose that housing assistance be extended to an older age to be accessed as and when needed. The provincial government should work alongside municipalities and communities to ensure that housing is provided.
- Financial support for youth must be increased. The government should provide more than the \$850/month already provided for youth over 18 to ensure access to safe and adequate housing. Additionally, the cost of tuition fees for educational institutions, and fees for health, dental and other important services, should be covered by the province.
- For Indigenous youth, the process of transitioning to adulthood after care should include respect for the traditions and knowledges of their communities, an acknowledgement of the impacts of colonialism and intergenerational trauma, active engagement with communities in supporting transition from care and full implementation of Jordan's Principle, a child first policy ensuring that jurisdictional disputes are not an obstacle to accessing needed support for an Indigenous child or youth.

Ensure safe, appropriate, and stable housing while in the child welfare system:

In line with the *Child Welfare and Youth Homelessness in Canada* report (2017), CERA recommends that the Ministry work toward preventing housing instability for children and youth in care. Families and kinship care networks should be supported and prioritised through working alongside them, for example through providing financial support to families or through family mediation and conflict resolution. This is a path to preventing issues that could lead to housing instability and represents an effective preventative measure. In addition, the provincial government should work towards community respite programs that provide emergency housing to parents, caregivers or young people, and thereby ensure that youth in care are not placed in homeless shelters when emergency housing should be provided.

### Youth homelessness prevention strategy:

The Ministry, in collaboration with and in support of grassroots community organisations and youth led initiatives, should focus on preventing homelessness and ensuring sustainable exits from homelessness for youth so it is not repeated. This includes providing social and material support to prevent the factors that lead to homelessness – such as poverty, food insecurity, access to housing – as well as supporting family wellness and community integration to ensure more support for youth who are no longer in care. Given the high risk of homelessness for youth who choose to leave care early as a result of negative experiences while in care, there is a need for extended support, including providing guidance about the various options available and ensuring access to safe, adequate housing.

### Strategy for marginalised and overrepresented groups:

The Ministry should implement policies based on the demands of equity groups, especially those representing the concerns of Indigenous, Black and racialized youth, LGBTQ2S youth, trans and gender nonbinary youth, youth in poverty, youth with disabilities, and youth who are members of other marginalised groups that are overrepresented and are especially vulnerable in the child welfare system. Further, in line with the recommendations of the Ontario Human Rights Commission report, *Interrupted childhoods* (2018), CERA recommends that the Government of Ontario implement the following:

- A provincial strategy to identify and address the social and economic conditions of families and how they are linked to racial disparities and disproportionality in the child welfare system.
- Collecting race-based data on the child welfare system, especially as it relates to other performance measures. This can also be reviewed alongside the data collected on youth transitioning out of care, recommended above.
- Anti-racism training for child welfare workers and Children's Aid Societies should be required, specifically on anti-Indigenous and anti-Black racism, and services must be provided in a culturally competent manner that takes into account structural racism and the histories of marginalisation. This should be done in collaboration with communities and grassroots organisations working on these issues.

Finally, CERA reminds the Government of Ontario that Canada recently adopted the National Housing Strategy Act which acknowledges the right to housing for the first time in legislation. Homelessness represents a serious violation of the human rights of children and youth, and all levels of government are responsible for preventing and ending it. CERA urges the Government of Ontario and the Ministry of Children, Community and Social Services to recognize the right of children and youth to be safely and adequately housed where they can live in dignity and grow to their full potential.

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