Standing Senate Committee on Human Rights - Aging out of Foster Care Study

"Examine such issues as may arise from time to time relating to human rights generally"

Order of Reference: 2022-03-03 [Rule 2-7 (16)]

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Honourable committee members, please accept this submission for consideration as you examine the important issue of young people aging out of care. My name is Linda Clemens-Spurrell and I am the Child and Youth Advocate for Newfoundland and Labrador (NL). The Office of the Child and Youth Advocate is a statutory office of NL's House of Assembly with a mandate to ensure that the rights of children and youth in our province are upheld, that provincial government services are accessible to them, and to inform and advise government of gaps in service.

I would like to first attend to some of the realities that young people aging out of care may face and provide some context around this unique group. As this committee has likely heard through previous testimony and submissions, young people aging out of the care system have significantly poorer life outcomes than their peers not in care, across a range of indicators (Woodgate et al, 2024; Doucet, 2017; Kovarikova, 2017; Sukumuran, 2021). Throughout our country, young people aging out of care are more likely to be unhoused, criminalized, struggling with substance misuse, and have worse physical and mental health than their peers. Children who have aged out of care are more likely to become early parents, be un or underemployed, and the majority live in poverty. This is not the reality that these young people deserve. While

we know that they have experienced abuse, neglect and/or significant challenges in their families of origin, it is also true that the systems designed to care for them are not adequately providing the tools these young people need to become successful adults (Kovarikova, 2017).

We all have a responsibility to provide them with a better path to adulthood – one which is characterized by support, resources, and connection. In order to undertake this responsibility, it is imperative that we understand the young people we are working to support. A central component of that process is the centering of young people in the development of solutions about them. Through the lived experience shared with this Committee through testimony, as well as through numerous studies (Berzin, Singer and Hokanson 2014; Okpych et al, 2023; Woodgate et al, 2024) we know that young people must be meaningfully involved in planning about them – from permanency planning to post-care and beyond. Their experiences in systems across the country are vital perspectives on what needs to change, and we know that involving young people is a factor that consistently shows up as a strong indicator of their later success.

Secondly, it is important that we recognize that youth in care are not a homogenous group, rather a collection of unique individuals with the shared experience of having lived in care. There is no one-size-fits-all approach to best support each young person, and as such an individualized approach with flexibility and creativity in policy is imperative.

We must also move forward with the shared understanding that Indigenous youth still bear the brunt of our colonial system when aging out of care, and that the mere notion of "aging out" contradicts Indigenous ways of knowing and being that reflect a continuum of support throughout the life span (Doucet, 2021). Special care must be given to Indigenous

youth, and also to youth living with disabilities, Black and racialized youth and 2SLGBTQIA+ youth who are disproportionately represented in child welfare systems, and who have unique outcomes based on their membership in these marginalized groups.

Lastly, it is key that our definition of a youth in care is broad and includes not only young people who are legally in care, but also those young people who are living in kinship arrangements. While some young people in kinship arrangements may have access to some additional informal supports, research shows that these young people face many of the same challenges that young people in formal legal arrangements face as well (Doucet, 2009; Doucet 2021). A comprehensive definition ensures that all young people facing these significant challenges in entering the next phase of their lives are part of the conversation.

As it relates to solutions about this issue, I would like to highlight some key messages – the need for a holistic national strategy, raising the age where young people can access support, and the importance of permanency planning.

Firstly, I would like to strongly echo the testimony of witnesses who have highlighted the need for a national strategy to address this issue. We require a federally led initiative that includes national standards of care, as well as federal legislation that would protect the rights of young people exiting care. As noted by Dr. Doucet in "A Long Road Paved by Solutions", 75 reports have been submitted with recommendations for a nationally led initiative over the last 35 years, and Canada remains "one of very few western countries that does not have national legislation or standards supporting the transition to adulthood for youth in care" (p.9).

There are multiple reasons supporting the development of a national strategy, and consistency for young people across provinces and territories is among them. Young Canadians who are not able to rely on the supports of their families deserve transitions from care that are equitable, holistic, and consistent regardless of the province or territory in which they live. The development of national standards can guide that access, with the added benefits of collaboration and knowledge sharing between regions, and clear accountability measures/benchmarks of care. Moreover, federal guidelines could form the basis of legal protections that safeguard the rights of youth, conceivably bringing this issue to the forefront as a policy priority nationwide.

The equitable standards report completed by the Child Welfare League of Canada (CWLC) presents comprehensive work on what national standards could look like that is both evidence-based and imbued with the voices of young Canadians with lived experience. Their eight pillars for transition to adulthood – financial, educational, and professional development, housing, relationships, culture and spirituality, health and well-being, advocacy and rights and emerging adult development – provide a wrap-around framework for the diverse support we know young people need. It is my hope that the committee will consider their work in the development of sorely needed federal guidelines, as it outlines the key areas in which young people aging out of care need support.

As noted above, The CWLC has completed comprehensive work on the supports young people transitioning need. I would however like to briefly underscore the need for flexibility in pre- and post-care services, and the importance of raising the age that young people can access services.

The process of becoming an adult is not fixed, rather a gradual progression characterized by trial, error, and exploration (Arnett, 2015). Many young people who have not been in care have the opportunity to vacillate between dependance and independence from their families as they discover themselves as individuals in the adult world. That includes the ability to avail of support – or not – with fluidity, a characteristic necessary for the years in this uncertain stage of life (Berzin, Singer and Hokanson, 2014). Children and young people who have been in care are not able to avail of this fluidity of support given the stark cut-off of services in many provinces and territories, typically tied to a numeric age and not level of readiness. They need the option to reconsider life-altering issues like whether or not they are ready to leave care and the flexibility in post-care programs to make mistakes without losing support, like many of their peers (Doucet, 2009; Doucet, 2021).

Not only do young people leaving care need more flexibility, but they also need more time. The determination of service cut-offs should reflect the best evidence we have about this stage of life and about the realities young people who are exiting care have experienced. For example, the field of neurobiology has provided insight into the maturation process of the brain, highlighting that the pre-frontal cortex (largely responsible for directly impulse and higher order logic and reasoning) is not fully developed until well into the mid-20s (Arain et al, 2013). We also know that young people who are exiting care are much more likely to have been diagnosed with mental illness, experience poor mental health or struggle with substance use issues and need longer term access to formal supports for these complex needs. Young people who have not been in care continue to rely on parental support well into their 20's, and youth who have been in care deserve the same fluid and longer-term access to emotional, financial, and housing

supports. Cut-offs across the country range from 21-26, with programs that have raised the age seeing more positive outcomes than others. Youth leaving care across the country should all be given access to supports until they are at minimum 26 to account for their physiological, emotional, social, and financial well-being.

Lastly, I would like to briefly discuss the importance of permanency planning and the need for multi-system collaboration and creativity to achieve permanence for children and youth earlier and more often in the child welfare system.

Permanency planning is an organizing principle for child welfare service delivery across the country, and for good reason. We have known for decades that a safe, caring, and permanent plan for care of children and youth in need of protective intervention is one of the largest determining factors for positive outcomes later in life (Tilbury & Osmond, 2006). This is based in part due to the ideas that consistency of place and the presence of long-term healthy relationships provide the foundation children and young people need to succeed. We know that permanency planning needs to happen early and be the central focus for children and youth who are involved with the child welfare system. However, there are multiple external factors that impact permanence for children and youth across multiple levels. For example, consistent and significant delays in the court system, lack of timely and publicly available mental health resources, and staffing shortages across the country delay the implementation of permanency plans for both children who may be reunified with their families, and children who will remain in the care system. It is true that child welfare agencies across the country are directly responsible for permanency plans, but without change at the level of health, housing, and

justice, little can be done to achieve their goals. Children in care (and their families) need to be viewed as priority recipients for service in health and housing, and justice.

Placement availability and stability for children and youth in care is also an issue across the country – there are simply not enough homes to provide appropriate care for those in need. While the recruitment and retention of placements needs to remain a priority, child protection agencies also need to consider creative ways to ensure that if permanency of place cannot be achieved, then permanency of connection will. This can be accomplished by placing more focus on relational and ecological stability in placements for older youth who are less likely to find legal permanence, to protect the connections they have made and to carry them forward in their lives (Okpych et al., 2023). Long-standing and healthy relationships with adults and others forged in the care process are vital for young people transitioning out of care without legal permanence.

Summary of Recommendations

- Acknowledge and include the voices of young people with lived experience in policy development and evaluation.
- Consider that Indigenous youth are disproportionately represented in the group of youth exiting care and employ solutions that directly target and include this population.
- Consider that youth from marginalized groups are over-represented in the group of youth exiting care and employ solutions that directly target and include young people who identify as 2SLGBTQIA+, BIPOC youth, and youth living with disabilities.

- Establish a federally led initiative to create national standards of care and federal legislation to protect the rights of youth exiting care, with consultation of CWLC's "Equitable Standards for Transitions to Adulthood for Youth In Care".

- Raise the maximum age that young people can access formal services to at minimum 26 and ensure that any policies written to guide pre- and post-care include flexibility and choice.

- Ensure that permanency planning remains the focus of child welfare involvement with families, and that organizations employ creativity in their definitions of permanence for older youth.

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