



**Child and Youth  
Guardianship Services  
2008/2009 Report**



PUBLIC GUARDIAN  
AND TRUSTEE OF  
BRITISH COLUMBIA

## Our Mission

The PGT mission is to safeguard and uphold the legal and financial interests of children; manage the legal, financial and personal care interests of adults needing assistance in decision-making; and administer the estates of deceased and missing persons.

*Proudly Serving British Columbians since 1963*

## Our Values

Seven major values underpin PGT work and are reflected in all aspects of its performance:

1. *Integrity*: As a fiduciary, the PGT and staff act in accordance with the highest ethical, legal and personal standards.
2. *Client-centred service*: Clients are the focus of PGT services and PGT staff constantly strive to provide quality customer service.
3. *Openness*: Annual statutory public reporting on all aspects of PGT performance ensures accountability and transparency to clients, government and the public.
4. *Respect*: We treat clients, family and friends in a courteous, respectful manner.
5. *Teamwork*: PGT staff work with one another and with service partners in striving for seamless service delivery.
6. *Staff support*: Staff members are acknowledged to be the greatest resource of the PGT and are recognized and appreciated for their expertise and professionalism.
7. *Innovation*: PGT staff are encouraged to be alert to new and better ways of delivering service and helping clients.

## EXECUTIVE SUMMARY

This is the first report on the Guardian of Estate services provided by the Public Guardian and Trustee (PGT) to children and youth (younger than 19 years) for whom the PGT is Guardian of Estate. Most of these young people are in continuing care of the Province. This report outlines the services and challenges in delivering these services and makes recommendations for continued improvement.

The PGT Child and Youth Services division provides services to approximately 22,000 child and youth clients. These services include Guardian of Estate, Trustee and Protective Legal Review services. The focus of this report is the Guardian of Estate services delivered by the PGT between April 1, 2008 and March 31, 2009. There were 5,545 children and youth for whom the PGT was Guardian of Estate at March 31, 2009.

Part 1 (Introduction) provides general information on the child protection system and the role of the PGT in child guardianship as well as the intent and structure of the report.

Part 2 (Guardian of Estate Services) describes the services provided to PGT Guardian of Estate clients. The PGT is co-guardian with the Ministry of Children and Family Development (MCFD) and Delegated Aboriginal Agencies for all children under a continuing custody order. This section of the report also identifies and summarizes important demographic information regarding these children. For example, for children in continuing care:

As of March 31, 2009

- The greatest number of children were living in the Fraser MCFD region
- The PGT had 619 legal files open for children and youth served as Guardian of Estate clients

Between April 1, 2008 and March 31, 2009

- 266 children received the CPP Orphan's benefit
- 277 new legal files were opened
- The PGT consented to 29 applications to transfer guardianship of children

Part 3 (Critical Incident Reports) is a summary of the critical incident reports received from MCFD for children for whom the PGT is Guardian of Estate. The PGT reviews each report and determines whether further action is required to protect the legal or financial interests of the child. In addition to a statistical summary of the reports, this section describes the types of reports and response of the PGT to the reports. For example:

- The PGT received 624 critical incident reports for 463 children
- Two or more reports were received for 105 children
- 409 of the reports were for children aged 15-18 years

While children aged 0-9 years represented 28% of all Guardian of Estate clients, only 8% of the reports involved this age group.

No harm or injury occurred to the child in 249 of the 624 incidents reported. Therefore, there was no ground for possible legal action and these reports did not result in further action by the PGT. 375 reports were of incidents in which a child or youth experienced harm.

Of these:

- Physical and/or sexual assault accounted for 179 (48%) incidents
- Motor vehicle accidents accounted for 56 (15%) incidents
- Suicide attempts accounted for 36 (10%) incidents

For 389 of the reports, no person(s) were alleged to have harmed the child (e.g., a cycling accident involving only the child). However, 235 of the reported incidents involved an alleged harmer (person who allegedly directly harmed a child, whether intentionally or by accident). Of these 235:

- 55 (23%) of the incidents involved a foster parent(s) or unrelated caregiver
- 54 (23%) of the incidents involved other friend(s)/acquaintance(s)
- 18 (8%) of the incidents involved parents and other relatives as the alleged harmer(s)

Readers should exercise caution in further interpretation of the data in this report. It is drawn from critical incident reports as submitted to the PGT and has been categorized by the PGT as described in Appendix I. No conclusions regarding the allegations contained in these critical incident reports should be drawn from their inclusion herein.

Part 4 (Towards Better Service) outlines some of the major opportunities and challenges to the delivery of child guardianship services. Several recommendations are suggested to improve these services including:

- enhanced information sharing between agencies
- law reform to modernize the roles of guardians
- increasing the financial literacy of children and youth
- examining the possibility of regionalizing PGT guardianship services
- continued education of PGT service partners on the role of the PGT

## MESSAGE FROM THE PUBLIC GUARDIAN AND TRUSTEE



*“Helping children in care is both a commitment and an obligation of a caring and compassionate society.”*



When we discuss the vulnerable members of society, the talk is often about the homeless, the people of the street, the frail and elderly, the mentally ill, persons living with a developmental disability or those with drug and other addictions. But there is another group that is as vulnerable – children without parents or guardians to raise them. All too often, these at risk children grow up to be vulnerable adults due to circumstance or neglect.

Helping children in care is both a commitment and an obligation of a caring and compassionate society. It is an issue that the people of British Columbia take very seriously. They expect the Province, when necessary, to take children out of harm’s way and place them in its care ... to find the kids a new home, look after their interests, and help them grow to adulthood.

The BC government acknowledged this duty in its strategic plan for 2006/07 to 2008/09 through a Great Goal to “Build the best system of support in Canada for persons with disabilities, those with special needs, children at risk, and seniors.”

For these children, the Public Guardian and Trustee performs the important role of Guardian of Estate - looking after the financial and legal interests of all of the children in the continuing care of the Province.

Our services come in many forms – going to court on their behalf, launching lawsuits, tracking down money owed to them, and managing their investments – but basically add up to making sure that children’s property and legal rights are protected despite the unfortunate situations in which these children find themselves.

As most parents know, raising children today is challenging and complex but ultimately rewarding. The same applies to being a guardian. In this, the first ever report on our role as Guardian of Estate, we report on our services to children and youth in continuing care. We explain the roles that we take on and describe how we do them. We discuss the challenges in delivering on our mandate and offer ways to improve these services for the future.

Our hope is that by telling the collective story of the children in our care, we can offer them an even better future tomorrow. That, after all, is what all parents – whether natural, adoptive, foster or guardian – and society wish for all of our children.

A handwritten signature in blue ink, appearing to read "Jay Chalke".

Jay Chalke, Q.C.

Public Guardian and Trustee



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## PART 1. Introduction



## CHILD PROTECTION AND GUARDIANSHIP

The delivery of child protection and guardianship services in British Columbia involves the following public agencies, members of the Judiciary and elected officials. Each has a unique role. All share the common goal of supporting children at risk.

**MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT (MCFD)** – takes children at risk into care and ensures their day-to-day needs are met as Guardian of Person; co-guardian with the PGT for children in continuing care

**DELEGATED ABORIGINAL AGENCIES (DAs)** – Aboriginal child and family service agencies with statutory delegated authority for child protective services for Aboriginal children at risk; some DAs have Guardian of Person duties and are co-guardian with the PGT for children in continuing care

**COMMUNITY LIVING BC (CLBC)** – organization with statutory delegated authority for services to persons living with developmental disabilities including children with special needs

**JUDICIARY** – Supreme Court makes decisions on custody, property interests and most claims involving personal injury; Provincial Court grants child protection orders including Continuing Custody Orders, may order transfer of guardianship, and decides on small claims involving personal injury

**REPRESENTATIVE FOR CHILDREN AND YOUTH (RCY)** – Officer of the BC Legislature responsible for monitoring child protection services in BC

**PUBLIC GUARDIAN AND TRUSTEE (PGT)** – as Guardian of Estate, protects the legal and financial interests of children; co-guardian with MCFD, DAs and CLBC for children in continuing care

**SELECT STANDING COMMITTEE ON CHILDREN AND YOUTH** – committee established by the BC Legislature to provide legislative oversight on provincial services to children

**CHILDREN'S FORUM** – information sharing forum for senior officials with an interest in child protection and related services; includes the PGT, MCFD, RCY, BC Coroners Service, Provincial Health Officer and Ombudsman

## INTRODUCTION

### MAKING THE CHILD PROTECTION SYSTEM WORK BETTER

In the fall of 2005, the BC government asked the Honourable Ted Hughes to find ways to make the provincial child protection system work better. Mr. Hughes looked at how well children under the care of the Province were being treated. Orphans, children going through adoption, or children of parents not able to look after them are all part of the child protection system.

Mr. Hughes released his report in April 2006. He made 62 recommendations. Among other things, he said the system needed stable and strong leadership. He also said it needed more staff and funding to meet the needs of the vulnerable children under provincial care.

The government acted by increasing spending on children and family services by \$278 million over three years. 400 new staff positions were added. Changes were made to improve management and speed up service delivery. The Representative for Children and Youth was established as an independent monitor of the child protection system. A new legislative Select Standing Committee on Children and Youth was set up.

Several of the Hughes recommendations related to the work of the Public Guardian and Trustee of British Columbia (PGT). Along with other duties, the PGT protects the financial and legal interests of children in continuing care (children under a continuing custody order). While independent of government, the PGT works with the court system, ministries and agencies in delivering its child guardianship services.

Mr. Hughes endorsed and supported the important role of the PGT and supported better coordination in the child protection system. The government took steps to improve the sharing of child protection information. The Children's Forum was set up for the PGT and other agencies as a way to discuss and improve the delivery of services. And, over a two year period, the budget of the PGT was increased by \$2 million in recognition of its increasing workload associated with critical incident reports involving children in continuing care.

*“An act for taking away the Court of wards and liveries, and tenures in capite, and by knights-service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof”  
(Tenures Abolition Act, 1660)*

The British Columbia law defining Guardian of Estate duties still derives directly from this English legislation.



Following the Hughes report, the PGT committed to report on its role as “Guardian of Estate” of children and youth in the continuing care of the Province.

### **THE INTENT AND STRUCTURE OF THIS REPORT**

This is the first report to the public on the Guardian of Estate services provided by the PGT to children and youth in continuing care. The report explains these services and reports on performance. It includes information on the number of child guardianship clients, the services provided to them, and related information. It comments on the challenges in delivering services and ways to make future service delivery better.

Readers of this report should note that it focuses on activities by the PGT rather than by the entire child protection system. This means that some of the numbers and charts may vary from those used by the Ministry of Children and Family Development (MCFD) or other agencies. This report generally covers the period April 1, 2008 to March 31, 2009.

Unless otherwise stated, all statistics are drawn from PGT data. Percentages have been rounded to the nearest whole number except where it is less than one half of a per cent.

Photos are representations of children in different age groups and are not photos of actual children served by the PGT as Guardian of Estate. Case studies are representative of the type of situations that involve the PGT, but are fictional.

More information on the PGT is available at [www.trustee.bc.ca](http://www.trustee.bc.ca) or through the contact information listed in this report.

### **ABOUT THE PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA**

The PGT has a unique role in society to look after the financial and legal interests of British Columbians who cannot look after themselves. Specifically, the PGT mission is to:

- Protect the legal and financial interests of children and youth under the age of 19
- Protect the legal rights, financial interests and personal care interests of adults who cannot act on their own
- Administer the estates of the deceased when there is no one willing and able to take on this duty, the estates of missing persons, and personal trusts

The PGT operates through three primary program areas: Child and Youth Services, Services to Adults, and Estate and Personal Trust Services. Delivering these services takes the combined effort of more than 230 dedicated individuals and a budget of about \$22 million, collected in part from fees and commissions charged to clients.

The PGT currently serves about 33,000 clients and manages \$789 million of client assets. About 22,000 of the clients are children or youth and their assets are valued at close to \$200 million.

### **CHILD AND YOUTH SERVICES**

The PGT acts on behalf of children based on a number of provincial laws. This work can be grouped into three categories of service:

- **Guardian of Estate:** The PGT protects the legal and financial interests of children in the continuing care of the province, or those undergoing adoption, orphans and in some limited cases children in temporary care. More details on these services are provided in Part 2 of this report.

- **Trustee:** The PGT invests and manages funds for children in a number of different situations. These funds may include personal injury settlements or court awards such as from motor vehicle accidents, life insurance payments, or inheritances. They also include part of the wages paid to child actors. Funds are typically held until the child turns 19. Funds may be used earlier if it is in the best interests of the child.

- **Protective legal reviews:** The PGT reviews all proposed settlements of personal injury or family compensation claims involving children to make sure the settlements are in the best interests of the child. Such claims relate, for example, to motor vehicle accidents, medical malpractice, or the death of a parent or guardian. The PGT also investigates concerns about trusts and estates in which a child may have an interest to make sure that the child's interests are protected.

The guardianship and trustee duties of the PGT often overlap. For example, some children in continuing care are orphans who have inherited the estates of their parents. Other children own property or investments. In all instances, the PGT looks after these assets in the best interests of the child.

The focus of this report is on Guardian of Estate services delivered by the PGT.

## Child and Youth Services 2008/09\*

Total Staff: 44

Total Clients: 22,292

- Guardianship - 6,756
- Trust - 12,966
- Legal - 4,223

Financial indicators:

- Revenue (Actual) - \$2.8 million
- Expenses (Actual) - \$6.6 million

Total value of assets under administration (at March 31, 2009): \$181 million

- Investments and securities - \$175 million
- Real property - \$5.8 million
- Other - \$0.4 million

*\* Client counts reflect the number of individual clients by both program area and by division. Because of this, the division total does not equal the sum of the program areas as clients may be served by more than one area. Due to timing of this report, financial indicators are unaudited.*





## PART 2. Guardian of Estate Services





## PART 2. GUARDIAN OF ESTATE SERVICES

When children lose their parents and have no one else to look after them, or when parents are no longer able to look after their children, the Province takes on the duties of guardian. These children are among the most vulnerable members of society.

To help these children live a normal life and grow to become responsible adults in society, the law of British Columbia splits the duties of guardianship in two parts:

- Finding a safe home where the child can grow to adulthood and otherwise providing a parenting role to the child. This role as “Guardian of Person” is taken on by the Ministry of Children and Family Development (MCFD) or Delegated Aboriginal Agencies (DAs) and often includes foster parents.
- Looking after the financial and legal interests of the child. This role of “Guardian of Estate” is performed by the Public Guardian and Trustee of British Columbia (PGT).

At the end of 2008/09 fiscal year, approximately 58 per cent of the children who were in care of MCFD were under a continuing custody order and also received Guardian of Estate services from the PGT. All other children received services under an alternative care arrangement without PGT involvement.

Together, the PGT and MCFD or DAs are co-guardians of children under continuing care in British Columbia. MCFD has been negotiating transfer of child protection responsibilities for Aboriginal children in care to Aboriginal child and family service agencies. Currently there are 29 DAs representing 156 First Nations in BC.

DAs move through increasing levels of delegation from MCFD. Where a DA provides guardianship services, the PGT is co-guardian. As of March 31, 2009, DAs served 26 per cent of the children for whom a continuing custody order had been granted.

In a small number of cases, the statutory Delegated Agency may be Community Living BC (CLBC), which is currently responsible for services to children with developmental disabilities. Most of these children receive services under agreement between CLBC and the parent or guardian. If a continuing custody order is granted for the child, the PGT provides Guardian of Estate services.

Splitting guardianship duties may seem inefficient and unnecessary, but actually is in the best interests of the child. One reason is that the shared duties allow each agency to focus on its area of responsibility. This leads to greater expertise and better service. Another reason is that protecting a child’s financial and legal interests may mean disagreeing

with the co-guardian or suing the Province in cases of potential negligence. As a result, the role of financial and legal guardian is better suited to an independent agency like the PGT than to the Guardian of Person agency that could find itself in a conflict of interest.

### **THE CHILDREN SERVED BY THE PGT AS GUARDIAN OF ESTATE**

The PGT provides Guardian of Estate services to children and youth in BC if they:

- Have a living parent(s) or guardian, but the courts have directed the Province to take on the continuing role of raising the child because the natural parent(s) or guardian can no longer do so
- Have no surviving parent or legal guardian
- Are undergoing adoption

PGT guardianship services may also apply, under limited conditions, to children in the temporary care of the Province.

PGT duties as Guardian of Estate are based on provincial law as outlined in the *Public Guardian and Trustee Act*, the *Child, Family and Community Services Act*, the *Adoption Act*, the *Infants Act* and the *Family Relations Act*.

Throughout 2008/09, the PGT served a total of 6,756 children and youth as Guardian of Estate. At March 31, 2009, 5,545 children were Guardian of Estate clients. Of these children:

- Boys (53%) slightly outnumbered girls (47%)
- Older teens made up the largest group at 46% of the total (Table 1)

*Table 1: PGT Guardian of Estate clients by age category at Mar 31, 2009*

Age Category	No. of individuals	
0 - 4 years	804	14%
5 - 9 years	751	13%
10 - 14 years	1,412	25%
15 - 18 years	2,578	46%
<b>TOTAL</b>	<b>5,545</b>	

### **Aboriginal Children**

As of January 2009, 53% of all children in care were Aboriginal (MCFD; Aboriginal Children in Care, January 2009 Report). Because Aboriginal children are a large proportion of the children in care in BC, they are a large proportion of the children served by the PGT as Guardian of Estate.

## Regional Distribution

Children under continuing custody orders come from all regions of the province.

The following table (Table 2) reports regional distribution. DAs are organized in accordance with MCFD regions. This table refers to children under a continuing custody order as reported by MCFD. The number of children served by the PGT as Guardian of Estate clients is higher as it also serves a small number of children in other circumstances in addition to those under a continuing custody order. However, the regional distribution of PGT Guardian of Estate clients is likely similar to that presented below.

## BECOMING A GUARDIAN OF ESTATE CLIENT

About 75 times each month, a child becomes a guardianship client of the PGT. In

*Table 2: Regional distribution of children in continuing care at Mar 31, 2009*

MCFD Region		Served by MCFD	Served by DAs	Total
Fraser	32%	73%	27%	100%
Interior	20%	87%	13%	100%
North	12%	73%	27%	100%
Vancouver Coastal	15%	52%	48%	100%
Vancouver Island	20%	78%	22%	100%

**Source:** MCFD

**Note:** Three children served from MCFD headquarters have been excluded.

most cases, this comes about because a continuing custody order was granted by the Provincial Court of British Columbia with respect to a child.

When the court places a child in continuing care, the law requires the Guardian of Person – MCFD or DAs - to tell the PGT that the court has made this order. The PGT relies on this information as, under the law, it has no direct involvement in the child protection court proceedings prior to the granting of a continuing custody order.

## IMPROVED REPORTING

Historically, MCFD did not always tell the PGT immediately that a child was under provincial guardianship. This meant delays in looking after the financial and legal interests of children and youth coming under the care of the PGT. Potentially, it meant some children did not receive PGT services in a timely manner.

To correct this, the PGT worked with MCFD to improve reporting. In 2002, an agreement was reached to provide monthly reports to the PGT of all children in continuing care.

Due to the improved reporting, there was a tripling of children and youth being served by the PGT between 2001 and 2003. This number rose dramatically from approximately 3,000 in January 2002 to over 6,000 in July 2003. This was not because more children were being taken into care by the Province or because the Provincial Court was granting more continuing custody orders. Rather, the increase was due to the new reporting process.

In 2006, reporting was further enhanced when MCFD began to provide automatic reports to the PGT of all critical incidents involving children and youth in continuing care.

The improved reporting to the PGT means that guardianship services are now available sooner to more children in care than ever before. It also means that the demands on the PGT are at an all time high.

## **DELIVERING GUARDIAN OF ESTATE SERVICES**

The PGT delivers Guardian of Estate services through three teams in the Child and Youth Services Division (CYS) - Legal, Guardianship and Financial.

**The CYS Legal Team** includes staff lawyers, paralegals, and legal support staff who work together to ensure that children and youth served by the PGT as Guardian of Estate are represented when they need legal assistance. The team pursues all types of civil legal actions including, for example, settling claims with ICBC with respect to motor vehicle accidents, ensuring that children and youth receive inheritances they may be entitled to receive, and initiating claims against person(s) alleged to have caused serious physical, sexual and/or emotional harm to a child in continuing care.

**The CYS Guardianship Team** includes professional and administrative staff responsible for the day to day management of children's financial and legal interests. The team identifies financial benefits to be pursued (e.g., CPP Orphan's Benefits, Registered Disability Savings Bonds) as well as legal issues that should be brought to the attention of the Legal Team. If a child or youth receives a large sum of money, a Guardianship and Trust Officer (GTO) develops an investment plan. The GTO is directly responsible for working with the social worker, the foster parents or any other person who may be involved in supporting the child or youth.

**The CYS Financial Team** acts after the Guardianship Team identifies and applies for any monies or the Legal Team settles a claim on behalf of a child. The Financial Team ensures the money is placed in an individual account held at the Public Guardian and Trustee. The team sends money directly to a child or youth when requested by the GTO. It oversees the process when a youth turning 19 years old is required to submit identification and sign various forms so they can receive any money that the PGT may be holding for them. The team also provides general financial advice and guidance to these youths, including how to go about setting up a personal bank account.

Each child in continuing care has a specific GTO working for them whose responsibility is to be the main point of contact for the child and with agencies acting as the

Guardian of Person. GTOs gather all available information on the child and review financial and legal issues when a child first comes into continuing care. The GTO's initial goal is to determine if any money is owed to the child, if there are legal claims underway, or if a referral to legal services is required to consider possible new legal actions.

A major challenge for GTOs is that the process of gathering and reviewing information can be quite lengthy. Children who have been under the care of several guardians or agencies often have their files in different locations across the province. In addition, there may be medical files, school reports, police or ICBC reports – the list can be extensive. As a result, it is a constant challenge for GTOs to keep up-to-date on each child's situation.

MCFD notified the PGT that the mother of twin girls had developed mental health problems and that she had been receiving CPP Disability Benefits for the past year. When this happens, children can also receive a CPP benefit. The PGT applied for and received these benefits for the girls retroactively as well as going forward.



### **TAKING APPROPRIATE ACTION**

Once a child's circumstances are understood, the PGT takes all appropriate actions, such as:

- Applying for funds owed to the child, for example, the CPP Orphan's Benefit (in the case of the death of a parent) and then placing these funds in trust
- Launching legal actions or lawsuits to protect the child's interests
- Negotiating settlements for damages owed to the child, often due to a motor vehicle accident where the child was injured or the child's parents were killed
- Placing all funds in a trust account under prudent financial management until the child turns 19

Once each year, the GTO updates each child's information and takes whatever action is needed. More frequent updates occur when the PGT is notified of a change in circumstances or when a critical incident report is issued by MCFD or DAs (see Part 3 for more details).

### **FINANCIAL BENEFITS**

The PGT pursues a wide range of financial entitlements and benefits on behalf of children that it serves as Guardian of Estate. The following table (Table 3) describes funds received between April 1, 2008 and March 31, 2009. Monies received from court actions or settlements are not considered to be entitlements and are not included here.

**Table 3:** Financial benefits, Apr 1, 2008 - Mar 31, 2009

Benefit	Clients	Amounts
Annuities	3	\$21,975.17
CPP Disabled Contributors Child Benefit	42	\$170,057.68
CPP Orphan's Benefit	266	\$771,211.78
Crime Victim Assistance Program (one time)	5	\$27,085.17
ICBC Death Benefits (one time)	4	\$28,853.34
Worksafe BC Disability/Pension	2	\$7,539.38

As of March 31, 2009, 11.5% of all the Guardian of Estate children and youth had trust accounts. While the PGT charges fees and commissions associated with trust accounts, it does not charge fees for funds that would otherwise have been paid directly to a parent, for example, CPP Disability Benefits.

The PGT generally holds trust funds until the youth achieves the legal age of majority at 19. As Guardian of Person, MCFD or DAs are primarily responsible for financially supporting children under continuing custody orders. As a result, unless otherwise provided such as by a court order, PGT disbursements focus more on special opportunities than on day-to-day expenses.

### LEGAL SERVICES

The PGT is involved in a wide range of legal activity in carrying out its Guardian of Estate role. Legal actions may continue over a period of several years. There were 619 legal files for Guardian of Estate children open at March 31, 2009, including 221 related to allegations of sexual assaults.

Of these 619 files, 277 were opened between April 1, 2008 and March 31, 2009. For more information, see appendix *Table A: Child Guardian of Estate legal files open at Mar 31, 2009*.

### OTHER ACTIVITY

As part of its Guardian of Estate services, the PGT works in other ways to improve the lives of children in continuing care, including:

- Participating in training and making presentations to MCFD and DAs on the role of the PGT
- Building ongoing relationships with the BC Federation of Youth in Care Networks and the BC Foster Parents Association
- Playing a key role in developing *Dollars and Sense*, a handbook providing basic information on managing finances directed at youth nearing the age of majority

## ENDING PGT GUARDIANSHIP FOR A CHILD

The Guardian of Estate services provided by the PGT continue until youth reach the age of 19 and they are legally recognized as adults. At this time, the PGT role as Guardian of Estate ends.

When young people turn 19, they become responsible for their own affairs, including the financial and legal issues that were previously managed by the PGT. In preparation for these new responsibilities, the PGT provides all youth approaching their 19th birthday with an update on their financial affairs. This update is provided to each youth's social worker and includes a report on the youth's assets and investments. It also may include a letter that provides legal advice concerning legal and financial affairs, including information about any legal actions that are underway and potential claims that the youth may wish to follow up on.



*"I love my job because I am always dealing with a variety of issues.*

*It breaks my heart to know that children are being psychologically, physically and emotionally damaged and this can take a toll on your health and emotional state. We work together as a team and have group meetings to discuss our cases in confidence and this gives us a chance to support each other and helps us to handle some heartbreaking situations.*

*The reward for me is when we are able to support a child financially because this means we have made a difference in the life of a child."*

Milijan

Guardianship and Trust Officer  
14 years of service

Where PGT staff believe that youth approaching 19 years may require ongoing support because of mental capacity, the individual may be referred to PGT Services to Adults for assessment. 29 referrals were made between April 1, 2008 and March 31, 2009, and the PGT was appointed as Committee under the *Patients Property Act* for 13 persons when they turned 19.

In the rare cases where the PGT cannot locate a youth who is approaching the age of majority, the PGT continues to try and find the person if any trust funds are involved. If the person cannot be located, the funds are transferred to the BC Unclaimed Property Society to be held until the person comes forward to claim their funds. The PGT keeps the names of these young adults on file even though its legal authority as Guardian of Estate has ended.

The PGT authority as Guardian of Estate also ends when a continuing custody order is terminated. This happens when children who are the subject of a continuing custody order are adopted, or are returned to their parents or guardianship is transferred to a new guardian. The total number of children served by the PGT as Guardian of Estate remains relatively constant as the number of orders ending custody is similar to the number of new orders.

The *Child, Family and Community Services Act* has been amended to allow MCFD and DAs to apply to the Provincial Court of BC to terminate a continuing care order and transfer physical custody and guardianship, often to a relative of the child. Under the Act, the consent of the PGT for the application to transfer guardianship is required before MCFD or the DA can apply to the Provincial Court.

The PGT consented to 29 applications to transfer guardianship of 18 girls and 11 boys between April 1, 2008 and March 31, 2009. For 20 of the 29 applications, the children were siblings from 8 families. Of the children involved in the transfers, 22 were Aboriginal children.

When the PGT is notified that a transfer of guardianship is being considered, the GTO works with the child's social worker to ensure that the new guardians understand their role as Guardian of Estate. New guardians are provided with information and are required to acknowledge that they understand and accept the duties and responsibilities involved with being Guardian of Estate.



## PGT TAKING ACTION

When her friends were getting their first cell phones and going on their first dates, Nancy was being sexually abused by a relative.

To protect her from further harm, the Province stepped in. Nancy was placed in continuing care with a foster family to look after her.

The PGT moved to protect Nancy's interests through legal action. Many investigative steps were needed. PGT staff actively searched for any related materials. They tracked down medical and police reports, spoke with Nancy's social worker, and investigated the alleged harmer.

After months of hard work, a decision was made to proceed with legal action. It took almost three years for the claim to come to a close. Nancy was awarded \$40,000.

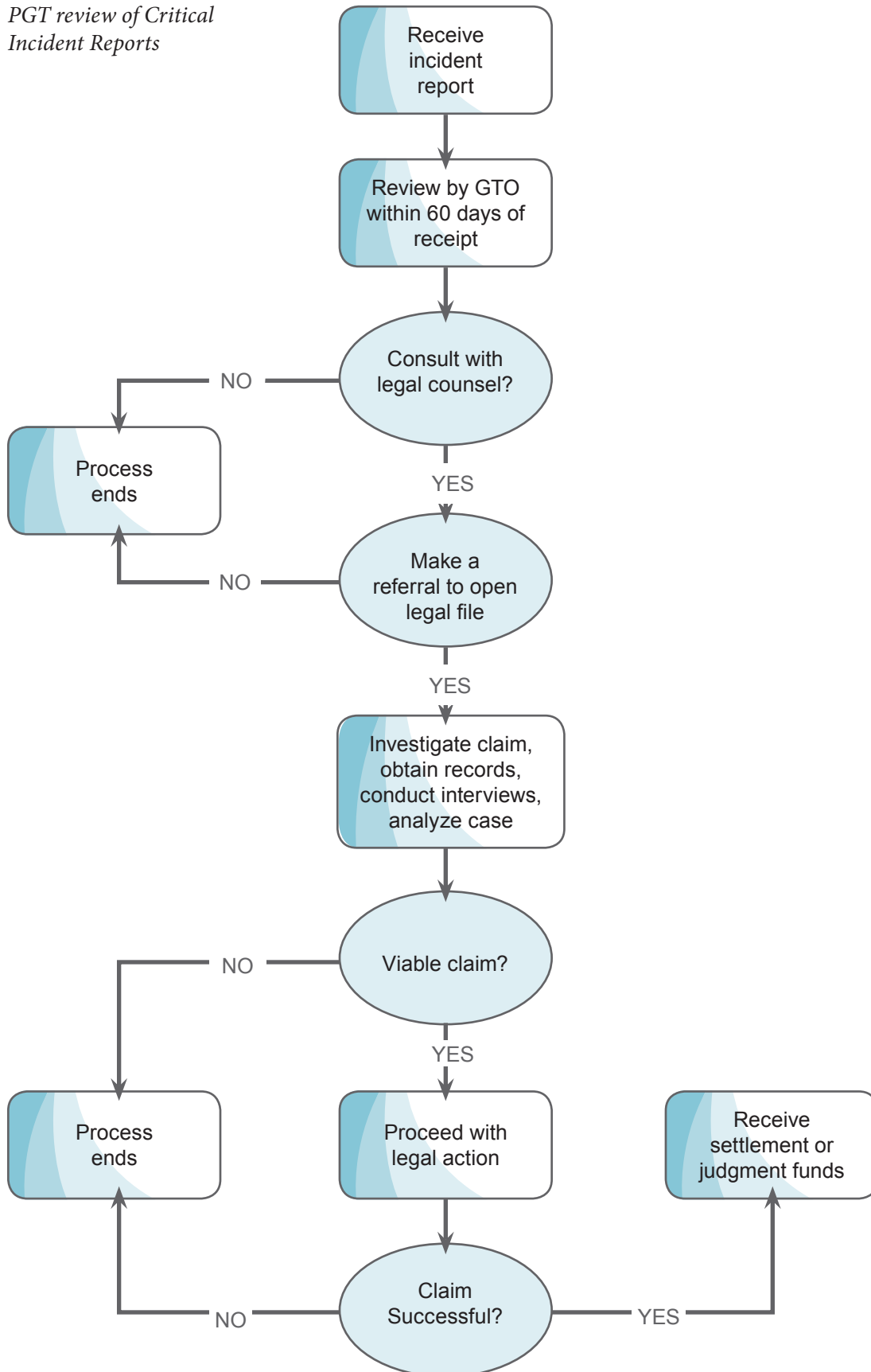
While money may not heal the wounds of the abuse she suffered as a little girl, the settlement helps Nancy prepare for adulthood and may help to bring some closure to the incident.



## PART 3. Critical Incident Reports



Figure 1. PGT review of Critical Incident Reports



## PART 3. CRITICAL INCIDENT REPORTS

As Guardian of Estate, the PGT protects the financial and legal interests of the children and youth for whom it is co-guardian. As noted in Part 2, these services usually start when a child enters continuing care with an assessment of the child's situation and the PGT taking whatever action is needed.

Since children and youth are often in continuing care for several years, their circumstances – and the resulting PGT services – may change. Circumstances can range from a child running away from a foster home, to a car accident involving the child, to alleged abuse of the child by an adult. Any of these incidents may involve possible negligence and could result in a legal claim by the PGT on behalf of the child. Taking action in response to these incidents is one of the most important duties performed by the PGT. However, the PGT can only act when it learns that something has happened.

Because the day-to-day supervision of children is the responsibility of the co-guardian, the PGT is told about incidents through reports from MCFD or DAs. These critical incident reports (CIR) note any situation where the child may have been harmed or been at risk of harm.

When a CIR is received, the GTO reviews the report to determine if a legal referral is required. If so, PGT legal staff review the facts and the law to determine if any legal action needs to be taken on the child's behalf. In some instances, the PGT may bring a lawsuit on behalf of a child to claim damages for losses arising from someone's negligence. Tort actions may apply to a very wide range of incidents, from falling off a school swing that is negligently maintained, to a motor vehicle accident, to physical or sexual abuse.

The decision to proceed is made by the PGT based on legal advice that an accident, negligence, or an intentional act caused emotional and/or physical harm to the child and that there is a reasonable likelihood of collecting damages.

Typically, PGT legal staff direct outside counsel to act on the child's behalf. After reviewing all the material held by the PGT, the lawyer may:

- Meet with the child to get a sense of the damages and impact that the incident had on the child
- Meet with the social worker, foster parents, other relatives, or friends of the child who are able to speak to the harm that was done to the child
- Collect further information from other sources that may not yet have been contacted

In all cases, the lawyer investigates, reviews the facts, researches the law and then discusses the findings with the PGT. From this discussion, a decision is made whether or not to proceed with legal action. Legal action is taken only if there is a reasonable chance of success.

**Important note:** Readers should exercise caution in further interpretation of the data in this report. It is drawn from critical incident reports as submitted to the PGT and has been categorized by the PGT as described in Appendix I. No conclusions regarding the allegations contained in these CIRs should be drawn from their inclusion herein.

## PERIOD COVERED BY THIS REPORT

The remainder of this section of the report provides a statistical summary of critical incident reports received between April 1, 2008 and March 31, 2009.

In some cases where there has been an injury, children and youth in care have been subjected to serious harm. While the presentation of this data may appear clinical, the impact can be profound.

This summary describes the total number of reports, the types of alleged incidents reported, and the actions taken by the PGT in response to these reports. Appendix II includes additional data tables. All data presented in this section and in Appendix II tables is based on the information reported to the PGT by MCFD as “initial reportable circumstances”. The content of these reports has not been validated by the PGT.

## NUMBER OF CHILDREN INVOLVED IN CRITICAL INCIDENT REPORTS

For the period being reported (April 1, 2008 - March 31, 2009), the PGT received 624 critical incident reports involving 463 children. Since there were 6,756 children served by the PGT as Guardian of Estate during this period, the reports involved 7 per cent of all children and youth receiving Guardian of Estate services. MCFD was the source of almost all of the reports.

*Table 4: Critical incident reports by unique individuals, Apr 1, 2008 - Mar 31, 2009*

No. of reports	No. of individuals	%	No. of reports	%
1 report	358	77%	358	57%
2 reports	72	16%	144	23%
3 reports	19	4%	57	9%
4 reports	8	2%	32	5%
5 reports	3	1%	15	2%
6 reports	3	1%	18	3%
<b>Total</b>	<b>463</b>		<b>624</b>	




















## CIR INCIDENT TYPES

CIRs cover a wide range of alleged incidents described by MCFD as “initial reportable circumstances”. The PGT reviews the MCFD reports upon receipt and categorizes the reported incident types according to categories adapted from the Harvard Categories for Injuries. The classification of types of alleged harmers was adapted from the International Classification of External Causes of Injuries. For more information and definitions of these categories, see Appendix I.

Of the critical incident reports received during this period, 249 (40%) involved incidents such as leaving a foster home without permission that did not result in injury or harm to the children. Where there was no injury, and therefore no grounds for legal action, the reports did not result in further action by the PGT.

In the same period (Apr 1, 2008 - Mar 31, 2009), there were 375 reports of incidents in which a child or youth experienced harm. The following table (Table 5) describes all 375 critical incident reports during this period in which the child allegedly experienced harm.

**Table 5: Critical incident reports by incident type where child experienced harm, Apr 1 2008 - Mar 31, 2009**

Cutting/Piercing	1	(0.3%)	
Death	5	(1%)	
Dog Bite	2	(0.5%)	
Drowning/Submersion	1	(0.3%)	
Falls	23	(6%)	
Fire/Flames/Hot Substances	2	(1%)	
Medical Condition	19	(5%)	
MVA – Child Cyclist	2	(1%)	
MVA - Child Driver	5	(1%)	
MVA - Child Passenger	37	(10%)	
MVA – Child Pedestrian	12	(3%)	
Non MVA Cycle Accident	4	(1%)	
Other Type of Injury or Harm to child	26	(7%)	
Physical and Sexual Assault	11	(3%)	
Physical Assault	113	(30%)	
Self Inflicted Injury	17	(5%)	
Sexual Assault	55	(15%)	
Struck by an Object	4	(1%)	
Suicide Attempt	36	(10%)	
<b>Total</b>			<b>375</b>

1. Injuries that are the result of intent to harm are recorded as Physical assault, Sexual assault, Physical and sexual assault, Suicide attempt, Death or Self inflicted injury. Injuries that are accidental or non intentional are recorded in another category.  
 2. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".

Of the 375 incidents in which a child experienced harm:

- Some form of assault accounted for 179 (48%) incidents
- Motor vehicle accidents accounted for 56 (15%) incidents
- Suicide attempts accounted for 36 (10%) incidents while other self inflicted injuries were involved in 17 (5%) incidents

The PGT assesses CIRs in which a child has allegedly been harmed to determine if legal action might result in compensation for the child.

Of the 624 total CIRs during this period, 249 (40%) involved incidents in which there was no harm and 389 (62%) involved incidents in which no person(s) were alleged to have harmed the child, for example, cycling accidents that involved no other person.

The following table (Table 6) reports on the 235 incidents involving an alleged harmer (person who allegedly directly harmed a child, whether intentionally or by accident). Harmer does not refer to agencies that may have a legal responsibility to care for the child. See Appendix I for more information about categories of Alleged Harmers.

*Table 6: Critical incident reports by person alleged to have harmed the child, Apr 1, 2008 - Mar 31, 2009*

<b>Alleged Harmer</b>	<b>No. of reports</b>	<b>%</b>
Another child(ren) in care	6	3%
Boyfriend/girlfriend/spouse	12	5%
Foster parent(s)/unrelated caregiver(s)	55	23%
Other friend(s)/acquaintance(s)	54	23%
Other relationship	39	17%
Other relative(s)	8	3%
Parent(s)	10	4%
Person(s) in official or legal authority	5	2%
Relationship not known	34	14%
Stranger(s)	12	5%
<b>Total</b>	<b>235</b>	

Of the 235 incidents in which there was a person who allegedly directly harmed a child, whether intentionally or by accident:

- Strangers were the alleged harmer in 12 (5%) incidents
- The relationship was not known in an additional 34 (14%) incidents
- Other friends or acquaintances and boyfriends, girlfriends or spouses were the alleged harmer in 66 (28%) incidents
- Foster parents and unrelated caregivers were alleged in 55 (23%) incidents
- Parents and other relatives were alleged in 18 (8%) incidents

The nature of the alleged harmer varied with the type of incident. Foster parents and unrelated caregivers were the alleged harmer in 31% of the incidents involving physical and/or sexual assaults. Other friends and acquaintances were the alleged harmers in 29% of the incidents involving physical and/or sexual assaults. For more detail, see appendix *Table B: Alleged harmer by incident type, Apr 1, 2008 - Mar 31, 2009*.

## CHILDREN AND YOUTH INVOLVED IN THESE REPORTS

### AGE

*Table 7: Critical incident reports by age category for incidents occurring between Apr 1, 2008 - Mar 31, 2009*

Age	No. of individuals	%	No. of reports	%
0-4 years	11	2%	14	2%
5-9 years	30	6%	38	6%
10-14 years	100	22%	163	26%
15-18 years	322	70%	409	66%
<b>Total</b>	<b>463</b>		<b>624</b>	

The percentage of incidents related to each age group differs from the general age distribution for all children served as Guardian of Estate during this period (see Table 1). While children aged 0 to 9 years were 28% of all guardianship clients, they were the subject of only 8% of the critical incident reports.

Some types of reported incidents were more closely identified with particular age categories. For example:

#### 15-18 Year Olds

- Accounted for 182 (73%) of the incidents involving no injury or harm
- Accounted for 26 (72%) of the suicide attempts

### 10-14 Year Olds

- Accounted for 47 (26%) of the incidents involving physical and/or sexual assault

### 5-9 Year Olds

- Accounted for 19 (11%) of the incidents involving physical and/or sexual assault

### 0-4 Year Olds

- Accounted for 5 (3%) incidents involving physical and/or sexual assault

For more detail, see appendix *Table C: Incident type by age category on date of incident, Apr 1, 2008 - Mar 31, 2009.*

The alleged harmer also varied according to the age of the child. Foster parents and unrelated caregivers were the alleged harmer in 29% (4 out of 14) of incidents involving children aged 0-4 years and 39% (15 out of 38) for those aged 5-9 years, dropping to 3% (14 of 409) for those aged 15-18 years. Strangers were the alleged harmer in 2% (9 of 409) of incidents involving children aged 15-18 years. For more detail, see appendix *Table D: Alleged harmer by age category of child, Apr 1, 2008 - Mar 31, 2009.*

## GENDER

Children involved in the incident reports were evenly split by gender with 50% female and 50% male.

There were some differences by gender in terms of the types of incident reports. Girls were the victims of 89% of alleged sexual assaults while boys were the victims of 61% of alleged physical assaults. However, within a gender, physical and/or sexual assaults combined accounted for 32% and 25% of total incident reports for females and males, respectively. For full details, see appendix *Table E: Critical incident types by gender of child, Apr 1, 2008 - Mar 31, 2009.*

There were minor differences in gender with respect to incidents involving an alleged harmer. Boys were involved in 60% of incidents in which parents were the alleged harmer while girls were involved in 92% of the events in which boyfriends, girlfriends or spouses were the alleged harmer. For more detail, see appendix *Table F: Alleged harmer by gender of child, Apr 1, 2008 - Mar 31, 2009.*

## ABORIGINAL IDENTITY

Of the 463 children involved in a CIR, 287 (62%) were identified as Aboriginal. The reported incident varied somewhat according to Aboriginal identity. Aboriginal children were the victims of 66% of the incidents involving physical and/or sexual assault and 67%

Some young people who have a trust fund and leave care at age 19 can be vulnerable to so-called “friends” who try to take advantage of the young adult’s new wealth. In collaboration with the social worker and the youth, the PGT works with outside agencies and seeks to put a plan in place to protect the young adult’s interests.



of suicide attempts. However, of the reports where there was no injury or harm, the majority of the children were Aboriginal (64%). For more detail, see appendix *Table G: Incident type by Aboriginal identity of child, Apr 1, 2008 – Mar 31, 2009*.

## REGIONAL DISTRIBUTION

The largest number of CIRs came from Fraser Region (31%), closely reflecting its standing as the MCFD region with the most children in continuing care:

*Table 8: Regional distribution of critical incident reports, Apr 1, 2008 - Mar 31, 2009*

MCFD Region	No. of reports	%
Fraser	193	31%
Interior	110	18%
North	123	20%
Vancouver Coastal	120	19%
Vancouver Island	77	12%
Headquarters	1	0.2%
<b>Total</b>	<b>624</b>	

## PGT RESPONSE TO CRITICAL INCIDENT REPORTS

When the PGT receives a CIR, the first step is to ensure that Guardianship and Trust Officers (GTOs) have all the information needed to take appropriate action. At times, it is obvious that a legal referral may not be required as there was no harm to the child. Where it is not obvious, all incident reports are reviewed with legal counsel to determine if a referral to PGT legal services is warranted.

If it is not possible for the PGT to take legal action on potential claims while Guardian of Estate, a “limitation letter” may be provided to youth when they are about to turn 19. The PGT sends this letter to advise of outstanding legal issues that the youth may wish to pursue as an adult and the date on which the applicable limitation period will expire. These issues could include potential lawsuits that the PGT was unable to pursue because the risks in pursuing the claim outweighed the benefit at the time or because the alleged harmer did not have assets at the time to pay a possible judgment.

The PGT has a performance target that measures the timeliness of initial reviews by GTOs. Between April 1, 2008 and March 31, 2009, it met the target of reviewing 99% of critical incident reports within 60 days.

The following describes PGT response to the 624 reports received between April 1, 2008 and March 31, 2009. No outcome had yet occurred for 29 of these reports and these outcomes will be reported upon in next year’s report. There were 595 (95%) for which there was an outcome for a GTO review that occurred between April 1, 2008 and March 31, 2009. Table 9 shows the outcome of GTO reviews for these 595 reports. An outcome at the GTO review stage does not end PGT action on the incident if a legal referral is made.

**Table 9:** Outcome of GTO review of critical incident reports for reviews occurring between Apr 1, 2008 - Mar 31, 2009

	No. of reports	%
Legal consultation - referral to legal services	101	17%
Legal consultation - limitation letter	31	5%
Legal consultation - no actionable matter	95	16%
No legal consultation - no actionable matter	368	62%
<b>TOTAL</b>	<b>595</b>	

The GTO determined that 368 (62%) reports of incidents were not actionable and did not request legal consultation because there was clearly no legal matter to pursue. As an example, a report of a youth who went missing overnight that did not involve injury or harm would not generally result in a legal consultation.

For more detail on GTO reviews, see appendix *Table H: GTO outcome by incident type, Apr 1, 2008 – Mar 31, 2009*.

Of the 595 GTO reviews of incident reports received during this period where there had been an outcome, 227 (38%) involved legal consultations that led to 132 referrals to PGT legal services (31 for limitation letters and 101 for full legal referrals). As of March 31, 2009, a total of 107 legal files had opened as a result (22 for limitation letters and 85 for full legal referrals).

Of these 107 legal files, 33% were associated with reports that involved motor vehicle accidents, 28% related to reports of sexual assaults and 39% involved other personal injury.

Civil litigation is usually a very lengthy process and claims may not be resolved for years. As the focus of this report is on CIRs received by the PGT between April 1, 2008 and March 31, 2009, outcomes for these legal actions are not yet available. They will be reported in future years.

One broad category of incidents has raised significant policy and process considerations for the PGT when acting as Guardian of Estate. This is the response to historical incidents that occurred at some time in the past but were not the subject of a current CIR. In some instances, while the current report may not be actionable, a legal referral will be made for an historical incident. This report focuses on current CIRs only. Actions relating to historical incidents will be reported in future years.



## COPING WITH A TRAGEDY

Tragedy struck a family of six on a drive home from a family outing.

Both parents died in the head-on collision. The children, ranging in age from 2 to 8, were shaken up but not seriously injured. Their greatest loss was that of their parents.

Without anyone to look after them, the Ministry for Children and Family Development stepped in to find the children a home and help them deal with their grief. A continuing custody order was granted as there was no guardian or relative to look after the children, and the Public Guardian and Trustee became co-guardian with responsibility for the estate of the children.

Upon reviewing the situation, PGT staff moved quickly to protect the children's financial and legal interests. The Guardianship and Trust Officer who initially reviewed the case referred it to the legal services division to pursue personal injury claims and family compensation claims.

A request was made to the MCFD social worker who promptly provided the necessary documents (birth certificates, death certificates, copy of the continuing custody order, the ICBC claim number, police reports and medical reports).

Within four weeks, ICBC Death Benefits were transferred to the PGT on behalf of the children. Two weeks later the first monthly CPP Orphan's Benefits were started.

It took two years of work by PGT legal counsel to settle a Family Compensation claim. Counsel continues to work on the case and is currently negotiating settlement of the personal injury claims for the children. These should be resolved soon.

The children are now doing well. The ministry has found family members to care for the children and a substantial trust fund will be distributed to them when they turn 19.

*\*\*Photos in this report are representative and are not photos of actual children served by the PGT as Guardian of Estate.\*\**



## PART 4. Towards Better Service





## PART 4. TOWARDS BETTER SERVICE

As the concept of family and the role of parent has evolved in recent years, so too has the way that the Province delivers guardianship services. If there are any constants, two are that tomorrow's service delivery model will be different than today's and that society will continue to expect government to protect and care for children and youth at risk.

For the PGT, maintaining and improving service requires understanding these changing realities and what they mean for children in continuing care. It also means making reasoned choices about how to respond.

This section of the report outlines some of the major opportunities and challenges facing the delivery of child guardianship services. It then offers recommendations on how to move forward towards better service delivery.

### OPPORTUNITIES AND CHALLENGES

#### The development of alternatives to continuing care

When the system for public guardianship was established decades ago, it was based on the law of the time – granting a continuing custody order (or as it was then known, permanent wardship) was the only way to place a child under provincial guardianship. As a result, the duties of the PGT and MCFD as co-guardians were defined legally in terms of the granting of such an order.

However, since the system was set up, the means of providing support to a child have evolved for MCFD although the law has not evolved for the related PGT role to keep pace with these developments. In addition to a continuing custody order, a child may be supported today by MCFD through several alternative care arrangements, including:

- Child in the Home of a Relative
- Kith and Kin Agreement
- Under Age Income Assistance
- Special Needs Agreement
- Voluntary Care Agreement
- Youth Agreement

MCFD has had a performance target associated with increasing the number of children placed through alternative care arrangements.

For most of the children supported in alternative arrangements, guardianship continues to rest with the child's parents even though the parents may no longer have custody of

the child or be capable of acting as a guardian. This means the parents retain the role of Guardian of Estate – responsible for the child’s financial and legal affairs – even if the parents are no longer taking on these duties and do not routinely access the information needed to act as Guardian of Estate.

While the system may now be more flexible and responsive than ever before to the varied needs of today’s children and youth, there is the distinct possibility that the legal and financial needs of some children are not being met in practice because their legal guardians are not actively involved in their lives. This is of concern to the PGT.

### **Serving Aboriginal children and youth**

One of the major developments in child guardianship in British Columbia is shifting the role of Guardian of Person to First Nations and Aboriginal communities for their children. This is happening through creation of statutory delegated agencies (DAs) that take over responsibility from MCFD for Aboriginal children in care. For DAs that provide guardianship services, the PGT becomes co-guardian with the delegated agency rather than MCFD.

In order to better realize the many benefits of returning Aboriginal children to their communities, the PGT needs to further develop cultural competency at the individual worker and organizational levels to facilitate the development of trusting, collaborative working relationships with DAs. The PGT embraces the movement to more Aboriginal DAs and considers building these relationships an important initiative.

### **Quality of reporting to the PGT**

Another major development over the past decade has been an increase in the volume and quality of reports from MCFD to the PGT regarding children and youth in continuing care.

A major improvement took place in 2002 when MCFD began to provide monthly lists of all children in continuing care. As noted in other sections of this report, the result was a tripling of the number of known PGT guardianship clients. This was further enhanced in 2006 with automated updates and the forwarding of critical incident reports to the PGT.

Because Guardian of Estate services are based on information received from MCFD and DAs, the PGT is continuously seeking ways to receive more detailed and timely reports. At the same time, the information sent to the PGT must be complete and relevant to its guardianship duties.

Achieving these ends means that MCFD and DA staff must understand the role of Guardian of Estate and be comfortable disclosing information that the PGT is legally entitled to receive, but in other situations would be held back for reasons of privacy and confidentiality.

The PGT is pleased with the improvements realized through discussions with MCFD and plans to build on these successes through continuing dialogue. PGT service delivery has been significantly improved by the quality of information provided by MCFD and DAs.

## Critical Incident Reports

The faster delivery of critical incident reports (CIR) from MCFD and DAs means the PGT is now better able to fulfill its guardianship duties. Further enhancements, however, can improve services even more by:

- Clarifying content guidelines to ensure consistent reporting by social workers who naturally tend to focus on Guardian of Person issues, rather than those related to Guardian of Estate issues
- Working with MCFD and DAs to clarify what information social workers can legally share with the PGT when completing a CIR or when PGT staff request additional information
- Providing timely feedback from the PGT to social workers to keep them updated when legal action is being taken
- Clarifying the joint responsibility for advising children and youth about legal actions being taken on their behalf

The PGT is working together with MCFD and DAs to make these improvements.

## Emerging issues in PGT services

PGT responsibilities as Guardian of Estate are outlined by law, but the range and scale of service delivery is based on the priorities and expectations of BC society. Three issues are emerging as particularly interesting at this time.

Until recently, financial literacy was not considered an important part of the education of young people. Today, however, there is growing awareness of the benefits of starting financial planning at a younger age. Translating this into action for children and youth in the continuing care of the Province requires coordination with MCFD and DAs and an expansion by the PGT of the services provided to youth as they approach the age of majority.

As noted previously, the service delivery models for the care of children and youth represent another development that needs to be discussed. Are roles understood? Are staff properly trained? Are systems in place to make sure that no children or youth slip between the cracks of service delivery? Discussion within the child protection community is required.

A third area relates to modernizing the legal framework for Guardians of Estate. As noted earlier in this section under BC law, PGT guardianship services only apply to children under a continuing custody order, even though many children receiving provincial services are now being supported through alternative means. Changes to the legal definition of Guardian of Estate along with a review of guardianship roles for all children in Provincial care are both needed and would help close this gap in service.

## Relationships with children and youth under guardianship

Typically the PGT does not communicate directly with the children and youth it serves as Guardian of Estate. Rather, communication tends to be predominantly through the social

worker. More direct communication occurs when the youth turns 19. At this time they are updated by the PGT on their financial situation or told about any tort claims or other legal actions that are underway on their behalf. They are also told about possible tort claims they may wish to undertake themselves.

Ideally, children served as Guardian of Estate should receive information sooner about their situations. As already discussed, this could include advice on financial planning or education to improve financial literacy as youth move into adulthood.

### **Relationships with social workers**

Child social workers and PGT staff would benefit from having more frequent contact and better training on one another's roles. Such training would further develop cultural competency to build trusting relationships, and assist the co-guardians to tackle emerging issues affecting the children served by them.

### **Changes in the legal and financial environment**

Much of the PGT's legal work as Guardian of Estate involves bringing tort claims and other actions on behalf of a child. The increasing number of class action lawsuits being commenced in British Columbia provides a new avenue of potential legal redress for children in continuing care. Ensuring that, where appropriate, children in continuing care are considered for possible participation in class actions means more resources must be devoted to providing legal services.

Advancing legal actions on behalf of children for sexual assault claims is an evolving area of law. There are few experienced counsel who undertake this work regularly.

Financial planning is increasingly seen as an activity needed by adults of all ages, not just those approaching retirement. For children nearing the age of majority, this means that financial literacy is particularly important as they may have no one they can call on for advice.

Financial planning is also becoming of more direct value to children and youth. New investment vehicles, such as Tax-Free Savings Accounts and Registered Disability Savings Plans, mean that financial management is more complex than in the past.

### **PGT Educational Assistance Fund**

Under a trust established by the Province many years ago, the PGT provides bursaries to qualifying young adults who were formerly in the continuing care of the Province.

Applicants are assessed on their grades, financial needs, career goals and other considerations.

In 2008/09, there were 30 applicants. Of these, 19 students were awarded grants totaling \$18,700.

These applicants were studying anthropology, business administration, cellular biology, criminology, education, kinesiology, psychology and social work, and included a doctoral student.



Given that some children in continuing care have sizeable estates and others have outstanding or potential legal claims, there is a real need to support their transition to adulthood with financial and legal advice.

## RECOMMENDATIONS FOR MOVING FORWARD

The previous sections of this report were written to provide a detailed explanation of the Guardian of Estate services provided by the PGT. The intent was to provide answers to such questions as: “Who are the children being served by the Guardian of Estate?”, “What services do they receive from the PGT?” and “How well are they being served by the PGT?”

This report would not be complete without asking the further question: “How can the PGT and the child protection community do a better job of serving children in care?”

In response, the following recommendations offer both action steps and the basis for further discussion on public guardianship in British Columbia. If acted on, the recommendations would improve service, close gaps and support the movement towards more flexible, responsive and culturally sensitive delivery of guardianship duties.

### Proposals:

- a) Continue to improve the flow of information between the PGT, MCFD and DAs.
- b) Develop an outreach program to ensure that staff of service partners, including MCFD and DAs, understand the role of the PGT.
- c) Through the Children’s Forum, continue to encourage child serving agencies to work together effectively, avoiding duplication of services, and where services intersect, having appropriate information sharing protocols in place.
- d) Review the possibility of the PGT providing Guardian of Estate services from regional offices, with particular emphasis on relationships with DAs.
- e) PGT, MCFD and DAs, take further steps to enhance the financial literacy of children in care.
- f) The government carry out a review with a view to modernizing the legal role and duties of guardians of children.
- g) The government carry out a review of legal guardianship roles for children receiving provincial services under alternative care arrangements.



## PART 5. Glossary of Terms and Acronyms



## PART 5. GLOSSARY OF TERMS AND ACRONYMS

### ACRONYMS

- CIR** - Critical Incident Report
- CLBC** – Community Living BC
- CPP** – Canada Pension Plan
- CVAP** – Crime Victim Assistance Program
- CYS** – PGT Child and Youth Services
- DA** – Delegated Aboriginal Agency
- GTO** – Guardianship and Trust Officer
- MCFD** – Ministry of Children and Family Development
- PGT** – Public Guardian and Trustee of British Columbia

### TERMS

**Age of Majority** – In British Columbia, the age of majority – when a youth is considered an adult – is 19.

**Child in the Home of a Relative** – A monthly payment offered by the Ministry of Housing and Social Development to assist family members who care for children or youth in their home but are not their parents.

**Civil claim/lawsuit** – Legal action taken to sue a person or agency for damages as compensation for physical or emotional harm caused to someone by that person or agency.

**Continuing Care** - In this report, describes the status of children for whom a continuing custody order has been granted.

**Continuing Custody Order** – The court order granted by a Provincial Court Judge under which a child or youth is permanently removed from their family home and the guardianship of their parent(s) or other adult(s). When this happens, MCFD or DAs become the child’s Guardian of Person and the Public Guardian and Trustee becomes the Guardian of Estate.

**CPP Orphan’s Benefit** – A monthly payment by CPP to children of a parent who has died and was a member of the plan. The orphan’s benefit continues until age 18, or 25 if the youth remains in school including college and university.

**CPP Disability Benefit** – A monthly payment by CPP to children of a parent who is unable to work and is receiving a disability pension. The benefit continues until age 18, or 25 if the youth remains in school, including college and university.

**Critical Incident Report** - A report, usually from MCFD or DAs, that advises of a situation where a child may have been harmed or at risk of harm.

**Kith and Kin Agreement** – An agreement between MCFD and a family member or other person that allows individuals to care for a child or youth who is not able to live with their natural parents and the parent has given the child into the care of the other person. MCFD may also provide financial support to that person.

**Limitation Letter** – A letter sent by the PGT to a youth about to turn 19 to advise them of any outstanding legal issues that the youth may wish to follow up on as an adult and the date on which the applicable limitation date expires.

**Special Needs Agreement** – An agreement under which the parent of a child or youth with special needs may receive a variety of services from MCFD or CLBC including temporarily placing their child in the care of MCFD.

**Trustee** – A person or organization with a duty to hold property (money, land, investments) on behalf of another person and to manage it for that person's benefit.

**Under Age Income Assistance** – A benefit offered by the Ministry of Housing and Social Development under which youth 17 years of age and older may apply for monthly welfare benefits for their shelter and food.

**Voluntary Care Agreement** – A type of agreement between MCFD and parents who are temporarily unable to care for their child under which the parents may agree in writing to have MCFD care for the child for a set period of time.

**Youth Agreement** – A type of agreement under which MCFD agrees to provide financial support directly to a child or youth who cannot live with their family and there is no other family member or person able to care for the youth.



## PART 6. *Appendices*



## APPENDIX I

### PGT CLASSIFICATION OF CRITICAL INCIDENT REPORTS

#### A. INCIDENT TYPES

The PGT reviews the MCFD critical incident reports upon receipt and categorizes the reported incident types according to categories adapted from the Harvard Categories for Injuries. In tables, they are listed in alphabetical order. While this appendix is a complete listing, only the categories for which there were reported incidents during this period appear in this report.

**Cutting/Piercing** - Injury caused by cutting or piercing instrument or object

*Includes:*

- Fall onto sharp object; powered hand tools or appliances

*Excludes:*

- Assault with a sharp object (recorded as Physical assault)
- Self inflicted injury with a sharp object (recorded as Self inflicted injury)

**Death** - The reported incident was that the child's death was:

- **Accidental** - caused by an accident or as the result of accidental injuries
- **Homicide** - due to the deliberate action of another person. Note: includes manslaughter
- **Natural death** - due to a natural cause, including illnesses and congenital medical conditions
- **Suicide** - death was by suicide

**Dog Bite** - Injuries resulting from a dog bite

**Submersion** -

*Includes:*

- Accidental drowning or submersion involving watercraft, fall or activity in water resulting in resuscitation/medical attention

*Excludes:*

- Watercraft incident not involving drowning or submersions (recorded as Other)
- Injuries due to diving and striking pool without drowning (recorded as Fall)
- Near drowning and no harm (recorded as no Harm or Injury)
- Near drowning with intent to harm self (recorded as Suicide Attempt)

**Fall -***Includes:*

- Falls on same level, and from various heights and objects, fall or dropped while being carried, fall involving wheelchair, ice skates, skis, skateboard, etc., fall due to accidental pushing or collision with other person, diving or jumping into water

*Excludes:*

- Falls onto sharp objects (recorded as Cutting/piercing)
- Falls resulting from an assault (recorded as Physical Assault)
- Intentional jumping from a dangerous height (recorded as Self inflicted injury)

**Fire, flames, hot substances** - Injuries caused by fire and flames; hot appliances, objects or liquids; steam; acid burns

*Includes:*

- Unintentional burning by fire, smoke and fumes asphyxia; burns due to contact with hot objects, substances or caustics

*Excludes:*

- Fire in motor vehicles (recorded as MVA Occupant, Cyclist or Pedestrian)

**Medical condition** - Illnesses or complications arising from surgery, medical care or medical treatment. Also includes hospitalizations due to medical illness.

*Includes:*

- **Misadventure** - Misadventures to patients during surgical or medical care
- **Postoperative complications** - Surgical and medical procedures are the cause of an abnormal reaction without mention of misadventure at the time of the procedure
- **Adverse Effects** - Drugs, medicinal and biological substances causing adverse effects during therapeutic use

*Excludes:*

- Intentional poisonings or overdoses (recorded as Self inflicted injury or Physical assault)

**MVA – child cyclist** - Child was riding on a pedal cycle and involved in a collision or non-collision injury associated with a motor vehicle

*Includes:*

- Public highways, parking lots, driveways and other locations

**MVA - child driver** - Motor vehicle accident where the child was the operator of the motor vehicle

*Includes:*

- Child operating a specified or unspecified motor vehicle involved in a collision or noncollision traffic accident

*Excludes:*

- Child as operator of bicycle or motorized bicycle (recorded as MVA - child cyclist)
- Child as pedestrian (recorded as MVA - child pedestrian)
- Child as occupant of wheelchair (recorded as Fall or Other)

**MVA - child passenger** - Motor vehicle accident where the child was a passenger in the motor vehicle

*Includes:*

- Child riding in a specified or unspecified motor vehicle involved in a collision or noncollision traffic accident

*Excludes:*

- Child as operator of bicycle or motorized bicycle (recorded as MVA - child cyclist)
- Child as pedestrians (recorded as MVA - child pedestrian)
- Child as occupant of wheelchair (recorded as Fall or Other)

**MVA – child pedestrian** - Child was a pedestrian injured in any collision or noncollision traffic incident involving a motor vehicle

*Includes:*

- Public highways, parking lots, driveways and other locations

**No injury or harm** - Incident did not result in an injury or harm to the child. Example: child ran away (also known as AWOL)

**Non-MV cycle accident** - Child was injured in a non-motor vehicle incident involving a pedal cycle

*Includes:*

- Falls from bicycle, bicycle collision with other bicycle, animal, object, non-motor vehicle

*Excludes:*

- When involving motor vehicles (recorded as MVA – child cyclist)

**Not known** - The nature of the injury or harm is unknown

**Other type of injury or harm to child** - The following should all be recorded in this category:

- **Environmental** - Injuries due to natural and environmental factors

*Includes:*

- Excessive heat/sun, cold, air pressure changes, motion, hunger, thirst, exposure, injury caused by animals (other than dog bites) and venomous plants/insects etc., lightning, storms, floods, avalanche, etc.
- **Poisonings (Accidental)** - Unintentional poisonings by drugs, medicinals, biological substances, alcohol, cleansers, petroleum products, agricultural poison food and plants, gases, vapors and other solid or liquid substances

*Includes:*

- Solids, liquids, gases and vapors
- **Foreign Body** - Accidental foreign body in the eye or other orifice
- **Machinery in Operation** - Injury caused by machinery in operation
- **Overexertion** - Overexertion and strenuous movements from excessive physical exercise, recreation, lifting, pulling, pushing
- **Electricity** - Injury caused by electrical currents
- **Firearms** - Unintentional firearm injuries

*Excludes:*

- Assault with a firearm (recorded as Physical assault); Self inflicted injury with a firearm (recorded as Self inflicted injury)
- **Explosives** - Injury caused by explosion of pressure vessel or explosive material; fire-works

*Excludes:*

- Assault using explosive material or fireworks (recorded as Physical assault)
- **Wars** - Injuries resulting from operations of war
- **Other** - Other and unspecified environmental exposures and unspecified accidental causes

*Includes:*

- Exposure to noise, vibration, radiation, weightlessness, accident not otherwise specified

**Physical and sexual assault** - An incident where both physical and sexual assault are believed to have occurred.

**Physical assault** - Injuries inflicted by another person with intent to injure or kill, by any means.

*Includes:*

- corporal punishment, assault that does not result in an injury. Includes injuries inflicted by the police or other law enforcement agents on duty

*Excludes:*

- Sexual assault (recorded as Sexual assault)

**Self-inflicted injury** - All intentionally self inflicted injuries except those resulting from suicide attempts or suicide

**Sexual assault** - Sexual assault or abuse, including rape, sexual interference, sexual touching and invitation to sexual touching, sexual exploitation or similar actions

**Struck by object** - Child was struck by falling object, striking against or struck by persons or objects, caught unintentionally between objects

*Excludes:*

- Assault with an object (recorded as Physical assault)
- Striking against person or object with a fall (recorded as Fall)
- Injury involving motor vehicle (recorded as MVA Occupant, Cyclist or Pedestrian)
- Cutting or piercing instrument (recorded as Cutting/piercing)
- Incident resulting in drowning or submersion (recorded as Drowning/submersion)

**Suffocation** - Inhalation and ingestion of food or objects causing obstruction of respiratory passage, or suffocation; unintentional mechanical suffocation

*Includes:*

- Smothering, choking

*Excludes:*

- Ingestion of a foreign body without respiratory obstruction (recorded as Other)
- Assault by smothering or choking (recorded as Physical assault)

**Suicide attempts** - Suicide attempts where child survived

#### **General notes:**

1. Injuries that are the result of intent to harm are recorded as Physical assault, Sexual assault, or Physical and sexual assault, Suicide attempt or Self inflicted harm. Injuries that are accidental or not intentional are recorded in another category.
2. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".

## B. ALLEGED HARMERS

This category records the relationship to the child of the person alleged to have harmed the child. It was adapted from the International Classification of External Causes of Injuries. It includes:

- Parent(s)
- Other relative(s)
- Foster parent(s)/unrelated caregiver(s) [includes child care provider(s)]
- Another child(ren) in care
- Boyfriend/girlfriend/spouse [includes intimate partner(s)]
- Other friend(s)/acquaintance(s)
- Person(s) in official or legal authority [includes teachers, church ministers, sports coaches, police, guards, etc.]
- Stranger(s)
- Other relationship [includes any other stated relationship not covered above]
- Relationship not known
- Not applicable (no alleged harmer)

### General

This category is intended to capture information about a person or persons who directly harmed a child (intentionally or by accident). It is not intended to capture information about agencies who may have a legal responsibility (e.g., MCFD) to care for the child.

In many incidents, no one has harmed a child, e.g., when a report documents only that a youth has run away from home. These cases are recorded as “Not applicable (no alleged harmer)”.

If someone has harmed the child, but the relationship between the child and this person cannot be determined from the information available, it is recorded as “Relationship not known”.

If the child has harmed himself or herself and there is no other person alleged to have harmed the child, it is recorded as “Not applicable (no alleged harmer)”.

Incidents where there could be more than one alleged harmer in an incident are currently recorded as “Other relationship”.

## APPENDIX II

### DATA TABLES

*Table A: Child Guardian of Estate legal files open at Mar 31, 2009*

Type of legal action	Files opened between Apr 1, 2008 and Mar 31, 2009	Files open at Mar 31, 2009
Beneficiary designation/ pension/RRSP/insurance	4	11
Class action	1	1
Family Compensation Act	15	36
Guardianship - general	4	9
Miscellaneous	7	17
Personal injury - dog bite	-	3
Personal injury - Motor Vehicle Accident	48	98
Personal injury - non-Motor Vehicle Accident	86	185
Personal injury - sexual assault	89	221
Personal property matters	1	-
Real property	1	3
Trust - breach	-	1
Trust - monitor/investigate	1	-
WCB claims	-	1
Wills & estates - other	16	28
Wills & estates - Wills Variation Act	4	5
<b>Total</b>	<b>277</b>	<b>619</b>

Table B: Alleged harmer by incident type, Apr 1, 2008 - Mar 31, 2009

Incident Type	Alleged harmer											Total
	Parent(s)	Other relative(s)	Foster Parent(s)/unrelated caregiver(s)	Another child(ren) in care	Boyfriend/girlfriend/spouse	Other friend(s)/acquaintance(s)	Other relationship	Person(s) in official or legal authority	Relationship not known	Strangers	Not applicable (no alleged harmer)	
Cutting/piercing	-	-	-	-	-	-	-	-	-	-	1	1
Death	-	-	-	-	-	-	-	-	-	-	5	5
Dog bite	-	-	-	-	-	-	-	-	-	-	2	2
Drowning/submersion	-	-	-	-	-	-	-	-	-	-	1	1
Fall	-	-	-	-	-	1	-	-	-	-	22	23
Fire, flames, hot substances	-	-	-	-	-	-	-	-	-	-	2	2
Medical condition	-	-	-	-	-	-	-	-	-	-	19	19
MVA - child cyclist	-	-	-	-	-	-	-	-	2	-	-	2
MVA - child driver	-	-	-	-	-	-	-	-	-	-	5	5
MVA - child passenger	-	-	-	-	-	-	37	-	-	-	-	37
MVA - child pedestrian	-	-	-	-	1	-	-	-	10	1	-	12
No injury or harm	-	-	-	-	-	-	-	-	-	-	249	249
Non MVA cycle accident	-	-	-	-	-	-	-	-	-	-	4	4
Other type of injury or harm to child	-	-	-	-	-	1	1	1	-	-	23	26
Physical and sexual assault	-	1	1	1	-	6	-	-	1	1	-	11
Physical assault	5	3	43	4	10	25	-	3	14	6	-	113
Self inflicted injury	-	-	-	-	-	-	-	-	-	-	17	17
Sexual assault	5	4	11	1	1	21	-	1	7	4	-	55
Struck by an object	-	-	-	-	-	-	1	-	-	-	3	4
Suicide attempt	-	-	-	-	-	-	-	-	-	-	36	36
<b>Total</b>	<b>10</b>	<b>8</b>	<b>55</b>	<b>6</b>	<b>12</b>	<b>54</b>	<b>39</b>	<b>5</b>	<b>34</b>	<b>12</b>	<b>389</b>	<b>624</b>

1. Injuries that are the result of intent to harm are recorded as Physical assault, Sexual assault, Suicide attempt, Physical and sexual assault, Death or Self inflicted injury. Injuries that are accidental or not intentional are recorded in another category.
2. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".

Table C: Incident type by age category on date of incident, Apr 1, 2008 - Mar 31, 2009

Incident type	Age of child on date of incident				
	0-4	5-9	10-14	15-18	Total
Cutting/piercing	-	-	-	1	1
Death	-	-	1	4	5
Dog bite	2	-	-	-	2
Drowning/ submersion	-	-	-	1	1
Fall	-	3	11	9	23
Fire, flames, hot substances	-	-	1	1	2
Medical condition	3	3	3	10	19
MVA - child cyclist	-	-	1	1	2
MVA - child driver	-	-	1	4	5
MVA - child passenger	-	3	12	22	37
MVA - child pedestrian	-	1	3	8	12
No injury or harm	2	8	57	182	249
Non MVA cycle accident	-	-	1	3	4
Other type of injury or harm to child	-	1	8	17	26
Physical and sexual assault	-	-	-	11	11
Physical assault	4	17	30	62	113
Self inflicted injury	-	-	6	11	17
Sexual assault	1	2	17	35	55
Struck by an object	2	-	1	1	4
Suicide attempt	-	-	10	26	36
<b>Total</b>	<b>14</b>	<b>38</b>	<b>163</b>	<b>409</b>	<b>624</b>

1. Injuries that are the result of intent to harm are recorded as Physical assault, Sexual assault, Suicide attempt, Physical and sexual assault, Death or Self inflicted injury. Injuries that are accidental or not intentional are recorded in another category.
2. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".

*Table D: Alleged harmer by age category of child, Apr 1, 2008 - Mar 31, 2009*

Alleged harmer	Age of child on date of incident				Total
	0-4	5-9	10-14	15-18	
Parent(s)	1	3	2	4	10
Other relative(s)	-	1	5	2	8
Foster parent(s)/ unrelated caregiver(s)	4	15	22	14	55
Another child(ren) in care	-	-	-	6	6
Boyfriend/girlfriend spouse	-	-	1	11	12
Other friend(s)/ acquaintance(s)	-	-	11	43	54
Other relationship	-	3	13	23	39
Person(s) in official or legal authority	-	-	-	5	5
Relationship not known	-	1	8	25	34
Stranger(s)	-	-	3	9	12
Not applicable (no alleged harmer)	9	15	98	267	389
<b>Total</b>	<b>14</b>	<b>38</b>	<b>163</b>	<b>409</b>	<b>624</b>

Table E: Critical incident types by gender of child, Apr 1, 2008 - Mar 31, 2009

Incident Type	Gender			
	Female		Male	
Cutting/piercing	-	-	1	100%
Death	3	60%	2	40%
Dog bite	1	50%	1	50%
Drowning/submersion	1	100%	-	-
Fall	13	57%	10	43%
Fire, flames, hot substances	1	50%	1	50%
Medical condition	11	58%	8	42%
MVA - child cyclist	-	-	2	100%
MVA - child driver	1	20%	4	80%
MVA - child passenger	19	51%	18	49%
MVA - child pedestrian	6	50%	6	50%
No injury or harm	111	45%	138	55%
Non MVA cycle accident	1	25%	3	75%
Other type of injury or harm to child	13	50%	13	50%
Physical and sexual assault	9	82%	2	18%
Physical assault	44	39%	69	61%
Self inflicted injury	9	53%	8	47%
Sexual assault	49	89%	6	11%
Struck by an object	1	25%	3	75%
Suicide attempt	21	58%	15	42%
<b>Total</b>	<b>314</b>		<b>310</b>	

1. Injuries that are the result of intent to harm are recorded as Physical assault, Sexual assault, Suicide attempt, Physical and sexual assault, Death or Self inflicted injury. Injuries that are accidental or not intentional are recorded in another category.
2. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".

*Table F: Alleged harmer by gender of child, Apr 1, 2008 - Mar 31, 2009*

Alleged harmer	Gender of child			
	Female		Male	
Parent(s)	4	40%	6	60%
Other relative(s)	8	100%	-	-
Foster parent(s)/unrelated caregiver(s)	30	55%	25	45%
Another child(ren) in care	1	17%	5	83%
Boyfriend/girlfriend spouse	11	92%	1	8%
Other friend(s)/ acquaintance(s)	31	57%	23	43%
Other relationship	20	51%	19	49%
Person(s) in official or legal authority	2	40%	3	60%
Relationship not known	17	50%	17	50%
Stranger(s)	6	50%	6	50%
Not applicable (no alleged harmer)	184	47%	205	53%
<b>Total</b>	<b>314</b>		<b>310</b>	

Table G : Incident type by Aboriginal identity of child, Apr 1, 2008 - Mar 31, 2009

Incident Type	Aboriginal identity of child				
	First Nations	Metis	Nisga'a	Not Aboriginal	Total
Cutting/piercing	-	-	-	1	1
Death	4	-	-	1	5
Dog bite	1	1	-	-	2
Drowning/submersion	-	-	-	1	1
Fall	13	2	1	7	23
Fire, flames, hot substances	-	-	-	2	2
Medical condition	10	-	-	9	19
MVA - child cyclist	-	-	-	2	2
MVA - child driver	1	-	-	4	5
MVA - child passenger	12	6	1	18	37
MVA - child pedestrian	2	3	-	7	12
No injury or harm	123	28	8	90	249
Non MVA cycle accident	2	1	-	1	4
Other type of injury or harm to child	14	4	1	7	26
Physical and sexual assault	7	1	-	3	11
Physical assault	57	17	3	36	113
Self inflicted injury	7	4	-	6	17
Sexual assault	29	4	-	22	55
Struck by an object	3	-	-	1	4
Suicide attempt	20	4	-	12	36
<b>Total</b>	<b>305</b>	<b>75</b>	<b>14</b>	<b>230</b>	<b>624</b>

1. Injuries that are the result of intent to harm are recorded as Physical assault, Sexual assault, Suicide attempt, Physical and sexual assault, Death or Self inflicted injury. Injuries that are accidental or not intentional are recorded in another category.
2. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".

Table H: Outcome of GTO review by incident type, Apr 1, 2008 - Mar 31, 2009

Incident Type	Outcome of GTO review					
	Legal consultation - referral to legal services	Legal consultation - limitation letter	Legal consultation - no actionable matter	No legal consultation - no actionable matter	No GTO outcome at Mar 31	Total
Cutting/piercing	1	-	-	-	-	1
Death	-	-	-	5	-	5
Dog bite	1	-	1	-	-	2
Drowning/submersion	-	-	-	1	-	1
Fall	4	2	9	8	-	23
Fire, flames, hot substances	2	-	-	-	-	2
Medical condition	-	-	1	17	1	19
MVA - child cyclist	2	-	-	-	-	2
MVA - child driver	1	-	3	1	-	5
MVA - child passenger	28	2	5	-	2	37
MVA - child pedestrian	7	1	2	2	-	12
No injury or harm	-	-	8	236	5	249
Non MVA cycle accident	-	-	3	1	-	4
Other type of injury or harm to child	1	-	4	21	-	26
Physical and sexual assault	3	3	1	2	2	11
Physical assault	25	12	48	19	9	113
Self inflicted injury	-	-	-	16	1	17
Sexual assault	25	11	8	4	7	55
Struck by an object	1	-	1	1	1	4
Suicide Attempt	-	-	1	34	1	36
<b>Total</b>	<b>101</b>	<b>31</b>	<b>95</b>	<b>368</b>	<b>29</b>	<b>624</b>

1. Injuries that are the result of intent to harm are recorded as Physical assault, Sexual assault, Suicide attempt, Physical and sexual assault, Death or Self inflicted injury. Injuries that are accidental or not intentional are recorded in another category.
2. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".

**Important note:** Readers should exercise caution in further interpretation of the data in this report. It is drawn from critical incident reports as submitted to the PGT and has been categorized by the PGT as described in Appendix I. No conclusions regarding the allegations contained in these CIRs should be drawn from their inclusion herein.

The Public Guardian and Trustee of British Columbia respects and carefully protects client confidentiality. Case studies presented in this report are representations of types of situations that PGT staff encounter frequently in acting as Guardian of Estate. Photographs are representative of children and youth of various ages and are not photographs of actual children served by the PGT as Guardian of Estate.

To obtain additional copies of the *Child and Youth Guardianship Services 2008/2009 Report*, please contact the PGT by telephone: 604.660.4474 or email: [info@trustee.bc.ca](mailto:info@trustee.bc.ca). Copies can also be downloaded from the PGT website: [www.trustee.bc.ca](http://www.trustee.bc.ca).

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