

# Child and Youth Guardianship Services

2018–2019 Report



# Values

Seven major values underpin the work of the Public Guardian and Trustee (PGT) and are reflected in all aspects of PGT performance:



## Client-Centred Service

We constantly strive to provide quality customer service to our clients.



## Teamwork

We work with one another and with service partners in striving for seamless service delivery.



## Innovation

We challenge ourselves to seek new and improved ways to deliver service and assist clients.



## Staff Support

We acknowledge staff as our greatest resource and recognize and appreciate their expertise, professionalism and commitment.



## Openness

We demonstrate responsibility and transparency to clients, government and the public through annual statutory public reporting on all aspects of our performance.



## Integrity

We act in accordance with the highest ethical, legal and personal standards.



## Respect

We treat clients, their family and friends in a courteous, respectful manner.



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# Message from the Public Guardian and Trustee

I am pleased to release this eleventh annual Child and Youth Guardianship Services Report about the work carried out by the Public Guardian and Trustee (PGT) on behalf of British Columbia's children and youth in care.

Under provincial law, the PGT has an important role in supporting children and youth who are in continuing care, are undergoing adoption or who have no legal guardian. That role is to act as property guardian. While matters of personal security and well being of children in care are the responsibility of the Ministry of Children and Family Development (MCFD) and the Delegated Aboriginal Child and Family Service Agencies (DAAs) as guardians of person, the PGT's duty is to protect the legal and financial interests of these children. As property guardian the PGT preserves a child's legal interests, secures financial benefits to which a child may be entitled and acts as trustee of a child's property. In this way, the PGT strives to lessen the gap created when children are unable to live with their families and to receive the support and protection of their interests by their parents and guardians.

Over the years, the PGT's role as property guardian has resulted in an increasing number of children and youth leaving care with financial assets of their own. Currently, over 1,300 of our youth property guardian clients have financial assets managed in trust by our office with a total value of approximately \$41.5 million. While we appreciate that money cannot address all challenges, we believe that a measure of financial security may provide a foundation upon which a young person can build a positive future.

The work we do to protect the legal and financial interests of children and youth in care brings with it the responsibility to create appropriate transition supports for youth as they leave care. We know that as youth reach the age of majority they will need basic skills and knowledge about financial management to enable them to make prudent decisions as they take on the task of independently managing their affairs as young adults.

To this end, the PGT is committed to continuing to develop and enhance our transition services for our property guardian clients. Several years before a youth's 19<sup>th</sup> birthday, PGT staff begin transition planning by reviewing the status of a youth's financial and legal affairs to consider what future needs may arise and what resources may be available to provide support once the PGT's property guardianship comes to an end. A key feature of the PGT's transition services is financial literacy training. In recent years, the PGT has broadened the scope and reach of its financial literacy support by offering both individual client mentoring and facilitated workshops on basic money management and budgeting skills to youth in communities across the province.

The PGT's transition services for youth leaving care may include estate planning for youth who are at least 16 years of age, have the legal capacity to make a will and express a desire to ensure that their testamentary wishes are carried out.

This year, as the result of recent legislative amendments, the PGT was able to offer our property guardian clients extended financial management support even after they reached the age of majority. Through this promising new program, the PGT is now able to provide continuing trusteeship of financial assets of youth leaving care who request our assistance. This support can continue until the youth is 27 years of age allowing time for a young person to gain life skills and experience before taking on the challenge of managing their finances.

The PGT remains committed to continuing to develop our capacity to provide effective property guardianship services and to collaborating with our co-guardians, MCFD and the DAAs, and our many child-serving partners to support British Columbia's children and youth in care.

Catherine M. Romanko  
Public Guardian and Trustee



# Child Protection and Guardianship

The delivery of child protection and guardianship services in BC involves the following public agencies, government bodies and courts. While all share the common goal of supporting children at risk, each has a unique role.

## Public Guardian and Trustee (PGT)

As property guardian, the PGT protects the legal and financial interests of children and youth in continuing care and is co-guardian with the Ministry of Children and Family Development (MCFD) and Delegated Aboriginal Child and Family Service Agencies (DAAs) of these children.

## Ministry of Children and Family Development

As personal guardian, MCFD takes children at risk into care and ensures their day to day needs are met and is co-guardian with the PGT for children and youth in continuing care.

## Delegated Aboriginal Child and Family Service Agencies

With statutory delegated authority for child protective services for Indigenous children and youth at risk as well as non-statutory voluntary services, some DAAs have personal guardian responsibilities and are co-guardian with the PGT for children and youth in continuing care.

## Supreme Court of British Columbia

With respect to matters of property guardianship, the Supreme Court may hear matters of custody, property interests and claims for damages for personal injury.

## Provincial Court of British Columbia

With respect to matters of property guardianship, the Provincial Court grants child protection orders including continuing custody orders, may also order transfer of guardianship and adjudicate small claims involving personal injury.

## Select Standing Committee on Children and Youth

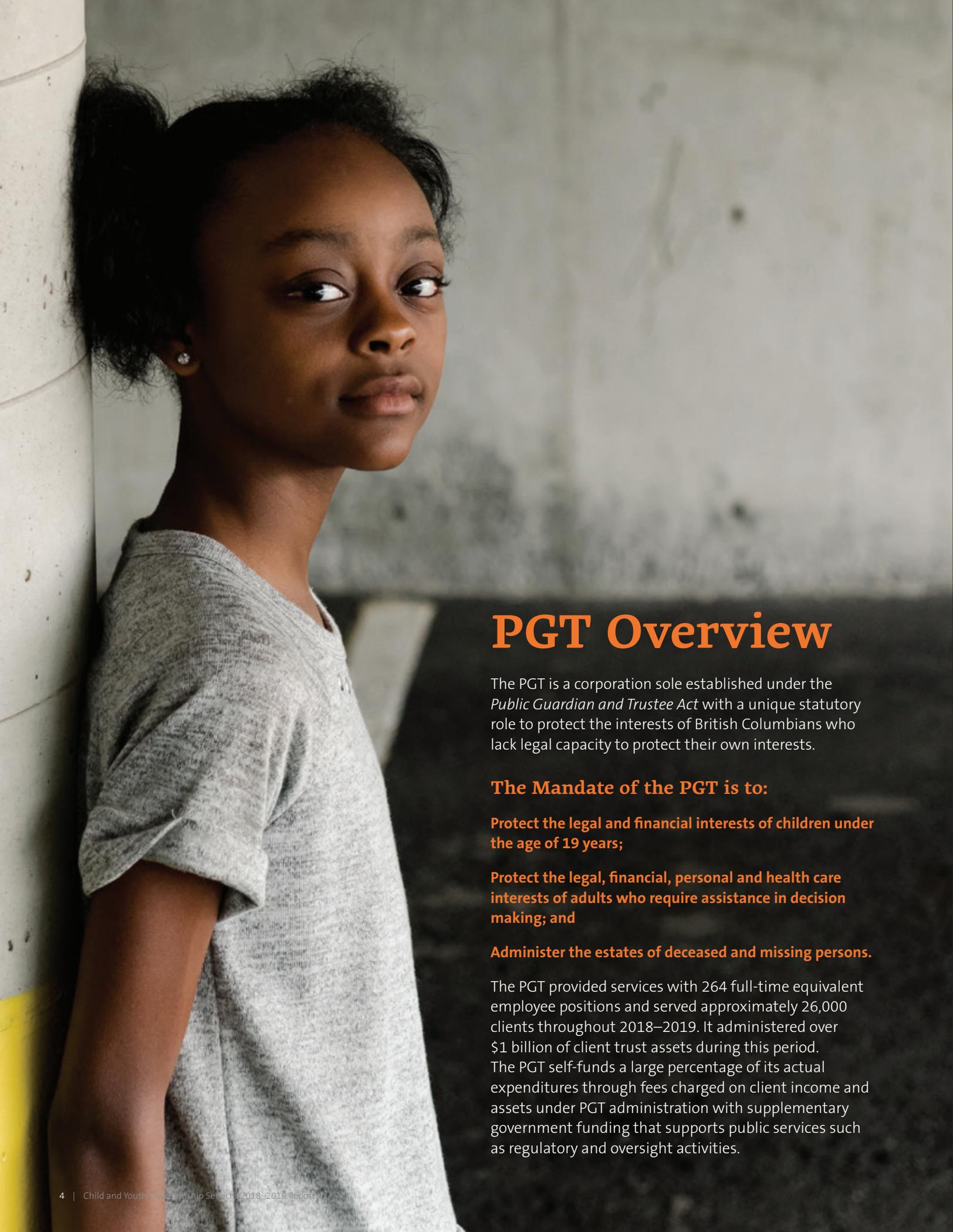
This committee is established by the BC Legislature to provide legislative oversight on provincial services to children.

## Representative for Children and Youth (RCY)

The Representative is responsible for supporting children, youth, young adults and their families in dealing with the child and youth serving system. The RCY is also responsible for advocating for improvements to the system and for providing oversight of public bodies that deliver services and programs to children and youth.

## Children's Forum

The Children's Forum is an information sharing forum for BC senior officials with an interest in child protection and related services and includes the PGT, MCFD, RCY, Chief Coroner, Provincial Health Officer and Ombudsperson.



## PGT Overview

The PGT is a corporation sole established under the *Public Guardian and Trustee Act* with a unique statutory role to protect the interests of British Columbians who lack legal capacity to protect their own interests.

### **The Mandate of the PGT is to:**

**Protect the legal and financial interests of children under the age of 19 years;**

**Protect the legal, financial, personal and health care interests of adults who require assistance in decision making; and**

**Administer the estates of deceased and missing persons.**

The PGT provided services with 264 full-time equivalent employee positions and served approximately 26,000 clients throughout 2018–2019. It administered over \$1 billion of client trust assets during this period. The PGT self-funds a large percentage of its actual expenditures through fees charged on client income and assets under PGT administration with supplementary government funding that supports public services such as regulatory and oversight activities.

# PGT Child and Youth Services

Through its **Child and Youth Services Division**, the PGT protects the legal and financial interests of children and youth under a number of provincial laws. Responsibilities can be grouped into the three broad service categories of property guardian, trustee and protective legal reviews.

## Property Guardian

As property guardian, the PGT protects the legal and financial interests of children and youth in the continuing care of the province, those undergoing adoption, those without a legal guardian, and in some cases, children in temporary care.

## Trustee

As trustee, the PGT invests and manages funds for children and youth from a number of different sources, including personal injury settlements or court awards, life insurance payments, inheritances where no other trustee is appointed and part of the wages paid to child and youth actors. Funds are typically held in trust until the youth reach 19 years of age (age of majority in BC), but may be used earlier if it is in their best interest. PGT property guardian clients may voluntarily enter into an agreement with the PGT to hold and manage their funds after reaching the age of majority up until the age of 27.

## Protective Legal Reviews

The PGT reviews all proposed settlements of claims for damages of children and youth for personal injury, a variation of a will or trust and claims made under the *Family Compensation Act* to ensure outcomes are in the best interests of the child or youth.

The most common claims reviewed by the PGT relate to motor vehicle accidents. The PGT also investigates concerns about trusts and estates in which children or youth may have an interest.

PGT guardianship duties and trustee duties respecting children and youth may overlap in some cases where, for example, a child or youth in continuing care is also the beneficiary of an estate. In such cases, the PGT is property guardian for the child or youth and also acts as trustee of the child or youth's interest in the estate.

4,765 Property Guardian Clients

8,804 Trustee Clients

2,852 Protective Legal Review Clients



# Public Guardianship Services in BC

When children lose a parent or legal guardian and have no one to act as their guardian, the province assumes the duties of guardian. These children and youth are among the most vulnerable members of society.

BC law divides the duties of public guardianship into two parts:

## Personal Guardianship

The duty to find safe homes for children and youth and to make decisions about their personal and health care needs. This role is performed by MCFD or DAAs.

## Property Guardianship

The duty to look after the financial and legal interests of children and youth. This role is performed by the PGT.

Guardianship duties are divided because of the inherent conflict of interest between the duties of the personal and property guardians. In some cases, protecting the legal and financial interests of a child or youth may require taking legal action against the co-guardian in situations where co-guardian negligence may have caused injury or loss to a child or youth.

# PGT Property Guardianship Services

The PGT is property guardian for all children and youth who are in the continuing care of the province under the child protection provisions of the *Child, Family and Community Service Act*, undergoing adoption, without a legal guardian, or for whom the court has ordered the PGT to be property guardian under a temporary custody order.

There are 43 PGT staff positions that provide all services to children and youth, including property guardianship services. Collaboratively, staff ensure that financial benefits to which individual child and youth clients are entitled are collected and viable legal claims are pursued. In order to carry out many of its property guardianship duties, the PGT must rely heavily on information it receives from MCFD and DAAs, particularly from social workers who have day to day interactions both with the children and youth for whom they are personal guardian as well as their caregivers.

There are numerous ways in which the PGT receives information from MCFD and DAAs about legal and financial issues for children and youth. The information received may pertain to the current circumstances of the child or youth, but can also be information regarding past events.

Several communications processes are in place to facilitate information sharing between the PGT, MCFD and DAAs as co-guardians. MCFD forwards a monthly demographic report advising the PGT which children and youth are in continuing care. Once notified, the

PGT requests MCFD and DAAs to complete an initial information form about the legal or financial issues affecting the child or youth.

The PGT requests this information to be updated annually and also creates its own report describing the property guardianship services it has provided to the child or youth over the past year. These annual reviews support ongoing activities such as pursuing financial benefits, investigating potential legal claims and collaborating on transition services.

The PGT also receives copies of Initial Reportable Circumstance reports from MCFD and DAAs which are reviewed and referred to legal counsel if the information in the report indicates further investigation and possible legal action is required. The PGT refers to these reports as critical incident reports (CIRs).

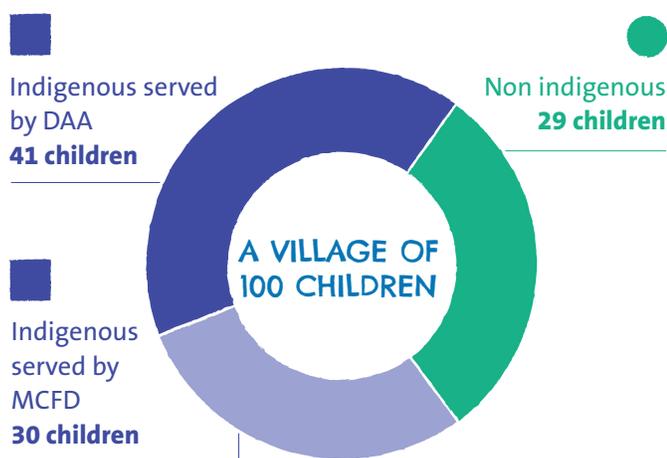
PGT property guardianship services end by law when the child reaches 19 years of age, when the child is adopted, when guardianship of the child is transferred, when the child is returned to the parent(s) or when the child dies. In any of these circumstances, the PGT does a complete file review to ensure that all pertinent information is communicated and if needed, appropriate supports are in place for the child or youth with respect to the ongoing management of their finances and/or legal issues.

The following sections of this report describe the key activities and outcomes for the year April 1, 2018 to March 31, 2019.

If PGT property guardian clients were imagined as a village of 100 children, then:



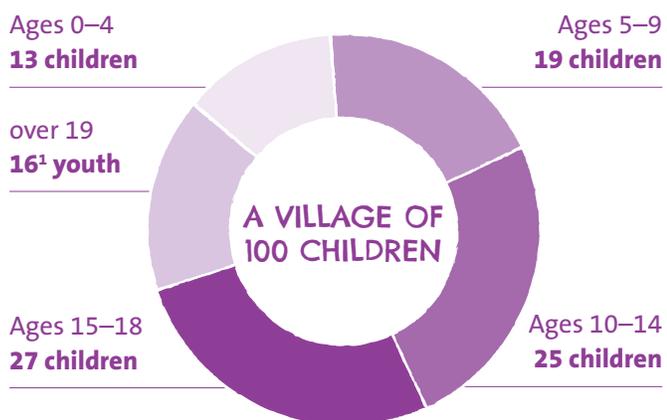
Training is now offered to PGT staff on transgender issues and awareness, to increase staff knowledge and sensitivity towards our transgender and non-binary clients. The PGT's electronic case management system has also recently been updated to provide an option to accurately indicate persons who identify as non-binary.



### Duration of service for PGT property guardian clients<sup>2</sup>:



### Current age of child or youth



### Age of child or youth when they came into permanent care



Note: All data in this report is derived from PGT sources except for information regarding children served by MCFD or DAAs, which is provided by MCFD. Data at March 31, 2019. All numbers in this report are rounded.

<sup>1</sup> This represents the number of former property guardian clients that the PGT is working with to transition legal and financial matters.

<sup>2</sup> This is the duration from when PGT first provided service to March 31, 2019, or file closure. Excluding any clients over the age of 19 at March 31, 2019.

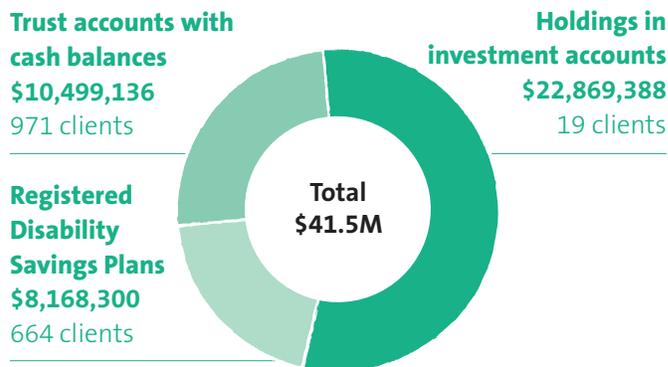
# Financial Services



If PGT property guardian clients were imagined as a village of 100 children, then 28 children had financial assets

The PGT pursues financial benefits and entitlements for property guardian clients. These efforts have resulted in growing financial assets for the children and youth served by the PGT as property guardian. At March 31, 2019, the PGT held approximately \$41.5 million in assets on behalf of these children and youth from a variety of sources.

## Major categories of assets at March 31, 2019



## Kyla's Story

Note: All names have been changed to protect the privacy of PGT clients.

Kyla is in continuing care and has a developmental disability which impacts her daily living and she uses a wheelchair.

The PGT is notified that Kyla qualified for DTC and is eligible for a **RDSP**.

The PGT tells Kyla's social worker that they will file Kyla's income taxes each year after she turns 16.

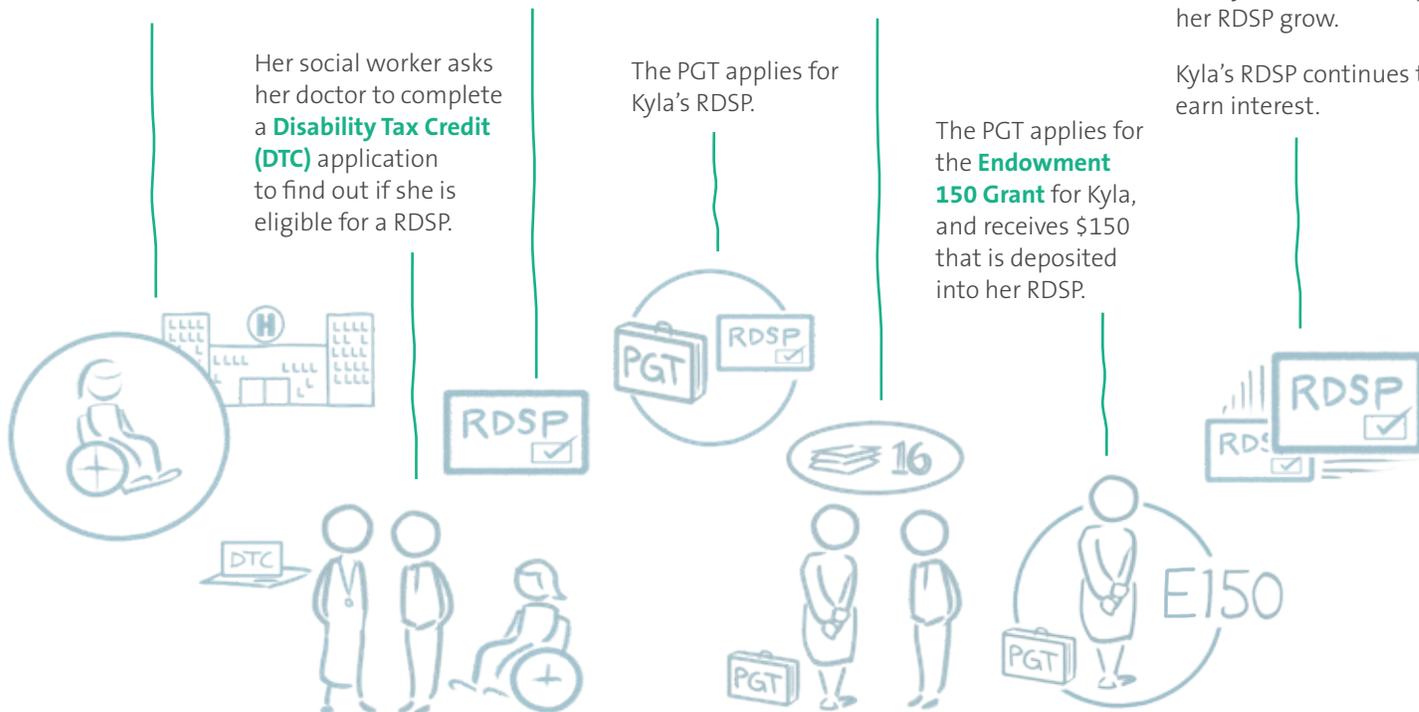
Kyla's RDSP receives a one-time grant along with annual bonds from the federal government each year, and this helps her RDSP grow.

Her social worker asks her doctor to complete a **Disability Tax Credit (DTC)** application to find out if she is eligible for a RDSP.

The PGT applies for Kyla's RDSP.

The PGT applies for the **Endowment 150 Grant** for Kyla, and receives \$150 that is deposited into her RDSP.

Kyla's RDSP continues to earn interest.



## Types of funds held by the PGT at March 31, 2019

Source of funds	Total value of funds	% of total value
Personal injury proceeds	\$ 25,636,702	62%
Registered Disability Savings Plans (RDSP)	\$ 8,168,300	20%
Canada Pension Plan (CPP) children's benefits	\$ 2,818,505	7%
Family Compensation Act proceeds	\$ 1,777,262	4%
Estate proceeds	\$ 1,548,182	4%
Insurance proceeds	\$ 655,862	1%
Others	\$ 932,011	2%
<b>Total</b>	<b>\$ 41,536,824</b>	<b>100%</b>

## Registered Disability Savings Plans (RDSPs)

A key area of focus for the PGT is to establish RDSPs for children and youth who have received a Disability Tax Credit designation from the federal government. A RDSP is a tax deferred savings plan intended to provide significant long term financial benefits to adults and children or youth with disabilities. The PGT is committed to advancing the interests of its property guardian clients by collecting the federal funds associated with the RDSP program which take the form of matching grants, with a lifetime limit of \$70,000, and annual bonds, with a lifetime limit of \$20,000.

The PGT has made extensive efforts to open RDSPs for its eligible property guardian clients, resulting in 664 RDSPs worth approximately \$8.2 million at March 31, 2019. The value of the established RDSPs continue to grow as the PGT secures the annual \$1,000 bond for each eligible child or youth.

**A representation agreement is a legal planning tool in BC for an adult to appoint another adult to assist with or to act on their behalf with health and personal care matters and/or routine financial affairs (including RDSPs).**

Kyla turns 17.

The PGT begins to work with Kyla, her social worker, and other people supporting her, to develop her **RDSP transition plan**.

Kyla knows she will need some help managing her RDSP. The PGT gives Kyla information on her options. With help from her social worker and other trusted adults in her life, Kyla decides that a **representation agreement** is the best option.

Kyla identifies Lisa, the adult daughter of her foster mother, as the trusted adult she wants to act as her **representative**.

Lisa agrees to help Kyla with her RDSP and other routine financial matters, as Kyla's representative.

Kyla turns 19, and legally appoints Lisa to be her representative.

The PGT works with Lisa and Kyla to transfer the RDSP to Kyla.



With support from the Vancouver Foundation, Plan Institute administers the Endowment 150 (E150) Program to assist individuals and families with low incomes save for their future by providing one-time gifts of \$150 to help their RDSPs grow. The PGT applies for the E150 and contributes the \$150 gift to each child's RDSP. This attracts an additional \$450 in matching grants from the federal government, resulting in a further growth to RDSPs for children in continuing care.

The PGT has made significant efforts to reach out to MCFD and DAA leadership and social workers, and to our financial service provider for RDSP accounts, to raise issues and awareness of these benefits and of the challenges faced in ensuring eligible children receive their annual bonds.

What makes the RDSP process especially challenging is the shared responsibility for different stages of the application and ongoing receipt of federal bonds, and the PGT's role in troubleshooting them. The social worker initiates the RDSP process for a child with a disability by having their medical practitioner complete a written assessment for the DTC application. Unfortunately, even if DTC status is granted, it may be time limited. Many youth lose their DTC status at the age of 18, which leaves

Since Endowment 150 program establishment, the PGT has collected \$112,800 in E150 grants for 752 children and youth in care.

relatively little time for a reassessment before they leave care at age 19.

As the PGT files income tax returns for DTC eligible clients, Canada Revenue Agency notifies our office when DTC status has expired. The PGT conveys this information to the social worker and advises them that a lapsed DTC status, if not reinstated within three years, risks the claw back of all federal grants and bonds and the collapse of the child's RDSP account. Youth who leave care with an expired DTC status are less likely to be reassessed, particularly if they do not access available supports and lack their own support network. Some RDSPs have been collapsed as a result. The PGT is pleased that the Canada federal budget 2019 proposes that a RDSP will not have to be closed on or after March 19, 2019 solely because the RDSP beneficiary is no longer eligible for the DTC.

RDSP accounts must be transferred into the name of the youth when they turn 19. This can sometimes be managed by the youth independently, though formal or informal assistance is often required. Where the transfer process cannot be completed, the PGT continues to file income tax returns to receive bonds annually on the young adult's behalf. Unfortunately, this can sometimes interfere with the young adult's ability to file income tax

## Phillip's Story

Canada Pension Plan, or CPP, is a federal benefit program that replaces earnings in the case of retirement, disability or death for a worker that paid into the program or their family members.

The PGT is informed that Phillip is now in permanent care.

His social worker informs the PGT that his mother died six months ago.

The PGT asks his social worker for further details about his circumstances to determine if there are any financial benefits due to him or legal claims to look in to.

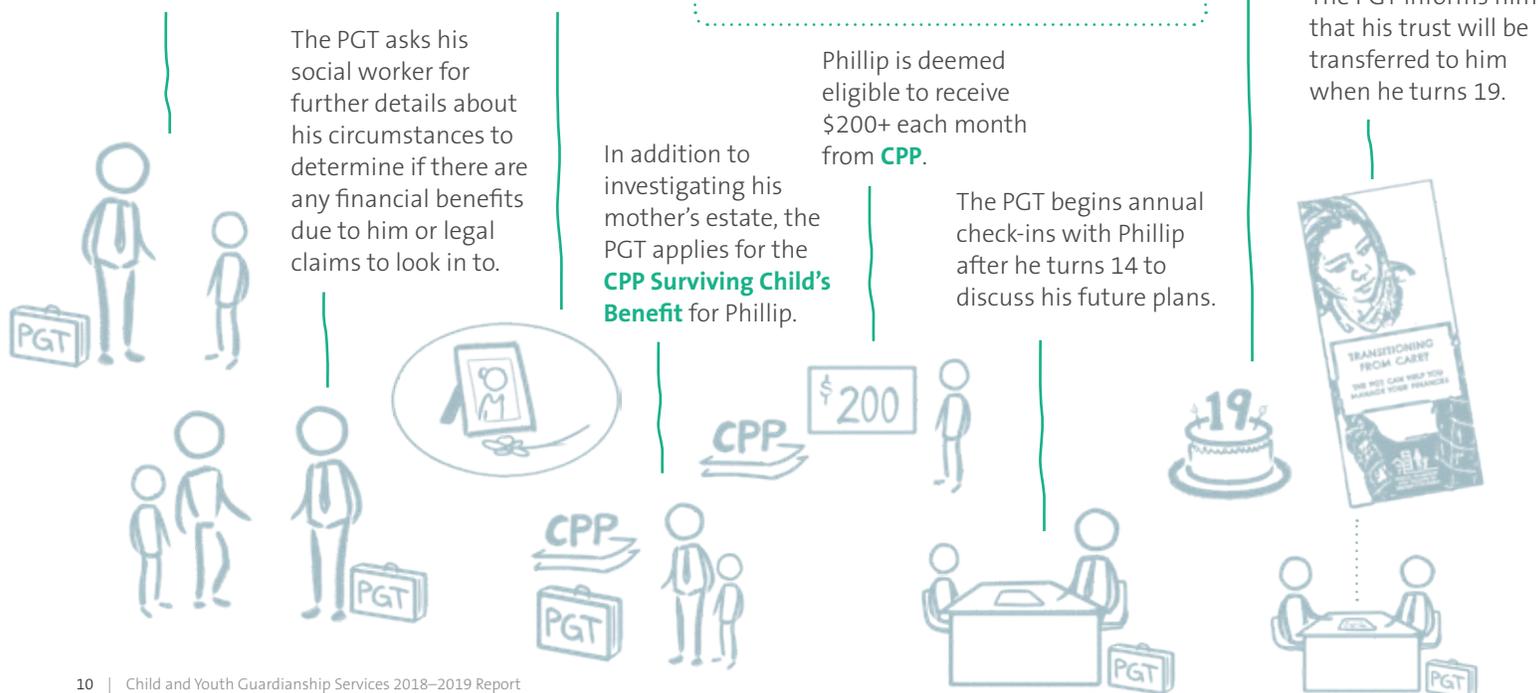
In addition to investigating his mother's estate, the PGT applies for the **CPP Surviving Child's Benefit** for Phillip.

Phillip is deemed eligible to receive \$200+ each month from **CPP**.

The PGT begins annual check-ins with Phillip after he turns 14 to discuss his future plans.

Phillip starts making plans to move out when he ages out of care at 19.

The PGT informs him that his trust will be transferred to him when he turns 19.



returns themselves, as only one filing is allowable. The PGT releases to the client any tax credits that are received based on their tax return, and helps them to transfer the RDSP so that they can assume responsibility for the account and their annual taxes.

## Collecting financial benefits

The PGT pursued and collected over \$570,000 in various financial entitlements and benefits on behalf of children and youth in 2018–2019. These can include death benefits, Indigenous benefits and various federal and provincial government benefits. Additional amounts were collected on behalf of children and youth in 2018–2019 as a result of the work of the PGT’s legal services group, bringing legal actions on behalf of children and youth, such as personal injury claims.

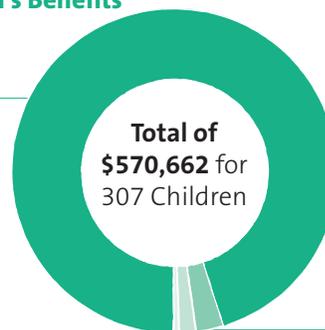
All funds collected by the PGT are held in trust accounts in the child’s name until the child or youth reaches age 19. While the PGT has statutory discretion to consider the release of funds for special opportunities which directly benefit the child or youth, the primary responsibility for the child’s day to day needs and financial support remains with their personal guardians, MCFD and DAAs. As such, the majority of funds collected on behalf of children and youth in care is preserved until age 19.

As personal identification is a key element to securing financial benefits, the PGT applies for birth certificates for all children and youth in care and for their social insurance numbers, as required. In 2018–2019, PGT staff applied for 431 birth certificates from the BC Vital Statistics Agency.

## Financial benefits collected 2018–2019

### Canada Pension Plan (CPP) Children’s Benefits

\$543,604  
183 children



Endowment  
150 Grants  
\$14,400  
96 children

Other pension benefits  
\$3,162  
1 child

Indigenous band benefits  
\$9,496  
37 children

Note: The number of children in receipt of each benefit type is less than the total number of children receiving each benefit, as some children may receive more than one benefit type.

Note: All names have been changed to protect the privacy of PGT clients.

He is worried about making ends meet after he ages out of care. He wants help with managing his money after he turns 19.

Phillip turns 19. He asks the PGT to help him manage his CPP money. An agreement is signed, and the PGT remains as Phillip’s trustee.

The PGT helps Phillip set some goals and develop a strategy to achieve them.

Phillip turns 25 and feels he’s ready to manage his funds by himself.

Phillip uses the funds to further his goals.

The PGT helps Phillip create a monthly budget and gives him a monthly allowance from his Trust for his needs.

The PGT transfers the balance of his trust fund to his care.





# Critical Incident Reports

The PGT receives notification from MCFD and DAAs of critical injuries and serious incidents involving children and youth in continuing care either through critical incident reports (CIRs) or the annual update reports. The nature of the incidents described within the reports is varied, ranging from a child or youth leaving a foster home without permission, to a child being involved in a motor vehicle accident, or abused or harmed. These reports are investigated and may lead to a legal claim being pursued on behalf of a child who has suffered a loss. In 2018–2019, 1,249 CIRs were received by the PGT involving 630 children and youth. Some of the children and youth were the focus of more than one CIR

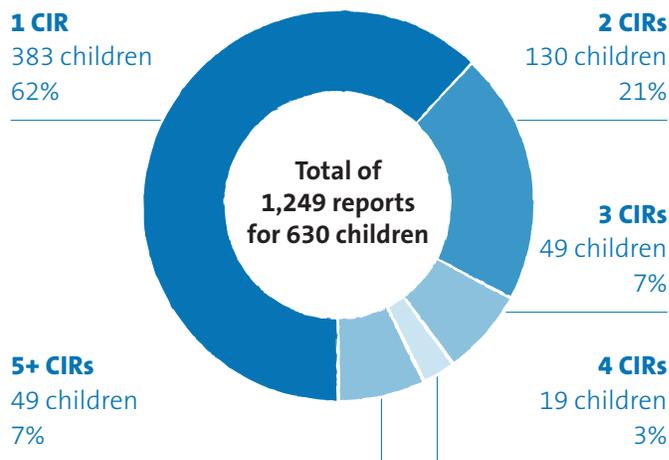
during the year. PGT staff act quickly to review CIRs as immediate action may be required to preserve the right to advance a legal claim.

The PGT classifies the reported injury or harm according to categories adopted from the World Health Organization International Classification of Diseases. Where an injury was caused by a person who directly harmed a child or youth, the person is identified as an “alleged harmer,” and is classified according to categories adopted from the International Classification of External Causes of Injuries (see Appendix: PGT Classification of Critical Incident Reports at the end of this report).

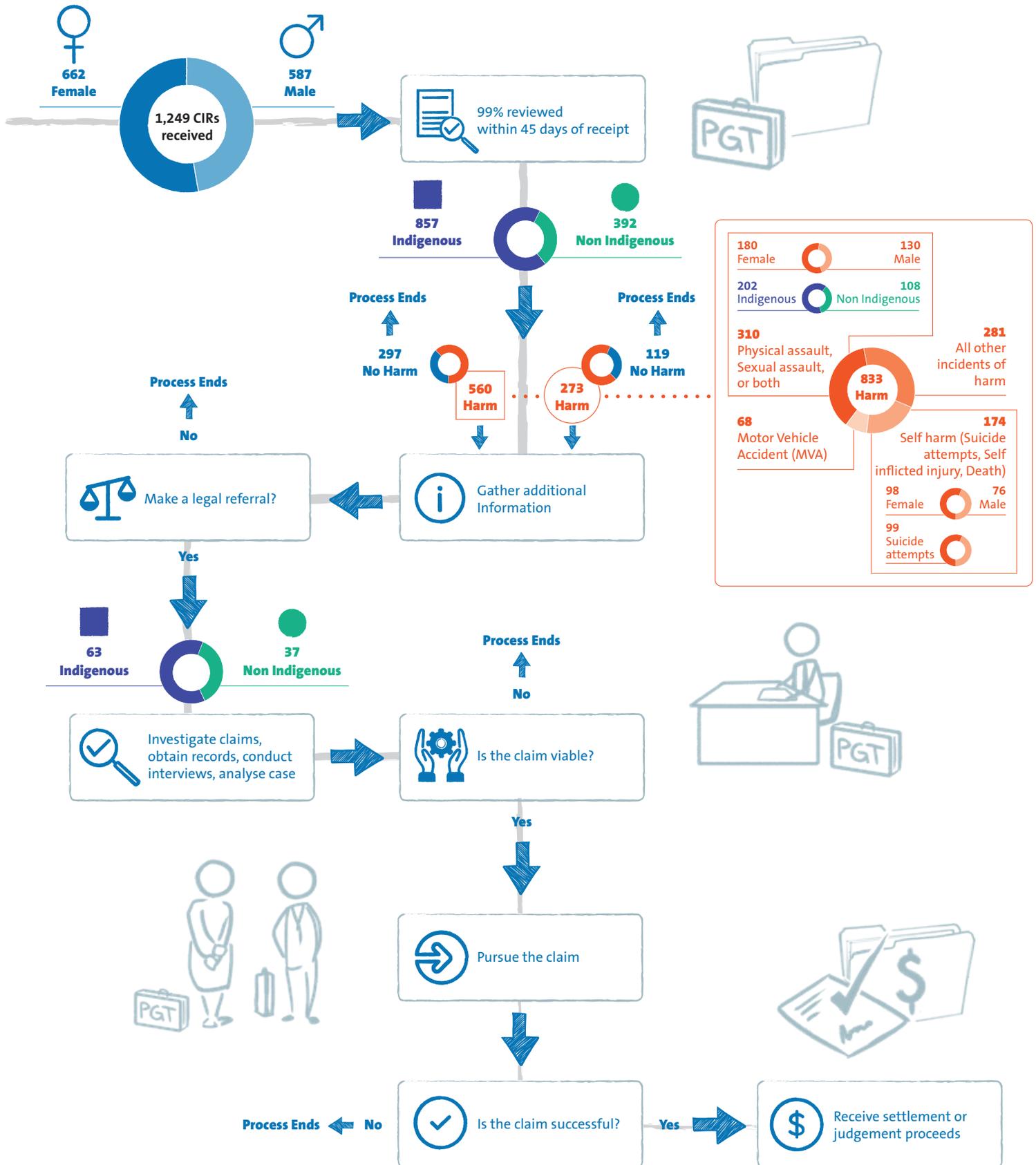


**If PGT property guardian clients were imagined as a village of 100 children, then 13 children had a critical incident report**

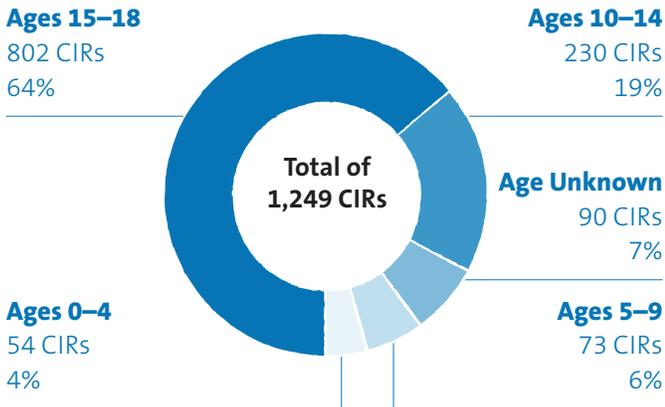
## Number of Critical Incident Reports 2018–2019



# PGT response to Critical Incident Reports 2018–2019

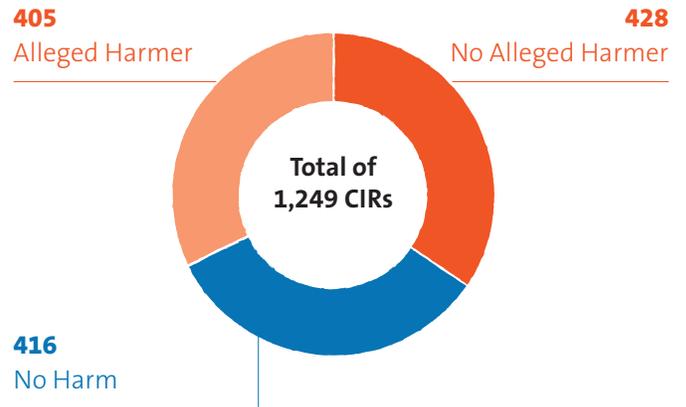


## Age of child or youth on date of incident 2018–2019



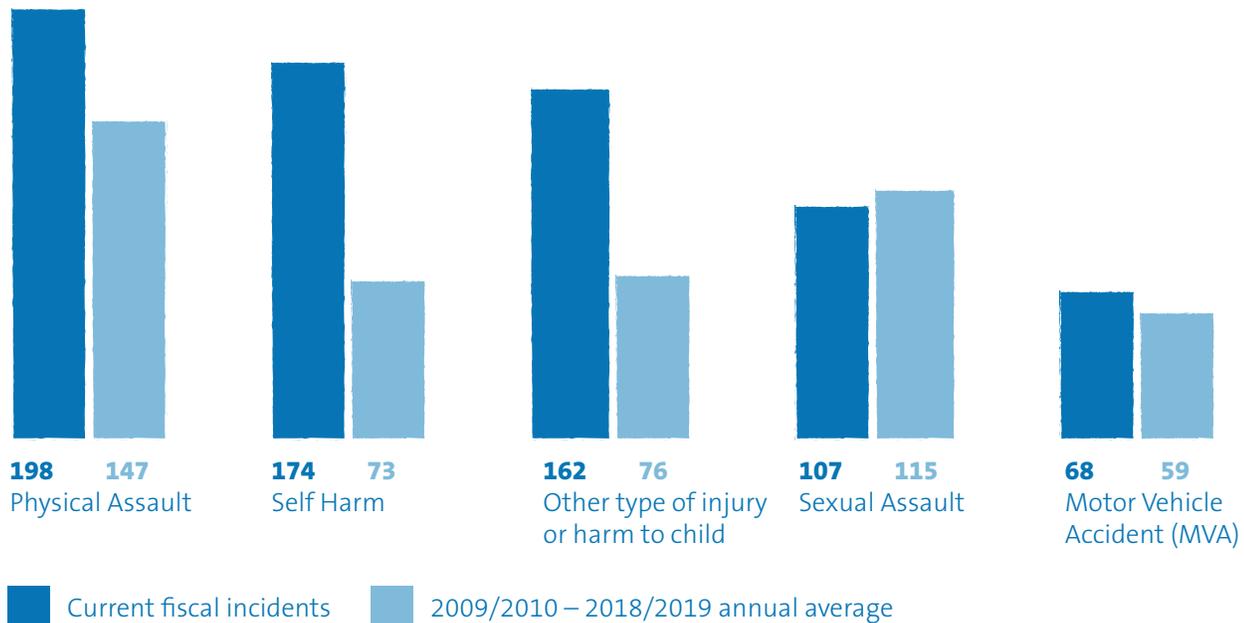
Note: “Unknown” is used when the exact date of the incident is unknown or when an incident occurred over a period of time.

## Number of CIRs that reported harm or no harm to a child or youth 2018–2019



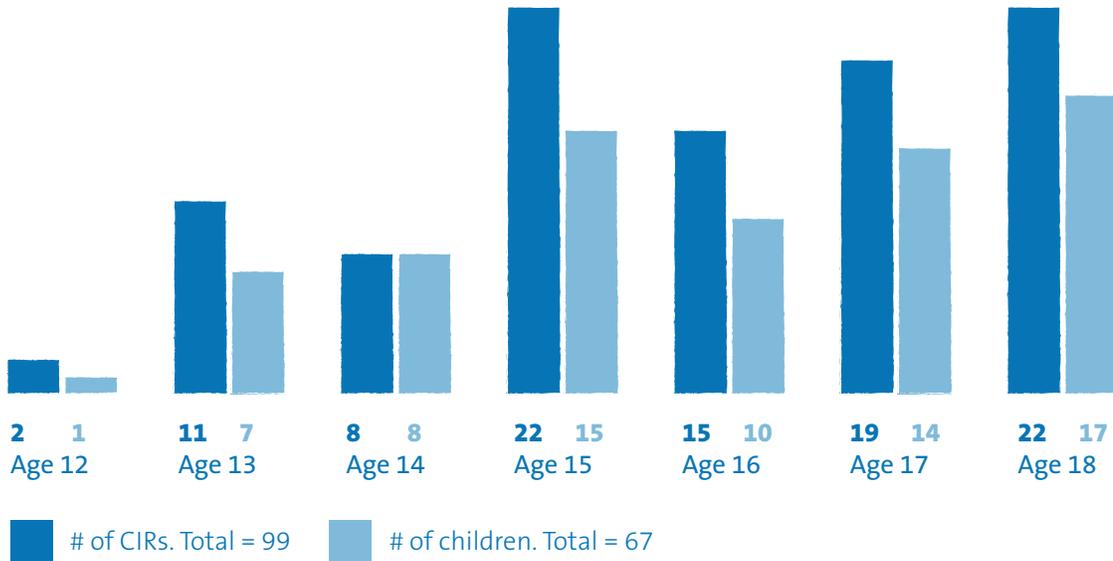
Note: \*No alleged harmer indicates an accident, or a self-inflicted injury.  
\*No harm refers to no specific harm to the child/youth related to a particular CIR.

## Five major categories of harm experienced by children and youth



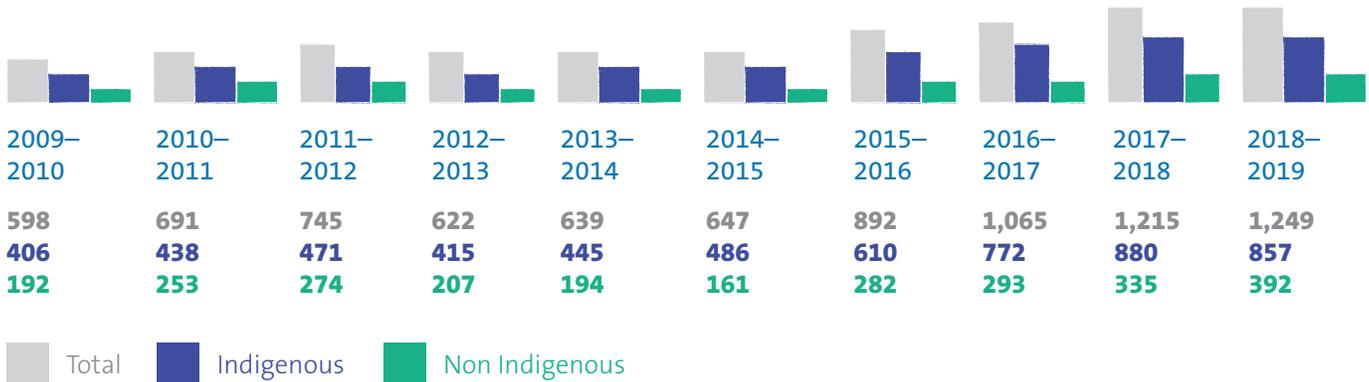
The broad scope of the category “other type of injury or harm” allows for the inclusion of incidents where a child or youth was hospitalized due to severe intoxication by drugs or alcohol. The category “self harm” describes incidents where the child or youth intentionally caused self-inflicted injury.

## Age on date of suicide attempt 2018–2019

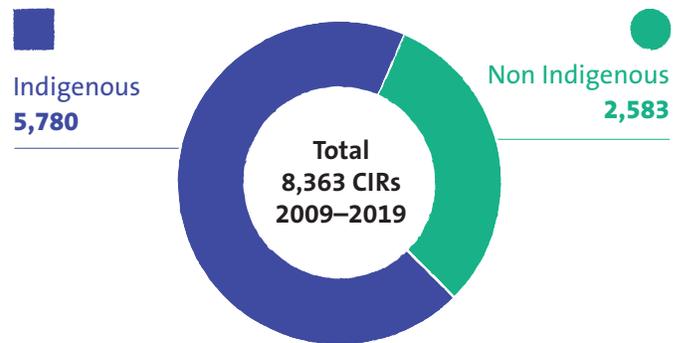


Note: The total number of children shown represents unique children. Because of this, the total is less than the sum of the number of children as a child could have been in different age groups on date of suicide attempt.

## Number of Critical Incident Reports – 10 year trend (2009–2019)



There has been a significant increase in the number of CIRs received by the PGT over the past 10 years, likely due to MCFD's roll out of an updated Reportable Circumstance Policy and Guidelines on June 1, 2015 and improved social worker compliance with the reporting policy. Of 8,363 CIRs received by the PGT in the last 10 years, 66% were reports of injury or harm to the child or youth.



# Legal Services

The PGT provides a wide range of legal services for children in care. These services include:

- responding to applications to cancel a continuing custody order;
- reviewing applications for grants of probate or administration where a child in care may be entitled to a share of the estate and ensuring that share is protected;
- investigating whether a child or youth has a viable claim under the *Family Compensation Act* in relation to the wrongful death of a parent; and
- investigating incidents of injury or harm to a child for which a third party may be liable and pursuing legal claims where appropriate.



**If PGT property guardian clients were imagined as a village of 100 children, then 10 received PGT legal services**

## Sky's Story

Note: All names have been changed to protect the privacy of PGT clients.

The PGT is informed that Sky is now in permanent care.

The PGT reviews the report to determine the place and time of accident, extent of Sky's injuries, who might be at fault for the crash, and whether to involve a PGT lawyer.

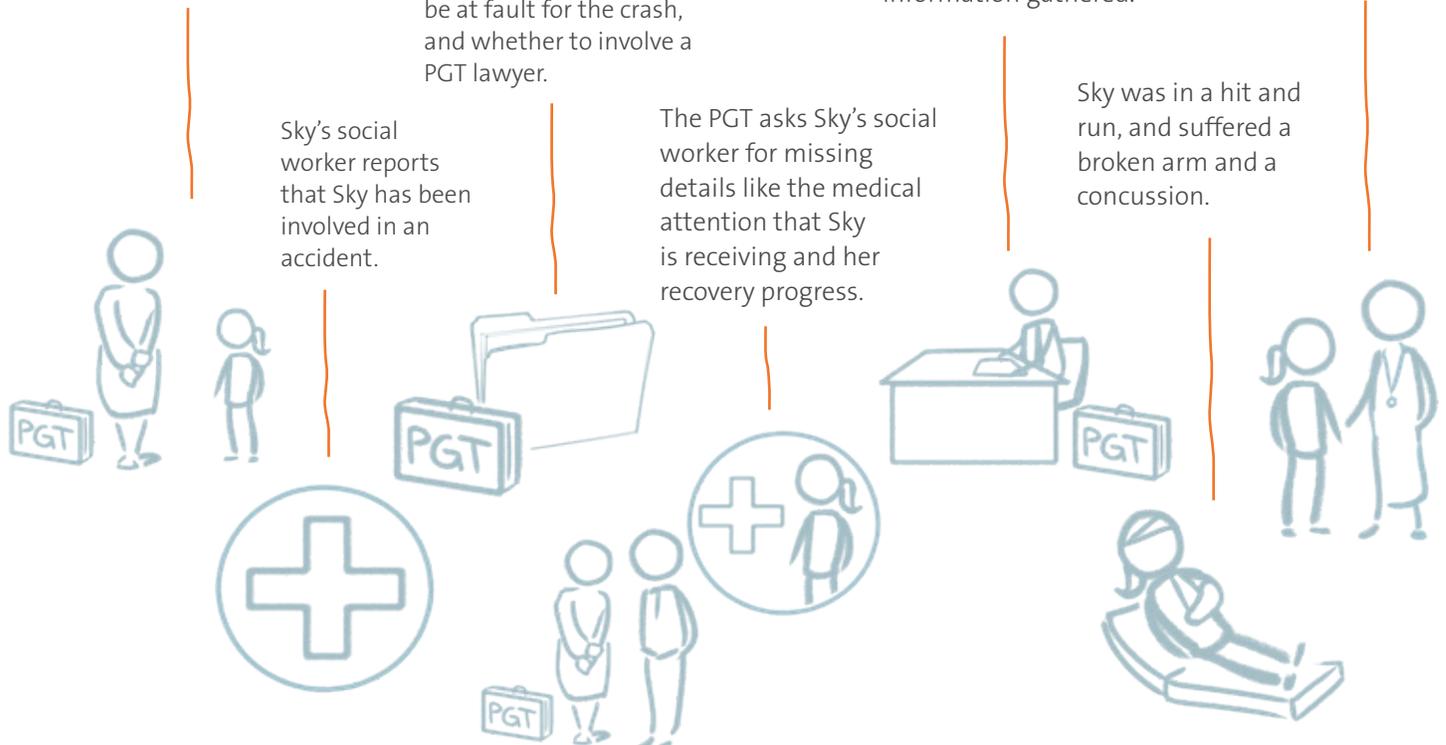
The PGT lawyer reviews all the information gathered.

She will need physiotherapy for 1 year.

Sky's social worker reports that Sky has been involved in an accident.

The PGT asks Sky's social worker for missing details like the medical attention that Sky is receiving and her recovery progress.

Sky was in a hit and run, and suffered a broken arm and a concussion.

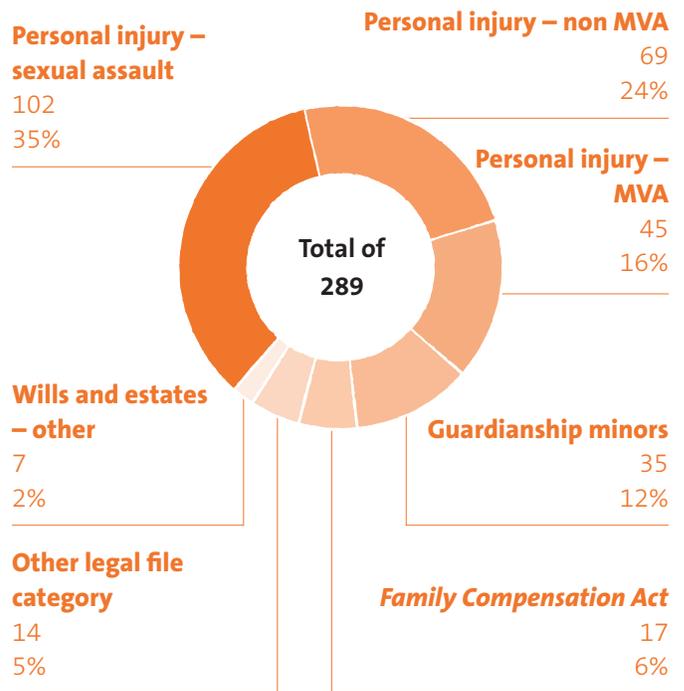


Legal referrals related to personal injury arising from sexual assault are consistently the largest category of potential civil claims, comprising 33% of legal referrals over the year. Of the legal files concluded over this period of time, the average amount of time to conclude the matter was 1.8 years.

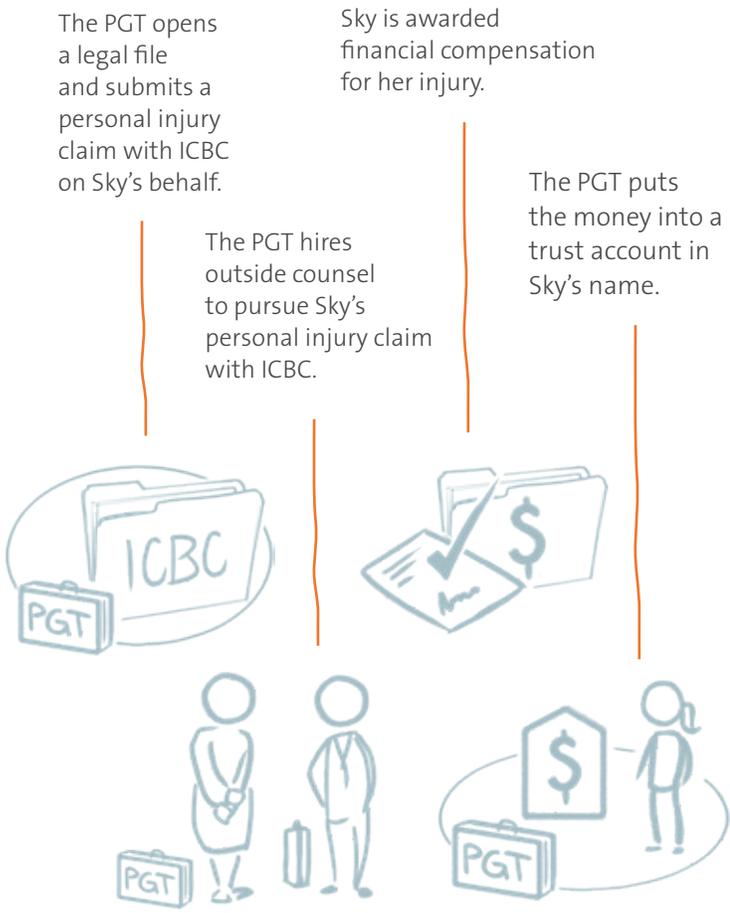
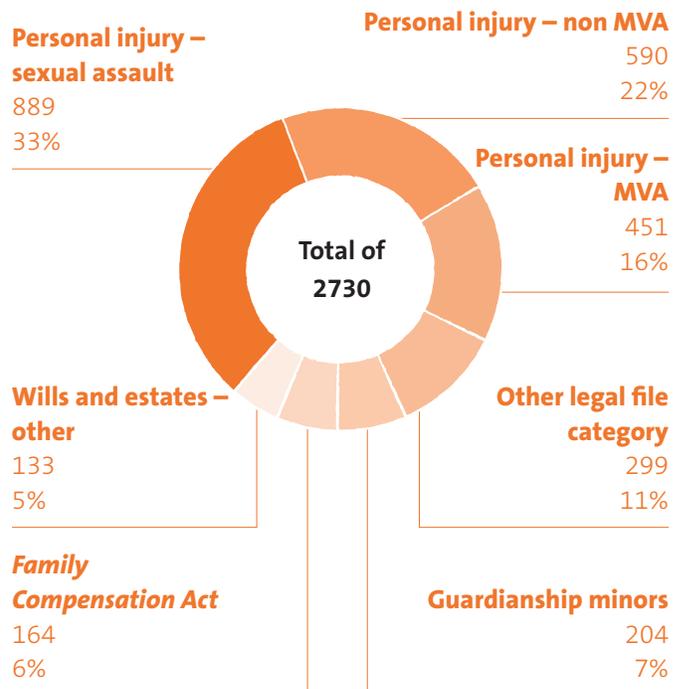
There are several outcomes to legal referrals. If a legal action has been commenced and is still ongoing when the youth reaches the age of majority, the action is transferred to the young adult to continue. If no legal action has been commenced, the young adult may be provided with a letter advising of their legal rights. Legal actions may be resolved by judgment or settlement of the claim prior to the child or youth reaching age 19. In other instances, matters are resolved by legal counsel and funds are obtained for the child or youth and civil litigation is not required. Between 2009–2010 and 2018–2019, the PGT collected approximately \$55.4 million from legal services carried out on behalf of children and youth in continuing care, including approximately \$382,000 in 2018–2019.

NOTE: Dollar amounts are gross values, before deductions for legal fees and PGT fees.

## Type of legal work 2018–2019



## Type of legal work 2009/2010 – 2018/2019



## Amounts collected from legal work

Fiscal year	Amount	# of children
2009–2010	\$2,370,896	28
2010–2011	\$1,414,408	26
2011–2012	\$1,179,973	23
2012–2013	\$2,039,193	14
2013–2014	\$656,375	19
2014–2015	\$1,249,762	19
2015–2016	\$24,182,444	14
2016–2017	\$6,136,999	10
2017–2018	\$15,818,220	14
2018–2019	\$382,522	11
<b>Total</b>	<b>\$55,430,793</b>	<b>178</b>

## Outcomes of legal work

Outcomes	2018–2019 Total numbers	2009/2010– 2018/2019 Annual average
Client assumed conduct of legal action or legal information letter provided post majority	61	110
Court award made	5	3
Information transferred to other property guardian	16	19
Legal action not pursued or child deceased prior to action being concluded	38	49
Other	33	30
Settlement reached	6	15
Transferred to other PGT authority	3	3
<b>Total</b>	<b>162</b>	<b>229</b>

## Will making for youth in care

The *Wills Estates and Succession Act* (WESA) came into effect on March 31, 2014 and modernized estate administration and the law of succession in British Columbia. WESA allows a person aged 16 and over to make a will if the person has testamentary capacity. Prior to WESA, a person had to have reached the age of majority to make a will.

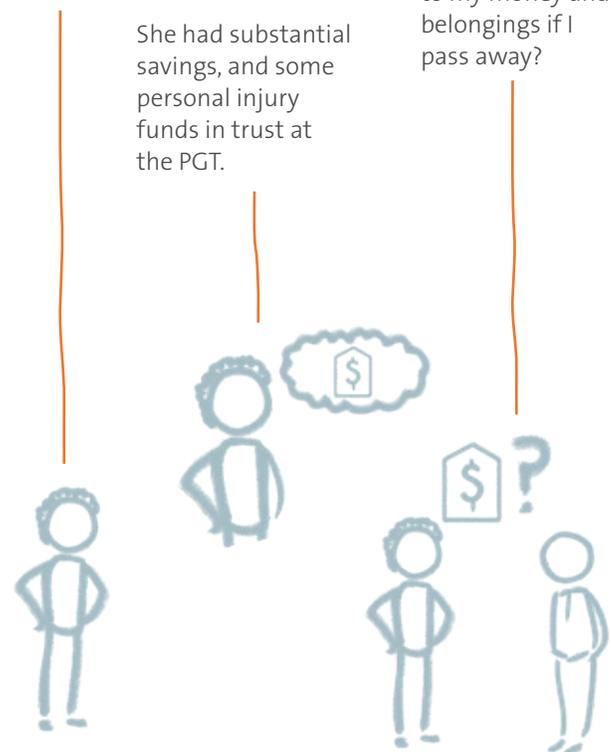
This change allowing eligible young people to make wills can be of particular importance to children in continuing care, who may have assets in trust with the PGT or elsewhere and who may have specific wishes about who they want to receive their estate if they die. When a person dies in British Columbia without a will, WESA directs that the residue of the estate be distributed first to any spouse and children of the deceased, followed by parents if there are no surviving spouse or children and then to siblings if there are no surviving parents.

## Keana's Story

Keana is in continuing care and worked two jobs.

What will happen to my money and belongings if I pass away?

She had substantial savings, and some personal injury funds in trust at the PGT.



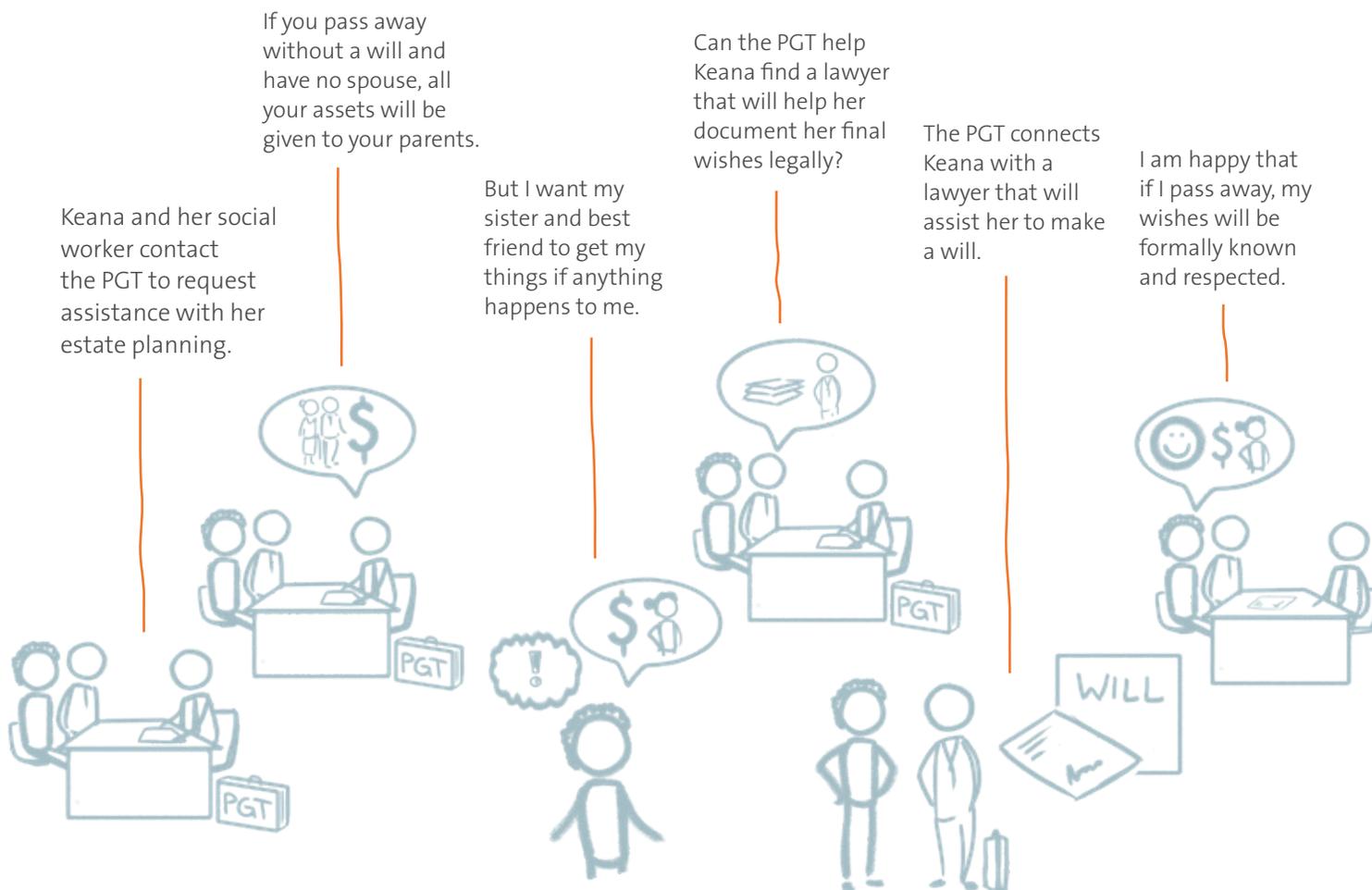
If children have been removed from their parents' care and are in the care of the province, they may not wish for their estate to be distributed in this way for a variety of reasons.

In 2019, the Vancouver Aboriginal Child and Family Services Society (VACFSS), a Delegated Aboriginal Agency in Vancouver, began a pilot project to offer the opportunity for all young people in their care who were 16 years of age or older to make a will.

The PGT played a significant role in supporting this project, including providing guidance in identifying the issues, navigating this area of the law and facilitating meetings with lawyers who were willing to draft wills for young people in care at low cost or pro bono. By offering this service to eligible youth in care, the PGT supported youth to take steps to have their testamentary wishes expressed and respected.

As property guardian, the PGT is committed to assisting clients who want to make a will. For any young person in the continuing care of the province who wishes to make a will, the PGT can support the youth by finding an estate lawyer in the young person's geographical area. The PGT considers will making a key element of transition planning for youth who have assets in trust. The topic of will making has been received with great interest by social workers when raised during outreach sessions. As this is a new option for youth in BC, the PGT anticipates that more attention will be paid to estate planning for youth in the future.

Note: All names have been changed to protect the privacy of PGT clients.



# Transition Services

The PGT role as property guardian typically ends when a youth reaches 19 years of age, the age of majority in BC. Other events may end PGT authority prior to age 19 including adoption, a transfer of guardianship, the cancelling of a continuing custody order or the death of the child. On average, 56 children and youth transition out of care each month.

## Transfer of guardianship

Transfer of guardianship, or “transfer of custody” to a new guardian under the *Child, Family and Community Service Act*, is a permanency option for children in the permanent or temporary care of MCFD or DAAs. Where the PGT is the child’s property guardian, the PGT is involved in the transfer of guardianship permanency planning process and must provide consent in order for the application to proceed to the Supreme Court of BC. Once a Court Order transferring custody of a child has been made, a new guardian is in place and is responsible for protecting the personal, health care, legal and financial rights of the child. Between April 1, 2018 and March 31, 2019 the PGT reviewed and consented to 33 applications to transfer guardianship from the MCFD or a DAA and the PGT to a prospective guardian. Most of the children who achieved permanency through transfer of custody are Indigenous.

## Transition planning and post majority trustee services

There has been a growing interest in extending transition services to youth in and from care beyond their 19<sup>th</sup> birthday. Research indicates that young people face substantial challenges when lifelong support services abruptly end at age 19. As property guardian for children in care, the PGT strives to ensure that any capability concerns or other risks to a youth receiving their trust funds at age 19 are mitigated through planning with the youth, their social worker and others who support them.

Where there is information which suggests that a youth may be incapable of managing their ongoing financial and legal affairs as an adult and there is no support network willing and able to assist, ongoing services from the PGT Services to Adults Division may be required. In 2018–2019, the PGT was appointed to act as committee of estate under the *Patients Property Act* for one former child in continuing care.



On December 3, 2018, legislative amendments to the *Infants Act* and the *Public Guardian and Trustee Act* came into force expanding services to youth transitioning from care. The legislative amendments allow the PGT to continue to act as trustee for existing property guardian clients, beyond the age of majority, up until age 27, if the youth consents.

Following these legislative changes, the PGT now begins transition planning for youth at age 14 and continues planning services and supports through to age 19 and possibly beyond, up to age 27, if post-majority trustee services are requested. The PGT considers these post-majority services to be part of the broader effort to support the success of youth while transitioning from care.

The PGT works with MCFD and DAA social workers to gradually build a transition plan. Ideally, the plan includes the PGT communicating directly with the youth to talk about their trust funds, offer money management options and budgeting guidance and to identify and

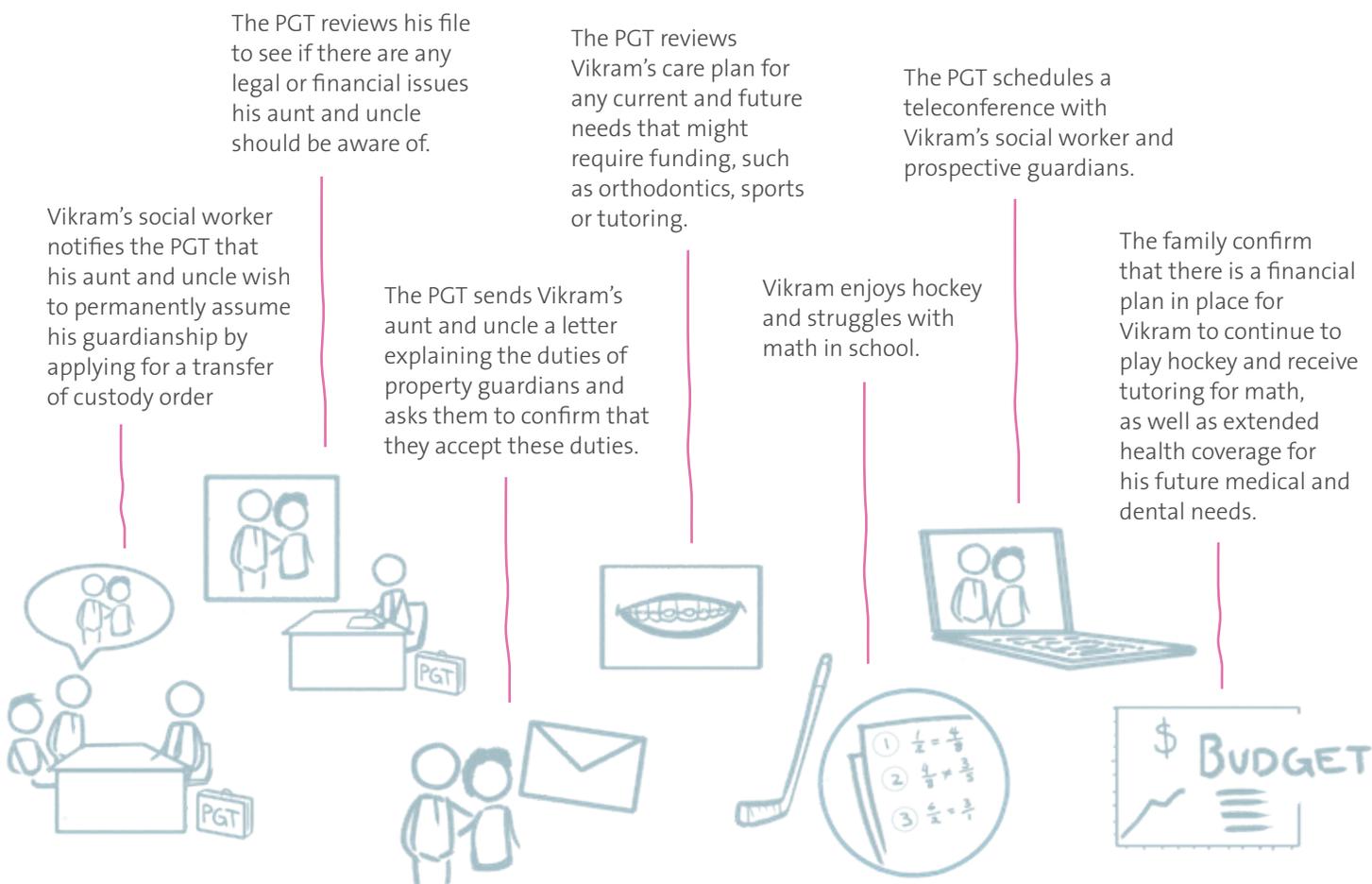
support personal goals. As these youth grow up, the transition plan evolves and changes to meet the needs of the child and youth. Financial literacy materials, workshops and a variety of information is available to supplement and support these plans.

A post-majority trust agreement option may be preferable to a young person who is already facing a range of challenges and uncertainty as they prepare to leave care, effectively alleviating the immediate burden that managing their money may represent. A post-majority trustee agreement is a unique and personalized plan for each young person. It can be as simple as continuing to hold assets in trust for a short period to allow time to settle into housing or as involved as a multi-year agreement to disburse regular and smaller trust payments when cash-on-hand presents a risk of theft, loss or harm.

These new and enhanced services present an exciting opportunity as well as new challenges for the PGT in preparing youth to eventually receive their trust money.

## Vikram's Story

Note: All names have been changed to protect the privacy of PGT clients.



Often trust funds held for youth are awarded as a result of a significant loss, such as death of a parent or personal injury or harm. These youth have a broad range of lived experiences, sometimes involving significant trauma or loss which may complicate assuming adult roles at the age of majority. Medical diagnoses may also inform the approach taken to transition trust funds to them. While transition planning services have the potential to better prepare a young person to set goals and receive their trust funds when they reach adulthood, children in care rarely have the same social worker up to the age of 19. This makes the collaborative planning process less consistent and more challenging for both the PGT and young people preparing to leave care.

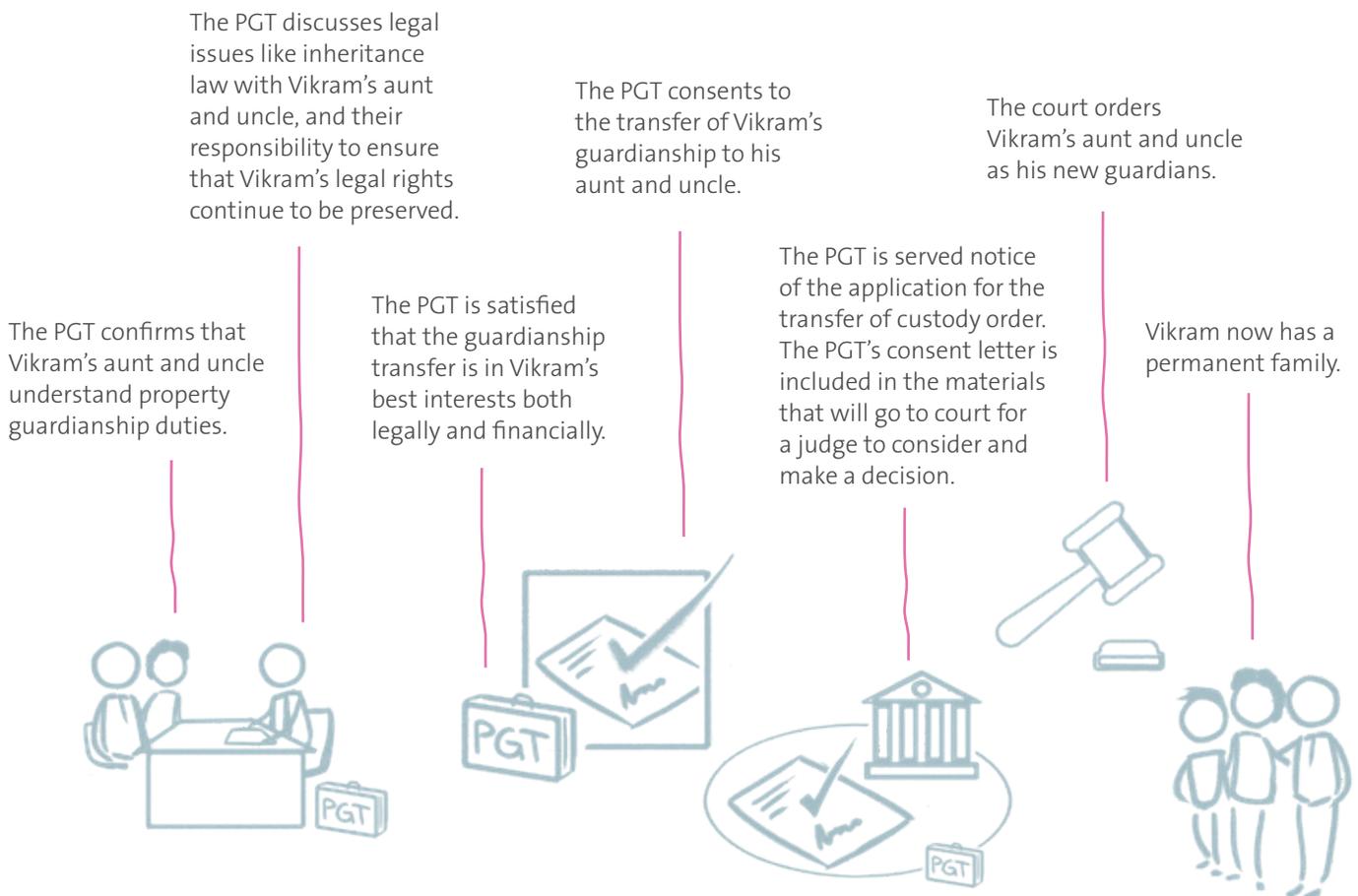
As a result, care and sensitivity is needed when transition planning with youth for their funds.

### PGT Educational Assistance Fund

The Public Guardian and Trustee Educational Assistance Fund was first established in 1989 from the generous

donations of three private benefactors who wished to help former youth in care to reach their educational and vocational goals. The fund provides bursaries to eligible individuals over age 19, who were formerly in the continuing care of the Province of British Columbia. The bursary is meant to help recipients with the costs for fees, books, living expenses or any other financial need standing in the way of being able to achieve their educational goals. Bursaries are awarded annually.

In 2018–2019, 11 individuals ranging in age from 19 to 37 received bursaries ranging from \$1,000 to \$2,500. The total amount awarded was \$17,720. Fields of study included social work, international relations, nursing, education and engineering. Awards were also granted for masters programs in social work and in live art and performance. The PGT congratulates the recipients of these bursaries as they pursue their education and career goals.





# Community Engagement and Outreach

Child and Youth Services is actively engaged in outreach activities throughout the province by reaching out to two specific groups. Young clients are provided financial literacy workshops and social workers and community stakeholders are provided ongoing educational workshops.

## Financial literacy

For a variety of reasons, children and youth in care may not have the benefit of continuous guidance and mentorship around financial matters. Many may age out of care with limited tools and knowledge about managing personal finances. The PGT strives to provide

tools and empowerment around money and finances to as many youth in care as possible through our financial literacy workshops. Workshops are offered at a variety of venues, such as alternative schools, community centres, youth shelters, day camps, safe houses and youth custody centres and also via life skills and employment programs. Working from the philosophy that it is never

**In 2018-2019, the PGT is pleased to have directly reached 277 young people through 37 financial literacy workshops.**

too early to start gaining money management skills and that knowledge is power, the PGT has successfully tailored the workshops to a wide range of clients, from as young as 10 years old to early adulthood.

The PGT offers financial literacy workshops as part of life skills programs at Strive and the Broadway Youth Resource Centre (BYRC) in the Vancouver area. Due to eligibility changes with MCFD's Agreements with Young Adults (AYA) program in April 2018, youth attending these programs are able to continue receiving AYA funding through the summer months, while obtaining financial management skills.

### Information sessions for social workers

PGT staff are involved in educating social workers, transition workers and other community youth support workers on the role of the PGT and property guardian services provided to children and youth in continuing care. Over the 2018–2019 fiscal year, the PGT conducted 39 presentations and workshops, either in-person or via webinar or teleconferences, on a wide variety of topics including property guardian services, RDSPs, will making for youth and the new post-majority trustee services for young people aging out of care. Over the last year, 585 guests throughout the province participated in these presentations.

### Broadway Youth Resource Centre (BYRC)

The PGT has had a close partnership with the Broadway Youth Resource Centre for the past 11 years. The BYRC is an award-winning, community-based resource centre in Vancouver serving youth from ages 13 to 24. The centre provides life skills, housing services, employment, counselling and addictions services for children and youth. In addition to facilitating financial literacy workshops, PGT staff also speak with youth in care visiting the centre about the PGT's financial and legal services as their property guardian.

### Collective Impact

The PGT continues to be an active member of the "Collective Impact for Youth Leaving Care" initiative. This initiative is a joint partnership with the City of Vancouver, Vancouver Foundation, McCreary Centre Society and the Federation of Community Social Services of BC along with a coalition of over 50 grass roots community groups and service providers in the Lower Mainland, including current and former youth in care. The goal of the initiative is to work together to implement systemic changes and meaningfully improve outcomes

for youth leaving care. The shared common agenda of the collective is: "invest in youth by creating equity of access to meaningful experiences, caring connections and opportunities for growth based on individual needs, wants and readiness."

In May 2018, the second Collective Impact "Connect2Thrive" community marketplace was held at a local Vancouver community centre, building on the success of the previous year's inaugural event. Specifically aimed at the 110 youth transitioning from care in the Vancouver area in 2018–2019, the marketplace brought together service providers from the housing, employment, health and education sectors so that youth could directly connect with the people and service providers who can help them as they "age into community" and establish their adult lives. The PGT is pleased to host a table and be a participant in the youth marketplace, now an annual event.

### Power Pages

The PGT continues to have a standing column in the Federation of BC Youth in Care Networks' (FBCYICN) Power Pages magazine, a youth-driven publication connecting youth in and from care, their service providers, and caregivers across BC. The FBCYICN is a provincial non-profit organization dedicated to improving the lives of young people in and from care in BC between the ages of 14 and 24.

Topics the PGT highlighted in our submissions this year included financial transition planning, RDSPs, the PGT's money sense quest profiled in the [AgedOut.com](http://AgedOut.com) website for youth leaving care and the PGT's new post-majority trustee services. Through this magazine, the PGT is able to reach more than 5,000 young people and the people and agencies who provide services to them.

### BC Child and Youth in Care Week

The PGT is pleased to connect and collaborate with other community partners in hosting BC Child and Youth in Care Week (BCCYICW), held annually in June to honour children and youth in care across BC.

First proclaimed by the Province of British Columbia in 2011, June 2018 marked the eighth year of celebrations. Each year, the PGT celebrates BCCYICW by hosting a bake sale to raise funds for community-based organizations serving children and youth. In 2018, fundraising proceeds were donated to Collective Impact, which directly funded some social events for youth in care in the Lower Mainland.



# Reconciliation

**“We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.”**

*~ Article 57 of the United Nations Declaration on the Rights of Indigenous Peoples*

The PGT welcomes and seeks out opportunities to connect and partner with Indigenous organizations throughout British Columbia in support of children and youth in care.

The Province of British Columbia is committed to reconciliation with Indigenous peoples and the PGT recognizes that we have work to do regarding reconciliation and are beginning to take steps along this path. As a disproportionate number of children and youth in continuing care are Indigenous, the PGT is acutely aware of the historical and current impacts of colonialism in the child welfare system.

The PGT is engaging with Indigenous youth-serving organizations as well as building relationships with individual Bands and Nations. In order to further our success in these efforts, there has been focused staff training on Indigenous cultural safety and reconciliation.

## **Nation entitlements**

When the PGT learns that a young person in care is Indigenous, inquiries are made with their Nation with respect to any entitlements or benefits available to them through the Nation. This may include educational and land entitlements, as well as potential dividends or



other payments. In some instances, the entitlements may be held in trust by the Nation or by the PGT. In other instances, eligibility begins at age 19 and the PGT transitions the information to the young person or their social worker.

### **National Indigenous Peoples Day**

National Indigenous Peoples Day is celebrated annually on the summer solstice. In 2018, the PGT honoured the day by attending celebrations and hosting an information booth at Trout Lake in Vancouver, on the traditional lands of the X<sup>w</sup>məθkwəyəm (Musqueam), S<sup>k</sup>wxwú7mesh (Squamish) and Səlílwəta? (Tsleil-Waututh) Nations. This community-based celebration is hosted by the Vancouver Aboriginal Friendship Centre Society and includes a full day of events to showcase and celebrate the diversity of Indigenous people in Canada.

### **Gathering Our Voices youth conference**

The PGT annually hosts an information table at “Gathering Our Voices” (GOV), a conference for Indigenous youth held in various locations throughout BC. March 2019’s conference was held in Port Alberni on Vancouver Island in Hupačasath and Tshaht First Nation traditional territories. Over 1,000 Indigenous

children and youth from across Canada attended GOV. The conference was hosted by the BC Association of Aboriginal Friendship Centres, the Provincial Youth Aboriginal Council and the Port Alberni Friendship Centre. GOV organizers have noted how popular the event is becoming, with the latest registration reaching capacity within an hour. The PGT is honoured to attend this event each year and to reach so many Indigenous youth and let them know about our services.

### **Indigenous Perspectives Society— training for new social workers**

The PGT is honoured to be a regular guest speaker at Indigenous Perspectives Society, a not-for-profit social enterprise organization that strengthens the voice of Indigenous communities through education and professional development. PGT staff are invited to provide training on property guardianship services to social work students in the Aboriginal Social Work training program. The program combines best practices in Indigenous child welfare with BC provincial legislation and standards.

### **PGT staff educational opportunities**

The PGT is committed to enhancing Indigenous cultural awareness and safety training for staff throughout the organization, so that we can better serve our clients in a culturally appropriate and safe way.

Once a month, the PGT hosts a viewing of documentaries on pertinent Indigenous issues available through the National Film Board of Canada. These films provide unique insight into the lives of Indigenous people, and range from cultural or historical documentaries to personal stories of the lives and struggles of individuals and their loved ones.

As Indigenous learning materials and opportunities become available, the PGT is incorporating them into the required training for all staff, while offering a wide variety of supplemental educational experiences to those who wish to enrich their personal reconciliation journey. Many PGT staff have participated in transformative workshops which support cognitive and emotional understanding of traditional First Nation values and offer insights into the depth and intergenerational effects of colonization. First provided to PGT executive and management in 2017, this experiential and impactful learning opportunity was offered to PGT staff the following year and continues to be a focus for staff training opportunities.

# Appendix: PGT Classification of Critical Incident Reports

## A. Incident types

The PGT reviews critical incident reports from MCFD and DAAs upon receipt and categorizes the reported incident types according to classifications adopted from the extensive World Health Organization International Classification of Diseases. For more information, see the complete classification system at [who.int/classification/icd/en](http://who.int/classification/icd/en).

The PGT sorts CIRs according to all of the following categories. However, for clarity in reporting, these categories are grouped as below to reflect the five major groupings of types of incidents that are most frequently reported with all other incident types grouped as “other.”

- 1 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, and injuries inflicted by the police or other law enforcement agents on duty.
- 2 Sexual assault** – Sexual assault or abuse, including rape, sexual interference, sexual touching and invitation to sexual touching, sexual exploitation or similar actions.
- 3 Motor vehicle accidents** (includes the following incident types):
  - **Motor vehicle accident – child cyclist** – Child was riding on a pedal cycle and was involved in a collision or non-collision injury associated with a motor vehicle.
  - **Motor vehicle accident – child driver** – Motor vehicle accident where the child was the operator of the motor vehicle excluding motorized bicycle.
  - **Motor vehicle accident – child passenger** – Motor vehicle accident where the child was a passenger in the motor vehicle.
  - **Motor vehicle accident – child pedestrian** – Child was a pedestrian injured in any collision or non-collision traffic incident involving a motor vehicle.
- 4 Other type of injury or harm to child** (includes the following incident types):
  - **Other type of injury or harm to child** – The following are examples of incidents in this category: environmental; poisonings (accidental); foreign body; machinery in operation; overexertion; firearms; other and unspecified environmental exposures and unspecified accidental causes.
- 5 Self harm** (includes the following incident types):
  - **Self inflicted injury** – All intentionally self inflicted injuries except those resulting from suicide attempts or suicide.
  - **Suicide attempts** – Suicide attempts where child survived.
- 6 All other incident types** (includes the following incident types):
  - **Cutting / piercing** – Injury caused by cutting or piercing instrument or object. Excludes assault with a sharp object and self inflicted injury with a sharp object.
  - **Death** – The reported incident was that the child’s death was accidental, homicide, natural death, or suicide.
  - **Dog bite** – Injuries resulting from a dog bite.
  - **Drowning / submersion** – Accidental drowning or submersion involving watercraft, fall or activity in water resulting in resuscitation / medical attention excluding intent to self harm.
  - **Fall** – Falls due to accidental pushing or collision with other person, or diving or jumping into water.
  - **Fire / flames / hot substances** – Injuries caused by fire and flames; hot appliances, objects or liquids; steam; acid burns.
  - **Medical condition** – Illnesses or complications arising from surgery, medical care or medical treatment including hospitalizations due to medical illness.
  - **Non-motor vehicle cycle accident** – Child was injured in a non-motor vehicle incident involving a pedal cycle including falls from bicycle.



- **Physical and sexual assault** – An incident where both physical and sexual assault are believed to have occurred.
- **Struck by object** – Child was struck by falling object, striking against or struck by persons or objects, or caught unintentionally between objects excluding motor vehicle.
- **Suffocation** – Inhalation and ingestion of food or objects causing obstruction of respiratory passage, or suffocation, unintentional mechanical suffocation, and smothering or choking.

## B. Alleged harmers

This category identifies the relationship to the child of the person alleged to have harmed the child (intentionally or by accident). This category does not include agencies that may have a legal responsibility to care for the child (e.g. MCFD or DAA). It was adapted from the extensive International Classification of External Causes of Injuries. For more information, see the complete classification at [www.whoic.nl/sites/default/files/2018-05/ICECI%20in%20English.pdf](http://www.whoic.nl/sites/default/files/2018-05/ICECI%20in%20English.pdf).

The PGT sorts alleged harmers according to all of the following categories. However, for clarity in reporting, these categories are grouped as below to reflect the five major groupings of types of alleged harmers that are most frequently reported with remaining categories of alleged harmers grouped as “all other alleged harmers”.

The alleged harmer category of relationships includes:

- 1 **Other relationship** – Includes incidents in which there could be more than one harmer or where the alleged harmers did not fall into any other defined group
- 2 **Other friend(s) / acquaintance(s)** (does not include intimate partners)
- 3 **Foster parent(s)**
- 4 **Relationship not known**
- 5 **Parent(s)**
- 6 **All other alleged harmers** (includes the following categories):
  - **Another child(ren) in care**
  - **Boyfriend / girlfriend / spouse** – Includes intimate partner(s)
  - **Other relative(s)**
  - **Person(s) in official or legal authority** – Includes: teachers, church ministers, sports coaches, police, guards, etc.
  - **Stranger(s)**
  - **Unrelated caregiver(s)** – Includes child care provider(s)

# General Inquiries

## Public Guardian and Trustee of British Columbia

700-808 West Hastings Street, Vancouver, BC V6C 3L3

Phone 604.660.4444  
Fax 604.660.0374  
Email [mail@trustee.bc.ca](mailto:mail@trustee.bc.ca)  
Website [www.trustee.bc.ca](http://www.trustee.bc.ca)

Toll-free calling is available through Service BC.  
After dialing the appropriate number for your area  
(see below) request to be transferred to the  
Public Guardian and Trustee.

Vancouver 604.660.2421  
Victoria 250.387.6121  
Other areas in BC 1.800.663.7867

PGT hours of operation  
Monday to Friday  
8:30 a.m. to 4:30 p.m.

