



PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

CHILD AND YOUTH GUARDIANSHIP SERVICES 2015–2016 REPORT

# VALUES

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

## RESPECT

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

## STAFF SUPPORT

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

## INNOVATION

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

## OPENNESS

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

## TEAMWORK

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

## CLIENT CENTRED SERVICE

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

## INTEGRITY

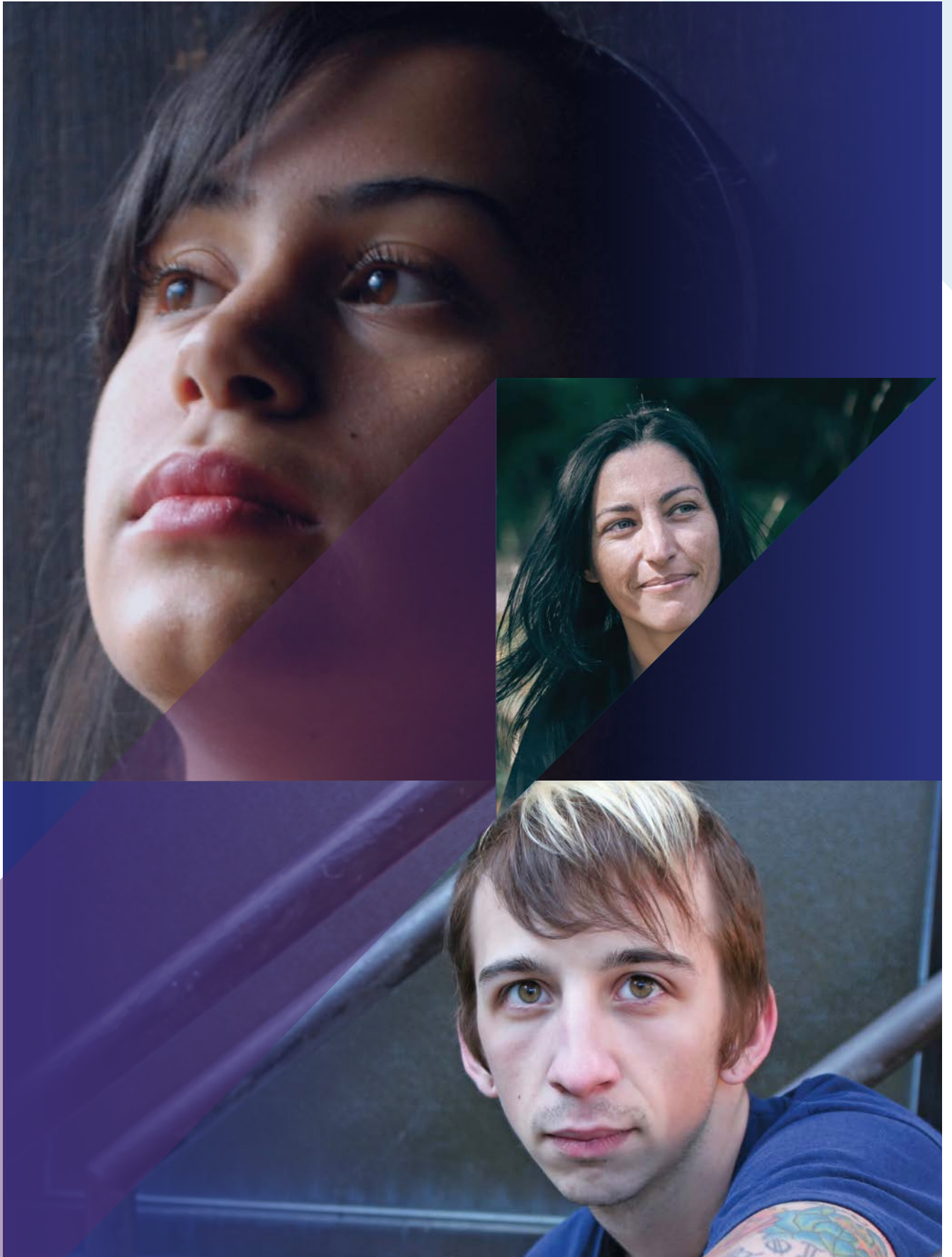
We act in accordance with the highest ethical, legal and personal standards.



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## MESSAGE FROM THE PUBLIC GUARDIAN AND TRUSTEE

I am pleased to issue this eighth annual Child and Youth Guardianship Report about the work undertaken by the Public Guardian and Trustee (PGT) on behalf of British Columbia's children and youth in continuing care.

The PGT has an important role under provincial law to support children and youth in care by serving as their property guardian. In this capacity, the PGT secures financial benefits to which a child in care may be entitled, protects a child's legal interests and acts as trustee of a child's money or other property until the child reaches the age of majority. By doing so, the PGT fills part of the void created when children and youth are unable to live with their families and do not have parents or guardians who are ready and able to protect their children's interests. Overall, the PGT's work as property guardian is resulting in an increasing number of youth leaving care with some measure of financial resources of their own to support their aspirations as young adults. Protected legal interests and financial assets provide a foundation upon which positive futures can be built.

For each child and youth in continuing care, the PGT shares guardianship responsibility with the Ministry of Children and Family Development (MCFD) or the Delegated Aboriginal Child and Family Services Agencies (DAA) which serve as guardians of person of the child. As part of their responsibilities, MCFD and the DAAs provide the PGT with reportable circumstance reports concerning children in continuing care who have been involved in a critical injury or serious incident. Responding to these reports is a key duty of the PGT as property guardian. During the period covered by this report, the PGT received and responded to 846 reports involving 512 children and youth and where appropriate, took steps to seek legal redress for the injury or losses suffered by these children.

In 2015–2016, the efforts of the Public Guardian and Trustee's legal services team resulted in recovery of \$24.1 million on behalf of children and youth in care from a variety of legal matters ranging from estate litigation to civil claims for damages for sexual assault. Through other efforts to secure financial benefits for children and youth in care, during this period, the PGT collected over \$800,000 for property guardian clients consisting of various federal, provincial, Aboriginal Band and private

pension plan benefits and insurance proceeds. Since the inception of the federal Registered Disability Savings Plan (RDSP) program, the PGT has made it a priority to establish a RDSP for each eligible property guardian client. The value of a RDSP is that it can provide long term financial security to a person living with a disability. In 2015–2016, the PGT administered 635 RDSP accounts valued at approximately \$6 million for eligible children and youth in continuing care.

A role that is a particular privilege is serving as trustee of the PGT Educational Assistance Fund. The fund was established in 1989 with the purpose of providing financial assistance to former youth in continuing care to help them further their post-secondary or vocational training. In 2015–2016, the PGT distributed nearly \$18,000 in bursaries to 13 former youth in care to carry out studies in the areas of social work, civil engineering, arts and science, child care and film and television arts.

Once again during this past year, the PGT reached out to provide information and services to property guardian clients in their own communities across the province. By participating in community events such as Gathering Our Voices Aboriginal Youth Conference and British Columbia Aboriginal Network on Disability Society Conference and by providing financial literacy training workshops in schools and community centres, the PGT has attempted to heighten public awareness of the PGT's role and to make PGT services more accessible to children and youth in care.

The PGT is committed to developing its capacity to provide effective property guardianship services and to promoting improved outcomes for our property guardian clients. We look forward to the opportunities the coming year will bring to serve 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 British Columbia 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.



## PGT OVERVIEW

This is the eighth annual report regarding child and youth property guardian services provided by the Public Guardian and Trustee (PGT). The purpose of this report, which covers the period of April 1, 2015 to March 31, 2016, is to describe PGT services, key activities and outcomes related to supporting children and youth in continuing care of the province of British Columbia. The report also outlines emerging and continuing opportunities

and challenges related to serving children and youth as property guardian.

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:



The PGT provided services with 261 full time equivalent employee positions and served approximately 26,700 clients throughout 2015–2016. It managed \$897 million of client trust assets. 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.

Through its **Child and Youth Services (CYS) Division**, the PGT protects the legal and financial interests of children and youth under a number of

provincial laws. CYS 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, 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 and part of the wages paid to child and youth actors. Funds are typically held in trust until the youth reaches 19 years of age, but may be used earlier if it is in the best interests of the child or youth.

### PROTECTIVE LEGAL REVIEWS

In conducting protective legal reviews, the PGT reviews all proposed settlements of claims 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 its trustee duties respecting children and youth may overlap in some cases where, for example, a child or youth in

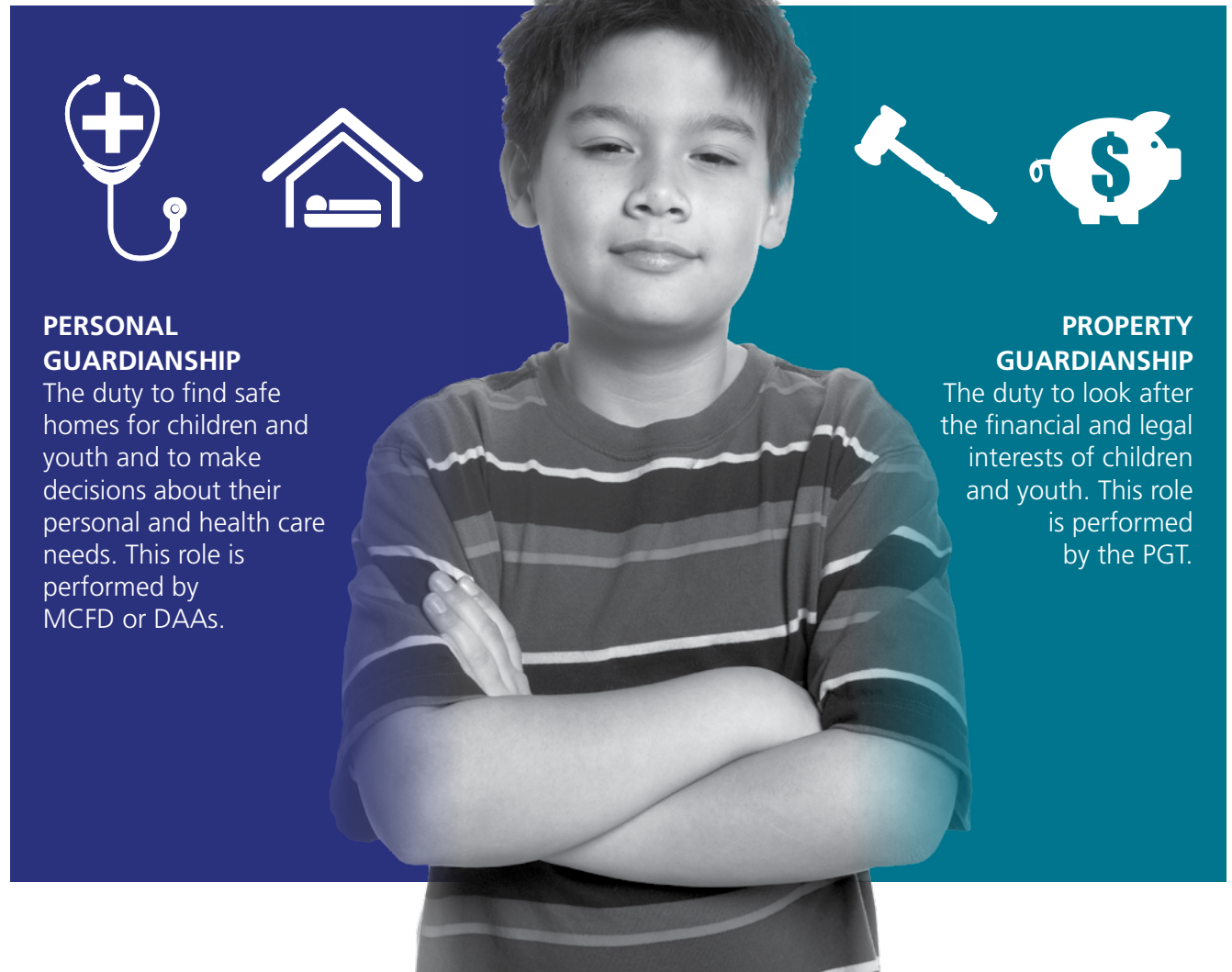
continuing care is also the beneficiary of an estate. In such cases, the PGT is property guardian for the child or youth and also acts as trustee of the funds.



## PUBLIC GUARDIANSHIP SERVICES IN BC

When children lose their parents or legal guardians and have no one to provide guardianship protection to them, 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 coguardian in situations where coguardian 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 44 PGT staff positions that provide all CYS services, 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 coguardians. 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.



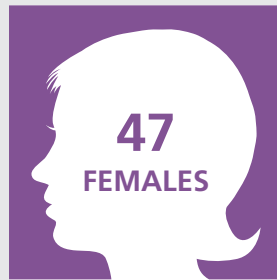
The PGT requests this information to be updated annually and also creates its own report describing the property guardianship services it has provided to the child or youth over the past year. These annual reviews support ongoing activities such as pursuing financial benefits, investigating potential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

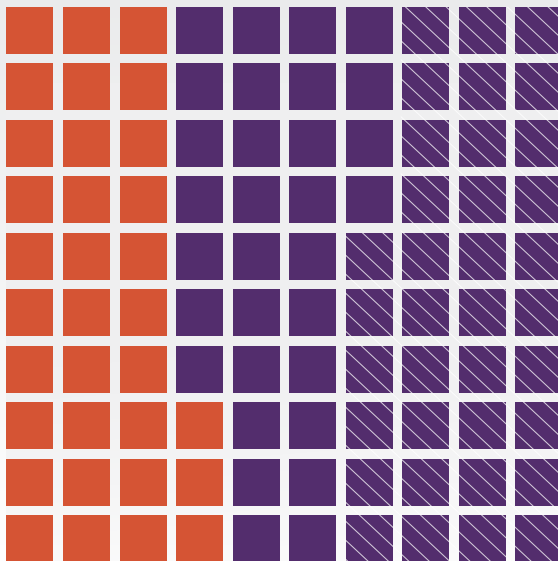
PGT property guardianship services end by law when the child reaches 19 years of age, when the child is adopted, when guardianship of the child is transferred, when the child is returned to the parent(s) or when the child dies. In any of these circumstances, the PGT does a complete file review to ensure 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, 2015 to March 31, 2016.

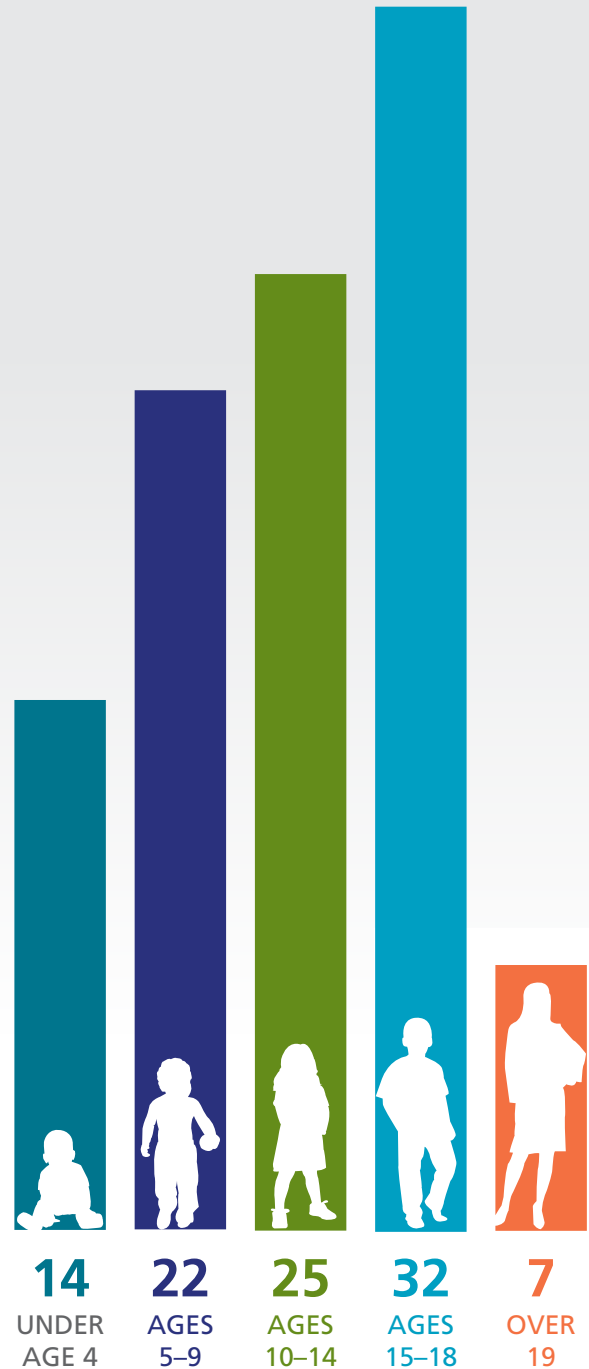
IF PGT PROPERTY GUARDIAN CLIENTS WERE IMAGINED AS A VILLAGE OF 100 CHILDREN, THEN:



ABORIGINAL CHILDREN



- 33** NON ABORIGINAL ■
- 36** SERVED BY DAAs ■
- 31** SERVED BY MCFD ▨



NOTE: ALL DATA IN THIS REPORT IS DERIVED FROM PGT SOURCES, EXCEPT FOR INFORMATION REGARDING ABORIGINAL IDENTITY, WHICH IS PROVIDED BY MCFD. DATA AT MARCH 31, 2016. ALL NUMBERS IN THIS REPORT ARE ROUNDED.

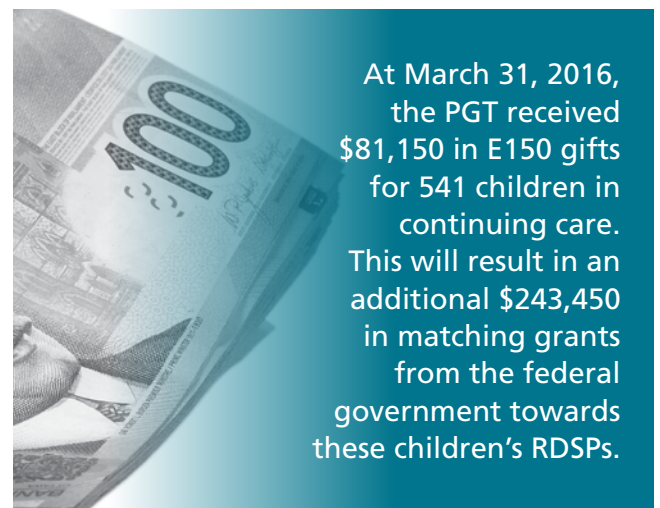
## FINANCIAL SERVICES

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, 2016, the PGT held approximately \$23.8 million in assets on behalf of these children and youth from a variety of sources.

A key area of focus for the PGT has been to establish Registered Disability Savings Plans (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 635 RDSPs worth approximately \$6 million open at March 31, 2016. The value of the established RDSPs continue to grow as the PGT secures the annual \$1,000 bond for each eligible child or youth.

The Vancouver Foundation's Endowment 150 (E150) Program helps individuals and families with low incomes save for their future by providing one time gifts of \$150 to help their RDSPs grow. The E150 Program has been extended to children in care and the PGT initiated a project with the Vancouver Foundation to collect the E150 gift for children and youth in continuing care. Contributing the \$150 gift to a child's RDSP will result in an additional \$450 in matching grants from the federal government, resulting in a further growth to RDSPs for children in continuing care.



### MAJOR CATEGORIES OF ASSETS AT MARCH 31, 2016

NUMBER OF CLIENTS	ASSET TYPE	TOTAL VALUE OF ASSET TYPE
635	REGISTERED DISABILITY SAVINGS PLANS	\$5,684,383
864	TRUST ACCOUNTS WITH CASH BALANCES	\$11,286,746
12	HOLDINGS IN INVESTMENT ACCOUNTS	\$6,809,691


NOTE: THESE REPRESENT THE THREE MAJOR CATEGORIES OF ASSETS HELD BY PGT FOR CHILDREN AND YOUTH IN CARE.

## TYPES OF FUNDS HELD BY THE PGT FOR CHILDREN AND YOUTH IN CONTINUING CARE

SOURCE OF FUNDS	TOTAL VALUE OF FUNDS	% OF TOTAL VALUE
PERSONAL INJURY PROCEEDS	\$10,249,899	57%
CANADA PENSION PLAN (CPP) CHILDREN'S BENEFITS	\$2,877,181	16%
ESTATE PROCEEDS	\$1,779,114	10%
FAMILY COMPENSATION ACT PROCEEDS	\$1,119,104	6%
INSURANCE PROCEEDS	\$1,106,015	6%
OTHERS	\$965,124	5%
TOTAL	\$18,096,437	100%

NOTE: VALUES AT MARCH 31, 2016

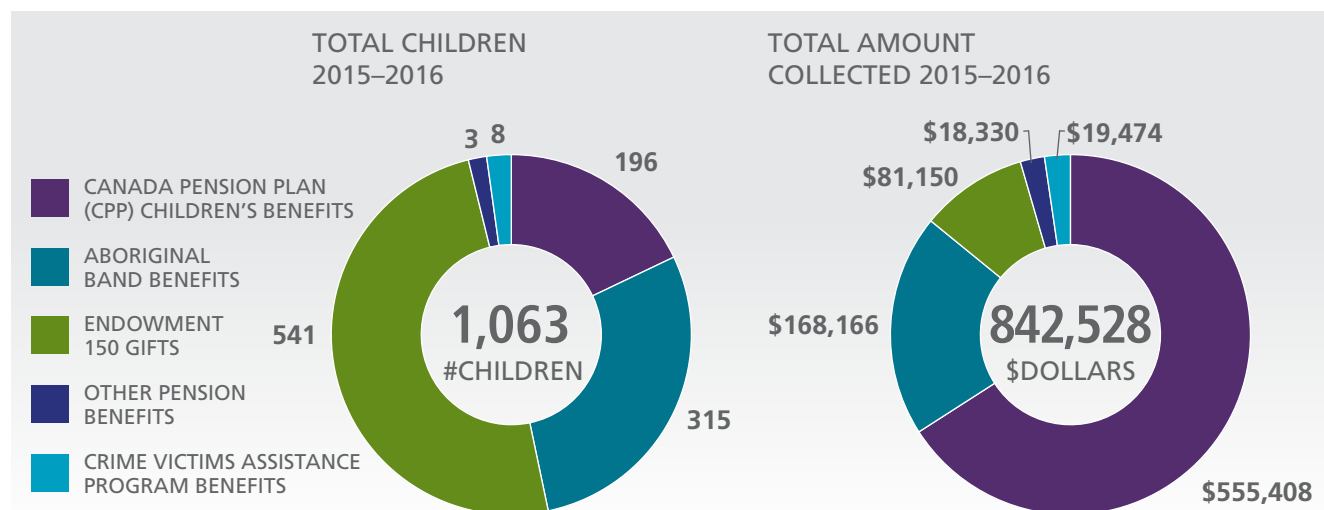
## SECURING FIRST NATIONS BAND ENTITLEMENTS FOR ABORIGINAL CHILDREN



The PGT became aware of Tyler's possible entitlement to be included as part of an out of province First Nations land claim, which would include a share of mining and mineral rights on the land. Following inquiries with the band, the PGT learned that Tyler was not registered for the land claim, and that in order for him to be eligible, his father first had to register. Working with Tyler's social worker, who was able to locate his father and assist him in getting registered, PGT staff were then able to complete and submit the application on Tyler's behalf and ensure that he was registered and eligible for any benefits or entitlements that may arise from land claims in the future.

NOTE: ALL NAMES HAVE BEEN CHANGED AND PHOTOGRAPHS ARE SELECTED FROM STOCK IMAGES TO PROTECT THE PRIVACY OF PGT CLIENTS.

## FINANCIAL BENEFITS COLLECTED 2015–2016



The PGT pursued and collected over \$800,000 in various financial entitlements and benefits on behalf of children and youth in 2015–2016. These can include death benefits, Aboriginal band benefits, private pensions and various federal and provincial government benefits. Additional amounts were collected on behalf of children and youth in 2015–2016 as a result of the work of the PGT’s legal counsel, including legal actions brought by the PGT on behalf of children and youth, such as personal injury claims.

As personal identification is a key element to securing financial benefits, the PGT applies for birth certificates and social insurance numbers for all

children and youth in care. In 2015–2016, PGT staff applied for 733 birth certificates from the BC Vital Statistics Agency.

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.

## PURSuing FINANCIAL BENEFITS



Damian and Jermaine’s birth father was killed in a car accident in Alberta. MCFD had planned to work with the father to have the children returned to him and this plan was in place when he passed away. Under Alberta law, the children had potential civil claims for the wrongful death of their father, as well as claims for bereavement and loss of dependency. PGT legal counsel spent several years pursuing claims for Damian and Jermaine and successfully secured substantial awards for them that will be held in trust until they turn 19.

NOTE: ALL NAMES HAVE BEEN CHANGED AND PHOTOGRAPHS ARE SELECTED FROM STOCK IMAGES TO PROTECT THE PRIVACY OF PGT CLIENTS.


## 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 2015–2016, 846 CIRs were received by the PGT involving 512 children and youth. This is a significant increase in the number of CIRs from previous fiscal years, likely due to MCFD’s roll out of an updated Reportable Circumstance Policy and Guidelines. 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 adapted 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 adapted from the International Classification of External Causes of Injuries (see PGT Classification of Critical Incident Reports at the end of this report).

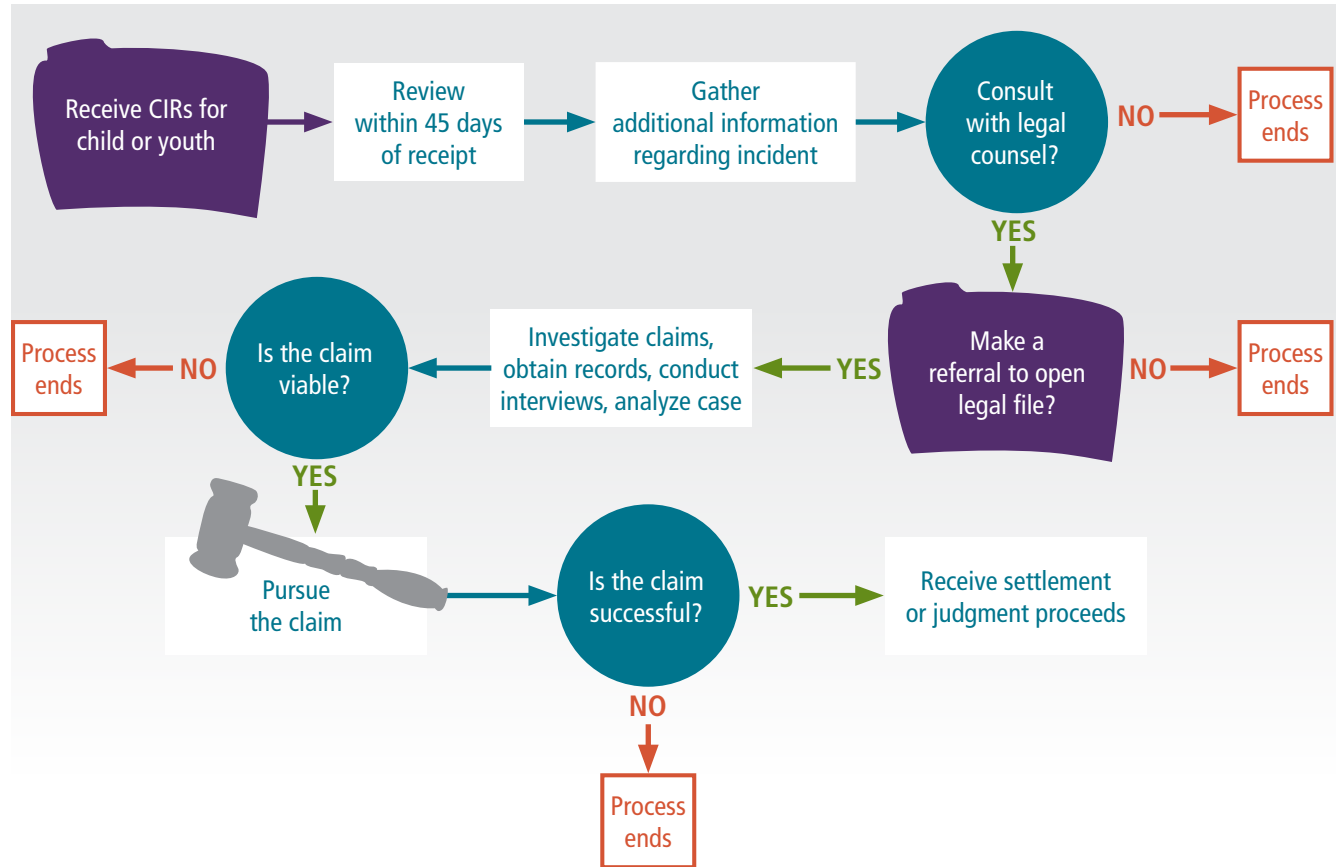
### NUMBER OF CRITICAL INCIDENT REPORTS 2015–2016



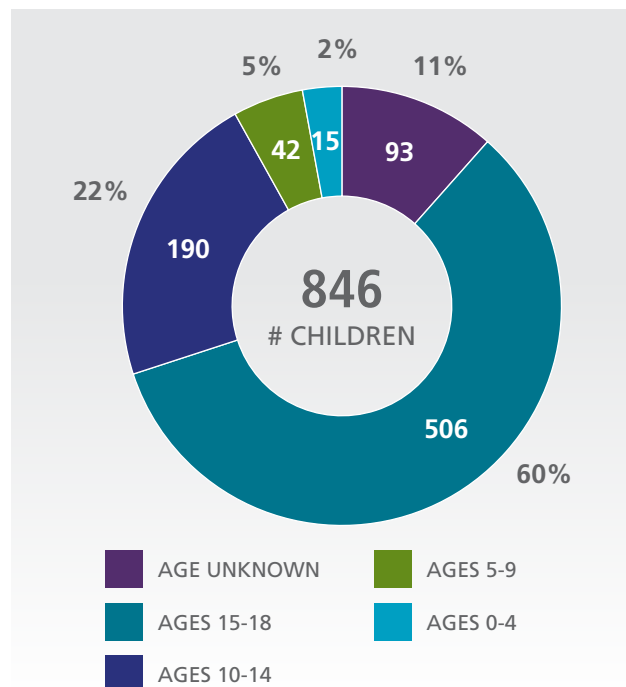
# OF CIRs RECEIVED	# OF CHILDREN	% OF CHILDREN
1	347	68%
2	87	17%
3	43	8%
4	12	2%
5	13	3%
6	2	<1%
7	3	1%
9	1	<1%
10	3	1%
11	1	<1%
	<b>512</b>	<b>100%</b>

THERE WERE **846** REPORTS FOR **512** CHILDREN

## PGT RESPONSE TO CRITICAL INCIDENT REPORTS 2015–2016

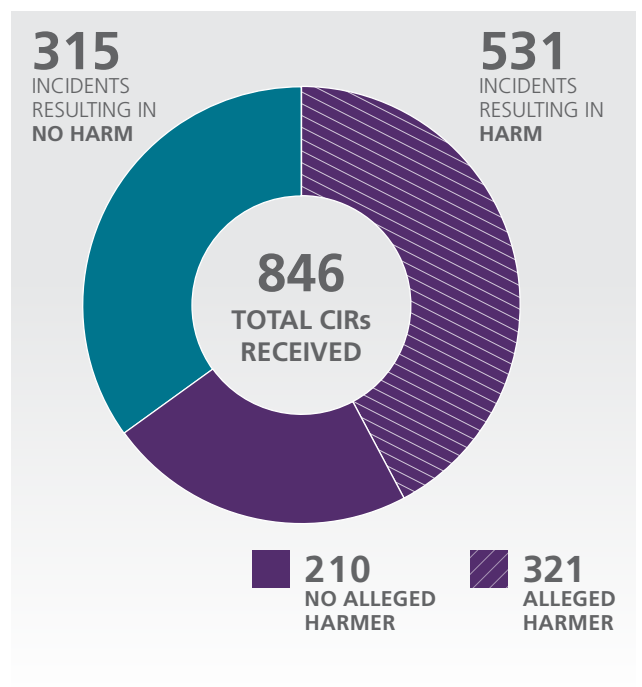


### AGE OF CHILD OR YOUTH ON DATE OF INCIDENT 2015–2016



NOTE: "UNKNOWN" IS USED WHEN THE EXACT DATE OF THE INCIDENT IS UNKNOWN OR WHEN AN INCIDENT OCCURRED OVER A PERIOD OF TIME.

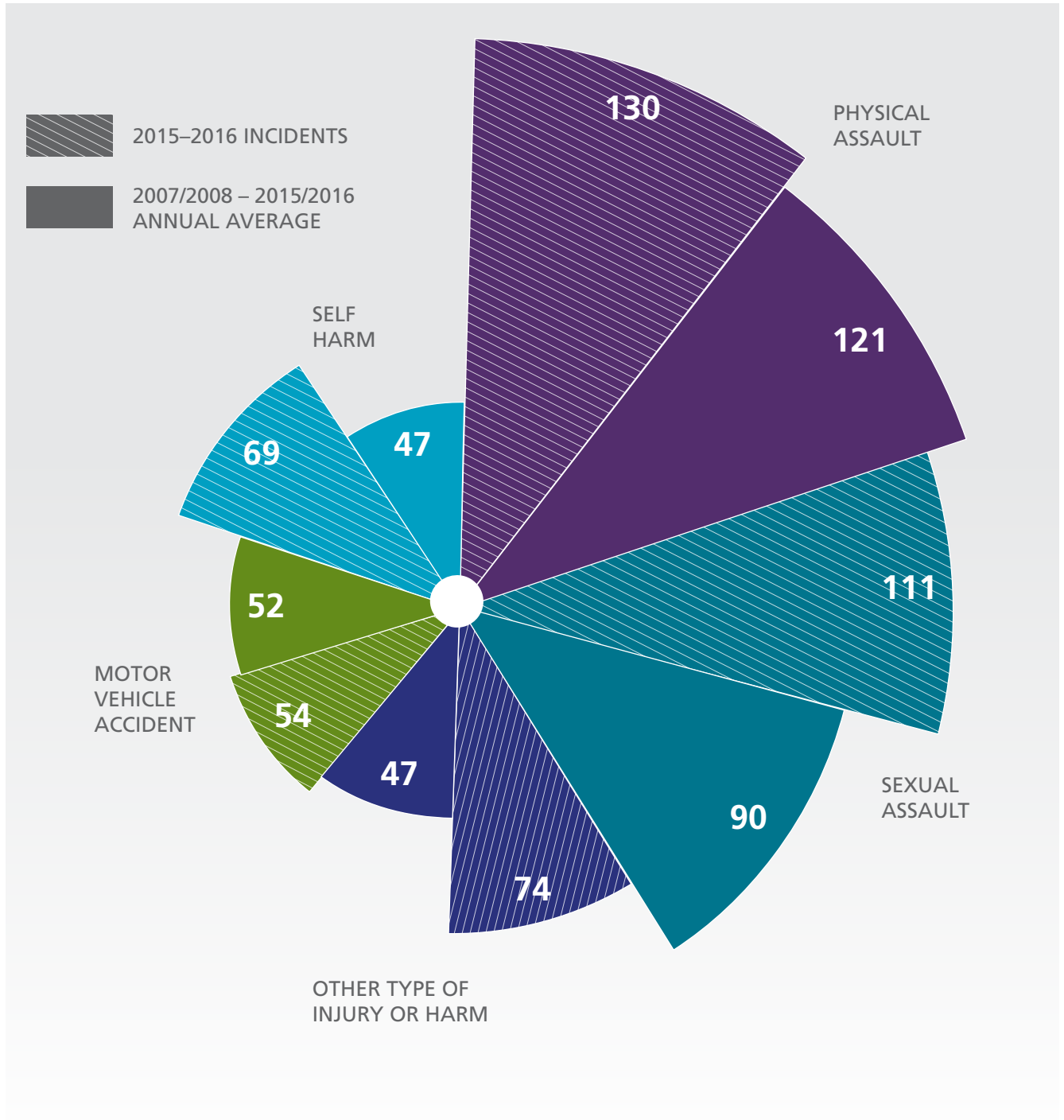
### NUMBER OF CIRs THAT REPORTED HARM OR NO HARM TO A CHILD OR YOUTH 2015–2016



NOTE: 99% OF CIRs WERE REVIEWED WITHIN 45 DAYS OF RECEIPT IN 2015–2016.



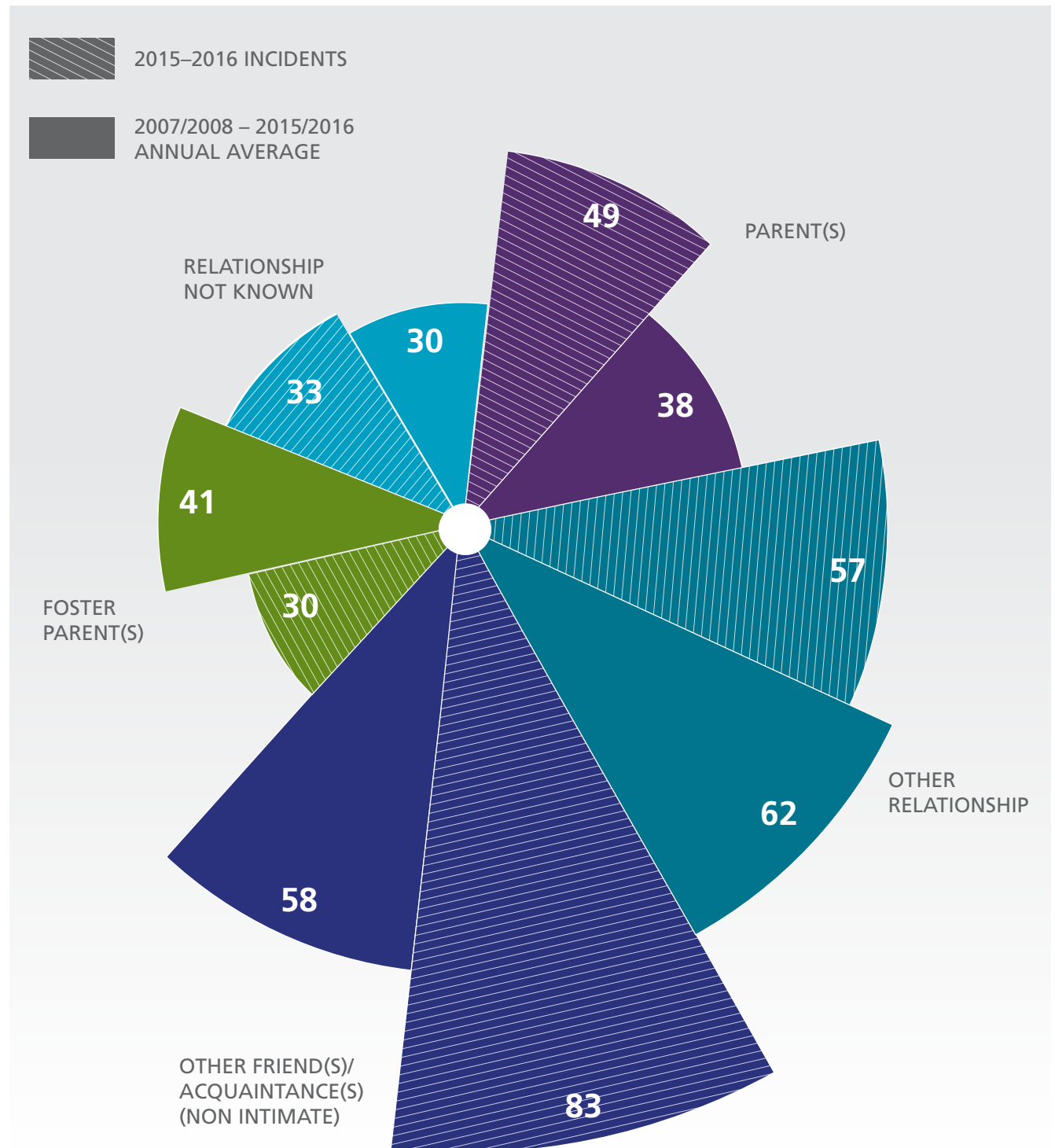
## FIVE MAJOR CATEGORIES OF HARM EXPERIENCED BY CHILDREN AND YOUTH



As the graph above demonstrates, “physical assault” is the most common type of harm reported to the PGT. The majority of injuries resulting from physical assault were suffered by youth who were aged 15 to 18 years at the time of the incident. 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.

## FIVE MAJOR CATEGORIES OF ALLEGED HARMERS



The category of alleged harmers varies according to the type of injury or incident at issue. The category “other relationship” to define an alleged harmer is applied to incidents in which there could be more than one harmer or where the alleged harmers did not fall into any other defined category. For example,

the category “other relationship” applies to alleged harmers where the incident at issue is a motor vehicle accident. This is due to the fact that when the PGT is provided with the CIR, it is not possible to determine who may be responsible for any injuries sustained by 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:



NOTE: DATA AT MARCH 31, 2016

Since the introduction of automated reporting of critical incidents from MCFD and DAAs to the PGT in 2007, the number of incidents reported has grown significantly. Over the last several years, the PGT has developed more efficient business processes to improve the initial analysis of these reports and as a result, legal files are only opened where the PGT believes that a viable legal claim exists or a child's legal or financial interests are in need of protection. Legal referrals related to personal injury arising from sexual assault are consistently the largest category of potential civil claims, comprising 34% of legal referrals over the year.

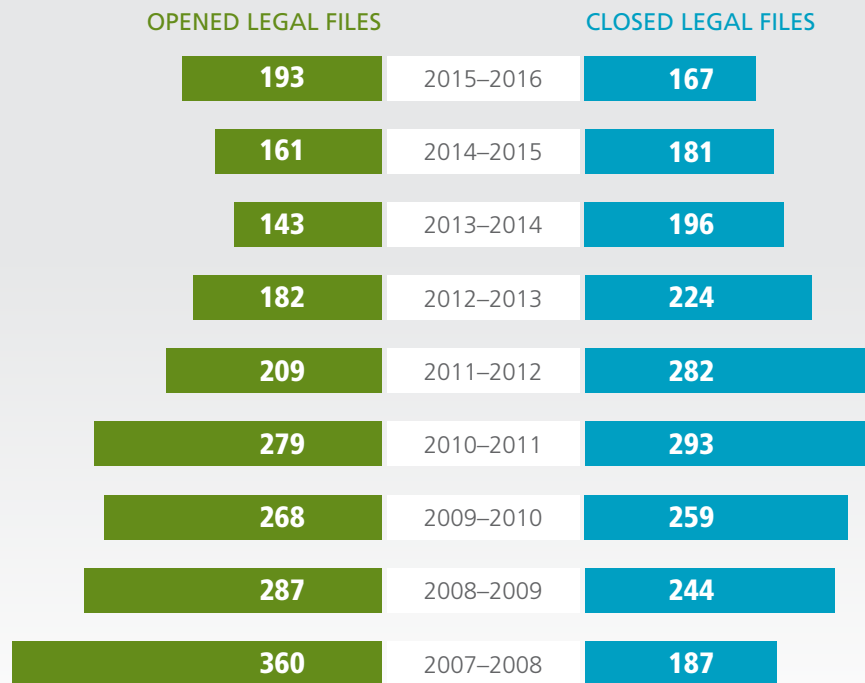
In 2015–2016, 193 new legal files were opened and 167 were concluded.

There have been 2,033 legal files closed for children in care between 2007–2008 and 2015–2016. Of the legal files concluded over this period of time, the average amount of time to conclude the matter was 2.4 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 2007–2008 and 2015–2016, the PGT collected nearly \$34.9 million from legal services carried out on behalf of children and youth in continuing care, including approximately \$24.1 million in 2015–2016.\*

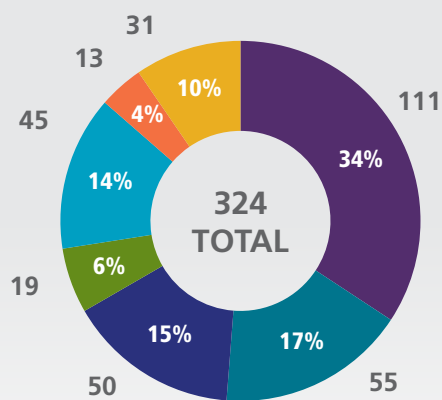
\*GROSS VALUES, BEFORE DEDUCTIONS FOR LEGAL FEES AND PGT FEES.

## OPENED AND CLOSED LEGAL WORK BY YEAR

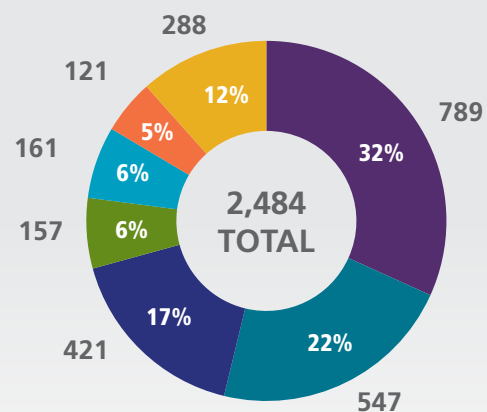


## TYPE OF LEGAL WORK

2015–2016 TOTAL



2007/2008–2015/2016 TOTAL



## AWARDS FOR DAMAGES: WHAT HAPPENS WITH THE MONEY?

As property guardian, the role of the PGT includes investigating and pursuing damages where a child or youth has been harmed or injured. When a personal injury claim has been made on behalf of a child in care which results in a settlement or award by the court, the PGT also acts as trustee of the settlement or award. For children and youth who have experienced a significant life changing injury,

the settlement or award proceeds managed by the PGT improve the child's immediate quality of life by funding services and supports needed to maximize the child's potential. These funds also provide lifelong financial security, as the child's future wage earning capacity has most likely been significantly compromised.



Karla was severely injured as an infant and as a result, she has a moderate to severe brain injury, vision impairment, expressive and receptive language difficulties, gross and fine motor delays, seizures and behavioural issues. The PGT commenced a civil action seeking damages for the personal injuries Karla suffered and the court awarded her damages for her injuries. When the PGT received Karla's award for damages, PGT staff reviewed all of the cost of care reports completed for Karla regarding the injuries she sustained, the recommended supports and services needed, and the projected costs of these services. From this review, a budget was created based on Karla's projected monthly and annual costs of care in relation to the amount of funds received from the personal injury award. An investment plan was completed to ensure that Karla's trust account had adequate cash flow to pay for all of her immediate services as well as her projected future needs until age 19. A portion of Karla's award was then invested for long term capital growth so that the return on Karla's investments would help offset her care costs, allowing more funds to be available to meet Karla's care needs as an adult.

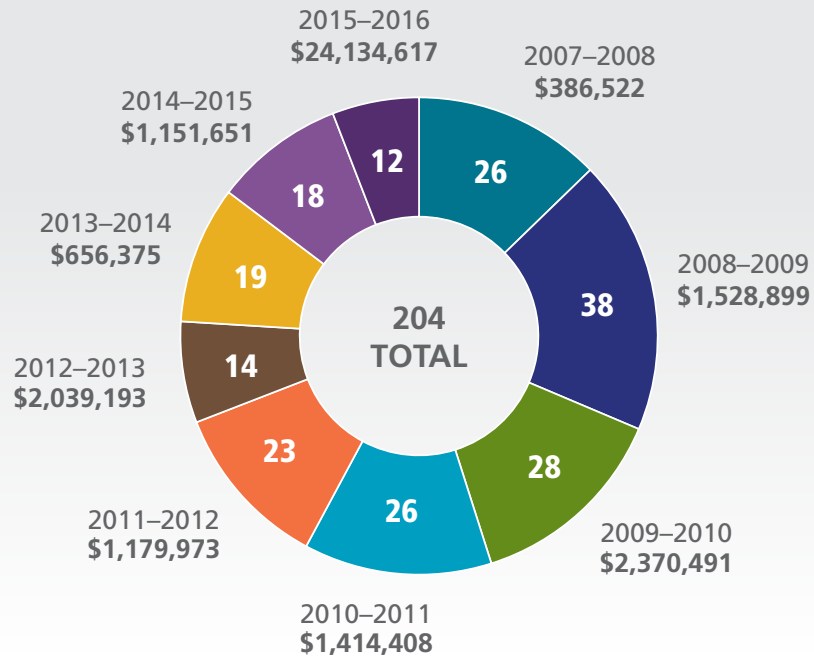
After analyzing Karla's costs of care and budget, PGT staff enlisted the services of a disability

case manager with expertise in working with children and adults. The disability case manager set up all recommended services for Karla and continues to monitor and adjust these services over time to meet Karla's changing needs. Karla is now supported by weekly speech and language therapy, physiotherapy, occupational therapy and psychological supports/counselling. Karla is also being provided with specialized medical and adaptive equipment to maximize her potential and keep her safe in areas where she requires extra assistance including bathing, computer keyboarding and certain physical activities. In addition, Karla's award provides for a rehabilitative and recreational assistant to facilitate opportunities for adapted recreation, community integration, socialization with peers and potentially, adaptive employment opportunities. Extra respite services are now being funded and a one to one worker is available to support Karla's caregiver, as Karla requires 24 hour supervision. The PGT's work in pursuing Karla's award for damages and managing the funds received while she is a child provides future financial security for Karla and ensures she will receive the maximum benefit of all available supports and services over her lifetime.

NOTE: ALL NAMES HAVE BEEN CHANGED AND PHOTOGRAPHS ARE SELECTED FROM STOCK IMAGES TO PROTECT THE PRIVACY OF PGT CLIENTS.

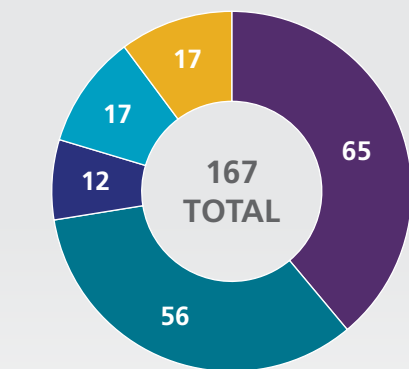
## AMOUNTS COLLECTED FROM LEGAL WORK

2007/2008–2015/2016 TOTAL AMOUNT COLLECTED **\$34,862,129**

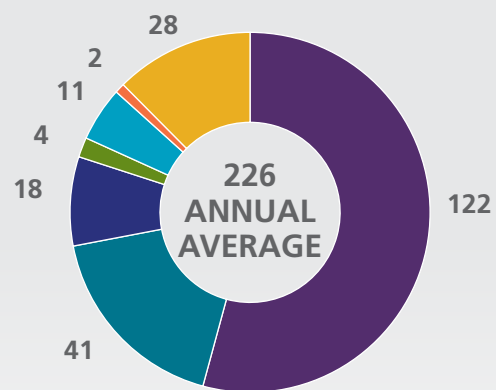


## OUTCOMES OF LEGAL WORK

2015–2016 TOTAL NUMBERS



2007/2008–2015/2016 ANNUAL AVERAGE



- CLIENT ASSUMED CONDUCT OF LEGAL ACTION OR LEGAL INFORMATION LETTER PROVIDED POST MAJORITY
- LEGAL ACTION NOT PURSUED OR CHILD DECEASED PRIOR TO ACTION BEING CONCLUDED
- SETTLEMENT REACHED
- COURT AWARD MADE
- INFORMATION TRANSFERRED TO OTHER PROPERTY GUARDIAN
- TRANSFERRED TO OTHER PGT AUTHORITY
- OTHER

## TRANSITION SERVICES

The PGT role as property guardian typically ends when a youth reaches 19 years of age, the age of majority in British Columbia. 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, 74 children and youth transition out of care each month.

When a youth reaches 17 years of age and has assets and/or complicated and ongoing legal issues, the PGT commences transition planning with the social worker and youth, if appropriate. The PGT also liaises with the youth's support network and relevant service providers, such as Community Living British Columbia (CLBC), to best support the youth's transition to adulthood. Through these discussions, the PGT seeks information on the youth's ability to manage their financial assets or legal issues and

what supports are required to assist the youth. Both formal and informal supports are explored when the PGT collaborates with involved parties to determine the most effective, least intrusive means of assisting the youth with their financial assets or legal issues. Financial literacy information is also provided to help prepare youth to independently manage trust funds held for them by the PGT.

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 2015–2016, the PGT was appointed to act as committee of estate under the *Patients Property Act* for four former children in continuing care.

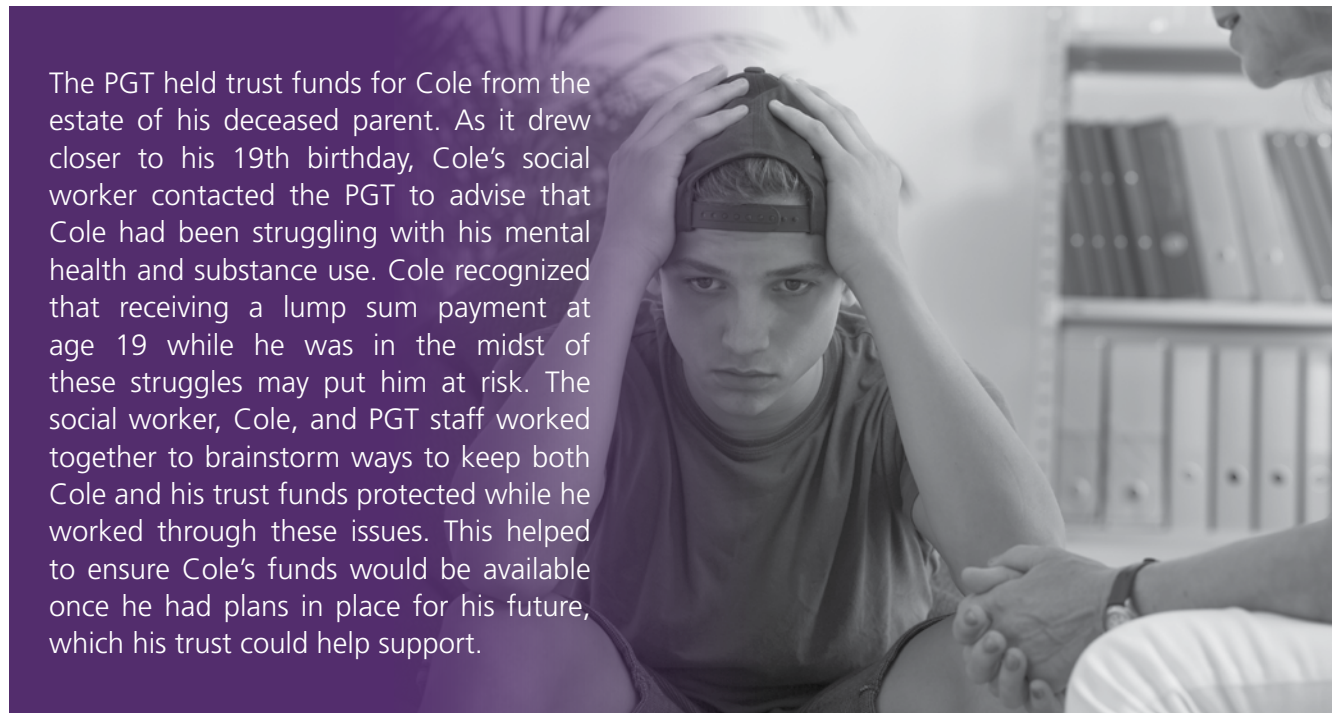
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**Between April 1, 2015 and March 31, 2016 the PGT consented to 40 applications to transfer guardianship from MCFD or a DAA and the PGT to a prospective guardian. Most of the children involved in the transfers are Aboriginal.**

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### ASSISTING CLIENTS TRANSITIONING OUT OF CARE WITH TRUST FUNDS

The PGT held trust funds for Cole from the estate of his deceased parent. As it drew closer to his 19th birthday, Cole's social worker contacted the PGT to advise that Cole had been struggling with his mental health and substance use. Cole recognized that receiving a lump sum payment at age 19 while he was in the midst of these struggles may put him at risk. The social worker, Cole, and PGT staff worked together to brainstorm ways to keep both Cole and his trust funds protected while he worked through these issues. This helped to ensure Cole's funds would be available once he had plans in place for his future, which his trust could help support.



NOTE: ALL NAMES HAVE BEEN CHANGED AND PHOTOGRAPHS ARE SELECTED FROM STOCK IMAGES TO PROTECT THE PRIVACY OF PGT CLIENTS.

## 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,

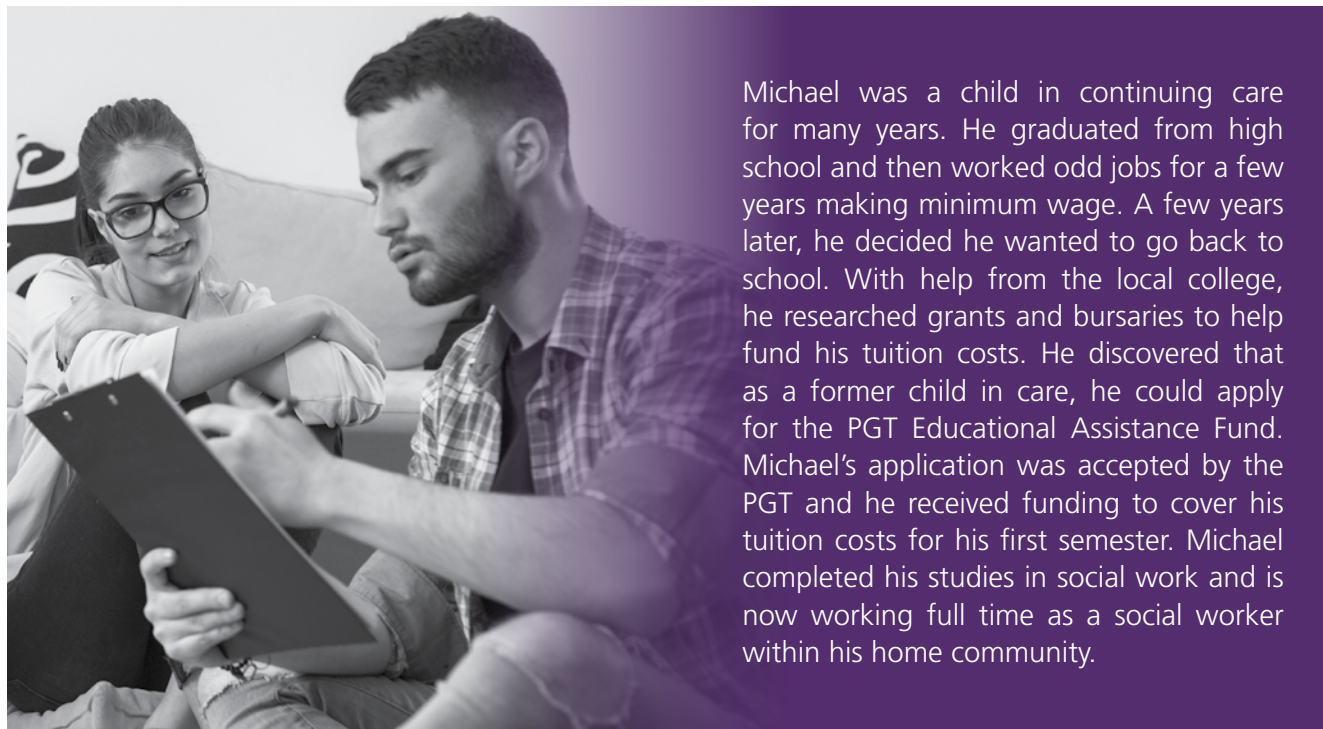
who were formerly in the continuing care of the province of BC. The bursary is meant to help recipients with the costs for fees, books, living expenses or any other financial need standing in the way of being able to achieve their educational goals. Bursaries are awarded annually.

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In 2015–2016, 13 individuals ranging in age from 19 to 42 received bursaries ranging from \$1,000 to \$2,100. The total amount awarded was \$17,600. Fields of study included social work, child and youth care, law enforcement studies, civil engineering, arts and science, anthropology and culture and make-up design for film and television.

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## ACCESSING THE PGT'S EDUCATIONAL ASSISTANCE FUND



Michael was a child in continuing care for many years. He graduated from high school and then worked odd jobs for a few years making minimum wage. A few years later, he decided he wanted to go back to school. With help from the local college, he researched grants and bursaries to help fund his tuition costs. He discovered that as a former child in care, he could apply for the PGT Educational Assistance Fund. Michael's application was accepted by the PGT and he received funding to cover his tuition costs for his first semester. Michael completed his studies in social work and is now working full time as a social worker within his home community.

NOTE: ALL NAMES HAVE BEEN CHANGED AND PHOTOGRAPHS ARE SELECTED FROM STOCK IMAGES TO PROTECT THE PRIVACY OF PGT CLIENTS.



## COMMUNITY ENGAGEMENT AND OUTREACH

The PGT welcomes and seeks out opportunities to build and strengthen relationships with children in care, MCFD and DAAs, community partners, stakeholders and other youth serving agencies.

### COMMUNITY EVENTS

Each year, the PGT is an active participant in annual community events such as National Aboriginal Day, BC Child and Youth in Care Week, and the Gathering Our Voices Aboriginal Youth Conference. The PGT also continues to participate as a member of the provincial Services to Adults with Developmental Disabilities (STADD) committee and the Indigenous Financial Literacy Committee.

### BROADWAY YOUTH RESOURCE CENTRE

This is the ninth year of the PGT's partnership with the Broadway Youth Resource Centre (BYRC), an award winning, community based resource centre located in Vancouver. The BYRC provides education, housing services, employment, counselling, and addictions services to homeless and at risk youth ages 13 to 24. At the BYRC, PGT staff provide ongoing financial literacy workshops and advise young people in care about the PGT's role to protect their financial and legal interests.

### VANCOUVER FOUNDATION'S FOSTERING CHANGE INITIATIVE

Each year, approximately 700 youth age out of government care. Public awareness is growing about the lack of support for youth leaving care at a critical period of development places these young people at a significant disadvantage compared to other youth who continue to be supported by their families and social networks.

### BUILDING COMMUNITY CONNECTIONS

The PGT delivers financial literacy workshops to youth leaving care through the Strive program, a 12 week skills building program for youth aged 17 to 24 who are in the process of transitioning out of foster care. The PGT also attends the Broadway Youth Resource Centre (BYRC) on a regular basis to meet with youth.

In the spring of 2015, PGT staff participated in a series of community conversations called "Fostering Change" hosted by the Vancouver Foundation. At these sessions, community members and youth serving agencies came together to brainstorm and identify available local community supports for youth aging out of care, as well as opportunities to build upon existing resources and to identify gaps in community supports and resources. A series of conversations were held in five municipalities: Surrey, Abbotsford, Coquitlam/Burnaby, North Vancouver and Vancouver, to discuss various ways the community can support youth in care after they turn 19 and have lost their support structure, including financial and housing supports. Participants brainstormed ideas such as advocating directly for landlords to rent housing to youth who were formerly in care and empowering communities to 'show up' for all youth as they move into adulthood. These community conversations resulted in the development of the "Collective Impact for Youth Leaving Care" initiative; a joint partnership of the City of Vancouver, the Vancouver Foundation, the McCreary Centre, and the Federation of Community Social Services of BC. The initiative is a coalition of over 50 community groups and service providers who are interested in working together to improve outcomes for youth leaving care. The PGT is an ongoing participant in this important initiative.

Having relationships and connections to both organizations, PGT staff connected Strive Program participants to various services and supports available through the BYRC including a free tax clinic. This partnership to offer services and supports to youth transitioning out of care will continue into the future.

## ABORIGINAL PARTNERSHIPS AND OUTREACH

The PGT acts in partnership with numerous Aboriginal organizations throughout British Columbia in support of children in care.

The PGT is pleased to be an annual participant in the National Aboriginal Day celebrations, hosting an information table each year at the Trout Lake festivities in Vancouver. For the past two years, PGT staff have also volunteered at an annual Pow Wow held in Vancouver to honour indigenous youth in care, hosted by the Federation of Aboriginal Foster Parents.

PGT staff also attended as a guest at a variety of Aboriginal youth serving organizations and conferences during 2015-2016:

- Our Way Indigenous Health and Wellness Conference, Prince George, BC
- British Columbia Aboriginal Network on Disability Society (BCANDS) Conference, Victoria, BC
- Annual Gathering Our Voices Aboriginal Youth Conference, Victoria, BC
- Indigenous Perspectives Society quarterly training on the role of the PGT and property guardianship to new social workers through the organization's guardianship social worker training program.
- Cochair of the Indigenous Financial Literacy Committee, a partnership including First Nations, the federal government, Aboriginal and private sector organizations committed to sharing knowledge, materials and training to improve financial literacy for indigenous children, youth, adults, families and elders in BC.



"Providing financial literacy workshops to youth in the Cedar Walk program is such a great privilege and a highlight of my work week. The environment inside the centre is warm, welcoming and comforting and seems to encourage great participation and learning."

*Guardianship and Trust Officer at the PGT*

## FINANCIAL LITERACY WORKSHOPS

The PGT considers financial literacy skills to be essential to the ability of youth to successfully transition to adulthood and manage independently as young adults. For this reason, the PGT facilitates financial literacy workshops for youth in continuing care covering a variety of financial management topics. At the workshops, PGT staff teach youth how to read a pay stub, how and why to file taxes, how to manage credit and credit pitfalls, contracts and major purchases. Youth attending the workshops are also a strong resource. Together, the PGT and the youth share tips on saving money, where to shop economically and how to entertain on a tight budget.

Over the past year, PGT staff provided 35 financial literacy workshops to youth through a wide range of agencies throughout the province:

- BC Housing - an agency assisting British Columbians in greatest need of affordable housing by providing options along the housing continuum. The PGT provided financial literacy workshops to youth transitioning out of care with substance abuse issues.
- Burnaby Youth Custody Centre - financial skills building and budgeting strategies sessions were provided to youth in conflict with the law, many of whom are in and from the care of MCFD or DAAs.
- Cedar Walk Program - an educational partnership with the Urban Native Youth Association and the Vancouver School Board (VSB). Funded by MCFD and the VSB, Cedar Walk is an alternative

educational day program in Vancouver for First Nations youth ages 16 to 18 years old who have MCFD involvement. A series of financial literacy workshops was offered once per week for 12 weeks. Topics included values, goal setting, budgeting, credit and credit pitfalls, contracts and big purchases, how and why to file taxes, and money saving ideas.

- MCFD and DAAs - financial literacy workshops for youth in care.
- Power Program - financial literacy workshops for at risk youth at an alternative educational program in New Westminster.
- Skills Max Program - a youth transition planning and skills building program in Vancouver through the YWCA, focusing on jobs, housing, financial literacy, and budgeting.
- Strive Program - a project codeveloped by MCFD and the YWCA Metro Vancouver to help provide youth who are in the process of transitioning out of government care with the life and work skills they need to become independent. As part of the program, the PGT conducted workshops on financial literacy and provided hands on information and guidance on financial values, goal setting, budgeting and banking.

### POWER PAGES MAGAZINE

The PGT continues to be a regular contributor to the Federation of BC Child and Youth in Care Networks' Power Pages Magazine, a youth generated publication for youth in and from the care of the province. In the last year, PGT staff contributed to the magazine and reported on the success of the "Plan your Path" tour and the financial literacy workshops offered to students in the Cedar Walk program. The PGT also contributed an article to the magazine that offered information to readers on financial literacy tips and tools. Through this publication, the PGT is able to provide information to more than 5,000 young people, service providers and caregivers.

### INFORMATION SESSIONS FOR SOCIAL WORKERS

Child and Youth Services staff regularly present workshops on different aspects of property guardianship to coguardians in MCFD and DAA offices. During 2015 to 2016, 16 presentations were offered to social workers at MCFD and DAA offices. Presentation topics included RDSPs, transition planning, children's legal and financial rights and entitlements, and property guardianship and joint guardianship roles.

At the MCFD Guardianship Forum in June 2015, PGT staff presented a workshop on transition planning and permanency planning to guardianship social workers from around the province. PGT staff also hosted two province wide webinar presentations to MCFD and DAA social workers on RDSPs and the role of the PGT during permanency planning.



## CHALLENGES IN THE YEAR AHEAD

In order to provide the most effective and meaningful property guardianship services possible, the PGT continuously attempts to address ongoing and emerging challenges.

### ACCESS TO INFORMATION

#### MCFD and DAA Records

Where the PGT has been notified that a child has been injured or harmed and is investigating potential legal claims on behalf of the child, production of the MCFD and DAA records is requested in order to obtain all relevant information. The PGT's 2013-2014 Child and Youth Guardianship Services report highlighted concerns regarding the length of time it took MCFD to produce these records. MCFD responded to these concerns and committed to decreasing the backlog of requests and improving response times. Working in close collaboration with MCFD's Document and Disclosure Management Branch, additional training on MCFD and DAA records content was provided to PGT staff and the overall records request process has been streamlined. The PGT and MCFD have been meeting regularly to monitor the overall progress on this issue.

Between April 1, 2008 and March 31, 2016 the PGT has submitted more than 500 requests for records to MCFD. As of March 31, 2016, 66% of the requests had been responded to by MCFD, 14% remained outstanding and 20% had been abandoned due to the youth leaving care due to adoption, transfers of custody, return to parent or reaching age 19. Over the last two years, the PGT has seen a significant improvement in MCFD's records production response times, however the overall number of abandoned requests has not improved. It is not acceptable that the PGT is still not receiving MCFD and DAA records for some youth who may have a viable legal claim. Without these records, it is often not possible to advance a potential legal claim on the youth's behalf while the youth is still in care and receiving PGT assistance. As a result, the youth's legal interests may not be adequately addressed if the youth is required to independently pursue a legal claim once the youth has transitioned out of care. The PGT urges MCFD to do more to resolve this issue.



#### Information from MCFD and DAAs

MCFD and DAA social workers play a key and critical role in providing the PGT with information necessary to investigate financial benefits and potential legal claims. Where information has been received by the PGT that could impact a child's legal or financial interests, PGT staff request additional information and updates from MCFD. Where the PGT experiences delays in receiving information from MCFD, social workers and their supervisors often cite issues such as a lack of resources and more urgent health and safety issues for children. Omissions or delays can result in a loss of financial benefits for the child or can hamper the ability of the PGT to take appropriate action to investigate and advance potential civil claims on the child's behalf. Protecting the legal and financial interests of children and youth in care is an integral part of keeping these children and youth safe and secure and is critical to positive outcomes for them. Compromising the financial and legal interests of children and youth because of other demands is not acceptable. The PGT urges MCFD to ensure that social workers pay equal attention to the responsibility to provide critical information to the PGT to enable the PGT to protect the legal and financial interests of children and youth in continuing care.

## LAW REFORM

### Defining the Role of Public Guardians

As noted in previous reports, the *Family Law Act* has clarified parental roles and duties and provided meaningful guidance to private guardians of children. However, the nature and scope of public guardianship duties for both MCFD and the DAAs as personal guardians and for the PGT as property guardian have not been addressed in the law. The existing BC statutory framework for public guardianship continues to be based on the law of England in 1660.

Modernizing the definition of public guardianship may also offer opportunities to address gaps between legislation and practice that have resulted in public property guardian services not being available to children and youth who are in long term care but for whom a continuing custody order has not been issued. Alternative care arrangements provide greater flexibility in meeting the needs of personal guardians but fail to offer the protections of property guardianship to children in such care arrangements. The PGT continues to advocate for this very important law reform initiative, and the PGT is committed to working with MCFD and the Ministry of Justice to begin a dialogue which addresses the current gaps in legislation and moves towards the creation of a modern statutory definition of public guardianship.

### REGISTERED DISABILITY SAVINGS PLANS (RDSPs)

The PGT is committed to establishing a RDSP for each eligible child in continuing care because RDSPs may improve the long term financial security of persons living with a disability. The PGT is actively engaging in educational sessions with both MCFD and DAA staff to increase awareness regarding the process and requirements for children and youth to become eligible for a RDSP. In addition to ongoing communication with local MCFD and DAA offices, the PGT liaises regularly with MCFD's Finance Department in order to facilitate, streamline and improve the application process for social workers to obtain the required federal Disability Tax Credit (DTC) for all eligible children and youth in care. The PGT has continued to advocate for the RDSP program with MCFD's Director of Child Welfare, Directors of the DAAs, Team Leads for MCFD's Child

and Youth with Special Needs services and other agencies and organizations supporting children in care.

The PGT has noted differences in the RDSP uptake for children in continuing care. In particular, children in care are less likely to have a RDSP if they are served by DAAs that do not receive MCFD's support with the DTC application process and the Child Disability Benefit is paid to the DAA. This variance highlights potential barriers to not only the DTC application process but also the reporting of a child's DTC status by DAAs. While MCFD has an automated reporting system which notifies the PGT that a child served by MCFD and some DAAs has DTC status, similar reporting does not exist for other DAAs. Currently, only three DAAs report regularly on the DTC status for children in continuing care to the PGT where this information is not provided on an automated basis by MCFD. Without this reporting, the PGT has no information with which to initiate a RDSP application on the child's behalf. The PGT is encouraging ongoing consultations between the PGT, MCFD and DAAs to identify barriers and find potential solutions to improving the accessibility and the financial benefits of the RDSP program to Aboriginal children in continuing care.



**A. INCIDENT TYPES** The PGT reviews critical incident reports from MCFD and DAAs upon receipt and categorizes the reported incident types according to classifications adapted 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 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: [rivm.nl/who-fic/ICECI/ICECI\\_1-2\\_2004July.pdf](http://rivm.nl/who-fic/ICECI/ICECI_1-2_2004July.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)



PUBLIC GUARDIAN  
AND TRUSTEE OF  
BRITISH COLUMBIA

## General Inquiries



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Phone 604.660.4444



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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.

