

# Child and Youth Guardianship Services

2020 – 2021 Report



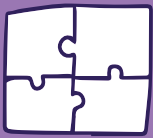
# Values

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 issue this annual Child and Youth Guardianship Services Report for the 2020–2021 fiscal year. This report focuses on the work carried out by the Public Guardian and Trustee (PGT) on behalf of British Columbia’s children and youth in care.**

For each child and youth in continuing care, the PGT shares guardianship responsibilities with the Ministry of Children and Family Development (MCFD) and the Delegated Aboriginal Child and Family Services Agencies (DAAs) who are guardian of the person for these children. Under provincial law, the PGT serves as property guardian for those in continuing care, undergoing adoption or those with no legal guardian. Through this role the PGT fills the gap created when children and youth have no person with the required legal authority to represent their legal and financial interests.

The fiscal year 2020–2021 was marked by the start of the COVID-19 pandemic. This world wide event quickly impacted the most vulnerable in British Columbia, especially those in group living arrangements or those transitioning between different phases of their lives. The elderly in long term care, the unhoused and youth leaving care were and continue to be at high risk.

As part of their duties, MCFD and the DAAs provide the PGT with initial reportable circumstance reports concerning children and youth in care, describing how they have suffered injury or been involved in a serious incident. The PGT reviews these reports to determine appropriate responses. New in 2020–2021 was that 64 of the 1,936 Critical Incident Reports (CIRs) related to the pandemic. Issues cited included mental health difficulties, the loss of a family member(s) due to COVID-19 and breaching of restrictions made by the Provincial Health Officer.

While a great deal of the PGT’s work relates to individual clients, the PGT also advocates for groups of clients who have a common interest. In the fall of 2018, the PGT initiated litigation on behalf of children victimized by an MCFD employee hired as a social worker. As property guardian, the PGT used the *Class Proceedings Act* to seek compensation for the affected children and youth. Following certification and negotiation, the Court approved a settlement in October 2020 which provides for both basic compensation and elevated damages. All recipients were provided with financial wellness information prior to receiving compensation and some are taking advantage of the PGT’s post majority trust services to assist in managing their funds. The trauma and hardship on these children and youth was severe and in some cases will be long-lasting; this compensation is a crucial piece of the recovery path.

Much of the work done by the PGT as property guardian for children in care is predicated on the existing model of child protection in British Columbia and sadly, a disproportionately high percentage of those children identify as Indigenous. On January 1, 2020, *Bill C-92: An Act Respecting First Nations, Inuit and Métis children, youth and families* came into force. As Indigenous Peoples reassert jurisdiction over the wellness of their children and property guardianship becomes part of the conversation, the PGT stands ready to support and collaborate to ensure all children receive the wide range of services they need.

In early 2020 the PGT issued our *Seeking Truth, Pursuing Reconciliation Strategy*. From territorial acknowledgements, learning sessions, the Indigenous cinema club and personal action plans, reconciliation is a priority for all staff as we understand the truth of colonialism and how to walk forward with humility.

As the COVID-19 pandemic continues to dominate, the PGT remains steadfast in its commitment to the children and youth in care in British Columbia. These most vulnerable citizens of our province are owed a significant degree of protection and service and the PGT strives to deliver effective property guardianship services every day.

**Dana Kingsbury**  
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

As property guardian, the PGT protects the legal and financial interests of children and youth in continuing care and is co-guardian of these children with MCFD and DAAs.

## Ministry of Children and Family Development

As personal guardian, MCFD takes children and youth at risk into care and ensures that their day to day needs are met. MCFD 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 relating to 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 order transfer of guardianship, and adjudicates small claims involving personal injury.

## Select Standing Committee on Children and Youth

This all-party committee is established by the BC Legislature to provide legislative oversight on provincial services for children and youth.

## Representative for Children and Youth (RCY)

The RCY is responsible for supporting children, youth, young adults and their families in dealing with the child and youth serving system, 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 **277** full-time equivalent employee positions and served **26,077** clients throughout 2020–2021. It administered over **\$1.2 billion** of client trust assets as of March 31, 2021. The PGT funds a large percentage of its actual expenditures through fees charged on client income and assets under PGT administration. Supplementary government funding 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 a youth reaches 19 years of age (the age of majority in BC) but may be used earlier if it is in their best interest.

PGT guardianship duties and trustee duties for 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. 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.

Historically, the most common claims reviewed by the PGT have related to motor vehicle accidents (MVs), though it is expected that this will change as a result of ICBC's move to an enhanced care (sometimes referred to as "no fault") insurance model in May 2021. The PGT also investigates concerns about trusts and estates in which children or youth may have an interest.

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**4,548**

Property Guardian  
Clients

**8,727**

Trustee Clients

**2,748**

Protective Legal  
Review Clients

# Guardianship Services in BC

**Personal guardianship and property guardianship are two separate functions that aim at safeguarding different interests of the child. In most cases these two roles are carried out by a child's parents. However, when a child comes into the care of the Province, the functions of personal guardianship and property guardianship are separated, as outlined below.**

When a child is in the care of the Province, MCFD or a DAA takes on the role of personal guardian, but not the role of property guardian. Depending on the facts and circumstances of a particular situation, the role of property guardian may remain with a child's biological parents or existing guardian or be transferred to the PGT.

## Personal Guardianship

This function includes responsibility for making day-to-day decisions affecting the child and having day-to-day care, control and supervision of the child. This includes finding safe homes for children and youth and making decisions about their personal and health care needs.

## Property Guardianship

This is the duty to look after the legal and financial interests of children and youth.

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 personal guardian in situations where negligence by the personal guardian may have caused injury or loss to a child or youth.





# PGT Property Guardian 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*, who are undergoing adoption, who are 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. 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 relies heavily on information it receives from MCFD and DAAs, particularly from social workers who have day-to-day interactions with both the children and youth for whom they are personal guardian and 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 relate to historical 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 of which children and youth are in continuing care. When first informed that a child or youth is in continuing care, the PGT asks MCFD and DAAs to provide initial

information about any legal or financial issues affecting the child or youth.

The PGT requests annual updates for each child and youth and provides MCFD and DAAs with annual information about the property guardianship services provided for the children and youth in their care.

Social workers may also report incidents where a child or youth was injured or harmed directly to a PGT Guardianship and Trust Officer (GTO) or, more formally, through Initial Reportable Circumstance reports, also referred to as Critical Incident Reports (CIRs). CIRs are reviewed and referred to PGT legal counsel if the information indicates that further investigation and possible legal action is required.

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.

The following sections of this report describe the key activities and outcomes for the year April 1, 2020 to March 31, 2021.



If PGT property guardian clients were imagined as a village of 100 children<sup>1</sup>, then there would be: **53 males, 46 females and 1 gender diverse**



### Current age of child or youth



### Age of child or youth when they entered permanent care



<sup>1</sup> Data as of March 31, 2021. This number excludes all former property guardian clients that the PGT is working with to transition legal and financial matters after PGT authority has ended.

<sup>2</sup> This represents property guardian clients who are served by the PGT but who are not served by MCFD or DAAs. This includes clients from self-governing First Nations, those undergoing private adoption and those who have no legal guardian.

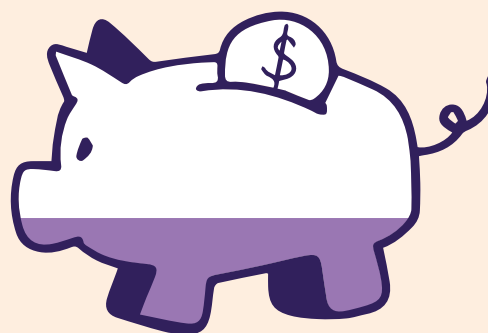
# Financial Services

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. As of March 31, 2021, the PGT held approximately **\$53.5 million** in assets on behalf of these children and youth.

All funds collected by the PGT are held in trust accounts in the child or youth's name until they reach 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 financial support related to the child's day-to-day needs remains with their personal guardians, MCFD and DAAs. As such, the majority of funds collected on behalf of children and youth in care are preserved until age 19.

The PGT also offers post majority trust services to all former property guardian clients and as of March 31, 2021, held an additional **\$677,000** on behalf of former property guardian clients who had entered into agreement with the PGT for ongoing support. This service provides young adults who were previously in care with the option to have the PGT hold their funds in trust up to age 27. GTOs work with young people during their transition to adulthood to help them identify financial goals and develop budgets and plans to support these goals. Post majority trust services help young people protect and potentially grow their funds by keeping their assets safe until they need them or decide they are ready to manage them on their own.

If PGT property guardian clients were imagined as a village of 100 children, then **35<sup>2</sup> children** would have financial assets



## Major categories of assets at March 31, 2021<sup>1</sup>

Number of clients	Asset type	Total value
16	Holdings in investment accounts	\$33,270,784
1122	Trust accounts with cash balances	\$9,782,267
767	Registered Disability Savings Plans (RDSP)	\$10,480,130

\$33,270,784      \$9,782,267      \$10,481,130

16      1122      767

## Types of funds held by the PGT at March 31, 2021<sup>3</sup>

Source of funds	Total value
Personal injury proceeds	\$36,155,052
Registered Disability Savings Plans (RDSP)	\$10,480,130
Canada Pension Plan (CPP) Children's Benefits	\$2,666,639
Family Compensation Act proceeds	\$1,327,625
Estate proceeds	\$1,080,818
Insurance proceeds	\$668,070
Tax credits	\$599,585
Others	\$555,262
<b>Total</b>	<b>\$53,533,181</b>

<sup>1</sup> This represents the three major categories of assets held by the PGT for children and youth.

<sup>2</sup> This represents the percentage of children and youth served by the PGT as of March 31, 2021 with financial assets. All former property guardian clients that the PGT is working with to transition legal and financial matters are included.

<sup>3</sup> This represents the types of funds and values of all funds held in trust by the PGT.



## Registered Disability Savings Plans (RDSPs)

A key area of focus for the PGT is to establish RDSPs for children and youth who have received the Disability Tax Credit (DTC) designation from the federal government. A RDSP is a tax deferred savings plan intended to provide significant long term financial benefits to children, youth and adults 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 **767** RDSPs worth approximately **\$10.5 million** at March 31, 2021. The value of the established RDSPs continues to grow as the PGT secures the annual **\$1,000** bond for each eligible child or youth.

With support from the Vancouver Foundation, the Plan Institute administers the Endowment 150 (E150) Program. This program assists 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 grant and deposits the **\$150**

gift to each child's RDSP. This attracts an additional **\$450** in matching grants from the federal government, resulting in further growth to RDSPs for children in continuing care.

Since Endowment 150 program establishment, the PGT has collected **\$148,200** in E150 grants for **988** children and youth in care.

Initiating and maintaining RDSP accounts and payment of bonds for children in care is a multistep process requiring the participation of social workers, doctors, the federal government and PGT RDSP service provider, the Bank of Montreal. The PGT works daily with social workers across the province to share information and facilitate RDSP setup, maintenance and transfers.

Essential DTC and RDSP information is available to social workers across the province through iConnect, the shared information system for MCFD and DAAs.

Depending on a child or youth's situation, their DTC eligibility status may expire before a young person reaches adulthood.

# Kyla's Story

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.

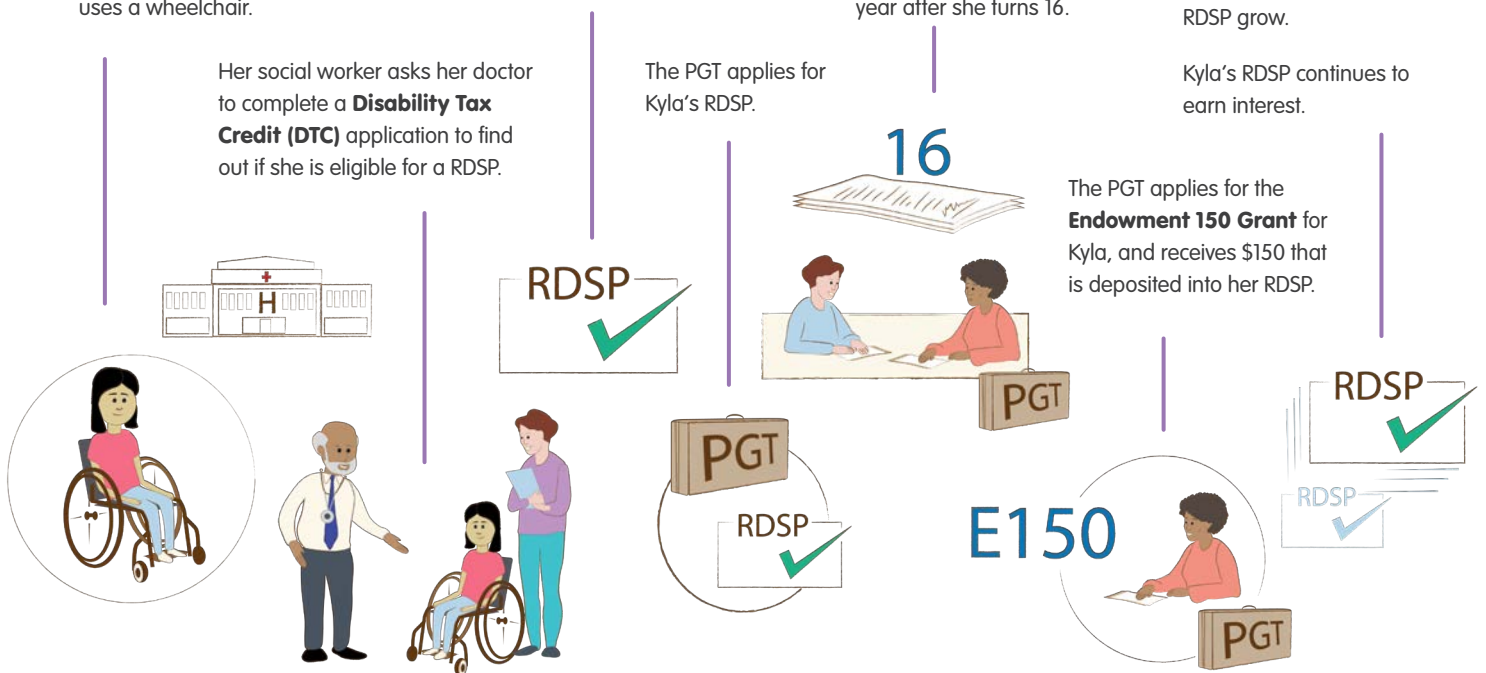
Kyla's RDSP receives a one-time grant along with annual bonds from the federal government each year, and this helps her RDSP grow.

Kyla's RDSP continues to earn interest.

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.



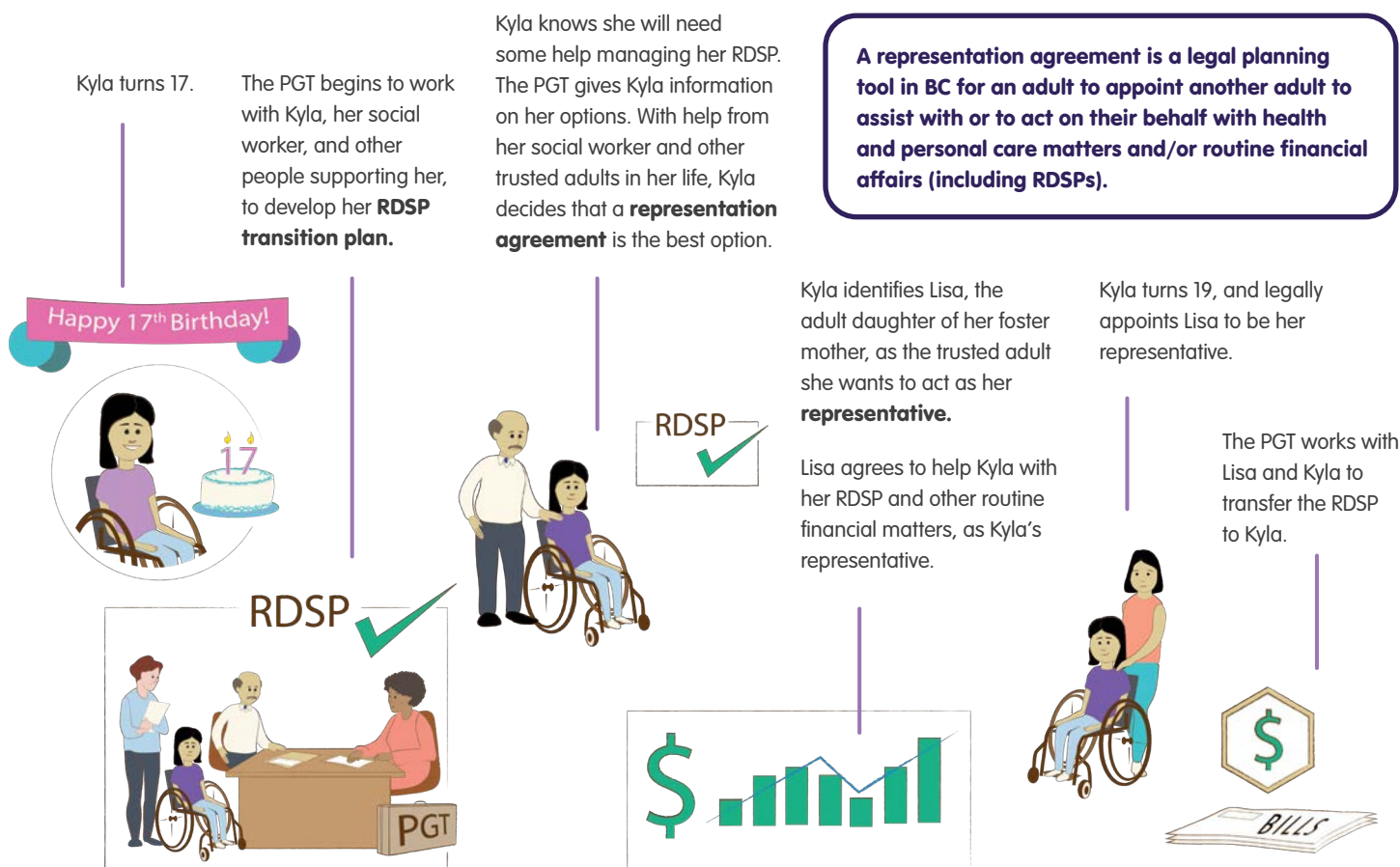
A child may still be eligible for the DTC but they will need to be reassessed by a doctor at age 18 in order to confirm their disability status and maintain their DTC eligibility into adulthood. Having only twelve months remaining to receive support from their social worker at an already uncertain point in their life, there is significant risk that a youth may lose this disability status and may be deterred by the somewhat complicated process to have it reinstated. Although the fee for the medical assessment required for the DTC is covered while a youth remains in care, it is no longer covered once a youth reaches the age of majority, creating another potential barrier if DTC eligibility status is not confirmed prior to a youth's 19<sup>th</sup> birthday.

In the past, losing the DTC carried the consequence of the closure of a child or youth's RDSP and the return of all bonds to the federal government. Fortunately, as a result of changes first proposed in the Government of Canada's 2019 budget, young people now have more time to complete a medical reassessment. Most importantly, these changes mean that RDSPs will no longer be closed and that federal bonds no longer need to be returned due to lack of up-to-date DTC status or tax filing. As a result, the PGT stopped filing tax returns for clients over the age of 19 for the 2020 taxation year. The PGT continues to work with these young people or their

representatives to transfer responsibility for their RDSP accounts.

In 2020, as a result of the COVID-19 pandemic, the federal government made a one-time payment of **\$600** available to persons with established DTC status. The PGT provided MCFD and DAAs with up-to-date information from the Canada Revenue Agency regarding the DTC status of all children in continuing care to ensure that as many children as possible would receive the payment. MCFD received the payment for most eligible children in care and in October 2020, forwarded this payment to the children's caregivers to use for the children's benefit. There were, however, a number of children in long-term residential care who did not have a specific caregiver to receive the **\$600** payment on their behalf. The PGT proposed that MCFD forward their payments to the PGT to hold in trust.

The impacted children were identified and their payments were forwarded to the PGT. As a result, **98** children in long-term residential care who would not have otherwise benefited from the COVID-19 related payment had an additional **\$600** available to deposit into their RDSPs. This **\$600** deposit will result in a total of **\$2,300** towards each child's long-term savings as a result of **\$1,700** in matched funds from the federal government.



## Collecting financial benefits

The PGT pursued and collected approximately **\$692,000** in various financial entitlements and benefits on behalf of children and youth in 2020–2021. These included death benefits, Indigenous benefits and various federal and provincial government benefits.

Additional amounts were collected on behalf of children and youth in 2020–2021 as a result of the work of the PGT’s legal services team, initiating legal actions 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 for all children and youth in care. In 2020–2021, PGT staff applied for **219** birth certificates from the BC Vital Statistics Agency. The PGT also applies for social insurance numbers for children and youth in care as required.

# Phillip’s Story

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

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

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

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

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 into.

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

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

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



19





## Financial benefits collected 2020–2021

Benefit	Number of clients	Total value
Canada Pension Plan (CPP) benefits	179	\$528,027
COVID-19 related benefits	143 <sup>1</sup>	\$85,800
Indigenous band benefits	98	\$57,010
Endowment 150 gifts	81	\$12,150
Crime Victims Assistance Program benefits	3	\$9,000
<b>Total</b>	<b>457<sup>2</sup></b>	<b>\$691,987</b>



<sup>1</sup> This includes 98 payments recovered for children with disabilities living in long-term residential care who would not have otherwise benefited.

<sup>2</sup> The sum of children in receipt of each benefit type is greater than the total number of children receiving benefits, as some children may receive more than one benefit type.

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

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

**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.**

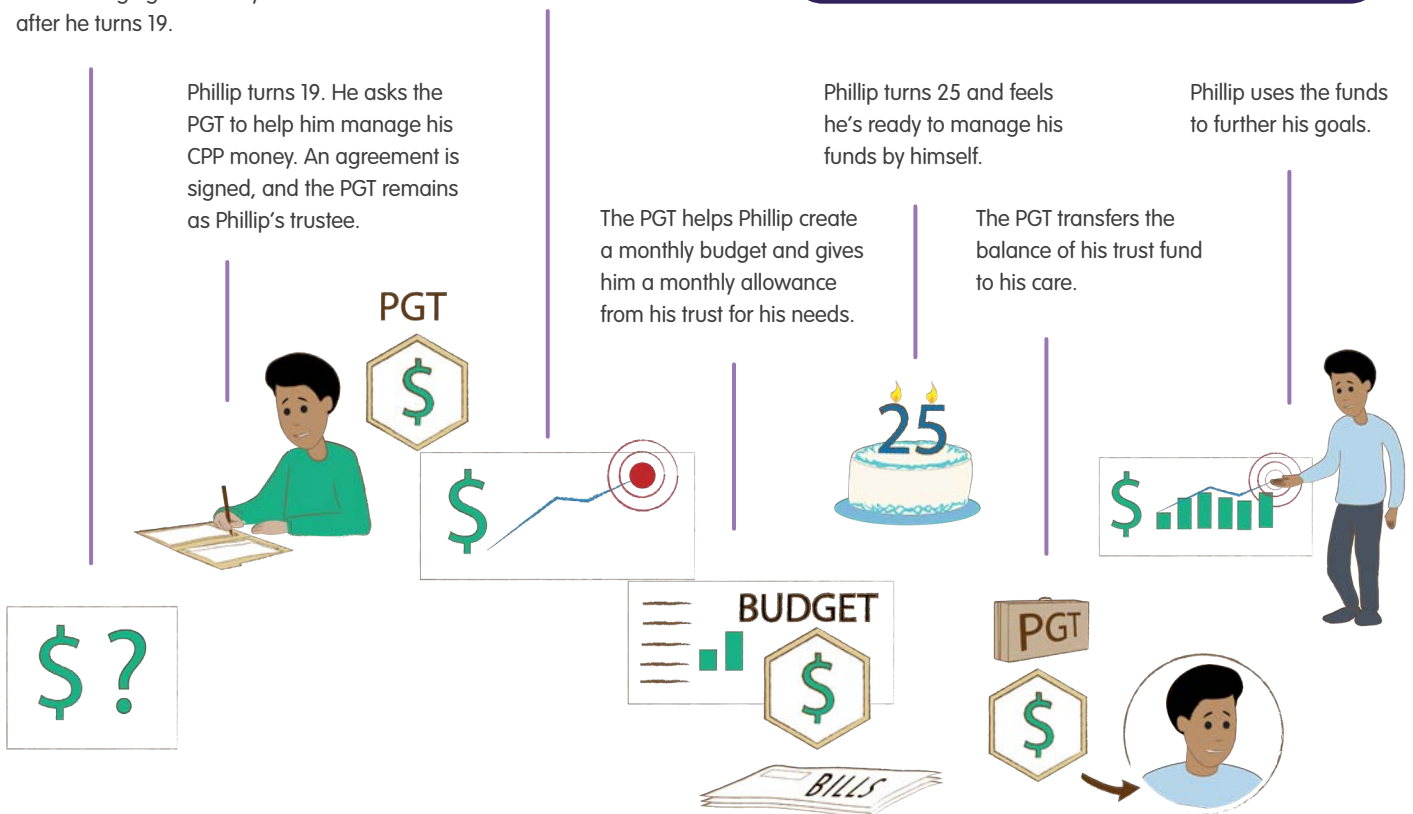
Phillip turns 19. He asks the PGT to help him manage his CPP money. An agreement is signed, and the PGT remains as Phillip's trustee.

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 formal notification from MCFD and DAAs of all critical injuries and serious incidents involving children and youth in continuing care through Critical Incident Reports (CIRs).**

The nature of the incidents described within these 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 2020–2021, **1,936** CIRs were received by the PGT involving **762** children and youth. 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 the 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). During 2020–2021, the PGT received **64** CIRs

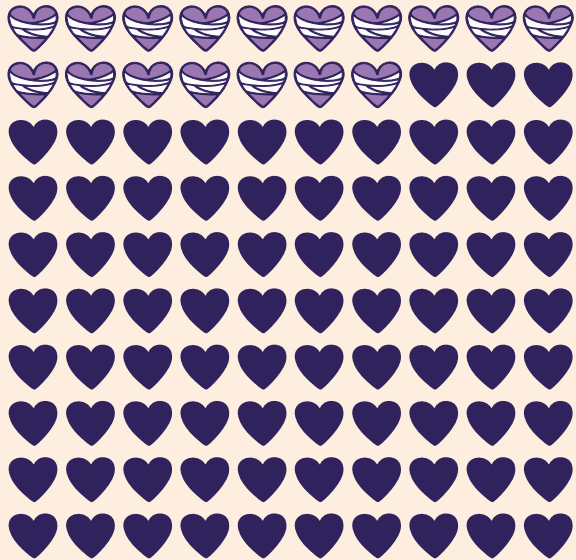
directly related to the COVID-19 pandemic. “COVID–related” CIRs included circumstances such as:

- Testing for COVID-19 (regardless of outcome);
- Testing positive for COVID-19;
- Losing family member(s) due to COVID-19;
- Quarantining due to close contact to someone with COVID-19;
- Residing in a location with known COVID-19 cases;
- Feeling anxious and suicidal in relation to COVID-19;
- Breaching COVID-19 conditions and Provincial Health Officer restrictions; and
- Refusing to seek medical attention due to fear of exposure to COVID-19.

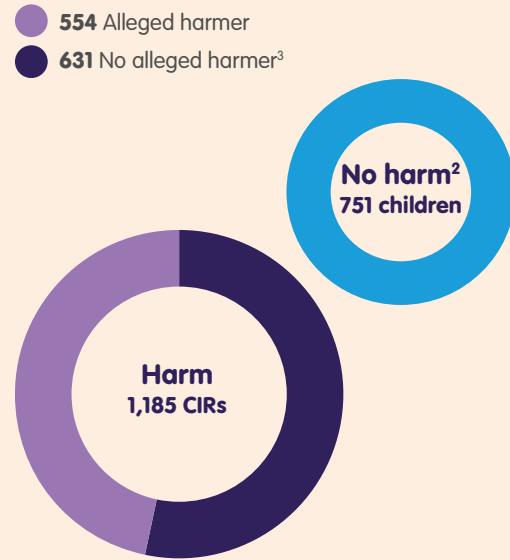
Information regarding these COVID-19 related reports has been included to document and illustrate the impact of the pandemic on children and youth in care.



If PGT property guardian clients were imagined as a village of 100 children, then 17<sup>1</sup> children would have been the subject of a Critical Incident Report

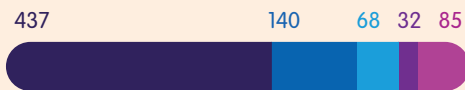


Number of CIRs that reported harm or no harm to a child or youth 2020–2021



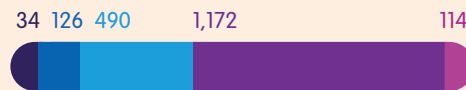
### Number of CIRs 2020–2021

Number of CIRs received	Number of clients
1	437
2	140
3	68
4	32
5+	85
<b>Total</b>	<b>762</b>



### Age of child or youth on date of incident 2020–2021

Age on date of incident	Number of clients
Age 0 – 4	34
Age 5 – 9	126
Age 10 – 14	490
Age 15 – 18	1,172
Age unknown <sup>4</sup>	114
<b>Total</b>	<b>1,936</b>



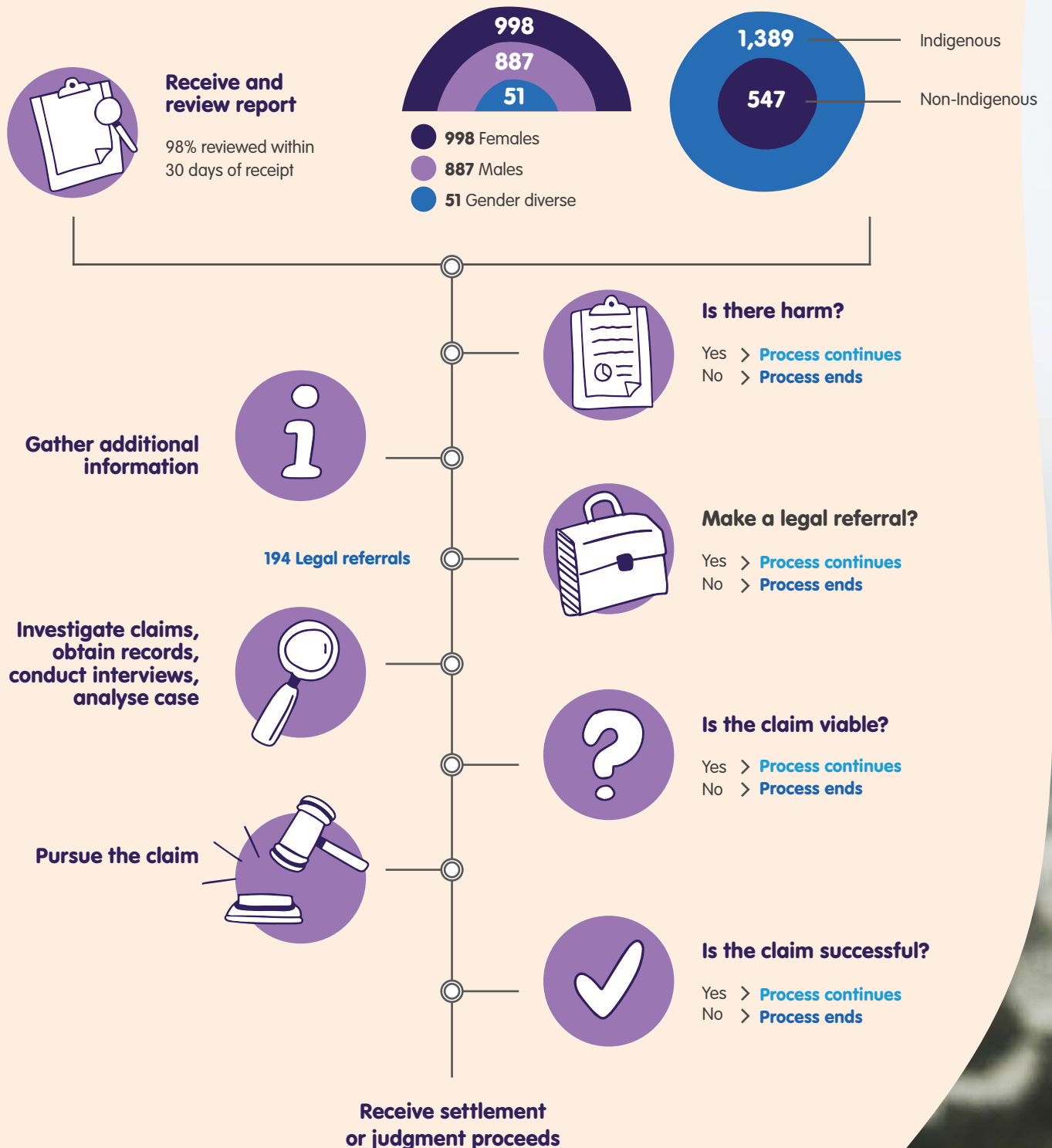
<sup>1</sup> This represents the percentage of children and youth served by the PGT in the fiscal year where the PGT received one or more critical incident reports.

<sup>2</sup> “No harm” refers to instances where there may be no specific or lasting harm to the child/youth related to a particular CIR. The “No harm” category includes a sub-category to track occurrences where a child or youth was absent or missing from their residence. In 2020–2021, there were 235 such instances.

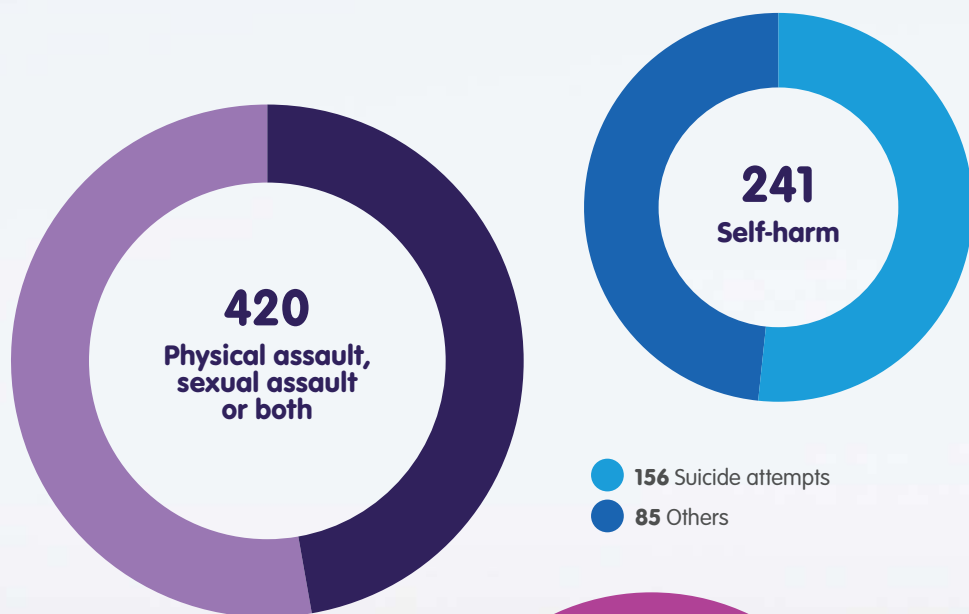
<sup>3</sup> “No alleged harmer” indicates that an incident was due to an accident or self-inflicted injury.

<sup>4</sup> “Unknown” is used when the exact date of the incident is unknown or when an incident occurred over a period of time.

# 1,936 Critical Incident Reports Received for 762 Children

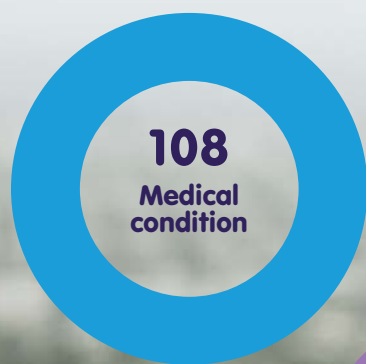


# 1,185 Reported Incidents of Harm

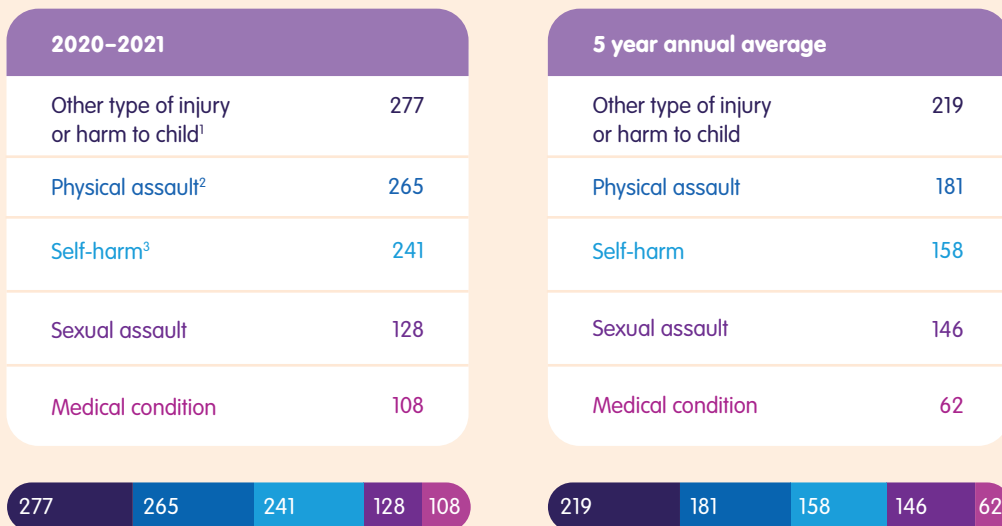


- 156 Suicide attempts
- 85 Others

- 217 Indigenous females
- 203 Others



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



## Age on date of suicide attempt 2020–2021

Age on date of suicide attempt	Number of CIRS	Number of clients
12	3	3
13	9	8
14	11	8
15	12	12
16	66	21
17	34	25
18	21	18
<b>Total</b>	<b>156</b>	<b>88<sup>4</sup></b>



<sup>1</sup> The “Other type of injury or harm to child” category includes 116 incidents where a child or youth was hospitalized or treated due to drug or alcohol intoxication.

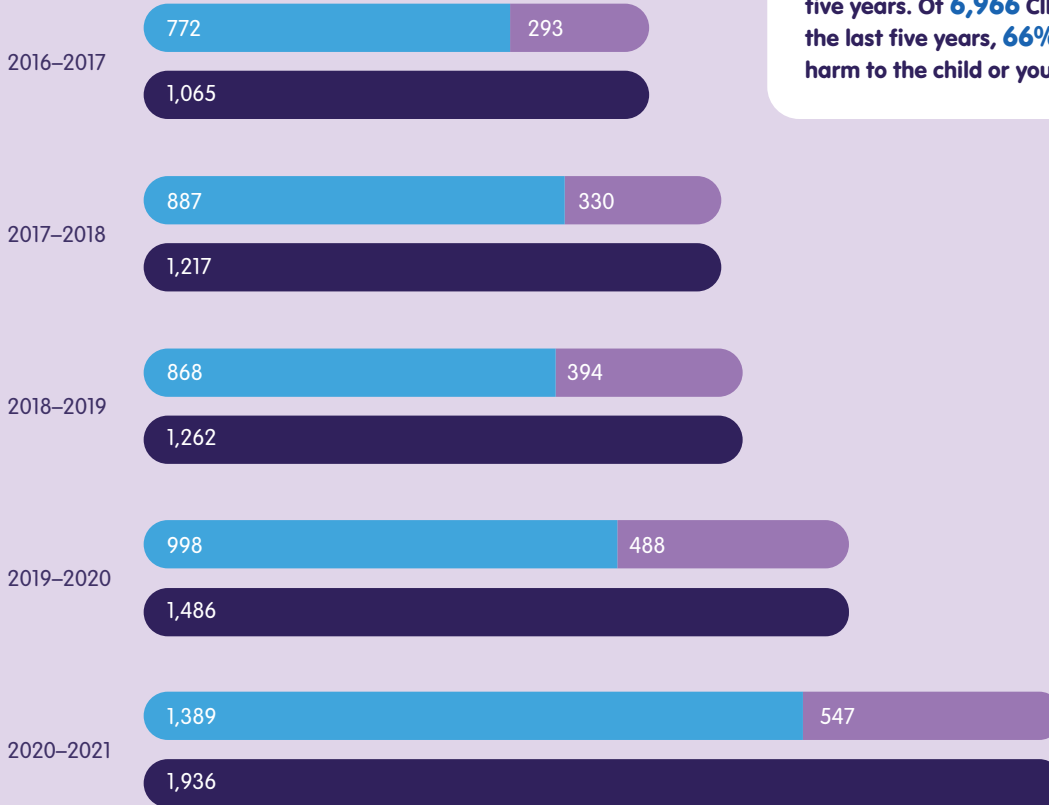
<sup>2</sup> This figure does not include incidents where the child or youth experienced both physical and sexual assault. There were 27 of these incident in 2020-2021.

<sup>3</sup> The “Self-harm” category describes incidents where the child or youth intentionally has caused self-inflicted injury, including suicide attempts and death by suicide.

<sup>4</sup> The total number of children shown represents individual children. Because of this, the total is less than the sum of the number of children because a child could have attempted suicide more than once at different ages.

## Number of CIRs Received by the PGT

● Indigenous
 ● Non-Indigenous  
● Total number of CIRs



There has been a significant increase in the number of CIRs received by the PGT over the past five years. Of **6,966** CIRs received by the PGT in the last five years, **66%** were reports of injury or harm to the child or youth.

# Legal Services

If PGT property guardian clients were imagined as a village of 100 children, then 13<sup>1</sup> received PGT legal services

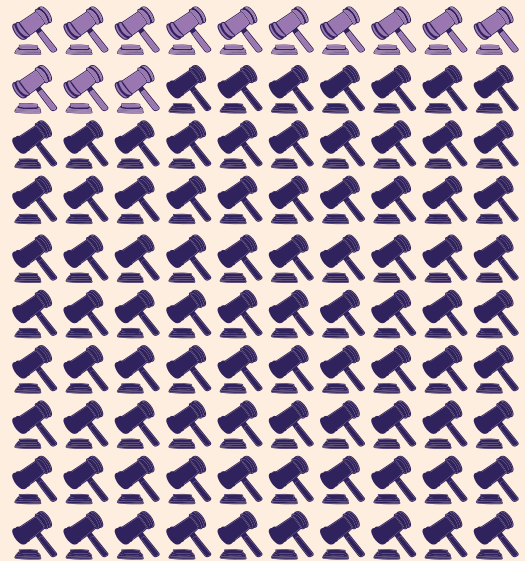
The PGT provides a wide range of legal services for children in care. These services include:

- Responding to applications to cancel a continuing custody order;
- Reviewing applications for grants of probate or administration where a child or youth 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 or youth for which a third party may be liable and pursuing legal claims where appropriate.

Legal referrals related to personal injury arising from sexual assault are consistently the largest category of potential civil claims, comprising 36% 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 1.2 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.

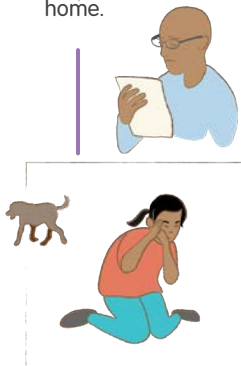
This transition usually begins at age 18. If no legal action has been commenced, the young adult may be provided with a letter advising them of their legal rights. Legal actions may be resolved by judgment or



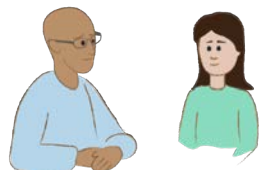
<sup>1</sup> This represents the percentage of children and youth served by the PGT in the fiscal year where the PGT provided legal services.

## Luciana's Story

Luciana's Guardianship and Trust Officer (GTO) receives a critical incident report that Luciana was bitten by a dog while visiting their neighbour's home.



The GTO asks Luciana's social worker for additional information about the incident.



The GTO learns that Luciana was bitten on their face and needed stitches.



The GTO reviews the incident with PGT legal counsel.



The lawyer opens a legal file to explore Luciana's potential civil claim.

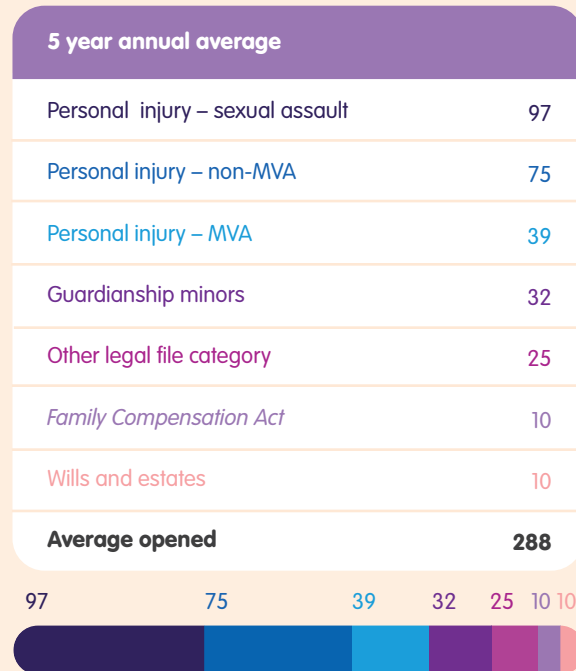
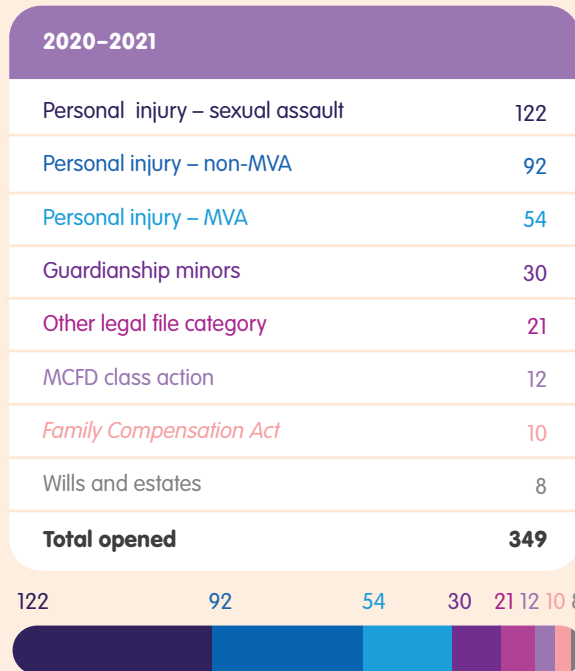




settlement of the claim prior to the child or youth reaching age 19. In other instances, matters are resolved by legal counsel and funds are obtained for the child or youth and civil litigation is not required. Between 2016–2017 and 2020–2021, the PGT secured approximately **\$49.2 million<sup>1</sup>** from legal services carried out

on behalf of children and youth in continuing care, including approximately **\$734,000** in 2020–2021. This includes approximately **\$712,000** for property guardian clients resulting from the MCFD class action, as outlined on page 24.

### Types of legal work opened



<sup>1</sup> Dollar amounts are gross values, before deductions for legal fees and PGT fees.

The lawyer collects Luciana’s medical and counselling reports which indicate that they may have some permanent facial scarring from the bite, and that they are now afraid of dogs.



The PGT retains outside counsel to advance Luciana’s personal injury claim.



The outside counsel is successful in obtaining funds for Luciana to compensate them for their lasting injury.



The PGT receives the funds and puts them into a trust account for Luciana until they turn 19.



## ICBC changes

Historically, the PGT has pursued MVA-related legal claims on behalf of property guardian clients and reviewed proposed settlements on behalf of all children in BC injured in motor vehicle accidents to ensure that a proposed settlement is reasonable based on the unique circumstances of each case.

On May 1, 2021, enhanced care automobile insurance came into effect under BC's motor vehicle insurance laws, meaning that individuals harmed in motor vehicle accidents will be better supported in their recovery but can no longer pursue a legal claim against the responsible driver in most circumstances. As a result of the changes, the PGT will not have a routine role in reviewing settlements or pursuing claims for motor vehicle accidents occurring on or after May 1, 2021.

During 2020-2021, the PGT assessed and planned for the anticipated impacts of the legislative changes on its work on behalf of children and youth in BC. The PGT will monitor and report on initial impacts in the 2021-2022 Child and Youth Guardianship Services Report, though it is expected that it will take several years to work through legal claims for motor vehicle accidents occurring prior to May 1, 2021.

## MCFD class action

In 2018, the PGT learned that an MCFD employee hired as a social worker had diverted funds intended for the benefit of children in care for his own use. During the employee's tenure at MCFD, he caused harm to the children and youth in his care through neglect, misappropriation of funds, failure to plan for the children's welfare and with respect to Indigenous children and youth, failure to take steps to preserve their cultural identities. These actions had devastating impacts on the young people he was expected to protect. The employee was arrested and criminally charged as a result of his actions.

Meetings involving the PGT, MCFD and RCY were held continuously throughout 2020-2021 to ensure that service deficiencies were addressed for all affected children and youth still in the care of MCFD.

The PGT hired counsel to review MCFD records relevant to these events and determine whether any of the impacted children and youth still in care had potential civil claims for damages.

The PGT, as property guardian for many of the children and youth impacted by the actions of this individual, commenced litigation seeking class action certification to pursue compensation for the impacted children and youth still in care for the damages and losses they had experienced and, in many cases, continue to experience. The class was certified by the Court under the *Class Proceedings Act* on July 28, 2020. Any child who was in the care of MCFD and after April 1, 2001 was assigned to the employee's caseload for a period of 90 consecutive days or more was considered part of the class action unless they chose to opt out

of the class process. Settlement negotiations commenced with MCFD and a settlement was approved by the Court on October 23, 2020.

The settlement included a basic payment of \$25,000 for all class members, as well as an additional payment of \$44,000 for all Indigenous class members. Class members were also entitled to apply for elevated compensation, using a simplified and non-adversarial process, for a range of specific harms that they experienced as a result of the actions of the MCFD employee. Specific harms included sexual exploitation, psychological harm (including symptoms of self-harm, substance use and psychological trauma), homelessness, educational delay and bodily harm. The maximum amount payable to an individual for elevated damages is \$181,000.

In addition to financial settlements, other services and supports are available to eligible class members. This includes enhanced planning for transition to adult services through Community Living BC (CLBC) for those who are eligible, supported by a specialized employee at CLBC.

The PGT, in conjunction with class counsel, has offered and provided financial wellness workshops for class members. Workshops have also been facilitated by the Aboriginal Financial Officers Association.

As part of the settlement, MCFD will pay the trust management fees associated with the PGT holding and managing funds for class members.

The PGT has assigned a specific Guardianship and Trust Officer (GTO) to work with class members. The GTO collaborates regularly with MCFD, CLBC and RCY to provide coordinated and ongoing support services. Available services and supports include post majority trust services, financial wellness workshops and referrals to the PGT's Assessment and Investigation Services for adult class members.

The PGT received basic payments on behalf of class members for whom the PGT was property guardian in late 2020 and anticipates receiving elevated damages throughout 2021.

Between April 1, 2020 and March 31, 2021, the PGT received approximately **\$712,000** on behalf of **12** property guardian clients who were claimants in the MCFD class action. An additional **\$425,000** was received on behalf of **5** former property guardian clients, to be held in trust by agreement with those young adults.

Applications to make a claim are open until October 23, 2022. After that date, no further claims will be accepted.

For further information about supports for Class Action Members, **please see the PGT website or contact PGT Child and Youth Services at [cys@trustee.bc.ca](mailto:cys@trustee.bc.ca) or 604.775.3480.**

## Outcomes of legal work

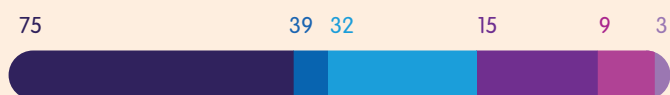
2020–2021

Outcome	Number
Client assumed conduct of legal action or legal information letter provided post majority	89
Court award made or settlement reached	17
Legal action not pursued or child deceased prior to action being concluded	8
Guardianship matter concluded <sup>1</sup>	8
Information transferred to other property guardian	5
PGT authority ended – continuing custody order cancelled <sup>1</sup>	4
<b>Total number of files with outcomes</b>	<b>131</b>



5 year annual average

Outcome	Number
Client assumed conduct of legal action or legal information letter provided post majority	75
Legal action not pursued or child deceased prior to action being concluded	39
Other <sup>1</sup>	32
Information transferred to other property guardian	15
Transferred to other PGT authority	9
Court award made or settlement reached	3
<b>Average number of files with outcomes</b>	<b>173</b>



## Amounts secured from legal work<sup>2</sup>

Fiscal year	Amount	Number of clients
2016–2017	\$6,136,999	10
2017–2018	\$15,818,220	14
2018–2019	\$382,522	11
2019–2020	\$26,790,101	4
2020–2021	\$734,289	15

<sup>1</sup>Two new categories “Guardianship matter concluded” and “PGT authority ended – continuing custody order cancelled” were created in 2020-2021 to further describe the legal outcomes which were previously represented within the “Other” category.

<sup>2</sup>These amounts are typically held in trust.

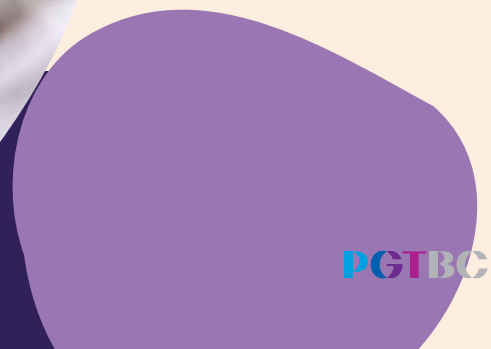
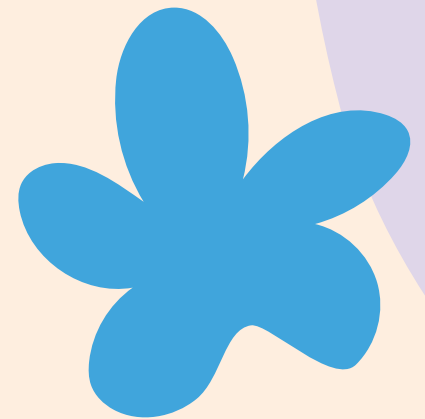
## Making wills for youth in care

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 is 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 regarding what happens to their estate if they die. When a person in British Columbia dies without a will, WESA directs that the residue of the estate be distributed first to any spouse and children, followed by parents, and then to siblings. If children have been removed from their parents' care and are in the care of MCFD or a DAA, they may not wish for their estate to be distributed in this way for a variety of reasons.

As property guardian, the PGT remains committed to assisting clients who want to make a will. The PGT can support any youth who is 16 years or older, in the continuing care of the Province and wants to make a will by finding an estate lawyer in the young person's geographical area. The PGT considers making a will to be 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 and young people when raised during outreach sessions.

Recognizing that making a will may be particularly important to young people involved in the recent Class Action settlement, GTOs continue to provide information about will making when working with members of that group.



# Transition Services

Average duration of service for PGT property guardian clients<sup>1</sup>

**6.1  
years**

Indigenous

**3.6  
years**

Non-Indigenous

**5.2  
years**

All

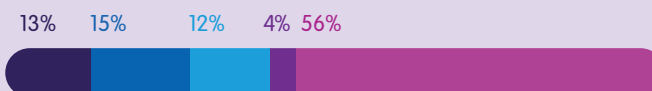
## Reason PGT's property guardianship role ended<sup>2</sup>

Age of majority	54%
Adoption order granted	36%
Other reason <sup>3</sup>	8%
Transfer of guardianship	2%



## Age of child or youth when PGT involvement ends

0–4 years	13%
5–9 years	15%
10–14 years	12%
15–18 years	4%
19 and over <sup>4</sup>	56%



<sup>1</sup> This is the average duration from when the PGT first provided service to March 31, 2021 or file closure. This figure excludes any clients over the age of 19 on March 31, 2021.

<sup>2</sup> Only includes files where the PGT has completed transitioning legal and financial matters.

<sup>3</sup> The "Other reason" category describes instances such as another guardian is appointed, or the client dies.

<sup>4</sup> The "19 and over" category represents the number of former property guardian clients that the PGT was working with to complete the transition of legal and financial matters.

The PGT's 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, 41 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 permanency planning process and must provide consent in order for the court application to proceed. 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, 2020 and March 31, 2021, the PGT reviewed and consented to 31 applications

to transfer guardianship from MCFD or a DAA and the PGT to a prospective guardian. 20 of the children who were permanently placed through transfer of custody were Indigenous.

### Transition planning and post majority trust services

When the PGT acts as trustee for guardianship clients, significant planning occurs before a youth reaches age 19 to most appropriately transfer or transition their funds at the age of majority. Abilities, vulnerability to financial abuse, personal preparedness, medical assessments and the wishes of the client all inform the GTO in this process. The GTO works with the youth, their social worker and their supports to determine the most appropriate way to transition a client's trust to the client, based on the information available. Where a young person requires some level of protection, they may benefit from a representation agreement (through which they choose a trusted, unpaid person in their life to take a supportive role in their financial matters). When a young person may not be capable of managing their future financial and legal affairs (for example, a young person with a severe disability and no support network), a referral to the

# Dakota's Story

MCFD informs the PGT that Dakota has been brought into permanent care.

Dakota's PGT Guardianship and Trust Officer (GTO) reviews their initial file information and finds no immediate legal or financial issues.

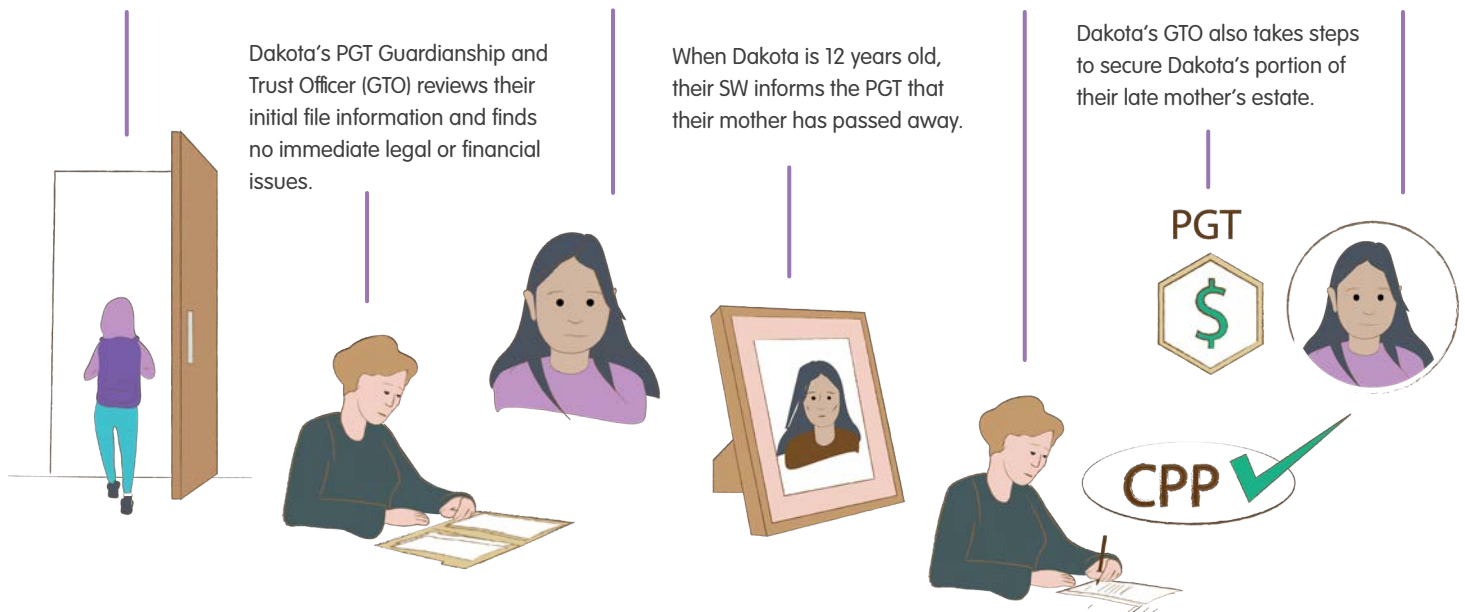
Dakota's circumstances are reviewed annually with their DAA social worker (SW) to see if there are any legal or financial issues requiring PGT attention.

When Dakota is 12 years old, their SW informs the PGT that their mother has passed away.

Dakota's GTO applies for CPP Surviving Child's Benefit on Dakota's behalf, and they're deemed eligible.

Dakota's monthly CPP payments and estate proceeds are placed into a trust account opened and held for them by the PGT.

Dakota's GTO also takes steps to secure Dakota's portion of their late mother's estate.



Assessment and Investigation Services department of the PGT's Services to Adults division may be required for a formal capability assessment. Potential assistance in adulthood can range from informal resolutions, such as arranging direct deposits, to committeehip, where the PGT, as committee, assumes full responsibility for the adult's legal and financial affairs. Between April 1, 2020 and March 31, 2021, the PGT was appointed to act as committee of estate under the *Patients Property Act* for three former children in continuing care.

When a child in care has trust funds, GTOs begin annual transition planning discussions with their social worker and the youth directly, where appropriate, at age 14. Where a child in care has an RDSP to be transferred, GTOs begin annual transition planning discussions at age 17.

Direct communication with the client can provide the GTO with a sense of the individual's preparedness, goals and understanding of their trust money. Direct communication can also create opportunities to offer post majority trust services and financial wellness materials to supplement and support a client's plans. Transition planning and communication requires a high level of

sensitivity, particularly when funds originate from significant loss, such as the death of a parent or as a result of a personal injury that may be emotionally painful. With this reality in mind, GTOs consciously incorporate trauma informed principles into their practice.

As noted, PGT property guardian clients who are approaching the age of majority and leaving government care may voluntarily enter into an agreement with the PGT to hold and manage their funds up until the age of 27. This option is highlighted during transition planning discussions with a client.

GTOs provide information sessions to MCFD social workers about PGT services offered and the PGT's role in successful transition planning for children and youth.

When Dakota turns 14, their GTO invites Dakota and their SW to begin transition planning discussions about their funds held by the PGT.

At age 18, Dakota's SW learns that Dakota will receive \$30,000 from their First Nation when they turn 19.

Dakota plans to attend university, which will be paid for through provincial programs (tuition waiver) and benefits from their First Nation, so they have no immediate need for their trust funds.

At age 15, Dakota begins to actively participate in these discussions and to share some of their future plans and goals.

Dakota's GTO meets with them and their SW to discuss Dakota's readiness to receive and manage their funds when they turn 19.

Dakota asks the GTO if the PGT can continue to hold their trust funds safely while they concentrate on their studies.



## 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. Under the terms of the trust, applicants are assessed on grades, financial needs, career goals, personal commitment and other sources of funding available to cover education costs. The bursaries are awarded annually to help recipients with the costs for fees, books, living expenses or any other financial need standing in the way of a former youth in care being able to achieve their educational goals.

In 2020–2021, **10** individuals ranging in age from 20 to 34 received bursaries ranging from **\$1,000** to **\$2,850**. The total amount awarded was **\$15,700**.

The recipients are involved in a wide variety of fields of study, including nursing, health science, psychology, social work, counselling, child and youth care, mental health and nautical sciences. Awards were also granted for master's-level education in live art and performance studies.

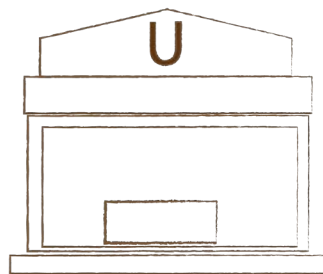
The PGT congratulates the recipients of these bursaries as they pursue their education and career goals.

# Adult Dakota's Story

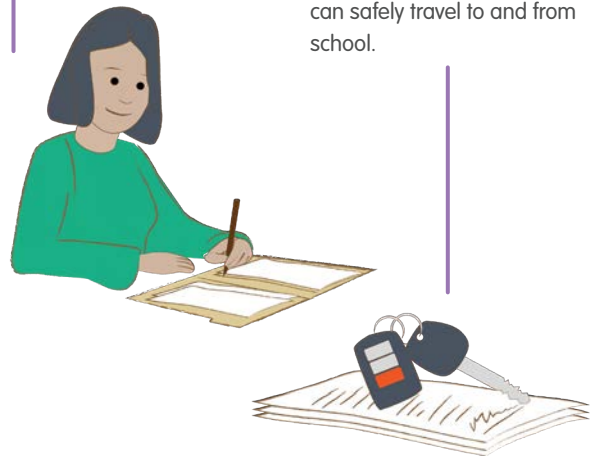
Dakota turns 19!



Dakota is no longer in care, and is now in university.



Dakota signs a voluntary trust agreement for the PGT to accept their band benefits and also continue to hold their inheritance.

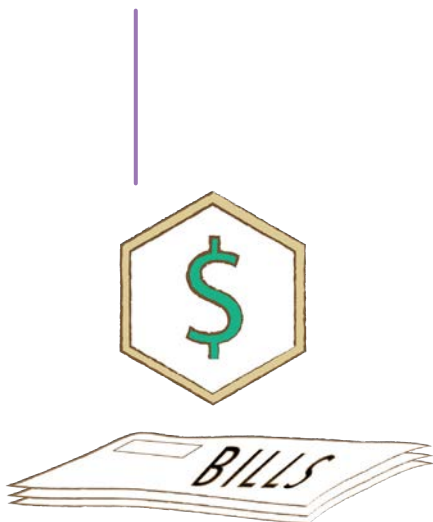


The PGT releases funds for the purchase of a car so Dakota can safely travel to and from school.





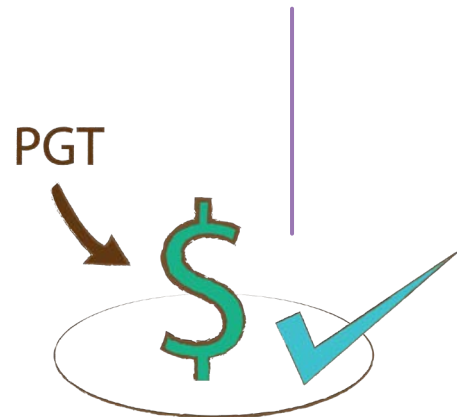
The PGT also sets up monthly payments to Dakota to assist with rent and day to day needs so they can concentrate on their studies.



Dakota is 23, has graduated from university and they are now ready to receive their trust and embark on their future.



The PGT releases Dakota's remaining funds to them and closes their file.



# Community Engagement and Outreach

**Outreach to clients and community partners continues to be an essential part of the work done in Child and Youth Services (CYS) and each year sees a broader range of clients and new partners reached. In 2020–2021, CYS staff participated in 40 presentations and collaborations, including financial wellness workshops and information sessions for social workers and community partners.**

## Enhanced public education materials

The PGT has youth-friendly publications, including several illustrated 'one-pagers' that visually tell the stories of some of the property guardianship work that the PGT performs. Topics include the PGT role in permanency planning, making wills for young people in care, establishing a Registered Disability Savings Plan and the steps the PGT takes after learning a young person in care has been harmed. The PGT works to help simplify and explain the protective legal and financial work undertaken on behalf of children and youth in continuing care as this is not often apparent to or understood by children and youth in continuing care.

In collaboration with the BC Federation of Youth in Care Networks (FBCYICN), the PGT youth-friendly information card appeared in several editions of Power Pages. Power Pages is the FBCYICN's youth-driven publication, connecting youth in and from care, their service providers and caregivers across BC.

## Community partnerships

The PGT continues to work to improve outcomes for children in care and for youth transitioning from care through active membership in the Children's Forum, BC RDSP Action Group, Youth Futures Educational Advisory Committee and the TRRUST Collective Impact initiative. The PGT is also an ongoing partner with BC Child and Youth in Care Week (BCCYICW), a working group coming together to celebrate the achievements and resiliency of children in provincial care. The first week of June 2020 marked the tenth year of BCCYICW. There were virtual celebrations province-wide. In previous years, CYS staff held an annual bake sale to fundraise for youth-serving organizations. However, due to COVID-19 restrictions, this was not possible in 2020. In recognition of the difficulties people of all ages faced due to the pandemic, CYS partnered with the PGT's Services to Adults division to host a joint World Elder Abuse Awareness Day (WEAAD)/BCCYICW recognition event. The PGT invited the founder of WEAAD and guests from Mount Pleasant Neighbourhood House, a non-profit organization connecting young people with elders, to share their experiences and thoughts with PGT staff.



CYS also created a cookbook to raise money for a youth and older-adult serving organization. Proceeds from the cookbook were donated to “Grandparents Raising Grandchildren.”

## Financial wellness

Financial wellness continues to be an essential focus for PGT outreach work with property guardian clients. For many reasons, children and youth in care may not have the benefit of continuous guidance and mentorship around financial matters. Many may leave care with limited knowledge about managing their personal finances, which can be particularly important for children and youth who have funds that will be paid out to them upon reaching the age of majority. The PGT strives to reach as many youth in care as possible through our financial wellness workshops and to provide clients with some tools and empowerment around financial management.

In 2020–2021, the PGT directly reached **141** children and youth through the delivery of **20** financial wellness workshops.

Workshops prior to COVID-19 were offered in-person at a variety of venues such as alternative schools, community centres, youth shelters, day camps, safe houses and youth custody centres, as well as through life skills and employment programs.

Working from the philosophy that it is never too early to start gaining money management skills, the PGT has successfully tailored the workshops to a wide range of clients from as young as 10 years old through to early adulthood. Wellness workshops have also been developed for a youth pregnancy and parenting program, a life skills program for youth struggling with substance use, an Indigenous youth employment training program and for various programs offered through Vancouver Coastal Health.

During COVID-19, the PGT continued to deliver financial wellness workshops for partner host programs such as the Strive life skills program for youth transitioning from care and the Broadway Youth Resource Centre in Vancouver.

As the Province’s COVID-19 restrictions prohibited gatherings at conventional venues, the PGT pivoted its approach and facilitated these workshops online using platforms such as Zoom and Microsoft Teams. As a result of these technologies, a province-

wide network has been developed, as it was possible to reach clients in more remote geographic areas.

The PGT also partnered with the FBCYICN and participated in virtual meetings on the last Thursday of each month. Meetings included a financial check-in and discussion of various topics related to financial wellness.

For further information about the financial wellness services offered by the PGT, **please see the PGT website or contact PGT Child and Youth Services at [cys@trustee.bc.ca](mailto:cys@trustee.bc.ca) or 604.775.3480.**

## Information sessions for social workers and community partners

Throughout the year, PGT staff provided workshops and presentations to social workers, transition workers and other community partners on the role of the PGT and the property guardian services provided to children and youth in continuing care. Over the 2020–2021 fiscal year, CYS staff conducted **20** presentations and workshops for social workers and community partners via webinar or teleconference. Topics included the role of a property guardian, RDSPs, transition planning considerations for youth with funds, making wills for youth and post majority trustee services for young people transitioning from care. Over the last year, **828** guests throughout the province participated in these presentations.

## COVID-19

The COVID-19 pandemic significantly affected children in and from care when large community gatherings and in-person social events were restricted, school structure changed significantly, support places shut down and modifications and limitations were placed on in-person visits with social workers and other supports.

The PGT responded quickly to the abrupt changes brought about by the pandemic with a comprehensive strategy that began with most staff working from home. Staff quickly adapted and found creative new ways to maintain service and continue reaching clients using a variety of virtual platforms.

# 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

We are grateful to live and work on the unceded and traditional territories of the xʷməθkʷəy̓əm (Musqueam), Tsleil-Waututh, and Skwxwú7mesh Úxwumixw (Squamish) peoples. Our commitment to walking respectfully on these lands is captured in our [Truth and Reconciliation Strategy](#).

We recognize that many of the children we serve are First Nations, Inuit and Métis.

The majority of children and youth in care in British Columbia are Indigenous. Representing over **60%** of the PGT’s child guardianship clients, but only approximately **6%** of the total provincial population, Indigenous children are highly over-represented in the child welfare system. The PGT is acutely aware that the traumatic impacts of colonization, the residential school system and subsequent cultural and societal harms have profoundly impacted generations of Indigenous families and their communities and has contributed to this overrepresentation.

The PGT is committed to reconciliation and enhancing our Indigenous cultural awareness so that we can better serve our clients in a culturally appropriate and safe way. 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.

## 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.

## Indigenous Perspectives Society — training for new social workers

The PGT is honoured to be a regular guest speaker for the Indigenous Perspectives Society: Centre of Excellence in Community Education, 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.

## Seeking truth, pursuing reconciliation

The PGT has committed to working towards meaningful truth and reconciliation and to building respectful relationships with Indigenous communities. In February 2020, the PGT introduced its “Seeking Truth, Pursuing Reconciliation” strategy for 2020–2023. The reconciliation strategy draws guidance from three key documents and their calls to action:

1. The United Nations Declaration on the Rights of Indigenous Peoples;
2. Truth and Reconciliation Commission of Canada: Calls to Action; and
3. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

The reconciliation strategy is a living document that has measurable actions throughout the organization. It offers a framework for individual learning and meaningful steps to help inform our current practice. The PGT is using this strategy as an ongoing call to motivate action, create change, reveal truth and meaningfully pursue reconciliation. It is incumbent on the PGT to learn as much as we can about our clients' lived experiences in order to provide the highest level of culturally safe and respectful services to the Indigenous clients we serve.

PGT staff are encouraged to develop their own personal action plan and to use learning opportunities and ongoing conversations to enhance personal knowledge and understanding of the lives of our young Indigenous clients.

As a result of restrictions relating to the COVID-19 pandemic, events that staff had previously attended in person were cancelled in 2020–2021. However, the PGT ensured these events were acknowledged and provided opportunities for further learning in a virtual environment. Many events and organizations pivoted to virtual platforms, including:

- The annual Women's Memorial March for missing and murdered Indigenous women;
- Moose Hide Campaign Day, a grassroots movement of Indigenous and non-Indigenous men standing up against violence towards women and girls;
- Indigenous Peoples Day;
- Orange Shirt Day, a day to encourage meaningful discussion about the effects of Residential Schools and the legacy they have left behind; and
- Events and workshops provided by Reconciliation Canada, an organization providing reconciliation dialogue workshops and events across Canada.

Prior to COVID-19 restrictions, PGT staff had the opportunity to participate in the National Indigenous Peoples Day celebrations held at Trout Lake in Vancouver and represent the PGT at the Gathering Our Voices conference for Indigenous youth leaders, however, these events were cancelled in 2020/2021.

### PGT staff educational opportunities

One of the PGT's overall strategic goals is "to contribute to a fair and just society". To that end, the PGT is committed to providing ongoing Indigenous cultural awareness and safety training for staff throughout the organization, so that our clients can be better served in a culturally appropriate and safe way.

In early 2021, the PGT invited keynote speaker Koren Lightning-Earle to facilitate two presentations on Indigenous issues and inclusivity, after reading her article "You Belong Here," about her experience as an Indigenous woman in the legal profession.

The PGT regularly hosts viewings of documentaries on pertinent Indigenous issues available through sources such as the National Film Board of Canada. These films provide concrete learning and discussion opportunities for PGT staff and range from cultural or historical documentaries to individual stories of Indigenous people in British Columbia and Canada.



# 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 adapted from the extensive World Health Organization International Classification of Diseases. For more information see the complete classification system at <https://www.who.int/sites/default/files/2018-05/ICECI%20in%20English.pdf>.

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. 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 the child survived.
- **Death-suicide** - The reported incident indicates the child's death resulted from suicide.

### 4. Medical condition

Illnesses or complications arising from surgery, medical care or medical treatment, including hospitalizations due to medical illness.

### 5. Motor vehicle accidents

Injuries resulting from a motor vehicle accident.

### 6. All other incident types

(includes the following incident types):

- **Cutting/piercing** - Injury caused by a cutting or piercing instrument or object. Excludes assault with a sharp object and self-inflicted injury with a sharp object.
- **Death** - The reported incident indicates the child's death was an accidental, homicide or natural death, but does not include suicide, which is captured by "self-harm".
- **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.
- **Non-motor vehicle cycle accident** - Child was injured in a non- motor vehicle incident involving a pedal cycle including falls from bicycle.
- **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.

- **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 between the child and 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 <https://www.whofig.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. Foster parent(s)

#### 2. Parent(s)

#### 3. Other friend(s)/acquaintance(s)

(does not include intimate partners).

#### 4. Stranger(s)

#### 5. Relationship not known

#### 6. All other alleged harmers

(includes the following categories):

- **Another child(ren) in care**
- **Boyfriend/girlfriend/spouse** - includes intimate partner(s)
- **Other relative(s)**
- **Unrelated caregiver(s)** – includes child care provider(s)
- **Person(s) in official or legal authority** - includes: teachers, church ministers, sports coaches, police, guards, etc.
- **Other relationship** – where the alleged harmer(s) did not fall into any other defined group
- **Multiple harmer** – where there is more than one alleged harmer

# General Inquiries

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**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.

