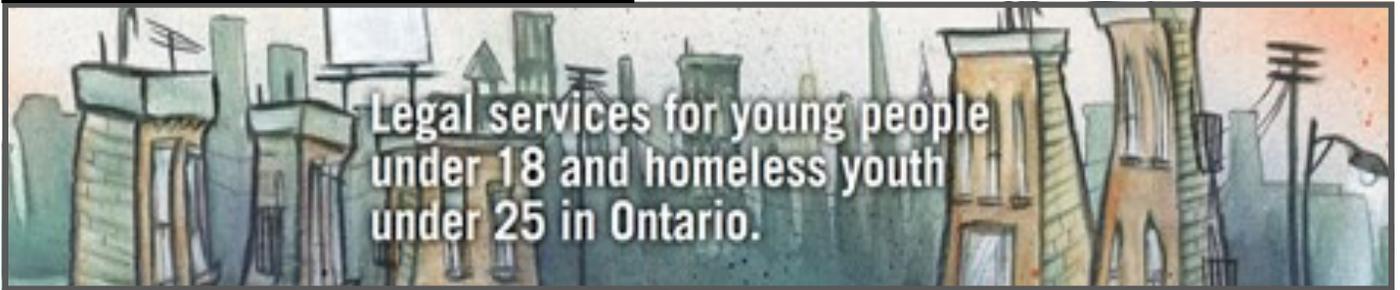


JUSTICE FOR CHILDREN AND YOUTH

Annual Report 2021



Children's rights are human rights.

Children's rights protect the child as a human being.

Children's rights recognize the fundamental guarantees to all human beings including equality and the right to dignity through the protection of physical and mental integrity.

Children's rights are specifically adapted to take into account the child's inherent vulnerability, age and maturity.

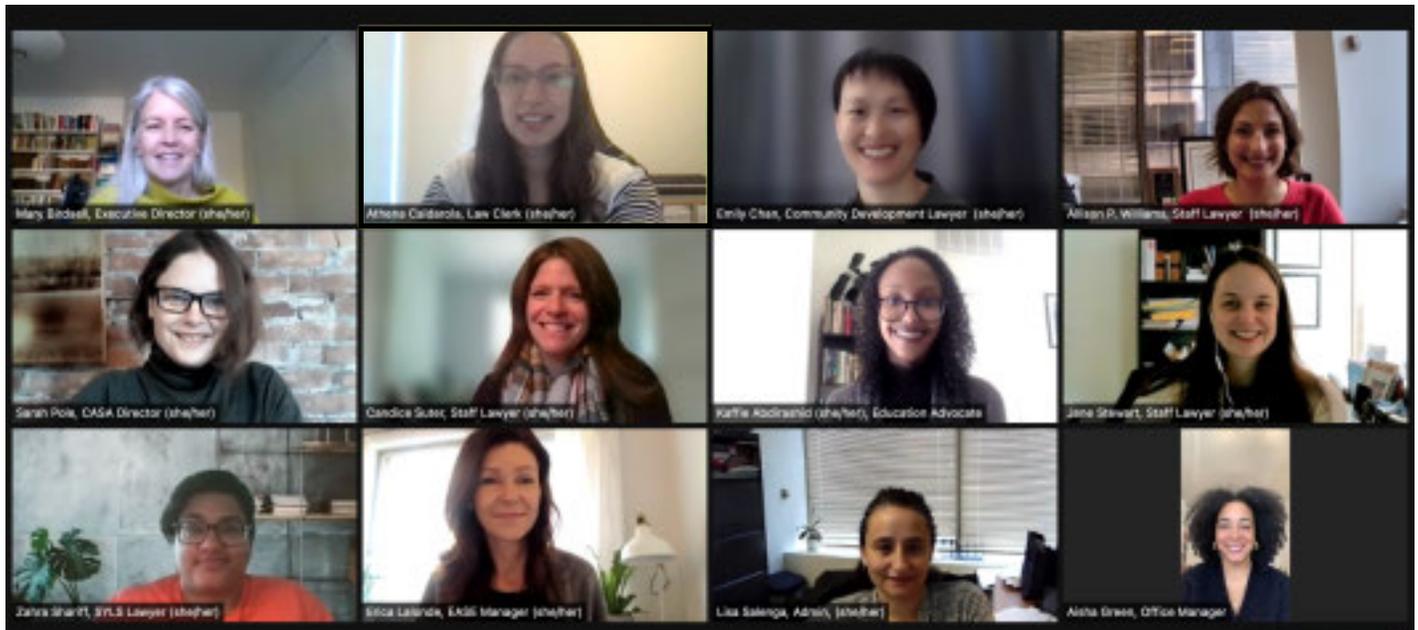
Children's rights require adults to be duty bearers to safe guard these rights.

Children's rights prioritize the right to be heard, to be active participants in the promotion and protection of their rights and personal agency.

Voice. Empowerment. Justice.



Staff



Top Row:

Mary Birdsell, Executive Director

Athena Caldarola, Law Clerk and Community Development Worker

Emily Chan, Community Development Lawyer

Allison Williams, Staff Lawyer

Middle Row:

Sarah Pole, CASA Director

Candice Sutter, Staff Lawyer

Kaffie Abdirashid, Education Advocate

Jane Stewart, Staff Lawyer

Bottom Row:

Zahra Shariff, SYLS Lawyer

Erica Lalonde, EASE Project Manager

Lisa Salenga, Administrative Assistant

Aisha Green, Office Manager

On leave:

Karien Gibson, Office Manager

Claire Millgate, SYLS Lawyer

Samira Ahmed, Staff Lawyer



Justice for Children and Youth (JFCY)

JFCY is a non-profit community legal aid clinic that specializes in protecting the rights of young people facing conflicts with the legal, education, social service or mental health systems. JFCY was formally incorporated as the Canadian Foundation for Children Youth and the Law in 1978, and has operated as Justice for Children and Youth since 1990. This year we celebrate our 42nd anniversary.

JFCY's vision is to advance and protect the legal rights and dignity of children and youth.

JFCY's mission is provide child-centred legal services that enhance justice and support inclusion for vulnerable children and youth through:

- Specialized legal expertise and representation
- Leadership on systemic law reform and advocacy
- Legal education and outreach

Board of Directors

Anne Irwin, Chair

Angela Reid, Treasurer

Tim Welsh

Joe Louch

Debbie Singh

Lennox Gibbs

Rishma Bhimji, Vice-Chair

Glenn Stuart, Secretary

Sapna Goel

Tamara Nachmani

Roma Shah

Voice and empowerment: providing children and youth with the tools and context which allows them to speak for themselves as individual rights holders in our society is the most effective way to preserve their rights.



Message from the Chair



2021 has been a productive year for JFCY despite the ongoing pandemic. We've grown in size, and we're proud of our staff's many successes, including the fact that this year, our Executive Director, Mary Birdsell, won the prestigious Lynn Factor Stand Up For Kids National Award, granted by the Children's Aid Foundation of Canada. We are honoured to have this recognition of Mary's work dedicated to advocacy on behalf of children facing adversity. Additionally, the award comes with a \$50,000 grant, which Mary directed to JFCY, so we're thrilled, to say the least!

Legal Aid Ontario (LAO) continued with its "modernization" process this year. On October 18th, the new *Legal Aid Services Act (LASA)* came into effect. Just prior to that, each legal clinic was required to sign a new service agreement with LAO. In order to improve the agreements, negotiations were conducted by the Association of Community Legal Clinics of Ontario (ACLCO) on behalf of the entire clinic community. They did a heroic job, but nonetheless, we ended up signing our agreement with reservations. The process continues with new rules to be generated under LASA and outstanding service agreement issues still to be resolved.

The Board and staff have worked hard this year on various aspects of our strategic plan, including fundraising to finance the hiring of a much-needed Social Worker. This initiative was kick-started by two extremely generous donations, \$50,000 from David Chernos and Lesley Bruce, and \$25,000 per year for three years from the Bulmash-Siegel Foundation linked to an annual matching campaign. We're still running our 2021 campaign but are thrilled to have met our target. Thank you so much to David, Lesley and Laurence and Judy Siegel for their incredible generosity, and thank you to all of our donors for helping us to improve the lives of vulnerable children and youth.

Turnover on the Board this year included Lennox Gibbs, Debbie Singh and Glenn Stuart leaving and Falguni Patel, Angela Reid and Emma Katz coming onboard. We thank Lennox, Debbie and Glenn for their years of excellent service and wish them well. Our new Board member, Falguni, is a Human Resources professional, currently the Director of Employee Experience at Rethink. Angela, who has replaced Lennox as our Treasurer, is a Finance and Accounting professional, presently Senior Manager, Strategic Initiatives in the TD Bank's Corporate Operational Risk group. Emma is a family lawyer at the law firm of Kelly D. Jordan, who has been helping us with fundraising for years. We're very excited about having them on the Board.

I would like to thank each of our dedicated Board members for their contributions to the clinic, and on behalf of the Board, we thank each of our fabulous staff: Mary, Emily, Jane, Allison, Sarah, Zahra, Candice, Erica, Kaffie, Aisha, Athena, Lisa, and our dedicated students, (as well as Samira, Claire and Karien, currently on leave, and Nnenna, who left in September). You make a huge difference in the lives of hundreds of young people each year and your talent, skill and compassion inspire us all.

Anne Irwin, Chair and President



Message from the Executive Director

2021 has been remarkably full at JFCY.

An entire year of living and working in a pandemic.

We have had a year of incredible good news, exciting growth, opportunity and hard work, and we have seen the most tragic events inside and outside the clinic. Just as we grieve with Indigenous peoples across the country with the stark truth about the hidden deaths and graves of thousands of children in residential schools coming into the light, we also mourn the death of one of our clients. She was a bright and brave First Nations young person struggling to live with the overwhelming grief and burden of personal and intergenerational trauma and abuse. In her honour, and in tribute to all our clients, we strive to be agents of change and to be active and persistent in our anti-racism and anti-oppression work. We strive to be aware of, and be champions for the spirit, tenacity, strength and trust of our clients, as we pursue a more just and a more child rights respecting society.



At JFCY we also welcomed many new things this year – highlights included two new people, as two colleagues welcomed babies into the world. We welcomed: 6 new colleagues – Lisa, Zahra, Candice, Kaffie, Aisha and Erica; a new project – EASE; a new program – the Justice Centre Education Advocate; and more secure funding for a growing program – CASA. We are grateful for the wonderful opportunities for growth and extra support for our clients that have come to us through generous grants and exciting funding opportunities. We are honoured to have much needed new funding for social work services which will start in January.

The new *Legal Aid Services Act, 2020* was enacted in October 2021. We have worked with the Association of Community Legal Clinics Ontario and our sister clinics, consulting and advocating with Legal Aid Ontario on their modernization efforts, as we work to ensure that access to justice for children and youth is not just an ideal. We continue to work diligently to ensure that legal aid services generally, and child rights services specifically, are meaningfully available to young people, especially those facing adversity.

I hope you will find time to review this annual report and learn about the deeply rewarding work we are privileged to do. We continue to be inspired by our clients and the opportunities we have to advance the rights and dignity of young people throughout Ontario.

Mary Birdsell, Executive Director



Annual Report - *at a glance*



JFCY staff gathering on National Day for Truth and Reconciliation. As part of our organizational and personal commitment to truth and reconciliation staff are taking the University of Alberta's online course "Indigenous Canada". We meet monthly to discuss and reflect on the course content.

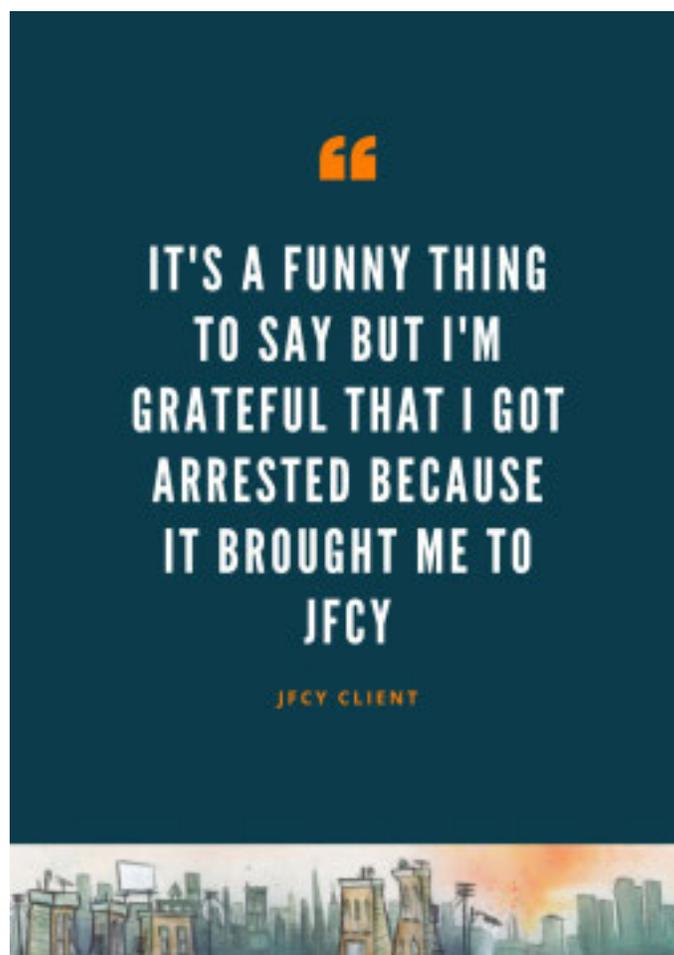


Casework

JFCY provides legal advice and representation to young people in Ontario on a wide variety of legal issues. We continue to offer our full range of services despite the closure of our physical office due to the COVID-19 global pandemic.

We provide trauma-informed legal services and have a strengths based, multi-disciplinary approach to problem solving.

We also engage in systemic work as we seek to enhance a child's rights respecting legal system and society. We engage in systemic test case litigation where outcomes in the courts, tribunals, and with decision-makers will influence children's rights beyond the individual case. We also have specialized programs that focus on vulnerable young people often where there are intersections with systemic discrimination and social exclusion. We engage in public legal education, law reform and community development activities, with young people, adult supporters, professionals, academics, government and community based organizations.





Casework, continued

Many of our clients have multiple legal issues and we are able to help with all of them as part of our comprehensive service. We provide our most comprehensive services to those facing complex personal, legal, and social issues. This is an important part of our unique approach to our clients who face situations that create vulnerabilities.

In the period October 2020 through October 2021, we offered assistance to 1043 individual young people with 1304 legal issues. The COVID-19 pandemic has impacted children in many ways including in the legal services world. We continue to see an increase in some areas of law, and decrease in others — a demonstration of the impact the pandemic has on young people in Ontario.

INTAKES: OCT 2020 - OCT 2021	#	%
Administrative	57	4%
Child Welfare	58	4%
Criminal	270	21%
Demand Letters	0	0%
Education	209	16%
Employment	12	1%
Family	176	13%
Health Care	38	3%
Housing	60	5%
Human Rights	15	1%
Immigration and Refugee	99	8%
Income Maintenance	83	6%
Leaving Home	149	11%
Police Complaints	5	1%
Privacy	18	1%
Violence	46	4%
Will and Estates	9	1%
TOTAL	1304	



We take time to understand what our clients lived experience looks like, what they identify as their priorities and concerns, and begin our work there. We know that our clients are underserved — we seek to build bridges, and help our clients access the community and the institutional and organizational services they need, while fighting systems that diminish and devalue the rights and protections our clients are owed.

Here are some brief examples of the clients JFCY has worked with this year:

- ◆ A young person, who left a high conflict and emotionally abusive home, came to us because his parents were refusing to give him his identification and immigration documents. A JFCY lawyer and social work student worked with the young person. He was advised about his myriad legal issues and his options, and we are helping him get replacement ID. We will assist with his legal issues according to his instructions.
- ◆ We assisted a young person who doesn't want their school records shared with their parents after withdrawing from parental control because of their parents rejection of their gender identity. We assisted them to protect their privacy rights, and to connect to additional supports in the community.
- ◆ We are assisting the mother of a three year old who is seeking to have her child's deceased father listed on the child's birth certificate to help support the young person's right to identity.
- ◆ A teenager was referred to JFCY with multiple youth criminal justice charges and was being expelled from school. We are assisting her with her education and criminal law matters, and helping her to find stability and address her unmet mental health needs.
- ◆ The Education Advocate is exploring programming and non-traditional educational avenues for a 16 year old who works full-time and has no intention of returning back to a typical school environment.

Court matters have been on Zoom for the last year and a half. This has made our services and representation more accessible to young people across Ontario.



Casework, continued

- ◆ A client who arrived in Canada with his mother when he was 11 was connected to CASA while being evicted from housing because of lack of immigration status. CASA assisted him to find a private bar lawyer, and acted as a navigator throughout the successful judicial review of the negative Humanitarian and Compassionate (H&C) decision that had ignored the Best Interest of the Child considerations. Their subsequent H&C was successful and he is now considering his post-secondary education options.
- ◆ JFCY assisted a young person to navigate the complex privacy provisions under the *Youth Criminal Justice Act (YCJA)*. The young person had been given a warning by the police who investigated an incident where he accidentally injured a passer-by. The court upheld the paramount importance of a young person's privacy under the *YCJA*, and the need to protect young people from intrusion into their liberty and security.
- ◆ A young person who has had a difficult and high-conflict relationship with her parent for a long time contacted JFCY. Recently her family situation had been negatively impacting her mental and physical health in serious ways. JFCY advocated to ensure our client's access to private, confidential, and independent mental health services.

We Remember You

An Indigenous young person, came to JFCY in a context where she was relocating and seeking safety and care as a result of horrific abuse she experienced, and a history of trauma, both personal and intergenerational. She sadly died by suicide earlier this year. We honour her memory by continuing to tirelessly strive for justice, care, and safety for children everywhere.



"Your story isn't over"

1-833-456-4566 — Suicide Prevention Service

1800-668-6868 — Kids Help Phone

1-800-721-0066 — Indian Residential Schools Survivors and Family



- ◆ A 15 year old needed assistance in escaping a situation of sexual abuse. She was able to find a safe place to live, with a friend's family, but faced obstacles enrolling in school because of her age and her desire to keep her school-related information private from her custodial parent. JFCY assisted to negotiate a plan to allow her to enroll in school and protect her right to privacy, and to ensure her access to support services in the community.
- ◆ A 22 year old who was referred to CASA by her doctor, came to us in need of immigration services. We connected her with a lawyer to make a refugee claim based on her sexual orientation. CASA provided trusted navigation supports throughout her successful refugee claim process.
- ◆ A young person who left home because of emotional abuse was referred to us by her guidance counsellor. She was seeking assistance from the local Children's Aid Society (CAS) but when she first approached them, they refused to provide services. JFCY advocated with the CAS so that she was able to enter a voluntary youth services agreement.

“

**SOMETIMES YOU NEED SOMEONE TO FALL BACK ON.
JFCY IS ALWAYS THERE.**

**PEOPLE MAY NOT UNDERSTAND WHAT JFCY DOES BUT THAT'S
BECAUSE THEY AREN'T LIVING AND BREATHING THE STRUGGLES
OF VULNERABLE YOUNG PEOPLE.**

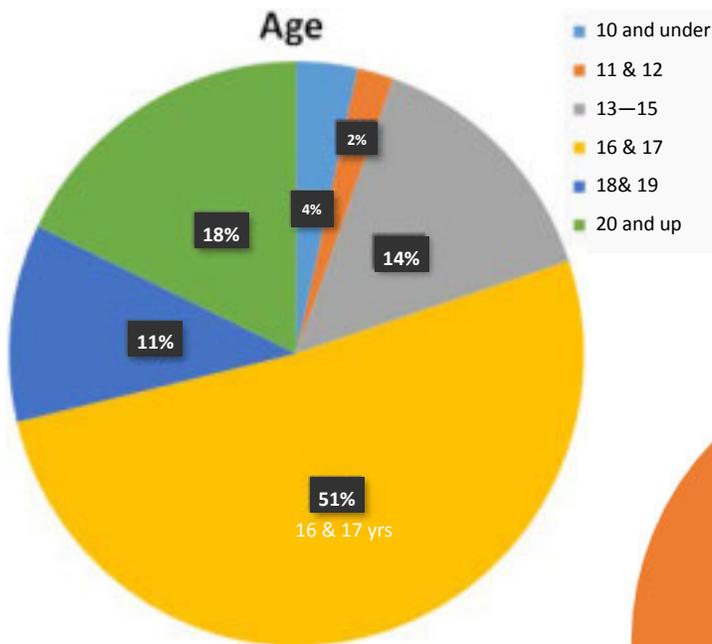
**IT'S EASY TO LOOK THE OTHER WAY RATHER THAN SUPPORTING
AND TAKING THE TIME TO UNDERSTAND OUR EXPERIENCE.**

JFCY CLIENT

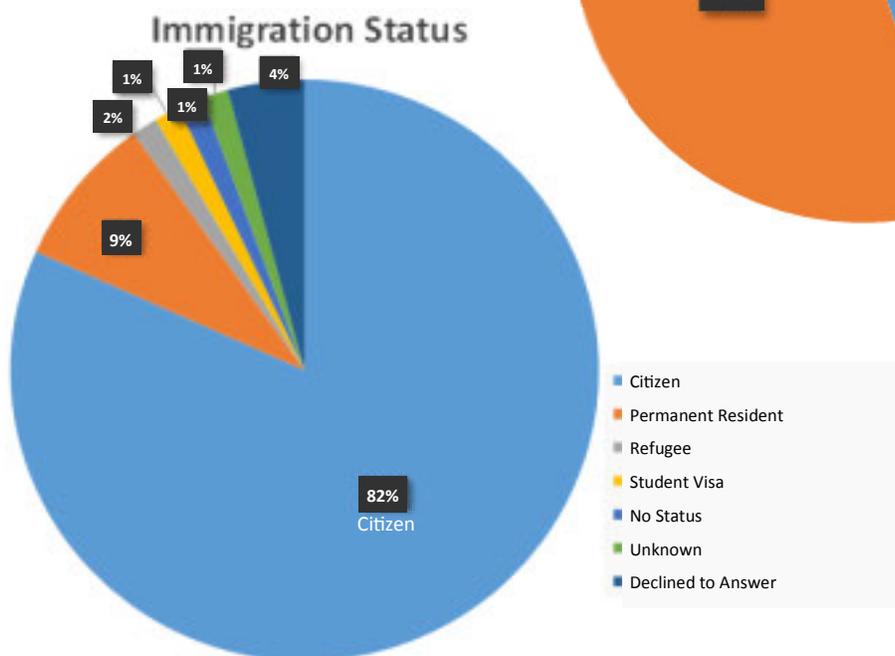
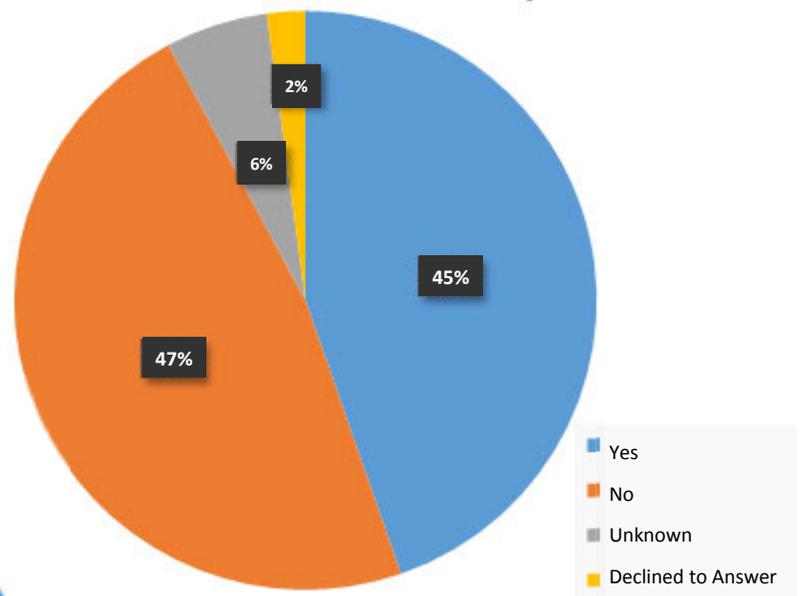


Demographic Information

In September 2019 we began to carefully collect demographic information. We believe this effort provides us with evidence-based information that helps us to understand the clients we serve and their needs, as well as helping us to observe and evaluate our outreach efforts. We are learning more about who we are serving. We will continue to develop both how and what information we are collecting.

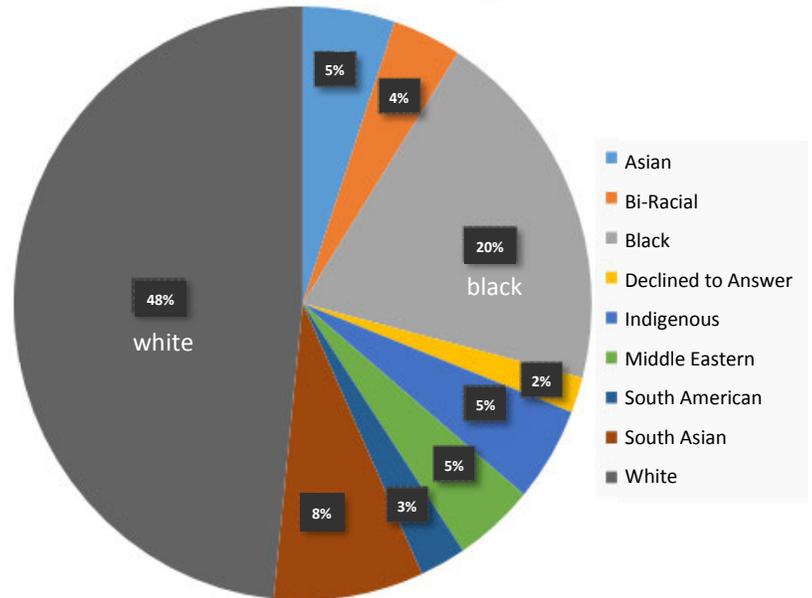


Involvement with a Children's Aid Society

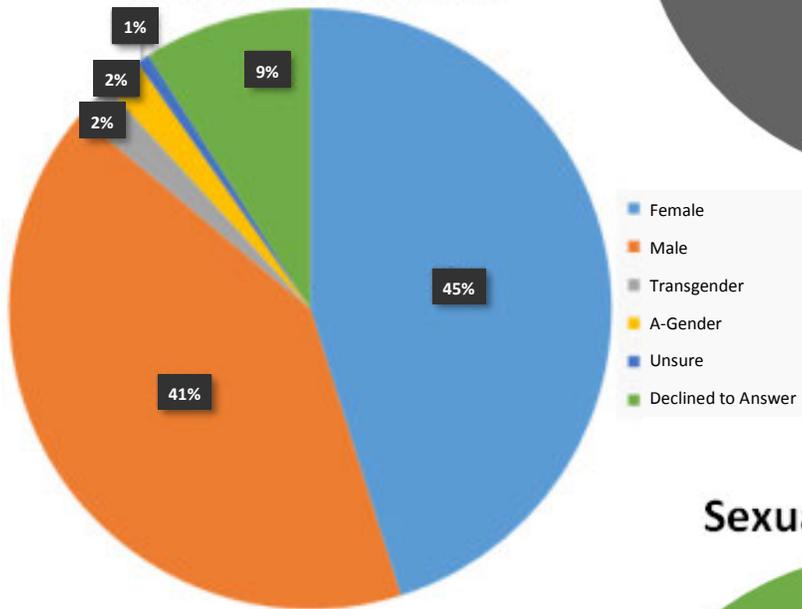




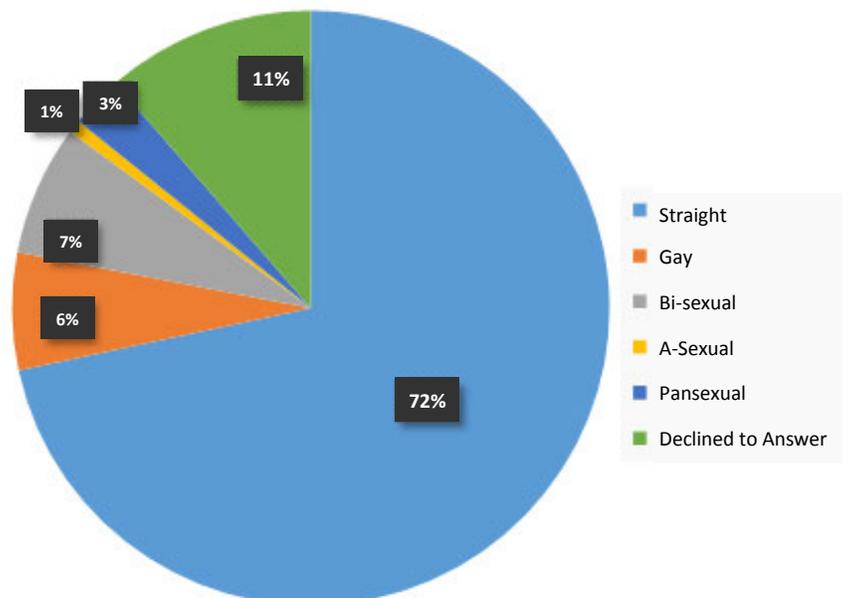
Ethno-Racial Identity



Gender Identification



Sexual Orientation





Test Case Litigation

JFCY engages in test case litigation to try and ensure that courts' decisions respect the legal rights and interests of children, are in compliance with child and youth rights under the *Charter*, and that due consideration is given to the best interests the child, the participation and voice of the child and other rights as provided for in the *United Nations Convention on the Rights of the Child*. Due to the pandemic, some matters are moving through the courts more slowly than they otherwise might. Some cases we highlighted in 2020 are still pending.

Safe Streets Act (SSA) Challenge — Fair Change v Ontario, Superior Court of Justice, Court File No. CV-17-577519

Fair Change Community Services is a legal organization that fights Provincial Offence tickets on behalf of people who are homeless, street-involved, mentally ill or addicted to substances. Fair Change is seeking to have the panhandling sections of the SSA declared unconstitutional based on violations of the *Charter of Rights and Freedoms*. JFCY has been granted leave to intervene in this case based on our expertise in children's rights and in working with young people experiencing homelessness who are often ticketed under the SSA. We are waiting for the next stages of litigation to be arranged.

Voting Age Challenge, Superior Court of Justice

JFCY has been granted test case funding from the Court Challenges Program to bring a constitutional challenge to the minimum voting age. We are representing individual young people nation-wide; and working in partnership with the David Asper Centre for Constitutional Rights, UNICEF Canada, the Canadian Coalition for the Rights of Children, the Students Commission of Canada, the Society for Children and Youth of BC, and Children First.

Section 3 of the *Charter of Human Rights and Freedoms* grants "every citizen of Canada has the right to vote" in federal elections – but the *Canada Elections Act* requires that voters be at least 18 years of age.

Currently, the 4 larger political parties in Canada all allow people to be members and vote for party leadership at age 14, and there are jurisdictions around the world that have lowered the voting age to 16, including Scotland, Wales, Austria and Germany (local).



LS v YouthLink Youth Services, Court of Appeal for Ontario, C69478

LS is an 18 year old who was living in transitional housing provided by YouthLink Youth Services. Transitional housing is a type of supportive housing that provides residents with a place to live as well as supports to help them build the skills needed to transition to adulthood and to obtain more independent, long-term housing. As the pandemic broke in March 2020, YouthLink grew concerned that LS had spent time outside the house visiting friends. Without notice or warning, they prohibited her from returning to the house and terminated her tenancy within the housing program. When she returned to collect her belongings, the police were called and she was escorted from the premises in handcuffs.

The Landlord and Tenant Board (LTB) refused to consider LS's application to challenge her eviction, finding that YouthLink is exempt from the Residential Tenancies Act ("RTA"). LS appealed the decision of the LTB to the Divisional Court. We argued that the LTB erred by failing to properly apply a new provisions of the RTA that is intended to regulate transitional housing providers like YouthLink. The new provision requires them to have robust agreements in place with residents including dispute resolution and notice provisions to prevent on-the-spot evictions. The Divisional Court did not accept our arguments and upheld the LTB's decision on December 14, 2020.

LS has appealed to the Court of Appeal for Ontario, and the hearing is scheduled for March 29, 2022.

Daria Kandaharian by her Litigation Guardian v York Catholic District School Board, Superior Court of Justice, Divisional Court Branch, 715/21

JFCY is acting as co-counsel with Torys LLP, in representing a high school student who is challenging her school board's policy requiring its student trustees be Roman Catholic. Notably, similar policies exist in most but not all Catholic school boards across the province. DK's position is that the policy violates her right to hold and practice her religious beliefs as protected under section 2(a), and her right to equal protection and equal benefit of the law under section 15(1) of the *Charter of Rights and Freedoms*.

An Application for Judicial Review of the School Board's policy is scheduled for a two day hearing before the Divisional Court on July 5 - 6, 2022.



Test Case Litigation, continued

CP v. Her Majesty the Queen, Supreme Court of Canada, 2021 SCC 19

JFCY intervened in this appeal, which concerns the provision of the *Youth Criminal Justice Act* that requires a young person to seek leave to appeal of a finding of guilt to the Supreme Court of Canada (SCC) where an adult would have an automatic right to appeal. Appeals to the SCC are an important safeguard against wrongful findings of guilt. JFCY's submissions focused on the harm to a young person's dignity and the unequal ability to challenge a potentially wrongful finding of guilt to Canada's highest court; as protected under section 7 (life, liberty and security of the person) and section 15 (age discrimination) of the *Charter of Human Rights and Freedoms*. The Court was divided in their finding but ultimately held that the limitation is constitutional. The effect is that in all cases young people dealt with under the YCJA are required to seek leave to appeal to the SCC, where adults have an automatic right of appeal in some cases.

Minister of Employment and Social Development v. SS, Social Security Tribunal – Appeal Division, File No. AD-19-45 – *application for judicial review issued September 15, 2021*.

As a result of her disability, SS (the parent) is unable to work, and for many years has been the recipient of the Canada Pension Plan (CPP) disability benefit. SS was unaware that her children were also entitled to apply for and receive a children's benefit under the CPP. Once they became aware of the benefit, they applied, but their benefits were limited by a legislated cap on retroactive benefits. She appealed the decision to the Tribunal's General Division, which found in her favour and held that the retroactive cap was discriminatory under section 15 of the *Charter of Rights and Freedoms*.

The federal government appealed the decision to the Appeal Division of the Social Security Tribunal. JFCY intervened in the appeal and made submissions on the pre-existing disadvantage faced by children and by children of a parent with a disability, and the discriminatory impact of the retroactive cap. The Appeal Division allowed the appeal, and found that there was a lack of evidence to demonstrate that the cap discriminated against children of a parent with a disability.

SS has filed an application for judicial review at the Federal Court of Appeal, where JFCY plans to seek to intervene.



Inquest into the Death of Devon Freeman

Devon was a 16 year old child from the Chippewas of Georgina Island First Nation and was in the care of a children's aid society. He was living in a group home near Hamilton when he went missing in 2017. Several months later, Devon was found in the woods 35 meters from the group home. This is one of the first Inquests that will be presided over by a Presiding Officer (not a coroner). JFCY has made an application seeking standing as a party at the Inquest.

Justice for Children and Youth v. JG, 2020 ONSC 4716, Superior Court of Justice, Divisional Court Branch

In December of 2019, the father of our then fourteen and a half year old client urgently sought and was granted a restraining order preventing JFCY from communicating with our client, effectively terminating our solicitor client relationship against our client's wishes. The child was not a party to the child protection proceeding that was before the Court, and was not seeking to participate in the litigation. JFCY has been retained by the client to assist him outside of the Court's proceedings. Our appeal to the Divisional Court, seeking to remove the restraining order, was successful. At the oral hearing, we were represented by Linda Rothstein and Charlotté Calon of Paliare Roland Rosenberg Rothstein LLP. The Court agreed with JFCY that children have the right to seek and receive independent legal advice absent parental consent. The Court noted that the proper and appropriate role of independent legal assistance for children is empowerment, and that this is consistent with their best interests and the proper administration of justice.

The father has sought leave to appeal to the Court of Appeal and we await the Court's decision about whether they will grant leave and hear the appeal or not.



Our SYLS program provides legal services directly to unstably housed young people in Ontario. SYLS services include legal education workshops, legal advice and representation, community development and engagement, and engagement with youth in law reform activities, and policy work.

Lack of financial resources, social isolation, experiences of violence, discrimination and complex systemic barriers often prevent young people experiencing homelessness from getting the help they need. The SYLS program provides meaningful access to justice by confronting and overcoming these barriers.

We have been working with youth serving agencies who focus on youth homelessness and housing instability in the GTA for over 20 years; these agencies include Evergreen, Native Child and Youth Services, Y-House, YouthLink, Eva's Place, Eva's Satellite, Eva's Phoenix, Horizon's for Youth, Youth Without Shelter, Covenant House, Young Street Mission and Peel Youth Village. While we are unable to meet with clients at drop-in centres and shelters due to the ongoing pandemic, we have strengthened our referral networks and adapted our practice to ensure we can meet with young people using a variety of technologies. The shift to online and remote services presents opportunities for extending our outreach beyond geographic limitations. We continue to work with community partners to maintain access to try and ensure accessible services for these uniquely vulnerable young people.

The SYLS program is also engaged in community development and law reform activities, the past year's activities include:

- ◆ Being on the Board of Directors for A Way Home Toronto.
- ◆ Continued partnership with Sketch Working Arts on the Transformative Justice Project.
- ◆ Being on the Advisory Committees for: Covenant House on Sex Trafficking; Homelessness Connect Toronto; and for the Canadian Observatory on Homelessness.
- ◆ Providing training and support for the Trans ID clinic.
- ◆ Connecting with Project Recover to support clients exiting human trafficking in the sex trade.



Childhood Arrivals Support and Advocacy Program



The Childhood Arrivals Support and Advocacy program (CASA) had a big first year at JFCY. CASA's formal launch, held online in March 2021, attracted a large audience interested in CASA's goals of providing legal information, representation and navigation supports to young people in Ontario with no or precarious immigration status, and of addressing systemic barriers to these young people equitably accessing essentials such as healthcare and education (kindergarten to postsecondary).

Since integrating into JFCY in February 2020, CASA has assisted 120 young people, from 38 countries, experiencing a diversity of pathways to Canada and to immigration precarity. Some have lived here since they were toddlers, others arrived as teenagers. Some are supported by family, others are alone. All experience the marginalization, psychological stress, and insecurity that immigration precarity creates. Those who require ongoing representation have either been taken on by JFCY lawyers (particularly those under 18 years facing intersecting legal issues), or referred to the private bar on legal aid certificates or pro bono retainers, particularly long-time CASA and JFCY partner Blakes Cassels and Graydon LLP. CASA has provided ongoing navigation supports to clients referred to external counsel where helpful. So far, nine CASA clients have received PR/PR approval in principle/refugee status, while many others have started applications.

The Law Foundation of Ontario has continued to support CASA, providing two one-year grants that enabled CASA Director Sarah Pole to work part-time. We are thrilled that from January 2022 the Law Foundation's support increases to a three-year grant enabling Sarah to work full-time, and for the addition of a full-time Outreach/Educator. Also of note is "Friends of CASA", a new volunteer group led by Bonnie Goldberg, has to date raised \$80,000 for the program, including a \$30,000 donation from a private foundation to pay clients' immigration application fees. CASA has also benefitted from two Lincoln Alexander Law School summer students, and one ongoing PBSC student.

CASA's goals for 2021/2022 are to ramp up education and outreach in schools, youth-serving organizations, and agencies that support people without immigration status, to expand our navigator capacity and to increase the focus on systemic barriers.



Education Advocate - A New Role to JFCY

JFCY has a new lawyer role — an Education Advocate, with funding provided by Ontario’s Ministry of the Attorney General. Our Education Advocate is embedded at the Toronto Northwest Justice Centre, and enhances our ability to assist young people charged in the criminal justice system in that part of the city to connect with education and educational resources.

Ontario has developed four “Justice Centres”: Toronto Northwest, Toronto Downtown, London and Thunder Bay. Each one has a unique focus, and the focus in Toronto Northwest is the youth criminal justice system. The Justice Centres are described as a community tailored response aimed at addressing the root causes of crime. They seek to connect individuals with community based resources — justice, health and social services — in order to reduce their risk of re-offending.

The Justice Centre in the Toronto North West seeks to respond to the complex needs and vulnerabilities of young people charged under the *Youth Criminal Justice Act (YCJA)* in order to improve their social and economic futures. They have described that they “will work with the local community to explore gun violence intervention and prevention strategies, as well as programs that provide employment, education and skills training, so that at-risk youth have new alternatives to criminal activity and better opportunities to improve their social and economic futures.”

JFCY’s Education Advocate services are provided by Kaffie Abdirashid, a lawyer who is also a trained social worker. The objective of the role is to assist young people in (re) connecting with education by working to identify their level of educational engagement, learning needs, and barriers inhibiting the student’s learning. The Education Advocate supports criminal justice involved young people and their families to access, and successfully navigate, the public education system. This includes a range of activities such as advocating for appropriate educational supports, assisting students facing disciplinary issues at school and mitigating any inappropriate disruption to their educational engagement and success.

JFCY has been involved since the development stage of the Justice Centre in the Toronto Northwest — with active participation in the Working Group, and continued participation on the Advisory Committee.



During the Justice Centre’s screening and intake process, the Systems Navigator makes a referral to the Education Advocate if an education issue is identified. The Education Advocate meets with the young person and provides an overview of the role and services offered — ranging from exploring alternate school programming to special education supports — situated within the broader context of JFCY.

The Education Advocate and young person, and if desired by the young person, their parent(s)/guardian(s), engage in a comprehensive discussion and exploration of the educational history of the young person, and any issues or barriers they have encountered. We follow the client’s lead, and begin with what the student identifies as the starting point. Often student’s expand the list of things they would like support with as they are motivated to build on incremental successes.



Source: Justice Centres - Presentation for the Toronto Aboriginal Affairs Advisory Committee. February 11, 2020.



A New Project at JFCY

Enhancing Access to Special Education



When students and families are introduced to the special education system, the many steps and processes can be overwhelming. This year, with generous funding from Ontario’s Ministry of Education, JFCY launched the EASE project to develop resources to support students and their families navigate the special education system in Ontario.

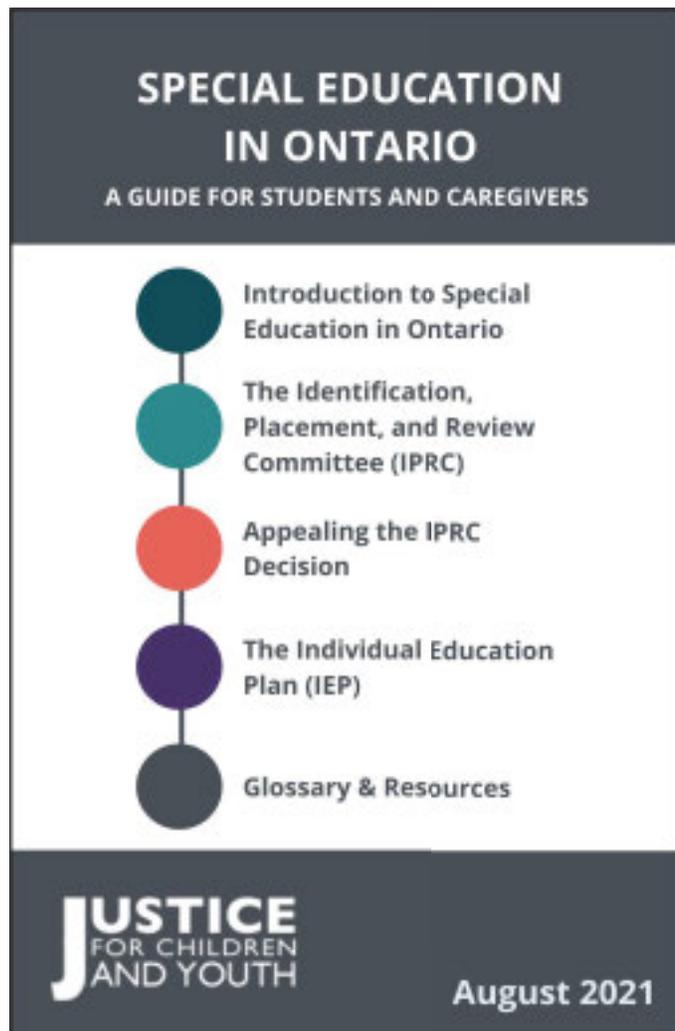
To better understand the experiences and needs of individuals involved within the special education system, Project Manager Erica Lalonde began our work with a series of consultations with students, families, educators, and community supports from across the province. We wanted to hear what helped them in their journey, as well as what gaps we could help to fill. We heard from 133 individuals through the summer months.

Individual participants responded, and were consulted about the strengths and gaps in available resources — people also shared their personal experiences in navigating special education processes in Ontario.

Participants included:

- ◆ 13 students
- ◆ 56 parents/caregivers
- ◆ 29 educators
- ◆ 35 community organizations/ supporters

We had respondents from across the province, including from schools boards within the Greater Toronto Area, in and around Ottawa, Windsor, Thunder Bay, Timmins, Cochrane, and Fort Frances.





The feedback received helped guide our work to produce resources to meet the needs as identified by those with direct experience. Participants highlighted: accessible language, visual guides, support in understanding the roles and responsibilities of those working within the education system, understanding accountability processes to assist students and families, and materials to aid in advocacy.

The resources created by the EASE project are available [online](#) in English and French. There are stand-alone chapters in a 72-page Guidebook, as well as flowcharts of the various processes.

Coming Soon: short, animated information videos on key special education processes and what special education means for students and families.

The collage features four detailed flowcharts from Justice and Youth:

- JOURNEY THROUGH SPECIAL EDUCATION:** A flowchart starting with 'Identified' (noting a learning need) leading to 'Identification, Placement, and Review Committee (IPRC) Request'. It details the 15-day timeline for the IPRC meeting and lists categories of special education (Behavioral, Communication, Intellectual, Physical, Multiple).
- APPEALS AFTER THE IPRC MEETING:** A flowchart detailing the process from 'First IPRC Meeting' to 'Second IPRC Meeting' and 'Special Education Appeal Board (SEAB)'. It includes 'IMPORTANT DEADLINES FOR IPRC APPEALS' such as 15 days for a written request and 10 days for SEAB decisions.
- IPRC PROCESS:** A flowchart showing the steps from 'Identified' to 'IPRC Request', 'IPRC Meeting', 'IPRC Decision', and 'Placement'. It lists categories of special education and notes that the IPRC decision is final.
- THE INDIVIDUAL EDUCATION PLAN (IEP) PROCESS:** A flowchart starting with 'After the IPRC' leading to 'IEP Development', 'Sharing the IEP', and 'The IEP in action'. It explains that the IEP is a written document that describes the student's program and services, and that it is reviewed annually.



Public Legal Education (PLE)

The COVID-19 pandemic has continued to significantly impact our ability to connect with young people in previously common places — schools, community organizations, group homes and shelters. We have made the switch to using technology to reach some young people, and are continuing to work with community partners, including schools, to create opportunities going forward. Some highlights of what we have provided this year:

Print Materials — in addition to the new EASE materials, featured on the previous page, our lawyers worked with Community Legal Education Ontario (CLEO) on a template project and in support of CLEO's Steps to Justice website.



Workshops for young people — educate and engage young people about their legal rights in a variety of settings, such as school classrooms, conferences, special events, and in partnership with community based agencies. We provided some workshops virtually and we look forward to a return to in person connections with young people in the upcoming year.

Training for post-secondary students and front-line professionals — to ensure a child rights based approach is recognized in professional practice, JFCY provides specialized training to professionals who work with young people. This year included training for principals, guidance counsellors, child welfare and housing workers, children's mental health care providers, probation officers, undergraduate students, law students and youth justice workers, and youth employment counsellors.

CPD for lawyers and legal professionals — JFCY lawyers regularly attend and present at programs and conferences including for the Law Society of Ontario, the Ontario Bar Association, the Canadian Bar Association, the Canadian Association for the Practical Study of Law in Education (CAPSLE), and the Toronto and Regional Legal Clinic Training.

At unique events — through a variety of professional and community affiliations we are able to attend and present at unique events; including the Peer Knowledge Exchange hosted by the Office of the Children's Lawyer, Osgoode Professional Development, Mental Health Law and Education Law Programs.



Community Involvement and Partnerships

JFCY continues to engage in partnerships with people and organizations from various sectors to provide a deeper offering of sustainable community development. Some of this work includes:

- ◆ Executive committees of the Ontario Bar Association's Child and Youth Law section, the Constitutional, Civil Liberties and Human Rights section, and the Education law section; the Executive and Chair of the Canadian Bar Association's Child and Youth Law Section; Board member and treasurer for the Canadian Coalition on the Rights of the Children; Board member of the Canadian Association for the Practical Study of Law in Education; Board member of A Way Home Canada; member of the Advisory group for the Centre for Refugee Children.
- ◆ The 311 Jarvis Court Advisory and Community Youth Court Committees, and the Toronto Northwest Justice Centre Advisory.
- ◆ Children's Rights Academic Network (CRAN), Unaccompanied Minors Working Group, Covenant House's Sex Trafficking Advisory Committee, and the Indigenous Youth Justice project with OJEN, and the Wrinkler Institute, S4, and the Toronto District School Board.

Law and Policy Reform

We are actively involved in proposed changes to laws and practices that impact the rights of children and youth. We engage in this work by integrating our knowledge and understanding of the lived experiences of our clients into legal and policy analysis. Our policy and position papers can be found on our [website](#). Activities from this past year include being involved in:

- ◆ New Toronto Courthouse, Youth Criminal Justice consultation and planning
- ◆ Provincial Human Services and Justice Coordinating Committee (HSJCC)
- ◆ Toronto Northwest Justice Centres project with the Ministry of the Attorney General
- ◆ Community and Social Services Engagement Table of the Minister of the Solicitor General on policing legislation and regulations
- ◆ Bill 251 - The Anti-Human Trafficking Act
- ◆ Bill 237 - Fostering Privacy Fairness Act



Research with Universities

- ◆ We have been working on a *Critical Legal Geography* study with Professor Dr. Alexandra Flynn, University of British Columbia and University of Ottawa, and her colleagues, investigating the way in which property law impacts young people experiencing homelessness and the extent to which there are adequate legal protections for them.
- ◆ We are working with Professor Dr. Carla Cesaroni, and colleagues at Ontario Tech University who are investigating the experience of young people in their interactions with the police, in and outside of the criminal justice context.
- ◆ Professors Dr. Anthony Doob (University of Toronto) and Dr. Jane Sprott (X University*) are doing an empirical review of our case work to assist us in developing data collection tools to assist in the ongoing evaluation of our work.
- ◆ We are working with Professor Dr. Daniella Bendo, King's University, and Professor Dr. Christine Goodwin-De Faria, Trent University who are investigating the lived experience of young people with intellectual disabilities in the criminal justice system, and the extent to which their rights are appropriately protected and advanced. They have an initial grant from King's University UWO, and have made an application for a SSHRC Partnership Grant.
- ◆ We are connected through CASA to a project at the Ontario Institute for Studies in Education at the University of Toronto, examining how being without immigration status impacts a student's educational experiences.
- ◆ We are participating with researchers at the Factor-Inwentash School of Social Work, at the University of Toronto, as part of a group of community consultations on research projects that will look at the experience of people involved in child protection services who also have immigration issues.



*X University is used while Ryerson is in the process of finding a new name guided by their core values of equity, inclusion and community engagement. See www.ryerson.ca/next-chapter



Students

Thank you to the students who were part of the JFCY team this year. We are grateful to our students for their interest in our work and their dedication to children's rights. Our students make it possible for us to do our work meeting the high standards we demand of ourselves. We appreciate the trust they put in us to provide them with a meaningful learning experience. Students who were part of the JFCY team from November 2020 through October 2021 are:

- ◆ BSW program at X University*: Tara Shemranifar (2020/2021); Nadine Dunning (summer 2021); Britnica Amirthanathan (2021/2022).
- ◆ MSW program at the University of Toronto: Shonnaugh Thomson (2020/2021); Emily Sheppard (2021/2022).
- ◆ Articling Student on secondment from Blakes: Leah Kelley (2021).
- ◆ Summer law students funded by public interest grants: Adrianna Mills (University of Toronto), Meaza Damte (University of Toronto), Samantha Gob (Osgoode Law School), Enniael Stair (Schulich School of Law at Dalhousie University), Tony Sun (Harvard University), Heather Batista (X University*), and Mohadeseh Bakhtiari (X University*).
- ◆ Law students through Pro Bono Students Canada.
- ◆ Law in Action Within Schools (LAWS) - Kaisa Kasekamp (2021).



JFCY Summer Students attending their weekly social



In the Media

JFCY lawyers receive numerous requests for interviews regarding our cases, background information on the legal landscape for children and youth in Ontario and Canada, and commentary on issues that impact the rights of our clients.

A sample of when we have appeared in TV, radio and in print media this past year:

- ◆ On the Functioning of the Youth Criminal Justice System:

<https://thenewsforum.ca/series/canadian-justice/>

- ◆ Commenting on the Canadian Human Rights Tribunal granting individual remedies for systemic discrimination against on-reserve First Nations children:

<https://www.nationalmagazine.ca/en-ca/articles/law/in-depth/2021/the-wrong-precedent>

- ◆ A Podcast with Professors from Brock University and Guelph University titled “Child Rights / Right Now”:

https://www.youtube.com/watch?v=8Yx_6nGNX7E

- ◆ Childhood Arrivals Support and Advocacy program features:

<https://www.canadianlawyermag.com/practice-areas/immigration/innovative-program-assists-dreamers-in-ontario/360800>

<https://www.nationalmagazine.ca/en-ca/articles/the-practice/young-lawyers/2021/broadening-access-to-post-secondary-education>

- ◆ The Children’s Aid Foundation of Canada announced Mary Birdsell, Executive Director of JFCY as the 2021 winner of the prestigious Lynn Factor Stand Up For Kids National Award:

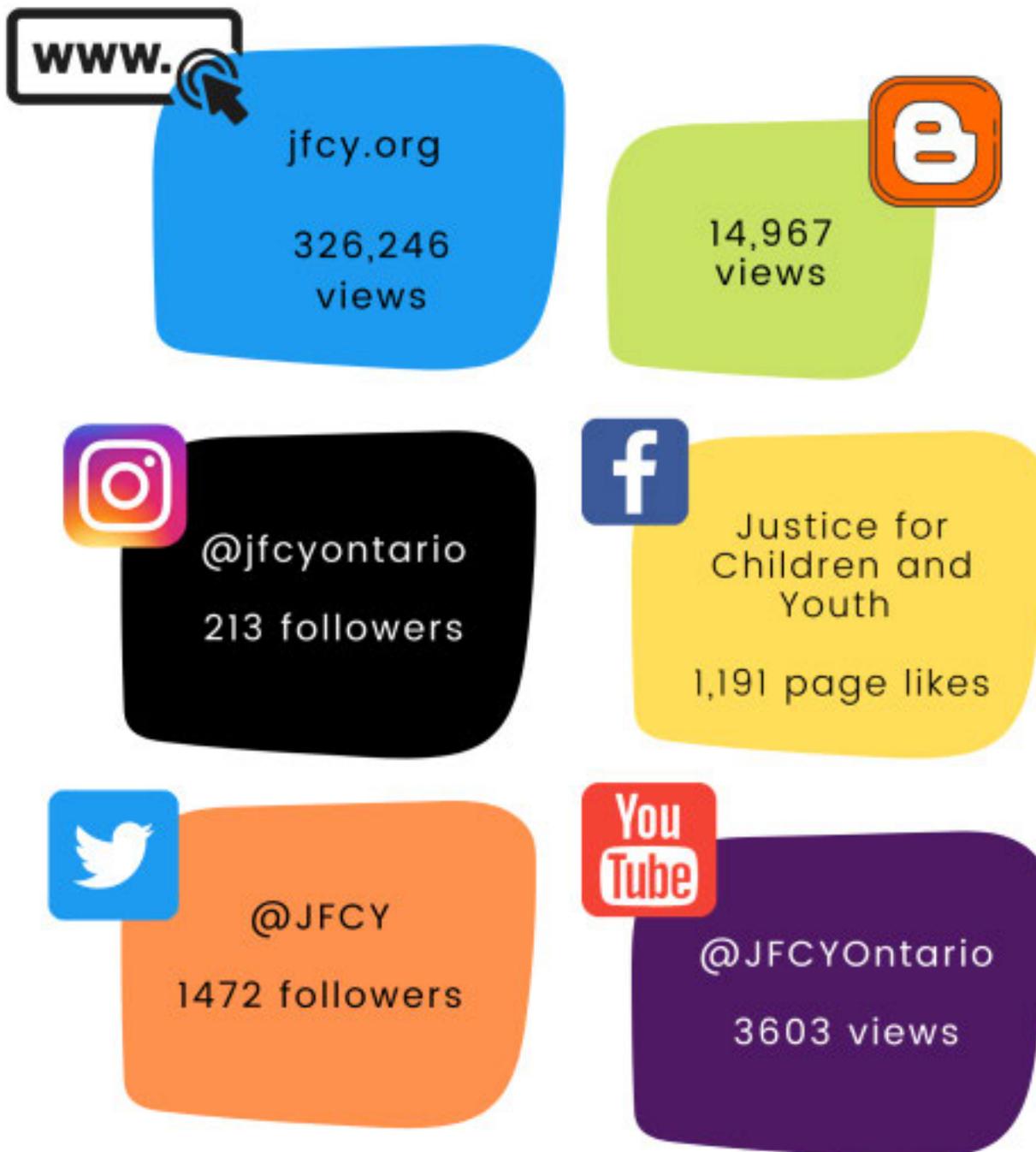
<https://www.cafdn.org/stand-up-for-kids/stand-up-for-kids-national-award/>

<https://www.youtube.com/watch?v=89N2hYHAWdQ>



JFCY Online and Social Media Presence

Over the last year, we have worked on our social media presence to increase our engagement in the online world. We hope to deliver valuable content to our subscribers.





Supporters and Donors

As a charitable foundation, and as an organization with a challenging mandate that struggles to meet the demand for our services with inadequate funding, we extend our heartfelt thanks to all our members, the individual donors and granting foundations who support JFCY.

A special note of thanks for unique and significant contributions to:

- Jonathan Kahn and Anne Irwin for a significant personal donation through the United Way.
- ◆ David Chernos and Leslie Bruce for their foundational donation to create a social work position.
- ◆ Bulmash-Siegel Foundation — Laurence and Judy Siegel, for their 3-year matching donation for social work services.
- ◆ Aubrey and Marla Dan Foundation for their grant to our social work services.
- ◆ The Gattuso Foundation for funding our client's special and emergency needs, including CASA clients' immigration application fees and associated expenses.
- ◆ PagerDuty and PagerAble for a significant financial contribution, and for pro bono services to improve our website.
- ◆ Children's Aid Foundation, Lynn Factor Stand Up for Kids National Award, given to Mary Birdsell who designated JFCY for the \$50,000 grant.
- ◆ Bonnie Goldberg and *Friends of CASA* for generous donations and ongoing support to CASA; Bonnie Goldberg and Sandra Shime for summer law student funding.
- ◆ Law Foundation of Ontario Responsive Grant funding for CASA.
- ◆ Ministry of the Attorney General for Education Advocate funding.
- ◆ Ministry of Education for EASE project funding.



We wish to thank the law firms of Torys LLP, Paliare Roland Rosenberg Rothstein LLP, Blakes, and Baker McKenzie for your ongoing support of JFCY.

A special note of thanks to the following lawyers and their team members who have provided exceptional litigation support to JFCY on test cases and in very unusual and difficult circumstances. Your generosity and dedication are deeply appreciated.

- ◆ Linda Plumpton, Alexandra Shelley, Tosh Weyman and John Giofu at Torys LLP
- ◆ Jonathan Silver, Henry Federer, William Mazurek and Anita Stoiber at Torys LLP
- ◆ Linda Rothstein and Charlotté Calon at Paliare Roland Rosenberg Rothstein LLP
 - ◆ Kaley Pulfer and Michael Barrick at Blake, Cassels & Graydon LLP
 - ◆ Laura Blumenfeld and Ayah Al-Sharari at Blake, Cassels & Graydon LLP

Volunteers

We are grateful to our dedicated **Board Members** who make our work possible by bringing a range of skills and commitment to the advancement of social justice and children's rights.

The **Policy Advisory Panel** members, composed of expert scholars and professionals from a range of disciplines most relevant to our work, who volunteer their time to share research, write or review materials, and provide expert advice to the lawyers at JFCY.

The **Development and Fundraising Committee** members who work to enhance the clinic's ability to raise funds in a variety of ways to support the organization's unfunded and underfunded work.



Funders

Legal Aid Ontario

Court Challenges Program / Programme de contestation judiciaire

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