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Regarding Bill 33 – “Supporting Children and Students Act, 2025”

30 June, 2025

Introduction

Thank you for the opportunity to make submissions regarding Bill 33, the *Supporting Children and Students Act, 2025* (the “Bill”). We applaud the Government for pursuing the titled objectives of supporting children and students in Ontario, and ask the Government to consider amendments that we submit are necessary in order to meet these goals and maintain the safety, security, and well-being of children. To address these necessary changes, please accept the following submissions from Justice for Children and Youth (“JFCY”), organized in three parts:

1. An introduction to our organization and our expertise in child rights, particularly in the areas of education, youth criminal justice, child welfare, and their intersections;
2. Submissions with respect to:
 - a. Enhancing the protection of the rights of children and youth receiving child welfare services, including the availability of legal services, and supports through the Ombudsman’s office by amending the *Ombudsman Act* and the *Child Youth and Family Services Act*; and

- b. Increasing the safety and well-being of students by reconsidering working with local police services under s. 4 of the Bill by amending s. 170.02(1) of the *Education Act*;

3. Summary of recommendations.

1. About Justice for Children and Youth (JFCY)

JFCY is a non-profit child rights organization and specialty legal aid clinic that provides legal services to children and young people under the age of 18 years in Ontario, and to young people experiencing homelessness, precarious immigration status, and survivors of violence up to the age 25. Our services include advocacy and representation for young people in diverse areas of the law and in various systems, including education, criminal justice, child protection, privacy, and victim representation.

For over 45 years, JFCY has worked to advance and protect the legal rights, equity and dignity of children and youth in Ontario. As frontline service providers, we provide frontline legal supports, including advice and representation, as well as community development, public legal education, and law reform initiatives relevant to the rights, equity and dignity of children and youth. We provide specialty and embedded programs within the justice and education systems to meet the unique needs of young people. This includes through JFCY's work in the role of Education Advocate and Education Navigator, specialist justice partners situated in the Toronto Northwest Justice Centre who offer expert education law supports and services.

Our submissions and recommendations are based on our unique perspective and extensive experience providing services, education, and advocacy across diverse, intersecting legal areas for children and youth engaged with the child welfare system.

2. Our Submissions

A. Expansion of the Ombudsman’s Mandate and CYFSA Supports

i. Implementing Rights Based Supports for Youth – Schedules 1 and 4

We applaud the amendments at Schedule 1 s. 1 of the Bill, introducing amendments to s. 15.1 of the *CYFSA* to clarify and expand the support of rights advice available for young people receiving Society support, and in particular, young people leaving care.

We further applaud the parallel amendments at Schedule 4 sections 1-3 of the Bill to amend s. 1(1), s. 7.3(4), s. 14(11), and s. 16(1.1) of the *Ombudsman Act* to extend supports and protections to young people receiving continued care and support.

These amendments build upon the Ministry’s critical work on behalf of young people in the introduction of the Ready, Set, Go (RSG) program, supports that have been transformative for many of Ontario’s most vulnerable young people. It provides much needed clarity and rights-based supports for young people in navigating access to these programs and supports.

We strongly commend the amendments in the Bill to ensure that all children and young people who wish to contact the Ombudsman are able to do so privately and without delay, not only a young person who is a child “in care”, but to all young people receiving services under the Act.

ii. A Consistent Approach to Rights Advice under the Act is Needed

In furtherance of the Bill's purpose, and to ensure consistency under the *CYSFA*, we encourage the Ministry to consider additional amendments to extend rights advice for children over the age of 12 subject to a Temporary Care Agreement (TCA) under s. 75.

The Bill's amendments guarantee critical rights advice for young people entering into agreements for services under s. 124 (RSGs) of the *CYFSA*, building on existing rights based services for young people under s. 77 (VYSAs). A young person entering into an agreement for services under s. 75 (TCAs) stands as a notable exception, and represents a critical gap in the provision of rights based advice for vulnerable youth.

In accordance with s. 75(2), a young person over the age of 12 is a party to any TCA entered into on their behalf. A young person who is potentially subject to a TCA is uniquely vulnerable: they are generally four years younger than a youth receiving VYSA services, and at least six years younger than those receiving RSG. They face the prospect of leaving their family to enter state care—a choice with longstanding ramifications for the young person's identity, connection to community, and physical and emotional well-being. Indeed, the Supreme Court of Canada has recognized the separation of a child from their family within the child welfare system as engaging the *Charter* protected interests of both child and parent under s. 7.

We urge the Ministry to consider the implementation of mechanisms to ensure the timely provision of child-centred legal advice and information to vulnerable youth, utilizing the expertise of existing service providers including the Office of the Children's Lawyer (OCL),

JFCY, and the Ombudsman. The absence of guaranteed rights based advice in this context is anathema to the purpose of the Bill, a notable inconsistency with the critical supports for youth that it provides.

B. Amendments to Support Student Safety and Well-Being

In furtherance of Bill 33's objective—to increase the safety, well-being and academic and personal achievement of children and youth—we encourage the Ministry to allow school boards to retain the discretion to determine how, and in what capacity, they may work with their local police services. We strongly recommend changing the compulsory language of “shall” to “may” or “can” under s. 170.0.2 of the *Education Act*.

Both school boards and police services have a duty to uphold the human rights of children. The rights and protections of children must be central to any decision regarding police involvement in schools. We echo the conclusion of Ontario Human Rights Commission that “any decision regarding police involvement in schools should be made only after carefully considering existing research and in consultation with all local voices, including parents, students, community members and organizations”.

It is well-documented that racialized students are disproportionately impacted by the presence and surveillance of police in schools. Therefore, appropriate safeguards must be in place to ensure that any overlay of police presence and involvement does not unduly interfere with a child's dignity, integrity and with their meaningful access to an education. School boards are uniquely positioned to determine the appropriate parameters of police

involvement, including access to school premises, participation in school programs, and the implementation of school resource officer programs.

The inclusion of police in schools must not undermine a child's perception of a school as a place of inclusion and safety. Over-reliance on police to address behaviours that could be effectively managed through administrative or education-based responses risks pushing students out of school. This over-reliance can contribute to the criminalization of youth and the marginalization of vulnerable students. Research consistently demonstrates that strong connections to school reduce the likelihood of offending behaviour—even in the presence of other risk factors. As such, we strongly recommend the Ministry reconsider permitting local police services unfettered access to schools.

3. Summary of Recommendations

1. Amend Schedule 1 to include the following provision:

Section 75 of the Act is amended by adding the following provision at s. 75(2.1): "The Children's Lawyer may provide legal representation to the child entering into an agreement under this section if, in the opinion of the Children's Lawyer, such legal representation is appropriate. If the child seeks legal representation they shall be provided with the meaningful opportunity to retain and instruct counsel by the OCL or other legal counsel."

In the alternative, amend Schedule 1, section 1, to add the following language to the proposed s. 15.1(2) of the *CYFSA*, underlined for ease of reference:

(2) A society shall provide the information described in subsection 14.0.1(1) of the Ombudsman Act to, (a) a child when, [...] v. the child is a party to an agreement under s. 75(1) and s. 75(2).

2. Amend Schedule 2 to replace the language of “shall” to “may” or “can”, in accordance with the draft language below. For ease of reference, any proposed additions to the existing language of the Bill are underlined, and any proposed deletions are struck through:

Work with local police services

170.0.2 (1) Every board ~~shall~~ may work with its local police services to, in the prescribed circumstances,

(a) provide the local police services with access to school premises;

(b) permit the local police services to participate in school programs; and

implement school resource officer programs, where such programs are available.

Same

(2) A board shall perform its duties under subsection (1) in accordance with any regulations and any policies or guidelines established under subsection 301 (7).

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) governing the manner in which boards ~~shall~~ can work with local police services;

(b) prescribing the circumstances in which boards ~~shall~~ may provide local police services with access to school premises or permit local police services to participate in school programs, and governing such access and participation;

(c) prescribing the circumstances in which boards ~~shall~~ may implement school resource officer programs, and governing such programs, including respecting their development and implementation, participation in the programs and review of the programs.

Thank you for your consideration of this Submission. We welcome further discussion,

JUSTICE FOR CHILDREN AND YOUTH