



March 17, 2008

The Honourable Stephen Goudge
Commissioner
180 Dundas Street West, 22nd Floor
Toronto, Ontario
M5G 1Z8

Dear Commissioner Goudge:

RE: Recommendations to the Inquiry to Pediatric Forensic Pathology in Ontario.

Thank you for the opportunity to participate in the Roundtable held on February 21st, 2008 at the *Inquiry to Pediatric Forensic Pathology in Ontario*. The issues raised were both challenging and of major significance for the children and youth of Ontario.

Following the discussion of the panel, the Office of the Provincial Advocate for Children and Youth wishes to put forward several recommendations:

1. That a process be established to review all cases where the opinion of Dr. Charles Smith affected Child Welfare decisions with regard to children.
2. Where children are identified as having been affected by the findings of Dr. Smith that a further process be developed to review the current circumstances of each child and:
 - That the process be carried out within the principles of the United Nations Convention on the Rights of the Child, including the best interest of the child (Article 3) and the right of the child to be heard in any judicial or administrative proceedings affecting the child (Article 12).
 - That adoptive parents, biological parents, and foster parents (if significant in the life of the child) be provided with current information regarding any changes resulting from the review of Dr. Smith's work that would affect decisions made about the child.
 - That the child be informed of any changes that are relevant at a time and in a way that is consistent with the child's age and understanding and that the child be supported by a caring individual through this process.
 - That changes made in the life of the child e.g. access to biological family, be undertaken through mediation with the primary stakeholders (child, adoptive/foster family, biological family) with the best interest and voice of the child being of primary concern in this undertaking.

- That a task group be established with capacity and expertise in these matters to carry out these recommendations.

During the panel's discussions, several suggestions were made with regard to the role of the Provincial Advocate. In response to those suggestions, the Office of the Provincial Advocate for Children and Youth would be prepared to provide oversight to the process and report its findings to the Legislature of Ontario.

3. That the Pediatric Death Review Committee be the subject of a comprehensive review to assess its purpose, membership, independence and reporting relationship with a view to creating a viable method of reviewing the deaths of children and making effective and meaningful recommendations to an appropriate body.

There are other issues which affect the Child Welfare System that have not been included as formal recommendations but which were relevant issues raised by the panel:

- That revisions be made to the current funding formula to allow Children's Aid Societies to emphasize prevention and support to children in their own homes, where appropriate.
- That current involvement of front line child welfare staff in administrative duties be reviewed and reduced in order to allow greater direct involvement with children and families.
- In Child Welfare matters, that a focus be placed on mediated solutions, taking into account the best interest and voice of the child as opposed to an adversarial system where one or more adults "win custody" of the child.

We look forward to receiving a copy of the final recommendations from the Commission Counsel of the Inquiry.

Sincerely,



Agnes Samler
Provincial Advocate