



Child and Youth Guardianship Services 2009/2010 Report



PUBLIC GUARDIAN
AND TRUSTEE OF
BRITISH COLUMBIA

Our Mission

The Public Guardian and Trustee (PGT) mission is to safeguard and uphold the legal and financial interests of children; manage the legal, financial and personal care interests of adults needing assistance in decision making; and administer the estates of deceased and missing persons.

Proudly Serving British Columbians since 1963

Our Values

Seven major values underpin PGT work and are reflected in all aspects of its performance:

1. **Integrity:** As a fiduciary, the PGT and staff act in accordance with the highest ethical, legal and personal standards.
2. **Client centred service:** Clients are the focus of PGT services and PGT staff constantly strive to provide quality customer service.
3. **Openness:** Annual statutory public reporting on all aspects of PGT performance ensures accountability and transparency to clients, government and the public.
4. **Respect:** We treat clients, family and friends in a courteous, respectful manner.
5. **Teamwork:** PGT staff work with one another and with service partners in striving for seamless service delivery.
6. **Staff support:** Staff members are acknowledged to be the greatest resource of the PGT and are recognized and appreciated for their expertise and professionalism.
7. **Innovation:** PGT staff are encouraged to be alert to new and better ways of delivering service and helping clients.

Executive Summary

This is the second annual report on the services provided by the Public Guardian and Trustee (PGT) to children and youth for whom the PGT is Guardian of Estate. Most of these young people under the age of 19 are in continuing care of the Province. This report outlines the services provided by the PGT, the challenges in delivering these services and makes recommendations for continued improvement.

The Child and Youth Services division provides services to approximately 21,500 child and youth clients. These services include Guardian of Estate, Trustee, and protective legal review services. The focus of this report is Guardian of Estate services delivered by the PGT between April 1, 2009 and March 31, 2010. However, data from previous years is also presented for a fuller understanding. Unless otherwise stated, all statistics reported here are drawn from PGT data.¹

The PGT was Guardian of Estate for 5,455 children and youth at March 31, 2010. Part 1 (Introduction) provides general information on the child protection system in British Columbia and the role of the PGT in child guardianship.

Part 2 (Guardian of Estate Services) describes the services provided to PGT Guardian of Estate clients. The PGT is coguardian with the Ministry of Children and Family Development (MCFD) or Delegated Aboriginal Child and Family Service Agencies (DAAs) for all children under a continuing custody order. This represents the majority of children and youth for whom the PGT is Guardian of Estate. This section of the report also identifies and summarizes demographic information regarding these children.

Part 3 (Critical Incident Reports) is a summary of the critical incident reports (CIRs) received primarily from MCFD and DAAs for children for whom the PGT is Guardian of Estate. The PGT reviews each report and determines whether further action is required to protect the legal or financial interests of the child. In addition to a statistical summary of the reports, this section describes the types of reports and response of the PGT to the reports. The PGT received 585 CIRs involving 457 children during 2009/10, of which two or more reports were received for 86 children. No harm occurred in 254 of the reported incidents so there was no basis for legal action and the PGT took no further action.

Harm occurred in 331 of the incidents. The following are examples of incidents in which a child or youth allegedly experienced harm:

- Physical and/or sexual assault accounted for 152 incidents;
- Motor vehicle accidents accounted for 58 incidents;
- Suicide attempts accounted for 20 incidents.

Of the incidents in which harm occurred, 92 involved incidents in which no persons were alleged to have harmed the child or youth, e.g., medical emergency. Of the incidents in which harm occurred, 239 involved an alleged harmer, i.e., a person who allegedly directly harmed a child, whether intentionally or by accident. Examples include the following:

- 42 of the incidents involved foster parent(s) or unrelated caregivers;
- 44 of the incidents involved other friend(s) and acquaintance(s);
- 19 of the incidents involved parents and other relatives as the alleged harmer(s).

¹ Percentages have been rounded to the nearest whole number except where it is less than one half of one percent.

Readers should exercise caution in further interpretation of the critical incident data in this report. It is drawn from critical incident reports as submitted to the PGT and has been categorized by the PGT as described in Appendix 2. No conclusions regarding the allegations contained in these critical incident reports should be drawn from their inclusion in this report.

Part 4 (Looking Forward) outlines some of the major challenges to the delivery of child guardianship services and makes recommendations for improvements.

Appendices include a Glossary of Terms and Acronyms, a description of the classification systems applied to CIRs by the PGT and additional statistical results.



Message from the Public Guardian and Trustee

I am pleased to issue this second report on the activities undertaken by the Public Guardian and Trustee (PGT) in our role as Guardian of Estate for children in continuing care. In this capacity, the PGT is responsible for looking after the legal and financial interests of these children and youth. For each of these children we are either coguardian with the Ministry of Children and Family Development (MCFD) or one of the Delegated Aboriginal Child and Family Service Agencies (DAAs) who are the child's Guardian of Person.

In our first report issued in 2009, we publicly reported for the first time on the type of incident reports received on behalf of children in care and the activities we undertake in response. In this current report, we are able to augment the available information by reporting on the past three years of activity.

PGT Guardian of Estate work occurs in the context of the broader provincial child protection framework. As such, I have previously commented and made recommendations with respect to issues requiring attention.

One of the most pressing issues is the growing inconsistency between the statutory framework and the service delivery practice. With rare exceptions, BC law provides for PGT Guardian of Estate services to be restricted to those children and youth who are in continuing care. However, the percentage of those children and youth receiving provincial child protection services through alternative methods continues to increase significantly. At March 31, 2010, approximately 42% of the children in care of MCFD and DAAs received services under an alternative care arrangement and therefore were not eligible for Guardian of Estate services to be provided by the PGT.

While some discussions on this issue occurred between MCFD, the Representative for Children and Youth (RCY) and the PGT following my recommendation made in the 2009 *Child and Youth Guardianship Services Report*, I am disappointed to note that progress has been extremely limited. While there may be funding implications depending on the manner in which this issue is addressed, concrete steps are needed to address this significant gap in protective services for vulnerable children and youth.

In my previous report, I spoke of the improvements that had been made to improve the quality of reporting to the PGT regarding children and youth in continuing care over the past several



“Investing in our children is essential, especially when the province has assumed the role of legal parent.”

years, particularly by MCFD. However, despite these improvements I am concerned that reporting to the PGT still needs to be improved. We are actively working with MCFD and RCY to develop reporting practices and thresholds that will allow each of us to more completely serve the children of British Columbia.

I also have previously highlighted the importance of financial literacy for children in care. In this regard, I am pleased to note that a number of positive steps have been taken to raise the profile of this activity, particularly for Aboriginal children. There is much more work to do, but progress is being made.

An overriding issue for PGT Guardian of Estate services continues to be the adequacy of resources. The public funding increase following the Hughes Report was highly specific and dedicated to legal requirements associated with the sharp increase of critical incidents being reported to the PGT. While the funding has allowed the PGT to respond to aspects of critical incident reports, it has not been adequate to relieve the pressures associated with the need to address other matters. We can do more to serve the children and youth in provincial care but doing more requires further resourcing. Investing in our children is essential, especially when we have assumed the role of a legal parent or as a result of a court order.

While considerable work remains to be undertaken, I am pleased with the improvement in the services the PGT is providing to those children and youth for whom we act as Guardian of Estate.

I look forward to further progress on the broader issues being achieved through continued discussion with our coguardians, MCFD and DAAs, and with other service partners such as our colleagues on the Children’s Forum. Working together, we can ensure that British Columbia’s children and youth receive the best possible services. We owe them nothing less.

Jay Chalke, Q.C.
Public Guardian and Trustee



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PART 1. **Introduction**



CHILD PROTECTION AND GUARDIANSHIP

The delivery of child protection and guardianship services in British Columbia involves the following public agencies, elected officials and Courts. While all share the common goal of supporting children at risk, each has a unique role.

Ministry of Children and Family Development (MCFD) – takes children at risk into care and ensures their day to day needs are met as Guardian of Person; coguardian with the PGT for children in continuing care

Delegated Aboriginal Child and Family Service Agencies (DAAs) – Aboriginal agencies with statutory delegated authority for child protective services for Aboriginal children and youth at risk as well as non statutory voluntary services; some DAAs have Guardian of Person responsibilities and are coguardian with the PGT for children in continuing care

Supreme Court of British Columbia – with respect to matters of Guardianship of Estate of a child the Supreme Court may hear matters of custody, property interests and most claims for damages

Provincial Court of British Columbia - the Provincial Court grants child protection orders including Continuing Custody Orders, may order transfer of guardianship, and adjudicates small claims involving personal injury

Representative for Children and Youth (RCY) – Officer of the BC Legislature responsible for monitoring child protection services in BC

Public Guardian and Trustee (PGT) – as Guardian of Estate, protects the legal and financial interests of minor children; coguardian with MCFD and DAAs for children in continuing care

Select Standing Committee on Children and Youth – committee established by the BC Legislature to provide legislative oversight on provincial services to children

Children's Forum – information sharing forum for BC senior officials with an interest in child protection and related services; includes the PGT, MCFD, RCY, Chief Coroner, Provincial Health Officer and Ombudsperson

PART 1. INTRODUCTION

Legal responsibilities for protecting the interests of children in British Columbia are shared by parents, other guardians and a number of public institutions and organizations. These responsibilities are of particular significance with respect to children and youth in continuing care of the Province.

The PGT provides a range of protective services to children and youth. In particular, the PGT protects the legal and financial interests of children and youth in continuing care of the Province by acting as their Guardian of Estate.

This is the second annual report on these PGT Guardian of Estate services. The report explains these services and reports on performance. It includes information on the number of child guardianship clients, the services provided to them, and related information including data regarding critical incident reports. It comments on the challenges in delivering services and ways to improve future service delivery.

Readers should note that this report focuses on activities of the PGT rather than of the entire child protection system. This means that some of the data reported may vary from that reported by MCFD or other agencies. While the focus of this report is the period April 1, 2009 to March 31, 2010, it also contains data covering the past three years.

Photos are representations of children in different age groups and are not photos of actual children served by the PGT as Guardian of Estate. Case studies are representative of the type of situations that involve the PGT, but are fictional.

About the Public Guardian and Trustee of British Columbia

The PGT has a unique statutory role to protect the financial and legal interests of British Columbians who cannot be responsible for themselves. Specifically, the PGT mission is to:

- Protect the legal and financial interests of children and youth under the age of 19;
- Protect the legal rights, financial interests and personal care interests of adults who require assistance in decision making; and
- Administer the estates of deceased and missing persons when there is no one willing and able to do so and the beneficiaries of personal trusts.

The PGT operates through three primary program areas: Child and Youth Services, Services to Adults, and Estate and Personal Trust Services. These services are provided by the combined effort of 234 dedicated individuals and expenditures of about \$24.5 million. The PGT is largely funded by fees and commissions charged to clients and also receives voted funds from the BC provincial government.

As of March 31, 2010, the PGT managed \$809 million of client assets and had served approximately 32,000 clients throughout the fiscal year. Children and youth comprise close to 21,500 of PGT clients and their assets are valued at more than \$178 million.

More information about the PGT is available at www.trustee.bc.ca or through the contact information listed in this report.

PGT Child and Youth Services

The PGT acts on behalf of minor children and youth under a number of provincial laws. This work can be grouped into three broad service categories:

Guardian of Estate: The PGT protects the legal and financial interests of children and youth in the continuing care of the Province, or those undergoing adoption, orphans, and in some limited cases, children in temporary care. More details on these services are provided in Part 2 of this report.

Trustee: The PGT invests and manages funds for children in a number of different situations. These funds may include personal injury settlements or court awards (such as from motor vehicle accidents), life insurance payments, or inheritances. Funds also include part of the wages paid to child actors. Funds are typically held in trust until the child turns 19, but may be used earlier if it is in the best interests of the minor.

Protective legal reviews: The PGT reviews all proposed settlements of personal injury or family compensation claims involving minors to ensure the settlements are in the best interests of the children or youth. For example, such claims may relate to motor vehicle accidents, medical malpractice or the death of a parent or guardian. The PGT also investigates concerns about trusts and estates in which a minor may have an interest to ensure that the minor's interests are protected.

PGT guardianship and trustee duties for children and youth often overlap. For example, some children in continuing care are orphans who have inherited the estates of their parents. Other children own property or investments. In all instances, the PGT manages these assets in the best interests of the child.

The PGT is independent of all governments and other organizations in its case related decision making responsibilities. The PGT has a fiduciary duty to advance the private interests of its clients regardless of what other interests that may bring it into conflict with.

PGT Child and Youth Services 2009/10

Total Staff:	44
Total Clients*:	21,406
Guardianship	6,578
Trust	12,227
Legal	3,903
Financial indicators:	
Revenue (Actual)	\$2.2 million
Expenses (Actual)	\$7.3 million
Total value of assets under administration (at March 31, 2010):	\$178.3 million
Investments and securities	\$172.6 million
Real property	\$5.1 million
Other	\$0.6 million

* Client counts reflect the number of individual clients by both program area and by division. Because of this, the division total does not equal the sum of the program areas as clients may be served by more than one area.

PART 2. Guardian of Estate Services



PART 2. GUARDIAN OF ESTATE SERVICES

When children lose their parents and have no one else to look after them, or when parents are no longer able to look after their children, the Province takes on the duties of guardian. These minor children and youth are among the most vulnerable members of society.

The law of British Columbia splits the duties of guardianship into two parts:

- **Guardian of Person** – looking after the personal care interests of the child or youth. This role is taken on by MCFD or DAAs;
- **Guardian of Estate** – looking after the financial and legal interests of the child or youth. This role is performed by the PGT.

Dividing public guardianship duties in the best interests of the child as it avoids conflict of interest situations. Protecting a minor's financial and legal interests may mean disagreeing with the coguardian or taking legal action in cases of potential negligence. As a result, the role of financial and legal guardian is better suited to an independent agency such as the PGT than to

the Guardian of Person agency that could find itself in a conflict of interest.

From a distance, a child witnessed a motor vehicle accident claim the life of an only parent. While the child was not injured in the collision, the impact of both witnessing the fatal collision and losing an only parent was traumatic.

Without anyone to care for the child, MCFD stepped in to find the child a home and provide grief counselling. The PGT became coguardian with responsibility for the child's estate.

Upon becoming Guardian of Estate, the PGT acted quickly to protect the child's legal and financial interests. The PGT reviewed the facts and secured ICBC Death Benefits and CPP Children's Benefits for the child to claim damages for the loss of financial support and guidance provided by the parent. A decision was made to pursue a *Family Compensation Act* claim on behalf of the child. Within a year, the PGT settled the *Family Compensation Act* claim for the child which resulted in a substantial award.

PGT duties as Guardian of Estate are based on provincial law as outlined in the *Public Guardian and Trustee Act*; the *Child, Family and Community Service Act*; the *Adoption Act*; the *Infants Act*; and the *Family Relations Act*.

The PGT provides Guardian of Estate services to minor children and youth in BC if they:

- Have a living parent(s) or guardian(s), but the courts have directed the Province to take on the continuing role of raising the children because the natural parent(s) or guardian(s) can no longer do so;
- Have no surviving parent or legal guardian; or
- Are undergoing adoption.

In limited circumstances, the PGT may also provide Guardian of Estate services to children in the temporary care of the Province.

Significant outstanding issues and proposed recommendations associated with Guardian of Estate services are described in Part 4.

Becoming a Guardian of Estate Client

Each month, approximately 88 children or youth become guardianship clients of the PGT, usually because a continuing custody order has been granted by the Provincial Court of British Columbia. At March 31, 2010, approximately

58% of the children in care of MCFD and DAAs had been the subject of a continuing custody order and thus received Guardian of Estate services from the PGT. The remaining 42% received services under an alternative care arrangement and therefore the PGT was not their guardian.

When the court places a child in continuing care, the law requires the Guardian of Person - MCFD or DAAs - to notify the PGT that the court has made this order. The PGT relies on this notification because, under the law, it has no direct involvement in the child protection court proceedings prior to the granting of a continuing custody order.

When acting as Guardian of Estate, the PGT is coguardian with the organization acting as Guardian of Person for the children and youth. In the past, this was almost exclusively MCFD, but now increasingly includes DAAs because MCFD has been negotiating transfer of child protection and guardianship responsibilities for Aboriginal children in care to Aboriginal Child and Family Service Agencies.

Currently there are 30 DAAs representing 148 First Nations in BC. Of these, 19 have statutory responsibility for guardianship duties. At March 31, 2010, DAAs served 29% of BC children for whom a continuing custody order had been granted. As of October 2009, MCFD reported that 53% of all children in care were Aboriginal. Because Aboriginal children are a large proportion of the children in care in BC, they are a large proportion of the children served by the PGT as Guardian of Estate.

Children Served by the PGT as Guardian of Estate

Throughout 2009/10, the PGT served a total of 6,578 children and youth as Guardian of Estate. At March 31, 2010, there were 5,455 Guardian of Estate clients. Of these, boys (53%) slightly outnumbered girls (47%).

Age Distribution

Older teens made up the largest group of Guardian of Estate clients (47% as of March 31, 2010 – see Table 1). This table reflects age of the child or youth for whom the PGT was Guardian of Estate as of March 31, 2010.

Table 1: PGT Guardian of Estate clients by age category at Mar 31, 2010

Age Category	No. of children	%
0 - 4 years	786	14%
5 - 9 years	769	14%
10 - 14 years	1,331	24%
15 - 18 years	2,569	47%
Total	5,455	

This client count does not include a small number of former Guardian of Estate clients for whom the PGT holds trust funds even though they have achieved majority. In these instances, the PGT is seeking to locate the former clients but provides no other services to them.

Regional Distribution

The following table (Table 2) reports regional distribution of children under continuing custody orders as reported by MCFD. DAAs are organized in accordance with MCFD regions.

Table 2: Regional distribution of children in continuing care at Mar 31, 2010

MCFD Region	% of children residing in region	Within MCFD Region	
		Served by MCFD	Served by DAAs
Fraser	31%	69%	31%
Interior	21%	86%	14%
Vancouver Island	20%	76%	24%
Vancouver Coastal	16%	49%	51%
North	11%	68%	32%
		71%	29%

Source: MCFD
 Note: Four children served from MCFD headquarters have been excluded

Delivering Guardian of Estate Services

The PGT delivers Guardian of Estate services through three teams in the Child and Youth Services Division (CYS) - Legal, Guardianship and Financial.

The CYS Legal Team includes staff lawyers, paralegals, and legal support staff who work together to ensure that children and youth served by the PGT as Guardian of Estate are represented when they need legal assistance. The team pursues all types of civil legal actions such as advancing claims for damages arising from motor vehicle accidents, ensuring that children and youth receive inheritances to which they may be entitled, and initiating claims for damages for personal injury such as damages for loss and injury arising from physical and sexual assault.

The CYS Guardianship Team includes professional and administrative staff responsible for the day to day management of minors’ financial and legal interests. The team identifies financial benefits to be pursued (e.g., Canada Pension Plan (CPP) Children’s Benefits and Registered Disability Savings Bonds), as well as legal issues that should be brought to the attention of the Legal Team. If a child or youth receives a large sum of money, a Guardianship and Trust Officer (GTO) develops an investment plan.

The GTO is directly responsible for working with the social worker, the foster parents or any other person who may be involved in supporting the child or youth. Each child or youth in continuing care has a specific GTO working for them whose responsibility is to be the main point of contact for the minor and for agencies acting as Guardian of Person.

The CYS Financial Team acts after the Guardianship Team has identified and applied for any funds or the Legal Team has successfully proved a claim on behalf of a child or youth.

The Financial Team ensures the money is placed in an individual account held by the PGT. The team disburses funds on behalf of a child or youth when requested by the GTO. It oversees the process when youth turning 19 years old are required to submit identification and complete various documentation so they can receive funds that the PGT may be holding for them. The team also provides general financial advice and guidance to these youth, such as how to establish a personal bank account.

Taking Action

Once a child's circumstances are understood, the PGT takes all appropriate actions, such as:

- Applying for funds owed to the child, for example, the CPP Children's Benefit in the case of the death of a parent;
- Launching legal actions or lawsuits to protect the child's interests;
- Negotiating settlements for damages owed to the child, often due to a motor vehicle accident where the child was injured or the child's parents were killed; and
- Placing all funds in a trust account under prudent financial management until the child turns 19 years old.

GTOs update each child's information annually and take whatever action is needed. More frequent updates occur when the PGT is notified of a change in circumstances or when a critical incident report (CIR) is received from MCFD or a DAA (see Part 3 for more details).

The PGT provides annual status updates on each child to MCFD and DAAs as part of its annual review process. The PGT also reports quarterly to MCFD advising which CIRs are the subject of a legal referral.

Financial Services

The PGT pursues a wide range of financial entitlements and benefits on behalf of children and youth that it serves as Guardian of Estate. During 2009/10 the PGT collected almost \$1 million on their behalf, as detailed in the following table (Table 3). Funds received from court actions or settlements are not included in this table as they are not considered to be entitlements. These funds are detailed in Table 7 in the Legal Services section.

Table 3: Financial benefits, Apr 1, 2009 - Mar 31, 2010

Benefit	No. of Children	Amount*
CPP Children's Benefit	246	\$712,322
CPP Disabled Contributor's Child's Benefit	31	\$67,520
ICBC Death Benefit (one time)	8	\$77,705
Crime Victims Assistance Program	4	\$18,809
Worksafe BC Disability/Pension	4	\$9,347
Annuities	2	\$26,692
Total	295	\$912,396

* Rounded to nearest dollar.

At March 31, 2010, 9.5% of all the children and youth served as Guardian of Estate had trust accounts including their funds derived from all sources. The average value of their trust accounts was \$14,351. While the PGT charges fees and commissions associated with trust accounts, it does not charge fees for funds such as CCP Children's Benefits that would otherwise have been paid directly to a parent.

The federal government has developed new financial entitlement programs of potential benefit to some or all children and youth who are PGT Guardian of Estate clients. Registered Disability Savings Plans (RDSPs) are an example. The PGT has been participating in these programs on behalf of eligible clients. However, this activity has resulted in significant administrative pressures and unfunded related costs for the PGT.

The PGT generally holds trust funds until the youth achieves the legal age of majority at 19 years. As Guardian of Person, MCFD and DAAs are primarily responsible for financially supporting children under continuing custody orders. As a result, PGT disbursements focus more on special opportunities than on day to day expenses.



PGT Taking Action

Joshua has been in the permanent care of the Province since he was 3 years old. He has been living with the same foster family since then.

The PGT received an initial reportable circumstance report from a social worker at MCFD indicating that Joshua and his foster mother had been involved in a severe rear end collision. Joshua had been injured in the accident.

The PGT moved to protect Joshua's interests through legal action. Many investigative steps were needed. PGT

staff actively searched for all related materials, including police reports and medical information related to the injuries suffered in the accident. They also spoke with Joshua and his social worker and his foster parents about the accident and the injuries suffered.

After months of work, a decision was made to pursue legal action. It took two years for the claim to come to a close. Joshua was awarded \$60,000. The funds will be held in trust for Joshua by the PGT until he turns 19. PGT staff will work with Joshua and his social worker to incorporate management of the trust funds held by the PGT into his transition plan to adulthood.

Legal Services

The PGT participates in a wide range of civil legal activities in carrying out its duties as Guardian of Estate. During 2009/10, 243 legal matters were concluded.

Table 4 demonstrates the number of Guardian of Estate legal matters concluded over the past three years. Researching and pursuing legal issues may require extensive time and 42% of the total 1,160 files opened from April 1, 2007 to March 31, 2010 remained pending as of March 31, 2010.

Table 4: Number of Guardian of Estate legal matters, Apr 1, 2007 - Mar 31, 2010

Legal files by year	2007/08	2008/09	2009/10	Total	%
Files concluded in year	186	242	243	671	58%
Files opened in year, still pending at March 31, 2010	127	160	202	489	42%
Total	313	402	445	1160	
%	27%	35%	38%		

* Legal files are placed in the year in which they are concluded, except for files that were still pending prior to March 31, 2010, which are shown in the year opened. 179 legal files pending from prior to April 1st, 2007 that were not closed as of March 31, 2010 are not included.

A major challenge for the legal staff is the need to review extensive MCFD or DAA records relating to the child in addition to the range of records that must normally be gathered and reviewed in a personal injury case. A typical file record from MCFD or a DAA will have an average of 5,000 to 6,000 pages to review and these records must also be analysed to determine next steps in terms of pursuing a legal action on behalf of the child or youth.

The nature of legal activities undertaken by the PGT on behalf of its Guardian of Estate clients is extensive. Claims related to personal injury arising from sexual assault are the largest category, comprising 32% over the past three years. See Table 5 for a full listing of the categories of legal actions.



The PGT performs a very important, but often unappreciated, societal function—taking care of those who are vulnerable.

“We help kids who have legal problems or potential legal entitlements. That covers pursuing personal injury

claims, review of settlements, pursuing entitlements through wills and trusts and a variety of claims for kids in care.”

“It’s very rewarding to help these kids, many of whom are too often either ignored or dictated to, to obtain financial compensation which can help them achieve their dreams and goals for the future without reliance on others.”

William Sokoloff
Solicitor, Child and Youth Services

Table 5: Types of Guardian of Estate legal matters, Apr 1, 2007 to Mar 31, 2010

Legal file categories by year	2007/08	2008/09	2009/10	Total	%
Beneficiary designation/pension/RRSP/insurance	10	5	6	21	2%
Class action	-	-	1	1	<1%
Contracts - entertainment	1	-	-	1	<1%
Creditor/debtor	-	1	4	5	<1%
Family	1	-	-	1	<1%
Family Compensation Act	16	28	41	85	7%
Guardianship minors	23	9	4	36	3%
Miscellaneous	11	11	27	49	4%
Personal injury - dog bite	3	1	8	12	1%
Personal injury - medical malpractice	-	1	3	4	<1%
Personal injury - motor vehicle accident	38	74	93	205	18%
Personal injury - other	96	121	75	292	25%
Personal injury - sexual assault	94	124	154	372	32%
Personal property matters	-	1	-	1	<1%
Real property	3	1	-	4	<1%
Review of accounts	-	-	1	1	<1%
Trust - monitor/investigate	1	1	2	4	<1%
Trust - other	2	1	4	7	1%
Workers Compensation Board claims	-	2	-	2	<1%
Wills & estates - other	14	21	14	49	4%
Wills & estates - Wills Variation Act	-	-	8	8	1%
Total	313	402	445	1,160	100%

There are a broad range of potential outcomes to legal actions. See Table 6 for outcomes over the past three years.

Table 6: Outcomes of Guardian of Estate legal matters, Apr 1, 2007 - Mar 31, 2010

Legal files by outcome	2007/08	2008/09	2009/10	Total	%
Age of majority - legal information letter provided	89	124	136	349	52%
Child deceased before legal action concluded	-	2	1	3	<1%
Child defended in civil action	1	1	7	9	1%
Client assumed conduct of legal action at age 19	4	10	10	24	4%
Court award made	1	6	2	9	1%
Information transferred to adoptive parents	1	12	15	28	4%
Information transferred to new guardians (s. 54.1)	-	1	3	4	1%
Other (e.g., matter stayed, discontinued, dismissed)	36	28	15	79	12%
PGT acting as Litigation Guardian/Power of Attorney post 19 years old	2	3	3	8	1%
PGT not pursuing claim - no further action	29	27	29	85	13%
Settlement reached	23	28	22	73	11%
Total	186	242	243	671	

In some instances, the PGT pursues an action against other defendant(s) on behalf of the child or youth. In other instances the PGT represents the child or youth as a defendant in a civil action.

Over the past three years, the PGT has recovered more than \$3.5 million by way of judgments, settlements or other financial outcomes on behalf of its Guardian of Estate clients. See Table 7 for details.

Table 7: Amounts collected through Guardian of Estate legal actions, Apr 1, 2007 - Mar 31, 2010

Legal files with court award or settlement amounts	2007/08	2008/09	2009/10	Total	%
\$0-5k	12	13	9	34	38%
Total value	\$24,591	\$39,662	\$21,236	\$85,489	2%
\$5-10k	5	7	2	14	16%
Total value	\$34,443	\$52,057	\$17,938	\$104,439	3%
\$10-20k	3	2	7	12	13%
Total value	\$39,352	\$26,554	\$90,629	\$156,536	4%
\$20-50k	2	6	4	12	13%
Total value	\$78,678	\$183,486	\$103,400	\$365,565	10%
\$50-100k	2	7	3	12	13%
Total value	\$119,744	\$530,968	\$248,271	\$898,984	25%
\$100k+	-	3	3	6	7%
Total value	-	\$701,043	\$1,229,872	\$1,930,916	55%
Total # of judgments, settlements or other financial outcomes	24	38	28	90	
Total value of judgments, settlements or other financial outcomes	\$296,810	\$1,533,772	\$1,711,348	\$3,541,931	

Other Activities

As part of its Guardian of Estate services, the PGT also works in other ways to improve the lives of children in continuing care.

Recent key initiatives include participating in the Cross Ministry Transition Planning Protocol for Youth with Special Needs Implementation Working Group. This group, which includes the PGT and eight other public organizations as signatories, is responsible for implementation of a protocol supporting the transition to adulthood of youth with special needs, some of whom may be children in continuing care. The protocol emphasizes a coordinated approach to planning and service delivery.

The PGT is emphasizing activities related to increasing financial literacy among children at risk. A significant initiative is a joint development venture focused on Aboriginal youth that the PGT has undertaken with the First Nations Technology Council, Aboriginal Financial Officers Association of BC, Vancouver Aboriginal Child and Family Services Society, Urban Native Youth Association, Indian and Northern Affairs Canada, VanCity Savings Credit Union and MCFD.

The PGT is playing a key role in distributing *Dollars and Sense*, a handbook providing basic information on managing finances directed at youth nearing the age of majority. The PGT also

made a submission to the Federal Task Force on Financial Literacy regarding needs of children at risk. It further participated in a national forum on financial literacy as it relates to children in care.

Other activities also include:

- Facilitating relationships with and educating community partners on the role of the PGT as Guardian of Estate;
- Working together with Caring For First Nations Children Society in training DAA staff;
- Providing direct services to youth through regular attendance at the PGT Project Satellite Office located at the Broadway Youth Resource Centre in Vancouver;
- Participating in training and making presentations to MCFD and DAAs on the role of the PGT; and
- Building ongoing relationships with the BC Federation of Youth in Care Networks and the BC Foster Parents Association.

Termination of PGT Guardianship

PGT Guardian of Estate services continue until youth reach the age of 19 and are legally recognized as adults or until their continuing custody orders are terminated.

When young people in BC turn 19, they become responsible for their own affairs, including the financial and legal issues that were previously managed by the PGT. In preparation for these new responsibilities, the PGT provides youth approaching their 19th birthday with a summary of their financial affairs. This summary is provided to each youth's social worker and includes a report on the youth's assets and investments. It may also include a letter that provides legal information concerning legal and financial affairs, including information about any legal actions that are underway and potential claims that the youth may wish to pursue as an adult.

Where PGT staff believe that youth approaching 19 years may require ongoing support because of mental incapacity, the individual may be referred to PGT Services to Adults who works with the youth and community partners to determine what level of support the young person may require at age 19. Twenty four referrals were made between April 1, 2009 and March 31, 2010, and the PGT was appointed as Committee of Estate under the *Patients Property Act* for 13 former Guardian of Estate clients when they turned 19 years old.

In the rare instances where the PGT cannot locate a youth who is approaching the age of majority, the PGT continues to try to find the person if any trust funds are involved. If the individual cannot be located within a reasonable time after they turn 19, the funds are transferred to the BC Unclaimed Property Society to be held until the person comes forward to claim their funds.

The PGT authority as Guardian of Estate also ends when a continuing custody order is terminated. This happens when children who are the subject of the order are adopted, are returned to their parents, or guardianship is transferred to a new guardian. The total number of children and youth served by the PGT as Guardian of Estate remains relatively constant as the number of individuals for whom authority is terminated is roughly similar to the number of new orders. Authority ends most frequently because the minors become adults.

The *Child, Family and Community Service Act* allows MCFD and DAAs to apply to the Provincial Court to terminate a continuing care order and transfer physical custody and guardianship,

often to a relative of the child. Under the Act, PGT consent for the application to transfer guardianship is required before MCFD or the DAA can apply to the Provincial Court.

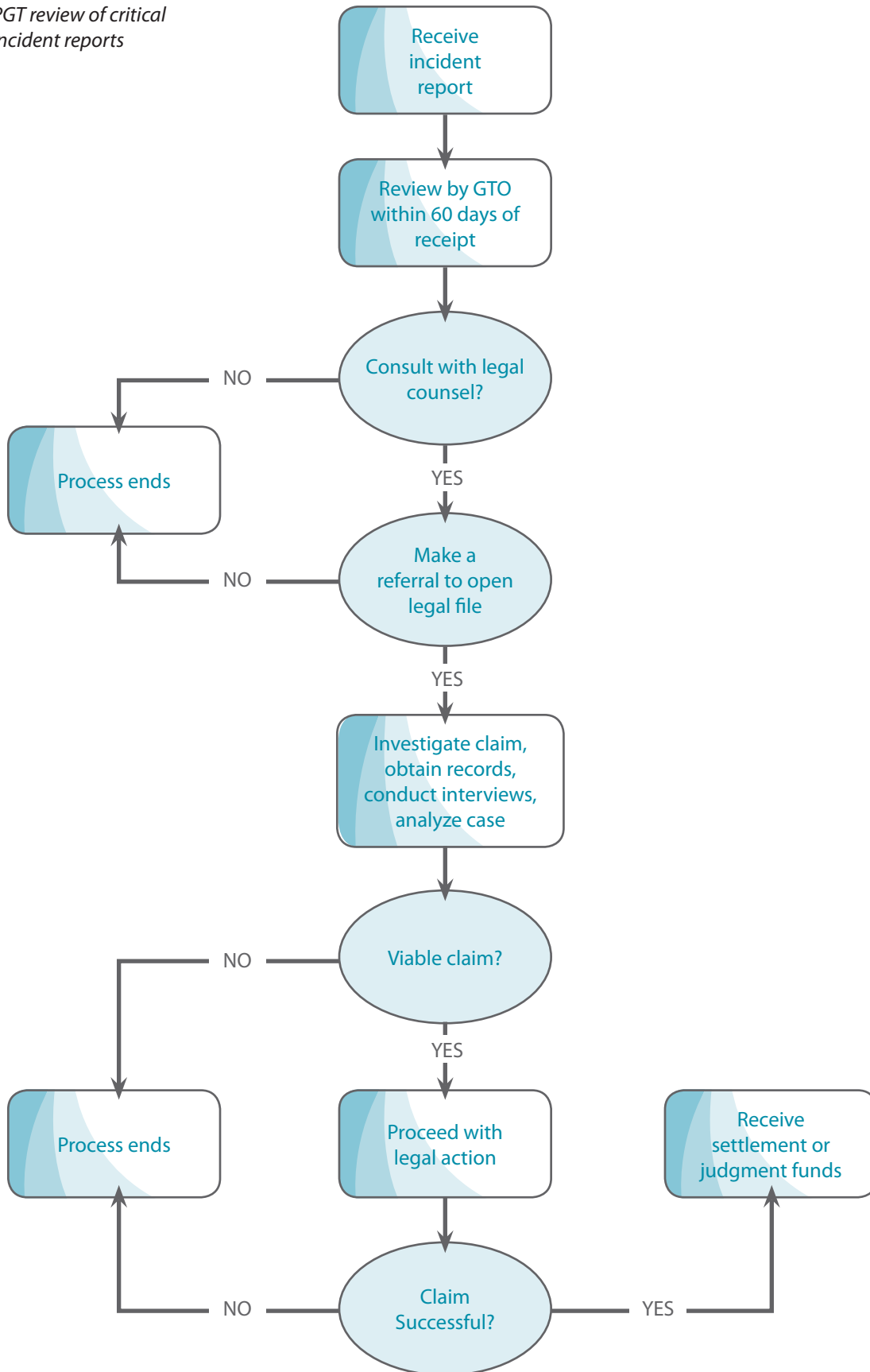
The PGT consented to 20 applications to transfer guardianship of 12 girls and 8 boys between April 1, 2009 and March 31, 2010. For 14 of the 20 applications, the children were from five families. Of the children involved in the transfers, 14 were Aboriginal children.

When the PGT is notified that a transfer of guardianship is being considered, the GTO works with the child's social worker to ensure that the PGT is able to advise prospective guardians of their duties as Guardian of Estate. The prospective guardians are required to acknowledge to the PGT that they understand and accept the related duties and responsibilities.

PART 3. **Critical Incident Reports**



Figure 1. PGT review of critical incident reports



PART 3. CRITICAL INCIDENT REPORTS

The PGT must be notified of any critical injury, serious incident or possible claim involving a child in care for whom the PGT is Guardian of Estate. The PGT role is to review each critical incident report, investigate if warranted and make a decision regarding civil legal proceedings if the child has suffered a compensable loss.

The majority of incidents regarding children and youth are reported to the PGT by MCFD or DAAs via reports called “initial reportable circumstances”. The PGT refers to these reports as “critical incident reports” or CIRs. These CIRs report situations where the child may have been harmed or been at risk of harm.

Critical incidents can range from a child leaving a foster home without permission, to a motor vehicle accident involving the child, to alleged abuse or harm of the child. Any of these incidents may lead to the PGT making a legal claim on behalf of the child. Taking action in response to these reported incidents is one of the most important duties performed by the PGT. However, the PGT can only act when it learns that something has happened. Thus, the quality of reporting to the PGT is a key determinant of service quality.

The PGT has received initial reportable circumstances reports from MCFD on an automated basis since 2007. Data summarizing the CIRs received in the 2008/09 fiscal year was presented in the first annual report on PGT child and youth guardianship services. This current report summarizes data for the 2009/10 fiscal year. Charts summarizing data from all three years of CIRs are also included for comparison purposes although trend analysis is restricted due to the relatively short period that data has been available.

PGT Review of and Response to Critical Incident Reports

The PGT process for review of and response to CIRs is illustrated in Figure 1. When the PGT receives a CIR, the first step is to ensure that the GTO has the information needed to review the report. The report is reviewed within 60 calendar days of receipt of all information. The PGT has a performance target that measures the timeliness of initial reviews and action taken by GTOs. Between April 1, 2009 and March 31, 2010, the PGT met the target by reviewing 100% of CIRs within 60 days.

For some reports, the GTO may determine that the circumstances require that the report be reviewed by legal counsel to determine if legal action should be pursued. However, for some reports, a review does not result in a legal consultation because there is clearly no legal matter to pursue. For example, a report of a youth who went missing overnight without any injury or harm would not generally result in a legal consultation. Unless it is obvious that there is no need for a legal consultation, all incident reports are reviewed with legal counsel to determine if a referral to legal services is warranted. Where there is a legal consultation regarding a CIR, there are three possible outcomes:

- Referral of the incident to legal services for further action;
- No legally actionable matter is identified; or
- A legal information letter will be provided to the youth on reaching the age of majority.

A referral to legal services leads to further investigation to determine if there is a viable claim. The decision to proceed is made by the PGT based on legal advice that the facts underlying a critical incident report give rise to a claim for damages on behalf of the child who is the subject of the report.

At this stage, PGT legal staff usually retain external legal counsel to act on behalf of the child or youth. After reviewing all the material held by the PGT, the legal counsel may:

- Meet with the child to get a sense of the impact that the incident had on the child;
- Meet with the social worker, foster parents and other relatives or friends of the child who are able to speak to the harm that was experienced by the child; or
- Collect further information from other sources that may not yet have been contacted.

The lawyer investigates, reviews facts, researches the law, and then returns to the PGT to obtain a decision whether or not to proceed with legal action. Legal action is taken only if there is a reasonable chance of success.

If it is not possible for the PGT to take legal action on potential claims while Guardian of Estate, a legal information letter may be provided to youth when they are about to turn 19. The PGT sends this letter to advise of outstanding legal issues that the youth may wish to pursue as an adult and the date on which the applicable limitation period will expire. These legal issues could include potential lawsuits that the PGT was unable to pursue because the risks in pursuing the claim outweighed the benefit at the time or because the alleged harmer did not have assets at the time to pay a possible judgment.

Pursuing legal action is usually a very lengthy process and claims may not be resolved for years. As the focus of this report is on CIRs received by the PGT between April 1, 2009 and March 31, 2010, many outcomes for these legal actions are not available yet and will be reported in the future.

Statistical Summary of Critical Incident Reports Received by the PGT

The remainder of this section of the report provides a statistical summary of critical incident reports received by the PGT. While the emphasis is on reports received between April 1, 2009 and March 31, 2010, data is provided for the entire three year period from April 1, 2007 to March 31, 2010.

CIRs cover a wide range of alleged incidents described by MCFD and DAAs as initial reportable circumstances. The PGT reviews the MCFD/DAA reports upon receipt and classifies the reported incident types according to categories it has adapted from the World Health Organization *International Statistical Classification of Diseases and Related Health Problems*. PGT has adapted the classification of types of alleged harmers from the *International Classification of External Causes of Injuries*. For more information and definitions of these categories, see Appendix 2.

In some cases where there has been an injury, children and youth in care have been subjected to serious harm. While the presentation of the data in this report may appear clinical, the impact can be profound.

This summary describes the total number of reports, the types of alleged incidents reported, and the actions taken by the PGT in response to these reports. Additional data is available in appendices to the report. All data presented in this section and in the appendices is based on the information reported to the PGT by MCFD or DAAs, and occasionally by other sources, as initial reportable circumstances.

Readers should exercise caution in further interpretation of the critical incident data in this report. It is drawn from critical incident reports as submitted to the PGT and has been categorized by the PGT as described in Appendix 2. No conclusions regarding the allegations contained in these critical incident reports should be drawn from their inclusion in this report.

Number of Children Involved in Critical Incident Reports

For the period April 1, 2009 through March 31, 2010, the PGT received 585 CIRs involving 457 children (see Table 8). As there were 6,578 children served by the PGT as Guardian of Estate during this period, the reports involved 7% of all children and youth receiving Guardian of Estate services. MCFD and DAAs were the source of almost all of the reports. Multiple CIRs were received for 37% of the children about whom a report was made.

Table 8: Critical incident reports for unique individuals, Apr 1, 2009 - Mar 31, 2010

No. of reports	No. of individuals	%	No. of reports	%
1 report	371	81%	371	63%
2 reports	57	13%	114	20%
3 reports	18	4%	54	9%
4 reports	9	2%	36	6%
5 reports	2	<1%	10	2%
Total	457		585	


















For the three year period, April 1, 2007 to March 31 2010, the PGT received 1,882 CIRs involving 1,142 children. While the majority of children involved (796 or 70%) were the subject of a single CIR, others were the subject of multiple CIRs, including one who was the subject of 15 reports over the three year period.

Critical Incident Report Types

Of the CIRs received between April 1, 2009 and March 31, 2010, 254 (43%) involved incidents that did not result in injury or harm to the children, for example, leaving a foster home without permission. Where there was no harm and thus no grounds for legal action, the reports did not result in further action by the PGT.

In the same 2009/10 period, there were 331 reports of incidents in which a child or youth experienced harm. The following table (Table 9) describes all 331 CIRs during this period in which the child allegedly experienced harm.

Table 9: Critical incident reports by incident type where child experienced harm, Apr 1 2009 - Mar 31, 2010

Death	6	2%	
Dog bite	7	2%	
Falls	7	2%	
Fire, flames, hot substances	3	1%	
Medical condition	19	6%	
Motor vehicle accident – child cyclist	5	2%	
Motor vehicle accident - child driver	4	1%	
Motor vehicle accident - child passenger	44	13%	
Motor vehicle accident – child pedestrian	5	2%	
Non motor vehicle accident - cycle accident	2	1%	
Other type of injury or harm to child	39	12%	
Physical and sexual assault	8	2%	
Physical assault	93	28%	
Self inflicted injury	17	5%	
Sexual assault	51	15%	
Struck by an object	1	<1%	
Suicide attempt	20	6%	
Total			331

1: Injuries that are the result of intent to harm are recorded as physical assault, sexual assault, physical and sexual assault, suicide attempt, death (except accidental deaths), or self inflicted injury. Injuries that are accidental or non intentional are recorded in other categories.

2: Death includes accidental, homicide, natural and suicide deaths.

3: When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".

Of the 331 incidents reported in 2009/10 in which a child allegedly experienced harm:

- Some form of assault accounted for 152 (46%) incidents;
- Motor vehicle accidents accounted for 58 (18%) incidents;
- Suicide attempts accounted for 20 (6%) incidents while other self inflicted injuries accounted for 17 (5%) incidents.

A review of incident types over the past three years, as shown in Table 10 below, indicates that the incidence of most types of reported injury or harm has been relatively constant. For example, the incidence of CIRs involving physical assault increased substantially in 2008/09 but decreased to 2007/08 levels in 2009/10. However, the cumulative data is limited and must be viewed with caution.

Table 10: Critical incident reports by incident type where child experienced harm, Apr 1, 2007 - Mar 31, 2010

Incident type	2007/08	2008/09	2009/10	Total
Physical assault	93	113	93	299
Sexual assault	62	55	51	168
Motor vehicle accident - child passenger	24	37	44	105
Other type of injury or harm	35	26	39	100
Suicide attempt	29	36	20	85
Fall	22	23	7	52
Medical condition	9	19	19	47
Self inflicted injury	8	17	17	42
Motor vehicle accident - child pedestrian	15	12	5	32
Physical and sexual assault	8	11	8	27
Motor vehicle accident - child driver	9	5	4	18
Death	4	5	6	15
Dog bite	2	2	7	11
Struck by object	6	4	1	11
Motor vehicle accident - child cyclist	0	2	5	7
Non motor vehicle accident - cycle accident	0	4	2	6
Fire, flames, hot substances	0	2	3	5
Cutting/ piercing	3	1	0	4
Suffocation	1	0	0	1
Submersion	0	1	0	1
Total	330	375	331	1,036

Number of reports

1. Injuries that are the result of intent to harm are recorded as Physical assault, Sexual assault, Suicide attempt, Physical and sexual assault, Death or Self inflicted injury. Injuries that are accidental or not intentional are recorded in another category.
2. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".
3. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".

The PGT assesses CIRs in which a child has allegedly been harmed to determine if legal action might result in compensation for the child.

The PGT received a total of 585 CIRs during 2009/10. Of these 585 CIRs:

- No harm occurred in 254 or 43% of the incidents;
- Harm occurred in 331 of the incidents;
- Of the incidents in which harm occurred, 92 involved incidents in which no person(s) were alleged to have harmed the child or youth, for example cycling accidents that involved no other person; and
- Of the incidents in which harm occurred, 239 involved an alleged “harmer”, i.e., a person who allegedly directly harmed a child, whether intentionally or by accident.

The following table (Table 11) reports on the 239 incidents involving an alleged harmer. Harmer does not refer to agencies that may have a legal responsibility to care for the child. See Appendix 2 for more information about categories of alleged harmers.

Table 11: Critical incident reports by person alleged to have harmed the child, Apr 1, 2009 - Mar 31, 2010

Alleged Harmer	2009/10	Number of reports
Other relationship*	61	
Other friend(s)/acquaintance(s)	44	
Relationship not known	43	
Foster parent	34	
Boyfriend/girlfriend/spouse	19	
Parent(s)	10	
Other relative(s)	9	
Stranger(s)	4	
Another child(ren) in care	4	
Unrelated caregiver(s)	8	
Person(s) in official or legal authority	3	
Total	239	

*“Other relationship” category is used where multiple harmers may be involved.

Of the 239 incidents reported in 2009/10 in which there was a person who allegedly directly harmed a child, whether intentionally or by accident:

- Other friends or acquaintances, and boyfriends, girlfriends or spouses, were the alleged harmer in 63 (26%) incidents;
- Foster parents and unrelated caregivers were the alleged harmer in 42 (18%) incidents;
- The relationship was not known in an additional 43 (18%) incidents;
- Parents and other relatives were the alleged harmer in 19 (8%) incidents;
- Strangers were the alleged harmer in 4 (2%) incidents.

As Table 12 below indicates, the incidence of most categories of alleged harmers has been relatively constant over the past three years for categories with lower frequency and there has been more variation for categories with higher frequencies. For example, “other relationships” did not change in 2007/08 or in 2008/09, but increased significantly in 2009/10. However, the numbers involved are very small and the variation must be viewed with caution.

Table 12: Critical incident reports by person alleged to have harmed the child, Apr 1, 2007 - Mar 31, 2010

Alleged Harmer	2007/08	2008/09	2009/10	3 yr total
Other relationship	38	39	61	138
Other friend(s)/acquaintance(s)	40	54	44	138
Relationship not known	43	34	43	120
Foster parent	23	51	34	108
Boyfriend/girlfriend/spouse	14	12	19	45
Parent(s)	17	10	10	37
Other relative(s)	9	8	9	26
Stranger(s)	9	12	4	25
Another child(ren) in care	12	6	4	22
Unrelated caregiver(s)	4	4	8	16
Person(s) in official or legal authority	5	5	3	13
Total	214	235	239	688

Number of reports

The nature of the alleged harmer varied with the type of incident. Foster parents and unrelated caregivers were the alleged harmer in 22% of the 2009/10 incidents involving physical and/or sexual assaults. Other friends and acquaintances were the alleged harmers in 26% of the 2009/10 incidents involving physical and/or sexual assaults. For more detail, see Appendix 3, Table A: *Alleged harmer by frequency of incident types, Apr 1, 2007 - Mar 31, 2010.*



Erin lost her dad to a workplace accident. Having already lost her mom to natural causes, Erin was left without natural parents. The PGT applied to WorksafeBC (the Workers' Compensation Board) on her behalf, and Erin began receiving benefits which can be awarded to a child for the work related death of a parent. This benefit is to compensate the child for loss of love, guidance and affection of the parent, for loss of financial support, and for loss of services.

Children and Youth Involved in Critical Incident Reports

Age

The incidence of CIRs related to each age group differs from the general age distribution for all children served as Guardian of Estate during this period (see Table 1). For example, while children aged 0 to 9 years comprised 28% of all guardianship clients, they were the subject of only 12% of the CIRs received during 2009/10.

Table 13 presents the incidence of reports for each year for the three year period arranged by age category at the time of the incident.

Table 13: Critical incident reports by age category for unique individuals, Apr 1, 2007 - Mar 31, 2010

Age*	2007/08		2008/09		2009/10	
	No.	%	No.	%	No.	%
0 - 4 years	19	4%	14	3%	17	4%
5 - 9 years	21	4%	36	8%	35	8%
10 - 14 years	137	28%	133	29%	112	24%
15 - 18 years	310	64%	280	60%	293	64%
Total	487		463		457	

* Age at time of incident

While data is still too limited to confirm trends, a review of three years of critical incident reports indicates that the type of incident usually varies according to age of the child or youth. In Table 14, the categories of critical incident reports that occur most often are arranged for each category by the greatest frequency over the 2007/08 to 2009/10 period.

Table 14: Frequency of incident types by age category on date of incident, Apr 1, 2007 - Mar 31, 2010

		Age of child on date of incident				
		0 - 4 years	5 - 9 years	10 - 14 years	15 - 18 years	Total
Incident Type	1	Physical assault 11	Physical assault 33	Physical assault 68	Physical assault 187	Physical assault 299
	2	Motor vehicle accident - child passenger 7	Sexual assault 12	Sexual assault 52	Sexual assault 101	Sexual assault 168
	3	Medical condition 7	Motor vehicle accident - child passenger 11	Motor vehicle accident - child passenger 26	Suicide attempt 68	Motor vehicle accident - child passenger 105
	4	Sexual assault 3	Medical condition 8	Other type of injury or harm 25	Other type of injury or harm 67	Other type of injury or harm 100
	5	Other type of injury or harm 2	Other type of injury or harm 6	Fall 25	Motor vehicle accident - child passenger 61	Suicide attempt 85
	6	Motor vehicle accident - child pedestrian 1	Fall 3	Suicide attempt 17	Self inflicted injury 30	Fall 52
	7	Physical and sexual assault 1	Self inflicted injury 1	Self inflicted injury 11	Fall 24	Medical condition 47
	8		Motor vehicle accident - child pedestrian 1	Medical condition 10	Physical and sexual assault 23	Self inflicted injury 42
	9			Motor vehicle accident - child pedestrian 10	Medical condition 22	Motor vehicle accident - child pedestrian 32
	10			Physical and sexual assault 3	Motor vehicle accident - child pedestrian 20	Physical and sexual assault 27

Note: This table includes only the top categories. Colours are used to indicate the same categories wherever they appear in the table.

In 2009/10, the alleged harmer also varied according to the age of the child. Foster parents and unrelated caregivers were the alleged harmer in 8 of 17 (47%) incidents involving children aged 0 - 4 years and 15 of 36 (42%) for those aged 5 - 9 years, dropping to 12 of 397 (3%) for those aged 15 -18 years. Strangers were the alleged harmer in 3 of 397 (1%) incidents involving children aged 15 - 18 years.

While data is still too limited to confirm trends, a review of three years of critical incident reports indicates that the category of alleged harmer appears to vary according to the age of the child or youth. For more detail see Appendix 3, *Table B: Frequency of categories of alleged harmer by age category of child, Apr 1, 2007 – Mar 31, 2010.*

Gender

Children involved in the critical incident reports received in 2009/10 were generally evenly split by gender with 53% female and 47% male. However, there are differences by gender in terms of the type of incident reports. In 2009/10, girls were the victims of 92% of all alleged sexual assaults while boys were the victims of 56% of all alleged physical assaults. For details over the three year period, see Appendix 3, *Table C: Critical incident types by gender of child, Apr 1, 2007 – Mar 31, 2010.*

In 2009/10, there were also differences in gender with respect to incident reports involving an alleged harmer. Boys were involved in 40% of incidents in which parents were the alleged harmer while girls were involved in 100% of the events in which boyfriends, girlfriends or spouses were the alleged harmer. For detail covering the three year period, see Appendix 3, *Table D: Alleged harmer by gender of child, Apr 1, 2007 – Mar 31, 2010.*

Aboriginal Identity

Of the 457 children who were the subject of a CIR in 2009/10, 285 (62%) were identified as Aboriginal. The reported incident varied somewhat according to Aboriginal identity. Aboriginal children were the victims of 64% of the incidents involving physical and/or sexual assault and 60% of suicide attempts. However, the majority of the children were also Aboriginal (60%) for incidents where there was no injury or harm. For more detail, see Appendix 3, *Table E: Frequency of incident type by Aboriginal identity of child, Apr 1, 2007 – Mar 31, 2010.*

Regional Distribution

The largest number of CIRs came from Fraser Region (24%), closely reflecting its standing as the MCFD region with the most children in continuing care.

Table 15: MCFD region reporting critical incidents, Apr 1, 2009 - Mar 31, 2010

MCFD Region	No. of reports	Percent of reports
Fraser	141	24%
Vancouver Coastal	139	24%
North	121	21%
Interior	118	20%
Vancouver Island	66	11%
Total	585	

Outcomes from PGT Review of Critical Incident Reports

The PGT reviewed 585 CIRs between April 1, 2009 and March 31, 2010.

There were 553 (95%) CIRs for which there was an outcome from a GTO review during the year. Table 16 shows the outcome of GTO reviews for these 553 reports. PGT action on the CIR ends if the outcome at the GTO review stage is that there will be no legal consultation.

Table 16: Outcome of GTO review of critical incident reports for reviews occurring Apr 1, 2009 - Mar 31, 2010

Outcome of GTO review	No. of reports with outcomes	Percent of outcomes
No legal consultation - no actionable matter	315	57%
Legal consultation - referral to legal services	82	15%
Legal consultation - no actionable matter	132	24%
Legal consultation - legal information letter	24	4%
Total	553	

Note: As of Sept. 2010, of the 585 total CIRs reviewed in 2009/10, 32 had no GTO outcomes and will be reported upon in future.

GTOs established that 315 (57%) reports of incidents were not actionable and did not request legal consultation because there was clearly no legal matter to pursue. As an example, a report of a youth who went missing overnight that did not involve injury or harm would not generally result in a legal consultation.

For more detail on GTO reviews, see Appendix 3, *Table F: Outcome of GTO review by incident type, Apr 1, 2007 – Mar 31, 2010.*

Civil litigation is usually a very lengthy process and claims may not be resolved for years. As the focus of this report is on CIRs received by the PGT between April 1, 2009 and March 31, 2010, outcomes for many of these legal actions are not yet available. They will be reported in future years.

Tracking and reporting upon incident reports has raised significant policy and process considerations for the PGT when acting as Guardian of Estate. For example, while some CIRs have no current actionable matter, the reports may include references to past incidents of alleged harm or injury. Over the past three years, the PGT has been developing policy and processes to be able to accurately capture the activities and services being provided to Guardian of Estate clients. As such, the reporting will continue to evolve over time.

PART 4. **Looking Forward**



PART 4. LOOKING FORWARD

Guardian of Estate services are an important element in the range of child protective services. As Guardian of Estate for children in continuing care, the PGT reviews critical injury reports regarding these children and takes legal and other action on their behalf. The PGT has a fiduciary duty to advance their interests and acts independently in doing this.

Receiving and reviewing critical incident reports is fundamental to the PGT's ability to effectively carry out this responsibility. For individual children and youth, this review helps to validate their experiences and rights and civil legal action may result in compensation to assist in their personal recovery. For the child serving system as a whole, analysis and public reporting on these activities focuses attention on patterns and trends affecting children and youth in care.

Critical incident report data has been reported to the PGT for only the past three fiscal years. As a result, while some trends are beginning to be suggested, valid trend analysis is not yet possible.

Significant challenges related to legal status, reporting and resourcing impact current service delivery and pose risks to future delivery of PGT Guardian of Estate services.

Some of these concerns were the subject of recommendations in the 2008/09 report and received considerable attention over the past year, but remain unresolved.

Law Reform

The statutory basis for PGT Guardian of Estate services is no longer adequate. It was established during a period in which granting a continuing custody order (or permanent wardship, as it was previously known) was the predominant outcome for child protection matters. Because of this, the duties of the PGT and MCFD as coguardians were defined legally in terms of the granting of such an order.

Over time, new mechanisms involving MCFD and DAA practices have developed, but law for the related PGT role has not evolved in tandem and is now seriously outdated. Today, in addition to a continuing custody order, a child may be supported by MCFD and DAAs through several alternative care arrangements, including:

- Extended Family Agreement
- Special Needs Agreement
- Voluntary Care Agreement
- Youth Agreement

MCFD has a performance target associated with increasing the number of children placed through alternative care arrangements and at March 31, 2010, these alternatives involved approximately 42% of the children receiving provincial services. For most of these children and youth, the role of Guardian of Estate - responsible for their child's financial and legal affairs - continues to rest with their parents even though the parents may no longer have custody or be capable of acting as a guardian. The PGT does not have legal authority to provide these protective services.

While the system of alternative arrangements may be more flexible and responsive to the varied needs of today's children and youth, the PGT is concerned that the legal and financial needs of some children are not being met in practice because their legal guardians are not actively involved in their lives.

In the 2008/09 *Child and Youth Guardianship Report*, the PGT called for law reform to address the significant associated risks. A series of meetings focused on service gaps related to alternative care arrangements have occurred involving the PGT, MCFD and the RCY. However, progress has been slow and the PGT remains very concerned that children and youth continue to be in a situation where they effectively do not have an active Guardian of Estate.

The PGT has also called for law reform to more broadly modernize the legal role and duties of guardians of children. These issues have been considered in planning for an extensive revision of the provincial *Family Relations Act* (FRA). A *White Paper on Family Relations Act Reform, Proposals For a new Family Law Act* (July 2010) concerning proposed amendments to the FRA is currently available for public comment and changes may be submitted to the Legislature in 2011.

- *It is recommended that the provincial government accelerate the review of legal guardianship roles for children receiving provincial services under alternative care arrangements so that these children have equal guardianship protection under the law.*

Quality of Reporting to the PGT

By law, the PGT becomes Guardian of Estate as soon as a continuing custody order is made. However, the PGT must rely on a range of reporting from MCFD and DAAs to be able to carry out its duties. Reporting is governed by a Protocol Agreement between the PGT and MCFD and DAAs and is elaborated in a number of Practice Standards and other legal instruments. Essential reporting includes:

- a) Notification that a continuing custody order has been made or terminated;
- b) Notification of any death, critical injury, serious incident or possible claim involving a child in care for whom the PGT is Guardian of Estate; and
- c) Notification of changes in a child's situation, e.g., death of a parent.

Notification regarding the initial issuance of *continuing custody orders* has operated satisfactorily for the past several years under a Service Level Agreement between the PGT and MCFD. The PGT receives from MCFD an updated monthly listing of children in continuing care.

Notification regarding the second category - *any death, critical injury, serious incident or possible claim involving a child in care for whom the PGT is Guardian of Estate* - is more problematic and many continuing and also emerging issues remain to be resolved. These reports, which are described in MCFD Practice Standard 25, are officially called "initial reportable circumstances". They are generally known as "critical incident reports" although they include a broad range of incidents, both minor and very serious. As Guardian of Estate, the PGT requires notification of the full range of incidents.

MCFD and DAA social workers are to enter these incident reports promptly into an internal electronic system that, when the child is in continuing care, includes the PGT on its distribution list. The addition of the PGT to the distribution process was introduced in 2006. In November 2010, the RCY issued a report raising significant concerns relating to MCFD reporting to the RCY in accordance with the *Representative for Child and Youth Act* through reporting under Practice Standard 25. As a result, MCFD, RCY and the PGT are meeting to attempt to resolve outstanding reporting issues to both the RCY and the PGT.

The PGT has initiated discussions with MCFD to improve reporting of incidents that do not meet the current definition of critical injury or serious incident as described under Practice Standard 25.

In 2009/10, the PGT also made improvements to the annual review form that it sends to social workers to encourage notification of changes in a child's situation, other than critical incidents, as described in Practice Standard 7. Reporting under Standard 7 could also be improved and MCFD and the PGT have agreed that implementing user friendly technology could bring about needed improvements.

DAAAs with child guardianship authority are required to submit the same range of reports as MCFD.

The PGT is also taking steps to improve its own information sharing back to MCFD and DAAs. The PGT has improved its annual review process and is moving towards including more financial information in its annual updates.

- *It is recommended that MCFD take steps to ensure full reporting to the PGT regarding incidents and also changes in circumstances involving children and youth for whom the PGT is Guardian of Estate.*

Serving Aboriginal Children and Youth

One of the major recent developments in BC child guardianship has been the ongoing transfer of the role of Guardian of Person from MCFD to First Nations and Aboriginal communities for their children. This is occurring through creation of Delegated Aboriginal Child and Family Service Agencies (DAAs) that assume differing levels of statutory responsibility from MCFD for Aboriginal children requiring child protection and guardian services.

For the 19 DAAs with guardianship authority, the PGT becomes coguardian with the Delegated Agency rather than MCFD. An overarching protocol between MCFD and the PGT applies to DAAs unless an individual protocol has been developed. To date, there is a separate protocol with the Vancouver Aboriginal Child and Family Services Society and an agreement with Ayas Men Men is nearing completion.

PGT Educational Assistance Fund

Under a trust established by the Province many years ago, the PGT provides bursaries to young adults who were formerly in the continuing care of the Province and who are pursuing post secondary education.

Applicants are assessed on their grades, financial needs, career goals and other considerations. In 2009/10, there were 28 applicants. Of these, 18 students were awarded grants totalling \$20,300.

Students had a wide variety of career goals ranging from social work and kinesiology to web design and criminology. One student was completing a doctorate in political science.

The process whereby MCFD funds and works with DAAs in delegating authority has not made provision for ensuring that Guardian of Estate services are recognized and continue to be provided. This creates service gaps and places significant pressure on the PGT to separately initiate relationships with each DAA rather than move forward in accordance with established procedures.

While the PGT welcomes this transition as important to the well being of Aboriginal children, this MCFD initiative has created significant unfunded pressures for the PGT. These pressures occur because the PGT must now develop and foster independent operational relationships with each of these increasing number of agencies, in addition to the existing relationship with MCFD.

In addition to developing information sharing arrangements, the PGT must develop further cultural competency of its staff to facilitate trusting, collaborative working relationships with DAAs and to better realize the many benefits of returning Aboriginal children to their communities.

- *It is recommended that the PGT be involved early in the DAA delegation process so that Guardian of Estate issues can be addressed.*
- *It is recommended that the PGT be funded to respond to requirements resulting from the MCFD initiative to transfer statutory authority to DAAs who become coguardians with the PGT.*

Serving Children and Youth under PGT Guardianship

PGT Guardian of Estate services revolve around the children and youth who are being served and the PGT tries to consider their needs in all its related actions. However, severe resource constraints have largely prevented the PGT from having direct relationships with its guardianship clients. The lack of regional services is a further resource related constraint on direct contact.

Typically the PGT communicates predominantly with these children and youth through the MCFD or DAA social worker or through a lawyer retained to take legal action rather than directly.

Since March 2009, the PGT has operated a part time satellite office through the Vancouver Broadway Youth Resource Centre. This allows staff to meet directly with youth and other agencies regarding Guardian of Estate services. This pilot project has been very well received and has highlighted the benefits resulting from direct contact with the children and youth being served.

Delivering effective services to children in continuing care requires solid working relationships between service partners who have separate responsibilities and an overlapping client group. The PGT continues to be an active member of the Children's Forum, a mechanism that can facilitate public child serving agencies to work together effectively, avoid duplication of services, and have appropriate information sharing protocols in place where services intersect.

In addition to the Children's Forum, the PGT engages in a wide range of activities with individual child serving agencies. In 2009/10, the PGT delivered 30 presentations to MCFD and DAA staff to increase understanding of coguardianship and the PGT Guardian of Estate role.

Responsibilities when acting as Guardian of Estate evolve with social change. More information about the children and youth leads to greater pressure for legal services to access both potential claims and entitlement to benefits.

Until recently, financial literacy was not considered an important part of the education of young people. Today, however, there is growing awareness of the benefits of starting financial

planning at a younger age. Financial literacy is particularly important for youth in continuing care as they may have no one they can call on for advice. Some may also have sizeable estates held in trust for them and/or outstanding potential legal claims.

Providing financial advice and legal information to support their transition to adulthood is part of the Guardian of Estate responsibility. The PGT is actively involved both individually and jointly with other service partners in a number of activities to increase financial literacy of the children and youth for whom it is Guardian of Estate (see pp. 20-21).

There are significant issues for the PGT associated with the transition of these youth to adulthood. These are related to advising them of their legal and financial status and facilitating financial transition planning.

As youth near their nineteenth birthdays, PGT staff provide them with a report advising them of their financial situation. The PGT also provides them with legal information with respect to a variety of matters including any potential causes of action that they may have.

Improving the financial literacy of children and youth in continuing care requires coordination with MCFD and DAAs and an expansion by the PGT of the services provided to youth as they transition into adulthood.

The PGT is also a signatory to the Cross-Ministry Transition Planning Protocol for Youth With Special Needs. This protocol, which was signed in 2009 by nine BC ministries and public bodies, established a framework to provide coordinated services to young people with disabilities as they move into adulthood.

- *It is recommended that MCFD and other agencies work more intensively with the PGT to facilitate transition planning for its children and youth in continuing care.*

Summary of Recommendations

- 1. It is recommended that the provincial government accelerate the review of legal guardianship roles for children receiving provincial services under alternative care arrangements so that these children have equal guardianship protection under the law.*
- 2. It is recommended that MCFD take steps to ensure full reporting to the PGT regarding incidents and also changes in circumstances involving children and youth for whom the PGT is Guardian of Estate.*
- 3. It is recommended that the PGT be involved early in the DAA delegation process so that Guardian of Estate issues can be addressed.*
- 4. It is recommended that the PGT be funded to respond to requirements resulting from the MCFD initiative to transfer statutory authority to DAAs who become coguardians with the PGT.*
- 5. It is recommended that MCFD and other agencies work more intensively with the PGT to facilitate transition planning for children and youth in continuing care.*

Appendices and Data Tables



APPENDIX I.

Glossary of Terms and Acronyms



Acronyms

CIR	Critical Incident Report
CPP	Canada Pension Plan
CVAP	Crime Victim Assistance Program
CYS	PGT Child and Youth Services
DAA	Delegated Aboriginal Child and Family Services Agency
GTO	PGT Guardianship and Trust Officer
MCFD	Ministry of Children and Family Development
MSD	Ministry of Social Development
PGT	Public Guardian and Trustee of British Columbia
RCY	Representative for Children and Youth

Terms

Age of Majority –19 years of age.

Alternative Care – Methods of providing provincial services other than by taking children and youth into continuing care, e.g., Youth Agreements, Voluntary Care Agreement, Extended Family Agreements.

Continuing Care - In this report, describes the status of children for whom a continuing custody order has been granted.

Continuing Custody Order – A court order granted by a Provincial Court Judge confirms that a child or youth is permanently removed from their family home and the guardianship of their parent(s) or other adult(s). When this happens, MCFD or DAAs become the child’s Guardian of Person and the Public Guardian and Trustee becomes their Guardian of Estate.

CPP Children’s Benefit – A monthly payment by CPP to children of a parent who has died and was a contributor to the CPP.

CPP Disabled Contributor’s Child’s Benefit –A monthly payment by CPP to children of a parent who is unable to work and is receiving a disability pension.

Critical Incident Report - A report, usually from MCFD or a DAA, that advises of a situation where a child may have been harmed or at risk of harm. Also known as “initial reportable circumstances report”.

Extended Family Agreement – An agreement between MCFD or a DAA and a family member or other person that allows individuals to care for a child or youth who is not able to live with their natural parents and the parent has given the child into the care of the other person. MCFD may also provide financial support to that person.

Legal Information Letter – A letter sent by the PGT to a youth about to turn 19 to advise them of any outstanding legal issues that the youth may wish to pursue as an adult and the date on which the applicable limitation period expires.

Guardian of Estate – Role under which an individual or the PGT has a fiduciary duty to protect the legal and financial interests of a minor child or youth.

Trustee – A person or organization with a duty to hold property (money, land, investments) on behalf of another person and to manage it for that person's benefit.

Youth Agreement – A type of agreement under which MCFD agrees to provide financial support directly to a child or youth who cannot live with their family and there is no other family member or person able to care for the youth.

APPENDIX 2. 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 Statistical Classification of Diseases and Related Health Problems*. For more information see the complete classification system at www.who.int/classification/icd/en

- Only the categories for which there were reported incidents during this period appear in this report.
- When multiple types of harm or injury resulted from a single incident, it is recorded as “Other type of injury or harm”.

Cutting/piercing - Injury caused by cutting or piercing instrument or object. Excludes assault with a sharp object and self inflicted injury with a sharp object.

Death - The reported incident was that the child’s death was accidental, homicide, natural death, or suicide.

Dog bite - Injuries resulting from a dog bite.

Drowning/submersion - Accidental drowning or submersion involving watercraft, fall or activity in water resulting in resuscitation/medical attention excluding intent to self harm.

Fall - Falls due to accidental pushing or collision with other person, or diving or jumping into water.

Fire/flames/hot substances - Injuries caused by fire and flames; hot appliances, objects or liquids; steam; acid burns.

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

MVA – child cyclist - Child was riding on a pedal cycle and involved in a collision or non collision injury associated with a motor vehicle.

MVA - child driver - Motor vehicle accident where the child was the operator of the motor vehicle excluding motorized bicycle.

MVA - child passenger - Motor vehicle accident where the child was a passenger in the motor vehicle.

MVA – child pedestrian - Child was a pedestrian injured in any collision or non collision traffic incident involving a motor vehicle.

Non MV 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.

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.

Self inflicted injury - All intentionally self inflicted injuries except those resulting from suicide attempts or suicide.

Sexual assault - Sexual assault or abuse, including rape, sexual interference, sexual touching and invitation to sexual touching, sexual exploitation or similar actions.

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.

Suicide attempts - Suicide attempts where child survived.

B. Alleged Harmers

This category identifies the relationship to the child of the person alleged to have harmed the child (intentionally or by accident). This category does not include agencies that may have a legal responsibility to care for the child (e.g., MCFD or DAA). It was adapted from the extensive *International Classification of External Causes of Injuries*. For more information, see the complete classification at www.rivm.nl/who-fic/ICECI/ICECI_1-2_2004July.pdf

This category of relationships includes:

- Parent(s)
- Other relative(s)
- Foster parent(s)/unrelated caregiver(s) [includes child care provider(s)]
- Another child(ren) in care
- Boyfriend/girlfriend/spouse [includes intimate partner(s)]
- Other friend(s)/acquaintance(s)
- Person(s) in official or legal authority [includes teachers, church ministers, sports coaches, police, guards, etc.]
- Stranger(s)
- Other relationship [includes any other stated relationship not covered above]
- Relationship not known
- Not applicable (no alleged harmer)

Note:

If the child has harmed themselves or there is no other person alleged to have harmed the child, it is recorded as “Not applicable (no alleged harmer)”.

Incidents where there could be more than one alleged harmer in an incident are currently recorded as “Other relationship”.

APPENDIX 3. Data Tables



Table A: Alleged harmer by frequency of incident types, Apr 1, 2007 - Mar 31, 2010

	Physical assault 299	Sexual assault 168	MVA - child passenger 105	Other type of injury or harm 100	Suicide attempt 85	Fall 52	Medical condition 47	Self inflicted injury 42	MVA - child pedestrian 32	Physical and sexual assault 27
Total										
Unrelated caregiver(s)	Physical assault 9	Sexual assault 6	MVA child pedestrian 1							
Stranger(s)	Physical assault 10	Sexual assault 10	Physical and sexual assault 2	Other type of injury or harm 1	MVA child pedestrian 1					
Relationship not known	Physical assault 40	Sexual assault 33	MVA child pedestrian 27	Physical and sexual assault 6	MVA - child passenger 3	Other type of injury or harm 3				
Person(s) in official or legal authority	Physical assault 6	Other type of injury or harm 3	Sexual assault 2							
Parent(s)	Physical assault 18	Sexual assault 12	Physical and sexual assault 3	Other type of injury or harm 2	MVA child pedestrian 1					
Other relative(s)	Physical assault 13	Sexual assault 11	Physical and sexual assault 2							
Other relationship	MVA - child passenger 102	Sexual assault 10	Other type of injury or harm 9	Physical assault 8	MVA child pedestrian 1	Medical condition 1				
Other friend(s)/ acquaintance(s)	Physical assault 73	Sexual assault 48	Physical and sexual assault 10	Other type of injury or harm 4	Fall 1					
Not applicable (no alleged harmer)	Suicide attempt 85	Other type of injury or harm 69	Fall 51	Medical condition 46	Self inflicted injury 42					
Foster parent(s)	Physical assault 75	Sexual assault 23	Other type of injury or harm 8	Physical and sexual assault 1						
Boyfriend/ girlfriend/ spouse	Physical assault 36	Sexual assault 4	Physical and sexual assault 2	Other type of injury or harm 1	MVA child pedestrian 1					
Another child(ren) in care	Physical assault 11	Sexual assault 9	Physical and sexual assault 1							
	1	2	3	4	5	6	7	8	9	10
	Incident type									

NOTE: This table includes only the top categories. Colours are used to indicate the same categories wherever they appear in this table.

Table B: Frequency of categories of alleged harmer by age category of child, Apr 1, 2007 - Mar 31, 2010

		Age of child on date of incident				
		0 - 4 years	5 - 9 years	10 - 14 years	15 - 18 years	Total
Alleged harmer	1	Foster parent(s) 11	Foster parent(s) 34	Foster parent(s) 39	Other friend(s)/ acquaintance(s) 105	Other relationship 138
	2	Other relationship 9	Other relationship 12	Other relationship 35	Relationship not known 91	Other friend(s)/ acquaintance(s) 138
	3	Parent(s) 3	Parent(s) 6	Other friend(s)/ acquaintance(s) 32	Other relationship 82	Relationship not known 120
	4	Relationship not known 1	Other relative(s) 4	Relationship not known 26	Boyfriend/ girlfriend/spouse 43	Foster parent(s) 108
	5	Other relative(s) 1	Relationship not known 2	Another child(ren) in care 12	Foster parent(s) 24	Boyfriend/ girlfriend/spouse 45
	6	Unrelated caregiver(s) 1	Unrelated caregiver(s) 2	Parent(s) 8	Parent(s) 20	Parent(s) 37
	7		Other friend(s)/ acquaintance(s) 1	Other relative(s) 8	Stranger(s) 20	Other relative(s) 26
	8		Another child(ren) in care 1	Stranger(s) 5	Other relative(s) 13	Stranger(s) 25
	9			Unrelated caregiver(s) 5	Person(s) in official or legal authority 11	Another child(ren) in care 22
	10			Boyfriend/ girlfriend/spouse 2	Another child(ren) in care 9	Unrelated caregiver(s) 16
	11			Person(s) in official or legal authority 2	Unrelated caregiver(s) 8	Person(s) in official or legal authority 13

NOTE: This table includes only the top categories. Colours are used to indicate the same categories wherever they appear in this table.

Table C: Critical incident types by gender of child, Apr 1, 2007 - Mar 31, 2010

Incident Type	Gender of child			
	Female		Male	
Cutting/piercing	-	-	4	100%
Death	9	60%	6	40%
Dog bite	7	64%	4	36%
Fall	22	42%	30	58%
Fire, flames, hot substances	1	20%	4	80%
Medical condition	23	49%	24	51%
Motor vehicle accident - child cyclist	-	-	7	100%
Motor vehicle accident - child driver	7	39%	11	61%
Motor vehicle accident - child passenger	62	59%	43	41%
Motor vehicle accident - child pedestrian	16	50%	16	50%
No injury or harm	369	44%	477	56%
Non motor vehicle cycle accident	1	17%	5	83%
Other type of injury or harm	54	54%	46	46%
Physical and sexual assault	25	93%	2	7%
Physical assault	124	41%	175	59%
Self inflicted injury	21	50%	21	50%
Sexual assault	147	88%	21	12%
Struck by an object	3	27%	8	73%
Submersion	1	100%	-	-
Suffocation	-	-	1	100%
Suicide attempt	59	69%	26	31%
Total	951		931	

1. Injuries that are the result of intent to harm are recorded as Physical assault, Sexual assault, Suicide attempt, Physical and sexual assault, Death or Self inflicted injury. Injuries that are accidental or not intentional are recorded in another category.
2. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".
3. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".

Table D: Alleged harmer by gender of child, Apr 1, 2007 - Mar 31, 2010

Alleged harmer	Gender of child			
	Female		Male	
Parent(s)	23	62%	14	38%
Other relative(s)	18	69%	8	31%
Foster parent(s)	53	49%	55	51%
Another child(ren) in care	5	23%	17	77%
Unrelated caregiver(s)	7	44%	9	56%
Boyfriend/girlfriend/spouse	43	96%	2	4%
Other friend(s)/acquaintance(s)	82	59%	56	41%
Other relationship	80	58%	58	42%
Person(s) in official or legal authority	3	23%	10	77%
Relationship not known	70	58%	50	42%
Stranger(s)	16	64%	9	36%
Not applicable (no alleged harmer)	551	46%	643	54%
Total	951		931	

Table E: Frequency of incident type by Aboriginal identity of child, Apr 1, 2007 - Mar 31, 2010

	Aboriginal	Not Aboriginal	Total
1	Physical assault 198	Physical assault 101	Physical assault 299
2	Sexual Assault 99	Sexual Assault 69	Sexual Assault 168
3	Other type of injury or harm 73	Motor vehicle accident - child passenger 56	Motor vehicle accident - child passenger 105
4	Suicide attempt 54	Suicide attempt 31	Other type of injury or harm 100
5	Motor vehicle accident - child passenger 49	Other type of injury or harm 27	Suicide attempt 85
6	Fall 33	Medical condition 20	Fall 52
7	Medical condition 27	Fall 19	Medical condition 47
8	Self inflicted injury 27	Motor vehicle accident - child pedestrian 19	Self inflicted injury 42
9	Physical and sexual assault 16	Self inflicted injury 15	Motor vehicle accident - child pedestrian 32
10	Motor vehicle accident - child pedestrian 13	Physical and sexual assault 11	Physical and sexual assault 27

NOTE: This table includes only the top categories. Colours are used to indicate the same categories wherever they appear in this table.

Table F: Outcome of GTO review by incident type, Apr 1, 2007 - Mar 31, 2010

Incident Type	Outcome of GTO review					Total
	Legal consultation - referral to legal services	Legal consultation - legal information letter	Legal consultaion- no actionable matter	No legal consultation - no actionable matter	GTO outcome pending ³	
No injury or harm	-	-	49	794	3	846
Physical assault	58	49	138	46	8	299
Sexual assault	72	31	43	12	10	168
Motor vehicle accident - child passenger	75	10	14	4	2	105
Other type of injury or harm	10	2	21	64	3	100
Suicide attempt	-	-	5	77	3	85
Fall	9	2	22	18	1	52
Medical condition	2	-	4	41	-	47
Self inflicted injury	-	-	2	39	1	42
Motor vehicle accident - child pedestrian	20	4	5	3	-	32
Physical and sexual assault	9	6	7	5	-	27
Motor vehicle accident - child driver	7	1	9	1	-	18
Struck by an object	1	1	5	4	-	11
Dog bite	7	1	2	1	-	11
Motor vehicle accident - child cyclist	7	-	-	-	-	7
Death - accidental	-	-	3	11	1	15
Non motor vehicle cycle accident	-	-	4	2	-	6
Fire, flames, hot substances	2	-	1	2	-	5
Cutting/piercing	1	-	3	-	-	4
Suffocation	-	-	1	-	-	1
Submersion	-	-	-	1	-	1
Total	280	107	338	1125	32	1882

1. Injuries that are the result of intent to harm are recorded as Physical assault, Sexual assault, Suicide attempt, Physical and sexual assault, Death or Self inflicted injury. Injuries that are accidental or not intentional are recorded in another category.
2. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".
3. As of Sept, 2010.
4. When multiple types of harm or injury resulted from a single incident, it is recorded as "Other type of injury or harm".

Important note: Readers should exercise caution in further interpretation of the data in this report. It is drawn from CIRs as submitted to the PGT and has been categorized by the PGT as described in Appendix 2. No conclusions regarding the allegations contained in these CIRs should be drawn from their inclusion herein.

The PGT respects and carefully protects client confidentiality. Case studies presented in this report are representations of types of situations encountered by PGT staff. Photographs are representative of children and youth of various ages and are not photographs of actual children served by the PGT as Guardian of Estate.

Additional copies of the *Child and Youth Guardianship Services 2009/2010 Report* may be downloaded from the PGT website (www.trustee.bc.ca).

**For additional information regarding the
PGT please contact us:**

Public Guardian and Trustee
700 – 808 West Hastings Street
Vancouver, BC V6C 3L3

Tel: 604.660.4444
Fax: 604.660.0374

Email: info@trustee.bc.ca

Toll free calling is available through Service BC.
After dialing the appropriate number for your
area (below), request to be transferred to the
Public Guardian and Trustee.

Vancouver: 604.660.2421
Victoria: 250.387.6121
Other areas of BC: 800.663.7867

www.trustee.bc.ca



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