

Child and Youth Guardianship Services

2022–2023 Report



We acknowledge the territories of First Nations around British Columbia and we are grateful to carry out our work on these lands. We acknowledge the rights, interests, priorities and concerns of all Indigenous Peoples – First Nations, Métis, and Inuit – respecting and acknowledging their cultures, histories, rights, laws and governments.

Territorial acknowledgement

We also recognize the painful legacy of colonialism and the tragedy of the residential school system, including the discoveries of unmarked graves. We honour the survivors and the memories of the children who never came home. We further acknowledge the ongoing negative impacts of the current child and family services system in British Columbia for Indigenous children. We commit to meaningful reconciliation, including working with Indigenous Peoples on improving outcomes for the children and youth we serve.



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Values in action

Seven major values underpin the work of the Public Guardian and Trustee (PGT) and are reflected in all aspects of PGT performance:



Provide client-focused service

We put clients first when we make decisions.



Show accountability and integrity

We act under the highest ethical, legal and personal standards.



Be collaborative

We value collaboration with clients, colleagues and partners and believe in the importance of relationships in achieving positive outcomes for clients.



Pursue innovation

We seek to learn, pursue innovative practices and strive for continuous improvement.



Demonstrate openness

We describe our work, processes, timelines and decisions to the best of our ability. We seek input and welcome feedback.



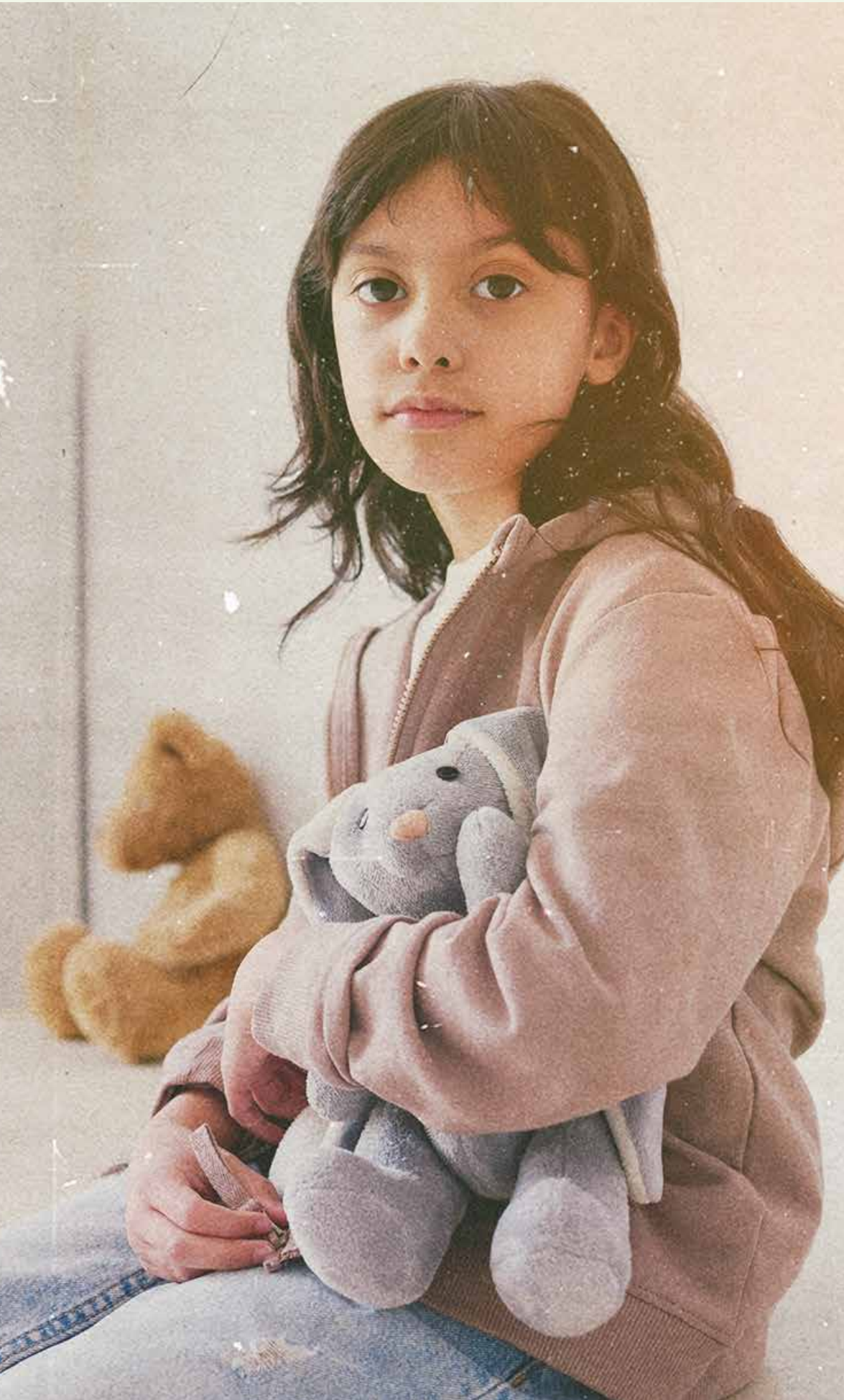
Be a people-focused workplace

We honour the experience and expertise of our employees. We support employee growth and development and believe a positive workplace contributes to improved relationships and services.



Respect people

We recognize our inherent diversity and strive to ensure respect is reflected in our relationships and services.



Child and family services in B.C.

The delivery of child protection and guardianship services in B.C. involves the following public agencies, government bodies and courts. While all share the common goal of supporting children at risk, each has a unique role.

Public Guardian and Trustee (PGT)

As property guardian, the PGT protects the legal and financial interests of children and youth in continuing care and is co-guardian of these children with the Ministry of Children and Family Development, Indigenous Child and Family Service Agencies, and Indigenous Governing Bodies.

Indigenous Governing Body (IGB)

A council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the Constitution Act, 1982.

Ministry of Children and Family Development (MCFD)

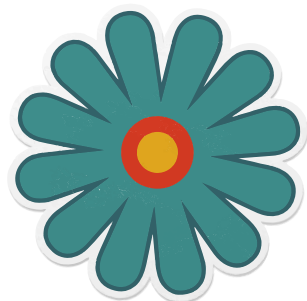
As personal guardian, MCFD takes children and youth at risk into care and ensures that their day to day needs are met. MCFD is co-guardian with the PGT for children and youth in continuing care.

Indigenous Child and Family Service Agencies (ICFSAs)

With statutory delegated authority for child protective services for Indigenous children and youth at risk, as well as non-statutory voluntary services, some ICFSAs have personal guardian responsibilities and are co-guardian with the PGT for children and youth in continuing care. ICFSAs are also known as Delegated Aboriginal Child and Family Service Agencies (DAAs).

The Courts of British Columbia

With respect to matters of property guardianship, the Provincial Court and Supreme Court may hear matters relating to custody, property interests and claims for damages for personal injury. The Provincial Court grants child protection orders, including continuing custody orders and may order transfer of guardianship. The Court of Appeal is the highest court in British Columbia.



Select Standing Committee on Children and Youth

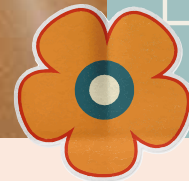
This all-party committee is established by the B.C. Legislature to provide legislative oversight on provincial services for children and youth.

Representative for Children and Youth (RCY)

The RCY is responsible for supporting children, youth, young adults and their families in dealing with the child and youth serving system, for advocating for improvements to the system and for providing oversight of public bodies that deliver services and programs to children and youth.

Children's Forum

The Children's Forum is an information sharing forum for B.C. senior officials with an interest in child protection and related services and includes the PGT, MCFD, RCY, Chief Coroner, Provincial Health Officer, Ombudsperson and Human Rights Commissioner.



The PGT's Child and Youth Services (CYS) division has 46 staff positions providing the following services:

Acts as property guardian for children and youth in continuing care of the Province, those undergoing adoption, those without a legal guardian and, in some cases, children in temporary care **(4,514 clients)**

As trustee, invests and manages funds from a number of different sources for children and youth until age 19 and offers post-majority trust services **(9,056 clients)**

Protects the legal interests of children and youth by reviewing all proposed settlements of claims brought on their behalf **(3,045 clients)**

May act as litigation guardian in order to advance a legal claim on behalf of a child or youth **(113 clients)**

Message from the Public Guardian and Trustee



It is an honour to present this year's annual Guardianship Services Report. In light of this being our 15th report, we are taking the opportunity to reflect and offer a retrospective look at property guardianship services.

Fifteen years ago, the PGT was at a crossroads. The 2006 Hughes Report had raised the profile of issues within the child protection system and advocated for systemic transformation. The PGT, like others across our province, began considering what more could be done to support young people in care. This Guardianship Report tells the story of how the PGT's property guardianship role has evolved since that time and discusses the areas where further change is still needed.

Some of the challenges identified in previous guardianship service reports became opportunities that led to improved services for children and youth in care. Other challenges that we have documented over the years still remain. The PGT will continue advocating to remove these barriers and supporting children and youth in this province.

In 2024, we stand on the cusp of transformational change in child protection as jurisdiction for child and family services is returned to Indigenous Peoples. The PGT will have a unique opportunity to provide property guardianship services in new ways that will contribute to improved outcomes for the families and communities that have been heavily impacted by the harms of colonialism. The prospect of meaningfully collaborating and partnering with Indigenous Peoples within B.C. is a tremendous honour.

I would like to take this opportunity to thank current and former PGT staff who have supported children and youth. As we look back at the last 15 years, I see much progress. I also recognize that children and youth in care in British Columbia deserve more and better and the PGT is committed to deliver.

Dana Kingsbury, Public Guardian and Trustee

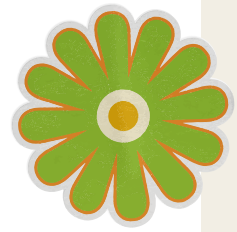
What is the PGT?

The PGT is a corporation sole established with a unique statutory role to **protect the interests of British Columbians** who lack legal capacity to protect their own interests.

The PGT is mandated to **protect the legal and financial interests** of children under the age of 19 years, **protect the legal, financial, personal and health care interests** of adults who require assistance in decision making and **administer the estates** of deceased and missing persons.

The PGT provided services with **294 full-time equivalent employee positions**, served approximately **27,300 clients** in 2022–2023 and administered over **\$1.4 billion of client trust assets** as of March 31, 2023.

Introduction



After the death of two Indigenous children in the care of the Province in 2005, the Province commissioned the Honourable Ted Hughes to conduct an independent review of the child protection system. That review led to several recommendations aimed at enhancing the system's accountability, transparency and responsiveness to the needs of vulnerable children under provincial care.

As a result of the recommendations issued in the 2006 Hughes Report, the PGT received funding from the Province to offset the increased workload expected from improved information sharing between the PGT and MCFD. Also, in alignment with recommendations for increased accountability and transparency, the PGT committed to producing an annual public report describing its property guardianship role.

The Guardianship Services Report, first published in 2009, includes information relating to incidents of harm or risk involving children and youth in continuing care of the Province, documents challenges affecting the services provided by the PGT and makes recommendations to improve outcomes for children and youth in care.

It has been 15 years since the first report. As we reflect on the current state of child protection services in B.C., some parallels with the system in 2009 are unfortunately all too noticeable. The majority of children in the child protection system continue to be Indigenous. The PGT continues to receive an increasing number of reports of harm involving children in continuing care over the years. Children and youth in and from care continue to die.

Against this backdrop, change is happening. In 2019, the federal government passed Bill

C-92: An Act respecting First Nations, Inuit and Métis children, youth and families. The Province passed complementary legislation, Bill 38, the Indigenous Self-Government in Child and Family Services Amendment Act. These Acts enable First Nations and Indigenous communities to reclaim jurisdiction over child and family services. The PGT is excited to work with new partners and to contribute to the creation of a new model of child protection that supports better outcomes for children and youth at risk.

The role of guardians in B.C.

MCFD and ICFSAs are personal guardians responsible for day-to-day decisions for care and supervision of children and youth in government care.

The PGT is property guardian responsible for the legal and financial interests of children and youth in government care.

Usually, these two roles are carried out by a child's guardians. However, when a child comes into the care of the Province, the functions of personal guardianship and property guardianship are separated due to the inherent potential for conflict of interest between the two roles.

Changes in property guardianship services

PGT services to children and youth have evolved significantly over the last 15 years. The changes documented below highlight the shift in focus from a narrowly defined property guardian role to a broader, child-centred approach where children and youth are at the core of the work we do. Over the years, we have expanded our services to better support these vulnerable individuals.

Relationship with clients

In 2009, the PGT's service model did not include direct contact between staff and the children and youth they served. As a young person in care approached the age of 19, the PGT Guardianship and Trust Officer (GTO) would work with the client's social worker to transition funds to the young adult. Children and youth were not directly involved in the planning process and the only contact they had with the PGT was a series of formal letters followed by a cheque or a transfer of funds to their bank account after they turned 19.

Today, GTOs take a collaborative and youth-focused approach to transition planning. Working directly with the young person as early as age 14, GTOs have an opportunity to provide financial planning advice and other guidance while considering each person's unique circumstances.

The PGT recognizes that by building positive relationships with clients, GTOs have an opportunity to provide independent and future focused financial information, crucial to youth as they navigate this important phase of their lives. The PGT continues to refine our transition planning processes to more effectively coordinate with our external partners and involve youth more directly, where appropriate.

Financial wellness

In addition to developing a more collaborative approach to working with individual children and youth, the PGT's child and youth services team began partnering with other organizations to deliver financial wellness services in the community and to develop financial wellness materials that could be used by the PGT and other service partners.

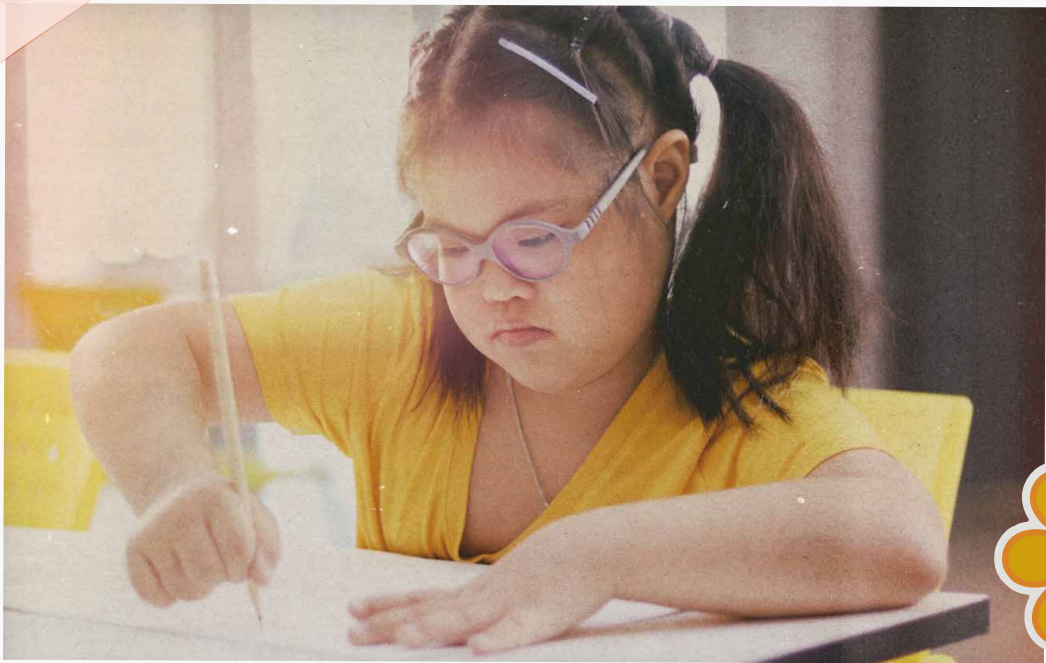
Starting with the 2006 publication of Dollars and Sense, a money management resource for youth developed in partnership with young people, the Family Services of Greater Vancouver and other partners, the PGT has supported the evolution of financial wellness materials over the last 15 years. Subsequent collaborations with Indigenous service partners, government agencies and financial institutions has highlighted the continued demand for youth focused financial wellness resources.

In 2009, the PGT began to offer services at the Broadway Youth Resource Centre, a youth centred agency that supports youth with a variety of needs. Later in 2012, certain PGT staff were trained to provide youth financial wellness training. Since then, this service has continued as the PGT partners with many government and not-for-profit partners to deliver financial wellness learning directly to young people.

Supporting financial wellness learning for youth in care and young adults is a priority for the PGT, particularly as youth in continuing care may have no one to call on for financial advice after they turn 19. The sessions connect us with youth in care and are centred around the lived experiences of children in continuing care. By partnering with other service delivery groups already connected with youth in care, the PGT is able

to reach more of this audience. In 2022-2023, the PGT delivered **38 workshops** to **284 children and youth**.

Due to resourcing constraints, the PGT's in-person financial wellness sessions are currently only delivered in the Lower Mainland. Adapting to the COVID-19 pandemic, the PGT adjusted workshops so they can also be delivered virtually.



What is financial wellness learning and how does the PGT support it?

Some young people in care may not have the benefit of guidance and mentorship from a trusted adult around financial matters.

Financial management is a critical life skill and the PGT strives to reach as many youth in care as possible through our financial wellness workshops and education materials that support financial empowerment and learning.

Financial services for property guardian clients

The PGT pursues financial benefits and entitlements for property guardian clients including:

Canada Pension Plan Children's Benefits

Estate proceeds

Family Compensation Act proceeds

Personal injury and insurance proceeds

Indigenous benefits

Crime Victims Assistance Program benefits

Endowment 150 gifts

Registered Disability Savings Plans

RDSPs

Registered Disability Savings Plans (RDSPs) were introduced by the federal government in 2008. The PGT has been opening RDSPs and collecting the associated bonds and grants, along with other available endowments, for eligible guardianship clients since 2009. The PGT holds the RDSPs until the client is 19 years old, at which time the RDSP is transferred to the client or supported by a trusted adult with the authority to assist them.

As of 2023, the PGT manages more than 800 RDSPs for children and youth with an approximate value of \$12M.

Previous Guardianship Reports have highlighted some of the ongoing difficulties the PGT faces in managing RDSPs. One of the biggest barriers to opening these accounts is that the PGT is reliant on the client's guardian of person (MCFD or delegated Indigenous Child and Family Services Agency (ICFSAs))

to apply for the disability tax credit and notify the PGT of the client's disability status. Without this information, the PGT cannot open an RDSP for the client.

In 2016, the PGT reported that children served by MCFD were more likely to have RDSPs than children served by an ICFSA. The PGT participated in a cross-ministry working group, established in 2017, that aimed to tackle this issue by developing resources about RDSPs for MCFD and ICFSA staff. The PGT continues to work with MCFD and ICFSA staff in ensuring RDSPs are pursued where appropriate.

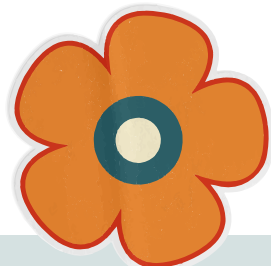
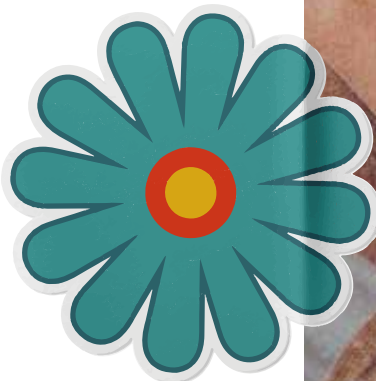
The PGT also encounters difficulties in supporting or transferring RDSPs to clients as they approach the age of majority. Many clients are not provided sufficient supports prior to reaching adulthood to navigate federal eligibility requirements. The PGT actively works with MCFD on behalf of impacted children and youth to ensure MCFD is aware of who needs this additional support from their personal guardian. At age 19, some clients are focused on other priorities as they leave provincial care and do not take over their RDSPs as they transition to adulthood. It is in the best interests of these young adults to either take over their own RDSP if they are capable or have their RDSPs managed by a trusted adult in their life. This lets them continue to contribute to these accounts and benefit from the federal grants available.

Unfortunately, the number of RDSPs maintained by the PGT for youth who have since turned 19 now represents at least one third of the total RDSPs managed. This is problematic as the PGT property guardian authority ends at age 19, leaving the PGT with only a trustee authority to manage the existing RDSP assets after age 19. The trustee authority is focused on the duty to transfer the existing RDSP assets to the youth and thereby conclude the trust.

The PGT's trusteeship authority is limited to maintaining and managing the existing RDSPs after age 19. Without the property guardianship authority the PGT has no legal basis to pursue any further entitlements for the young adult. Arranging for these accounts to be transferred to the young adult, a caregiver or family member is a priority, but a priority that is often sidelined by other more time-sensitive work.

In the 2009-10 report, the PGT noted that the new workload associated with RDSPs introduced administrative pressures and unfunded related costs to the PGT. While we have undertaken a number of projects to streamline this work, it continues to be time-consuming. Our experience working with RDSPs over the last 15 years demonstrates that tasks requiring significant administrative effort are particularly prone to error, especially when budget constraints do not allow for dedicated resources.

In 2022, the PGT in B.C. and other PGTs across Canada successfully advocated for an extension to a temporary federal government measure that expanded the definition of family members qualified to maintain RDSPs for young adults whose contractual competency was in doubt. The PGT is hopeful that this new measure will provide more opportunity to transfer RDSPs to appropriate holders for clients at age 19.



Crime Victims Assistance Program

The Crime Victims Assistance Program (CVAP) provides a range of benefits to victims of crime, including counselling sessions. For children in care, the primary responsibility to make applications for benefits rests with the personal guardian (MCFD or ICFSAs) as they have the best information relating to the incident(s) and the child.

In 2021, the PGT learned that MCFD was not consistently applying for CVAP benefits on behalf of children and youth in care. As these potential benefits could have a significant positive impact on the child or youth after they reach age 19, when they are no longer supported by a personal guardian, the PGT began applying for the benefits. This is only possible when the PGT is notified of an incident for which we can reasonably collect the necessary information and when no other party has completed the application.

Since taking on this work in 2021, the PGT has made over **300 CVAP applications** on behalf of children and youth in care.

While the primary responsibility for these applications continues to rest with the personal guardian (MCFD or ICFSAs), the PGT will continue to make these applications where necessary in order to ensure children and youth do not miss out on benefits.

Class actions

With an increasing number of class action lawsuits across Canada, pursuing class actions has become more of a focus. The PGT has implemented new structures and processes to monitor and investigate eligibility for settlement payments from class actions

and also initiates class action claims where appropriate. Over the past 15 years, the PGT ensured that children and youth who were eligible received the benefits of class action settlements such as the Hepatitis C class action (2010), the National Inquiry into Missing Women Commission of Inquiry (2014) and the First Nations Drinking Water class action (2023). The PGT also led a class action that involved the deliberate harm caused by an employee hired by MCFD. This class action was settled and approved by the Supreme Court of British Columbia in October 2020.

Post Majority Trust Services

An area of significant focus for the PGT from 2010 to 2018 was pursuing options that allowed the PGT to continue providing service to youth after they reached the age of 19. In 2015, the PGT advocated for an amendment to the Infants Act and the Public Guardian and Trustee Act that would allow the PGT to act as trustee for former property guardian clients with their consent. There was broad support for this change across the public, government and service providers due to the shared understanding that youth require support as they transition into adulthood. Youth leaving care do not always have the same support systems in place as their peers who are not in care and the PGT saw an opportunity to provide this support. The legislative amendments came into force in late 2018 and the PGT can now continue to act as trustee for consenting young adults with capacity, up to the age of 27.

The number of clients who have chosen to retain the PGT's services under the post majority trust service is low: **40 clients** as of March 31, 2023. Most property guardian clients have no assets in trust with the PGT at the age of majority. For those who do have

assets in trust and elect to take advantage of this service, the average value of the funds in trust is approximately **\$18,000** and many young adults feel capable of managing their funds without any assistance.

The PGT has identified a number of potential barriers that discourage young adults from choosing this model, including the fact that the PGT's current fee structure means the young adult has to pay fees on existing funds and any new monies they might like the PGT to assist in managing. The PGT is committed to reviewing this fee structure with the Province with the goal of making this service more accessible in the future.

Approximately one third of clients who have opted in to post majority services are individuals who received a settlement from the MCFD class action in 2020. The PGT expects to see more youth choose this

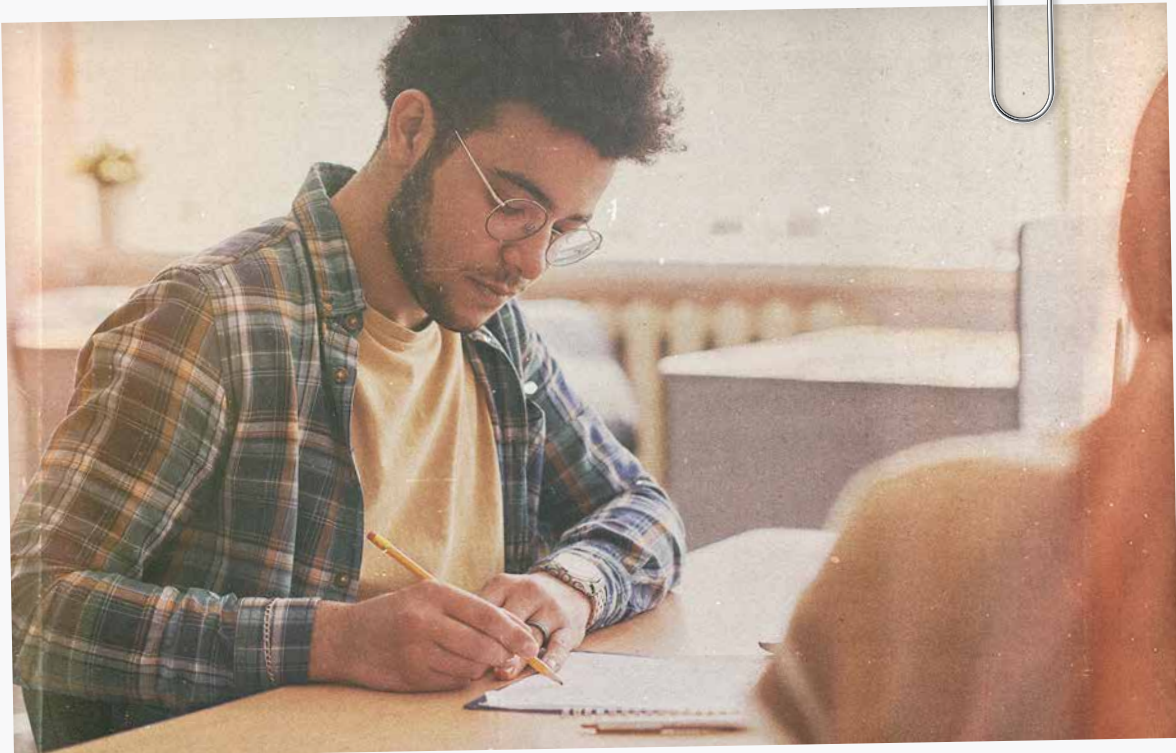
option in the future as class actions, from which clients are eligible to receive funds, are actioned and settled.

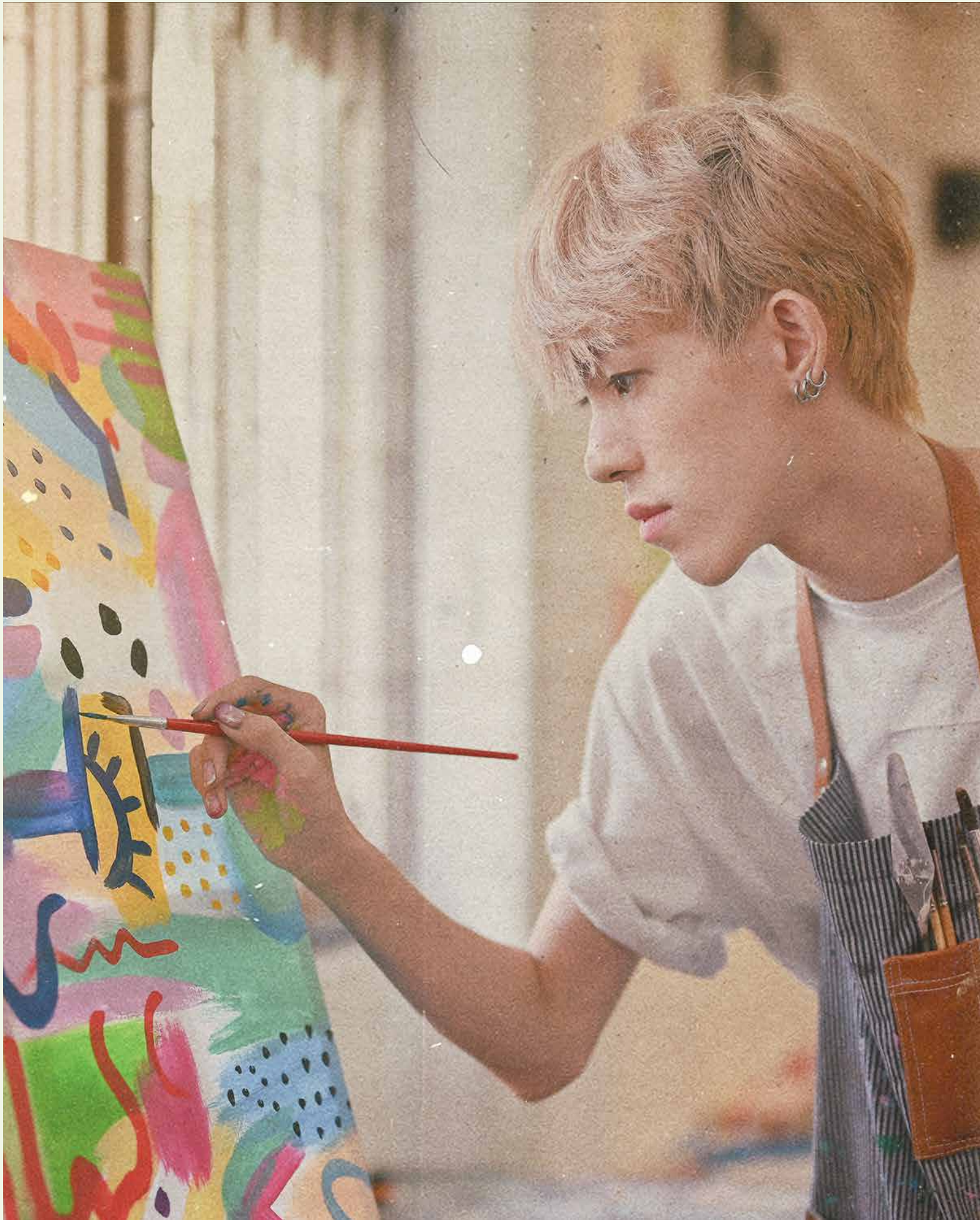
How does the PGT support children transitioning out of care?

The PGT aims to provide all youth transitioning out of care with information on financial wellness, relevant resources and other services available after age 19.

If a young person has assets or an active legal matter managed by the PGT, the PGT will support transition planning with the young person and their support network.

The PGT offers post majority trust services, which allows the PGT, with the young person's consent, to continue acting as trustee up to the age of 27.





Outstanding challenges

There are a number of issues that the PGT has been highlighting since 2009 where little or no progress has been made or where the issue has been sidelined by more urgent priorities.

Alternative care arrangements

The PGT has long been aware of a growing cohort of children in care who are not eligible for the PGT's services. This issue was outlined in our 2008-09 report. The PGT continued to report on this and in 2010 we made a proposal to amend the Family Relations Act to better protect children under alternative care arrangements. In 2011, we reported that our proposal was unsuccessful. The PGT continued to advocate for this change for a number of years, working with RCY, MCFD and the Ministry of Attorney General but no consensus was reached.

This issue continues to be a cause for concern to the PGT and we believe that legislative reform is required to ensure that all children in care, including those under alternate care arrangements, have their legal and financial interests protected by the PGT as property guardian.

Defining public guardian responsibilities

Legislative reform in 2013 to the Family Law Act clarified parental roles and duties and provided meaningful guidance to private guardians of children. However, the nature and scope of public guardianship duties for MCFD, ICFSAs and the PGT remains unclear. The existing statutory framework for public guardianship is based on historical law. An updated definition is needed to provide helpful direction regarding the nature and scope of public guardianship duties. In 2016, the PGT led consultations with MCFD and Ministry of Attorney General staff to create clarity in this area. However, these efforts did not result in amendments to support change.

The PGT believes that the current gaps in legislation should be addressed and a modern statutory definition of public guardianship should be created. However, our legislative reform efforts are currently focused on supporting Bill 38 and the return of jurisdiction of child and family services to First Nations and Indigenous communities. Furthermore, as we implement Bill 38 we may arrive at an improved definition of public guardianship through our agreements with Indigenous peoples and communities.

Information sharing

The need for improved collaboration and coordination amongst service partners was a major theme in the Hughes report. Over the past 15 years, the PGT has continuously worked to improve communication processes and information gaps with its co-guardians, MCFD and delegated Indigenous Child and Family Service Agencies (ICFSAs).

How does the PGT obtain information to fulfill its role as property guardian?

MCFD provides information that is crucial to the PGT fulfilling its role as property guardian. For example, as personal guardian, MCFD will know the status of a young person's biological parents. If a parent is deceased, MCFD will often notify the PGT, leading to the PGT pursuing benefits such as CPP entitlements.

Information is shared between MCFD and the PGT through front-line worker communications, automated processes including monthly reporting, and formal requests for client records.

Receiving information from MCFD

As co-guardians with separate roles, the PGT, MCFD and ICFSAs have different information about the children jointly served. MCFD and ICFSAs have day-to-day care, custody and knowledge of the children and youth in care. As such, they are in the unique position of knowing the information that could be relevant to the PGT's role of pursuing financial benefits or legal claims on behalf of those children and youth.

The PGT is reliant on MCFD to provide the basic information that the PGT needs to determine if a child is eligible for benefits.

MCFD is also required to inform the PGT about any incidents involving the child that may give rise to legal action.

The PGT and MCFD have worked together since 2008 to create protocols to facilitate improved data sharing and communication. A protocol agreement outlines clear accountabilities and responsibilities including MCFD's responsibility to send the PGT a monthly report listing all children and youth for whom the PGT has authority. This monthly report of children in care from MCFD greatly assists the PGT's ability to ensure that eligible children in care receive the property guardianship services to which they are entitled.

The PGT and MCFD have also collaborated to improve the process relating to reports of harm (referred to by the PGT as Critical Incident Reports, or CIRs). MCFD and ICFSAs are responsible for reporting these incidents to the PGT, and the volume of reports increased from **641** in 2008-09 to **1,741** in 2022-23.

Why does the PGT review critical incident reports?

The PGT receives reports from MCFD and ICFSAs to determine if there is any legal claim or financial benefit to pursue with respect to an incident involving a child or youth.

The increase in reports received by the PGT is due primarily to improvements in training and reporting processes supported by both the PGT and MCFD. After receiving a CIR, the PGT assesses the information for possible legal claims on behalf of a child or youth. Many times additional information such as social worker notes or other records are requested from MCFD on a case-by-case basis.

The review of CIRs is the primary source from which the PGT will pursue legal claims on behalf of children and youth. Since 2008-09, there has been an average of **220 legal files** opened and **209 legal files** closed by the PGT each year.

Work in this area is less collaborative than work done regarding financial benefits, as there is very little direct communication with clients about their legal files. This may be appropriate in some cases; for example, where the client is a young child. However, the PGT recognizes that a more open, communicative approach would be more appropriate for clients in their teen years and especially for those who are nearing the age of 19.

MCFD struggles to respond to PGT information requests in a timely or consistent manner, including those that are related to the PGT pursuing legal claims. As of December 2023, there is an all time high of over **170 record requests** outstanding, five of which are over five years old. On average, the PGT submits **60 requests** a year.

Over the last 5 years, the PGT only received responses to approximately **30 requests** per year.

The PGT regularly discusses the delays and inconsistent responses with MCFD and highlights the concerns and implications. If MCFD does not provide records in sufficient time for assessment and action before a youth's 19th birthday, the PGT no longer has authority to pursue the claim. In these situations, the youth (or their new guardian) is left to decide if they want to pursue the legal matter on their own after age 19. Few of these now young adults, particularly those who have experienced trauma during their years in the child and family services system, have the support, resources or time to pursue a legal claim as they focus on the realities of their post-care lives. The result is many claims that could have produced compensation for injury are abandoned.

The PGT has noted in the past that in cases where MCFD is a potential defendant in a civil claim brought on behalf of a child or youth in care, MCFD's failure to produce critical records can be seen as a potential conflict of interest. By not producing records, MCFD may be perceived to be shielding itself from liability.

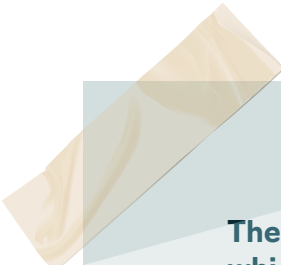


Other barriers relating to information sharing


The PGT encounters other barriers related to information sharing that negatively impact property guardian services for children and youth in care.

The 2021 Ombudsperson's report titled 'Alone: The Prolonged and Repeated Isolation of Youth in Custody' described disturbing instances related to the use of isolation at youth custody centres in B.C. Included in the recommendations is a specific requirement that MCFD notify the PGT about incidents involving separate confinement of youth who are in the continuing care of MCFD.

If the PGT is provided with this information, then we would review reports to determine if the affected youth had any grounds for a legal claim. MCFD has advised the PGT that due to privacy considerations within the Youth Criminal Justice Act, youth custody centre staff will provide rights advice to young people detained in separate confinement and the onus will be on the young person to inform the PGT of these situations. This is an untenable responsibility for a youth and prevents the PGT from providing legislatively mandated property guardian services. The PGT is currently reviewing MCFD's interpretation of the privacy restriction and continues to seek solutions for these most vulnerable youth.

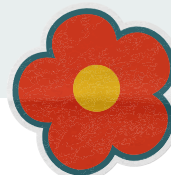
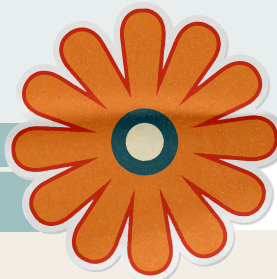


The PGT would like to highlight 2 specific issues related to the CFCSA which impact the PGT's ability to receive information critical to the property guardian role. These issues have been identified as requiring legislative review and reform:



1. MCFD recognizes the PGT as property guardian when the PGT has been appointed to act as such under CFCSA. The PGT can also become property guardian through section 51 of the Infants Act. When this happens, MCFD will only share child specific information with the PGT if MCFD is also acting as personal guardian under section 51 of the Infants Act, which it by policy never does.

2. Under CFCSA, the PGT and partner agencies do not have authority to share information with each other about children and youth in care. Partner agencies (e.g. Community Living BC) do not have authority to share information collected under CFCSA with the PGT. This means the PGT cannot fully participate in cross-sector collaboration when serving children and youth in care. The PGT is currently aiming to enter into information sharing agreements with MCFD and impacted service partners to address these concerns, though the situation would be better resolved by legislative reform that modernized the PGT's authority to receive and share the information necessary to meet its current mandate.





Transformational change underway

Partnerships with First Nations and Indigenous Peoples

Since the very first contact between settlers and Indigenous Peoples, colonial child and family service practices have had intense and destructive impacts on the well-being of Indigenous children, families and communities. These practices have directly led to the over-representation of Indigenous children in the child protection system. Though the overall number of children in all types of care arrangements has declined significantly, the number of those children that are Indigenous has not decreased and the proportion that are Indigenous has significantly increased.

The world within which the PGT operates has changed dramatically over the last fifteen years. The Truth and Reconciliation Commission of Canada of 2008, the publication of the 94 Calls to Action in 2015, the BC Declaration on the Rights of Indigenous Peoples Act in 2019 and the first major discovery of unmarked Residential School graves in Kamloops in 2021 have all served to bring the historic and ongoing injustices against Indigenous peoples and children to the fore.

The first PGT Guardianship Services Report in 2009 identified a need to develop cultural competency in order to build collaborative, trusting relationships with Delegated Aboriginal Agencies (now referred to as Indigenous Child and Family Services Agencies, or ICFSAs). These ICFSAs were created as an interim measure towards the ultimate goal of returning child and family service responsibilities, usually provided by MCFD, to Indigenous communities. While MCFD policy has historically prevented the PGT from developing direct protocol agreements with ICFSAs, the PGT has established many effective working relationships with ICFSA staff over the years.

In 2018, as part of the PGT's ongoing effort to provide culturally safe and sensitive services to Indigenous clients, staff began to participate in Indigenous cultural safety training. In 2020, the PGT published its Seeking Truth, Pursuing Reconciliation strategy, a document that will soon be succeeded by a Truth and Reconciliation Framework to guide the PGT in this vital work moving forward. PGT staff have benefitted from access to more courses and resources relating to cultural safety and inclusion and take opportunities to embed their knowledge in their work. The PGT also continues to explore new ways for all staff to engage with the lived experiences of Indigenous Peoples across the province.

Bill 38, the Indigenous Self-Government in Child and Family Services Amendment Act

As previously described, delegated ICFSAs were initially introduced as an interim development before the ultimate goal of returning jurisdiction for Indigenous child and family services to First Nations and Indigenous communities. Over the last five years, there have been substantial steps towards that goal with the passing in 2019 of the federal government's Bill C-92: An Act respecting First Nations, Inuit and Métis children, youth and families and the B.C. government's Bill 38, Indigenous Self-Government in Child and Family Services Amendment Act in 2022.

The PGT participated in consultations with First Nations in the development and implementation of Bill 38 as it relates to property guardianship services. The PGT is actively creating new relationships with First Nations who can choose to act as both personal and property guardian for the children and youth in their care or they can choose to retain the PGT's services as property guardian. The PGT is actively working to create service models that will best serve youth, based on the unique histories, cultures and circumstances of their Indigenous communities.

The PGT views this work as an opportunity to transform child and family services and to support meaningful change that is aligned with the direct feedback and input received from First Nations - a property guardianship service that is culturally aware and is based on direct relationships centred on the child or youth.

New agreements between Indigenous Governing Bodies (IGBs) and the PGT represent an opportunity to fill some of the gaps that currently exist for Indigenous children in care, especially those under alternative care arrangements. IGBs are developing service models in alignment with their own Indigenous laws and customs and within that framework some will choose to appoint the PGT as property guardian for any child they serve as guardian. The PGT is optimistic that together with IGBs, we can ensure that these children and youth receive all of the financial benefits they are entitled to, and that potential legal claims are investigated and pursued where appropriate.

To fulfil this legislative change in property guardianship services and to best serve Indigenous children, the PGT must broaden its service delivery methods to include more cultural knowledge, more individual interactions with IGBs and obtain a better understanding of each First Nation's legal and family systems. Additional resources are needed to effectively deliver this mandate and the PGT continues to work with the Province to ensure adequate funding is provided so that children are well served both during this important transition and into the future.

Want to learn more?

If you would like to learn more about our work to implement Bill 38 and the PGT's property guardianship services to First Nations and Indigenous communities, we encourage you to connect with us.

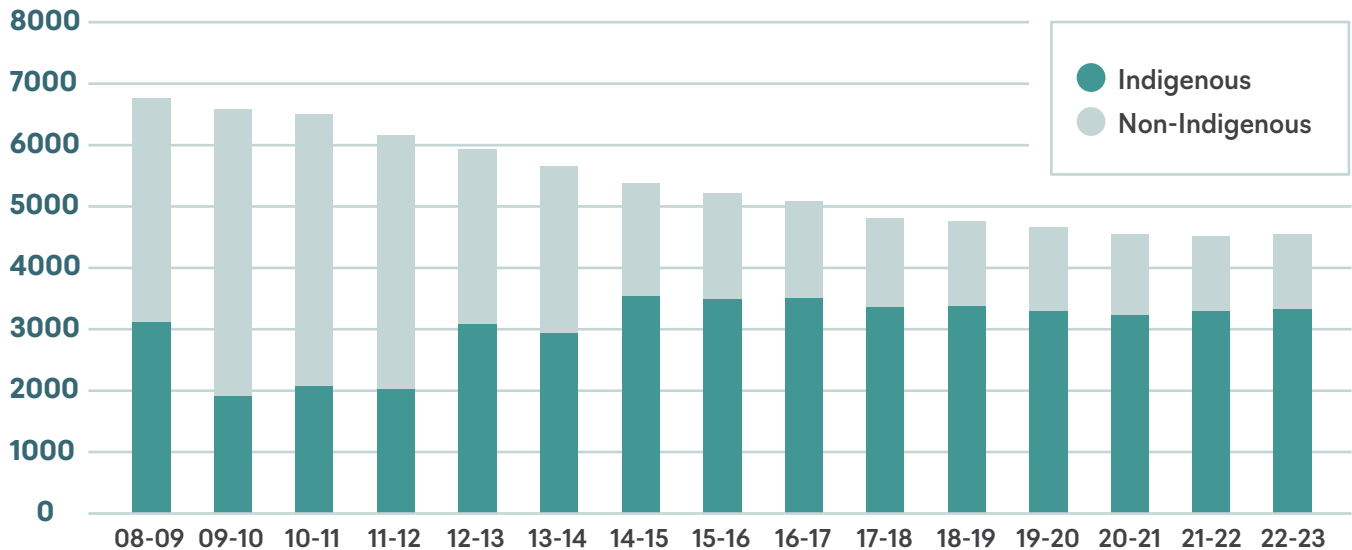
Visit our [website](#) or contact our Child and Youth Services division at cys@trustee.bc.ca.

Data insights

2008-09 to 2022-23

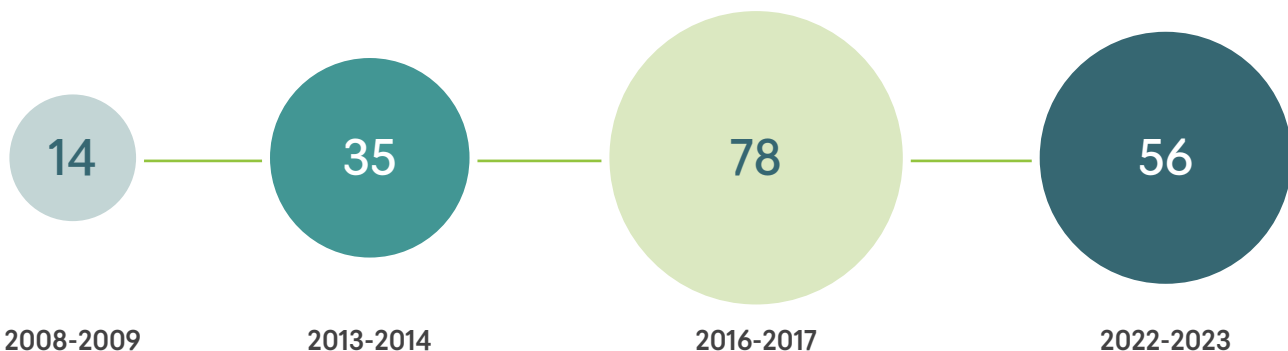
Data reported as of March 31, 2023 and on historical Guardianship Services Reports. Fiscal years begin on April 1 and end on March 31. Years have been shortened in some graphs (i.e. 2008-2009 is shown as 08-09).

Property guardian clients served



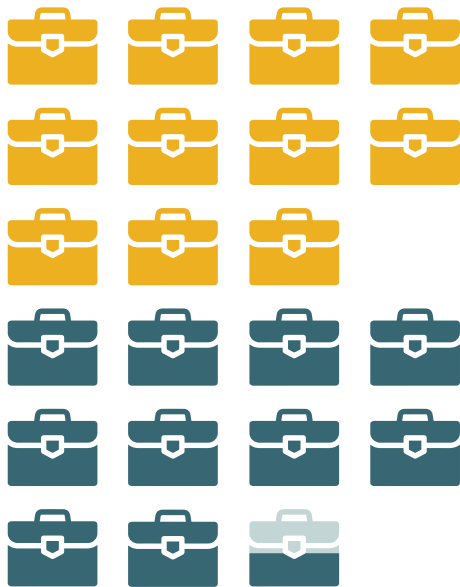
706 presentations, workshops and other outreach events on financial wellness

Figure shows the sum of workshops to children and youth and presentations to guardians and other audiences that took place each fiscal year. The most events occurred in 2016-2017, with a subsequent drop due to COVID-19. As of last year, the number of events is increasing again.



15 year legal file annual averages

- 220 Opened
- 209 Closed

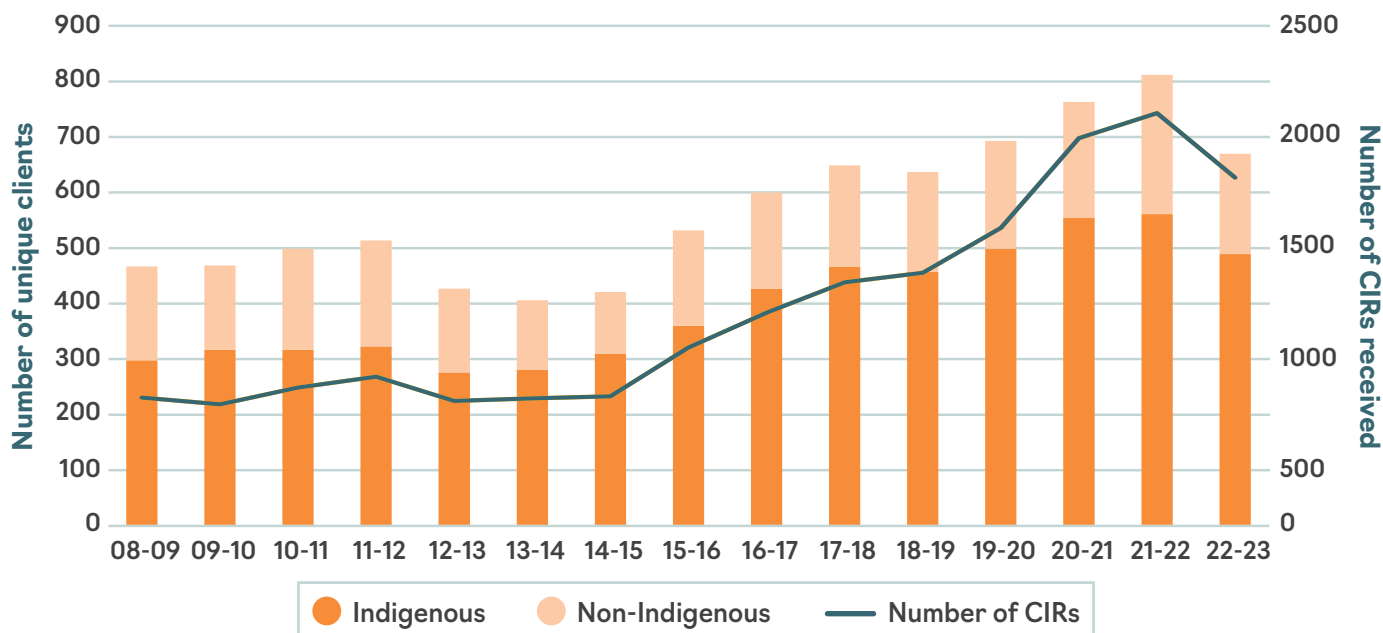


= 20 legal files

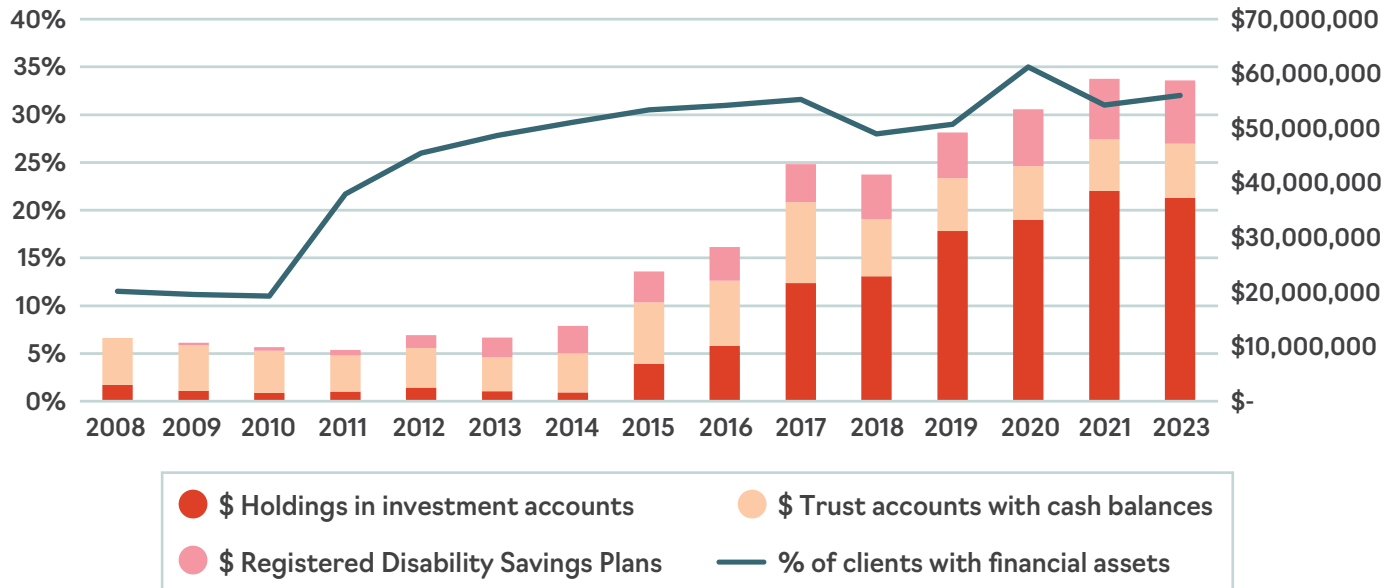
Amounts secured from legal work

Fiscal year	Amount	Number of clients
2008-2009	\$1,528,899	38
2009-2010	\$2,370,896	28
2010-2011	\$1,414,408	26
2011-2012	\$1,179,973	23
2012-2013	\$2,039,194	14
2013-2014	\$656,375	19
2014-2015	\$1,249,762	19
2015-2016	\$24,182,444	14
2016-2017	\$6,136,999	10
2017-2018	\$15,818,220	14
2018-2019	\$382,522	11
2019-2020	\$26,790,101	4
2020-2021	\$734,289	15
2021-2022	\$109,735	8
2022-2023	\$242,752	6

16,268 Critical incident reports (CIRs) received in 15 years

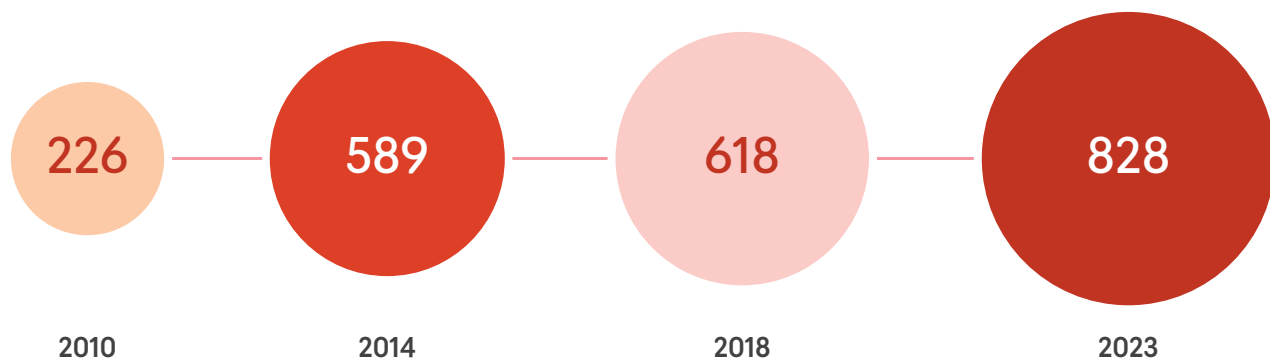


Property guardian clients with financial assets as of March 31



Property guardian clients with Registered Disability Savings Plans (RDSPs) as of March 31

Figure shows the steady rise in property guardian clients with RDSPs over the past 15 years.



Benefits collected by year

Fiscal year	CPP	CVAP	Indigenous benefits	E-150 gifts	Other benefits	Total
2008-2009	\$941,270	\$27,085	N/A	\$0	\$58,367	\$1,026,722
2009-2010	\$779,843	\$18,809	N/A	\$0	\$113,744	\$912,396
2010-2011	\$873,417	\$38,009	N/A	\$0	\$96,581	\$1,008,007
2011-2012	\$801,995	\$16,583	N/A	\$0	\$39,710	\$858,288
2012-2013	\$754,728	\$8,154	N/A	\$0	\$44,943	\$807,825
2013-2014	\$708,815	\$6,000	N/A	\$0	\$12,346	\$727,161
2014-2015	\$689,169	\$13,176	N/A	\$0	\$3,032	\$705,377
2015-2016	\$555,408	\$19,474	\$168,166	\$81,150	\$18,330	\$842,528
2016-2017	\$579,579	\$42,000	\$40,016	\$7,200	\$32,566	\$701,361
2017-2018	\$624,524	\$12,000	\$26,264	\$9,600	\$11,125	\$683,513
2018-2019	\$543,604	\$0	\$9,496	\$14,400	\$3,162	\$570,662
2019-2020	\$528,422	\$21,000	\$43,329	\$23,700	\$0	\$616,451
2020-2021	\$528,027	\$9,000	\$57,010	\$12,150	\$85,800	\$691,987
2021-2022	\$599,652	\$18,000	\$10,634	\$2,250	\$1,650	\$632,186
2022-2023	\$544,468	\$12,000	\$31,302	\$19,050	\$0	\$606,820

CPP: Canada Pension Plan

CVAP: Crime Victims Assistance Program

E-150 gifts: Endowment 150 gifts

Clients with benefits collected

Fiscal year	Amount	Number of clients
2008-2009	\$1,026,722	321
2009-2010	\$912,396	295
2010-2011	\$1,008,007	306
2011-2012	\$858,288	288
2012-2013	\$807,825	274
2013-2014	\$727,161	261
2014-2015	\$705,377	236
2015-2016	\$842,528	1063
2016-2017	\$701,361	349
2017-2018	\$683,513	355
2018-2019	\$570,662	307
2019-2020	\$616,451	431
2020-2021	\$691,987	457
2021-2022	\$632,186	227
2022-2023	\$606,820	379

PGT Educational Assistance Fund

In the last 15 years, **198 individuals** received bursaries and the PGT awarded a total of **\$289,450**.

On average, the PGT awards **\$19,300** in bursaries divided between **13 individuals** each year.



General inquiries

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Fax	604-660-0374
Email	mail@trustee.bc.ca
Website	www.trustee.bc.ca

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

Vancouver	604-660-2421
Victoria	250-387-6121
Other areas in B.C.	1-800-663-7867

PGT hours of operation

Monday to Friday, 8:30 a.m. to 4:30 p.m.

