

Understanding the private corporate status of CAS agencies in Ontario and their real intentions.

The majority of the citizens of Ontario and law enforcement officials are of the belief that the child protection workers and CAS agencies are part of the Government of Ontario and that workers with these agencies have almost unlimited powers. This is not the case at all. It is important that everyone understand that CAS agencies in Ontario are **privately owned and privately administered corporations** under a private funding contract with the Government of Ontario. CAS agencies are just private companies engaged in the business of protecting children in Ontario. At the moment these private corporations receive all of their funding based on the number of children in their care and the amount of files they have open. These private corporations are also completely devoid of any oversight or accountability whatsoever and therefore the CAS will often use illegal and immoral practices to take children from homes where their was no need of protection and also to keep children in their care as long as possible for nothing more in mind then of their own financial gain with complete disregard for the best interest of the children or their families.

Why you are allowed to leave CAS care at 16 years old.

Under the laws of Ontario, in particular, the Child and Family Services Act, as soon as a person turns 16 years of age, they have the legal right to sign themselves out of CAS care and simply leave on their own on their 16th birthday and the CAS can not legally do anything to stop this from happening. (Please refer to the last page of this brochure for details about the Child and Family Services Act)

Why the CAS tells you that you cannot leave their care until you are 18 years old.

Because of their severely flawed funding structure, the Children's Aid Societies in Ontario have a financial incentive to have as many children in their care as possible and also to keep them there as long as they possibly can. And because of their lack of accountability they will often lie to children to keep them from leaving at 16 years old.

Yes the CAS can legally keep children in their care until the age of 18 years old as that is the way they are setup but the CAS often purposely neglects to tell children or will blatantly lie about the fact that by law they can only force a child to stay in their care until the age of sixteen years of age. The reasoning for their blatant misrepresentation of the facts is quite simply for financial reasons and nothing more.

Why some CAS workers, foster parents and group home staff may not be to blame for misrepresentation.

It is often the case that most front line CAS workers along with most foster parents and group home staff will tell children that they cannot leave care until they are 18 years old and they will often even make the mistake of also putting themselves in positions that may leave them criminally liable by attempting to force children to stay in their care after the age of 16 years old. It is also often the case that the reason that this is done is not necessarily because these people know that they are in the wrong but rather they are severely misinformed themselves about the laws pertaining to this issue and many others and are just simply doing what they are told by their local Children's Aid Society. Because of this, it is often not the front line CAS workers or foster parents group home staff that are at fault for violating the rights of children but rather they are unknowingly doing this because they are being purposely misled by the Children's Aid Society.

The authority of a Children's Aid Society Worker

Under the law in Canada, a Children's Aid Society worker has no more authority than does any other ordinary citizen off the street. CAS workers are simply employees of a private corporation (CAS) which gets funding from the government. As ordinary employees of a CAS agency, CAS workers have absolutely no authority over anyone.

GET INFORMED!

Every year in Ontario thousands of children are forcefully apprehended from their Homes, schools and loving families by children's aid agencies (CAS) in Ontario and placed into foster or group homes. While some apprehensions are warranted, too often the apprehensions are done without proper investigations by incompetent and over-zealous CAS workers who are not even licensed as social workers in the province of Ontario. In many cases, children end up being thrown into a child protection system which often does far greater damage to the children than if they had been left in care of their biological families. While in CAS care, children have reported being the victims of many forms of abuse such as:

- **Being forced to take often dangerous mood-altering prescription drugs**
- **Physical and emotional abuse by CAS workers**
- **Personal possessions being stolen by CAS workers and group home residents.**
- **Sexual and physical assaults by other children in previous foster and group homes and by CAS workers themselves.**
- **Exposure to drugs and sex in CAS operated foster and group homes.**
- **Exposure to the influence of other children in care who are involved with various forms of Threats and coercion by CAS workers.**

As a result of being in care, many foster children end up being emotionally damaged and angry at the system itself for the mistreatment that they have been subjected to while in care. This anger and frustration can carry into any foster or group home that the child may be placed, often with devastating consequences.

Everyone must educate themselves about the laws and the risks involved with children's aid societies. They must be prepared to take the necessary precautions to protect themselves and even their own families from potential harm.

For further information about the issues about problems associated with CAS, contact the local organizations indicated below



Kingston & Quinte Area Citizens for

Accountability



Ontario Coalition for Accountability



CANADA COURT WATCH

C.A.S. Ontario

www.CRPA.ca

www.FixCas.com

www.OntarioCFA.com

www.Ombudsman.on.ca

www.CanadaCourtWatch.com

www.QuinteAccountability.com



Kingston & Quinte Area Citizens for
Accountability

Yes you can!

Guide to leaving the care of the Children's Aid Society as soon as you turn 16 years old.

Some helpful information that will assist children in the event that they choose to leave the care of Children's Aid Societies in Ontario as soon as they turn 16 years old even if they are crown wards.

www.QuinteAccountability.com

Steps needed to be able to leave CAS care on your 16th birthday.

Make sure leaving care is right for you.

If you have intentions to leave the care of the CAS, the most important step that you need to accomplish is to figure out where you are going to go when you leave care. This includes confirming a place where you will live, either with family, friends, etc that you know will be a stable and safe environment to live in. You have to realize that even if the foster home/group home that you are living in at the moment may not be the greatest, it is in fact a place that should give you food, shelter and the necessities of life until you turn 18 years old so you have to keep in mind that when you are considering leaving care at sixteen, you have to have a place to go that is better than your current situation in CAS care.

Write a letter to sign yourself out of care.

The first step once you have decided that you want to leave care at 16 years old is to write a formal letter to the CAS/FACS that you are currently involved with simply stating that as it is your right to do so based on the Child and Family Services Act, as of your 16th birthday, you will no longer be requiring their services and are formally signing yourself out of their care. You also should mention in this letter that any attempt on the behalf of the Society to hinder your efforts to leave their care will leave you no choice but to file criminal charges against anyone involved.

Do not give the CAS this letter yet!

One thing that you must make sure of is to not allow the CAS to learn of your intention to leave their care too early because they will most certainly try to stop you from leaving. This is why you have to have this letter prepared and signed and ready to hand to them but what you have to do is to simply hand a copy of this letter to your foster parent or group home staff as you are walking out the door and then go to the nearest post office and send a copy registered mail to the CAS/FACS that you are dealing with and also drop a copy off at the local police station to inform the police that you have left on your own legally so that the CAS is not successful in attempting to use the police to return you back to their care.

Prepare yourself for leaving care.

So now that you have a place to stay when you leave care and you have your letter ready and in hand and it is either on or after your sixteenth birthday, there are still a few more steps before simply walking out the door.

1. First make sure that you plan the date that you are leaving care very well by having a ride, preferably from your foster home or group home to your new home and make sure that the ride is there at a set time.
2. If at all possible either make sure that you have some sort of recording device on you but if that is not possible than hopefully the person picking you up will have access to one so that you can have your departure recorded in case anything goes wrong.
3. Make sure to have everything packed up and ready to go for when your ride arrives to make things as quick as possible.
4. Also make sure you have multiple copies of your letter and also multiple copies of this brochure in hand for when you leave.

Walking out the door.

Once you have everything ready, all your stuff is packed and your ride is outside, simply grab all of your belongings and carry them out to the car. Either once someone ask you what you are doing or preferably once you have everything in the car, now is the time to hand your letter and a copy of this brochure to your foster parents or group home staff and walk out the door and leave. Once you have left, don't forget to send a copy of the letter and this brochure to your CAS/FACS office and also drop a copy of the letter and this brochure off at the local police station. Again, the reason why you have to make sure that you give a letter to the police is because it is possible that you will get resistance from the CAS and they will try to use the police to try to return you to your group home or foster home and as long as the police know of your intentions and also the laws that allow you to do this then the police should not interfere.

What if I encounter problems and someone is not letting me leave?

The first thing to make sure you do if someone is trying to force you not to leave is to stay calm as staying calm will help you tremendously.

Simply advise the person or persons that are preventing you from leaving that as they can see from the letter and the brochure, you are signing yourself out of care and that as you are now 16 years old, they have no legal authority to hold you there and if they do not let you go then you and whoever is with you will have no choice but to call the police and have them criminally charged with forcible confinement under section 279 (1) of the Criminal Code of Canada and once they are prosecuted they would be subject to 5 to 7 years in prison and if they continue to argue and force you to stay than try your best to get a hold of the local police and do just that.

What if the police are cooperating with the CAS and are trying to force you to stay in their care?

Sometimes the local police will automatically believe the Children's Aid Society when they tell the police that they have to assist in the re apprehension of someone over the age of sixteen years of age and if the local police do in fact attempt to do something such as this then you can simply advise the local police to look at the sections of the Child and Family Services Act that apply in this brochure and advise them to confirm this themselves before attempting to assist a CAS in the unlawful detainment of a person over the age of 16 years old. Also advise the officers involved that if they do not comply with the laws and still attempt to assist the Society in keeping you in their care then every officer involved will be subject to formal complaints to the Ontario Office of the Independent Police Review Director (OIPRD) and the Ontario Ombudsman and also will be subject to criminal prosecution themselves for assisting in the unlawful detainment of a person over the age of 16 years old contrary to section 279 (1) of the Criminal Code of Canada and multiple violations of the Child and Family Services Act.

What if I do leave the care of the CAS and they find me and try to bother me afterwards.

Sometimes after a child leaves care at the age of 16 years old, the CAS will try over and over again to try to force the child to go back into their care but this is very simple to avoid as long as the child knows their rights and simply stands up to them. All that a child needs to do if confronted by a CAS worker is to simply tell them that they have nothing to say to them and to leave them alone. The child should also carry a copy of this brochure and their letter with them at all times to simply hand anyone that asks and the child should also carry some sort of recording device with them to make sure to record any conversations with workers in the future.

Understanding the Child and Family Services Act.

The Child and Family Services Act is the law that governs every CAS agency in Ontario and it is also the law that allows a child to leave the care of the CAS at the age of sixteen years of age. In this act it clearly states multiple times that Child Protection Workers and Peace Officers do have the authority to apprehend a child if they feel that the child is in need of protection or if the child has runaway but only if the child is under the age of sixteen years old.

Sections of the Child and Family Services Act that are relevant to leaving care at 16 years old.

In section 37. (1) of the CFSA, it clearly states that a child in need of protection under the act does not include anyone who is actually or apparently under the age of sixteen years of age.

In Section 41. (1) of the CFSA (Apprehension of children in care) it clearly states that a justice of the peace may issue a warrant authorizing the apprehension of a child that is already in care but section 41. (1) (a) also clearly states that an apprehension can only be authorized in the event that the child in question is actually or apparently under the age of sixteen years old and has left or been removed from a society's lawful care and custody without its consent.

Section 41. (4) of the CFSA states that a peace officer or a child protection worker may also apprehend a child that is already in care without a warrant but yet again Section 41. (4) (a) states that this is only possible if the child is actually or apparently under the age of sixteen years old.

Section 43. (2) of the CFSA states that a justice of the peace may issue a warrant authorizing a peace officer or a child protection worker to apprehend a child that has ran away from their caregiver but Section 43. (2) (a) clearly states that this only applies if the child in question is under the age of sixteen years old.

Section 79. (6) of the CFSA also backs up everything by stating that peace officers have the authority to take a child home or to a place of safety but only in the event that the child is under the age of sixteen years old and if younger than this only applies if he or she is not accompanied by an adult and it is between midnight to 5am.

For more information about the Child and Family Services Act, a full official copy is available online at www.e-laws.gov.on.ca

I was told that because I am a crown ward that I cannot leave care until I am 18 years old.... Is this true?

Sometimes your worker or foster parents/group home staff will tell you that because of the fact that you are a crown ward and under the custody of your local CAS that you cannot sign yourself out of care or leave until you turn 18 years old. This is simply untrue because, yes under the Child and Family Services Act, Section 71.1 does state that Crown Wardship does not expire until either the child turns 18 years old or until marriage but this does not apply to leaving care because again, section 43.2 (a) states that if a child has ran away from care after age of sixteen then they cannot get a warrant to apprehend the child and place them back into care and Section 79 (6) backs this up by stating that the police are not allowed to assist the Society in regards to anyone over the age of sixteen years old.