



For Immediate Release
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LEGISLATIVE MILESTONE FOR HISTORIC PRIVACY BILL FOR FOSTER KIDS

Queen's Park, Ontario – Today, the Child Welfare Political Action Committee (Child Welfare PAC) is pleased that the *Fostering Privacy Fairness Act, 2020*, co-developed with Sarnia-Lambton MPP Bob Bailey, passed Second Reading with across party support.

This legislation seeks to correct a long-standing administrative issue that leaves those raised in foster care with less privacy rights than juvenile offenders. Deeply personal and intimate information about foster children is recorded in child welfare files. In Ontario, these files remain accessible to child protection sector employees for life.

"We end up in foster care through no fault of our own and even in adult life we remain haunted by often inaccurate versions of our childhoods," **said Jane Kovarikova, founder of the Child Welfare PAC, former Crown Ward, and current doctoral candidate at Western.** "Second Reading is a critical step towards this bill becoming law. On the fourth birthday of Child Welfare PAC, we are thrilled."

The Child Welfare PAC is aware of many instances where the files of former foster children have been inappropriately accessed in ways that have interfered with job and board governance opportunities, custody disputes in family court, and in child adoptions.

This proposed *Act* amends Ontario's *Child, Youth and Family Services Act, 2017* by defining an appropriate access period to these sensitive files, protecting the identities of foster children in adult life, and allowing third party access to sealed files only through the courts.

"The *Fostering Privacy Fairness Act* is really about ensuring the equality of privacy rights for all Ontarians, regardless of who you are or where you came from," **said MPP Bob Bailey.** "Protecting the privacy of these young adults is something important that we can do to help them move past their childhood and towards the bright future they deserve."

"Our government is committed to changing the child welfare system and ensuring better and brighter futures for all the children and youth who have been impacted," **said Jill Dunlop, Associate Minister of Children and Women's Issues.** "I am proud to work with great organizations like Child Welfare PAC and passionate Members on changes that can make a real difference in the lives of these individuals."

"Allowing strangers cart blanche access to the intimate details of former foster children's time in care has undermined many in adult life. Indeed I learned how these alarming breaches of privacy were destabilizing and eroding confidence for these people after care," **said MPP Teresa Armstrong, Critic for Children and Youth Services.** "Protecting childhood histories of former foster kids is a show of respect to who they are, where they've been, and who they will be."

"If anyone deserves a fresh start in adult life, it is kids raised in the foster care system. This bill is making history by treating foster kids like they matter, like they have human rights too," **concluded Kovarikova.**

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About [Child Welfare PAC](#):

The Child Welfare PAC is a federal not-for-profit that represents the interests of children raised by the government. The advisory committee consists of professionals from academia, law, business, advocacy & public service who have lived experience in child protection systems. The complete advocacy agenda may be reviewed here: www.childwelfarepac.com

Quick Facts:

- There are an estimated 100,000+ former Crown Wards in Ontario, not including other types of former youth in care, that will be impacted by this bill
- The software solution where files are easily searched and accessed indefinitely is called the Child Protection Information Network (CPIN)
- At least 187 privacy breaches were reported to the Information and Privacy Commissioner of Ontario by child protection agencies since January 2020
- Hard copy files suffer similar problems with unrestrained access possible indefinitely
- Opposition to sealing childhood files is rooted in the prejudicial notion that foster children are more likely to harm their offspring often couched as "safety" concerns – same flawed logic that enabled the former prejudicial birth alert policy
- Academic data unequivocally does not support these alleged "safety" concerns
- This bill defines an appropriate third party access period to these childhood files – age 21; protects the identity of adults who left care; and allows for third party access to sealed files through the courts

Select Impact Statement Excerpts:

- "As a former youth in care myself, it is chilling to think that my privacy could be violated like this at any time – compounding and reinforcing the myriad ways I was already violated and marginalized during my time in care. That time in my life should not have bearing on my career (on the present I have fought hard to construct) in ways that I have no power or determination over."
- "As someone who went into foster care at the age of 10 and aged out of the system, I am familiar with all of the case notes that were constantly being written about myself during Plan of Care meetings and by my foster mom, I am aware that people could have depicted me in ways that I do not agree with and to this day am not aware of because I am not willing to read my own file. I consider it an invasion of my privacy for people to dig up my past for any reasons as they do not reflect who I am today."
- "As a former crown ward who entered the system due to intimate partner violence, this bill would encourage a fresh start. Not only is there a mental relief of knowing that my history will not be easily accessible, but it also fosters control over my story, my truth."
- "As a former Crown Ward, I am very concerned with my history in care being accessed and used in ways that would potentially be damaging to myself. It was difficult enough being in care and having to endure social stigma, discrimination and low expectations. It would be even worse to have those negative experiences continue to impact my life even after leaving care. Please take the necessary steps to correct this injustice."
- "I am 54 years old. I was a Crown Ward during my youth until age 19. I deeply cherish and value the group home I lived in for it shaped me to be the person I am today. Having said that, during my pre-age 16 years days, I may have done things that I am forever ashamed and apologetic for. Privacy, to me, is vital and I genuinely implore you to pass this much-needed Bill. Please."

Resources:

[Click here for Fostering Privacy Fairness Act, 2020, Backgrounder](#)



MPP Bob Bailey
Jane Kovarikova
Photo taken pre-covid

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