



# STRENGTHENING INSTITUTIONAL RESPONSES:

CRIMINAL JUSTICE, CHILD WELFARE,  
AND IMMIGRATION SYSTEMS

## ABOUT US

This report was prepared as part of the Rights for Children and Youth Partnership based in the School of Social Work at Toronto Metropolitan University.

Data collection and writing were done in collaboration with York University, the University of Waterloo, Peel CAS and the Child Welfare Immigration Centre of Excellence (CWICE), Legal Aid Ontario (LAO), and StepStones for Youth.

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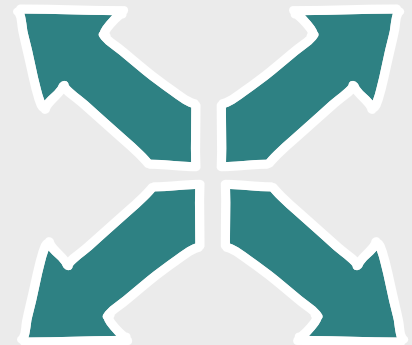
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# INTRODUCTION

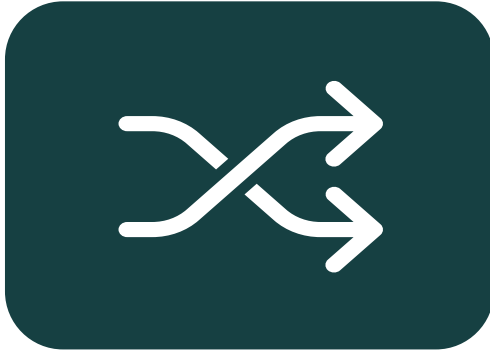


In August 2022, the three-day *Strengthening Institutional Responses* conference took place in Toronto, Ontario. This conference was hosted by the Rights for Children and Youth Partnership (RCYP) in collaboration with the Child Welfare Immigration Centre of Excellence (CWICE), Legal Aid Ontario (LAO), StepStones for Youth, Toronto Metropolitan University, and the University of Waterloo, and received generous funding from the Social Sciences and Humanities Research Council. A primary objective of the conference was to shed light on young people's experiences with child welfare, criminal justice, and immigration systems, emphasizing the Ontario context.

A central activity was to analyze the limitation of siloed or isolated approaches when it comes to supporting racialized and newcomer children and youth. To this end, the conference centred critical inquiries regarding the collective commitment and responsibility to young people, including migrants and newcomers, to identify policies and programs that can more effectively support their wellbeing and ability to thrive in Canada. Our special focus was on the experiences of young people from the Caribbean and Latin America, as these groups are disproportionately represented in all three systems (Drake et al., 2011; Gonzalez & Ruszczyk, 2021; Hinton, 2018; Howze & McKeig, 2019).



# WHY THESE SYSTEMS?



Recent literature demonstrates the overlap between child welfare, criminal justice, and immigration systems and identifies gaps in service delivery or knowledge that lead to poor outcomes for young people. For example, abundant research discusses “**crossover youth**,” or youth who are **dually involved in the child welfare and criminal justice systems** (Bala et al., 2015; Finlay et al., 2019; Rampersaud, 2021; Scully & Finlay, 2015).

In the context of child welfare, **children or youth can be removed from their homes** when their living environments are deemed unsafe or detrimental to their well-being by the State (often due to abuse or harm), necessitating placement in an alternative care arrangement called “**out-of-home care**.” The removal of youth from their homes, coupled with instability while in care, is traumatizing and has significant destabilizing effects on their mental and physical well-being (Doyle, 2007; Rampersaud, 2021; Rampersaud & Mussell, 2021a; Rampersaud & Mussell, 2021b). Some **youth respond to the destabilization by displaying disruptive behaviours**, which may, in turn, invite responses from the criminal justice system (Finlay et al., 2019).



In a study of federally incarcerated youth in Ontario, 25% of those interviewed reported previous involvement in care (OCI, 2017). **The child welfare and youth justice systems are intricately connected**, with significant, negative impacts on youth under State care (Rampersaud, 2021).

# RESEARCH OVERVIEW

The conference organizers had four specific goals for the conference:

- 1 Share empirical, evidence-based research and projects discussing institutional practices and the impact on children and youth;
- 2 Create a forum for youth with lived experiences of one or more of these systems to engage with researchers and practitioners on issues directly impacting their lives;
- 3 Highlight current academic and practice-based knowledge about youth who interact with these systems to identify gaps in knowledge, service, and policy; and
- 4 Foster multi-sector networking and collaboration to continue the sharing of knowledge and best-practices, create new community-based initiatives, and to ultimately support better outcomes for racialized and newcomer youth in Canada.

To achieve these goals, key stakeholders were invited to participate, including **youth with lived experiences of these systems, researchers, community practitioners, and policymakers**. The conference featured presentations, multi-sector panels, and training sessions. The third day culminated in a Think Tank Event where attendees **worked together in groups to brainstorm innovative solutions to key issues highlighted throughout the conference**.

**To conduct research throughout the conference**, the RCYP team received ethics approval from multiple participating institutions.

- We audio-recorded discussions and presentations through the conference using audio-recording devices that were placed on participants' tables who consented to the research.
- Notetakers were also seated at each table.
- Following the conference, audio-recordings and notes were transcribed then analyzed for common themes and important ideas.

Conference attendees' testimonies appear throughout this report. To protect their confidentiality, insights have been organized based on participant groups:

- **Youth**
- **Community Practitioner,**
- **Child Welfare Worker**
- **Lawyer**
- **Researcher**
- **Government Stakeholder**

# ORGANIZATION OF THE REPORT

When we initially started to write this report, we imagined three chapters that would address overlap in different pairings of the child welfare, criminal justice, and immigration systems. But as we wrote, we realized that issues in one or two systems inevitably had effects in a third. We needed to shift away from siloed approaches in our writing, just as we were making the case for in institutional practices. **What has resulted is a thematic exploration of findings that illustrates just how interconnected these systems are — as are the issues impacting the young people who interact with these systems.**

**In Chapter 1**, we explore the significance of turning 18 in Ontario to highlight the problematic nature of arbitrary age cut-offs for support and consequence-based systems.

**In Chapter 2**, we draw parallels between transition planning in the child welfare system and release planning in the criminal justice system to highlight gaps in services in both areas. We highlight systemic impacts for youth who are involved in both systems, as well as unique vulnerabilities for youth with precarious citizenship status.

**In Chapter 3**, we elaborate on the challenges of living with precarious citizenship status in Ontario, including the risks that come with exiting the child welfare system without status.

**In Chapter 4**, we explore issues pertaining to data, including information sharing, privacy, and consent. This chapter also dispels some myths about child welfare and criminal justice records, including who can access these records, when, and for how long.

**In Chapter 5**, we discuss how these issues impact young people's sense of identity and feelings of belonging. For example, we consider the effects on a young person's identity when they are living under the threat of deportation. This chapter culminates with discussion of the importance of centring youth's voices.

**In the Conclusion**, we emphasize the need for multi-sector approaches as well as upstream and preventive strategies to best support young people interacting with the child welfare, criminal justice, and immigration systems.



# RECOMMENDATIONS

**We propose four inter-institutional recommendations**, borne from discussions throughout the conference, that could have significant impacts on the wellbeing and prospects of young people today, tomorrow, and in future.

1

**Extend** provisions outlined in the *Youth Criminal Justice Act* for young people between the ages of 18 and 29 in a manner appropriate for their developmental stage.

2

**Create** direct pathways to Canadian citizenship for young people who have (im)migrated to Canada and ensure these pathways are available to young people before their 18<sup>th</sup> birthdays.

3

**Transition** from arbitrary age-based cut-offs for care and adopt a “life course approach to care” that prioritizes developmentally informed, consistent and compassionate support from early childhood through adulthood.

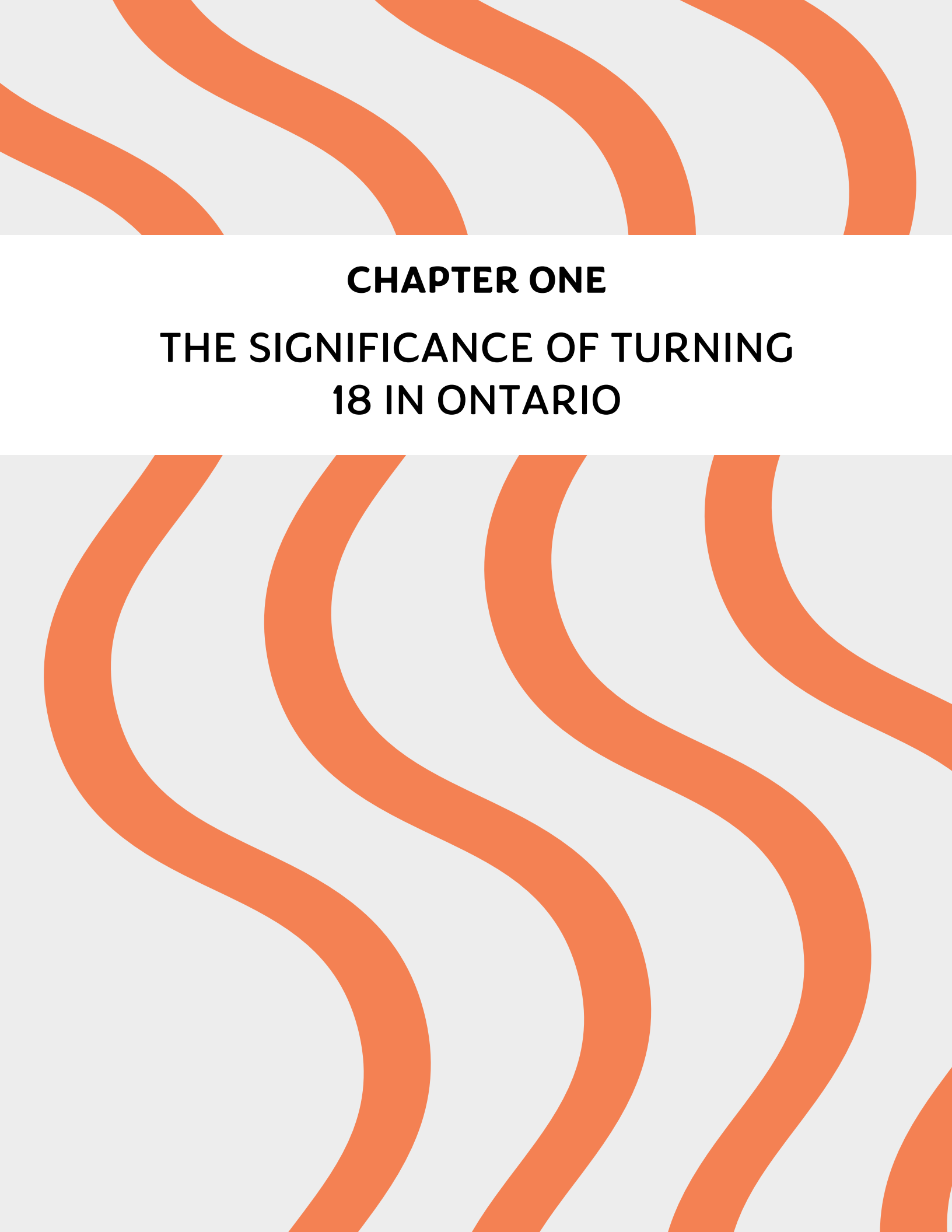
4

**Develop** and implement a “pre-transition,” “transition,” and “post-transition” planning framework to support young people.

**With multi-sector training and collaboration, these recommendations can be put into practices, which will ultimately strengthen institutional responses.**

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**CHAPTER ONE**  
**THE SIGNIFICANCE OF TURNING**  
**18 IN ONTARIO**

Turning 18 has significant implications for individuals in the **criminal justice, child welfare<sup>1</sup>, and immigration systems**. The transition into adulthood brings increased responsibility and accountability, but concerns arise from the discrepancy between developmental science and the legal age of adulthood. Conference attendees expressed concerns regarding the distinction between adolescence and adulthood within systems, particularly in relation to the significance of one's 18th birthday. **The abrupt transition and high expectations upon turning 18 can create challenges and vulnerabilities**, especially considering the increased consequences for adults. Additionally, significant disparities in support, finances, legal treatment, and access to specialized programs exist between youth and adults. This chapter highlights some of these age-based challenges within and across these three systems.



## Levels of Support Available when Under 18

Workers within the systems acknowledged a notable difference in the level of support available to youth and their perceived responsibilities before and after reaching age 18. For example, a Lawyer stated that:



*“one important difference there as well is that [parents, adult relatives, or an appropriate adult chosen by the youth] have the right to be present with youth when they are [interacting] with police. That’s not the case for adults.”*

When discussing interactions with law enforcement, Researchers at the conference suggested youth are **“more likely to be reactive”** and may feel tense during encounters with the police. Therefore, youth benefit from having a parent, guardian, or worker representative present during interactions with law enforcement that will provide both emotional and legal support. In contrast, adults do not have the same right. A Duty Counsel Lawyer, whose role is to provide criminal legal assistance to those without representation at the bail stage of the legal process, emphasized their commitment to ensuring youth are supported during legal matters if they do not have informal or family support available.

<sup>1</sup>There are a few important notes with respect to age cutoffs in the child welfare system: first, during the COVID-19 pandemic, the Ministry of Children, Community and Social Services permitted young people to remain in their out-of-home care placements until they were 21. Second, young people may choose to remain in their out-of-home care placements after their 18th birthdays until they are 21, and longer if they are studying (up to age 24). For the purposes of this report, we are focused on young people who ‘age out’ or exit the system at age 18, meaning they have left their out-of-home care placements, even if they continue to receive financial or other support from the child welfare system.



*“[If] the person is in care, [we] will get in touch with a particular [child welfare agency] and have the person who’s going to be the representative come. This is even on a Saturday or Sunday.”*

Formal support networks to navigate systems are critical for many children and youth, as not all have access to **parental knowledge** and **informal support or guidance**. In contrast, young people over the age of 18 “**would have to call somebody else who they know would be able to at least understand better and to communicate well**” (Community Practitioner). Consequently, having a strong support network available is essential for young adults who experience criminalization.

In Canada, youth with a migration history have an easier time obtaining legal status before they turn 18. Young people similarly “age out of immigration benefits” on their 18th birthday. For example, the Canadian citizenship test must be taken independently after the age of 16, whereas parents can take it on behalf of their children before that age. One Community Practitioner also noted that the cost of obtaining citizenship is significantly less for youth under 18: \$100 for those under 18 compared to fees reaching over \$600 for those over 18, which they may be responsible for paying themselves. As noted by another Community Practitioner, if a youth applies for citizenship after turning 18 and has criminal charges: *“their citizenship [application] is ruined. So yes, there are huge advantages to applying as a minor<sup>2</sup>.”*

## Emphasising Diversion for Youth

The distinction between youth and adults in the criminal justice system becomes evident when considering diversion programs. The *Youth Criminal Justice Act*, the legislation pertaining to all youth (ages 12 to 17) who come in conflict with the law, emphasizes diverting young people away from the justice system. However, the accessibility of these programs differs for adults compared to youth, as noted by a Researcher during the conference: “There’s emphasis on diversion for youth under 18, and with adults, perhaps the bar’s a little bit higher.” This suggests that when youth turn 18, the threshold to participate in diversion programs that aim to address the root causes of their involvement in potential criminal activities; additionally, legal adults do not have access to Extra-Judicial Sanction (EJS) programs outlined in the YCJA. In the Researcher’s interviews with youth, they recalled: *“very few of them had access to diversion as adults.”* A Lawyer elaborated that police have the authority to arrest individuals who have recently turned 18 with no emphasis on diversion because they are now “legal adults<sup>3</sup>.”

<sup>2</sup> See Chapter 3 for an extended discussion about the impact of criminalization on those with precarious citizenship status — both under and over the age of 18.

<sup>3</sup> As of the time of this report, only limited data on diversion rates for youth and adults is publicly available.

The role of the police in diverting youth from the criminal justice system was highlighted by a Lawyer, who explained the approach taken when encountering a youth involved in or at risk of committing an offence:



*What [the police] are told to do if they see a youth committing a crime or has committed an offence, they should ask, 'Can I just give them a warning' or 'can I just give them a caution' or 'can I refer them to a community program of some sort?'*

In cases where a warning may not be sufficient, a method of diversion that might be implemented would be Extrajudicial Sanctions (EJS). This form of diversion is common. It requires youth to accept responsibility for their actions and to engage in meaningful consequences, such as counselling or some form of restitutive programming (Hyde et al., 2016). For this reason, a Lawyer noted that some youth perceive EJS to be coercive and are resistant to take responsibility and admit their wrongdoing. If a young person does not formally accept responsibility, their matter may head to a trial proceeding. However, most attendees agreed, despite its coercive element, diversion programs are preferable to criminal justice system involvement.

While most youth who are ineligible for diversion—meaning those facing more serious charges—will not serve time in custody, they may be subjected to lengthy probation or community sentences. During probation, they must comply with numerous conditions, leading to increased surveillance and a higher risk of making mistakes (Spratt & Myers, 2011). Approximately a third of charges among youth fall under Administration of Justice (AOJ) charges (Spratt & Myers, 2011); these charges are attached to actions that are not inherently criminal or illegal, such as failing to comply with a curfew imposed as a condition of probation. Nonetheless, these actions may result in a formal breach of probation and an AOJ criminal charge. In some cases, a youth may have their initial criminal charge dismissed or withdrawn, only to receive a criminal charge and penalty for an AOJ breach, resulting in a criminal record<sup>4</sup>.

## ***Prior Youth Charges and Misunderstandings of Youth Records***



Receiving a youth charge does not mean it will be completely forgotten after they turn 18, and these youth encounter unique challenges within the criminal justice system despite the significant distinctions between youth and adult charges. A Researcher at the conference emphasized, “many of [the adults with youth charges] in the eyes of the courts are viewed as repeat offenders and so they were met with more punitive responses.”

<sup>4</sup> The significance of a youth criminal record is elaborated on in Chapter 4.

The perception increases the vulnerability for individuals with a history in the youth criminal justice system (YCJS) to be charged as adults or face more rigorous legal proceedings. Additionally, youth involved with child welfare often accumulate more criminal charges for minor offences during their time in care, further increasing their susceptibility to heightened legal scrutiny and harsher treatment than their peers. A Lawyer at the conference highlighted the misunderstanding of a youth record and shared that if a youth turned 18 and is “found guilty, and then convicted of an adult offense, [their] youth record becomes sort of an adult criminal record.” However, the access period will differ based on the timing of youth finding of guilt (depending on disposition/offence) and the timing of adult conviction, as outlined in section 119(9) of the YCJA. The complex provisions and nuances in managing and interpreting youth records require careful consideration and understanding.

## Responsibility and Reaching the Age of Majority

Turning 18 in Canada represents a legal transition into adulthood (reaching the age of majority), marking a change in how individuals are perceived by systems. One Researcher contextualised that on “your 18th birthday, you’re an adult now. Everything is your action.” This milestone in age represents a shift in responsibility and accountability for one’s actions. Consequently, many systems use one’s 18th birthday as a mark for maturity. The categorisation of being an adult at the age of 18 imposes expectations on youth to possess the knowledge and ability to independently support themselves and assume responsibility for their past and future actions, even though they have not necessarily gained any additional experience or knowledge compared to when they were 17 years old, which in some cases, could have been only days or weeks prior.



In the context of the criminal justice system, when individuals turn 18 and become subject to the adult justice system, they experience a significant shift in their systemic treatment. As one Researcher summarised,



*...on their 18th birthday they're adults and they are held that much more responsible in the eyes of the legislation. In the eyes of the courts, you're an adult now so you happen to be more responsible for everything that you have done.*

While the youth criminal justice system centres the principle of diminished moral blameworthiness, which recognises that young people are more responsible for their actions the older they are and less responsible for their actions the younger they are, the adult criminal justice system begins from the presumption of equal responsibility before assessing mitigating factors (etc.)<sup>5</sup>.

<sup>5</sup> There are some exceptions which have led to the creation of specialised courts, including, for example, drug treatment and mental health courts.



As a result, 18-year-olds are held to the same standard of culpability as older adults. When youth turn 18, they “age out” of the youth criminal justice and child welfare systems and lose all the support and privileges previously available to them. This expectation for youth to automatically comprehend and navigate new systems at age 18 was discussed at length by conference attendees.

## Inadequate Preparation and Support for Turning 18

Discussions throughout the conference revealed a common sentiment among stakeholders that society, as well as our legal and child welfare systems, impose unreasonably high expectations on youth when they are 18 years or older—expectations that conflict with scientific evidence. Notably, attendees emphasized how the age of majority does not correlate with the age of maturity and sound decision-making. **Despite what we have learned about cognitive, emotional, brain, and social development, young people are often expected to take full responsibility for their actions, have adequate knowledge of how to function in society, achieve financial independence, and establish a non-professional social support network.** In recognizing the unique characteristics of youth, particularly their youthfulness and maturity, there is a clear understanding that most youth will behave or make decisions differently than adults. A Researcher expressed, “We understand the concept of being a teenager,” which involves acknowledging that youth are in a transitional phase of their lives, still undergoing emotional and cognitive development. A recognition of the fundamental differences between youth and adults is a driving factor in the distinction between youth and adult criminal justice systems. Arguably, our systems need to catch up with evidence showing a similar transition period exists for young adults (Arnett, 2000). For example, abrupt exits from the child welfare and youth criminal justice systems accelerate youth into independence without adequate preparation or support. A Researcher pointed out that our systems operate on “paternalistic” principles, intending to safeguard children, but often results in child welfare workers and social service workers providing support without imparting the necessary life skills for self-sufficiency. Consequently, a Researcher noted, this approach of “keeping [children and youth] away from everything” also hinders their development of essential skills and knowledge for their future. Another Researcher stressed that the risk of not adequately preparing youth is **“at the end, it’s only them by themselves as soon as they step out of the system.”**





Unintentionally, the system has “prevent[ed] them from doing the stuff they’re supposed to do.” One Community Practitioner suggested that the primary focus for children and youth in care until age 18 is survival, and with “adults taking care of everything for them, they never [have a chance to] learn.” Consequently, when youth leave care, they may need more skills and knowledge to manage various aspects of adult life, such as paying bills or household tasks. The lack of adequate preparation and support during their time in care can make youth’s entry to adulthood particularly daunting.

One Youth who was involved with the child welfare system expressed that simply knowing “how I am going to be” during and after leaving the protection of the system would have eased some of their anxiety. Furthermore, a Researcher observed “a lot of anxiety for young people on their birthdays,” as they anticipate these transitions. One youth shed light on their experience after exiting care:



*The main support I did not get was how to face the real world at 18. I had not even graduated high school then—my birthday was in March and school ended in June. You don’t get enough money for rent, laundry, toiletries, etc. I could not turn to my parents. I have no extended family to help me. The system just puts me out there. A lot of people in the system just end up in the criminal system for these reasons.*

The expectations placed on youth as they turn 18 are immediate and overwhelming. Youth are expected to manage their households, prepare for post-secondary education, secure employment, and navigate complex relationships. These expectations are unrealistic, especially compared to their peers who are not in care, many of whom receive continued family support well into adulthood. A Researcher at the conference spoke about the lack of “support overall for youth to even feel like they can have anyone to go to if they have any issues.” These concerns were explored through personal reflections shared by conference attendees who spoke about the lack of readiness in their own lives and the support they needed after they turned 18: “I am 26 and my mom still buys me toilet paper from Costco because she has a membership, so it’s wild to me that at 18 we expect this from [youth].” A Child Welfare Worker (and a parent of teenagers) shared their belief that “kids need you the most from the time they turn 18,” emphasizing, “I have an obligation ...to make sure the trajectory [into adulthood] is going to be successful.” In this sense, when youth formerly in care turn 18, the State, acting as their parents, also have the responsibility of facilitating a successful transition into adulthood by providing the necessary support youth need—and often want.

The changing societal landscape challenges the definition of the age of majority and the appropriate age range for its application. Increasingly, youth are staying at home longer and receiving family support (up to 30 years old) due to various factors, including the housing market, economy, education, employment, debt, as well as culture and dependency (Maroto & Severson, 2020; Tomaszczyk & Worth, 2020).

One Lawyer observed the current approaches in the criminal justice system have a “missing piece.” They said we are ignoring the “developmental perspective, not just in child welfare or judicial systems,” but also in how our society treats youth above age 18. A Community Practitioner referred to the medical perspective of development, discussing a study conducted by the SickKids Hospital's research department that the collective brains of young people do not finish developing at 18 or even 19<sup>6</sup>.

The consensus among neuroscientists is that brain development continues into the 20s, where indicators of stability and maturity emerge (Johnson et al., 2009; Somerville, 2016; Sowell et al., 2003). Furthermore, many youth involved in the criminal justice and child welfare systems have been subjected to trauma; the childhood trauma youth may have experienced can affect their brain development and decision-making skills (Carrion et al., 2012; Williams, 2020). One Community Practitioner spoke about the incongruence between development and policy that designates 18 as adulthood: “That’s what the science is telling us. But the policy tells us 18, so there’s a mismatch between the policy and what the science is telling us.”



Given these evolving understandings of child, youth, and adult, and taking into account the realities of contemporary society and the medical perspective, a Researcher suggested expanding programs under the Youth Criminal Justice Act to cover a wider age range. Such a policy shift would align with international psychosocial perspectives, such as the United Nations, which defines youth as up to 24 years old, and the African context, in which an individual is socially considered a “youth” up to 35 years old. Ontario already offers a variety of supports for youth leaving care, some of which can last until age 29, presumably increasing the likelihood that they can transition to adulthood on a steadier footing (Leal-Ferman et al., 2023). However, Community Practitioners questioned the efficacy of simply “raising [the] cut-off age” as a potential solution to address challenges for transitioning out of care without also addressing structural barriers to success in young adulthood tied to education, employment, housing, and [physical and mental] health. Without adequate societal resources coupled with the needed transitioning planning and support, “if you raise the cut off, you’re just creating now a problem at 24 years and 25 years,” which “raising the age [alone] isn’t going to solve.”

These discussions raise questions about the abrupt nature of the transition and the expectations placed on youth at a critical social and developmental stage in their lives<sup>7</sup>. The emergence into adulthood can bring about considerable challenges for youth, particularly if they come into contact with the law, have a migration history, or have lived experienced within the child welfare system. A Researcher acknowledged how criminalization during this critical and stressful period of transitioning into adulthood can have life-altering consequences.

<sup>6</sup> A report available to the public for this study could not be found.

<sup>7</sup> This discussion continues in Chapter 2.

As a result of this shift in accountability, responsibility, and the potential life-altering consequences that youth face upon reaching adulthood, the following is a critical examination of the nature of consequence-based systems.

## A Consequence Based System



A **consequence-based criminal justice system** (often referred to as punitive justice or retributive justice) refers to a system in which the primary focus is on imposing penalties or punishments in response to behaviour that is deemed criminal.

. In such a system, the emphasis is placed on holding individuals accountable for their actions and ensuring significant consequences for engaging in criminal activities. Consequence-based systems typically involve sentencing guidelines that outline specific punishments for different offences, and they prioritize the application of penalties rather than exploring alternative approaches focused on rehabilitation or restorative justice (Adorjan & Ricciardelli, 2018). As one Researcher at the conference reflected, “There’s so much emphasis on punishment rather than reformation.” Importantly, attendees at the conference discussed how systems, beyond just the criminal justice system, privilege this consequence-based logic. A Community Practitioner said:



*All these systems that we are touching on and talking about are held up by consequence and are held up by power. And so, then we’re asking a young person to navigate that as well, with great consequences for everything ... that will play out across identities and immigration in very different ways for different young people.*

For example, some attendees spoke about the consequences inherent to the immigration system that significantly impact young people with precarious citizenship status. While different ideologies exist about how best to deter criminal behaviour in a consequence-based system, ramifications for youth involved with both the justice and immigration systems include inadmissibility, the threat of deportation, and potential incarceration in adult prisons. A Community Practitioner shared an example of a youth’s trajectory when being involved in multiple systems, specifically, a migrant youth who has aged out of living in a group home:



*...the child is now aged out of the [child welfare] system and [was previously] charged because the workers [called the police] to the group home. ... He's now a young adult and he interacts with the adult criminal justice system. ... If you were charged with a criminal offence with at least six months of imprisonment, you can be deported if you were on a permanent residence ... some of the charges that go after six months under the Criminal Code would include driving with impairment. So, it's not necessarily something as horrific as murder or [sexual assault], but driving impaired, depending on what sentence you get, you could now fall into that category. If you are a permanent resident or you have no documentation, you are potentially deportable.*

The Community Practitioner emphasized the intersecting points between consequence-based systems and increasing vulnerability, illustrating how charges that would be damaging to anyone can have a significantly disproportionate consequence for youth involved in the immigration system.


For youth that have criminal charges related to their stay in group homes, another Community Practitioner highlighted how “The parent and the State are failing to protect the child while they are growing up in the child welfare system” when being reported multiple times by workers<sup>8</sup> and solidifying them to have a “criminal history.”

Conference participants recognized the need for separating the enforcement and support components within services, especially when working with youth. Some workers had in mind instances of youth without citizenship status who avoid contact with police or who are reluctant to access other available services due to the perceived consequences, such as the potential risk of deportation if their precarious immigration status is discovered. The recommendation emerged to establish a clear distinction between the enforcement aspect, which involves reporting and potential legal repercussions, and the support aspect, which aims to provide assistance and resources. Youth may feel more comfortable seeking support without fearing negative consequences or the possibility of enforcement agencies being alerted. Ultimately, a nuanced and developmentally informed approach is necessary to support youth during their emergence into adulthood and address the limitations of consequence-based systems.

<sup>8</sup> group homes have policies that include calling the police for youth disturbances, leading to group homes being viewed as “gateways to jail” (Bala et al., 2015; Finlay et al., 2019; Finlay, 2003; Rampersaud, 2023).

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**CHAPTER TWO**  
**TRANSITION AND RELEASE**  
**PLANNING**



The current child welfare and criminal justice systems tend to view transitions such as leaving care and exiting custody as isolated, one-time events rather than ongoing processes that require continuous support and attention. **The current perspective fails to recognize the long-lasting impact these transitions can have on the lives of youth and often overlooks the need for continued assistance beyond the initial time of transition.**

## Pre-Transition Planning<sup>9</sup>

Notably, inadequate transition planning was listed as a significant concern, as transition plans “do not always reflect the wishes and needs of youth; instead, some youth report being told what to do without regard for their wishes” (Leal-Ferman et al., 2023, p. 18). **A Community Practitioner highlighted that an inadequately planned transition from care can serve as a “pipeline” to youth homelessness, substance use, or involvement with the criminal justice system.** Similarly, youth who do not have adequate pre-transition planning after involvement with the youth criminal justice system (YCJS) are at a higher risk of recidivism, along with experiencing instability in education, housing, and employment. Further, for youth in both systems, the absence of connections, positive role models, and a sense of community can make youth susceptible to negative peer influences or connection with criminalized networks, particularly when youth perceive being marginalized by broader societal structures (Gormally, 2019; Nickel et al., 2020; Van Ngo et al., 2017). In contrast, youth who receive sufficient socioemotional support in transitions are less susceptible to a range of vulnerabilities than their peers who lack this support (Barker et al., 2020; Doucet et al., 2022).

## Discontinuity of Care

In the child welfare system, many attendees **highlighted the problems that discontinuity of care creates.** For example, a Child Welfare Worker explained their concerns about the lack of continuity in the relationships between youth and the workers they had during their time in care. The Worker highlighted the difficulties arising when a youth turns 18 and transitions to a new worker with whom they have no prior relationship. Moreover, the Worker mentioned that past formal support from when the youth was under 18 “can’t reach out after the youth turns 18 because it would be a breach of their privacy.”



<sup>9</sup> The Ontario government’s new *Ready, Set, Go* policy which outlines preparation for young people planning to leave care, does outline various pre-transition planning strategies, some starting as early as age 13 (Ontario Policy Directive CW 003-23, 2023). It is noteworthy that many of these strategies were outlined in earlier iterations of the policy, which had documented negative outcomes for many youth leaving care (Rampersaud & O’Keefe, 2023). It is yet to see whether the new policy will lead to more positive outcomes.



To the Worker, such a requirement is unreasonable and is more evidence that “the system is not designed for that continuity of care.” Instead, it is designed for the “abrupt end of relationships.”

A Lawyer, drawing a parallel to the treatment of young people in the YCJS, spoke about the “justice system being very transactional. ... So, you are in the justice system until you're out, and then once you're out, there's nothing else.” A significant gap within the YCJS is the absence of ongoing rehabilitative support and resources accessible from the courts for youth. Once a youth is released into the community, they lose their connection with the court, making it difficult to “access services without having that connection” (Researcher). Attendees highlighted that the courts are hands-off in supporting releasees: while the courts can impose bail conditions while the youth is released pending trial, these conditions cannot be imposed to change behaviour or for rehabilitation as the youth is presumed innocent at this point in the legal process. Once a youth has been convicted and sentenced, the courts have no role to play in their punishment. Similarly, if a youth receives a term of probation or detention, their contact with their probation officer and any detention staff whom they may have formed connections with are typically abruptly severed upon completion of their sentence. While one might expect for young people to form social connections to folks outside of the YCJS, such an expectation presumes that all young people have social support networks—which is not the case for all youth. In this sense, the systems tasked with ensuring successful transitions actually restrict youth’s ability to maintain contact with previously built networks.

## *Challenges with Services*

One Lawyer acknowledged that even if an individual is wrongly accused and eventually found not guilty, their journey within the system abruptly ends, but the experience of having to go through the system “still lingers with them.”

While some external services may be available that justice system workers can refer youth to outside the YCJS, there is a notable lack of direct support originating from within the system.

**The residual effects of being falsely accused or wrongfully implicated continue to affect the lives of these youth, underscoring the need for comprehensive support and assistance that extends beyond the legal process itself.**

Youth have also reported several challenges with existing release supports, such as inadequate mental health resources, lack of program knowledge, and strict eligibility criteria (Barker et al., 2020; Leal-Ferman et al., 2023). A Researcher suggested that the problem is not with the availability of support, but rather the distance between these resources and the youth, to which a Community Practitioner responded: “courts should not be used for rehabilitative purposes and there should be existing avenues to access services outside of the criminal justice system.”



The sentiments were not advocating for reduced support for youth but suggesting that youth are provided with appropriate resources outside the punitive framework of the YCJS.

Still, while services exist, the effectiveness of these supports was questioned. Inadequate mental health supports for youth were discussed, for example, restrictive time limits on how long the services can be used were referenced by a Researcher, which:



*indicates a broader societal attitude toward treatment of mental health—that we can treat it like we would a physical symptom and there is a cure, thus an abrupt end, not the way that mental illness works in all cases.*

Similarly, finances are another area where support is lacking. For youth involved in the child welfare system, many receive funds, but, as a Youth recalled, “we are not told how to manage this money and these funds.” Further, the Youth said, “once you’re 21, everything stops,” with youth only receiving health benefits and expected to access social assistance, leaving them with insufficient resources or financial literacy to thrive.

**In a Canadian study with 200 former foster youth, 77% reported earning less than \$20,000 after leaving care.**

A Researcher mentioned that “in a Canadian study with 200 former foster youth<sup>10</sup>, 77% reported that they earned less than \$20,000 annually after they left,” with financial insecurity adding another layer of complexity to their transition.

One Community Practitioner spoke about transition services for migrant youth leaving care and noted they are “poorly planned and don’t have the policies in place in particular in regard to ensuring identification and status.” A Researcher added, for youth leaving the child welfare system, implications of not receiving [migration] status before turning 18 are huge ... there are a lot of bureaucratic systems involved and complexities that the individual need to deal with,” and without support, navigating these bureaucratic systems can be extremely difficult for youth to navigate independently.

The challenges a youth will experience if they leave or age out of the child welfare system without citizenship status can significantly impact the trajectory of their lives in many ways. As shared by a Child Welfare Worker, these youth may be “unable to attend [post-secondary] school, rent a home or vehicle, or access healthcare.”

<sup>10</sup> See: Kovarikova, J. (2017). Exploring Youth Outcomes After Aging-out of Care. Ontario: Office of the Provincial Advocate for Children and Youth.

One Community Practitioner spoke about a youth they had worked with who aged out of care with unresolved immigration status and could not renew their health card, apply for a bank account, or rent an apartment with expired documents. The lack of status indirectly denied the youth access to essential services and basic needs that were integral to his future wellbeing. To prevent similar situations from happening to other youth, a Lawyer recommended implementing “regulations or policy that will put a greater onus on [child welfare] to ensure that status is obtained before exiting.

## Building Post-Transition Support

A Researcher raised questions about the ideal transition. Suggestions included access to safe and affordable housing, youth involvement, teaching programs, life skills development, and budgeting support while acknowledging that there should be an age where the formal transition support gradually tapers off, without abruptly ending the social support. A Child Welfare Worker added, there is a need to “create a sustainable system,” where youth are encouraged to have “long-term relationships” with supportive networks.

One suggestion was to initiate a network before youth age out of systems or leave the YCJS. In this proposed network, service providers can share their contact information and program details so youth can feel supported during their many transitions.

### Ideal Transition Supports

Access to safe and affordable housing

Youth involvement

Teaching programs

Life skills development

Budgeting support

## Safe and Affordable Housing

According to a Lawyer, youth involved with the YCJS are sometimes kept in custody for an unreasonably long period because the system cannot find a “suitable placement” for their release. They shared that there is a specific provision in the Youth Criminal Justice Act that prohibits “using custody or not releasing a young person as a substitute for appropriate child welfare, mental health, or other types of services in place.” Nevertheless, the Lawyer continued that:



*A lot of times, the Crown Attorneys will not consent to a young person's release unless they've got a safe place to go or they've got wraparound services in place ... So, it creates this problem where they shouldn't be in custody, that's not the right place for them to be, but there isn't another plan and there isn't another place [for them] to go.*

Here, the Lawyer emphasizes the challenge faced by young individuals who may be arrested and unable to return home or who lack a stable family residence and thus have no one who can come forward as a surety. In some cases, despite the presumption that youth should be releasable unless certain conditions are met, the Lawyer presented that “the reality is that there's often a need to come up with a [bail] plan so that that young person can leave custody safely.” For example, under section 31 of the YCJA, the court must consider if a “responsible person” can supervise the young person in the community pending the resolution of their trial, as an alternative to detaining the youth. However, this need for a bail plan can sometimes make the release process take longer and thus extend the individual's stay in custody.



A **surety** is a person who agrees to supervise a person in the community pending the resolution of their criminal trial. They are often required to pledge a financial amount that they risk losing if the accused person fails to comply with the terms of their release order.

Addressing the persistent housing challenges among youth, conference attendees emphasized how effective support for their transition from systems must involve facilitating access to safe, stable, and affordable housing options. A Community Practitioner stressed the significance of housing programs, highlighting the need for “[transitional housing programs] where they can live cheaply with peers and teach them life skills with a variety of programs.” In this sense, safe and affordable transitional housing can address issues of paternalistic principles and challenges with support services and play a critical role in connecting youth with shared life experiences while fostering responsibility and interdependence. One Child Welfare Worker acknowledged the benefits of transitional housing programs but expressed that “we don't have enough transitional programs or transitional housing.” One reason for the lack of transitional housing or other affordable housing options is the cost of establishing and maintaining these programs. The Worker then pointed out that providing these necessary resources costs “big bucks” despite the research that supports the long-term cost-benefit analysis of preventative programs (Rampersaud & Mussell, 2021).

## ***Future-Oriented and Sustainable Support***

Conference attendees emphasized the importance of establishing a *Youth Transition Program* that is based on *trauma-informed approaches* and that integrates age-appropriate services.

During the discussions, age, developmental stages, and the impact of trauma (as discussed in Chapter 1) became evident, shaping our understanding of how these factors profoundly influence the effectiveness of transition and release supports for youth. A Community Practitioner recommended the concept of a “life course approach to care,” aiming to shift interactions from purely transactional to a model that provides sustained, compassionate support.



A **life course approach to care** would consider an individual’s life trajectory, from early childhood through adulthood, identifying which experiences they may need support with along the way, given their systemic experiences as children or youth.

Such an approach goes beyond addressing immediate issues and aims to create a seamless and continuous support system that evolves with the individual as they navigate through different life stages or perhaps become more willing to access support. A Researcher explained that “trauma is something that’s long term. And because it has a long-term effect, we should have a long-term, trauma-informed support.” These deliberations led to conversations about the need for collaboration between government bodies, ministries, and committees before, during, and after transitions or releases.

Moreover, a Community Practitioner illustrated that “release and discharges are in need of [specialized committees]. Look at the gaps that people are dealing with. ... Mental health, homelessness, especially for youths just released from the justice system.” Similarly, other Community Practitioners advocated for “expanding the court support program to be more aware of who is being released to get more support for them.” In a broader sense, the conference attendees expressed hope that through inter-institutional collaboration, the system can be reformed to offer youth future-oriented, sustainable support that transcends immediate challenges and embraces a holistic vision for their well-being.

## ***Non-Professional Community Support and Family Reunification***

Given the discontinuity of support in current systems (as discussed earlier), Youth at the conference drew attention to their desire for non-professional support. Attendees proposed reconnecting with family and other community members is the best way to gain non-professional support. A Youth recommended,



*...there should be a worker that should be more engaged in the family that helps the youth get back into society. Such as the [local organisation] having a family support program which is youth-led ...Intentional support to ensure the youth gets family support so they do not end up with the [YCJS].*

During the conference, professionals and scholars agreed that family reunification should be the primary goal for systems. A Lawyer reflected about a youth they worked with and the impact of moving him away from his social connections and limiting family contact when coming into care, making the goal of reunification an almost impossible outcome:



*He's a young person who came to Canada very young ... different placements throughout his time in care so lots of disruption, lots of displacement. Not a lot of connection with the community, not a lot of connection with family.*

The Lawyer pointed out that youth are too often placed into new and unfamiliar environments, rather than working with ideas of extended family, community-centred care, or for youth with migration history, considering how a caregiver could come to Canada and provide familial support for the child. Alternative care options, such as foster care or adoption, may be necessary in certain circumstances when a child cannot be cared for within their family. However, when considering placement solutions, the State has an obligation to consider the desirability of continuity in a child's upbringing in terms of their ethnic, religious, cultural, and linguistic background.

With an understanding of the importance from a child rights and child development perspective of having familial and/or community connections for children and youth, workers and scholars repeatedly talked about how building non-professional support networks should be an obligation for the system and its workers. For example, a Child Welfare Worker said, "a worker who removes a child from the home, you have an obligation to start your work the next day of how to return that child to family, an extended family, kin, or community." The reference to a community-centred approach was discussed during the conference: we must consider that children need a community of connections to rely on after transitioning from the child welfare and criminal justice systems.


While formal institutional support is essential, it has genuine limitations. What is truly needed is enduring natural (non-professional) supports that do not have age cut-offs or rigid professional boundaries. There is a misconception in systems that services are geared toward independence, but this idea is a myth. Most people will rely on the supports of others throughout their lives; it is unreasonable and unrealistic to expect young people leaving systems to live independently sustainable lives, and to be able to thrive. The lack of sustained connection with youth after their transition hinders the gradual continuation or reduction of support established in earlier stages. Recognizing that the system's responsibility should extend beyond youth's exit is critical. Sharing experiences with peers who have faced similar experiences in this phase can help youth navigate similar circumstances more effectively and build reciprocal connections and support between youth. The current transition and release phases are missing a sense of genuine community and a protective network based on mutual understanding and support.

The responsibility to establish and maintain connections for youth experiencing a transition goes beyond procedural duty; it mirrors the holistic care a parent would provide to help their child develop socially, emotionally, and within their community<sup>11</sup>. In this context, the system, represented by its workers, should actively ensure that youth have a supportive network when leaving a system. A more pragmatic approach, as proposed by a Researcher, involves three integrated phases to effectively prepare youth for success beyond the system: the pre-transition planning, during which preparations commence well before departure; the transition itself, where necessary skills and orientation are provided; and the post-transition, aimed at ensuring the application of acquired skills.

<sup>11</sup> See Chapter 5 for further discussion.

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**CHAPTER THREE**  
**MIGRATION, CRIMINALIZATION,**  
**AND RIGHTS**

This chapter explores the intricate relationship between citizenship status, criminalization, and the challenges faced by youth with unresolved immigration status. The State has a role as the guardian for children in care and are entrusted with their well-being. However, despite this responsibility, there have been instances where children with unresolved immigration status have faced the risk of deportation when they reached adulthood, even after spending a significant portion of their lives in Canada under the care of State guardianship. These youth face multifaceted complexities, including the impact of their immigration status on child welfare involvements, challenges of obtaining legal status and documentation, increased barriers upon aging out of the child welfare system, and the implications of criminal charges for citizenship prospects. Workers at the intersections of the child welfare and immigration systems expressed the need to be made aware of young people's immigration status, as well as the need for multi-sector training and collaboration to better support children and families with immigration vulnerabilities. It is worth noting that a resource is available in Ontario, the Child Welfare Immigration Centre of Excellence (CWICE), that addresses some of these needs for children and youth in the province.

## Unaccompanied and Separated Children



**Unaccompanied or separated minors** refer to children who have left their country of origin or have been separated from their parents or legal guardians and are crossing international borders without the company of an adult responsible for their care (Public Safety Canada, 2020).

In Canada, the arrival of unaccompanied and separated children at ports of entry poses a complex and compassionate challenge. When unaccompanied minors arrive at the border, Canada Border Services Agency (CBSA) contact child welfare agencies, who are responsible for assessing the child's safety and needs. In such instances, child welfare professionals are called to conduct assessments, ensure that the child receives the care and support they need, and when applicable, they will place the child in State guardianship. A Child Welfare Worker recalled,



*we will get calls from the airport to say, 'We have an unaccompanied minor here. ...There's not a caregiver, we have some concern,' so we will go out there and do assessments to ensure there will be enough care.*

Honouring the commitments to the United Nations Convention on the Rights of the Child (CRC) (1989), Canada's government recognizes the rights and well-being of children, including those who are unaccompanied or separated from their families.



Canada has ratified the CRC, including a commitment to Article 20. Therefore, unaccompanied or separated children are placed under the official guardianship of the State if no alternative caregiver is available but will be assigned a social worker within a provincial or territorial child welfare agency that will monitor their well-being over time. This social worker represents The State, who, in effect, becomes their parent. All children under the State’s care should receive equitable support, irrespective of their citizenship status. However, the State is not always an attentive parent, and there are many accounts of children having unresolved immigration status while living in the care of the Canadian government.

**Article 20** emphasizes the need to provide special protection and assistance to children “deprived of [their] family environment” (United Nations, 1989, p. 6).

When children turn 18 and leave State care, those who still have an unresolved immigration status are at risk of being deported to their countries of origin if they do not have a legal right to stay in Canada; children formerly in State care who entered Canada as unaccompanied minors shared fears of having to return to their “home” countries, often when the young person had spent more of their life in Canada and identified as Canadian. Children in these circumstances caught the attention of many people working in various social services sectors interacting with unaccompanied or separated children and families, as the State is expected to act as a parent would, which in this case means ensuring the child they are responsible for has a legal right to stay in Canada.

A Community Practitioner at the conference explained that CBSA and child welfare workers try to collaborate to ensure the best interest of the child. However, they acknowledged that there are times when children do not share their status with CBSA officers and may not be deemed an unaccompanied and separated minor until they engage with a community agency. The challenges faced by unaccompanied and separated minors are intricately connected to the broader issues surrounding immigration status and the child welfare system in Canada.

**The complexities of unaccompanied and separated minor children’s circumstances highlight the need for systems—immigration and child welfare—to work together in sharing information, expertise, or resources, conducting assessments, and supporting the child’s best interests within the context of both systems. Additionally, these collaborative relationships can be leveraged to support the child in obtaining legal status to avoid deportation.**

## Intersection of Immigration Status and Care

The immigration system, particularly precarious immigration status, plays a significant role in (im)migrant families' stress when residing in Canada (Cloos, 2020; Goldring, Berinstein, & Bernhard, 2009; Tulli et al., 2023).

Precarious immigration status might include individuals with authorized but temporary legal status (e.g., temporary foreign workers, visitors, international students) or those with unauthorized status (i.e., lacking legal documents). Additionally, it is important to recognize the link between higher parental stress levels and increased instances of physical violence against children (Geprägs et al., 2023). When combined with systemic racism, biases, or stereotypes historically held by child welfare workers against racialized families (Middel et al., 2020; Thomas et al., 2022), the likelihood that immigrant families are intervened by the child welfare system increases. Exploring potential ways to secure immigration status is directly linked to preventing and protecting families from becoming involved with the child welfare system by addressing the underlying contributors to stress and insecurity that most impact (im)migrant families.



## Resolving Immigration Status Before Leaving Care

In addition to the emotional and social stress of unresolved immigration status, many workers observed that youth leaving the child welfare system without legal status and/or complete documentation often lack access to essential services. Community Practitioners resoundingly emphasized the importance of working with youth to obtain their citizenship documents before they turn 18 (as explained in Chapter 1), irrespective of whether the young person is in out-of-home care or living with their family. Practitioners further explained that their sense of urgency was because young people over the age of 18 are extremely vulnerable in a number of ways if they have precarious citizenship status. A Researcher elaborated that after youth turn 18:



*...there's so many rules that if you mess up, you're out of the country. So, if you actually don't have the resources to understand what's your status, it's going to be a full problem once you're out [of care] because you are not going to have awareness and you can mess up your immigration.*

Youth may be left in a state of uncertainty without a clear path to citizenship or a long-term legal identity in Canada. Given the importance of resolving legal status for children and youth, as well as the challenges associated with obtaining status after turning 18, transparency and awareness about immigration status are crucial for workers supporting youth in care, or for youth in care to discuss with their worker. A Community Practitioner brought attention to the importance of workers being “informed about the legal status of the children and youth they work with, as this information can impact the services and resources that can be accessed.” Similarly, a Community Practitioner stressed the need for increased knowledge about the legal intricacies of the immigration system and, more broadly,



*Workers need to understand the laws around immigration status so they can better advocate for and support young people in care. ... Without this knowledge, workers may inadvertently provide incorrect information or not be aware of the resources available to support youth who are not yet legally authorized to stay in Canada.*

These discussions underscore the recommendation for multi-sector training and collaboration to equip workers with the knowledge and resources needed to best support young people in navigating systemic complexities. Training is now available and through attending multi-sector training, workers across sectors are informed and knowledgeable, resulting in fewer children being overlooked amidst system gaps. A Researcher highlighted the direct connection between adequate training and children’s well-being, saying,



*...workers are in a position of power and can make a huge difference in the lives of young people. By ensuring [workers] have the information they need, we can better support young people in achieving their goals and thriving in Canada.*

## Exploring Pathways to Status

A Lawyer attending the conference expressed the need for a more streamlined process to "make it easier for a child in care to obtain status and ultimately citizenship" prior to leaving care. A Researcher in attendance drew a meaningful comparison between the experiences of migrant children in State care versus migrant students. The observation prompted questions from a Researcher regarding the privileges between these two groups:



*Immigrant students, they kind of have a direct pathway into status ... Why don't [children in care] have the same immigration status or like the same level of privileges as people with a direct pathway?*

During the conference, participants discussed the status disruption faced by immigrant children placed in the care of the child welfare system. In this context, status disruption refers to the loss of, or changes to, an individual's immigration status, which can occur when a minor is no longer considered a dependent of their parents, and necessitates a change in visa type, or results in losing their status entirely. During these conversations, one Lawyer pointed out that involvement in the child welfare system can create obstacles for children in obtaining permanent residency (PR) and citizenship, since a child is technically under the care of the Province if they are under the care of a child welfare authority, even if their parents have PR or are citizens in Canada, raising concerns about their long-term identity in Canada.

## Receiving a Criminal Charge and Immigration Status

Conference attendees focused on the potential for increased contact with law enforcement due to involvement with the child welfare and immigration systems. Children who have a history of involvement with the child welfare system are over-represented in the criminal justice system (Nickel et al., 2020); further, abundant research shows how racialized youth are often criminalized (Francis, 2021; Maynard, 2017). This research, when taken together, highlights how the risk of coming in contact with law enforcement is a well-established reality for many youths interacting with these systems, with racialized youth being most vulnerable. As a result, one way a young person's immigration status might be negatively impacted would be if they came into conflict with the law.

If a young person without Canadian citizenship status is convicted after turning 18, they risk jeopardising their ability to apply for and obtain citizenship. Depending on the nature of their criminal charge, they may also be at risk of being deported upon conviction. A Lawyer expanded on this and explained a deportation risk arises in all instances "when someone is being charged with a criminal offense [carrying a penalty] for up to six months" or longer, though in reality, criminalization poses an issue for all foreign nationals. Any criminal conviction for an indictable offence can make a foreign national inadmissible; any criminal conviction for two summary offences can make a foreign national inadmissible. Another Lawyer elaborated that the outcome of an arrest or prosecution can "result in someone [becoming] inadmissible in Canada," meaning, "they are not permitted to reside and live [in Canada]."

Individuals will lose their status upon conviction and receive a deportation order. A Lawyer noted that these vulnerabilities apply to all non-citizens:



*When you say a non-citizen, that can refer to a Permanent Resident who has lived in Canada their entire life; it can refer to a recently arrived refugee claimant; it can refer to someone here on a study permit or a work permit; or it can refer to someone who has no status whatsoever who is considered a foreign national under Canada's immigration law, the Immigration and Refugee Protection Act.*

## *Criminal Inadmissibility*

Canada's Immigration and Refugee Protection Act (IRPA) (2002) regulates immigration to Canada and outlines all factors that would make someone inadmissible. **As the term inadmissibility implies, those deemed inadmissible will not be permitted legal entry (or admission) into Canada and may be deported if they are in Canada.** One Lawyer said, "inadmissibility is likely the scariest or worst word that crops up repeatedly in Canada's immigration laws." The consequences of being deemed inadmissible are serious, including effectively disrupting one's pathway to Canadian citizenship.

A prominent reason why someone may be deemed inadmissible would be if they had prior or current criminal justice system involvement. Several Lawyers described the consequences of being deemed criminally inadmissible. One Lawyer outlined, "...for anyone who is not a Canadian citizen who is engaged with the criminal justice system ... certain dispositions, specifically convictions, can result in a person becoming inadmissible to Canada." Another Lawyer added:



*...criminal inadmissibility arises with respect to certain convictions. If an offence is punishable by a certain length of time or if a particular length of sentence is administered to someone, then they may be rendered criminally inadmissible in Canada.*

Many attendees questioned whether a person's age at the time of their offence mattered in determining inadmissibility. Some attendees suggested that youth and adults with a youth criminal record should not be subjected to this standard. The responses from immigration Lawyers indicate that the answer to this question is nuanced. For example, if a young person (aged 12-17) who is not yet a Canadian citizen receives a criminal charge under Canada's Youth Criminal Justice Act (YCJA), then inadmissibility would not apply due to their age.

According to one Lawyer, “there's a specific provision [in the IRPA] that says findings of guilt under the Youth Criminal Justice Act do not result in inadmissibility where a youth sentence is imposed.” However, the Lawyer continued that,



*The obvious inference is that where an adult sentence is imposed, it's fair game and the conviction ... can be considered for inadmissibility purposes ...where someone is 17 and convicted under the YCJA, if the Crown has sought and obtained an adult sentence, then there ... would be criminal inadmissibility implications under the Immigration and Refugee Protection Act.*

It is important to also understand the potential consequences of having a prior criminal record, especially for young (im)migrant youth. Usually, youth records are sealed or destroyed three to five years after their last youth sentence is over. However, the period where the record is open is referred to as the access period. If someone is convicted of another crime within that three-to-five-year period, their youth record can be accessed and becomes a part of their adult record. A Lawyer explained the implications of this circumstance for migrant youth:



*If [someone obtains] another conviction at the age of 19 and is charged under the Criminal Code, their youth record becomes part of their adult record. The Canada Border Services Agency can look at that record when making a determination about whether to pursue a finding of inadmissibility and then the issuance of a deportation order.*



Having a prior criminal record can result in a harsher sentence, as it might be seen as a pattern of criminal behaviour or lack of rehabilitation, increasing the possibility of being deemed criminally inadmissible and/or deported. Above all, even if someone is charged under the Youth Criminal Justice Act, there can still be significant immigration consequences if they receive an adult sentence. The consequences of an inadmissibility finding are very serious, including possibly—and in many cases, likely—removal from Canada. This significant, life-altering consequence of a conviction emphasizes the importance and necessity of supporting young people to obtain status before their 18th birthday.

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## **CHAPTER FOUR**

# **DATA COLLECTION: INFORMATION SHARING, PRIVACY, AND CONSENT**





Issues pertaining to **data, including collection, sharing, privacy, and consent**, factored prominently into discussions throughout the conference. These issues transcend boundaries between systems as young people and practitioners involved with child welfare, immigration, and criminal justice systems **all face challenges when it comes to data.**

## Collecting Information: Identifying the Appropriate Scope

Many conference attendees spoke about the **necessity and value of having insights into young peoples' history and current circumstances** in order to best support them. They highlighted the need for comprehensive tools for initial intakes and ongoing assessments to connect young people with suitable supports and resources while also remaining responsive to their evolving needs. Yet, **the type of information needed, how much, and for whom were points of contention between attendees.** The necessity of information was also countered with young peoples' inherent right to privacy—a right that is legally protected once they reach the age of majority.

In determining how best to deal with data, three questions were often posted:

- **What information is necessary to collect?**
- **Who needs this information?**
- **And how is the information being used?**

**Some attendees felt that having more information is better**, so practitioners should be given a wide scope when it comes to data, through intake and ongoing assessment processes. A Community Practitioner shared how collecting information could be used as a tool to gain insights into a young person's history: **"It would potentially be helpful for young persons if more folks knew about their history in care at age 18."**

While recognizing that confidentiality about their involvement in child welfare is legally guaranteed, those who had been in the care system might still want to gain a deeper understanding of their past experiences. For children in care, **case notes and assessments often represent some of the limited tangible reminders through which they can construct their personal narratives**, in contrast to children who have access to family videos, photos, stories or similar resources—especially if the youth in care moved to multiple placements or did not have positive relationships with caregivers.

One Lawyer elaborated that, **"It can be very difficult for a young person to get access to their own records and, you know, that's a piece of a young person's story. That's, you know, information that they should be entitled to."** However, unless the child is under the legal guardianship of the State, child welfare records are typically viewed as **"the personal information of a parent and not the personal information of the young person,"** as explained by a Lawyer. This circumstance hinders young people from accessing information about themselves after exiting the child welfare system.

For many conference attendees, **knowing details about a young person’s involvement in care helps them create an individualized plan of care that best meets the youth’s needs, increasing the likelihood of that young person’s success within programs.** Arguably, knowing what information is relevant can be challenging until there is a holistic view of someone’s circumstances. Consequently, eliminating barriers to data collection is in the best interests of young people seeking services from systems.

Several Community Practitioners agreed that having more information is helpful in their respective roles. Still, they felt that **more work was needed for young people to be made aware of their rights when it comes to information being shared about their lives.** These attendees felt it was critical to privilege the privacy and autonomy of the young people they support. They felt responsible for creating an atmosphere of respect for young people’s rights, requiring them to carefully consider what information is being collected and to emphasize **“transparency of information to children and families and make information accessible,”** as shared by a Community Practitioner. At every step, practitioners ought to ask, **“What is the purpose of the information [being collected]?”** Additionally, fellow Community Practitioners urged that more work is needed to **“educate young people on how their files are assessed,”** who their records are available to, and who is accessing their files.

Essentially, **young people should be partners in the information collection process, with their well-informed, written assent being sought** before information sharing, including the option to **decline the sharing of specific information that does not pertain to their safety.** Attendees acknowledged the need to mitigate the potential of re-traumatization and the challenges posed by workforce turnover; **practitioners can still encourage older children to share their history** and information they consider relevant in their own words, aligning with a rights-based framework.

## Youth Records

Attendees across sectors expressed some confusion around youths’ records, with discussions primarily focused on records in the child welfare and criminal justice contexts. Conversations illuminated the complexities around **record creation, keeping, access, and expiry.** While there is some overlap in issues across both systems, it is worth exploring how these issues manifest in each system, and with what effects.



### *Child Welfare Records*

When young people are brought into the care of the child welfare system, they will undergo an intake process in which a file is created for them. Social workers will continually add to these files throughout a young person’s time in care, until the time that they exit the care system. Several workers or supervisors might add to the young person’s file, which can be attributed to worker turnover, vacation time, leaves, or service delivery across different departments, etc. (Rampersaud & Mussell, 2021). **Acknowledging that passing files between workers is common practice, some attendees questioned the benefit and appropriateness of reading a file whenever a new youth is added to their caseload.**

Workers who felt it was prudent and necessary to read a file before meeting a youth shared several concerns to support their position. For example, one Child Welfare Worker said,

“

*You also have to remember you are entering an unknown situation. ... Say you are going to visit the family and you don't know these people. You get there, somebody is having an overdose in front of you. ... There's a precedent. You have to know [what] you're walking into.*

Another Child Welfare Worker added,

“

*I also have thoughts of, like, the safety concern. Especially when you're going into a situation that you don't know. Like, it's helpful to know if there's guns in the home. Like, I have walked into some dramatic situations. You have to know something.*

Adding to workers' concerns about safety is a Child Welfare Worker explaining that, “**We are hated galore. ...people don't spare any hatred here because the idea is that we're here to take their child.**” As a result, there is a risk that a worker “**can be walking into somebody who points a gun at [them]. [They] can walk into somebody who threatens [them] physically.**” For these Child Welfare Workers, “**you've got to read something for your own safety.**”

Some argued that there were other ways workers could prepare for potentially dangerous situations that do not involve reading youth's files. **These attendees felt it was unnecessary to read the file** as the information in it can sometimes create harm for youth. One former Youth in care shared,

“

*I have never encountered a social worker to not read the file as it is best practice to know what you—the social worker—are walking into. But [the file] does not center the needs and best options for the children.*

This Youth took issue with the kinds of information that may be included in a file, the way that information is documented, and **how it may influence how future workers interact with a youth and their family.** One Community Practitioner spoke about a TED talk they had listened to, where:

“

*A former youth in care was promoting ... getting rid of the case files because the whole notion is that your story is written in a particular way within those files, and then that file is shared to everybody.*

Rather than simply believing whatever is written in a file, many conference attendees **felt workers should commit to getting to know youth and forming their own impressions and plans of care.** A Community Practitioner urged workers to remember that the “file is just a snapshot ... of a youth in a particular time,” and it is quite possible for youth to have different experiences with different workers: “Sometimes you meet with the child and the monster [the previous worker] painted in the file—that’s just not true.”

In these discussions, **some attendees felt it was possible to find a middle ground between these two viewpoints.** For example, a Community Practitioner suggested it might be possible to reorganize the file such that key information is highlighted, meaning workers would not have to read “the entire case history but the fundamental information that matters.” Another Child Welfare Worker commented that some, “families that have, like seven volumes. I don’t need to read that.” Instead, workers’ attention could be directed to the most relevant information, like safety concerns, that might establish more objectivity in the process.

Others encouraged developing processes to create **more accountability for workers in the information they document.** A Researcher elaborated that such a process would create more transparency that could “create avenues for youth to see their own files and be contributors to it.”

In addition to issues around reading child welfare records, attendees also discussed issues of access and privacy once youth exit care. As mentioned by a Child Welfare Worker, child welfare records are permanent: “[Child] welfare records do not get expunged” like records in other systems might. However, once a young person turns 18, it may be difficult to gain access to these records (some reasons explored earlier). By restricting access to child welfare records, a Criminal Lawyer deliberated on current law in Canada which entitles young people to privacy around their histories in child welfare at age 18, affording them the autonomy to choose to share this information:

“

*The way that the Act is structured is that [there’s] such a high premium on privacy for really good reasons, because we don’t want that information to be sort of widely known because of the stigmatizing effect that it might have.*

However, a Criminal Lawyer added a consequence of this policy:

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*If you’re another type of supporting organization that wants to have those records because they, you know, they would be really helpful to your client, they are actually really difficult to get, and in some cases, they may not be accessible at all.*

The Criminal Lawyer discussed how **knowing about a young adult’s history in care may help them make an argument for diversion or leniency in sentencing.** Notably, historic records have been helpful in lawsuits regarding the mass removal of Indigenous children from their homes into the child welfare system (commonly known as the ‘Sixties Scoop’). Additionally, some youth will continue to rely on community supports into young adulthood; accessing child welfare information can help practitioners connect youth with the range of supports they need.

Despite the benefits of access that may arise in specific contexts—as in the case of a criminal charge—attendees felt that **accessing child welfare records should be done with the utmost respect and care for a young person’s privacy and autonomy**, and only when absolutely necessary. A Researcher shared the importance of workers asking, “**What is the relevance right now, based on this situation that [I’m] dealing with?**” as having access to this information can be harmful to young people who are trying to move forward with their lives after being in care.

A Community Practitioner brought a compassionate suggestion about the danger in allowing a person’s history to “**become the driver in how systems interact with a family**” rather than “**allowing room for people to change and grow over time.**” As an example, when a former youth in care becomes a parent, their child welfare record may be accessed and used against them if their own parenting becomes subject to investigation by child welfare services. A history in care can be weaponized as evidence of “poor parenting” and the need for State intervention. This circumstance, known as the “cycle of care,” creates intergenerational traumatic impacts for families. Some conference attendees proposed remedying this situation by **establishing an expiration date for child welfare records, after which they would either be permanently sealed or destroyed.**

### Youth Criminal Record

Criminal Lawyers who attended the conference were able to inform and dispel myths regarding the differences between a youth and an adult criminal record. According to one Lawyer, it is important to note that “**young people are never convicted of offences; they’re only found guilty, they just have a finding of guilt,**” and so, “**they don’t have a criminal record in the same way that an adult does.**” Unlike with an adult criminal charge, a Criminal Lawyer highlighted that a youth record:



*... will remain accessible for [three to five] years from the date that your sentence is completed. So, if you get a two-year probation sentence, that’s seven years ... from the date of your sentence that your record will remain accessible. So that means that the police will maintain, for example, in CPIC—in their database—the fact that you have been found guilty.*

While the child welfare system seals records and restricts access once a young person turns 18, sealing a youth criminal record does not hinge on age. Furthermore, while former youth in care retain privacy around their histories in care after turning 18, the privacy around a youth criminal record is much more nuanced. One Lawyer described:



*A young person who’s dealt with under the Youth Criminal Justice Act is entitled to a really high degree of privacy as a result of provisions of that Act which prevent the young person from being identified as having been dealt with under that Act. So that implies, from the moment that they are in contact with the police, all the way to findings of guilt and sentence, and beyond, and depending on how their charges are disposed of, there are different access periods related to these records. ... So, if the charge is just withdrawn in an informal way, a record will remain accessible. The fact that you’ve been charged will be accessible to police and other types of justice system actors, like Crowns, for a period of two months. The longest access is reserved for certain, most serious types of consequences.*

While it is noteworthy that **the information in a youth’s criminal record will be sealed for three to five years after their sentence is complete**, lawyers illuminated the ways that **a youth record can continue to impact a young person within and beyond that five-year period**. For example, a Criminal Lawyer shared that if a young person applies for a post-secondary program or a job that requires them to complete a criminal record check with the police, a prior finding of guilt as a youth may impact their chances of success:



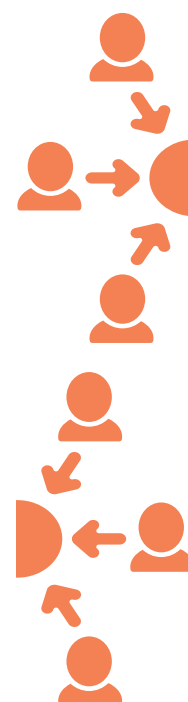
*If you had to answer a question on a job application that's, 'Have you ever been convicted of a criminal offense?' or, 'Do you have a criminal record?' a young person who was found guilty of a criminal offence can honestly answer that question and they can say, 'I've never been convicted of a criminal offense' [because] they do not have a criminal record. The more complex part is if you have to produce a police record check or a vulnerable sector check in order to do the program of education or get a job. That information will still be accessible on a check like that, so it puts the young person in a really difficult position to know whether to disclose that information, or not disclose that information, and risk not getting the job.*

While both the child welfare and criminal justice systems purport to prioritize the privacy of youth by sealing their records at specified points in time, it appears that sealing a record does not mean these records will never be accessed. **In both systems, a youth’s record may continue to impact their ability to move forward with their lives after ceasing involvement with these systems.** In both cases, youth may remain ensnared in these systems long into adulthood rather than being permitted to change and grow.

### Multi-Sector Information Sharing

**Systems tend to operate with rigid boundaries between them**, such that if a young person asks their child welfare worker questions about their immigration status or criminal charge, for example, their worker likely will not know the answer. **Supports and resources available in one system often remain invisible to other systems**, making it difficult for workers to know what supports and resources are available outside their domain. If a worker needs to connect with another system, they may not know where to begin, what questions to ask, or who to contact. One Community Practitioner aptly said, **“What we’re struggling with here—to contain our conversation to these silos—is what we’re seeing in the field, right?”** The reality for young people is that each system functions within a separate bureaucracy, creating a siloed delivery of services—an approach that disadvantages young people with multisectoral needs.

When information is collected, it often remains localized within a single system. Consequently, **while several systems may benefit from having this information**, they must all undertake unique intake and assessment with the young people they support.





Some attendees challenged the benefit and efficacy of replicating intake and assessment in each sector. Other Community Practitioners pointed out how traumatizing it can be for young people to “repeat information with workers” in different sectors. In response, one Youth proposed creating a multi-sector assessment tool— “one assessment document that includes multiple providers.” A multi-sector assessment tool could help young people synthesize their experiences between systems and allow workers to “follow through with questions on probation, mental health, and other services in relation to information sharing” (Youth). A Community Practitioner agreed that such a tool could entail, “...basically, one assessment document that would include everything, that multiple service providers could use and build on, preventing a youth from having to repeat their story over and over again to different professionals.”



**Creating a multi-sector assessment tool appealed to many conference attendees who were seeking opportunities to share information between sectors.**

Yet, concerns about the scope of these tools continued to come up. One Government Stakeholder suggested that the questions we ask young people should be specific and relevant. In their experience, young people are often asked, “Irrelevant questions ...to receive support, such as asking an individual ...if they are pregnant in documentation.” Some attendees felt that intake and assessment tools should be reviewed to ensure that every question posed to young people has a specific purpose behind it. Practitioners should also emphasize to young people the voluntary nature of participating in the intake process. The Government Stakeholder advised to “invite dialogue consistently throughout the process, to be transparent” and to “try to encourage [young people] to give out information they feel comfortable with.”

In taking these precautions, **practitioners would demonstrate their commitment to supporting young peoples’ right to privacy and autonomy in sharing information about their lives.**

When collecting information from young people, a Government Stakeholder urged practitioners also to consider, “Do they understand the implications?” A helpful example illustrating the significance of this consideration emerged during a discussion of citizenship precarity. One Immigration Lawyer advised that **it is not always beneficial for young people to respond to inquiries from different system workers.** If they are arrested and receive a criminal charge, for example, young people should not disclose their undocumented status as this information may be relayed to workers in the immigration system, which could significantly impact their pathways to citizenship.



**Service providers have a responsibility to recognize the potential consequences of the information they collect and work in the best interests of the young people they support.**

## Interpreting Data and Recognizing Bias

Attendees explained that Child Welfare Workers “**have to be certified**” and are “**trained to see certain things as certain things.**” Yet, a worker’s bias (or prejudice) influences the way that information is documented and interpreted, which can have significant and long-lasting effects if a worker does not engage in reflexive practice. A Community Practitioner shared how assumptions or bias can affect families: “**There is an issue with people reading files that contain concepts like, ‘This family has issues with mental health’ and labeling a family this way ... [leading] to stigmatization for generations.**” A Researcher at the conference re-emphasized: “[Child welfare records] stay forever ...It can be 3 generations, 4 generations later—it is still there and if you want to read it, you can.”

While there is personal bias in the engagement between workers and youth or families, **bias can also be found at the systemic level.** For example, several attendees explained that presenting trends and statistics particularly appeals to policymakers and funders.

A Community Practitioner noted the reality of, “[Having] to show what’s the cost and associated costs. People who fund [programs] like numbers. Numbers that say, ‘It is going to cost you five times as much if you don’t shore it up now’.” However, when data presentation prioritizes the needs of funders, the best interests of young people sometimes become secondary. Data gathering and sharing should also be done in ways that tell a complete story, rather than skewing the data to tell a particular story. Furthermore, when only select data is presented, a Researcher highlighted that it might appear “**overall outcomes [are] improving, but they’re not necessarily improving for, like, the youth who are Indigenous.**” In this instance, “...the data may not necessarily have captured an area where issues are still being experienced, but then we suddenly have this number that we can slap in an annual report and say we did our jobs.” Sharing data among community practitioners and with policymakers can lead to improvements in service delivery and systems but must be done in a way that honours the reality of children and families involved in systems; this kind of evidence-based advocacy work can have long-term and generational impacts for young people and their families.

Some attendees discussed the benefit of collecting and sharing anonymized and/or aggregated data as a way to support their bigger advocacy goals, contextualized by a Researcher:

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*If we are able to keep the balance between, yes, we collect data, but I also will make that available to our communities, it’s a way to create pressure. Because we are saying, ‘Hey, this is a current issue that is still happening, and we are still getting data from more people so therefore there’s something going on.’ And this is a good way to do advocacy.*

However, several concerns must be heeded when considering sharing data. **Any data sharing project must first and foremost commit to ongoing engagement with communities.** One Researcher emphasized the importance of reciprocity when working with the community: “**We don’t only take from [communities], but we should also make them feel they’re being [compensated] somehow.**”





Another Researcher elaborated,



*Something that I find really interesting is, we collect all of this data. We're doing our own analysis. And we can send this data to policymakers or higher entities, and at the end, it's under their discretion to do whatever they want to do with the information. But when it comes to data gathering, if participants don't feel they need to participate, if they don't see that there is something going on, they are not going to participate.*

**Data gathering and sharing should include the voices and perspectives of those impacted by systems. Knowledge should not be gatekept. Rather, the community should be engaged in the data collection and prioritized when information is shared.**

When we mobilize data to the public and other stakeholders, it should be done with the best interests of the young people we support in mind. Several Researchers outlined that simply collecting data means that “sometimes it gets collected in a way that doesn't provide useful information,” and when we collect data, we should be concerned with whether we are “attending to the issues.” If “we collect some data and think we know something, but it's not paired with the other necessary data, [then] we don't really know what we think we know.” For information-sharing to be meaningful, the whole story should be shared and explained. A Researcher said we should be “looking at existing issues and being honest about where the existing issues are, and then trying to target the data collection in a way that is actually useful and will tell us something.” Data about systemic improvements should also be shared, while tending to the nuance of whom things are improving for, so that others can benefit from this knowledge. **Moving toward evidenced-based solutions means collecting accurate data and sharing it freely in order to give a fulsome picture of reality.**

In providing this fulsome picture, however, **we also have a responsibility to be sensitive to the power of interpretation.** In collecting and sharing race-based data in particular, we must be mindful of our own biases and avoid reproducing harm to communities that have been made marginal. Rather than simply avoiding collecting race-based data, we should be careful about how this information is presented and remain attuned to the possible ways it may be interpreted and “changed in political spaces to hurt immigrants and racialized people,” voiced by a Community Practitioner. Similarly, another Community Practitioner acknowledged that,




*...data is very dangerous. ... It can be used in immigration by a politician with the intent to discredit immigrants; they can use the exact same data that you reported on and say, 'You see? See how the refugees, the immigrants...' ... It's [knowing] when and how to use it, and how to present it.*

**Race-based data should not be left open to interpretation.** When we include these and similar data in our advocacy work, a Researcher noted that explanations must be offered as to its purpose by trying to “localize it ...to attend it to a certain issue or area or positive outcome that you're working towards in order to make sure that that data is useful and will tell us something.”



**CHAPTER FIVE**  
**YOUTH IDENTITY, BELONGING,  
AND VOICE**



## Family Separation, Identity and Belonging

Culture and family are integral to a young person's identity and belonging. **Because involvement in the immigration and child welfare systems can result in family separation and, consequently, the severing of ties to one's culture, system involvement can have significant impact on young people's sense of identity and feelings of belonging.**



For example, some youth attendees with experience of both systems spoke about the **difficulties that immigrant youth face if they are placed in out-of-home care with a family whose ethnic background is different from theirs** (Akuoko-Barfi et al., 2021).

A range of difficulties may arise, from not being able to access appropriate haircare and skincare products to having to eat unfamiliar foods. One Youth spoke about the destabilizing effects of living in a group home unfamiliar to them and the challenges with adapting to the foreign environment: "Lunches are different, dinners are different, you know. There are different rules, different workers in there." A Youth who identified as African spoke about their experience being placed in a predominately White community, sharing how difficult it was for them to find "African comfort food" in their new community. These stories offer insight into how impactful this unfamiliarity can be, amid being removed from their home, separated from their family, and placed in a strange home in an unfamiliar city.



**From the youths' perspectives, having some cultural familiarities available might have gone a long way to making them feel more comfortable.**

Some Youth also shed light on the significance of adjusting to new disciplinary norms. One Youth who had entered the child welfare system shortly after immigrating to Canada shared, "Growing up in an African Caribbean household, you get disciplined in a certain way, right? Could be physical, verbal. Abuse was huge in an African-Caribbean household." However, in their foster home, the approach to discipline was very different. Rather than the heavy-handed discipline of their upbringing, this Youth shared that their foster parents gave them a lot of freedom and rarely disciplined. Adopting Eurocentric disciplinary norms, the Youth spoke about pushing the boundaries of what they could get away with and added it felt like "no one cared about me enough to discipline me." Significantly, some youth may internalize this lower level of involvement as a lack of care and support. From the perspective of a child welfare worker, a difference in disciplinary approaches toward accepted Eurocentric disciplinary norms would likely be a positive and welcome change. However, **such an abrupt and stark change can confuse young people** as they struggle to understand and adjust to new rules and expectations.

It is important for community practitioners to understand that discipline can look different across cultures without necessarily amounting to harm.

**The challenges that racialized youth face are often compounded by the already difficult experience of family separation.** These circumstances often hinder their ability to build a connection with their social worker, their caregivers, their peers at school, or with others in the communities in which they are placed. **For some racialized and immigrant youth, their families may be their only ties to their cultural roots.** When separated from their families, they often struggle to find and build a supportive, cultural network. This difficulty in connecting can lead to feelings of confusion around their identity (Akuoko-Barfi et al., 2021).

**Questions about identity and belonging are exacerbated for children and youth who have unresolved or precarious immigration status.** Living under these circumstances can lead young people to feel disconnected from both their country of origin and their country of residence which creates feelings of unbelonging. These feelings are significant as they come at a time when youth are forming their identities; belonging is critically important to developing one's sense of self. When young people are separated from their families during this time, they are often cut off from the people who could anchor them to their cultural roots and help them to navigate these feelings.

One Youth spoke candidly about what it feels like to be in this situation: "...something that keeps coming up is the notion of identity, and questioning where do I belong. I do not have papers, so where is my community?" Because community organizations prioritize supporting young people to meet their basic needs for survival—like housing and food—**fostering a sense of belonging can become a tertiary priority.** Yet conference attendees emphasized that belonging is critical to youth's survival. A Community Practitioner voiced that more must be done to help youth "create a sense of belonging [and] build a circle of support."

## Living with the Threat of Deportation

**Young people who are in care are especially vulnerable to coming into conflict with the law** (Bala et al., 2015; Finlay et al., 2019; Rampersaud, 2021). Oftentimes the behaviours of young people in out-of-home care are dealt with by criminal means, such as calling the police, whereas they may be dealt with otherwise in a familial home. Things like taking food from a [locked] kitchen cupboard or fighting with a foster sibling might result in a criminal charge for theft or assault, respectively, for youth living in a group home context (Rampersaud, 2021). One Immigration Lawyer discussed how **criminalization often occurs as a result of system-created vulnerabilities:**



*The way children are handled within the system can cause a cascading disruptive effect of the child's trajectory and increase their likelihood of integration into the youth criminal justice system. For example, a young man who came to Canada at a young age with his family and was taken into [child welfare] custody, he was in 15+ placements which resulted in very little community and difficulty obtaining status. He had a number of youth and adult charges and although he received his [Permanent Residency], he could have been deported to a country he had no knowledge of.*

This Lawyer emphasizes some ways that the child welfare system can create instability in a young person's life. This **instability can have significant effects like, inability to form meaningful and long-term relationships and disruption to their education**, creating the conditions in which criminalization is more likely to occur. And while the instability of being in care can lead many young people to experience criminalization...



**...for non-citizens, experiencing criminalization can have serious, life-altering consequences, including having to live under a constant threat of deportation (Rampersaud et al., 2024), which causes some young people to fear contact with systems altogether.**

Many attendees indicated that young people who fear contact with systems are especially fearful of having any contact with the police, as police are the first point of contact with the criminal justice system. One Youth shared, when you have precarious immigration status, there is a fear **“that the police may share their information of being without status to the government,”** and so **“from a young age, there is a fear to interact with the justice system.”** It is important to note that the risk of contact with the police, and thus of being deported, looms larger for some groups than others. As an example, one Community Practitioner emphasized ways that some neighbourhoods—namely those that are predominantly racialized—are over-policed, which amplifies the risks for racialized folks without citizenship status. A Youth noted the real-life implications of these practices: **“I’m being pulled over every night simply because I’m from this neighbourhood.”**

For racialized folks, a Researcher agreed that **contact “with the police and being undocumented<sup>1</sup> can be terrifying,”** leading most to want to avoid police altogether. This circumstance is especially daunting for any youth who are victims of crime, as they may not feel comfortable reaching out to the police for fear of jeopardizing their residence in the country. One Criminal Lawyer advised that this fear may not be without weight: **“The government will always want to catch the undocumented immigrants.”** The Criminal Lawyer went on to say that if young people come in contact with police, **“It is crucial that the undocumented youth does not share too much information”** as the police are representatives of the government and, while they have no legal obligation to do so, they may still report their undocumented status to a government agency. **Community practitioners must be sensitive to the fears of youth who are living with the threat of deportation.**

When contemplating how best to support youth who come into contact with both the immigration and criminal justice systems, many conference attendees emphasized that **there is a need to consider the impact on their mental and emotional well-being.**

A Researcher emphasized that for many youth without citizenship status, their lives are **“marked by great uncertainty,”** which can significantly impact their physical and mental health. It may also mean that they are **unable to participate in certain things that their peers are doing for fear of exposing their status.** Something as innocuous as attending a party with peers in which the police may be called can carry unequal risks for young people with and without citizenship status.



<sup>1</sup> By undocumented, we refer to individuals who have no immigration status or precarious immigration status.

A Researcher shared that many youths also fear the stigmatization that may be associated with their non-citizenship status:



*There's a lot of stigmatization if they're facing deportation that ... they must be really bad people. ... And it's also very hidden. We don't talk about deportation. [There're] all sorts of barriers, I think, ...why a lot of people don't actively campaign against deportation.*

For fear of outing themselves as undocumented and potentially facing significant consequences, many young people keep these factors that significantly shape their lives hidden. Over time, some young people may internalize the threat of deportation to mean they are inherently “deportable.” These instances, though, represent a significant systemic failure. One Researcher places the responsibility back onto systems: “[systems must help young people obtain citizenship and eliminate the threat of deportation.](#)”

## Responsiveness to Complex Intersectional Needs

The above discussions highlight just how complex and intersectional the needs of young people involved with the child protection, immigration, and criminal justice systems can be. Attendees agreed that a commitment to support young people to thrive means that systems—and the workers therein—must be aware of and responsive to these needs. Yet, the best approach/es to meet this end were debated among attendees. **Two principal approaches were discussed**, including the need to work from perspectives that prioritize:

**1 YOUTH-CENTRED APPROACHES**

**2 CULTURAL COMPETENCY  
OR CULTURAL HUMILITY**

### *Youth-Centred Approach*

Conference attendees mentioned some **dehumanizing aspects of systems, where people are treated as numbers, files, and cases**. Such systems fail to recognize the emotions and dignity of each person, treating them as faceless entities rather than people with their own experiences, needs, feelings, and rights. A Researcher referred to this as “[people processing families, one after another, without having enough time to engage.](#)” Alternatively, a Child Welfare Worker spoke about the need to “[shift from risk perspective to a human-based perspective,](#)” while others referenced centring the person’s needs in all decisions instead of the current systemic bureaucracy. Mainly, a Youth who had lived experience with the systems shared how “[the system, the workers, need to be compassionate.](#)”

A Community Practitioner **shared their experience with bureaucracy** and how it affects their interactions with families:



*The people who are putting themselves day-to-day in those relationships are continually constrained by evermore paperwork and legislation ... and risk and risk aversion. A lot of social workers being trained to protect themselves and to check boxes. If ... I'm worried about [a researcher] coming at me, I'm not building rapport and relationships. I'm making sure that I tend to the bureaucracy of it all. And I'm taking away all that energy that could be put into building meaningful relationships and placing it elsewhere.*

**Systems focus on protecting themselves rather than encouraging workers to build meaningful connections with the youth and families they are meant to support.** While risk aversion and professional boundaries are important, Researchers raised concerns that the “**lack of human understanding**” and over-professionalism hinder genuine human connection and care. Other Researchers challenged that while there are specific guidelines for risk aversion, mandates for building meaningful connections are not enforced:



*At the end of the day, we're human—it's about care, it's about love, it's about support, it's about belonging. ... I feel like that human element is sometimes missing and it's up to individual workers how much they care and how much time they want to commit.*

These narratives emphasize the complex interaction between bureaucratic structures, risk management, and the primary need for genuine human engagement, empathy, and compassion that may be missing in youth's lives. Maintaining a delicate balance between efficient administrative processes, safety, and compassionate support is key for working towards creating caring systems, and ultimately producing better outcomes for the young people these systems are meant to support.

Another aspect of remaining responsive to youths' complex and intersectional needs is centring youths' voices. **But what does a youth-centred approach really entail?** According to one Child Welfare Worker,



*I think that's an important question to ask yourself. ... Who is the centre of your practice? Are you going to put yourself first [and] are you going to put the youth or client second? That's a very important question to ask yourselves and continuously reflect on theory versus actual practice.*



To a Community Practitioner, a youth-centred approach requires workers to go beyond simply asking, “Are you good?” and assuming their practice is centred—“that’s not centred.”

### Creating a children and youth-centred space requires workers to:

- “Consult with children first” (Researcher)
- Really “listen” to what they have to say (Community Practitioner)
- “Accept lived experience as knowledge” (Community Practitioner).
- Young people “need to be heard and [practitioners] need to be able to hear them out” (Community Practitioner).

While workers develop plans for young people based on professional knowledge and constraints, years of experience, and a sense of the bigger picture, **the individualized context of a young person’s needs cannot be ignored.** By prioritizing the perspectives and input of young people, workers will gain insight about their unique needs and the best ways to support them as individuals. Community practitioners have a responsibility to help youth to make informed decisions. One Child Welfare Worker said that this responsibility should include, “...teaching youth how to be informed, allowing them to have their say, and explaining the consequences of their decisions,” but ultimately leaving the decisions to the youth. Allowing youth to have input on the decisions that impact their lives might mean shifting away from “risk aversion and bureaucracy” centred approaches that can “ostracize children and their needs,” and instead being more flexible (Community Practitioner).

So long as a young person is not in immediate danger or harm, **workers must be willing to re-evaluate the plans they create** in order to respect and acknowledge what young people say they need, even if it may contradict their professional judgement. In instances when workers cannot honour a young person’s suggestion or request, then they should **offer a meaningful explanation.** Doing so will ensure young people are not discouraged from sharing their voice in future.



One Lawyer describes this circumstance as striking a balance between “protecting children” and supporting “the ability of children to stand up for themselves.” **Such a balance respects young peoples’ right to self-determination while acknowledging their agency and autonomy and fostering their sense of ownership over their own lives and futures.** To take this youth-centred approach seriously in practice, workers have a responsibility to ask young people questions and to offer them choices when it comes to decisions about their lives.

One Youth shared how difficult it was to be placed in a foster care home that was two hours away from their familial home without being given any choice in the matter but wishing they had been included in the decision-making process:



*“I found, like, if you’re gonna put a kid into a home, you have to ask us something, like, preference of one or something closer to us.”*

Had the Youth been asked, **they would have spoken up about wanting to remain in, or at least be closer to, the community they considered home.**



A meaningful way for practitioners to include and centre young people in their work is during [family or case] conferencing, which occurs in both the child protection and criminal justice systems. During conferences, several stakeholders participate in a meeting to formulate a plan for the young person, whether it be a release plan for bail or probation, or a plan of care in the child protection system. Participating stakeholders might include justice system actors, child welfare workers, family members, and the youth themselves. Within this context, a Community Practitioner explained,



*I found that this was a really good way for youth to have their voice. The focus is them. The first person to speak is the youth. If they get asked, 'What have they been doing?' it's not like, 'right mom,' 'right dad,' 'right social worker.' Like, the focus is the youth.*

In spaces like this one that permit youth participation, the stakeholders involved must be intentional about privileging and prioritizing the voice and perspectives of young people. Conference attendees recommended that this approach be mandated within systems to ensure workers across sectors are actively involving youth in decision-making processes and, consequently, valuing their perspectives.

### *Cultural Competence (or Cultural Humility)*

Cultural competence can be understood as,

The capacity to interact compassionately, sensitively and effectively with people of different cultures. Culture consists of the customs, history, values and languages that make up the heritage of a person or people and contribute to that person's or people's identity. Cultural competency is expressed in ways that recognize the value of the diverse worldviews and cultures of other people—their behaviour, spirituality, beliefs, customs, language, attitudes, gender, social status, economic status, and so on. Every group has unique culturally defined needs that must be respected (Assembly of First Nations, 2021).

Cultural competence was a popular topic throughout the conference, **with disagreement arising about the benefits, efficacy, and value of this approach.** Some attendees argued that culturally responsive approaches to service delivery are needed to rectify histories of discrimination and oppression. For example, one Community Practitioner spoke about the **impacts of cultural competence in the child protection sector:**



*Within North America, Black children also receive poorer quality of placements, they remain in care longer, and they're less likely to reunify with their families. With this in mind, ... we really try to emphasize providing culturally responsive and reflective and appropriate services that are accessible for Black children and the Latin American children and youth in care.*

While Some attendees agreed that this approach is important, but felt it was not yet apparent in current systemic work. One Researcher commented that among these systems, there is a “[lack of recognition for cultural practices and different traditional norms.](#)” Another Researcher added, in the child protection system, “[there’s not culturally competent workers or people going into the homes of BIPOC<sup>2</sup> and conducting these check-ins.](#)” According to this Researcher, child protection work must be done with sensitivity to the racial, ethnic, and cultural needs of young people and their families. The child protection workers responsible for carrying out such serious tasks, like home visits and family separation, must be culturally competent.

To emphasize this point, this Researcher elaborated on some of the consequences that can occur for young people when child protection workers lack cultural competency:



*And it even comes down to ... there's no context. These reports do not have cultural context. There's no... It's people coming into the homes who do not have an idea of how these homes operate [or] the moral, the ethnic, the cultural values that inform the way these people live. It's just essentially a stranger coming into your home trying to condense your home life into a couple of sentences and taking your kids away.*

Given the enormity of such decisions, aspects of cultural competence are a necessity. However, this Researcher proposes that **while cultural context is valuable, it does not encompass the full spectrum of cultural intricacies and dynamics present within diverse communities.** Although workers may be trained to understand and appreciate different cultures, there are still nuanced aspects that should be contextualized, particularly when a workers' insights can have momentous consequences of having one's children taken away. Some attendees deviated from this view, instead arguing that cultural competence is a “[Eurocentric concept](#)” (Community Practitioner). One Researcher argued instead for the adoption of **cultural humility**:



*The term cultural competency ... is not enough to encompass what it actually means to examine your own self and your own prejudices and biases, right? We use the term, or folks use the term cultural competency as a checkbox to say. 'Yes, I've taken my anti-racism 101 training so now I'm culturally competent.' But cultural [humility] actually asks us to reflect inward on our own prejudices and biases.*

In practice, cultural competence has become a credential, such that once a worker is certified, they are automatically presumed to be culturally competent. But this practice fails to integrate ongoing action, not just to try and understand the context of youth's lives, but to also remain apprised of one's own biases. Pon (2009) argues that cultural competency views culture as neutral or devoid of power and maintains absolutist views of culture where Whiteness is still seen as the default. In contrast, **cultural humility or cultural safety accounts for this ongoing, dual-pronged work to decenter Whiteness and critique systems of oppression.**

<sup>2</sup> The term BIPOC encompasses Black, Indigenous and Persons of Colour.

Another group of conference attendees adopted the view that we ought to reconsider the efficacy of culturally competent approaches altogether, and **instead adopt a model of cultural, racial, ethnic, etc. matching of workers to young people.** One Researcher felt matching is particularly important in the child protection system: “if there is an invasive process to be done, such as removing the child from the house. It should be somebody of a similar ethnic background.” It is presumed that matching workers and young people of similar backgrounds will reduce, if not eliminate, discriminatory practices. However, matching does not account for, “racialized folks who are ... assimilationists” (Community Practitioner). Nor does it consider the extent to which Euro-Western ideals permeate all three systems, as well as the systems in which workers are educated and socialized. **Arguably, even a matching program could raise problems without some degree of cultural responsiveness, competence, and/or humility.**

In many circumstances described throughout the conference, workers were commonly blamed for situations and perceived as being incompetent. **Cultural competency of individual workers was subject to debate without considering how workers function within a system.** Workers are expected to follow specific regulations, standards, and protocols, which may not necessarily address problems stemming from race, ethnicity, or immigration processes.

**Holding frontline workers solely accountable for issues overlooks the broader systems at play and the responsibilities of those involved.**

## The Need to Foster Belonging

Fostering a feeling of belonging among young people involved with systems is critical to their wellbeing, development, and sense of identity. However, among practitioners, **identity building and belonging are often treated as secondary, or even tertiary concerns when it comes to planning and coordinating services for a young person’s survival.** One Researcher shared,



*Child protection is often framed as, like, meeting the basic needs, like, do they have a bed to lay in, do they have food in their stomach, do they have—whatever? But it's like, at the end of the day, we're human—it's about care, it's about love, it's about support, it's about belonging. And like, yeah, I feel like that human element is sometimes missing and it's up to, like, individual workers about how much they care and how much time they wanna commit. And it shouldn't be like that.*

One meaningful way to develop youth’s sense of belonging is to **guide them to develop and maintain meaningful non-professional relationships early in their lives.** There is a benefit to creating circumstances where youth can “connect with, like, younger youth and stuff,” as expressed by a Researcher. Workers should think outside the box about ways to create opportunities and spaces for young people to build these kinds of relationships.

One in these spaces, feelings of belonging can flourish:



*That sense of belonging comes from, like, feeling valued and feeling wanted that like, people or family and stuff, like, typically give you. It's like, your parent loves you so much and stuff, so you're like, 'Oh I feel valued. I'm doing something for them.' They get to feel love and stuff too. So, like, creating ways for that is, like, a really interesting conversation. I think creating that would be beneficial (Researcher).*

In the context of child protection, attendees recognized that in some cases, removing a child from their home is necessary. **Once a child is removed, however, the system should adopt a family supportive network approach:**



*With the child welfare system, the focus should be on the child and the well-being of the child, but depending on the situation, it should be more from a child-centered approach to a family supportive network approach. If a kid is taken away, we should try to maintain that family supportive network approach, if they're taken away from the family, does that mean everyone in the family? And if not, then we can find other people who are from that kid's life (Community Practitioner).*

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## **CONCLUSION**

**STRENGTHENING INSTITUTIONAL  
RESPONSES: REFORM, TRANSFORM,  
OR ABOLISH?**



Throughout the conference, conversations between attendees, especially the perspectives of youth, revealed several areas of overlap and significant gaps in services for young people who are involved in multiple systems. This circumstance can be extremely difficult for young people to navigate. One Community Practitioner summarized,



*when we add those layers of involvement in another system. the young person becomes more and more vulnerable.*

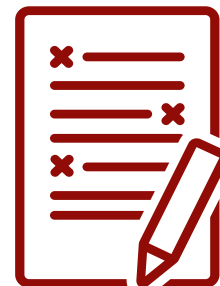
The conference was grounded in the lived reality of the attendees, who prompted the question: **How can we strengthen institutional responses?** Our goal was to learn from and with each other and propose cross-sector solutions that would better support young people to thrive in Ontario. Our intention was to respect the lived experiences of the attendees and work towards implementing meaningful change. The conversations were rich, but we realized that simple solutions were difficult to come by. In each discussion, attendees oscillated between solutions that would require reforming, transforming, or even abolishing the child protection, immigration, and criminal justice systems.

**The complexities and nuances mirrored the intricate issues young people face, with no one-size-fits-all solution to fit every issue. Instead, reform, transformation or abolishment may be appropriate at separate times.**

**We recognize that these terms carry significant weight and may be divisive.** Many feel an understandable hesitation with them, as did our attendees. As such, some of our conversations centred on unpacking each term. We conclude by outlining highlights from these conversations and shared understandings of innovative solutions. Then, we imagine a path forward that addresses some of the key issues raised. **We consider one consistent solution proposed across systems and issues: the need for more upstream and preventive supports.**

## Reform, Transform, or Abolish?

Those who proposed **reform** acknowledged that systems exist for a reason and fulfill a necessary service, even if they have room for improvement. One solution for improvement attendees posed was to reduce workers' caseloads in each system to offer more personalized attention and support to young people, presumably leading to better outcomes. Many stakeholders have proposed this solution at different times and long before this conference, as voiced by a Community Practitioner: **"Having lower caseloads has been something that, you know, people have talked about for many, many years."** Given the public's awareness of the high number of cases child welfare workers have at a time, this topic was a recurrent point throughout the conference, prompting attendees to consider what reduced caseloads would mean in practice.



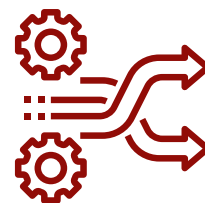


Attendees questioned the benefits of reduced caseloads if it simply meant adding more workers to the existing system. Arguably, increasing the workforce is not enough to change outcomes. As one Community Practitioner pointed out, “**what we’re doing already is causing harm**” and would replicate the same approach that has led to many issues raised throughout the conference, seemingly unrelated to caseloads. When we propose amending the existing system through reform, a Community Practitioner spoke about it being:



*...something that we have to think about. When we talk about creating more workers, more of the same systems that we know do not work, when do we stop thinking that way and start thinking differently?*

Many attendees agreed that if the existing system and ways of doing things are not working, we should consider doing the work differently. One Community Practitioner said, “**I think we continue to strive for [reform], but I also think that maybe doing the work differently is something that is really interesting.**” We need to reflect on the changes we propose and consider whether we should stop at reform or instead try to **transform** how we do things.



A Community Practitioner stated that transformation requires us to be “**willing to step outside the normal ways that we do things in order to get different results.**” A Child Welfare Worker drew attention to a transformative approach also requiring sensitivity and responsiveness to the evolving needs of young people:



*What we’re facing within child welfare for all young people is changing so rapidly that it’s requiring us to be organic and to think outside of the box in really meaningful ways.*

For instance, using the example again of reducing caseloads, a Researcher proposed transforming the system could mean “**having programs to address the root causes of having so many people in the system**”; **this approach asks us to understand the bigger picture of why caseloads are high and brainstorm new or different ways to achieve the outcome of reduced caseloads.**

A Lawyer at the conference spoke about the need to introduce other types of changes beyond policy to improve the systemic experiences of youth, giving the example of: “**not necessarily legislative change, but such as police training on mental health.**” The lawyer discussed the need for additional strategies and approaches that also include youth in shaping transformative change. **While increasing and improving programming to safeguard children and reduce the risk factors for abuse may be high in cost and initial input, it could have a stronger long-term impact on the trajectory of children, youth, and families.** Transformative solutions can be inherently seen as high risk. However, a Community Practitioner shared that there is much to be gained:



*It’s tough, and obviously, there’s downsides to [change], but what we’re doing already is causing harm and causing issues, ...so we might as well try something else that is expected to do good things.*

In addition to proposing reformation and transformation of systems, some attendees considered whether we should do away with—or **abolish**—systems altogether. While different arguments were made with respect to each of the criminal justice, child welfare, and immigration systems, most of our conversations focused on the possibility and desirability of abolishing the child welfare system. **Despite its problems, most attendees felt we could not completely do away with the child protection system.** One Researcher asked,



*Should we eliminate the child welfare system? Defund the child welfare system? Most say no. But we need to have a major transformation if we are going to respond to the needs of those who are overrepresented in the system.*

Adding to this idea, a Community Practitioner deliberated,



*We're in a moment that is really intent on abolition of systems, but the reality is that there are a number of young people in this city and across this province who are in dire need of support ... One of the things that's coming up from a lot of young people is that they came out of home environments that were really horrible, right? And I think sometimes we lose [sight of] that. I was a child in care. I know if I hadn't been in the system that my life would have looked completely different.*

Most attendees agreed that implementing reformative and transformative changes to systems can have a significant impact without completely doing away with systems: “I don't know if we need to ‘bomb’ everything. That, to me, is not the answer,” as voiced by a Community Practitioner. Overall, the discussions featured the importance of assessing what is working well and what is not while introducing flexibility to adapt programs to meet the needs of young people as they arise.

## Upstream and Preventative Work

While there are instances in which a child's removal from their familial home is necessary, conference attendees spoke at length about the need for upstream and preventative support that would transform the way that systems currently interact with young people and their families that could reduce the need for system involvement altogether in the long-run.

According to one Child Welfare Worker, “Money should be spent on prevention, not on putting kids in care.” A Community Practitioner elaborated with an example: “For every hour a child spends in a mentoring program, the government actually saves \$26—so yes, we should invest in preventative measures.”

**Upstream and preventative work can be done with the aim of keeping young people out of systems that can ultimately have intergenerational transformative impacts.**



This report has emphasized **the need for young people to have a nurturing social support network early on as a way to foster resilience**. Far too many young people exit systems<sup>1</sup> with few to no non-professional support in their lives.



**There is an urgent need to move to a “family-centred approach” in all three systems, wherein connecting young people with non-professional support would be a top priority.**

System workers are urged to expand their thinking about a young person’s network. One Child Welfare Worker said, **“Our identities are not just in the home. Our communities are also part of that.”**

Expanding the Eurocentric notion of “family” to include other people in a young person’s life can lead to meaningful and long-term natural support, **in contrast with the “artificial” support offered by professionals**, which is age-dependent, restricted by professional standards, and premised on eventually ending.

**Support can come from many people:**

- extended relatives
- friends, teachers
- guidance counsellors
- Coaches
- religious leaders
- Elders

The concept of a family-centred approach also means **investing in schools and community organizations** to make sure that **“it’s not only at the end, when this kid has come into danger or neglect, that we start to see them, but from the outset,”** suggested by a Community Practitioner.

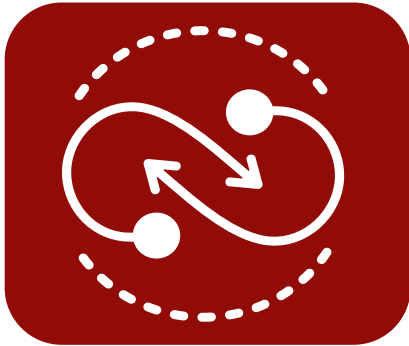
However, community-based approaches **must not perpetuate the existing oversurveillance of certain communities** but strengthen and invest in preventative programs that can directly benefit the young people and families who live and play within them. One Child Welfare Worker said, **“You remove supportive networks and we have seen the research about what having no support does to a kid.”** However, relying on professionals to be the sole sources of support for these young people is not appropriate or sustainable; as one Child Welfare Worker mentioned, **“one adult cannot be everything to one child.”** The sentiments were echoed by a Community Practitioner:



*We can’t, as one person, wear all these hats for the youth, but we can work together. We can, you know, split up every responsibility and be that village that the child needs until ... they can be stable enough to make those relationships for themselves.*

<sup>1</sup>Ontario’s child welfare system was recently redesigned (*Policy Directive CW 003-23 - Preparing Youth for Successful Transition from the Care of Children’s Aid Societies*). A new policy directive outlines the importance of early intervention and extended support to young people in and leaving care. Yet, it also establishes a new cut off point for services, occurring at age 23. In this report, we problematize arbitrary age cut offs in favour of a life course approach to care. This approach recognizes the need for ongoing support into adulthood that does not have an “end date.” Ultimately, systems should not prepare young people to face independence and isolation; rather, *interdependence* is what is needed to thrive (Hokanson et al., 2019; Rampersaud & O’Keefe, 2023).

## Multi-Sectoral Collaboration



Conference attendees shared that currently, systems are not designed to talk to each other, **yet their impacts and effects on young people are very much interconnected.**

For example, high numbers of young people who leave the child welfare system come into conflict with the law; among this already vulnerable group, **those with precarious immigration status are especially vulnerable as they navigate living with the threat of deportation.**



From the testimonies from youth and other stakeholders throughout the conference, one thing was made clear: **young people have multi-sector needs, yet the prevailing approach to service provision is siloed.**

# RECOMMENDATIONS

We make the following recommendations to all three systems (child welfare, criminal justice, and immigration) that could have significant impacts for young people today, tomorrow, and in future:

1

**Extend** provisions outlined in the *Youth Criminal Justice Act* for young people between the ages of 18 and 29 in a manner appropriate for their developmental stage.

2

**Create** direct pathways to Canadian citizenship for young people who have (im)migrated to Canada and ensure these pathways are available to young people before their 18<sup>th</sup> birthdays.

3

**Transition** from arbitrary age-based cut-offs for care and adopt a “life course approach to care” that prioritizes developmentally informed, consistent and compassionate support from early childhood through adulthood.

4

**Develop** and implement a “pre-transition,” “transition,” and “post-transition” planning framework to support young people.

**With multi-sector training and collaboration, these recommendations can be put into practices, which will ultimately strengthen institutional responses.**