

RECOMMENDATIONS REGARDING BILL 89 SUPPORTING CHILDREN, YOUTH AND FAMILIES ACT, 2016

Families for Addiction Recovery (“FAR”)

FAR is a new grassroots Canadian registered charity. Our mission is to support families affected by substance use disorder (“SUD”) and to protect persons, particularly youth, struggling with SUD by:

- promoting publicly-funded, timely, compassionate, evidence-based treatment;
- supporting research; and
- working to end stigma.

FAR was founded by parents of children who struggled with SUD from their early teens. We are a national organization but most of our supporters are currently in Ontario.

Bill 89

Unfortunately, FAR was not in existence during the consultation period for Bill 89. We would like to make these recommendations now in the hope that it is better late than never. Our concerns are best understood in the context of the following scenario which is very familiar to many of our supporters.

Scenario

Adam is fifteen years old and is struggling with addiction, ADHD and oppositional defiance disorder (ODD). He is going to school where he sells drugs to fund his addiction. His parents are aware, disapprove and are doing their best to get their son some help but he denies that he has a problem. Several professionals advise Adam’s parents that there is nothing they can do. There is no minimum age for medical consent in Ontario so Adam is within his rights to refuse treatment. His parents are unwilling to have him arrested as they know that he is sick, not bad, and his behavior is a symptom of his illness. A criminal record would simply add a legal problem on top of his illness and impede his recovery in the future.

Adam’s life becomes more and more chaotic. His family members, including younger siblings, are walking on eggshells. He is verbally abusive and regularly threatens his family. Finally, Adam decides that he can’t live with his parents’ rules and decides to leave home. Alternatively, he harms a sibling in a confrontation and his parents decide he cannot continue to live at home for the safety of the other children.

What happens to Adam today?

In either scenario, Adam may become homeless or he may enter the system in one of three ways:

1. Youth Justice;
2. Children's Aid; or
3. Residential Treatment Facility for Addiction and Mental Health.

In our collective lived experience in this scenario Adam will end up in Children's Aid, where he will receive no assessment for, or treatment of, his addiction and mental illness which will continue to progress. He will continue to be involved in the drug trade to fund his addiction and teenage girls in this situation can become involved in the sex trade.

Requests by parents to Children's Aid to look for drugs or the proceeds of crime are met with the response that this would be a violation of their child's right to privacy.

These children are the definition of at-risk youth, and they are some of our most vulnerable citizens. It is in their best interest to receive treatment for their addiction and other mental health disorders as soon as possible. Their refusal of treatment demonstrates their inability to make decisions in their own best interests.

Ontario's laws today, as drafted or as applied, result in the right of the child to refuse treatment taking precedence over the best interests of the child. FAR's position is that this is a violation of the following sections of the UN Convention on the Rights of the Child:

- Article 3: Protection of the Best Interests of the Child;
- Article 24: Right to Good Quality Health Care (their refusal of treatment acts as a complete barrier to treatment of their illness);
- Article 33: Right to be protected from the use of harmful drugs and from being used in the drug trade.

Family members are often taught to view their loved one struggling with addiction as two people; there is your loved one, the person you knew before the addiction, and then there is the monster of addiction that is in control when your loved one is in active addiction. This view is very helpful to parents whose children in active addiction are breaking the values and morals by which they were raised (and to children who may have neglectful parents in active addiction).

FAR's position is that while our current laws, as drafted or applied, may appear to side with the child, they are, in fact, siding with the monster of addiction against the parents and against the child who has lost the ability to stop using notwithstanding adverse consequences (which is the very definition of addiction). In other words, our laws enable the addiction to the detriment of the child, his family and society. Simply put, a child in active addiction is not exercising free will in deciding to refuse treatment but is a slave to their addiction. They lack capacity to make decisions that are in their best interests. This conclusion is supported by the science of addiction and its effect on the adolescent brain.

What should happen to Adam under Bill 89 and other laws in Ontario?

FAR's position is that in this scenario Adam should receive a full mental health assessment and go to residential treatment for his addiction and concurrent mental health disorders. There should be intensive efforts at family reunification and support for his family members as well. All other possibilities result in untreated addiction and mental illness which is the most expensive option for taxpayers and has the worst outcome for Adam, his family and society.

We believe that the UN Convention on the Rights of the Child means that minors struggling with addiction have a right to treatment, not incarceration, and that the Province of Ontario has an obligation to assist parents to intervene to ensure that minors receive treatment and to prevent minors from being involved in the drug or sex trade. Our youth should have a right to be well, not a right to be ill.

One of the stated goals of Bill 89 is to increase protection for vulnerable youth:

- Avoiding crisis situations for children and families
- Reducing homelessness, human trafficking and involvement in crime.

We don't believe that Bill 89 as drafted, or as it will be interpreted, together with other laws in Ontario, will achieve these goals with respect to our most at-risk youth; those struggling with addiction and other mental health disorders.

We recommend that Bill 89 be drafted so as to ensure that if a youth can no longer remain in his home because he is struggling with addiction and/or other mental health disorders, he will receive a full mental health assessment and then be placed in residential treatment and receive treatment so that he may be reunified with his family as quickly as possible.