To: Chair and Members
Emergency & Community Services Committee

From: Joe-Anne Priel
General Manager
Community Services Department

Date: May 6, 2008

Re: Ontario Works Temporary Care Allowance (ECS08023) (City Wide)

Council Direction:

Not applicable.

Information:

On April 14, 2008, Paul Miller (NDP) raised an issue in the Ontario Legislature concerning the Ontario Works Temporary Care Allowance. MPP Miller highlighted the way that the City of Hamilton was applying the policy. He requested that the Ministry, “make a change to the Ontario Works Act, 1997 to insure that the care providers receive the full benefits that they need to raise their grandchildren”. He further suggested that until such time as policies are reviewed, “the Ministry needs to clarify the directives to the municipalities that cut-off the grandparents from Temporary Care Assistance and to ensure this is available for all grandparents throughout Ontario for raising their grandchildren”.

MPP Miller is advocating for change to the way that grandparents and kin are financially supported in raising their grandchildren. He did not isolate the actions of Hamilton but rather stated that the City was working collaboratively with the advocates to bring resolution to this issue.

The Ontario Works Temporary Care Allowance provides assistance for children in financial need while in the care of an adult who does not have a legal obligation to support the child. As an example, the adult may be a grandparent, aunt or friend of the family. Temporary Care Allowance provides monthly assistance in the amount of $231.00, plus mandatory drug and dental benefits, for the first child and $188.00, for any other subsequent child. This allowance is subject to the deduction of income such
as the National Child Benefit, Survivor's benefits and child support. It is needs-tested and based upon the income and assets of the child, not the caregiver.

Some Temporary Care Allowance cases were made ineligible for assistance based on the definition of “temporary care” as stated in the Ontario Works Act. The decision was made when the temporary care provider had obtained legal custody through the Courts under the Family Law Act.

Temporary care providers appealed the ineligible decision to the Social Benefits Tribunal but Hamilton's decision was upheld. The Social Benefits Tribunal ruled that the City of Hamilton was applying the legislation correctly. The Ministry of Community and Social Services also confirmed that Hamilton interpreted the legislation correctly.

A request was received by Ontario Works staff to meet with members of the Raising Our Children’s Kids (ROCK), a group of grand-parents and kin who have children in their care. A meeting was held on April 9, 2008, that was attended by members of ROCK, staff from the Ontario Works Program, MPP Paul Miller’s staff and Ministry of Community and Social Services representatives. The intent of the meeting was to discuss the Ontario Works Temporary Care Allowance policy and Hamilton’s interpretation of the policy. Different viewpoints were shared and it was agreed that all parties would work together to seek change in the present policy. City and Ministry staff stated that the current legislation must be upheld until changes are made to the legislation. It was agreed that a further meeting to address policy, recommendations and approaches would be scheduled at the request of MPP Miller’s staff.

City staff will continue to have dialogue with ROCK, the Ministry and other advocates to ensure that the temporary care providers have access to all available services and resources to support the financial and health care of the child or children in their care.

Joe-Anne Priel,
General Manager
Community Services Department