

Office of the Child and Youth Advocate Quarterly Report
April 1 to June 30, 2010
Children and Youth Services' Response to Mandatory Notifications Involving
Abuse in Care

The Ministry has made changes to the response document to align with the new Child and Youth Advocate's Quarterly Report format and the quantitative approach taken by the Child and Youth Advocate. The response document provides more quantifiable information regarding the Mandatory Notifications involving abuse in care, while ensuring that the identifying details are not disclosed to protect the children and families involved.

What is a mandatory notification to the Child and Youth Advocate?

Child and Family Services Authority (CFSA) and Delegated First Nations Agency (DFNA) staff are required by Ministry policy to inform the Office of the Child and Youth Advocate (OCYA) by completing a Mandatory Notification whenever:

- a child is alleged to have suffered neglect, emotional injury, physical abuse or sexual abuse while in provincial government care;
- a child receiving services, or a significant person in his or her life, disagrees with the services planned for a child in care; or
- it is believed that the viewpoint or interests of a child in care are not being considered, the rights of a child in care are not being respected, or a child's needs are not met.

What is an allegation of abuse in care?

Children and Youth Services is committed to keeping children in care safe from harm; unfortunately, there are situations where intentional or non-intentional actions lead to a child in care being abused. Allegations regarding abuse in care may involve the following:

- *neglect*, such as inadequate supervision, or failure to provide basic needs or medical attention;
- *emotional injury*, such as inappropriate exposure to drug or alcohol use in the home, exposure to family violence, differential treatment, inappropriate disciplinary measures, name calling, threats or derogatory statements aimed at a child. (Differential treatment covers a broad range of unacceptable parenting practices and may include such things as the child being excluded from family activities, being held to unreasonable expectations of behaviour, or other actions that result in the child feeling unaccepted as a member of the family);
- *physical abuse*, such as abusive disciplinary measures, accidental injury during restraint or physical abuse, whether from a care provider, an adult other than a care provider, or from a child residing in or outside of the home; or
- *sexual abuse*, such as inappropriate exposure to sexual contact or activity, whether from a care provider, an adult other than the care provider, or from a child residing in or outside of the home.

Who determines if an allegation of abuse in care is substantiated or unsubstantiated?

All incidents involving allegations of abuse in care (whether neglect, emotional injury, physical or sexual abuse) are assessed by CFSA or DFNA staff and are determined to be substantiated or unsubstantiated. An individual Advocate from the OCYA meets with the staff who assessed the allegations to discuss the results and ensure that the situation has been resolved to the Advocate's satisfaction. The Advocate may arrange a visit with the child involved if there is an indication that advocacy support is warranted or desired.

What steps are taken following substantiated incidents of abuse?

With all cases involving allegations of abuse of a child in care, the first priority is to take action to ensure the safety and well-being of the child. When a child in care is involved with a substantiated allegation of abuse, further steps are taken to ensure the child's safety. The nature of these steps varies, depending upon the circumstances of each case.

Steps taken **with the children** involved in substantiated incidents may include the following:

- moving the child to another placement;
- increasing caseworker contact with the child;
- providing additional supports and services to the child (for example counselling, increase in contact with caseworker); or
- referring specific types of abuse involving children under permanent guardianship to the Office of the Public Trustee to ensure the children's legal rights are protected.

Steps taken **with the care providers** involved in substantiated incidents may include the following:

- closure of care provider's home, or discipline of residential facility staff;
- referral to police regarding incidents that are believed to be criminal (sexual or physical assault);
- requirements for care providers to receive additional training before being able to care for children in their home again;
- requirements for care providers to take additional steps to ensure the continued safety and well-being of children in their care, such as making sure third parties who have placed the safety and well-being of the young person at risk do not have access to the child; or
- additional supports and services provided to care providers and increased monitoring of the care provider's activities.

RESPONSE TO MANDATORY NOTIFICATIONS INVOLVING ABUSE OF CHILDREN IN CARE

The OCYA Quarterly Report for the period of April 1 to June 30, 2010 provides statistical information regarding all children referred through Mandatory Notifications. Not all Mandatory Notifications involve children abused in care. The following response provides information regarding children identified in the OCYA Quarterly Report for the period of April 1 to June 30, 2010 who were involved in allegations of abuse while in care.

There were 8,623 children in care during the period April 1 to June 30, 2010. During this period, Mandatory Notifications were completed for 371 children. In some cases, more than one Mandatory Notification may have been completed for the same child. The Mandatory Notifications involved the following:

- 344 of the 371 children (92 per cent) were involved with incidents related to allegations of abuse in care.
- Of the 344 children, 261 children (**76 per cent**) were involved with **unsubstantiated incidents of abuse** in care.
- 49 of the 344 children (**14 per cent**) were involved with **substantiated incidents of abuse** in care; representing 0.56 per cent of the total 8,623 children in care across the province during this period.
- 31 of the 344 children (9 per cent) were involved with incidents of abuse in care that are still under assessment.
- 3 of the 344 children (less than 1 per cent) were mistakenly identified as being involved with incidents of abuse involving children in care.

Types of Abuse (substantiated incidents)

The following types of abuse were noted for the 49 children who were involved with a substantiated allegation of abuse:

- 27 children were involved in substantiated allegations of emotional injury.
- 23 children were involved in substantiated allegations of physical abuse.
- 10 children were involved in substantiated allegations of neglect.
- 8 children were involved in substantiated allegations of sexual abuse.

NOTE: It is possible for more than one type of abuse to be substantiated for a child. For instance, both physical abuse and emotional injury may be substantiated for one child. Therefore, the total number of children identified by type of abuse will exceed the total number of children involved with substantiated allegations.

Incidents Involving Substantiated Abuse

The following information describes 30 incidents (49 children) that involved substantiated allegations of abuse.

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| Incident 1 | <ul style="list-style-type: none">• Foster parent struck a child.• Child moved to another placement. |
| Incident 2 | <ul style="list-style-type: none">• Foster parent's biological child sexually abused a child.• All children moved to other placements, the incident was referred to the police and the foster home was closed. |
| Incident 3 | <ul style="list-style-type: none">• Foster parent was in a physical altercation with a youth.• Youth moved to another placement, further placement of children in the foster home is on hold pending the results of a reassessment. |

- Incident 4
- Youth not living in the foster home sexually abused a child.
 - Child moved to another placement, the incident was referred to the police and the foster home was closed.
- Incident 5
- Foster parent's biological child sexually abused a child.
 - Child moved to another placement, the incident was referred to the police and the foster home was closed.
- Incident 6
- Kinship care provider struck a child.
 - Child moved to placement with extended family and the kinship care home was closed.
- Incident 7
- Foster parent struck a child.
 - Child moved to another placement, the incident was referred to the police and the foster home was closed.
- Incident 8
- Staff at a residential facility bruised a youth during a restraint. The staff was following correct procedure for situations where a youth is violent and attacking staff.
 - Youth remained in the residential facility, youth received medical attention and a support worker is monitoring the child's behaviour.
- Incident 9
- Foster parent made derogatory comments and yelled at a child.
 - Child remained in the foster home. A support plan was implemented to address the needs of the child and to provide training and support to the foster parent including education to strengthen parenting skills.
- Incident 10
- Kinship care provider used physical discipline, yelled, threatened and did not provide adequate food to two children.
 - The two children moved to extended family, the incident was referred to the police and the kinship care home was closed.
- Incident 11
- Foster parent yelled at and struck three children.
 - Children moved to another placement, further placement of children in the foster home is on hold pending the results of a reassessment.
- Incident 12
- Foster parent's biological child sexually abused three children.
 - Children moved to another placement, the incident was referred to the police and the foster home was closed.
- Incident 13
- Foster parent spanked, denied affection and failed to take two children to medical appointments.
 - Children moved to another placement and the foster home was closed.

- Incident 14
- Foster parent pushed a child and did not meet the emotional needs of the remaining three children.
 - Two children were moved to another placement and the foster home licensed capacity was reduced to two placements.
- Incident 15
- Kinship care provider made derogatory comments and exposed three children to alcohol/drug use.
 - A support plan was implemented until the children moved back to parental care and the kinship care home was closed.
- Incident 16
- Kinship care provider exposed a child to family violence.
 - Kinship care providers separated, they received counselling and the child remained with one of the kinship care providers.
- Incident 17
- Kinship care provider exposed two children to family violence.
 - Children moved to another placement and the kinship care home was closed.
- Incident 18
- Child in care residing in the same foster home sexually abused a child.
 - Child moved to another placement, treatment provided to the perpetrator and counselling provided to the child. The foster home was closed.
- Incident 19
- Foster parent used profane language with three children and used physical discipline with one of the three children.
 - One child moved to another placement, two children remained in the foster home and additional supports provided to the foster parents included parenting education to develop stronger parenting skills.
- Incident 20
- Foster parent failed to administer prescribed medication for a child.
 - Child remained in the foster home, the foster parent has since complied with administering medication and followup with the physician has provided assurance that the child is healthy.
- Incident 21
- Foster parent failed to seek medical attention for a child.
 - Child moved to another placement and the foster home was closed.
- Incident 22
- Foster parent's house was extremely dirty for a child.
 - Child moved to another placement and the foster home was closed.
- Incident 23
- Foster parent provided differential treatment and failed to provide basic needs for three children.
 - Children remained in the foster home. A support plan was implemented including increased frequency in monitoring the foster home.

- Incident 24
 - Foster parent slapped the hands of two children.
 - Children remained in the foster home. Additional casework supports provided to the foster parents to develop stronger parenting skills.

- Incident 25
 - Adult from the community and not residing in the kinship care home sexually abused a child.
 - Child remained in the kinship care home and counselling supports were provided to the kinship care provider and the child. The incident was referred to police.

- Incident 26
 - Foster parent made derogatory comments and physically disciplined three children.
 - Children remained in the foster home. A support plan was implemented including increased casework supports, monitoring of the foster home and parenting education to increase parenting skills.

- Incident 27
 - Staff member of a residential facility caused a minor injury to a youth during a restraint.
 - The youth remained in the residential facility and was offered additional clinical supports. The staff member no longer works at the residential facility.

- Incident 28
 - Foster parent used physical discipline with a child.
 - The child remained in the foster home. The foster parents received additional casework supports including parenting education to increase parenting skills.

- Incident 29
 - Foster parent struck, threatened and made derogatory comments to a child.
 - Child moved to another placement and the foster home is on hold pending the results of a reassessment.

- Incident 30
 - Kinship care provider used physical discipline on a child.
 - The child remained in the kinship care home and additional supports were put in place for the kinship care provider, including parenting education to increase parenting skills.

Perpetrator of Abuse (substantiated incidents)

Purposeful or accidental actions or inactions by an individual may result in a child being abused in care. The perpetrator may be an adult care provider (foster parent, kinship care provider or residential/group home staff member), peer (other child in care), child not in care residing inside or outside of the home, or an adult residing in or outside of the home other than the care provider.

From April 1 to June 30, 2010, Mandatory Notifications completed for 49 children where the allegation was determined to be substantiated involved individuals in the following roles:

- Adult care providers were involved with 24 substantiated incidents (41 children).
- Other children (not in care) were involved with 4 substantiated incidents (6 children).
- Peers (child in care) were involved with 1 substantiated incident (1 child).
- Adult other than a care provider was involved with 1 substantiated incident (1 child).