

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

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, inappropriate disciplinary measures (such as being kept alone in a room for an extended period of time), name calling, threats or derogatory statements aimed at a child, or differential treatment. 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;
- *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; or
- *physical abuse*, such as abusive disciplinary measures or accidental injury during restraint, whether from a care provider, an adult other than a care provider, or from a child residing in or outside of the home. Corporal punishment by caregivers of children in care is not permitted; a mandatory notification to the Advocate is required for all reported incidents of corporal punishment.

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 a team of 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 (e.g., 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 providers' 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 providers' activities.

RESPONSE TO MANDATORY NOTIFICATIONS INVOLVING ABUSE OF CHILDREN IN CARE

The OCYA Quarterly Report for the period of July 1 to September 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 July 1 to September 30 2010, who were involved in allegations of abuse while in care.

There were 8,614 children in care during the period July 1 to September 30, 2010. During this period, Mandatory Notifications were completed for 335 children. In some cases, more than one Mandatory Notification may have been completed for the same child. The Mandatory Notifications involved the following:

- Of the 335 children, 308 children (90 per cent) were involved with incidents related to allegations of abuse in care.
- Of the 308 children, 218 children (72 per cent) were involved with **unsubstantiated incidents of abuse** in care.

- Of the 308 children, 31 children (10 per cent) were involved with **substantiated incidents of abuse** in care; representing 0.36 per cent of the total 8,614 children in care across the province during this period.
- Of the 308 children, 52 children (17 per cent) were involved with incidents of abuse in care that are still under assessment.
- Of the 308 children, seven children (two 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 31 children who were involved with a substantiated allegation of abuse (22 incidents):

- 13 children were involved in substantiated allegations of physical abuse.
- nine children were involved in substantiated allegations of neglect.
- eight children were involved in substantiated allegations of emotional injury.
- six 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.

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 July 1 to September 30, 2010, Mandatory Notifications completed for 31 children involved in 22 incidents where the allegation was determined to be substantiated involved individuals in the following roles:

- Adult care providers were involved with 16 substantiated incidents (25 children).
- Peers (child in care) were involved with four substantiated incidents (four children).
- Other children (not in care) were involved with two substantiated incidents (two children).

Incidents Involving Substantiated Abuse

Assessments conducted by the Ministry determined that the allegation of abuse was substantiated for 22 incidents involving 31 children. The following provides a brief description of these incidents and the actions taken.

- Incident 1
 - A teenaged babysitter allegedly sexually assaulted a child in a kinship care home.
 - The child remains in the placement and is receiving counselling. The teenager has been charged by the police.
- Incident 2
 - A teenager in a group home allegedly sexually assaulted a child in the group home.
 - The child was examined in hospital, is receiving counselling and was moved to a foster home. The teenager was charged by the police and moved to a treatment program.
- Incident 3
 - A group home staff member allegedly sexually assaulted a child.
 - The child remains in the group home and is receiving counselling. The staff member is no longer employed at the group home and has been charged by the police.
- Incident 4
 - The foster parent allegedly left an infant and a toddler unattended in a vehicle.
 - Both children were moved to other placements and the foster home is on hold pending the results of a reassessment.
- Incident 5
 - The foster parents were allegedly using corporal punishment with a child.
 - The child was moved to another foster home and is receiving counselling and support from a school liaison worker. The foster home is on hold pending the results of a reassessment.
- Incident 6
 - A teenager placed in a foster home allegedly physically assaulted a younger teen placed in the same foster home.
 - Both teens remain in the foster home with a detailed safety plan in place. No charges were laid by the police.
- Incident 7
 - The foster parent allegedly struck a child.
 - The child was examined at the hospital and placed in a medical rehabilitation facility to address his needs until an appropriate placement is located. The foster home is closed and the police investigation is ongoing.
- Incident 8
 - The son of the foster parents allegedly exhibited sexualized behaviours toward a child while the child was in the foster home for respite.
 - The child will no longer attend respite at that foster home. A support plan has been developed for the foster parents and their son. No charges were laid by the police.
- Incident 9
 - The foster parent allegedly made threats and yelled at three children and attempted to slap one child.
 - The three children remain in the foster home and increased casework supports are being provided to the foster home to strengthen parenting skills.

- Incident 10
 - The foster parent allegedly was not providing adequate supervision or developmentally appropriate stimulation for three children.
 - The children remain in the foster home, with a support plan that includes improving supervision and purchasing age and developmentally appropriate toys for the children.
- Incident 11
 - The kinship caregiver allegedly exposed a child to drug use.
 - The child was moved to another placement and the kinship care home was closed.
- Incident 12
 - The foster parent allegedly made threats to three children and physically assaulted one child.
 - The three children were moved to a different placement; the child who was physically abused received counselling and the foster home is closed.
- Incident 13
 - The foster parent allegedly pulled the hair and the ears of two children.
 - The children were moved to another placement and the foster parent is receiving support and education regarding disciplinary and behaviour management strategies.
- Incident 14
 - The foster parent was allegedly not providing adequate supervision or sleeping arrangements for two children.
 - Both children were moved to their permanency placements and the foster home is closed.
- Incident 15
 - The foster parent allegedly left a child with special needs in a soiled diaper for several hours as a disciplinary strategy.
 - The child was moved to another placement. The foster home is on hold pending the results of a reassessment.
- Incident 16
 - The foster parent allegedly used corporal punishment on two children.
 - The children remain in the foster home and the foster parent has been provided with additional education regarding disciplinary and behaviour management strategies as well as increased monitoring by the caseworker.
- Incident 17
 - The prospective adoptive parent allegedly yelled, made threats and used physical force to put a child into a vehicle.
 - The child remains in the foster home and is receiving counselling. The foster parent is receiving in-home supports which include education regarding behaviour management strategies, counselling and increased monitoring support.
- Incident 18
 - The staff at a group home were allegedly not providing an adequate level of supervision of residents which led to sexual activity between two female and two male residents. Neither female is of the legal age to consent.
 - The two females remain in the residence; the two males have been moved to other placements. The facility was placed on hold for future placements and a supervision plan was developed. No charges were laid by police.

- Incident 19
- Three peers allegedly physically and sexually assaulted a child in a group home.
 - The child was moved to another placement and is receiving counselling. The perpetrators were charged and are awaiting trial. The incident resulted in a facility review.
- Incident 20
- The foster parent allegedly threatened a child and used corporal punishment on a child.
 - The child remains in the home and is receiving counselling. Additional monitoring by the child's caseworker and foster care support worker is in place. The foster parent has received education regarding disciplinary and behaviour management strategies.
- Incident 21
- The foster parent allegedly used corporal punishment on a child.
 - The child remains in the home. A support plan has been implemented with the foster home including increased monitoring and reducing the number of placements allowed in the foster home.
- Incident 22
- A teenager allegedly sexually assaulted a child while they were on a camping trip with their respective foster parents and kinship caregivers.
 - Both children remain in their respective placements and there is no contact between them. Both are receiving counselling and youth worker supports. The teenager has been charged and is awaiting trial.