

**Office of the Child and Youth Advocate Quarterly Report  
October 1 to December 31, 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 October 1 to December 31, 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 October 1 to December 31, 2010, who were involved in allegations of abuse while in care.

- Of the 282 children, 265 children (94 per cent) were involved with incidents related to allegations of abuse in care.
- Of the 265 children, 214 children (81 per cent) were involved with unsubstantiated incidents of abuse in care.

- Of the remaining 51 children, 43 children (16 per cent) were involved with 24 substantiated incidents of abuse in care; representing 0.5 per cent of the total 8,532 children in care across the province during this period and eight children (three per cent) were involved with five incidents of abuse in care that are still under assessment.

### **Types of Abuse (Substantiated Incidents)**

The following types of abuse were noted for the 43 children who were involved with a substantiated allegation of abuse (24 incidents):

- 12 children were involved in substantiated allegations of physical abuse.
- 14 children were involved in substantiated allegations of neglect.
- 15 children were involved in substantiated allegations of emotional injury.
- two 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 may 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 October 1 to December 31, 2010, Mandatory Notifications completed for 43 children involved in 24 incidents where the allegation was determined to be substantiated involved individuals in the following roles:

- Adult care providers were involved with 23 substantiated incidents (41 children).
- Peers (child in care) were involved with one substantiated incident (two children).

### **Incidents Involving Substantiated Abuse**

Assessments conducted by the Ministry determined that the allegation of abuse was substantiated for 24 incidents involving 43 children. The following provides a brief description of these incidents and the actions taken.

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|------------|---|
| Incident 1 | <ul style="list-style-type: none"> <li>• Two foster children (biological siblings) were allegedly engaging in sexual behaviour with one another.</li> <li>• Both children were referred for therapy and followup.</li> <li>• The placement is being closely monitored.</li> </ul> |
| Incident 2 | <ul style="list-style-type: none"> <li>• A kinship care provider was allegedly exposing three foster children to domestic violence.</li> <li>• The children were removed from the placement and the placement was closed.</li> </ul>  |

- Incident 3
  - A foster parent allegedly held a hand over the mouth of a child.
  - The children were moved at the request of the foster parents.
  - The foster parent was required to take additional training to learn appropriate physical interventions.
- Incident 4
  - A child was taken to the hospital with life threatening injuries.
  - The four children were removed from the foster home and the placement was closed.
  - There is an ongoing police investigation.
- Incident 5
  - The foster parent allegedly was yelling at, name calling and demeaning to two foster children.
  - Recommendations for the facility:
    - The license to specify that teenaged youth are not to be placed in the home.
    - Placements in the facility should be of a short-term duration.
    - The foster parents were in agreement with both actions.
  - The foster care support worker must be consulted prior to placing any children in the home.
- Incident 6
  - The foster parents allegedly left a child alone in the evening while they worked.
  - The child was removed from the home and the placement was closed.
- Incident 7
  - The foster parent allegedly refused two foster children entry into the home, did not provide appropriate clothing and treated them in a demeaning manner.
  - The children were removed from the home. There are currently no children in the home and the placement is on hold, pending the outcome of an assessment.
- Incident 8
  - A teenager placed in a kinship care home was left to care for the kinship caregiver's two children while the kinship caregiver engaged in substance abuse.
  - The youth was removed and the kinship home was closed.
- Incident 9
  - The foster parent allegedly exposed the foster child to domestic violence and substance abuse.
  - The foster parent tested positive for drug use, the child was removed from the home and the placement was closed.
- Incident 10
  - A child placed in a foster home was burned.
  - The child was examined at the hospital. Two children were removed from the home and the foster home was closed.
- Incident 11
  - Two children placed in a foster home were allegedly left unattended in their crib and high chairs for extended periods. The foster parent was unable to understand the developmental needs of the children.
  - The children were removed from the home and the placement was closed.
- Incident 12
  - The foster parent allegedly yelled at the child and another foster sibling.
  - The two children remain in the foster home. Increased casework supports are being provided to the foster home to strengthen the caregiver's parenting skills.
    - Supports include regularly scheduled respite and access to a youth worker and a foster parent coach/mentor.

- Incident 13
- The foster parent allegedly was not providing adequate supervision for four foster children. One of the foster children was sneaking into the other foster children's bedrooms and taking undergarments.
  - The children remain in the foster home and were referred for therapy. The placement remains open with a support plan that includes improving supervision and changing the location of the bedrooms.
- Incident 14
- The kinship caregiver allegedly "kicked" two foster children out of the home. The foster children also indicated they felt "threatened" by the caregiver.
  - The children were moved to another placement and the kinship care home was closed.
- Incident 15
- The kinship caregiver allegedly invited inappropriate people to live in the home, including people with whom the two children were to have no contact. In addition, there was suspected drug use by the kinship caregivers.
  - The kinship caregiver is attending counselling with positive results. The children remain in the home. The inappropriate people no longer live in the home.
  - There has been increased caseworker and foster care support worker contact with the children and the home.
- Incident 16
- A group home staff member allegedly physically abused a youth.
  - De-escalation procedures were reviewed with the staff member.
- Incident 17
- The foster parent allegedly intentionally over-medicated a child.
  - The matter was referred to RCMP but no criminal investigation was undertaken.
  - The child was not placed in the foster home at the time of disclosure.
  - The home is closed.
- Incident 18
- Staff at a group home allegedly let two children go out on an unsupervised outing.
  - Group home staff were required to review the agency's policies and procedures and implement enhanced communication with co-workers when on shift.
- Incident 19
- The foster parent allegedly tied two foster children together as a form of punishment for not getting along. In addition, the foster parents' biological child allegedly hung one foster child upside down over a toilet.
  - Recommendations for the foster parents included review of appropriate behaviour management strategies and increased supervision of the foster and biological children in the home.
  - Foster parents have attended numerous training sessions and there has been increased caseworker and foster care support worker contact with the children and the home.
- Incident 20
- The foster parent allegedly picked up and forcefully carried a child to a vehicle.
  - The foster parent was required to review policy regarding restraints.
- Incident 21
- Allegations of neglect were substantiated for three children in a foster home.
  - A support plan for the foster home included a limit of two children in the home; use of approved respite care providers; counselling to assist for recent stressors and increased monitoring by the agency.

- Incident 22
- The foster parent was allegedly being overly punitive and was calling the foster child names.
  - A behaviour plan for the child and a support plan for the foster parent were implemented.
    - Supports for the child and foster parents include access to daycare, a youth worker, mental health programming and more frequent visits from the caseworker and foster care support worker.
- Incident 23
- A group home staff member allegedly pushed a child into a wall and then put the child into a “headlock.”
  - Recommendations for the group home staff member included training in documentation, de-escalation and behavioural management and regular clinical supervision and review periods.
- Incident 24
- The foster parent allegedly exposed the child to domestic disharmony, was using the child as an emotional scapegoat and shared inappropriate information with the child.
  - The child and three other foster children were removed from the foster home.
  - Recommendations regarding the foster home include a parenting assessment and home study, further training on Fetal Alcohol Spectrum Disorder behaviours, marital therapy and family support work.
  - There are currently no children placed in the home.