

Office of the Child and Youth Advocate Quarterly Report
January 1 to March 31, 2012
Ministry of Human Services Response to
Mandatory Notifications Involving Abuse of Children 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 (MN) 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?

The Ministry of Human 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 MN 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 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 address 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:

- 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:

- referral to police regarding incidents that are believed to be criminal (sexual or physical assault);
- closure of care providers' home, or discipline of residential facility staff;
- 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 provides statistical information regarding all children referred through Mandatory Notifications (MNs). Not all MNs involve children abused in care.

For the period of January 1 to March 31, 2012, MNs were submitted to the OCYA for 172 children.

- Of the 172 children:
 - 161 children (94 per cent) were involved with incidents related to allegations of abuse in care and;
 - MNs for 10 children (6 per cent) did not pertain to allegations of abuse of a child in care.
 - One MN was sent in error.
- Of the 161 children who were involved in allegations of abuse of a child in care:
 - 125 children (78 per cent) were involved in unsubstantiated incidents of abuse in care;
 - 31 children (19 per cent) were involved in 19 substantiated incidents of abuse in care. This represents 0.4 per cent of the total 8,670 children in care across the province during this period; and
 - Five children (3 per cent) were involved in incidents of abuse in care that are still under assessment.

Types of Abuse (Substantiated Incidents)

The following types of abuse were noted for the 31 children who were involved in a substantiated allegation of abuse (19 incidents):

- 14 children were involved in substantiated allegations of neglect.
- Six children were involved in substantiated allegations of emotional injury.
- 12 children were involved in substantiated allegations of physical abuse.
- Eight 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), a child who is 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.

For the period of January 1 to March 31, 2012, MNs completed for 31 children, where the allegations of abuse were determined to be substantiated, involved individuals in the following roles:

- Adult care providers were involved with 28 children (16 substantiated incidents).
- Peers (other child in care) were involved with four children (two substantiated incidents).
- Adults other than the caregiver were involved with two children (two substantiated incidents).

NOTE: It is possible to have more than one perpetrator per substantiated incident (for example, in Incident 5, below). For instance, both physical abuse by a peer and neglect by an adult caregiver may be substantiated for one child in one incident. Therefore, the total number of perpetrators identified by incident may increase the total number of children involved with substantiated allegations and incidents.

Incidents Involving Substantiated Abuse

Assessments conducted by the Ministry determined that the allegations of abuse of a child in care were substantiated for 31 children (19 incidents). The following provides a brief description of these incidents and the actions taken.

Incident 1	<p>An adult other than a caregiver in a kinship home allegedly subjected a child to corporal punishment.</p> <ul style="list-style-type: none"> • A police investigation occurred and the perpetrator was charged. • The perpetrator does not reside in the home. • The child remained in the home and counselling supports were provided.
Incident 2	<p>A group home staff member allegedly inappropriately touched a child.</p> <ul style="list-style-type: none"> • A police investigation occurred. • The group home staff member is no longer employed in the group home. • The child remained in the group home and counselling supports were provided.
Incident 3	<p>A peer in a kinship care home allegedly sexually assaulted a child.</p> <ul style="list-style-type: none"> • A police investigation occurred. • The child was removed from the home and counselling was provided to both children.
Incident 4	<p>A foster parent allegedly used inappropriate discipline with four children.</p> <ul style="list-style-type: none"> • A police investigation occurred. • All four children were removed from the foster home; face-to-face contact by the caseworker was increased and counselling was provided to the children. • The foster home was closed.
Incident 5	<p>A foster parent allegedly did not provide adequate supervision, which contributed to three children allegedly being sexually assaulted by a peer.</p> <ul style="list-style-type: none"> • A police investigation occurred. • The children were removed from the home and provided with counselling/therapy. • The foster home was closed.
Incident 6	<p>A foster parent allegedly emotionally injured a child by yelling/swearing/throwing things.</p> <ul style="list-style-type: none"> • The child was removed from the home and provided with counselling. • The foster home was closed.
Incident 7	<p>A group home staff member allegedly did name calling and made derogatory statements against a child.</p> <ul style="list-style-type: none"> • The child was removed from the group home. • The staff member no longer works in the group home.
Incident 8	<p>A kinship care provider allegedly used inappropriate disciplinary methods with one child.</p> <ul style="list-style-type: none"> • The child was removed from the home and is receiving supports from a mental health worker and a school wellness worker. • The kinship home was closed.
Incident 9	<p>A foster parent allegedly used inappropriate disciplinary methods for one child.</p> <ul style="list-style-type: none"> • The child remained in the home with significantly increased contact with a support worker for a two-month period. • The foster parents are learning effective behaviour management strategies and attending parenting courses. • Respite is being sought for the foster parents.
Incident 10	<p>A foster parent allegedly allowed a perpetrator access to four children.</p>

	<ul style="list-style-type: none"> • A police investigation occurred. • The perpetrator was removed from the home. • The four children remained in the home. • The foster parents were restricted from taking on more placements and additional supports and counselling were provided.
Incident 11	<p>A foster parent allegedly yelled at and did not provide basic needs for two children.</p> <ul style="list-style-type: none"> • Both children were removed from the home. • The foster home was closed.
Incident 12	<p>A foster parent allegedly did not provide sufficient quality of care and a home in proper condition for one child.</p> <ul style="list-style-type: none"> • The child was removed from the home. • The foster home was placed on hold pending the completion of a parenting/psychological assessment and the outcome of a new home assessment.
Incident 13	<p>A foster parent allegedly used inappropriate disciplinary methods for three children.</p> <ul style="list-style-type: none"> • The children remained in the home and appropriate disciplinary strategies were provided.
Incident 14	<p>A foster parent allegedly did not adequately supervise one child and exposed the child to domestic violence.</p> <ul style="list-style-type: none"> • Police responded to domestic violence. • The child remained in the home. • Additional supports were provided to the family.
Incident 15	<p>A foster parent allegedly sexually assaulted two children and provided them with alcohol.</p> <ul style="list-style-type: none"> • A police investigation occurred. • Both children were removed from the home. • The foster home is closed.
Incident 16	<p>A foster parent allegedly struck one child.</p> <ul style="list-style-type: none"> • The child remained in the home and was provided with a youth worker. • The foster parents secured counselling and agreed to not use any form of corporal punishment. • The foster parent was provided additional supports, including respite and a behavioural consultant.
Incident 17	<p>An unrelated adult in the foster home (not the caregiver) allegedly sexually abused one child.</p> <ul style="list-style-type: none"> • A police investigation occurred; the perpetrator was charged and is no longer permitted in the home. • The child received medical treatment. • The child remained in the home, was connected with a therapist and meets weekly with a support worker.
Incident 18	<p>A foster parent allegedly used corporal punishment with one child.</p> <ul style="list-style-type: none"> • The child was removed from the home. • The foster home was closed.
Incident 19	<p>A foster parent allegedly did not adequately supervise one child.</p> <ul style="list-style-type: none"> • A police investigation occurred. • The child was removed from the home. • The foster home licence was reduced to one placement in order to maintain an existing long-term placement. • The foster parents were referred for therapeutic support and education.

Update:

At the end of the third quarter of 2011/12 (October 1 to December 31, 2011), there were 22 children who were involved in incidents of abuse in care that were still under assessment into the fourth quarter.

Following the completion of the assessment, it was determined that 18 of the 22 children were involved in unsubstantiated incidents of abuse in care. Assessment is still underway for two incidents involving two children; often the case when the police are involved. The remaining two children were involved in substantiated incidents of abuse.

Incident 1	A foster parent allegedly yelled, made threats and exposed one child to domestic violence. <ul style="list-style-type: none">• The child was removed from the home.• The foster home was closed.
Incident 2	A foster parent allegedly failed to provide basic needs for one child. <ul style="list-style-type: none">• The child was removed from the home.• The foster home was closed.