

Office of the Child and Youth Advocate Quarterly Report
October 1 to December 31, 2011
Ministry of Human 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 (MNs) 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 support 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 Office of the Child and Youth Advocate (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 October 1 to December 31, 2011, MNs were submitted to the OCYA for 192 children.

- Of the 192 children,
 - 176 children (92 per cent) were involved with incidents related to allegations of abuse in care; and
 - the remaining MNs for 16 children (8 per cent) did not pertain to allegations of abuse of a child in care.
- Of the 176 children who were involved in allegations of abuse of a child in care:
 - 126 children (71.6 per cent) were involved with unsubstantiated incidents of abuse in care;
 - 28 children (15.9 per cent) were involved with 18 substantiated incidents of abuse of a child in care. This represents 0.3 per cent of the total 8,711 children in care across the province during this period; and
 - 22 children (12.5 per cent) were involved in incidents of abuse of a child in care that are still under assessment.

Types of Abuse (Substantiated Incidents)

The following types of abuse were noted for the 28 children who were involved with a substantiated allegation of abuse (18 incidents):

- 2 children were involved in substantiated allegations of neglect.
- 14 children were involved in substantiated allegations of emotional injury.
- 8 children were involved in substantiated allegations of physical abuse.
- 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 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 October 1 to December 31, 2011, MNs completed for 28 children where the allegations of abuse of a child in care were determined to be substantiated involved individuals in the following roles:

- Adult care providers were involved with 22 children (14 substantiated incidents).
- Peers (other child-in-care) were involved with six children (four substantiated incidents).

Incidents Involving Substantiated Abuse

Assessments conducted by the ministry determined that the allegations of abuse of a child in care were substantiated for 28 children (18 incidents). The following provides a brief description of these incidents and the actions taken.

Incident 1	<p>A child was allegedly physically assaulted by a peer in a group home.</p> <ul style="list-style-type: none"> • The child received medical treatment and was moved from the group home. • A police investigation occurred. • The group home staff increased supervision in the group home.
Incident 2	<p>The foster parents allegedly emotionally injured a child (exposure to domestic violence).</p> <ul style="list-style-type: none"> • The child was moved to a different placement and the foster home was closed.
Incident 3	<p>A group home staff member allegedly sexually assaulted a child.</p> <ul style="list-style-type: none"> • The child received medical treatment, was moved from the placement and offered supports and counselling. • The matter was referred to police. • The group home staff member no longer works at the group home.
Incident 4	<p>A child was allegedly physically assaulted by a peer in a group home.</p> <ul style="list-style-type: none"> • The child received medical treatment and was offered supports. • A police investigation occurred. • The child remained in the group home and the group home remains open with increased supervision.
Incident 5	<p>A child was allegedly physically assaulted by a peer in a group home.</p> <ul style="list-style-type: none"> • The group home staff members discussed the incident with the children involved (who were siblings). • The group home remains open.
Incident 6	<p>The foster parent allegedly physically abused a child (inappropriate discipline) and emotionally injured a child (inappropriate confinement).</p> <ul style="list-style-type: none"> • The child was placed in another foster home and provided counselling as well as ongoing supports and increased contact by the caseworker. • The foster home was closed.
Incident 7	<p>The foster parent allegedly neglected two children (lack of supervision/medical attention).</p> <ul style="list-style-type: none"> • The children were moved to a new placement and the foster home was closed.
Incident 8	<p>The foster parent allegedly emotionally injured two children (exposure to the caregiver's mental health issues and suicidal ideation).</p> <ul style="list-style-type: none"> • The children were moved to a new placement and the foster home was closed.
Incident 9	<p>The kinship care provider allegedly emotionally injured a child (lack of supervision and exposure to domestic violence).</p> <ul style="list-style-type: none"> • The child was moved from the placement and the kinship care home was closed.
Incident 10	<p>The kinship care provider allegedly emotionally injured a child (exposure to substance abuse).</p> <ul style="list-style-type: none"> • The child remained in the home and another member of the extended family became the kinship care provider. • Supports were provided to the new caregiver and an alternate permanency plan was developed for the child.
Incident 11	<p>The foster parent allegedly emotionally injured a child (inappropriate discipline/yelling).</p> <ul style="list-style-type: none"> • The child was placed in another foster home and was provided support through therapy.

	<ul style="list-style-type: none"> The foster home was closed.
Incident 12	<p>The foster parent allegedly physically abused a child (corporal punishment).</p> <ul style="list-style-type: none"> The child remained in the home and was provided with counselling. Additional supports were provided to the foster parent and a support plan was implemented, including training on appropriate discipline techniques.
Incident 13	<p>The kinship care provider allegedly emotionally injured two children (exposure to substance abuse/domestic violence).</p> <ul style="list-style-type: none"> The children were removed from the home and the home was closed.
Incident 14	<p>The foster parent allegedly sexually abused a child (inappropriate touching).</p> <ul style="list-style-type: none"> The child was removed from the home and the foster home was closed. A police investigation occurred.
Incident 15	<p>The foster parent allegedly emotionally injured two children (inappropriate disciplinary methods/lack of supervision).</p> <ul style="list-style-type: none"> The children were moved to a kinship care placement. Increased supports were provided to the foster parent for the remaining children in the home, including additional training and increased contact with the foster care support worker.
Incident 16	<p>Three children were allegedly sexually abused by peers in a foster home (sexual play/acts).</p> <ul style="list-style-type: none"> Two children were moved to alternate placements and one child remained in the home with additional resources provided to the foster home. The children received counselling. The matter was referred to police.
Incident 17	<p>The foster parent allegedly sexually abused three children (distribution of child pornography).</p> <ul style="list-style-type: none"> The children and non-offending foster parent were offered supports. The foster parent was charged by police. The facility licence was not renewed and a transition plan was developed to remove the children from the home.
Incident 18	<p>The foster parent allegedly physically abused three children (corporal punishment) and emotionally injured three children (yelling).</p> <ul style="list-style-type: none"> The children were removed from the foster home and the foster home was closed.

Update:

At the end of the second quarter of 2011/2012 (July 1 to September 30, 2011), there were five children who were involved in incidents of abuse in care that were still under assessment into the third quarter.

Following the completion of the assessment, it was determined that four of the five children were involved in unsubstantiated incidents of abuse in care. Assessment is still underway for the remaining incident involving one child.