

Office of the Child and Youth Advocate Quarterly Report
April 1, 2011 to June 30, 2011
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 (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.

On April 1, 2011, the ministry updated the MN policy to increase accuracy and consistency.

- Previously, an MN regarding an allegation of abuse of a child in care may have included all children residing in the placement at the time the allegation was made, resulting in all of those children being recorded in the OCYA's mandatory referral statistics.
- With the policy change, **only** children who are the subject of the abuse allegation are included in the mandatory referral statistics.

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; an 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 – APRIL TO JUNE 2011

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 April 1 to June 30, 2011, MNs were submitted to the OCYA for 194 children.

- Of the 194 children,
 - 168 children (87 per cent) were involved in incidents related to allegations of abuse in care
 - the remaining MNs for 26 children (13 per cent) did not pertain to allegations of abuse of a child in care.
- Of the 168 children who were involved in an allegation of abuse of a child in care:
 - 125 children (74.4 per cent) were involved with unsubstantiated incidents of abuse in care;
 - 26 children (15.5 per cent) were involved with 22 substantiated incidents of abuse in care. This represents 0.3 per cent of the total 8,661 children in care across the province during this period; and
 - 17 children (10.1 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 26 children who were involved with a substantiated allegation of abuse (22 incidents):

- 11 children were involved in substantiated allegations of neglect.
- Nine children were involved in substantiated allegations of emotional injury.
- Six children were involved in substantiated allegations of physical abuse.
- Five 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 April 1 to June 30, 2011, MNs completed for 26 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 (20 substantiated incidents).
- A peer (another child-in-care) was involved with one child (one substantiated incident).
- A child who was not in care was involved with three children (one substantiated incident).

Incidents Involving Substantiated Abuse

Assessments conducted by the ministry determined that the allegations of abuse of a child in care were substantiated for 26 children (22 incidents). The following provides a brief description of these incidents and the actions taken.

Incident 1	<p>The foster parents allegedly provided inadequate supervision to a child, which resulted in the child engaging in self-harming behaviour, leading to superficial injuries.</p> <ul style="list-style-type: none"> • The child remains in the foster home and was provided medical treatment, counselling support and a youth worker. • The foster home remained open. The caseworker arranged for regular spot-check visits to the foster home and reviewed with the foster parents expectations around supervision.
Incident 2	<p>The kinship care providers allegedly utilized inappropriate discipline and failed to meet the special needs of the child.</p> <ul style="list-style-type: none"> • The child was removed from the home and the kinship care home was closed.
Incident 3	<p>The Permanency Placement-Adoption (PPA) parents allegedly failed to provide adequate supervision and emotionally injured the child (yelling at the child, exposing the child to domestic violence and not meeting the child's emotional needs).</p> <ul style="list-style-type: none"> • The child was removed from the home and the PPA home was closed.
Incident 4	<p>The foster parents allegedly failed to protect the child from an alleged sexual perpetrator in the home and community.</p> <ul style="list-style-type: none"> • The child was removed from the home and the foster home was closed.
Incident 5	<p>The foster parents allegedly used corporal punishment, yelled and swore at two children.</p> <ul style="list-style-type: none"> • The children were moved from the home. • The foster home remained open. Education and training regarding discipline and behaviour management strategies were provided. Placements in the home are carefully considered to ensure the foster parents have the skills required to meet the children's needs.
Incident 6	<p>The kinship care providers allegedly exposed the child to domestic violence and drug use.</p> <ul style="list-style-type: none"> • The child was removed from the home and the kinship care home was closed. • Criminal charges were laid.
Incident 7	<p>The kinship care provider allegedly locked a youth out of the home for a weekend, resulting in the youth missing several doses of medication.</p> <ul style="list-style-type: none"> • The child was removed and the kinship care home was closed.
Incident 8	<p>The foster parents allegedly failed to provide the child with adequate care and failed to meet the child's medical needs.</p> <ul style="list-style-type: none"> • The child was removed from the home and the foster home was closed.
Incident 9	<p>The foster parent allegedly left a toddler alone in a vehicle.</p> <ul style="list-style-type: none"> • The child remained in the home. • Expectations and policy around safety and supervision have been reviewed with the foster parent, and a foster parent support plan, including respite and babysitting, has been developed.
Incident 10	<p>The Permanency Placement-Adoption (PPA) parents allegedly failed to provide adequate supervision of the child.</p> <ul style="list-style-type: none"> • The child remained in the PPA home. • Appropriate supervision in the home and community was reviewed with the PPA parents.
Incident 11	<p>The prospective kinship care providers allegedly failed to provide a safe environment, to provide adequate care and exposed two children to alcohol use in the home.</p>

	<ul style="list-style-type: none"> • The children were removed and the kinship care application was not approved.
Incident 12	<p>The foster parents allegedly exposed the child to domestic violence.</p> <ul style="list-style-type: none"> • The child was removed from the home and the foster home was closed.
Incident 13	<p>The foster parents allegedly yelled at and threatened the child.</p> <ul style="list-style-type: none"> • The child was removed from the home and the foster home was closed.
Incident 14	<p>A former foster parent allegedly sexually abused a child while the child was placed in the foster home.</p> <ul style="list-style-type: none"> • The child remains in the current placement (not where the abuse occurred) and is receiving counselling. • Police conducted an investigation. • A comprehensive review of all placements in the former foster home is underway.
Incident 15	<p>An allegation was made more than two years after the incident that a youth was sexually interfered with by a peer in a respite foster home.</p> <ul style="list-style-type: none"> • The youth is currently in a safe placement and receiving counselling supports. • The alleged perpetrator has admitted to the sexual interference and a police investigation is ongoing. • The respite facility is on hold, pending a further assessment of the facility.
Incident 16	<p>The foster parent allegedly slapped the child in the face during a verbal altercation.</p> <ul style="list-style-type: none"> • The child was removed from the home and the foster home was closed.
Incident 17	<p>The minor biological son of former respite providers allegedly sexually abused three children.</p> <ul style="list-style-type: none"> • Two children were removed from the foster home and were placed in a foster home that could better meet their needs. One child remained in the foster home. (Note, the foster home where the children were placed was not where the abuse occurred.) • The respite providers are no longer utilized for respite services and criminal charges against the son are pending. • The foster home has been provided with training related to child sexual abuse.
Incident 18	<p>The foster parent allegedly struck the child on the arm during a verbal altercation.</p> <ul style="list-style-type: none"> • The child was moved in a pre-planned placement change. • The foster home remained open. Policy regarding the prohibition of physical discipline in foster homes was reviewed with the foster parent.
Incident 19	<p>The foster parent allegedly slapped the child in the face during a verbal altercation.</p> <ul style="list-style-type: none"> • The child remained in the foster home at the child's request. Drug/alcohol counselling was provided for the child. • Policy regarding the prohibition of physical discipline in foster homes was reviewed with the foster parent.
Incident 20	<p>The group home allegedly failed to provide adequate supervision, which resulted in a youth engaging in consensual sexual activities with a peer.</p> <ul style="list-style-type: none"> • The youth was moved from the group home. • The group home has installed video cameras and bedroom door alarms which are monitored. A 24-hour awake staff rotation has been implemented.

Incident 21	<p>The group home allegedly failed to provide adequate supervision, which resulted in a child exposing private parts to other children in the group home.</p> <ul style="list-style-type: none"> • The child remained in the group home. The incident was processed with all the children during counselling sessions. • The police were not involved as all of the children were under 12 years old. • The group home implemented preventive measures including regular bed checks and a 24-hour awake staff rotation.
Incident 22	<p>The foster parent allegedly neglected the child, leaving the child in the crib for extended periods of time while the child was having a tantrum, resulting in visible bruising on the child.</p> <ul style="list-style-type: none"> • The child was removed from the home and the foster home is closed.

Update: At the end of the fourth quarter of 2010/2011 (January 1 to March 31, 2011), there were 11 children who were involved in incidents of abuse in care that were still under assessment into the first quarter of 2011/2012.

Following the completion of the assessment, it was determined that eight of the 11 children were involved in unsubstantiated incidents of abuse in care. The remaining three children were involved in substantiated incidents of abuse in care.

Incident 1	<p>A child placed with extended family was allegedly sexually assaulted by a relative of the caregiver.</p> <ul style="list-style-type: none"> • The child (now a youth) reported the abuse years after it occurred and is no longer living in the same home. • Police are investigating.
Incident 2	<p>A youth was allegedly sexually assaulted by a community member while in a community setting.</p> <ul style="list-style-type: none"> • The youth received medical treatment and continues to receive counselling supports. • The matter was referred to police.
Incident 3	<p>The foster parent allegedly sexually abused a child.</p> <ul style="list-style-type: none"> • The child was removed from the foster home and is receiving counselling supports. • The foster home has been closed. • The matter was referred to police and the foster parent has been charged.