

**Office of the Child and Youth Advocate Quarterly Report**  
**January 1 to March 31, 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.

***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 – JANUARY TO MARCH 2011**

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, 2011, MNs were submitted to the OCYA for 266 children.

- Of the 266 children:
  - 250 children (95 per cent) were involved in incidents related to allegations of abuse in care.
  - The remaining MNs for 14 children (six per cent) did not pertain to allegations of abuse of a child in care.
  - MNs were incorrectly submitted on behalf of two children who did not meet the OCYA's mandate.
- Of the 250 children who were involved in allegations of abuse of a child in care:
  - 191 children (76 per cent) were involved with unsubstantiated incidents of abuse in care.
  - 48 children (19 per cent) were involved with 23 substantiated incidents of abuse in care. This represents 0.6 per cent of the total 8,588 children in care across the province during this period.
  - 11 children (four per cent) were involved with six incidents of abuse in care that are still under assessment.

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

The following types of abuse were noted for the 48 children who were involved with a substantiated allegation of abuse (23 incidents):

- 13 children were involved in substantiated allegations of neglect.
- 28 children were involved in substantiated allegations of emotional injury.
- 15 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 January 1 to March 31, 2011, MNs completed for 48 children where the allegations of abuse were determined to be substantiated involved individuals in the following roles:

- Adult care providers were involved with 43 children (21 substantiated incidents).
- Children who were not in care were involved with five children (two 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 48 children (23 incidents). The following provides a brief description of these incidents and the actions taken.

Incident 1	<p>Group home staff allegedly taunted, withheld food from and confined a child to a chair as disciplinary measures.</p> <ul style="list-style-type: none"><li>• The child was removed from the placement.</li><li>• Training regarding working with children with special needs and behaviour management strategies were provided to group home staff.</li></ul>
Incident 2	<p>Group home staff allegedly used food as a reward or consequence behaviour management strategy with four children.</p> <ul style="list-style-type: none"><li>• The children remained in the group home.</li><li>• The group home immediately discontinued the use of food as a reward/consequence, conducted a review of the model of care and met with the caseworkers for each individual child to discuss their needs and appropriate behaviour management strategies.</li></ul>
Incident 3	<p>Foster parents allegedly used corporal punishment and did not provide adequate emotional support, stimulation or adequate sleeping arrangements for five children.</p> <ul style="list-style-type: none"><li>• Five children were removed from the placement and the foster home is closed.</li></ul>
Incident 4	<p>Foster parents allegedly used shaming and excessive disciplinary measures with one child.</p> <ul style="list-style-type: none"><li>• The child was moved to a different foster home.</li><li>• The foster home remains open. The foster parents have been provided with in-home supports and the foster care support worker attends the home monthly.</li></ul>
Incident 5	<p>The Permanency Placement-Adoption (PPA) parent allegedly struck a child.</p> <ul style="list-style-type: none"><li>• The child remains in the home and is engaged in therapy and recreational activities to address specialized high needs.</li><li>• The PPA parents are receiving counselling and parenting sessions, as well as accessing respite services and receiving monthly visits from the adoption worker.</li></ul>
Incident 6	<p>The foster parents allegedly locked one child in the basement overnight.</p> <ul style="list-style-type: none"><li>• The child was removed from the placement.</li><li>• The foster home remains open and the foster parents have been provided with training regarding behaviour management strategies for children with special needs. A recommendation has been made that the foster parents only take placements of children who are in a specific age range and no children with overly aggressive behaviours.</li></ul>
Incident 7	<p>One child was allegedly sexually assaulted by another child in a residential respite facility.</p> <ul style="list-style-type: none"><li>• The victim was returned to her kinship care placement and provided with counselling.</li><li>• The perpetrator was charged with sexual assault and sexual interference.</li></ul>

Incident 8	<p>The foster parents allegedly used inappropriate discipline and failed to provide adequate emotional supports to one child.</p> <ul style="list-style-type: none"> <li>• The child remains in the foster home and is receiving counselling.</li> <li>• The foster parents were provided with supports through community mental health services and training specific to the high needs of the child.</li> </ul>
Incident 9	<p>The foster parents allegedly provided inadequate supervision for two children and placed the older child in a caregiver role for the younger child.</p> <ul style="list-style-type: none"> <li>• Both children remain in the home.</li> <li>• The foster parents are receiving training to address the special needs of the children. Training and information regarding appropriate supervision and caregiver expectations have been provided to the foster parents. The caseworker and foster care support worker visit the home twice monthly.</li> </ul>
Incident 10	<p>The foster parents allegedly exposed two children to domestic violence.</p> <ul style="list-style-type: none"> <li>• The children were removed from the home and the foster home is closed.</li> </ul>
Incident 11	<p>The foster parent allegedly did not provide adequate emotional support to two children and scratched one child.</p> <ul style="list-style-type: none"> <li>• The children were removed from the foster home and the foster home is closed.</li> </ul>
Incident 12	<p>The foster parent allegedly did not provide adequate supervision and care to two children.</p> <ul style="list-style-type: none"> <li>• The children were removed and the foster home is closed.</li> </ul>
Incident 13	<p>The foster parent allegedly used corporal punishment on three children and had two children sleeping on the floor outside the bathroom.</p> <ul style="list-style-type: none"> <li>• All three children were removed and are receiving counselling.</li> <li>• The foster home is closed.</li> </ul>
Incident 14	<p>The kinship care provider allegedly used corporal punishment on one child.</p> <ul style="list-style-type: none"> <li>• The child was removed and the kinship care home was closed.</li> </ul>
Incident 15	<p>A child placed in a young offender centre was physically restrained by correctional officers while fighting with other inmates, which resulted in an injury.</p> <ul style="list-style-type: none"> <li>• The child received immediate medical treatment. The child remains incarcerated.</li> <li>• Justice and Attorney General conducted an investigation of the incident and determined the correctional officers acted appropriately in the circumstances and properly followed the “use of force” model prior to the restraint in an effort to de-escalate the situation.</li> </ul>
Incident 16	<p>The foster parents allegedly did not provide adequate supervision for four children and one child was sexually assaulted by the biological son of the foster parents.</p> <ul style="list-style-type: none"> <li>• Two children, including the victim, were removed from the foster home. The other two children remain in the foster home.</li> <li>• The biological son had an assessment completed by a psychologist, who has no concerns about the child reoffending. The biological son is too young to be charged with an offence.</li> <li>• The foster home remains open, with the number of allowable placements reduced.</li> </ul>

Incident 17	<p>The biological son of respite providers allegedly sexually assaulted three children.</p> <ul style="list-style-type: none"> <li>• The three children remain in their current foster home and are receiving counselling supports.</li> <li>• Criminal charges against the biological son of the respite providers are pending. The respite home no longer provides respite services.</li> <li>• The foster parents have been provided with training regarding sexual abuse and behaviour management and will access respite services only from approved respite providers in the future.</li> </ul>
Incident 18	<p>The foster parents allegedly were not providing three children with the necessities of life and adequate care.</p> <ul style="list-style-type: none"> <li>• The three children were removed from the foster home.</li> <li>• The foster home is currently on hold with no children placed while the foster parents undergo a re-assessment.</li> </ul>
Incident 19	<p>The foster parents allegedly subjected two children to differential treatment and failed to provide the necessities of life and adequate medical care.</p> <ul style="list-style-type: none"> <li>• The two children were removed from the foster home.</li> <li>• The foster home is currently on hold with no children placed while the foster parents undergo a re-assessment.</li> </ul>
Incident 20	<p>The kinship care provider allegedly exposed three children to alcohol and prescription drug abuse.</p> <ul style="list-style-type: none"> <li>• The three children remain in the kinship care home.</li> <li>• The kinship care provider has twice-a-month visits from the support worker. The support worker has reviewed kinship care policies with the kinship care providers and the kinship care provider will undergo a medical assessment.</li> </ul>
Incident 21	<p>The Permanency Placement-Adoption (PPA) parent allegedly struck one child.</p> <ul style="list-style-type: none"> <li>• The child remains in the home and the child and PPA parent are receiving counselling.</li> </ul>
Incident 22	<p>The foster parents allegedly exposed three children to domestic violence.</p> <ul style="list-style-type: none"> <li>• The three children were removed from the foster home.</li> <li>• The foster home licence has been suspended with no children placed while the foster parents undergo a re-assessment.</li> </ul>
Incident 23	<p>The foster parent allegedly struck one child.</p> <ul style="list-style-type: none"> <li>• The child was removed from the foster home and received medical treatment for a minor injury.</li> <li>• The foster home licence is suspended and no children are placed. Counselling and training have been offered to the foster parents.</li> </ul>

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Update:

At the end of the third quarter of 2010/2011 (October 1 to December 31, 2010), there were eight 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 all of the eight children were involved in unsubstantiated incidents of abuse in care.