

Office of the Child and Youth Advocate Quarterly Report
July 1 to September 30, 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 (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 – JULY TO SEPTEMBER 2011

The OCYA Quarterly Report provides statistical information regarding all children referred through Mandatory Notifications (MNs). Not all MNs involve abuse of children in care.

For the period of July 1 to September 30, 2011, MNs were submitted to the OCYA for 207 children.

- Of the 207 children:
 - 192 children (93 per cent) were involved in incidents related to allegations of abuse of a child in care.
 - the remaining MNs for 15 children (7 per cent) did not pertain to allegations of abuse of a child in care.
- Of the 192 children who were involved in allegations of abuse of a child in care:
 - 162 children (84 per cent) were involved with unsubstantiated incidents of abuse in care.
 - 25 children (13 per cent) were involved with 14 substantiated incidents of abuse in care. This represents 0.3 per cent of the total 8,797 children in care across the province during this period.
 - 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 25 children who were involved with a substantiated allegation of abuse (14 incidents):

- No children were involved in substantiated allegations of neglect.
- 17 children were involved in substantiated allegations of emotional injury.
- eight children were involved in substantiated allegations of physical abuse.
- one child was involved in a substantiated allegation 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 abuse of a child 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 other than the care provider residing in or outside of the home.

For the period of July 1 to September 30, 2011, MNs completed for 25 children where the allegations of abuse were determined to be substantiated involved individuals in the following roles:

- Adult care providers were involved with 23 (12 substantiated incidents).
- Peers (child-in-care) were involved with two (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 25 children (14 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 was moved, and is receiving appropriate supports. • Group home staff are providing additional supervision to the child identified as the perpetrator.
Incident 2	<p>A group home staff member allegedly physically abused a child (striking the child).</p> <ul style="list-style-type: none"> • The child was moved to a different placement. • The staff member was suspended and an incident debrief occurred with staff.
Incident 3	<p>The kinship care provider allegedly emotionally injured two children (exposure to alcohol use/providing the children with alcohol).</p> <ul style="list-style-type: none"> • The children were moved and the kinship care home was closed.
Incident 4	<p>The kinship care provider allegedly emotionally injured one youth (exposure to drug use/providing drugs to the youth).</p> <ul style="list-style-type: none"> • The youth had moved prior to the disclosure. The kinship care home was closed and a referral was made to the police.
Incident 5	<p>The foster parents allegedly emotionally injured two children (inappropriate discipline/confinement).</p> <ul style="list-style-type: none"> • The children were moved. • The foster home remained open, with a reduction to the number of children for which the foster home was licensed. Additional supports, including in-home supports and respite, were provided to the foster home.
Incident 6	<p>The kinship care provider allegedly emotionally injured four children (exposure to drug/alcohol use by adult son in the home).</p> <ul style="list-style-type: none"> • The children remained in the kinship care home. • The kinship care provider agreed to ensure the children had no unsupervised contact with the adult son whenever he was in the home.
Incident 7	<p>The foster parents allegedly emotionally injured three children (refused to continue care/abandoned children at the service delivery office).</p> <ul style="list-style-type: none"> • The children were placed in a different foster home and the foster home was closed.
Incident 8	<p>The foster parents allegedly emotionally injured two children (yelling/swearing).</p> <ul style="list-style-type: none"> • The children remained in the foster home. • The foster home remained open with increased casework supports, including anger management counselling, medical assessments and increased frequency of in-home visits from the caseworker.
Incident 9	<p>The foster parents allegedly emotionally injured (use of inappropriate discipline) and physically abused one child (striking the child).</p> <ul style="list-style-type: none"> • The child resided in a different placement for over a year prior to making the disclosure. • The foster home was closed and a police investigation ensued.

Incident 10	<p>The kinship care provider allegedly emotionally injured two children (inappropriate discipline/yelling).</p> <ul style="list-style-type: none"> The children remained in the kinship care home, and the kinship care home remained open with additional in-home supports and access to specialized therapy resources, education and respite.
Incident 11	<p>The foster parent allegedly physically abused two children (placed duct tape over the children's mouths).</p> <ul style="list-style-type: none"> The children were moved and the foster home was closed.
Incident 12	<p>The foster parent allegedly physically abused two children (striking the children).</p> <ul style="list-style-type: none"> The children remained in the home. The foster home remained open with additional parenting supports and education regarding appropriate behaviour management strategies.
Incident 13	<p>The kinship care provider allegedly exposed the child to sexual abuse (exposure to sexual activity of a biological parent who was on an access visit, which the kinship care provider was to supervise).</p> <ul style="list-style-type: none"> The child had been moved from the kinship care home prior to the disclosure. The child was provided with counselling. The kinship care home was closed. A police investigation occurred.
Incident 14	<p>A child was allegedly physically assaulted by a peer in a group home, resulting in minor injuries.</p> <ul style="list-style-type: none"> The child remained in the group home. The group home staff increased supervision of the children involved and changed their room assignments.

Update: At the end of the first quarter of 2011/2012 (April to June 2011), there were 17 children who were involved in incidents of abuse in care that were still under assessment into the second quarter.

Following the completion of the assessment, it was determined that 14 of the 17 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>The adult son of foster parents allegedly sexually abused a youth.</p> <ul style="list-style-type: none"> The youth made the disclosure after leaving the foster home. The youth is receiving counselling supports. The matter was referred to the police.
Incident 2	<p>A group home staff person allegedly sexually abused a youth.</p> <ul style="list-style-type: none"> The matter was referred to police. The staff person was terminated.
Incident 3	<p>A youth was allegedly sexually abused by an unrelated adult while staying in a kinship care placement.</p> <ul style="list-style-type: none"> The youth was removed from the kinship care home and is receiving ongoing counselling supports. The matter was referred to police. The kinship care home was closed.