

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

**The Honourable Justice /
L'honorable juge
G. Normand Glaude**

Commissaire

VOLUME 17

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Thursday, April 6, 2006

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Jeudi, le 6 avril 2006

Appearances/Comparutions

Ms. Christine Morris	Commission Counsel
Ms. Louise Mongeon	Registrar
Ms. Reena Lalji	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Det. Insp. Colleen McQuade	
Ms. Gina Saccoccio Brannan, Q.C.	
M ^e Claude Rouleau	Ontario Ministry of Community
Mr. Mike Lawless	and Correctional Services and
	Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of
	the United Counties
Mr. Dallas Lee	Victims Group
Mr. William Carroll	Ontario Provincial Police
	Association
Mr. Peter Chisholm	Mr. Bill Carriere
Ms. Christine Morris	Mr. Kevin Morris

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
Opening Remarks	1
KEVIN MORRIS, Affirmed/Sous affirmation solennelle:	2
Examination in-Chief by/Interrogatoire en-chef par Ms. Christine Morris	2
Cross-Examination by/Contre-interrogatoire par Ms. Christina Morris (Question of Mr. Manson)	70

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-28	BOOK OF DOCUMENTS - Kevin Morris Ministry Of Children and Family Services	4

1 --- Upon commencing at 10:06 a.m./

2 L'audience débute à 10h06

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session. The Honourable Mr.
5 Justice Normand Glaude, Commissioner, presiding.

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you. Good morning.

8 **MS. C. MORRIS:** Good morning, Mr.
9 Commissioner. For the record, my name is Christine Morris,
10 one of the Commission counsel.

11 By way of introduction to the evidence we'll
12 be calling this morning, I can indicate to the Commissioner
13 that Mr. Kevin Morris will be called.

14 **THE COMMISSIONER:** M'hm.

15 **MS. C. MORRIS:** He's a senior policy analyst
16 with the Ministry of Children and Youth Services of
17 Ontario.

18 Generally, his testimony will be in respect
19 to, firstly, an overview of the role of the Ministry and
20 Child Welfare; secondly, the duty to report abuse
21 requirements; thirdly, the Child Abuse Register and,
22 fourthly, the fast-track information system.

23 This evidence will complement the evidence
24 which we have heard this week from the Children's Aid
25 Society.

1 As with the Children's Aid Society
2 presentations, we will not at this stage of the hearing be
3 delving into the factual allegations or the fact of the
4 responses to those allegations.

5 **THE COMMISSIONER:** M'hm.

6 **MS. C. MORRIS:** I would call Mr. Kevin
7 Morris, please.

8 **THE COMMISSIONER:** Thank you.

9 **THE REGISTRAR:** Could I have your name,
10 please.

11 **MR. K. MORRIS:** Kevin Patrick Morris.

12 **THE REGISTRAR:** Could you spell it, please?

13 **MR. K. MORRIS:** K-E-V-I-N P-A-T-R-I-C-K
14 M-O-R-R-I-S.

15 **KEVIN PATRICK MORRIS, Affirmed/Sous affirmation solennelle:**

16 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

17 **C. MORRIS:**

18 **THE COMMISSIONER:** Good morning, sir.

19 **MR. K. MORRIS:** Good morning.

20 **MS. C. MORRIS:** Mr. Morris, before you
21 actually provide your testimony in respect of what you've
22 prepared for the Commission, I'll take you through the Book
23 of Documents which you've provided and we'll make that an
24 exhibit, and then you can refer to it at will.

25 **MR. K. MORRIS:** Okay. Thanks.

1 **MS. C. MORRIS:** So if you turn to the Index
2 Tab of the Book of Documents; sir, is this a list of the
3 documents which you have provided to the Commission?

4 **MR. K. MORRIS:** Yes, it is.

5 **MS. C. MORRIS:** If you could turn to Tab 1,
6 please, you'll see that there is a biography there.

7 **MR. K. MORRIS:** Yes.

8 **MS. C. MORRIS:** Is this your current
9 biography, sir?

10 **MR. K. MORRIS:** Yes, it is.

11 **MS. C. MORRIS:** Okay. Thank you.

12 And if you'll turn to Tab 2, please. This
13 tab contains an outline of the evidence. Is this the
14 outline which you have prepared for the Commission?

15 **MR. K. MORRIS:** Yes, it is.

16 **MS. C. MORRIS:** All right. Thank you.

17 And the subsequent documents in the Book of
18 Documents, are they all documents which you have provided
19 to the Commission for the purpose of your presentation
20 today, sir?

21 **MR. K. MORRIS:** Yes, they are.

22 **MS. C. MORRIS:** Thank you.

23 Mr. Commissioner, if we could make the Book
24 of Documents Exhibit 28, please.

25 **THE COMMISSIONER:** Very well, Exhibit 28.

1 **MS. C. MORRIS:** Thank you.

2 **--- EXHIBIT NO./PIÈCE NO. 28:**

3 Book of Documents - Mr. Kevin Morris
4 Ministry of Children and Family
5 Services

6 **MS. C. MORRIS:** So turning first to Tab 1,
7 Mr. Morris, the biography.

8 I can indicate to the Commission that it is
9 not the intention to qualify Mr. Morris as an expert
10 witness, but I will lead him through an outline of his
11 experience in the field of child welfare.

12 **THE COMMISSIONER:** M'hm.

13 **MS. C. MORRIS:** So, Mr. Morris, could you
14 please describe for us your career in the field of child
15 welfare?

16 **MR. K. MORRIS:** Yes. I began my career with
17 the Ontario Public Service in 1974, in the summer, as a
18 contract probation parole officer in Peterborough.

19 I then took a position as a probation after-
20 care officer in October of 1974 in the Durham region. That
21 was dealing with children who were in conflict of the law
22 under the *Juvenile Delinquents Act* or the *Training Schools*
23 *Act*.

24 I was a probation after-care officer between
25 1974 and 1981, when I moved to the Peterborough area office

1 and was appointed program supervisor for children's
2 programs. In that capacity, between 1981 and 1989, I
3 supervised a number of children's programs with a primary
4 focus on child welfare to Children's Aid Societies. I was
5 the lead program supervisor for the area on child welfare
6 matters, representing the area at the regional tables and
7 also some corporate involvement dealing with a full range
8 of issues related to child welfare funding, monitoring. I
9 also had responsibilities in the area of licensing of
10 residential services and served on a number of committees
11 related to adoption disclosure and foster care
12 requirements.

13 In 1989, I took a secondment to Toronto,
14 into what was then called the Operations Coordination
15 Branch, Ops Coordination, as the coordinator of children's
16 programs. So that's a corporate unit that provides a link
17 between the Policy Branch of the Ministry and the
18 operations side. So I had primary responsibilities in
19 child welfare matters and also then provided a link to the
20 regional offices and the area offices at the time.

21 In that capacity, I served on a number of
22 committees; project manager for the Staffing Qualifications
23 Implementation Committee, involved in the safeguards review
24 of children's residential programs. I was on two
25 operational coordinator -- operation -- organizational

1 reviews of Children's Aid Societies. A lot of work with
2 the provincial associations, primarily the Ontario
3 Association of Children's Aid Societies, dealing with a
4 whole number of issues related to funding and policy
5 matters.

6 In 1992, I moved back to Peterborough for
7 two years, where I was again a program supervisor with
8 responsibilities for child care. I moved out of the child
9 welfare field for those two years and was the area
10 coordinator related to childcare.

11 In May of 1994, I came back to Toronto for
12 three months as a senior policy analyst within the
13 Corporate Policy Branch of the Ministry and then in the
14 fall, September, I went into the Child Welfare Branch as a
15 senior policy analyst.

16 During my time -- my 10 years actually with
17 the Policy Branch, I was involved in -- I had the lead for
18 funding policy, was responsible for service planning for
19 child welfare and other children's programs; what was then
20 called exceptional circumstance and then contingency
21 reviews, which is a way of dealing with funding pressures
22 that Children's Aid Societies have that can't be managed.
23 I had the responsibility to deal with those guidelines, a
24 number of other committees related to section 68 director's
25 reviews, policies related to runaways, serious occurrence

1 reporting, prevention policy and again, extensive
2 involvement with the Ontario Association of Children's Aid
3 Societies, also the lead for licensing issues.

4 In May of 2004, I then was seconded to the
5 Child Welfare Secretariat, which was created as part of the
6 new Ministry of Children and Youth Services. In that
7 capacity, in the past two years, I have been part of all of
8 the reform initiatives related to the secretariat, but with
9 primary responsibilities for the development of a single
10 information system for all Children's Aid Societies and as
11 well as the lead for aboriginal child welfare matters, also
12 the policy lead related to the fast-track information
13 system and I participate in a number of other areas within
14 the Secretariat, but those are my lead responsibilities.

15 And that's where I am today.

16 **MS. C. MORRIS:** Thank you.

17 Turning to Tab 2, sir, the outline of
18 evidence.

19 **MR. K. MORRIS:** Yes.

20 **MS. C. MORRIS:** Just by way of a preliminary
21 question to clarify things just a bit, why are the Ministry
22 of Community and Social Services, the Ministry of Youth and
23 Children's Services and the Child Welfare Secretariat all
24 relevant to your evidence?

25 **MR. K. MORRIS:** For most of the history of

1 the relationship between the provincial government and
2 Children's Aid Societies, the Ministry of Community and
3 Social Services has been the primary contact and that's
4 where you'll see references throughout, over the many
5 decades of relationship.

6 In the last number of years, there has been
7 increasing call for the creation of a Ministry that would
8 be particularly focussed on children's services. In the
9 past, a number of children's programs have been spread
10 across different ministries. The Ministry of Health has
11 had some specialized programs. Youth Justice had been with
12 the Ministry of Corrections.

13 So after the election of 2003, a decision
14 was taken by the incoming government to create a ministry
15 specifically focussed and responsible for children, which
16 consolidated these other programs that had been spread
17 across other ministries.

18 But rather than creating a parallel
19 structure at the community level, the Ministry of Community
20 and Social Services, through its program supervisors,
21 through its regional offices, provides the direct contact
22 with those community agencies, both adult services and
23 children's. But from a policy perspective, we have a
24 division that cuts across all children's services, now
25 Child Care Services for Autistic Children, Services for

1 Children with Developmental Handicaps and there's a Deputy
2 Minister and an infrastructure, but the actual contact with
3 the agencies is still delivered and the accountability is
4 delivered through the regional offices that have the
5 program supervisors. So we also get support from the
6 Ministry of Community and Social Services around human
7 resource issues, financial planning, those kinds of
8 supports. So the two ministries really are working
9 completely in tandem.

10 **MS. C. MORRIS:** Thank you.

11 So I understand, Mr. Morris, the first part
12 of your outline refers to the evolution of the roles of the
13 Ministry in the Children's Aid Society.

14 Could you please give us an overview of what
15 you've prepared in this respect?

16 **MR. K. MORRIS:** Thank you.

17 Really, in looking back, Children's Aid
18 Societies go back, in many cases, over 100 years. They
19 really grew from the communities, from people in the
20 community who were concerned about the plight of children;
21 primarily focussed on children who were living in poverty
22 situations. They formed boards towards the end of the 19th
23 Century. Organizations started to come together, primarily
24 at the municipal or county level, to figure out how they
25 could respond to the concerns that people were seeing.

1 Societies in the early part of the 20th
2 Century were granted very basic legislative powers related
3 to the mandate to protect children, the power to intervene
4 and take action where it was appropriate.

5 The first legislative act governing the
6 protection of children really came through what was then
7 called the *Child Protection Act, 1927* and it gave the
8 provincial government the power to approve the formation of
9 Societies and to advise and instruct the Societies as to
10 how they were to do their business.

11 In 1931, '32, '34, 1942, '49, through those
12 decades, the provincial government continued to make
13 regulations. They started to be more specific about how
14 the Societies were to incorporate, how they were to
15 establish their constitution and bylaws and started to
16 focus on their responsibilities related to children. They
17 also started to deal with issues such as qualifications of
18 the members of the staff.

19 In 1954, the *Child Protection Act* was
20 repealed and the *Child Welfare Act* came in. That's the Act
21 that really started to deal with the legal responsibilities
22 of the Societies related to neglected children.

23 At that point, a provincial director was
24 appointed and that's really where it started to clarify
25 responsibilities of the provincial government to advise,

1 inspect and supervise Societies.

2 In the `50s and into the `60s there was an
3 increasing move away from the voluntary aspects of
4 Societies, again, well intended people at the community
5 level who somehow were trying to respond to the needs that
6 they saw, and there was an increasing professionalism being
7 established. It was clear that the role of the Societies
8 was to provide the direct service and the role of the
9 Ministry was to provide funding, supervise the agencies and
10 provide consultative support.

11 At no time did the Ministry actually deliver
12 child welfare services directly. It very much grew from
13 the community. Over time, the relationship started to
14 become clearer in terms of the Ministry's role and the
15 Society's role.

16 After the *Child Welfare Act*, what we call
17 child welfare supervisors were hired to work out of
18 Toronto. They were centrally based and they would go out
19 and visit the Children's Aid Societies.

20 My reading of the situation is such that
21 they would perhaps visit three or four times a year. They
22 were often drawn from Children's Aid Societies, perhaps
23 former directors or directors of service, but there was
24 very little in the way of standard development or clear
25 expectations. So my understanding is that the support was

1 largely based on their own personal experience in the
2 field, and they would visit and discuss with the Board any
3 issues that they were facing. They would discuss funding
4 issues and basically just try to provide advice, and they
5 would visit around the province. They would have maybe 15
6 Societies on their caseload, 15 or 20, but it was very much
7 a support and advisory function.

8 The role started to graduate during that
9 period, the '60s and '70s as well. The role of the
10 Ministry started to increase in terms of funding. It was
11 60/40 funding in 1965 and then it moved to 80 per cent
12 funding in 1970. So during that period there was an
13 increasing role that the Ministry was playing in terms of
14 supporting the activity of the Children's Aid Society and
15 there was also an increasing expectation that the Ministry
16 was going to provide more support and more direction around
17 what it was the Children's Aid Societies were doing and how
18 they were actually protecting children.

19 In the late '70s the Ministry de-
20 centralized, moved away from the corporate visitation
21 process and established 12 area offices, and within the
22 area offices, program supervisors were assigned the
23 responsibility to work with and supervise specific
24 Children's Aid Societies. So the frequency of contact was
25 greatly increased. The understanding of the Ministry staff

1 was greatly increased around how the agencies were
2 operating, and the facilitation/consultation role
3 continued, in my experience, because that's when I went
4 into the area office, in 1981, and it was very much trying
5 to assist the agency in working with other agencies at the
6 community level. Groups would be brought together to talk
7 about how services could be improved. The program
8 supervisors would deal with funding issues, negotiate the
9 budgets and basically try to support the agencies in
10 whatever way they could to address the expectations.

11 Shall I move on to '84?

12 **THE COMMISSIONER:** M'hm.

13 **MS. C. MORRIS:** Yes, please. Thank you.

14 **MR. K. MORRIS:** In 1984, the government
15 introduced the *Child and Family Services Act* and the
16 majority of that was proclaimed in November of '85. And
17 prior to that there had been a considerable consultation
18 process going on from the creation, really, of the new
19 Children Services Division in 1977, the decentralization of
20 the Ministry in 1979, the consultation process to try to
21 figure out how to consolidate a number of different pieces
22 of legislation that cut across children's programs into one
23 Act that really hung together in terms of child welfare,
24 youth justice, child development services and provide a
25 comprehensive framework within which children's services

1 could be delivered.

2 So in section 17 of the Act, it established
3 the monitoring and supervisory role of the Ministry, again
4 affirmed or confirmed the role of the Director and the
5 Director's responsibility to advise and supervise and to
6 inspect the operation and records of the Societies.

7 And it starts to talk there in the Act about
8 standards and monitoring Societies to ensure that they're
9 meeting the standard of services. Now, that goes back to
10 the late '70s when with the *Child Welfare Act* amendments of
11 1978 and an increasing focus on the standards and
12 guidelines, that was part of that increasing role that the
13 Ministry was playing in being clearer about what was
14 expected, and then through the decentralized structure and
15 the enhancements to the *Child and Family Services Act*,
16 related to the role of the Ministry. Those were the kinds
17 of things that the program supervisors were starting to
18 monitor in a more specific way.

19 Since January of '98, apart from the
20 fundraising from private sources, the Province assumed 100
21 per cent responsibility for funding.

22 And I'll just go through some of the ways in
23 which the Ministry exercises its responsibilities related
24 to supervising, inspecting and advising.

25 We currently have nine regional offices.

1 There was a consolidation from twelve down to nine, and
2 within each of the offices there are program supervisors
3 who have the direct responsibility to monitor and supervise
4 the Children's Aid Societies. They have the authority to
5 enter Societies and inspect the books and also deal with
6 budget issues and any other compliance matters that need to
7 be addressed.

8 **MS. C. MORRIS:** Sir, could you please
9 indicate what regional office has served Cornwall
10 historically?

11 **MR. K. MORRIS:** The Ottawa Area Office had
12 Cornwall in -- now it's called the Eastern Regional Office.
13 So there really has been no change except in title.

14 **MS. C. MORRIS:** Thank you.

15 **MR. K. MORRIS:** I will just go through some
16 of the areas in which the Ministry exercises its
17 responsibility.

18 The risk assessment model that was
19 implemented in 1997-'98 sets out the process that
20 Children's Aid Societies are to use when investigating
21 situations in which a child is or may be in need of
22 protection. That replaces the standards and guidelines
23 that were in place prior to that.

24 The Child Abuse Register is a confidential
25 record operated by the Ministry with the names of persons

1 who have been verified by the Society as having abused
2 children within the meaning of the *Child and Family*
3 *Services Act*.

4 We'll no doubt get into more detail later,
5 but essentially the register is used by all Societies as
6 part of their investigation of any alleged abuse.

7 The Ministry conducts yearly reviews on the
8 status of all Crown wards who have been Crown wards for at
9 least two years. There is a Central Review Team that goes
10 out to agencies and goes through the case files and
11 documents compliance with the regulations related to Crown
12 wards and also provides advice related to the quality of
13 service. Those items are not necessarily regulated, but
14 they are areas around quality of service, planning for the
15 future of the child and just make recommendations. So they
16 visit and review the files and then provide feedback to the
17 agency about how they're doing, and that's a requirement
18 within the Act, section 66.

19 The Ministry requires all service providers,
20 not just Societies, to report all serious occurrences
21 involving children to the Ministry's Regional Office.

22 **MS. C. MORRIS:** Sir, when we talk about
23 serious occurrences, I understand that there's an
24 explanation of these terms found in Tab 4 of your
25 materials?

1 MR. K. MORRIS: Yes.

2 MS. C. MORRIS: Page 50?

3 MR. K. MORRIS: Page 50 in Tab 4.

4 THE COMMISSIONER: Page 15 or 50?

5 MR. K. MORRIS: Fifty (50).

6 MS. C. MORRIS: Fifty (50).

7 MR. K. MORRIS: Yes, they came in in 1979 as
8 part of the *Child Welfare Act* amendments and then have
9 subsequently been issued as separate documents that explain
10 the requirements in more detail, but the essence of it was
11 implemented in 1979.

12 So again, as part of the relationship,
13 there's a recognition that the Children's Aid Society or
14 any other organization that is providing children's
15 services has the responsibility to address issues that
16 occur within their organization, but there is a
17 requirement, as part of the accountability relationship,
18 for the Ministry to be made aware of situations that
19 directly affect the health and well being of children and
20 also that could raise questions about how well the
21 organization is functioning. So this is a requirement in
22 the criteria.

23 The definitions of situations in which the
24 agency must report are on 51, "all deaths of children in
25 care, all injuries that are judged to be serious, all

1 allegations and accusations of abuse or mistreatment of
2 children in care, including injuries complained of by
3 children where abuse or mistreatment by staff is
4 suspected". That would also include neglect by the
5 caretaker. "Grievances by children in care when judged to
6 be of a serious nature." "Inappropriate use of detention"
7 is given as an example; "all allegations, accusations
8 against staff, foster parents, volunteers, babysitters, all
9 disasters, fires, riots", a whole range of situations that
10 need to be addressed.

11 In the first instance, they need to be
12 addressed by the agency, and that's part of the reporting
13 process whereby they indicate what has occurred and then
14 what steps they have taken to address the issues to deal
15 with safety, protection of the child, and then if there's
16 an investigation warranted, to find out if there's a
17 problem in the organization, they will take those steps and
18 then report back to the Ministry on the outcome.

19 The next item relates to the complaints
20 procedure and people who are receiving or seeking service
21 from a Society currently have access to a complaints review
22 process. Every Children's Aid Society is required to have
23 a formal complaint procedure and they provide pamphlets to
24 individuals who have any complaint about how they've been
25 dealt with by the agency. In many cases, these complaints

1 are resolved at the worker/client level. They may go to
2 the supervisor for involvement.

3 In a number of situations though, if the
4 complaint can't be addressed satisfactorily, it will move
5 up through the organization up to the Executive Director
6 and the Boards also have -- they have a committee,
7 basically, to deal -- a committee of the Board that will
8 try to meet with the complainant and address the concerns.

9 If the complainant is still not satisfied,
10 they can request a Director's Review, Ministry Review, of
11 their situation.

12 Now, I should add that with Bill 210 which
13 passed on March 27th, the complaints procedure is going to
14 be changed in that there will be an internal complaints
15 procedure and the Ministry will be specifying, through
16 regulations, precisely how that procedure is going to
17 operate. And rather than going to the Director, the
18 Ministry, for resolution outside of the Society, it will be
19 -- a person will have the opportunity to go to the
20 Children's Services Review Board to have the matter dealt
21 with.

22 Now, again, as part of the Regulations and
23 the Act, we're being fairly specific about the kinds of
24 situations that will be heard by the Children's Services
25 Review Board.

1 So currently, this is still in place until
2 such time as Bill 210 or the CFSA amendments are
3 proclaimed.

4 The next area relates to children who are
5 receiving residential services, having access to have their
6 concerns heard, and this is under section 109. This
7 relates to children's rights. Within the residential
8 programs, children are notified of their rights and if
9 their concerns cannot be addressed within the internal
10 process, they have a right to have the matter heard.

11 The Office of the Child and Family Services
12 Advocacy, these are staff who are appointed and they are
13 able to respond to concerns that children have about how
14 they are being treated in the system and my understanding
15 is that it has a mandate to serve more than just children's
16 programs but youth justice, I think the facilities for the
17 deaf and the blind, a number of programs across government
18 where young people have a chance -- so pamphlets are
19 available. They know this is one of their rights and if
20 they have concerns, they can call in and have an advocate
21 listen to their concerns and then try to advocate on their
22 behalf.

23 The Residential Placement Advisory
24 Committee, these were established as part of the 1984 *Child*
25 *and Family Services Act*. They're in place to review the

1 placement of children where the residence has more than 10
2 beds. That's a requirement when a child is placed. And
3 also, if a child over the age of 12 is complaining about
4 their placement, they have an opportunity to have their
5 concerns heard by the Residential Placement Advisory
6 Committee.

7 These are committees that are established at
8 a regional level, people in the community who have some
9 expertise and knowledge about children and they review
10 these situations as required.

11 **MS. C. MORRIS:** Thank you.

12 Sir, I understand that you've also
13 summarized for the Commission the role of Children's Aid
14 Societies, particularly with respect to the role of the
15 Board of Children's Aid Societies?

16 **MR. K. MORRIS:** Yes. Essentially the role
17 of the Society is to provide overall policy and
18 administrative direction for the organization. They are
19 non-profit corporations. So as a legal entity they have
20 responsibility to provide governance. They have the
21 responsibility to ensure that the Act and regulations are
22 enforced by approving and then monitoring the policies.

23 Within the Act -- and it's not a case of the
24 Ministry having the responsibility and then delegating it
25 to the Children's Aid Societies. Under the Act and the

1 framework, the Children's Aid Societies have direct
2 responsibility under the Act for certain activities. The
3 role of the Ministry is to supervise and support.

4 So as corporations they have that direct
5 responsibility. They clearly have a responsibility related
6 to developing and approving budgets, negotiating budgets.
7 And also within the Act, they have the responsibility to
8 appoint a local director who again has certain legal
9 responsibilities that are assigned by the Ministry. One
10 example would be the designation of a place of safety. The
11 "local director" has that responsibility. They have
12 certain other powers related to authorizing child
13 protection workers. So every Society must have a local
14 director. In most cases, almost all cases, it is the
15 executive director but in some cases, you may have someone
16 else identified as the local director for purposes of the
17 Act.

18 The primary role of the Societies, from my
19 perspective, has remained fairly constant, related to the
20 investigation of allegations that a child may be in need of
21 protection, taking action when they need to and then
22 supervising and caring for children where they have
23 intervened and where they have removed a child. Another
24 key role they've had from the beginning is related to the
25 adoption of children.

1 So I mean, it can be worded in different
2 ways but if you look back over the Acts and the history of
3 child welfare, that's been the primary focus. In different
4 periods their involvement in delivering prevention services
5 has varied. There have been periods where they have been
6 in a position to develop and provide prevention services
7 that reduce the need for children to come into care and
8 other periods there have been less ability to do that, but
9 that's also something that is also part of the dynamic.

10 **MS. C. MORRIS:** Thank you, sir.

11 I understand the second topic you'll be
12 talking about is the history and evolution of the duty to
13 report. I see that you've prepared detailed materials in
14 this respect. I also understand that Mr. Carriere has
15 given us an excellent presentation about the duty to
16 report.

17 Perhaps you could take us through your
18 outline pointing out the relevant legislation and you could
19 direct us to the documents that you have provided which
20 explain the duty to report, as you're going through. And
21 also I understand you can provide us with some insight as
22 to some elements of policy development behind the duty to
23 report this morning.

24 **MR. K. MORRIS:** I'll try.

25 **MS. C. MORRIS:** Thank you.

1 Before you start, I understand that there's
2 a correction to be made to the text of section 41 as it's
3 quoted at page 5 of your document; 41(1), the second line
4 where it says "physical ill-treatment". The "of" that's
5 stated there should be an "or".

6 Is this correct, sir?

7 **MR. K. MORRIS:** Yes.

8 **MS. C. MORRIS:** Thank you.

9 **MR. K. MORRIS:** Okay. I'll start with the
10 *Child Welfare Act* in 1965 which is, to my knowledge, the
11 first real articulation of the duty to report child
12 protection and as you see there, it speaks in terms of:

13 "Every person having information of the
14 abandonment, desertion, physical ill-
15 treatment or need for protection of a
16 child shall report the information to a
17 children's aid society..."

18 There's no reference to risk of the child
19 being in need of protection. It just talks about having
20 information and there's certainly no reference to sexual
21 abuse. You could perhaps argue that within physical ill-
22 treatment, that could be considered sexual abuse but
23 there's no reference to sex. And this was a general duty.
24 There was no reference to professionals having a special
25 duty.

1 Now, between 1965 and 1978 when there were
2 significant amendments to the *Child Welfare Act*, there were
3 a number of activities related to reviews that were
4 established to look at the state of the art in child
5 welfare. There was a committee on child abuse in '74-'75,
6 the Garber task force looking at child abuse; so a general
7 increasing awareness around child abuse generally and an
8 increasing professionalism within the field.

9 In '78, the Act was amended and the
10 reporting to a Society requirements were expanded to
11 specifically include persons performing professional
12 duties, and that really came out of a recognition that
13 people who were trained and did have professional
14 credentials and were working with children, that there was
15 a reasonable expectation that they would be in a position
16 to be more aware, more sensitive to the conditions of the
17 child and therefore an increased responsibility should be
18 placed on them to take action where they did have reasons
19 to suspect.

20 Section 49:

21 "Every person who has information of
22 the abandonment, desertion or need for
23 protection or the infliction of abuse
24 upon a child shall forthwith report the
25 information to a society."

1 So again, these are the general
2 requirements.

3 For the professional, it refers to "Every
4 person who has reasonable grounds to suspect" and it talks
5 about "has suffered or is suffering from abuse".

6 **MS. C. MORRIS:** This is at (2), sir?

7 **MR. K. MORRIS:** Yes.

8 **MS. C. MORRIS:** Thank you.

9 So here in reading it, there still doesn't
10 seem to be any notion of risk. It's talking about "has
11 suffered or is suffering". So it's past or current. It
12 doesn't seem to deal with the idea of "is likely to" or
13 "could possibly" suffer abuse.

14 And then the reference -- if you go down to
15 abuse, it defines abuse for purposes of reporting, and
16 that's physical harm, malnutrition, mental health, sexual
17 molestation and then the statement related to:

18 "No person having the care, custody,
19 control or charge of the child shall
20 abandon or desert the child or inflict
21 abuse upon the child..."

22 So that's where the idea of the abuse definition relating
23 to someone who has the care, custody and control of the
24 child.

25 So after the *Child Welfare Act* of 1978 was

1 proclaimed, there was a considerable amount of activity
2 related to trying to provide resource materials and
3 standards and guidelines related to how agencies were to
4 actually carry out the investigation of abuse, and again
5 this came out of this general increasing recognition that
6 Societies had to be more focused on the needs of children,
7 particularly related to the increasing understanding
8 related to physical and sexual abuse. And I believe others
9 have testified related to these various awareness
10 increasing activities, the studies and the research.

11 **MS. C. MORRIS:** I see you've provided some
12 materials for the Commission?

13 **MR. K. MORRIS:** Yes. The training -- *Child*
14 *Welfare Act* training materials.

15 **MS. C. MORRIS:** This is at Tab?

16 **MR. K. MORRIS:** Tab 3, yes. So here just --
17 a lot of these materials in the first instance basically
18 restate what was in the Act. So it references the public
19 duty:

20 "Any person who has information" ---

21 **MS. C. MORRIS:** Sir, is this at page?

22 **MR. K. MORRIS:** Page 1, sorry, of Tab 3.

23 **MS. C. MORRIS:** Thank you.

24 **MR. K. MORRIS:** And then the professional
25 duty. And again, the idea of the reasonable grounds to

1 suspect for the professional rather than just having
2 information or believing.

3 A little more detail on page 2 related to
4 defining abuse. Again, it references physical harm,
5 malnutrition and sexual molestation.

6 On page 3 of Tab 3, it deals with sexual
7 molestation and says specifically:

8 "Sexual molestation for the purpose of
9 the reporting provisions..."

10 And that's reporting -- professional reporting and public
11 reporting, not reporting to the Register.

12 "...refers to any improper sexual
13 activity between a child and the adult
14 who has his care or custody. The
15 consent of the child is irrelevant, as
16 is the absence of physical injury.
17 Incestuous relationships are included
18 in the intent of the definition.
19 Improper or excessive sexual activity
20 between children may constitute
21 molestation if an adult in charge of
22 either child knows about it and does
23 nothing. The definition is not
24 intended to encompass normal sexual
25 experimentation between children."

1 So here it seems to suggest -- well, there
2 isn't much in the definition. It just says sexual
3 molestation where it appears that the intent was that --
4 what was intended was any improper sexual activity between
5 a child -- it didn't seem to get into gradations of how
6 much sexual activity or what kind.

7 And then the Tab 4 are the Standards and
8 Guidelines for the Management of Child Abuse. And there,
9 just briefly, I would draw your attention to page 6, at the
10 bottom where it talks about a child at risk because it
11 references a child at risk:

12 "This is a child who is exposed to the
13 danger of incurring probable injury
14 through child abuse."

15 So I think here they were starting again to
16 start to move in that direction of risk rather than just
17 dealing with and reporting things that had occurred. You
18 start to get into probability, likelihood, and not waiting
19 until after it has happened before you report.

20 Further changes were made then in 1984,
21 proclaimed in '85 with the *Child and Family Services Act*.
22 A person's duty to report was then described in section 68
23 as:

24 "A person who believes on reasonable
25 grounds that a child is or may be in

1 need of protection shall forthwith
2 report the belief and the information
3 upon which it is based".

4 So again, the concept is starting to evolve
5 so that, again, it's not just reporting a belief that a
6 child is being abused or has been abused. You get the
7 notion of "or may be in need of protection". A situation
8 where a professional or anyone would see a situation
9 developing that would raise for them a concern that
10 something is going to happen to that child that is very
11 negative and there is some responsibility to take action,
12 not wait until they see something where the child has been
13 injured.

14 So again, it is difficult to make those
15 calls, but that seems to be what the Act was suggesting.
16 People need to start turning their minds to the "may be in
17 need of protection".

18 It also expanded the public and professional
19 duty to report provisions by expanding the grounds for
20 child protection that fall within the definition of abuse
21 moving from the original three, physical, malnutrition and
22 sexual, to include emotional abuse not treated by the
23 caregiver.

24 Here I should just point out a detail. As I
25 was looking at this, this morning -- no, go back up please.

1 Yes. The reference to "emotional abuse caused or not
2 treated", but to correct things, I think my reading of that
3 section is it doesn't really deal with the cause of
4 emotional abuse. It still deals at that point with a
5 concern or a child in need or -- having emotional problems
6 where the parent doesn't respond. It didn't move to the
7 point where was the emotional problem caused by the parent.
8 That comes later. So that's my correction we need to make
9 there.

10 MS. C. MORRIS: So, sir, the precise
11 correction ---

12 MR. K. MORRIS: Yes, it's to include
13 emotional abuse not treated by the caregiver.

14 MS. C. MORRIS: So to remove "caused or" --
15 -

16 MR. K. MORRIS: That's "caused", yes.

17 MS. C. MORRIS: Third bullet down, page 7,
18 third line into the bullet?

19 MR. K. MORRIS: Yes.

20 MS. C. MORRIS: Thank you.

21 MR. K. MORRIS: Okay. So then section 68
22 again where it refers to "duty to report" and "Child Abuse
23 Register", "to suffer abuse" when used in reference to a
24 child, means to be in need of protection within the
25 meaning. So it goes through the different sections.

1 Where the child has suffered physical harm
2 either by the person or the person's failure to supervise
3 and protect; the child has been sexually molested or
4 exploited, again, my reading is that that was a bit of a
5 broader understanding of sexual abuse and that it wasn't
6 just actual physical contact, but it was situations in
7 which a person was gratifying themselves to the detriment
8 of the child; "exploitation" where the person committed the
9 act or should have known of the possibility and didn't
10 protect.

11 The third item (e) is:

12 "The child requires medical
13 treatment to cure, prevent or
14 alleviate physical harm or
15 suffering and the child's parent
16 does not act."

17 (f) is:

18 "The child has suffered emotional
19 harm demonstrated by severe
20 anxiety, depression, withdrawal or
21 self-destructive or aggressive
22 behaviour, and the child's parent
23 having charge does not provide, or
24 refuses or is unavailable or
25 unable to consent."

1 Again, it doesn't talk about who caused that
2 harm.

3 And (h):

4 "The child suffers from a mental,
5 emotional or development condition
6 that could seriously impair the
7 child's development and the
8 parent."

9 Again

10 "or person having charge, does not
11 provide, or refuses or is
12 unavailable to consent to
13 treatment."

14 So those were the areas that fell within the
15 duty to report provisions for professionals.

16 The Act, for the first time, provided for a
17 penalty for professionals who did not report, which didn't
18 apply to the "every person" requirement but for
19 professionals under Section 81(1)(b), it was an offence to
20 fail to report punishable by a penalty of \$1,000.

21 In 1993, the Ministry issued Revised
22 Standards for the Management of Child Abuse Cases with the
23 addition of procedures for conducting investigations into
24 allegations against its own staff, volunteers and foster
25 parents.

1 In May of 1999, the culmination of a
2 significant period of child welfare reform, amendments to
3 the *Child and Family Services Act* were made. Just to give
4 you a bit of context, there was a series of inquests into
5 the death of children. There were six inquests. I was the
6 Ministry witness at those inquests and had the opportunity
7 to hear directly a number of the concerns that were being
8 raised at the time, also within the Policy Branch, dealing
9 with the amendments as they developed, as we tried to
10 respond to the recommendations from both the Child
11 Mortality Task Force and the inquest.

12 The focus and the concerns at the time were
13 really focused on a concern that under the *Child and Family*
14 *Services Act* in 1984 the pendulum had swung too far in the
15 direction of autonomy of the family and respect for the
16 parents and their rights to not have the state intervene.
17 And the criticism throughout the late '90s was that the
18 Ministry, through legislation and the Children's Aid
19 Societies, had not focused adequately on the child, the
20 basic safety requirements of the child and were too
21 concerned, and the references in the Act in '84 referred to
22 "least intrusive intervention," "substantial risk" as part
23 of the grounds of finding a child in need of protection.
24 There was no reference to neglect and the pattern of
25 neglect that could place a child in need of protection. It

1 tended to focus on action against the child rather than
2 failure to provide.

3 There was little emphasis on emotional
4 abuse. As I said, it was all a matter of a child has
5 emotional problems. It didn't focus on whether or not the
6 parent or caregiver caused those problems. It just talked
7 about whether or not they responded. So you could be
8 abusing your child emotionally; as long as you agreed to go
9 to treatment, that wasn't a protection issue.

10 There was concern as well about the
11 threshold for intervention. The Children's Aid Societies
12 were saying that they would try to take action and then
13 when they got to court, they would find that the grounds
14 for finding a child in need of protection were so high that
15 the cases were being dismissed, and they still had concerns
16 that the child was at risk.

17 So through the amendments, there were
18 significant shifts in terms of changing, reducing the
19 threshold for the grounds of protection. I'll just walk
20 through these and illustrate.

21 Section 72(1) provides -- is that where we
22 are? Yes.

23 **THE COMMISSIONER:** Where are we now?

24 **MS. C. MORRIS:** Page 9, sir.

25 **MR. K. MORRIS:** Page 9 at the top.

1 **THE COMMISSIONER:** Oh, yes, okay.

2 **MR. K. MORRIS:** So the duty to report all
3 the grounds for protection essentially fell within the duty
4 to report rather than just focusing on four of them.

5 And the description of the situations that
6 would warrant reporting were changed. So essentially we
7 have here:

8 "When the child has suffered
9 physical harm, inflicted by the
10 person or caused by that person's
11 failure to adequately provide for
12 him...pattern of neglect"

13 Now, this was the first time that this
14 notion of pattern of neglect came in, and that was one of
15 the major criticism that within the child welfare -- under
16 the *Child and Family Services Act* the word "neglect" was
17 not used once and most people in child welfare thought that
18 was an issue that should be addressed.

19 So here we have a pattern of neglect that
20 doesn't have to be -- it's not one incident, but it may be
21 a series of incidents or a condition that really
22 essentially can do significant damage to a child. So that
23 was built in as a grounds for reporting.

24 And here, again, we really have a clarity
25 around the risks. So it's not only they've suffered, but

1 there's a whole section here, "There is a risk that the
2 child is likely to suffer." So the test for reporting is
3 shifted significantly. There is a "risk", "likely", those
4 two words in one sentence.

5 Item 3:

6 "The child has been sexually
7 molested or sexually exploited, by
8 the person having charge or by
9 another person where the person
10 having charge should know and
11 should have taken action."

12 And again, there is a risk the child is
13 likely to. It's not substantial risk; it's not grounds to
14 believe. It's "suspicion", "risk", "likely".

15 And down to 6

16 "The child has suffered emotional
17 harm, demonstrated by serious..."

18 So there, as well, we were reducing the
19 threshold, not waiting until the child was in really,
20 really terrible shape from emotional disturbance, but
21 something that would be qualified as serious.

22 And again, throughout here, we have the
23 reference to the caregiver, failure to act by the
24 caregiver; by the action of the caregiver. My earlier
25 point that it's not just a matter of whether or not the

1 caregiver went for treatment, but if the emotional
2 disturbance and emotional harm was caused by the caregiver
3 regardless of what steps they were taking, that was an
4 issue that required reporting.

5 So in terms of the grounds for reporting,
6 that, I think, would really be the key development in terms
7 of the expectations of professionals and the general
8 public. So basically professionals required to report on
9 all of the grounds and we added as well an amendment to
10 include the ongoing duty for both the general public and
11 the professionals. In the past, there was confusion
12 whereby a person would report a concern they had and it
13 would go to the Children's Aid Society, and they might see
14 something occurring later, which still raises concerns, but
15 they would say, "Well, I reported already, and surely the
16 Children's Aid Society is dealing with it". That came up
17 through some of the inquests where things were still going
18 on and people were all assuming that it was being taken
19 care of.

20 So we built into the provisions the
21 requirement that if a person has information coming to them
22 subsequent to a first report that still raises this
23 suspicion, there is a responsibility to go back to the CAS
24 and say "I have the same concerns" or "I have different
25 concerns because of this".

1 The other item was the direct
2 responsibility. There had been confusion in the past
3 whereby a person would have concern and then report it
4 through their supervisor. My recollection was that this
5 was a particular issue within school boards and any large
6 institutions with a hierarchy of staff. In some cases, the
7 information would be garbled or not necessarily get to the
8 Society. So within the amendments of '99, the Ministry
9 wanted to be very clear that this duty to report was a
10 personal responsibility and not something that they could
11 delegate up or delegate down.

12 And the final piece was the inclusion of
13 mediators and arbitrators in section 72 within the duty to
14 report as professionals. And again, it's important to
15 recognize that the list of professionals really is not
16 exhaustive. It's a list of examples that people, they fall
17 into the professional ground, but clearly any other
18 professionals who, in the course of their work with
19 children, are expected to report. It's not a question of
20 looking at the list and saying, "I'm not on it, therefore,
21 I don't have to do anything".

22 **MS. C. MORRIS:** Thank you, sir.

23 I understand that the third point you will
24 be talking about this morning is the history and evolution
25 of the Child Abuse Register?

1 MR. K. MORRIS: yes.

2 MS. C. MORRIS: Go ahead please.

3 MR. K. MORRIS: Okay.

4 In 1966, between 1966 and 1979, there was a
5 central registry of child abuse in place. In '66 and
6 through that period, it was referenced as an administrative
7 tool.

8 There wasn't a requirement that the
9 Children's Aid Societies report all abuse situations, and
10 the definition, as I said earlier, fell within the
11 physical, sexual and malnutrition and harm, emotional harm.
12 This came from the *Child Welfare Act*.

13 In the early '70s, there were increasing
14 concerns being raised about the operation of the register,
15 and I could just reference a few of them.

16 MS. C. MORRIS: Yes, please, sir.

17 MR. K. MORRIS: One of the concerns raised
18 was that because there was a lack of standard requirements
19 related to the investigation of abuse between 1966 and '79,
20 the agencies were by and large operating on their own sense
21 of best practice and the very basics around the
22 legislation. We didn't have much in the way of standards
23 and guidelines.

24 So the placement on the register, there was
25 a lot of inconsistency, obviously, because different

1 societies were making these decisions around whether or not
2 to place a name on the register based on different
3 criteria. So it didn't have much value as a research tool
4 or a base of information.

5 Also there was inconsistency in the
6 reporting. So it really didn't give much information by
7 way of patterns because agencies weren't required to
8 report. So it was rather spotty.

9 There were issues around civil liberties and
10 concern about the security of the information and who would
11 have access to it. Again, the challenge is back as to why
12 the person was on because of the lack of a standard
13 criteria, and it wasn't really -- one of the notions
14 initially was that it would be valuable for tracking
15 alleged abusers as they traveled from community to
16 community and the research seemed to suggest that in most
17 cases, people didn't move around all that much. So it
18 really had limited value because the Children's Aid
19 Societies working in communities tended to be working with
20 certain individuals and families and didn't necessarily
21 rely on the register to support that activity.

22 So in ---

23 **THE COMMISSIONER:** I suppose -- it would
24 help when families leave suddenly, I suppose, and go up to
25 Kenora or something.

1 MR. K. MORRIS: Yes. Yes.

2 THE COMMISSIONER: Sometimes it would be
3 difficult to be able to tie them back in to some place
4 else.

5 MR. K. MORRIS: Right.

6 That would work best if all the societies
7 were reporting the information too. So -- but ---

8 So, in 1978, amendments to the Act
9 established the new register and that was proclaimed in two
10 of '79. I will just refer to section 52, sub 2 of the Act,
11 where it sets out the duty to report information concerning
12 abuse to the Director. Now, just to clarify, we talk a lot
13 about duty to report. This is a duty to report to the
14 register, not duty to report to the society. We should
15 have come up with a different terminology. It sometimes
16 causes confusion.

17 So any information -- every society, when
18 they receive information related to the duty to report to
19 them concerning the abuse of a child, including a child in
20 the care of a society:

21 "...shall forthwith, after the
22 information is verified in the manner
23 determined by the Director, report the
24 information to the Director..."

25 I note that capital 'D', Director, always

1 refers to a Ministry employee, a Ministry Director.

2 "...in the prescribed form, and no action
3 or other proceeding for damages shall
4 be instituted against any officer or
5 employee of a society for any act done
6 in good faith in the execution or
7 intended execution of any duty imposed
8 on..."

9 So, essentially, it was protecting the
10 society and their staff against any damages pursuant to
11 them acting on this requirement.

12 In section 52(3) it sets out how the
13 register is to be maintained, with the appointment of an
14 individual by the Minister for the purposes of this
15 section, to maintain the register.

16 "...information received by societies
17 under section 49 concerning the abuse
18 of children,..."

19 It was clear here that it would not contain
20 any information that has the effect of identifying a person
21 who had made a report. So the initial reporter that had a
22 concern, their names were not included in the register. It
23 was really only after the investigation was completed and
24 the verification. That's what was critical, not who made
25 the report, professional or public.

1 **MS. C. MORRIS:** Sir, I understand that there
2 -- your materials contain the form used to report to the
3 register, at Tab 7, Appendix A?

4 **MR. K. MORRIS:** Yes. So within the
5 guidelines for reporting to the register, they were issued
6 in February of 1981. In the Appendix, Form 6, which is the
7 'Initial Report to the Register'.

8 **MS. C. MORRIS:** Just hold on for a minute.

9 **MR. K. MORRIS:** Appendix 'A'.

10 **THE COMMISSIONER:** Hold on just a second.

11 We're just going to ---

12 **MR. K. MORRIS:** Okay. Great.

13 **THE COMMISSIONER:** --- put it up on the
14 screen.

15 **MR. K. MORRIS:** Scroll and scroll.

16 **THE REGISTRAR:** Appendix 'A'?

17 **MS. C. MORRIS:** 'A'.

18 **MR. K. MORRIS:** 'A', yes. Okay.

19 So this is the basic -- the initial report
20 that the Children's Aid Society makes once they have
21 verified that they believe abuse has occurred and this was
22 to be made within 14 days of the decision or the
23 verification process. So it includes the name of the
24 child, the alleged abuser, some basic information, name
25 address, the relationship to the child, indications of

1 abuse, when the incident or incidents were alleged to have
2 occurred, place, persons with whom the child was living at
3 the time, relationship and whether there was previous
4 involvement.

5 And the next page would be 'Action taken on
6 behalf of the Child'. There was a concern about having the
7 alleged abuser registered, but there was also concern and
8 interest on the part of the register in terms of what
9 action had been taken to deal with the child and ensure
10 that the child was safe.

11 The Form 8, if you proceed, that is a more
12 limited amount of information that actually goes in the
13 register. So the initial report to the register comes in
14 fairly comprehensive. What actually goes on the register
15 and what would be available to verify an abuser or someone
16 else who was dealing with an issue of expungement. This is
17 the more limited amount of information that actually is in
18 the register.

19 The person is notified at the time of
20 verification by registered mail or, in some situations, the
21 Children's Aid Society would want to deliver the letter and
22 use it as an opportunity to discuss how this is not going
23 to happen again.

24 The 'Access to the Register', there are
25 access rules in terms of inspecting, removing, disclosing

1 or transmitting or altering the information, and they're
2 spelled out in 52(4) up to (10). They write -- they
3 indicate they have a right to receive notice of their
4 inclusion in the register and the right to request a
5 hearing to seek expungement from the register.

6 And I just refer to the Child Abuse
7 Register, Tab 6. It's related to the legislation and
8 regulations.

9 Did you want to go there and can move ---

10 **MS. C. MORRIS:** No. Thank you for point out
11 that they're at Tab 6, the legislation and the regulations
12 relating to it.

13 **MR. K. MORRIS:** Yes. The names and
14 information that were contained in the previous register
15 between 1996 and '79 were not transferred over to the new
16 register and, again, my understanding is they're related to
17 the fact that there was such inconsistency and how those
18 names got on the register, that there were concerns about
19 transferring it over into the more rigorous database, but
20 not being able to identify which names that come from
21 where.

22 **THE COMMISSIONER:** M'hm.

23 **MR. K. MORRIS:** The Protection and Care of
24 Children, in the *Child Welfare Act* Training Materials and -
25 - outline the requirements for verification of abuse and

1 reporting to the Child Abuse Register. That's Tab 3.

2 It's more in terms of the verification
3 process. I can't find that. Is that more in Tab ---

4 **MS. C. MORRIS:** There's an index to Tab 3,
5 at the second page of it.

6 **MR. K. MORRIS:** M'hm.

7 **THE COMMISSIONER:** What are we looking for
8 now?

9 **MR. K. MORRIS:** Oh, just on page 3, I'm
10 looking at here, in terms of, again, the sexual
11 molestation. It refers to -- for the purpose of reporting,
12 it refers to any improper sexual activity between a child
13 that the adult who has care and custody.

14 **MS. C. MORRIS:** So was this meant to be a
15 general document on training in relation to the register?

16 **MR. K. MORRIS:** Yes. It's my understanding
17 it came out in January of '79, which would have been just
18 right around the time -- at the time of proclamation and
19 was sort of an initial orientation document, a more
20 detailed registry guidelines are in another tab, which
21 spells out in considerable detail the process.

22 **MS. C. MORRIS:** I understand that there --
23 if you turn to Tab ---

24 **MR. K. MORRIS:** Tab 7. There is
25 'Introduction, Purposes of the Register" on page 2, learn

1 more about child abuse, research, practice, assist in
2 tracking abused children, monitoring, case management. The
3 monitoring idea, again, relates to the fact that there was
4 the initial report within 14 days and then a follow-up
5 report if the case remained opened at the 4-month point
6 and, I believe, annually thereafter, as long as the case
7 remained opened.

8 So it was a way that the register could
9 continue to be advised on how the case was proceeding.

10 **THE COMMISSIONER:** And is this found at page
11 9 of Tab 7, sir?

12 **MR. K. MORRIS:** M'hm.

13 **MS. C. MORRIS:** 'Follow-up Reports to the
14 Register'?

15 **MR. K. MORRIS:** Yes. And,

16 "where there is a significant change in
17 circumstances, e.g. disappearance..."

18 Or.

19 "when (...) has been (...) transferred to
20 another Society..."

21 **THE COMMISSIONER:** It might be a good time
22 now for a break.

23 **THE REGISTRAR:** Order. All rise. À
24 l'ordre; veuillez vous lever.

25 This hearing will reconvene in 11:35.

1 --- Upon recessing at 11:20 a.m. /

2 L'audience est suspendue à 11h20

3 --- Upon resuming at 11:39 a.m. /

4 L'audience est reprise à 11h39

5 **THE REGISTRAR:** This hearing of the Cornwall
6 Public Inquiry is now in session. Please, be seated,
7 veuillez vous asseoir.

8 **MR. KEVIN MORRIS, Resumed/Sous le même serment:**

9 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE-EN-CHEF PAR MS.**

10 **C. MORRIS: (CON'T)**

11 **MS. C. MORRIS:** Sir, in terms of
12 requirements for verification of abuse to the Child Abuse
13 Register. I understand that Tab 4, page 24 has relevant
14 information as well.

15 **MR. K. MORRIS:** Yes, as part of the
16 standards and guidelines -- general standards and
17 guidelines for managing child abuse cases. On page 24, it
18 provides commentary, standards and guidelines related to
19 the actual verification process. The commentary again just
20 confirms that on the basis of the Society's investigation
21 and consultation with other professionals, if appropriate,
22 they have come to believe that there is:

23 "...reasonable grounds to believe that
24 the child is or has been abused or that
25 a strong ongoing potential for abuse

1 exists in the child's environment."

2 So the standards indicate:

3 "Reports of all verified cases

4 of...abuse shall be forwarded..."

5 As we've discussed earlier.

6 "...to the Register...within 14

7 days..."

8 I'm not sure what the --

9 "...for verification when the usual

10 investigation process may not be

11 possible."

12 I'm not sure of that. It would be guideline -- talks about

13 or indicates that:

14 "In all situations, it is recommended

15 that in the deliberations for

16 verification..."

17 Therefore, the process that the Society uses to come to the

18 decision should include the following items or

19 considerations:

20 "a) ascertain the welfare of the child"

21 That's the primary focus on the safety of the child.

22 "b) review all relevant information

23 obtained from the

24 investigation/assessment

25 c) determine the facts obtained in the

1 investigation that support or refute
2 the allegations in the complaint,
3 and/or additional allegations of abuse
4 arising from the investigation"

5 So it's a good look at all the facts and information
6 available. They are to:

7 "d) list all evidence/proof obtained in
8 the investigation/assessment that
9 substantiate the facts...

10 e) review all professional opinions
11 which pertain to the existence of child
12 abuse in the particular case"

13 They would:

14 "f) list all the factors which support
15 the judgements

16 g) list all factors which do not
17 support the judgements"

18 They would:

19 "h) document all of the above including
20 reasons for the..."

21 Continuing to scroll down. Oh sorry, it
22 goes off the page there.

23 So they basically document all of the above
24 items; the consideration of facts, pros and cons.

25 Where the information of the child abuse is

1 verified, the following will then be determined: what's
2 the child's immediate condition at home; if there is to be
3 a court process, police involvement, or child protection,
4 what steps are being taken or will be taken; if there's a
5 need for further investigatory/ assessment, what those
6 steps would be; any treatment/management recommendations
7 related to the child and any case monitoring strategies.

8 So essentially it would be pulling together
9 all of the relevant information, making some decisions in
10 terms of whether or not this particular alleged abuse
11 situation and the perpetrator is to be verified as having
12 abused the child and then what steps need to be taken to
13 address the needs of the child, including ongoing
14 monitoring.

15 So we are back to ---

16 **MS. C. MORRIS:** I believe that brings us to
17 the top of page 13 of your outline.

18 **MR. K. MORRIS:** As I mentioned earlier, the
19 Societies, once they had verified the abuse situation, they
20 were to contact the Register within three working days with
21 that initial notification and also through contact with the
22 Register, the Society was able to -- I'm sorry, this needs
23 to go back. This is at the initial point and part of the
24 value of the Register was ---

25 **THE COMMISSIONER:** And they're at page 12?

1 **MR. K. MORRIS:** No, it's really the context
2 of when the initial complaint came in.

3 **THE COMMISSIONER:** Right.

4 **MR. K. MORRIS:** This is not so much now
5 reporting to the Register on verification. It's checking
6 the Register, when a complaint comes in, that a child may
7 be in need of protection or may be abused. So they would
8 check within three days to find out if the person being
9 investigated has already been placed on the Register.

10 They refer:

11 "To guard against unauthorized access,
12 Register information was to be provided
13 through a separate return telephone
14 call to the society..."

15 So they would call in the information and the Register
16 would call back and provide information to the Society.

17 "If a person was identified as being on
18 the register the society conducting an
19 investigation would be in contact with
20 the society..."

21 So if the person had come from another
22 community, there wouldn't be a great deal of detail on the
23 Register itself. They would then be advised as to which
24 Children's Aid Society had, in fact, completed an
25 investigation and verified and they would follow up with

1 that Agency for more detail, as they were conducting their
2 own investigation.

3 And a general statement that the Register
4 was set out in the guidelines -- the purpose that was set
5 out was to provide:

6 "...a useful tool in the overall effort
7 to protect children and prevent child
8 abuse."

9 I think I referenced earlier some of the
10 general purposes that actually went back, I think, to 1966.
11 It was to learn more about child abuse in Ontario, to
12 assist in tracking abused children and to monitor the case
13 management related to children that had been abused.

14 The guideline generally sets out
15 expectations and provides advice related to notification of
16 the informant, evaluating the seriousness of alleged abuse
17 in order to determine whether or not the particular case
18 did warrant reporting to the Register.

19 It talks about the conclusions that a
20 Society can come to at the end of their investigation,
21 filing the report, notifying the alleged abuser, follow-up,
22 access. All of those items are covered within the
23 guidelines.

24 **MS. C. MORRIS:** Sir, is there a correction
25 to be made on line 3 of that bullet?

1 **MR. K. MORRIS:** Yes. Where it reads:
2 "The guidelines set out expectations
3 and provide advice."

4 If you go to the third line, "reporting
5 requirements, conclusions that the Society [may] come to,"
6 rather than "make".

7 **MS. C. MORRIS:** Thank you.

8 **MR. K. MORRIS:** "...come to, after an
9 investigation."

10 Just a comment there, my reading of both the
11 Register guidelines and the Standards for the management
12 would provide ---

13 **MS. C. MORRIS:** Sir, firstly, should ---

14 **MR. K. MORRIS:** Sorry.

15 **MS. C. MORRIS:** The reference here is to Tab
16 2, which is your overview. Should the reference be to Tab
17 7 and 4 here?

18 **MR. K. MORRIS:** It should be Tab 4, yes.

19 **MS. C. MORRIS:** Thank you.

20 **MR. K. MORRIS:** So on page 3 and 4 of Tab 4,
21 in the introduction letter from George Thomson, Associate
22 Deputy Minister at the time, it just talks generally about
23 the complexity of these investigations and the fact that
24 the Children's Aid Societies had to make judgements. The
25 guidelines and resource materials were meant to do that, to

1 provide assistance to Children's Aid Societies, but it
2 wasn't an attempt to be overly prescriptive.

3 MS. C. MORRIS: Sir, I'll just stop you
4 there.

5 MR. K. MORRIS: M'hm.

6 MS. C. MORRIS: Until we find the exhibit.

7 MR. K. MORRIS: Oh, sorry, Tab 4, page 2.

8 MS. C. MORRIS: Standards and Guidelines,
9 the introduction letter.

10 MR. K. MORRIS: Standards and Guidelines,
11 introduction letter. Yes.

12 MS. C. MORRIS: So page 3 and 4 of that?

13 MR. K. MORRIS: Yes. Page 2 at the top.

14 MS. C. MORRIS: Okay.

15 MR. K. MORRIS: It says:

16 "Even though not all decisions will be
17 perfect, at the same time they should
18 be as well-informed as possible.

19 [They] must make risky choices, have
20 [occasion to feel] isolated...We hope
21 that these Standards...will be seen as
22 a form of protection...where Societies
23 [make] decisions are based on careful
24 judgements and the procedures are
25 followed they will have strong support

1 from the Ministry. If a case goes
2 badly and the procedures have been
3 applied, [only] the procedures will be
4 judged and not the individual..."

5 So it was again, this sort of emerging sense
6 of greater awareness. The Ministry being more specific
7 about expectations but recognizing that ultimately the
8 Children's Aid Societies and the workers had to make some
9 very difficult decisions and there was a concern about
10 being overly regimented, overly prescriptive and laying out
11 precisely in every instance what the worker was to do.

12 On page 3 at the top:

13 "Throughout the document there is
14 considerable opportunity for the
15 application of discretion and
16 professional judgement...when in the
17 worker's best opinion child abuse is
18 indicated, the Ministry must be assured
19 that certain procedures to investigate
20 and to protect the child are followed."

21 So it's a balancing act in a way. In a way,
22 making sure the Children's Aid Societies have the primary
23 responsibility but as part of the accountability
24 relationship, the Ministry had to have some assurance that
25 the Children's Aid Society workers were operating within a

1 framework and were operating within the requirements.

2 **THE COMMISSIONER:** M'hm.

3 **MR. K. MORRIS:** I think that's it for that
4 section.

5 **MS. C. MORRIS:** So was the Register
6 maintained then under the *Child and Family Services Act*,
7 1984?

8 **MR. K. MORRIS:** Yes. The Society still had
9 the duty to verify and report information concerning abuse
10 to the Director, under section 71, and here the wording of
11 (3) is:

12 "A Society that receives a report under
13 section 68..."

14 Which is the duty to report.

15 "...including a child in the Society's
16 care is or may be suffering or may have
17 suffered abuse, shall forthwith verify
18 the reported information."

19 So this is initially they receive a report
20 from the community and then decide if the child is or may
21 have been abused, ensure that the information is verified
22 or ensure that the information is verified by another
23 Society in the manner determined by the Director. And if
24 the information is verified, the Society that verified it
25 shall forthwith report; so essentially the same kind of

1 reporting requirements.

2 Again the protection, if they are acting in
3 good faith in carrying out this responsibility, that they
4 would be protected.

5 The *Child and Family Services Act* had
6 expanded to the public and professional duty to report
7 provision as described as above or referenced earlier; the
8 sections that fell within the duty to report requirements.

9 **MS. C. MORRIS:** And I understand that you
10 provided the legislation, the Act, provisions and the
11 regulatory provisions also, at Tab 8 of your materials.

12 **MR. K. MORRIS:** Yes.

13 **MS. C. MORRIS:** And also 1987 Interim
14 Guidelines for reporting to the Child Abuse Register at Tab
15 9?

16 **MR. K. MORRIS:** Right. And in that case,
17 there were really no substantive changes to the
18 requirements. It was recognized at that point or indicated
19 in the document itself -- I think if you look at the
20 introduction to it -- what tab is that? Tab 8?

21 **MS. C. MORRIS:** The guidelines are at Tab 9.

22 **MR. K. MORRIS:** Tab 9.

23 On the first page, a word about this edition
24 which is the cover page -- third page in, yes.

25 It refers to the fact that they were first

1 published in 1981, with a growing emphasis over the past
2 few years on the rights of individuals, many contentious
3 issues have arisen with respect to the Register. If you go
4 down -- it indicates that a review was being completed on
5 the Register and that review was done by Professor Nicholas
6 Bala, and completed I believe in '86. So at the time or
7 shortly before this Interim Guideline was issued, there was
8 a review conducted. So this provision primarily is really
9 just bringing into line the legislative references and it
10 really wasn't an attempt to change the guidelines in any
11 substantive way.

12 In 1999, in the amendments to the *Child and*
13 *Family Services Act*, the sections related to the Child
14 Abuse Register were repealed but those provisions have not
15 been proclaimed.

16 **MS. C. MORRIS:** So in fact, it hasn't been
17 repealed yet?

18 **MR. K. MORRIS:** No, it's still functioning
19 as it has been.

20 **MS. C. MORRIS:** Can you indicate your
21 knowledge as to why these provisions repealing the Register
22 haven't been proclaimed?

23 **MR. K. MORRIS:** Right. It was put in, again
24 related to the concerns or questions about the use of the
25 Register and whether or not it could be used as a screening

1 mechanism, questions about the utility of the Register and
2 also, at the time, in '99, there was an expectation that
3 there would be new legislation related to privacy, access
4 to records. The perception was that this should be put in
5 against the time when there is some other kind of process
6 put in place that would address the issues that have been
7 identified, and then the Register would be eliminated.

8 That hasn't happened in any significant way
9 in terms of new legislation related to privacy. So it is
10 still considered as a safeguard and something that
11 Societies are still required to report to.

12 **MS. C. MORRIS:** And I understand you've
13 included the current legislative provisions, the Act and
14 the Regulations relating to the Child Abuse Register at Tab
15 10 of your materials?

16 **MR. K. MORRIS:** That's right.

17 So here it just sets out the Director's
18 position, the duty of the Society, protection from
19 liability, describes the Register, access to the Register,
20 the Director's ability to disclose information, amendments.

21 Then on page 3 of 4, hearings related to a
22 registered person, an individual who wants to have the
23 information changed or have the record expunged, how they
24 would do that and the hearing process.

25 **MS. C. MORRIS:** And I understand, sir, that

1 at page 15 of your overview, you've provided us with a
2 current picture of the situation?

3 **MR. K. MORRIS:** Yes. It continues to be
4 maintained by the Director. At this point, the Manager of
5 Integrated Services for Children is the Provincial Director
6 within the Ministry and the corporate offices.

7 It just speaks here to the fact that the
8 information is reported by the Society. The person who has
9 been verified is notified. It deals with the issues again
10 around access, who can have access and the expunction
11 process.

12 As of March 31st I'm advised that there were
13 26,988 names of alleged abusers on the Register.

14 Data from the Register is uploaded daily to
15 the Ministry of Children and Youth Services' fast-track
16 system and information can be accessed by Children's Aid
17 Societies that are conducting -- when a worker is
18 conducting an investigation.

19 And we'll talk a bit later, I think, about
20 the fast track. It just references here the regulations
21 related to the Society's reporting within three days. When
22 they're conducting their own investigation, this is when
23 they check the fast track.

24 It just references there the fact that
25 people verified and on the Register are only those

1 individuals who are considered to be in charge of the
2 alleged victim at the time of the alleged abuse.

3 **MS. C. MORRIS:** Could you please explain the
4 term "in charge" here, please?

5 **MR. K. MORRIS:** I'm just looking for a
6 reference related to the care and custody.

7 Can you direct me to the section that
8 relates to that basic -- within the definition of abuse?
9 I'm getting my tabs mixed up now.

10 Okay. In standards and guidelines for the
11 management, Tab 4, page 6 -- Tab 4, page 6 -- so it's
12 within the definition of child abuse where it cites in the
13 *Child Welfare Act*, and it really follows through, that:

14 "Inflctions upon a child or permitted
15 to be inflicted upon a child by the
16 child's parent or any person having the
17 care or custody, control or charge of
18 the child under 16 years of age..."

19 So it's that notion of parent, caregiver,
20 someone in charge of the child at the time the abuse
21 occurred. Situations where it's a stranger are not
22 included in the abuse reporting and registration
23 requirements.

24 **MS. C. MORRIS:** Thank you.

25 **MR. K. MORRIS:** The data contained in the

1 Register is identified as highly sensitive, confidential
2 and personal and consists of the names of the alleged
3 abusers, their addresses, particulars about the abuse and
4 their relationship to the victim.

5 We discussed earlier the initial report form
6 as containing that basic information.

7 The Regulations provide that the Register
8 records -- records are maintained by the Director for at
9 least 25 years from the date of the recording of the
10 information, unless the information is expunged or amended
11 in accordance with the Act.

12 And registered individuals or designated
13 counsel have the right, under the authority of the Act, to
14 inspect information on the Register that only refers to the
15 child or registered person, request that their name be
16 removed or expunged from the Register.

17 In order to expunge a record, the Director
18 who receives a request may grant the request or hold a
19 hearing to determine whether to grant or refuse the
20 request.

21 **MS. C. MORRIS:** Thank you.

22 I understand that the last topic that you
23 will be covering is the fast-track information system?

24 **MR. K. MORRIS:** Yes. This system was
25 developed as part of the Child Welfare Reform of 1998, '99

1 and 2000 and it came largely out of a request and a concern
2 the Children's Aid Societies had that they wanted to be
3 able to access information about individuals that had in
4 the past or perhaps would present a risk to children.
5 Individual Children's Aid Societies, while they had their
6 own individual information system and records, did not have
7 access to any information related to individuals who may
8 have moved from another part of the province.

9 So there was a great deal of discussion in
10 the late '90s about the development of a comprehensive
11 information system that would provide increased access.
12 And that didn't proceed at the time, but the fast-track
13 system was developed as a more limited response, and what
14 it does is it creates a database of children and families
15 who have been involved on a protection basis with a
16 Children's Aid Society, basically information in the
17 records of a Children's Aid Society.

18 When a worker is conducting an investigation
19 that a child may be in need of protection, they are
20 required to enter the name of the individual that they are
21 involved with into the system, and what it does is it gives
22 them information back as to whether or not this person is -
23 - their name is contained in the records of any of the
24 Children's Aid Societies in the Province.

25 It also lets the Children's Aid Society know

1 if there is an alert, a child protection alert, related to
2 this individual, and also, the worker is required to make a
3 request to determine whether or not the name of the
4 individual is on the Child Abuse Register. So it accesses
5 the Register and it accesses the other Children's Aid
6 Societies.

7 **MS. C. MORRIS:** Sir, child protection alert,
8 could you just explain that for us very briefly?

9 **MR. K. MORRIS:** Yes. They are issued in
10 situations where, let's say, a Children's Aid Society may
11 be working with a family in a community, a young mom with a
12 child where there are some risk concerns. It may be an
13 open case or they may be just beginning to become involved.
14 And if the Children's Aid Society realizes that the family
15 has moved, the individual has moved with the child, it
16 immediately raises concern about the safety of the child.

17 So what they will do is then put in an alert
18 which goes on the system so that if that family shows up in
19 another community and is identified by a Children's Aid
20 Society, the worker will know immediately that there's an
21 active alert out on that family and then will contact the
22 Children's Aid Society to get more details.

23 We also have an inter-provincial capacity
24 whereby a family may leave British Columbia, for instance,
25 and they're going east, and the British Columbia

1 authorities may not know exactly where the families are
2 going or they may have some indication that they're coming
3 to Ontario. So they contact the Catholic Children's Aid
4 Society of Toronto and they enter the alert into the
5 system, and then if any Children's Aid Society puts that
6 name into their system, then they will be advised that
7 there's an alert. This adds, basically, information to
8 their investigation.

9 I think you need to go back up a bit --
10 that's fine, down. So here again, the fast-track system is
11 generally to provide the workers with more information,
12 relevant information related to an investigation.

13 The design elements, it's a web-based
14 access. They access it through the Internet. Without
15 going through all this, essentially, it's an extraction
16 process that every 24 hours, the fast-track system extracts
17 information from the records of Children's Aid Societies.
18 It's going back probably almost 15 years now. It was
19 instituted in 2000 and it was a 10-year horizon at that
20 point, but we're not up to about 15 years, 16 years worth
21 of information. And it takes a snapshot every 24 hours
22 related to certain information in those records, and then
23 when the worker goes in, clicks on and puts the name in --
24 it can be a specific name; it can be a name that sounds
25 like when they don't actually have the spelling -- they

1 would put in a date of birth, if they have it, and
2 essentially then the fast-track checks that record to
3 determine whether or not there's a match.

4 If there is a match, the investigating
5 agency doesn't get a lot of information really. They get
6 information to contact the Children's Aid Society that has
7 the information. So then they'll do a follow-up where they
8 will access more information.

9 So it's really a way of just giving that
10 first indication as to whether or not this family, this
11 individual has been the subject of child protection
12 involvement, either currently or within the past 10 to 15
13 years. There are security provisions related to it. The
14 individuals who are authorized to access it have to be
15 conducting child protection investigations and each Society
16 has the responsibility to authorize specific individuals,
17 issue them an identification code to allow them access into
18 it.

19 We've recently instituted increased measures
20 related to auditing the -- first of all, auditing the users
21 so that if a person has not used the system within three
22 months, we are notifying the Children's Aid Society to say
23 "You should probably clean up your ID issuing because this
24 person is no longer using it." They may have changed their
25 job. So the onus is on the Society to keep that list

1 current.

2 We also have built in an audit function
3 where the Society will know who has been accessing the
4 system, so they'll get reports back. So there are a number
5 of security provisions and it's all focused on conducting
6 investigations and gaining more information that may be
7 relevant to that investigation.

8 **MS. C. MORRIS:** Sir, at page 18 of your
9 materials.

10 **MR. K. MORRIS:** M'hm.

11 **MS. C. MORRIS:** So under "Fast Track", you
12 say it:

13 "Allows agencies to check on internal
14 and inter provincial alerts."

15 When you refer to "agencies" ---

16 **MR. K. MORRIS:** Only Children's Aid
17 Societies have access to it, and police who don't have
18 direct access to it, but in the course of an investigation,
19 the Children's Aid Society would be working, in many cases,
20 with the police. So that information, if it's relevant to
21 the investigation, would be available, but as part of the
22 investigation the police and other agencies are not given
23 access to it.

24 **MS. C. MORRIS:** Thank you, sir.

25 I understand that completes the evidence in

1 relation to your overview?

2 MR. K. MORRIS: I think so.

3 THE COMMISSIONER: All right.

4 MS. C. MORRIS: Mr. Commissioner, that's the
5 evidence in-chief.

6 THE COMMISSIONER: Thank you.

7 Cross-examination from the Citizens for
8 Community Renewal?

9 MS. C. MORRIS: Mr. Commissioner, Mr. Manson
10 isn't here today. He advised us of his absence yesterday,
11 and he asked if we would put a question to the witness on
12 his behalf.

13 THE COMMISSIONER: Sure.

14 --- CROSS-EXAMINATION ON BEHALF OF MR. MANSON BY/CONTRE-
15 INTERROGATOIRE DE LA PART DE M. MANSON PAR MS. C. MORRIS:

16 MS. C. MORRIS: And I have it here.

17 On Tuesday, we heard from Mr. Carriere that
18 the Ministry requires all CAS's to use a risk assessment
19 tool now known as ORAM 2000.

20 MR. K. MORRIS: Yes.

21 MS. C. MORRIS: So a) is this an
22 actuarially-based risk assessment tool or were the factors
23 and scores chosen based on clinical experience?

24 MR. K. MORRIS: First of all, I'll say I'm
25 not an academic and I'm not an evaluator or a researcher or

1 even an expert in the risk assessment model. My
2 understanding clearly is that it is a consensus -- what
3 they term a consensus model, and it was developed and
4 adopted primarily from New York. I believe it used to be
5 called the New York model. At the time, in '98-'99, there
6 were a number of risk assessment tools that were being used
7 by different jurisdictions.

8 The terminology, again as I say, as I
9 understand it, is that the risk assessment portion of it is
10 a consensus model based on experience that clinicians,
11 social workers, child protection workers have had, looking
12 at the most common indicators of risk. And it's not, as I
13 understand it, what they call an actuarial approach, which
14 is more based on scientific research, evaluation, tracking
15 families and individuals over time to substantiate the
16 tool.

17 **MS. C. MORRIS:** And the second part of the
18 question is: Has it been validated, and if so, can you
19 give us the details of the validation, i.e. who did it and
20 when?

21 **MR. K. MORRIS:** I believe at the time it was
22 chosen and implemented, the decisions were based on
23 experience that other jurisdictions had had and a general
24 belief that practitioners had that it was valid, so to
25 speak. My understanding is that there has recently been a

1 review conducted through the University of Toronto. Aron
2 Shlonsky who is with the Faculty of Social Work, has, I
3 believe, recently completed an evaluation of that. I don't
4 have the evaluation with me and I really can't speak to it,
5 but I believe there has been some work done on it.

6 **MS. C. MORRIS:** All right. I've also been
7 asked to ask a second and last question on behalf of
8 Citizens for Community Renewal.

9 In terms of the Central Registry, so the
10 period from 1966 to 1979, in your overview, the
11 administrative tool called the Central Registry,
12 predecessor to the Child Abuse Registry, what's become of
13 the information contained in that Register and is it
14 capable of being captured now?

15 **MR. K. MORRIS:** I can't speak with certainty
16 as to what has happened to that information. From anything
17 I've read my understanding is that it's not accessed
18 automatically by any checks of the Register. The
19 indication at the time when the new register was
20 implemented was that the names were not going to come over
21 into the new register.

22 There was reference in one of the documents
23 that in certain circumstances the director could access
24 that information if a new verification had come in and
25 there was some request to get additional information, but

1 it was not to be used as an initial reference point for a
2 request from Societies. But I literally do not know where
3 that's sitting. I could check.

4 **MS. C. MORRIS:** Thank you.

5 **THE COMMISSIONER:** All right.

6 Anyone here from the Victims Group? Mr.
7 Lee?

8 **MR. LEE:** Even in his absence, Mr. Manson
9 managed to ask my questions. So I have no questions for
10 this witness.

11 **THE COMMISSIONER:** Thank you.

12 And so we go to -- is someone here from the
13 Men's Project? Mr. Bennett? No.

14 Anyone for Father MacDonald? No.
15 Children's Aid Society?

16 **MR. CHISHOLM:** Good afternoon, Mr.
17 Commissioner.

18 Good afternoon, Mr. Morris.

19 **MR. K. MORRIS:** Good afternoon.

20 **MR. CHISHOLM:** My name is Peter Chisholm.
21 I'm counsel for the local Children's Aid Society. I have
22 no questions for you, but I would like to commend you on
23 the clarity and precision in your evidence. It's much
24 appreciated. Thank you.

25 **MR. K. MORRIS:** Thank you.

1 **THE COMMISSIONER:** Thank you.

2 Probation and Corrections?

3 **MR. ROULEAU:** We have no questions.

4 **THE COMMISSIONER:** Thank you.

5 For the Attorney General?

6 **MR. SCHARBACH:** No questions, Mr.

7 Commissioner.

8 **THE COMMISSIONER:** Thank you.

9 For Jacques Leduc? No one here.

10 For the Diocese? No one here.

11 Cornwall Police?

12 **MS. LALJI:** No questions, Mr. Commissioner.

13 **THE COMMISSIONER:** Thank you.

14 OPP?

15 **MR. KOZLOFF:** Mr. Chisholm has stolen my

16 comment.

17 **THE COMMISSIONER:** There you go.

18 And OPP Association?

19 **MR. CARROLL:** No questions.

20 **THE COMMISSIONER:** Thank you.

21 Well, sir, I'd like to thank you for coming

22 and for the preparation of your material. Your testimony

23 was much appreciated.

24 And so I understand that ends another day in

25 paradise and so we'll resume -- when do we resume, Monday

1 morning? Oh no, that's right. There will be a meeting
2 with the lawyers. We are not sitting next week and I'm
3 sure there will be discussions of scheduling.

4 Thank you.

5 **THE REGISTRAR:** Order; all rise. À l'ordre;
6 veuillez vous lever.

7 The hearing is now adjourned. L'audience
8 est ajournée.

9 --- Upon adjourning at 12:18 p.m./

10 L'audience est ajournée à 12h18

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM