

OUTLINE OF EVIDENCE

John Liston

1. HISTORICAL CONTEXT OF CHILDREN'S AID SOCIETIES

- Beginning in the 1890's, Children's Aid Societies were charity-based, funded by donations from individuals.
 - Historically, Children's Aid Societies have been community-based and have operated independently from one another.
 - Prior to the mid-1960's funding was based on a combination of charitable donations, and municipal and provincial contributions.
 - By the mid-1960's, the province was contributing 60 percent of the funding whereas the municipalities contributed 40 percent.
 - In 2000, the Ontario provincial government assumed 100 percent funding of all Children's Aid Societies, which has led to increased control, direction, and standardization of services.
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2. ROLE OF CHILDREN'S AID SOCIETIES

- The purposes (at times referred to in the legislation as functions) for the operation of Children's Aid Societies were defined in sets of purposes, which were given equal weight until the 2000 amendments to the *Child and Family Service Act* ("CFSA" or the "Act"). This was seen as possibly contributing to Societies not intervening firmly enough in some situations.
- In the year 2000, the "best interests, protection and well-being of children" purpose was specifically identified in the CFSA as the "paramount purpose" of the Act and was, in fact, separated out from the "other purposes."
- The "other purposes" of the Act are now referred to as "additional purposes" provided they are consistent with the "best interests, protection and well-being of children."
- Under the CFSA, every citizen has a responsibility to protect children from harm. Section 72 of the Act states that members of the public, including professionals who work with children, must promptly report any suspicions that a child is or may be in need of protection to a Children's Aid Society.
- The Act defines the phrase "child in need of protection," which includes physical, sexual and emotional abuse, neglect, and risk of harm by the person "having charge of the child." More often than not, a person having charge of the child

means a parent or person exercising parental rights. However, this also includes anyone having responsibility for caring for a child. The determination of whether or not a person has charge of the child will depend on the facts of each situation.

- Anyone who has reasonable grounds to suspect that a child is or may be in need of protection must promptly report the suspicion and the information upon which it is based. The duty to report is ongoing, and an individual may not rely upon anyone else to report on their behalf.
- The duty to report speaks directly to professionals in that they are subject to being charged with the offence of failing to report a suspicion that a child is or may be in need of protection if they obtain the information on which that suspicion is based in the course of their professional or official duties.

3. SIGNIFICANT LEGISLATIVE CHANGES

- The 1978 *Child Welfare Act* amendments imposed sanctions on professionals who did not report abuse.
- The 1985 *CFSA* consolidated 8 pieces of legislation with respect to children's services. The legislation brought in a number of review mechanisms to more closely monitor the work of Children's Aid Societies (eg. Child Abuse Teams, Residential Placement Advisory Committees, Client Complaint Mechanisms), and the requirement for protocols with local Police Departments. Principles for the delivery of services were also spelled out and "the least intrusive alternative" became a strong guide in much of the work of Societies in Ontario.
- The 2000 amendments clarified and put the best interests of the child first as the guiding principle of the *CFSA*. It clarified the reporting requirements of professionals and implemented a number of important changes in the field including a common Risk Assessment Tool, training, a funding mechanism, and information system improvements.

4. CHILD WELFARE TRENDS OVER THE RECENT PAST

i) Late 1960's and 1970's

- The psychiatric/psychological orientation saw the problem of sexual abuse as an individual's pathology and not from a family dysfunction or group behaviour point of view. Treatment approaches also used individual methodologies, and did not use family or group work methods.
- Focus on the individual and the family.
- Poverty, neglect and alcoholism were the main issues and factors in Child Welfare. The issues that social workers dealt with most frequently in their day-to-

day work tended to be more environmental/concrete (poverty, housing) and alcoholism. Counselling interventions were more limited. More involved therapeutic interventions were more within the purview of psychiatrists and mental health professionals.

- When abuse was reported or identified, it was of a physical nature most often caused by the above factors of alcohol and poverty. Neglect (meaning inadequate housing, clothing and food) was the major issue facing Children's Aid Society workers at this time.
- Sexual abuse against children was only reported in rare circumstances, therefore there was no focus on it and little education and training about it. What training was available focused on incest within the family, mostly between a father figure and a daughter. (focus on the individual and from an individual pathology point of view)
- The development of the Women's movement led to a growing awareness of domestic violence and the building of shelters for victims of domestic violence.
- The publication of a number of books on the issue of sexual abuse in the States also raised awareness of this issue and led to scores of articles and further media attention.
- Disclosure of violence and previous victimization, not only of female adults but also their victimization as children and that of their siblings.
- There was a growing awareness of issue of childhood sexual abuse (mainly female), for e.g. Dini Petty newspaper ad in Toronto and the overwhelming response of victims of child sexual abuse to it.
- The Metro Toronto Children's Aid Society was the lead agency with respect to dealing with child sexual abuse in the Child Welfare field of Ontario at that time.
- Multiple Victim/Multiple Offender cases were rare and little knowledge or experience in dealing with these occurrences existed - for e.g. Settlement House case in Toronto.
- The Child Abuse Registry was instituted on June 15, 1979.

ii) 1980's

- The Metro Chairman's Task Force on Child Abuse and the Office of Child Abuse Co-ordinator for Metro Toronto were developed in 1981. Multi-disciplinary teams (Children's Aid Society staff, police officers, Crown attorneys and medical staff) travelled to Seattle, Washington and San Jose, California to learn from American pilot projects on how to implement a community intervention strategy in Toronto following the tragic rape and murder of Emanuel Jacks in Toronto.
- The 1980's saw increased training of child protection workers following the recommendations of the Kim Anne Popen Inquiry (1976), and the Vicki Ellis

Inquest (1977).

- Establishment of a number of training programs, including a program on "Sexual Abuse of Children" (Dawson et al, 1982). In this document, the author makes a number of insightful observations:

1) Sexual abuse of children is an old problem with a short history. He makes this point after discussing how over the years the open discussion of sex related matters was considered inappropriate at best and usually shrouded in secrecy. Good people did not discuss such matters (anything related to sex) in public, and certainly nothing involving children and sex (e.g. the initial reaction of some parents and communities' to the introduction of sex education into school curricula).

2) "Like the community and the families involved in sexual abuse, professionals have tended to deny the existence of the phenomenon, or their association with it. This denial has limited professional identification and reporting of sexual abuse. It has also hindered professionals in obtaining expertise and training in this area of family dysfunction. It is of no coincidence that sexual abuse of children has been the last area of child maltreatment to receive full professional scrutiny and discussion. Nor is it a coincidence that until five years ago the number of publications dealing with sexual abuse was extremely small and limited. Nor is it a coincidence that few specific child sexual abuse intervention/treatment programs currently exist." (p.30)

- In 1983, the Metro Chairman's Task Force drafts the first protocol for the investigation of child abuse between the Children's Aid Society and Police in Canada.
- Consultation and collection of data on child sexual abuse by Badgley team and then the release of the Badgley Report with its enlightening findings and recommendations.
- Awareness and the reporting of sexual abuse rises dramatically; focus tends to be individual and predominantly female.
- Sexual abuse cases include extra-familial but almost all abusers are known to their child victims.
- In 1985, the focus of the *Child and Family Services Act* is "Best Interest of the Child," and the least intrusive alternative.
- Also in 1985, the Ministry required that all Children's Aid Societies and their local Police Departments have protocols in place for the joint investigation of child abuse cases. It took communities some time, however, before such protocols would be in place.
- A protocol is a set of written procedures to guide the actions of staff of

organizations during the investigation of child abuse allegations. The organizations identified in the protocol jointly develop the procedures and the chief operating officer of each of the respective organizations sign off on the agreement.

- The procedures hopefully avoid conflicts between staff of organizations at times of stress by clarifying expectations of each other and their respective organizations.
- Equally as important as the actual written protocols, are the relationships that develop between individuals of the respective organizations in the drafting of these procedures.
- Participants in protocols include (mandatory): e.g. Police, School Boards, hospitals, and other public institutions.
- There are a number of benefits that flow from the development of protocols which include:
 - Professionals in different organizations get to know each other through the discussions surrounding the development of these procedures which facilitates working together when the need arises.
 - An understanding of the needs and expectations of fellow professionals in other disciplines is gained and respected.
 - Respect for your colleagues and their abilities in other organizations is gained, valued and respected.
- The directive to Children's Aid Societies to have protocols with their local police force(s) for the investigation of child abuse allegations, in and of itself, did not solve the problem of organizations working together. Simply writing a joint agreement does not ensure a smooth working relationship.
- Attitudes of organizations (such as the police and Children's Aid Society, for example) having, in some cases, very different organizational cultures would take a long time to change and required strong and visible leadership to make the intent of these changes become a reality.
- In the mid-1980's, the Institute For the Prevention of Child Abuse (IPCA) was established and it provided further training and education on issues of child sexual abuse to all professionals working in the field of child sexual abuse.
- In the late 1980's, the Mount Cashel case, a multi-victim/multi-offender (MV/MO) case, gained national attention.

iii) 1990's

- The choirmaster case in Kingston, Ontario, and the Ontario training school cases brought the matter of child sexual abuse closer to home. These cases also

highlighted the issue of abuse by individuals in positions of trust and authority.

- This reinforced the need for protocols to have the clear support of administration and senior staff if front line staff were to carry out investigations of allegations in an impartial and thorough manner, no matter who was the alleged offender. Staff needed this support in order to operate effectively in highly sensitive matters with the assurance that they would be backed up, even if they were to ruffle some feathers or step on some toes.
- The investigation of individuals in positions of trust and authority included but was not limited to teachers, recreation workers, clergy, foster parents, baby-sitters, and Society staff. Because cases could arise in organizations with a special relationship with children it was important to review and update protocols on a regular basis in order to incorporate experience gained from investigations and maintain open lines of communication. Some examples of where this was necessary and helpful was in respect of school boards, recreation departments, and child caring agencies. There was increased sensitivity and issues arose involving an individual's employment, and when union representatives were brought into the matter.
- As research and knowledge in the area of sexual abuse grew the "Revised Standards for the Investigation of Child Abuse Cases" (1992) of the Ministry more clearly stated the importance of taking into consideration in an investigation of past history of abuse. As stated earlier, in the early days of this area of child abuse most often occurrences of child sexual abuse were seen as isolated incidents.
- During this period, social policy changes lead to dramatic rise on the number of children in care in Ontario.
- Cutbacks in social spending and dramatic increases in work loads of Children's Aid Society staff in the mid 1990's stretched social work resources in Societies and reduced the time and energy that was available to address all the demands that arose.
- In 1993, the Project Guardian (MV/MO) investigation and case in London, Ontario began. A fisherman pulled a garbage bag of pornographic videotapes from a river north of London. This discovery led to an investigation, initially focusing on pornography (Project Scoop), but in six months time became Project Guardian, a case involving the sexual exploitation and abuse of a number of young boys. (*Project Guardian: The Sexual Exploitation of Male Youth in London*, 1997, Chapters 1 and 15)
- A two-year investigation and multi-disciplinary intervention approach led to a number of convictions and treatment of victims where possible.
- The joint protocol of the London Children's Aid Society and the London Police Force never anticipated such a case of multiple victims and multiple offenders in the community. London was no different than any other Ontario community in assuming that it could not and would not happen here.

- Some lessons learned from Project Guardian:
 - The value of skilled and competent staff, who are well trained and prepared;
 - The critical importance of building sound and respectful relationships between professionals and their organizations;
 - The need for the continued revision and updating of protocols to ensure they are relevant to experience gained over time, the need to continue to nurture and maintain relationships, and to educate new staff in participating organizations;
 - The importance of senior staff supporting the words in the protocols when it comes to the day when they are really tested;
 - The unimaginable can happen anywhere, even in your own hometown.

iv) 2000's

- Sexual abuse reporting did not continue to increase at the same rate, however, the issue remained a serious one.
- Legislative amendments proclaimed in March 2000 strengthened and clarified reporting requirements of professionals, and also re-emphasized the priority of the safety of children. These amendments, in combination with the Child Reform Agenda led to the following:
 - The amendments clarified putting the best interests of the child first, lessening the threshold of “substantial risk”, clarifying reporting requirements, and establishing tighter child protection standards;
 - To find a child in need of protection now required that a child be “at serious risk” rather than “substantial risk” of harm;
 - The duty to report was triggered if you had reasonable and probable grounds to suspect a child was in need of protection, whereas in the previous legislation, it was triggered if abuse was suspected;
 - Also, the requirement was made for ongoing reporting. Thus, even if an individual reported suspicions once, there was now an obligation to continue reporting if further incidents were suspected.
- This package of reforms was, in large part, a reaction to a number of Inquests into the deaths of a number of children in Ontario, the Child Mortality Task Force, and extensive media coverage of these matters.
- The package of reforms included:
 - A new funding framework for Children's Aid Societies;
 - Comprehensive and FastTrack information systems;
 - Mandatory risk assessment tool;
 - Capacity building (Training programs for staff, Boards of Directors);
 - Revitalized foster care system;
 - Improved accountability systems (more auditing and reporting systems);

- Legislative amendments.
- These changes completed the gradual move of Child Protection services from being seen as a discretionary charitable service to being a mandatory, fully government funded service. This process unfolded over the past one hundred (100) years and funding has shifted from totally charitable donations, to percentage combinations of municipal and provincial funding. The regulations of the Ministry have increased as its percentage of funding has increased. In 2000, the Ontario provincial government assumed 100% funding of Children's Aid Societies, and with that, has taken more control, direction, and standardizing of the services of local Societies.
- In the past Societies had more discretion in respect of to whom and how they delivered service. It has only been since the implementation of the Ontario Risk Assessment Model (ORAM) that the Ministry has clearly defined what matters are eligible for Children's Aid Society service. Societies are now audited on their compliance with these expectations.
- Although over the years, Societies have had guidelines, and since the mid 1980's some standards in the area of child abuse, it was often the individual agency's responsibility to ensure that its staff were well trained and were keeping abreast of research and new interventions and treatment approaches in the field.
- The 2000's saw an increased importance on keeping up with training, education, contacts and coordination.
- The London Children's Aid Society currently has numerous protocols with community organizations, including the police, child protective services, and licensed residential facilities. (List of Protocols with Community Organizations and Child Protective Services, List of Protocols with Licensed Residential Facilities, and Protocol Between the London Police Service and the Children's Aid Society of London and Middlesex)