

MINUTES OF THE DURHAM CAS COMMUNITY ADVISORY COUNCIL
08 January 2018

Attendance*

Community: Larry Johanson
Leroy Clarke (participated by telephone)
Sandra Forsythe (participated by telephone)
Veralyn Alleyne (Co-Chair)
Akilah Haneef
Raphael Francis

Board: Michelle Davis (participated by telephone)
Natalie Perryman

Staff: Dawn Walcott Parris
Wanda Secord (Co-Chair)

Regrets: Bryan Buttigieg

Administrative Support: Susan McNeil (Minutes)

**Meeting recorder's note regarding attendance/membership:*

Following the last meeting, the agency was advised that Community member Shaida Asseli had resigned from the CAC. According to the CAC's terms of reference, "If there is a vacancy in the community representation, there would be active recruitment to fill the spot by the community."

Call to Order

The meeting was called to order at 6:35 pm.

I. APPROVAL OF AGENDA

MOTION by Michelle Davis, seconded by Sandra Forsythe, to approve the agenda as circulated. CARRIED.

II. APPROVAL OF PREVIOUS MINUTES

The minutes of the meeting held on November 30, 2017 were reviewed.

MOTION by Veralyn Alleyne, seconded by Wanda Secord, to approve the minutes of the meeting held on November 30, 2017, as circulated in the agenda. CARRIED.

III. DECLARATIONS OF CONFLICT OF INTEREST

No conflicts of interest were declared.

IV. TEAM BUILDING EXERCISE

At the time scheduled for this agenda item, five Council members were participating by phone (two of the individuals were en route to the meeting, and arrived by the next item). It was therefore agreed this item would be deferred to the next meeting, in anticipation of more people being present in person.

**V. CHILD PROTECTION IN ONTARIO – REFERRAL POLICIES AND PROCEDURES
(PRESENTATION)**

Dawn Walcott Parris introduced Isabel Khalaf, Director of Intake Services, and Nicole D’Ornellas, Supervisor of Intake Reception, to Council members. Dawn, Isabel and Nicole presented information regarding the agency’s intake referral process. In the presentation, the following information was reviewed in more detail:

- The legislative framework for the process and definition of “risk” to a child under the Act;
- The duty to report, i.e., the legal obligation to contact CAS for any person who has reasonable grounds to suspect a child is experiencing any child protection concerns, as defined in the Act. Certain professionals (including health care professionals, teachers, school principals, social workers, peace officers, and others) have a heightened responsibility to report. A Director of a corporation that permits or concurs in contravention of duty to report by an employee is guilty of the offence;
- Referrals to CAS - most calls to DCAS come from self referrals, relatives, healthcare professionals, education professionals, and police and peace officers;
- The process for assessment of a call to DCAS and determining a response - an intake and investigation flow chart outlining the process was included;
- The components of an investigation, and what happens at the conclusion of an investigation; outcomes following an investigation, specifically notification to the child and family of the outcome of the investigation, and a requirement for documentation (to complete a full case record within the investigation timeline);
- Protocols with key partners developed to avoid duplication, ensure clarity of roles, responsibilities and activities;
- Accountability for the process, including legislation, court system oversight, provision of a complaint process, and Ministry audit process.

Following the presentation, there was a question/answer session. The following was noted:

- *What penalties are in place for frivolous reporting?*
It is not easy to discern if a complaint is unwarranted when it occurs. When it does become apparent, the standards allow us to discontinue the investigation and make a note in the file, which can be used for future reference.
- *How long are records (about clients) kept for?*
The agency is required by legislation to keep these records in perpetuity; we are not allowed to destroy these records.
- *What happens when someone calls in and the agency suspects the call is malicious? What happens to that file? And what kind of communication is given to the parent(s) or people involved?*
It is difficult to know if a call is malicious or not, based on the information people give us. If there is a history or pattern of frivolous calls from the caller, we can choose to not be involved. If we can’t tell from the call, we may need to give the child and family an opportunity to talk to us. Once the investigative process begins, if it becomes apparent that the original call was solely malicious, we can conclude the investigation once we determine it is an invalid complaint. In terms of advising the family, we would have an obligation to notify them of the outcome.
- *Does the family receive notification of the outcome / conclusion of the investigation in writing?*
We do send out a closing letter at the conclusion of our involvement. We are required by the Ministry standards to provide people with information about the outcome. Although the

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standards do not require this in writing, The agency's Intake Services Department's standard practice is to provide this notification both verbally and in writing. However, if the client does not want to receive written notification, they will only be notified verbally.

- *In those cases where the agency determines a call is frivolous, is the agency still required to keep the record in perpetuity? Can parent request that a record be expunged, for instance after child turns 18?*

The agency is required to keep a record of all reports/actions taken, and is required to keep that in perpetuity. We are not permitted to destroy / expunge any record.

- *Does anyone else have access to these records?*

Only the CAS has access to the records. The only way they can be disclosed are with the consent of the individual, or through a court order. Consent has to be in writing from the individual(s) concerned. Consent must be "informed" to be valid; individuals must understand the intent of what they are signing.

- *How do we account for the overrepresentation for black children in the system? Does this occur at intake or does it have to do with the "lens" the investigator is looking through?*

This is something that the agency is trying to explore and understand. We know that we have to respond to the calls that are deemed eligible for service. What we have to understand better is how cases flow through the system, to see where the disproportionality starts (i.e., at the referral stage, the investigation stage, etc.). A Ministry directive has been released and is effective next month, requiring all CAS's to collect identity data to allow us to track this information through the system, to see where the disproportionality takes place.

- *There is the same disproportionality in police services, school system, so it may be the "lens" we are looking through. How do we hone the investigative process so it becomes more objective?*

Disproportionality is something we are all aware of; while we are getting ready to gather the information required, there are other things we are able to do. The question seems to relate to interviewer bias; investigative workers cannot make these decisions on their own, there is a clinical consultative process undertaken, usually with a supervisor who helps the worker come to a conclusion and develop a plan that is perhaps more inclusive than in the past.

- *It would be helpful to look at the investigative tools.*

The tools that are applied in an investigative process are Ministry selected and Ministry driven. The risk assessment and safety assessment tools in use in Ontario right now were developed in California. In terms of reliability and validity, they did go through a process of empirical study in California, and were being revalidated here in Ontario through the University of Ontario. The final results of that validity testing (in Ontario) have not yet been released. The risk assessment was shown empirically to have a statistical relevance in the case of likelihood of harm, and to not have a differential impact in terms of different racial groups, in some States.

- *Does the court order require written consent to access a file? Or does the judge have the authority to request the file?*

Lawyers representing the individuals have the opportunity to argue for the records not be disclosed to the court. This most typically occurs in family court in the case of child welfare records. In cases where one parent asks for records to be disclosed, they would require the consent of the other party to allow for the release of the records. In the absence of that consent, a request would be made for disclosure of the records, and the final decision would be up to the judge. The CAS cannot contravene a court order. We have to navigate the system/process with sensitivity and respect, and respect the legislation.

- *How is the intake process being revised to include the lens of AO and specifically anti-black racism?*

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We are using the AO and equity lenses when doing screening and verification conferences. During the screening process, if we believe that there is an issue of racialized bias, we use this as an opportunity to educate the community.

Many of the processes are built into regulations and standards that we don't have control over, so if something meets the standards for an investigation, we have to investigate.

But we have some flexibility in how we apply them and by using these lenses, we can delve down and determine what we need to do to respond.

- *Some of the frivolous reports come in anonymously. Have there been any cases where a child has been removed from the home, based on malicious reporting and the interpretation of the people doing the investigation?*

Although we can't say for certain that there has never been a case like this, the Director of Intake Services indicated she was not aware of this happening in her 30 years in child welfare. All intake workers receive forensic interviewing training, which is comprised of a methodical, research based, child centred, family based approach; it allows the family to tell their story with minimal bias from the interviewer. Evidence is required to support a decision to bring a child into care, which would then go before a judge for decision.

- *Does the Society acknowledge the fact that there is a level of intimidation for the parent when they get a call from the Society? Children are often afraid as well in this process.*

The Society is very aware of and sensitive to this, we recognize the need to address the issue of power at first contact with a family. We have been working on Anti-Oppressive Practice for over five years at the agency, and we recognize that an investigation is an intrusive process for families. Families are often worried and afraid that we will take their children away. We need to explain to them that is not our "go to" plan, it is a last resort. Children who come into care have suffered some form of abuse that necessitated that they leave home, and a percentage of those who come into care are in kinship care -- living with another family member such as a grandparent, etc.

- *How do we move forward with what we know now?*

We need to educate the community. The over-representation of certain populations as represented in the media is mostly Toronto-based; Durham's numbers are not as high. How do we get this information out to the community and have an interactive conversation?

- *What is the procedure for a family who wants to see their file?*

They must submit a written request to the Society (to the worker, or provide to the Society's disclosure unit) for disclosure of information. The disclosure of a family file depends on the consent of everyone named in the file, otherwise the disclosure would only that information pertaining to the person requesting the information. There may be a timeline for this depending on the process (i.e., subject to a court process, etc.).

Veralyn Alleyne thanked Dawn Walcott Parris, Isabel Khalaf and Nicole D'Ornellas for their presentation and responding to the Council's questions, she indicated it was very informative and helpful. Consideration will be given to continuing the discussion at a future meeting.

Society staff welcomed further feedback/suggestions from Council members.

VI. DEFINING "TRITE" REPORTING

It was acknowledged that some of the issues of concern regarding trite reporting were raised during the question/answer session following the presentation above.

In terms of a more complete presentation/discussion on this topic, this item can be deferred to a future meeting, due to time constraints at this meeting.

VII. VENUE FOR THE MAY 31, 2018 COMMUNITY MEETING AND “SAVE THE DATE” NOTIFICATION

Sandra Forsythe and Leroy Clarke agreed to research options for a venue for this event. It was noted that the location used in 2017, the Civic Centre in Oshawa, was not ideal as the projection screen was small for the size of the room. Another meeting room in the same facility may have a larger screen but requires users to bring their own projection equipment. When researching facilities, consideration will be given to the size of the room, what audio-visual equipment is available, including portable microphone(s) and screen size proportionate to the meeting room.

An update on this item will be provided to Council members at the next meeting.

VIII. COMMUNITY AND AGENCY UPDATES

- *Foster Recruitment Campaign* - Durham CAS is launching a recruitment campaign for new foster homes beginning in January 2018. Dawn Walcott Parris provided background information about this campaign to Council members and distributed print information regarding upcoming information sessions. The campaign is being promoted in the media, on social media and among our community partners.

Durham CAS is committed first to keeping families together, but when a child does need to come into our care we first look for family or another significant person in that child's life, and then if that is not possible, we place a child in a foster home.

When placing a child in care, Durham CAS considers the best interest of the child, and whenever possible finds a cultural match. Therefore, families of all racial, cultural, ethnic and religious backgrounds are encouraged to apply. Ensuring consistency in children's lives provides stability and supports a more positive transition during this disruptive time. Homes are needed for children of all ages, especially infants and teens. The information sessions will address questions regarding topics such as: parents who work at home or outside of the home, families with pets, family composition, training, financial compensation, and ongoing supports provided to foster families.

Help and support from Community Advisory Council members is needed to reach all communities. CAC members were asked to share this information within their networks. In response to a request, Dawn Walcott Parris undertook to provide the information about the recruitment campaign in electronic format to Council members, so it can be easily shared/distributed.

- *Update regarding Hiring of Manager of AOP, Diversity and Equity* – Wanda Secord advised that the hiring process continues. The first round of interviews were conducted by the agency's hiring team on December 11. It was decided to continue the search to ensure that we have the best candidate for this position.
- *Opportunity for Youth* – Leroy Clarke reminded Council members of information that he sent to them today regarding the upcoming e-CAMP Youth WeAVE-IC Audiovisual and Music Production program for youth, which starts Tuesday, January 9th at 4:00 p.m. Further information about this program is contained in an attachment to Leroy's email.

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- *Anti-Black Racism Strategy* – Akilah Haneef advised that the provincial government’s Anti-Racism Directorate launched its Anti-Black Racism Strategy on December 14, 2017. The strategy, which is the government’s roadmap for addressing anti-Black racism and improving outcomes for Black communities, is available on the Directorate’s website. Akilah will also bring print copies of the strategy to the next Council meeting.

IX. MEETING EVALUATION

There was general agreement that the meeting went well and that there was good discussion. A suggestion was made with respect to staff presentations at future meetings, that any questions about the presentation topic which are known in advance could be submitted to one of the staff members prior to the meeting. This would be helpful for staff to prepare answers in advance, and would also be helpful to better judge the timing needed for a presentation and Q&A session.

X. NEXT MEETING

The next meeting is scheduled for January 29, 2018.

XI. ADJOURNMENT

MOTION by Raphael Francis, seconded by Veralyn Alleyne, to adjourn the meeting at 8:40 p.m. CARRIED.