



Building Bridges

Community Forum – May 31, 2018



DURHAM
Children's Aid Society

Welcome and Libation

Agenda

- Welcome and Libation
- Introduction of the Community Advisory Council
- Meeting Guidelines
- Overview of Durham CAS Referral Process, and Durham CAS Complaints Processes
- Key Agency Statistics
- Accomplishments of the Community Advisory Council
- Provincial Update
- Q&A
- Wrap-up and closing remarks

Meeting Guidelines

Guiding Principles: Mutual respect and understanding.

Recognize that we're coming from different backgrounds and lived experiences that have shaped our perspectives on the world.

Listening

- Two ears, one mouth. Listen twice as much as we speak
- Gain clarity—no cross talk or interruptions
- Suspending judgment
- Speak honestly and respectfully
- Ask questions for clarity before making statements
- “I” statements instead of “You” statements
- No generalizations
- No name calling; curse words, swearing
- All equally responsible for the success of the meeting
- Note: A portion of the presentation by DCAS staff will be videotaped to be put up on the DCAS website so people will have access to it. Q and As will be audio-taped. The privacy of everyone participating will be respected.
- Please turn cell phones to vibrate/silent

Community Advisory Council (CAC)

1. We have a Clearly Defined Mandate

CAC Mandate

"The purpose of the Council is to provide a collaborative and transparent forum to raise and discuss systemic issues relating to child welfare in Durham Region's black and/ or oppressed communities, and to make suggestions and recommendations to the attention of the Society"

2. Diverse membership

Membership

Community Leaders (7)

DCAS (3)

DCAS Board (3)

- Serve in an advisory and consultative capacity, making recommendations to improve the service experience of children, youth and families
- Identify challenges and opportunities around systemic issues, including racism
- Advance community engagement

With the objective of meeting at least 6 times a year

3. Working together towards common goals and priorities

The Community Advisory Council is available to address any concerns from the community...

There are many channels available to the community to communicate and engage with DCAS and Community Leaders



Email

Durham CAS

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Community Leaders:

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Durham Community Action Group

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Durham Community Interest Group

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Phone

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(647) 872-6750

(416) 919-2998

CAC website: www.durhamcas.ca/anti-oppression/community-advisory-council/

We remain very committed to being accessible to all members of our communities...

Navigating CAS Processes

DCAS Intake Referral Process

Context

- Referral processes are set by Child Protection Standards in Ontario (2016)
- Standards are determined by Ministry of Children and Youth Services, to meet the statutory Regulations
- Regulations are set to stipulate how the Child, Youth and Family Services Act (CYFSA) will be implemented

Child, Youth and Family Services Act (CYFSA)

Paramount purpose: promote best interest, protection and well being of children (0-18 years old)

Other purposes:

1. Wherever possible, services should be on the basis of mutual consent
2. The services should be the least disruptive, appropriate to help a child, preventative, and consider early intervention services and community support services.

Child, Youth and Family Services Act (CYFSA)

Other purposes continued:

3. Services should be provided in a manner that,
 - respects need for continuity of care and for stable relationships within a family and cultural environment,
 - takes into account physical, emotional, spiritual, mental and developmental needs and differences among children and young persons,
 - takes into account a child's or young person's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression,
 - takes into account a child's or young person's cultural and linguistic needs,
 - provides early assessment, planning and decision-making to achieve permanent plans in accordance with their best interests, and
 - includes the participation of a child or young person, the child's or young person's parents and relatives and the members of the child's or young person's extended family and community, where appropriate.



Child, Youth and Family Services Act (CYFSA)

Other purposes continued:

4. Wherever possible, services should respect regional differences.
5. Wherever possible, services should build on the strengths of the families.
6. First Nations, Inuit and Métis peoples should be entitled to provide, wherever possible, their own child and family services, and all services to First Nations, Inuit and Métis children and families should be provided in a manner that recognizes their cultures, heritages, traditions, connection to their communities, and the concept of the extended family.



Child Protection – CYFSA section 74(2)

A child has been or is at risk of the following;

- Physical Harm
- Sexual Molestation or Exploitation
- Emotional Harm (demonstrated by anxiety, depression, withdrawal, self-destructive or aggressive behavior or delayed development) resulting from the actions or neglect of the parent
- Emotional Harm and the parent does not or cannot provide services/treatment to prevent harm
- A mental, emotional or developmental condition that without treatment could impair the child's development and the parent does not or cannot provide the treatment
- Abandonment
- Less than 12 years old and had killed, seriously injured another person or seriously damaged property and parents do not or cannot provide services/treatment
- Less than 12 year old and has injured another person or damaged property with the encouragement of the parent or their lack of adequate supervision
- A parent is unable to care for the child and the child is brought before the court on consent



Why call CAS?



Concern for a child



Legal Obligation – CYFSA section 125

Any person who;

- Has reasonable grounds to *suspect* a child is experiencing any of the above child protection concerns
- Must report the suspicion *immediately* along with the information leading to the suspicion
- Direct and ongoing duty to report
- Exception: No legal obligation where the child is 16 or 17 years old



Heightened Responsibility to Report



People with professional or official duties with respect to children.

Act specifically identifies;

- Health care professionals
- Teachers, school principals
- Social worker, family counsellor
- Operators and employees of day nurseries
- Youth and recreation workers
- Religious officials
- Mediators and arbitrators
- Peace officers and coroners
- Solicitors
- Service providers and employees of service providers

Additional Duty to Report Obligations

- A Director of a corporation that permits or concurs in contravention of duty to report by an employee is guilty of the offence
- Overrides privilege and PHIPA (exception solicitor-client)
- Penalty for failing to report
- Conviction is liable to a fine

What Happens When a Call is Made?

Assessment of Call



Determining the Response

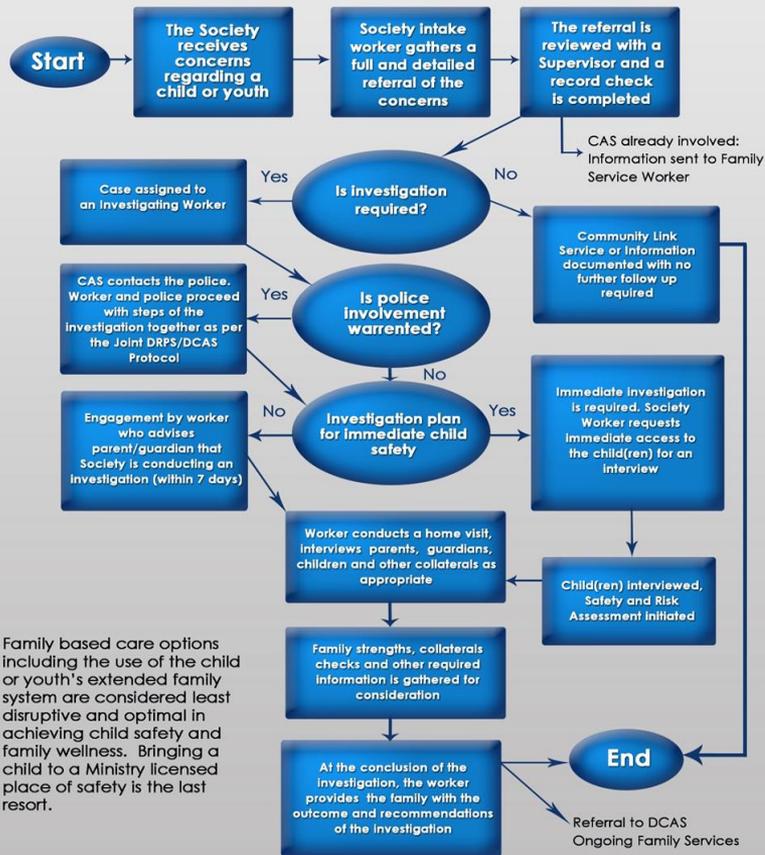
Ontario Child Welfare Eligibility Spectrum matrix applied along with all known information to determine most appropriate response

Response Options

- No Direct Contact/Information Only
- Community Link Service
 - Telephone support service, referral to community resources
- Child Protection Investigation
 - Determination of response time dependent on level of urgency of child safety – 12 hours or 7 days for families, 12 or 48 hours for institutions
 - Customized and Traditional approaches available



Intake and Investigation Flow Chart



Family based care options including the use of the child or youth's extended family system are considered least disruptive and optimal in achieving child safety and family wellness. Bringing a child to a Ministry licensed place of safety is the last resort.



Child Protection Investigation – Family-Based

In accordance with the Standards, Family-based investigations includes:

- Face to face contact with the child
- Interviews of other children in the home
- Interview of the non-abusing parent
- Observation of the home environment
- Interview of the alleged perpetrator
- Observation of interaction between child and parent
- Interviews with witnesses
- Interviews with all other adults in the home
- Gathering of evidence from other involved professionals
- Consideration of the to seek a warrant for access to records



Child Protection Investigation – Institutional

In accordance with the Standards, Institutional investigations must include:

- Interviews with the alleged victim(s), staff witnesses, child witnesses, facility administrators, supervisor of the alleged perpetrator and the alleged perpetrator
- Examination of the physical layout of the setting
- Examination of the facility files and logs
- Examination of information about the alleged victim
- Examination of facility policy and procedure
- Examination of records to consider past allegations of abuse

Concluding the Investigation

According to Standards investigations are completed within 45 days of referral or 60 days with an approved extension

Key Decisions

- Verification Decision: more probable than not that child protection concerns have occurred or are occurring
- Determination of Child in Need of Protection: CAS opinion of whether the child is in need of protection as per the CYFSA
- Investigation Disposition: What if any services will be provided to the family at the conclusion of the investigation

Outcomes

Notification

- As per Standards, child and family must be notified of the outcome of the investigation within 14 days of its conclusion

Documentation

- In addition to notes made during the investigation, a full case record must be completed within the investigation timeframe

DCAS Activity Stats

(2016/17)



Protocols

Developed with key partners to avoid duplication, ensure clarity of roles, responsibilities and activities;

- CAS Interagency Protocol
- First Nations, Dnaagdawenmag Binnoojiiyag Child and Family Services, Kawartha, Highland Shores and Durham CAS and Simcoe-Muskoka Child and Family Services
- DRPS – as required by Standards
- Boards of Education
- Healthy Babies Healthy Children, Durham Public Health Department
- Violence Against Women Sector

Accountability

- Legislation gives mandate for child welfare services to children's aid societies
- Court system provides oversight of major child welfare decisions
- CYFSA provides for complaint processes, including the Child and Family Services Review Board
- Government (MCYS) audits CAS compliance with standards through various mandatory reporting mechanisms

DCAS Complaint Processes

Why a Complaint Process?

Public Service

- Accessibility
- Accountability
- Customer service responsibility
- Responsiveness

How?

- Internal Complaint Panel and escalating processes
- Child and Family Services Review Board and process
- More recently, Provincial Advocate for Children and Youth complaint and investigation authority
- Foster parent complaint process
- Adoption complaint process
- Child in care complaint process

Public Awareness – Brochures, Websites



DCAS Complaint Policy

- Aligns with legislation and regulations
 - Separate, distinct informal & formal processes
 - First step: provision of ministry's Client Complaint brochure
- And...*
- Final step: Annual review of complaints received

Informal Resolution Process

1. Discussion between Child, youth or family with the Case Manager
2. Discussion with the supervisor, case manager and family to discuss concern in attempts to find resolution
3. If a resolution is reached, it is documented within the file.
4. Unresolved matter can proceed to the Formal Resolution Process

Formal Resolution Process

1. Written complainant to the Director of Services
2. Determination of eligibility within 7 days of receiving the complaint
3. Complainant and Internal Review Panel (comprised of 2 Sr. staff and 1 member of the Board) meet at a mutually agreed upon time within 14 days of written notification
4. A summary of the meeting, including any agreements and recommendations within 14 days of the meeting.
5. An Administrative File is created to house the formal complaint.
(To be reviewed in relation to CPIN.)

Child and Family Services Review Board (CFSRB)

- A **recipient of service** or in specific instances a foster parent, has the option to file a complaint with the CFSRB.
- Eligibility based on CYFSA Section 119, Section 109(8) and Section 192 within 7 days
- Eligible for review the CFSRB - will provide the complainant and the Society within 20 days;
 - the order or other disposition of the CFSRB or
 - a notice that a hearing may be held

CFSRB

Pre-Hearing Conference

- Held within 14 days or later if requested by the complainant
- Summary provided within 10 days

Hearing

- Within 20 days of prehearing
- Legally binding decisions (on Society and Complainant)

CFSRB - Notice of Disagreement

Complaints regarding an alleged inaccuracy within the Society's files/records, the complainant may request a CFSRB after the Society's Internal Complaint Review process

A Notice of Disagreement may be added to the complainant's Society file if ordered

Provincial Advocate for Children and Youth

Bill 8-Public Sector and MPP Accountability and Transparency Act

- Royal Assent received December 2014
- Proclamation date: March 1, 2016

Purpose:

To strengthen accountability of public services in turn enhancing public confidence through publicly-funded services

Office of the Provincial Advocate for Children and Youth (PACY)

- Provincial Advocate for Children and Youth Act, 2007
- Established as an independent office of the Legislative Assembly of Ontario.
 - To provide an independent voice for children and youth
 - To encourage communication between families and service providers
 - To educate children, youth and caregivers of their rights
 - To conduct investigations and make recommendations to improve services

PACY – Investigations

- Any matter that comes to the Advocate’s attention from any source concerning individual or a systemic issues
- The Act compels agencies to comply
- Exceptions
- Matters that are subject to licensing inspections, subject of inspections or reviews by the Ministry where the Advocate’s investigation may interfere
- Matters that are eligible for resolution by a complaints or review process under this Act or the Child and Family Services Act until the process is completed
- Matters where another investigative authority is conducting an investigation that is not yet completed
- Matters where there is, under any Act, a right of appeal or objection or a right to apply for a hearing or review on the merits of the matter to any court of tribunal

PACY – Investigations (Cont.)

Last Resort Concept: Complainant must first make complaint to Children's Aid Society internal complaint process or Child and Family Services Review Board

If unresolved then a request to the Provincial Advocate for Children and Youth to investigate can be made



Black children/youth in care vs. regional population (age range 0 – 19 years)

2015

Black children/youth in care

13.36%

80
as of Nov 2, 2015

Black children/youth in Durham Region

9%

2011 census

2018

Black children/youth in care

11.29%

49
as of May 21, 2018

Black children/youth in Durham Region

11.07%

2016 census

Total Black Population of Durham Region: 8.03% (2016 census)

Percentage of total investigations involving families with Black children

12.3%

Top Referral Sources (all demographics)

01

Education Sector

02

Law Enforcement

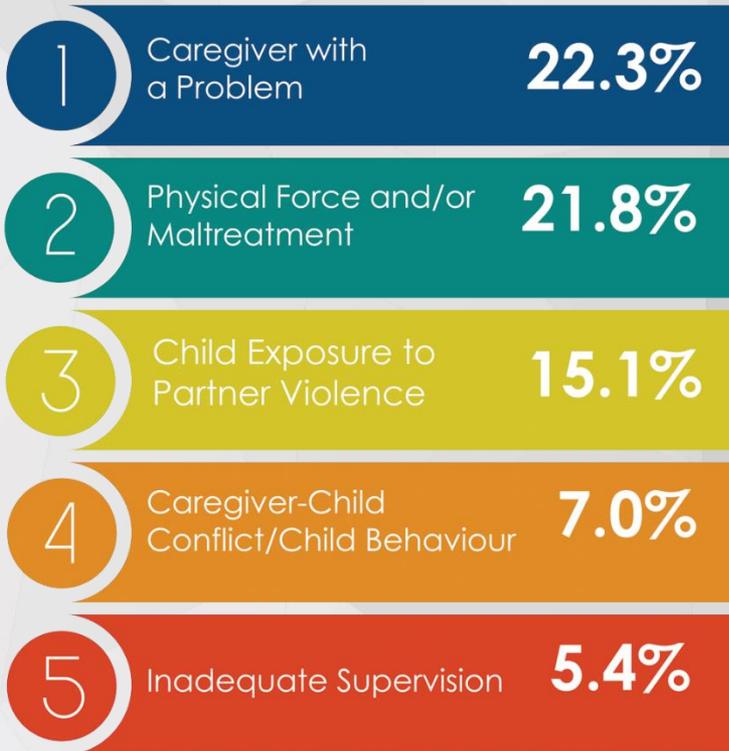
03

Parent/Self

04

Community Organization

Top reasons for service All children



Top reasons for service for families with Black children



Other stats

- **40** intake files (**10.7%**) involve Black children/youth
- **94** ongoing files (**11.5%**) involve Black children/youth
- **55** Black children/youth in care ages 0 – 21 (**11.13%**)
- **21%** of foster/relief homes are Black/Black mix

(data as of May 21, 2018)

Community Advisory Council Accomplishments

8 meetings between September 2017 and May 2018

Based on questions and comments received from past Building Bridges sessions – focused the work of the Council:

1) Addressing issues with the Manager of Anti-Oppressive Practice, Diversity and Equity position

- Advocated for change in reporting relationship
- Consulted on the job description and recruitment strategy

Outcome:

- ✓ Now reports to the Executive Director
- ✓ Position advertised with CAC input and recruitment continues for manager position
- ✓ Interim project manager being hired

2) Reviewing Durham CAS Referral and Complaints Processes

- Received presentations on these processes
- Held discussion to identify potential issues with processes

Outcome:

- ✓ Examined the issue of Trite reporting and working towards a definition
- ✓ Continuing to explore potential areas for improvement

Community Advisory Council Accomplishments

8 meetings between September 2017 and May 2018

3) Developing a service directory for Black children, youth and families

- Advocated for and contributed to the development of a service directory

Outcome:

- ✓ Durham Children's Aid Society has expanded the listing and have reached out to service providers
- ✓ Continue to evolve with CAC consultation and community referrals

In addition to addressing questions and comments from past sessions, the Council:

- Shared information about issues or initiatives through regular community and agency updates
- Received a presentation from staff on the cultural work with Black youth through the Soul Journey experience
- Planned for the Building Bridges Forum
- Posted meeting minutes and material on the Durham Children's Aid Society website

Provincial Update

1. One Vision One Voice
 - 15 Community Consultations
 - 11 Race Equity Practices
2. The Anti-Racism Directorate
 - Anti-Black Racism Strategy
 - Data Standard

Questions and Answers

