

**Promoting accountability, transparency,  
fairness and professionalism within  
Ontario's child protection system**

by  
**The Family Justice Review Committee**  
**Working paper: August 30, 2010**

## **Public input invited**

At the time of printing, this working document was still being reviewed by members of the public, educators, law enforcement officials and to recognized legal and health care professionals for their additional feedback and comment. All comments and suggestions received will be reviewed by the Documents Review Team for inclusion in future releases of this document. All comments and suggestions from any source are most welcomed and encouraged. Should readers have any questions or wish to provide comment on the contents of this document then please forward your comments in writing to:

## **Family Justice Review Committee**

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## **Please note:**

Submissions made by email are preferred as these can be more effectively distributed to members of the Committee for review and consideration. Parties wishing to make a submission by mail should contact the committee by phone to receive mailing instructions

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# **Promoting accountability, transparency, fairness and professionalism within Ontario's child protection system**

## **Introduction**

In recent years, CAS agencies have become the subject of increasing criticism by members of the public, enforcement agencies, the courts and media as a result of the abuse of children and families in communities throughout the Province of Ontario. In addition, the financial costs associated with operating the CAS agencies in Ontario have skyrocketed out of control to the point where the ability and willingness of the taxpayers to maintain the status quo with child protection industry is in question. In spite of demands by government officials to bring CAS agencies under scrutiny of agencies such as the Auditor General and the Ombudsman, CAS agencies continue to elude oversight by appropriate government agencies and continue to operate without appropriate public accountability.

Upon close examination, much of the abuse of the children and families caused and the waste of tax dollars by CAS agencies and their workers can be traced back to the lack of transparency and accountability within CAS agencies. The lack of transparency and accountability has served as a catalyst to the abuse of power and authority by many young, unqualified and inexperienced CAS workers who often failure to adhere to legislative requirements which empower these workers.

Seldom seen by the public, internal strife, corporate politics and criminal activities amongst workers further contribute to the problems. Reported cases of children being sexually abused while in CAS care confirms that CAS caregivers have been caught sexually abusing children in care and stealing money and possessions from children placed in foster care. An experienced supervisor with the York Region Children's Aid Society was caught and successfully prosecuted for stealing money and gifts from children in care. Another disgruntled CAS worker killed himself after driving his blazing pickup truck load with gasoline at high speed into the front of the CAS offices where he once worked. Members of the public have reported CAS workers doing illegal drugs at the annual CAS fundraising event which they were attending.

The public is not generally aware of the abuses to children and families where CAS have been involved. Legislators have seen fit to create law that renders CAS workers immune from public accountability and scrutiny and exempt them from requirements of Freedom of Information. A recent report by our Government has attributed 37 deaths of children in their care meeting early deaths without in depth inquiry.

Over the years CAS agencies have, with the help of tax dollars, developed very slick and effective public advertising campaigns to make themselves appear to be champions of protecting children and helping families. Using tax dollars as well, CAS agencies has spent obscene amounts of money on lawyers to literally stall, delay, frustrate and destroy families in the court system who in any way attempt to bring their plight to the attention of the public. Young girls who have been sexually assaulted while in care of CAS agencies have been paid large financial damages when they have taken CAS to court but with the strict condition attached that the victim never disclose details of how they were abused or the amount of the payout. With huge amounts of tax dollars at their disposal CAS agencies have been very effective in keeping the public in the dark about their operations.

## **Purpose of this document**

It is hoped that this document will help improve the sustainability of child protection system in

Ontario in the following ways:

- 1) To provide a brief analysis of a number of the many problems and injustices being created by CAS agencies and their workers which are being perpetrated against children and families and the taxpayers.
- 2) To provide reasonable, effective, measurable cost effective recommendations which will significantly reduce the abuse of children and families at the hands of CAS agencies and their workers be they intentional or otherwise.
- 3) To provide reasonable and cost effective recommendations which will improve on the overall accountability and transparency of CAS agencies.
- 4) To awaken the legislators to be cognizant and aware of needed reform and examination of a crucial social service out of control.
- 5) To give citizens an additional tool with their advocacy work to improve on the needed quality services which CAS agencies attempt to provide to the public.

The materials in this document and the various recommendations derived from the input of concerned parents, former children in care of CAS agencies, family advocates, teachers, lawyers and persons with a background in law enforcement. Many of the claims of abuse against children and families which are referenced in this document are based on the video recorded testimony of children and parents and reports from recognized news reporting services.

### **A special note to businesses, charitable organizations, individuals or municipal governments who may be considering a financial donation to a CAS agency**

All businesses, charitable organizations, individuals or municipal governments who may be considering making a financial donation to a CAS agency can help as well to make CAS agencies more accountable. Potential financial contributors should familiarize themselves with the contents of this document and before making any financial donation to any CAS agency, insist that the CAS agency provide them with documented proof that the CAS agency has written policies in place which demonstrate that the CAS agency is conducting its business in an open and accountable manner as outlined in the various sections of this document. Businesses, individuals or municipal governments who make financial donations to CAS agencies which do not operate in a transparent, accountable and fair manner as outlined in this document should consider that they may be in effect contributing to the indirect abuse of children and families in their communities.

Canada Court Watch maintains a list of complaints from children and parents which are attributed to CAS agencies and workers in Ontario. Businesses, individuals and municipal government representatives who may wish to make inquiries as to whether any particular CAS agency in the Province of Ontario is operating in an open and accountable manner according to the guidelines outlined in this document may contact Canada Court Watch through its website at: <http://www.camadacourtwatch.com> or by phone at (416) 410-4115

### **A message to MPP's and MP's in Ontario**

It is a well know fact that for decades in Ontario, children have been abused while in care of government funded agencies and that even today children in care of Children's Aid agencies continue to suffer unnecessary harm by many of the provinces CAS agencies. The citizens of Ontario want an end put to the systemic abuse of children in care. All MPP's and MP's in Ontario are urged to push for legislative changes that will require CAS agencies in the province of Ontario to implement as many of the reasonable recommendations in the document as possible.

## **Summary of the issues reviewed in this document**

Below is a summary of the various issues relating to accountability and transparency of CAS agencies. The issues have been grouped into two main areas. The first area being issues relating to the general operation of CAS agencies and the second area being those issues which closely relate to the protection of children.

### **Part One – Issues relating to operation of the corporation**

#### **Issue #1**

Information available for viewing by the general public on the CAS agency's website

#### **Issue #2**

Abuse of public funds by CAS agencies and their employees

#### **Issue #3**

Excessive hidden legal expenses by CAS agencies

#### **Issue #4**

Conflict of interest for CAS workers to sit on the boards of other corporations

#### **Issue #5**

Nomination process for determining candidates for positions on the Board of Directors

#### **Issue #6**

Disclosure of CAS membership lists to members of the public

#### **Issue #7**

Notice to public regarding Board of Director monthly meetings

#### **Issue #8**

Abuse of tax dollars to pay for CAS memberships in the private Ontario Association of Children's Aid Societies (OACAS)

#### **Issue #9**

Unnecessary duplication of services by CAS agencies already provided by other community service providers

#### **Issue #10 (under construction)**

Registration of workers with the Ontario College of Social Workers and the regulation of CAS workers engaged in the practice of social work.

### **Part Two – Issues related to the protection of children and the welfare of families**

#### **Issue #11**

Concealing of abuse of children in care and the violation of their basic rights while in care of the CAS

#### **Issue #12**

Right to fair disclosure of information to children and parents from agency files and worker's notes

#### **Issue #13**

Presence of support persons for parents and children during meetings and interviews with agency workers

**Issue #14**

Electronic recording of meetings between children/parents and agency workers for accuracy purposes

**Issue #15**

The use of electronic recording equipment by parties to record their own court/legal proceedings

**Issue #16**

The presence of family members and supporters during court proceedings or conferences

**Issue #17**

Disclosure of the qualifications and experience of child protection agency workers and/or contracted professionals

**Issue #18**

Training for child protection agency workers to conduct routine or scheduled interviews with children

**Issue #19**

Investigation of sexual and physical abuse allegations

**Issue #20**

Written communication between children/parents and child protection workers

**Issue #21**

Interviewing of children at their schools by CAS workers

**Issue #22**

The removal of newborn babies from their mothers at hospitals using unethical practices

**Issue #23**

Drug testing and screening of child protection workers

**Issue #24**

Screening practices for the hiring of child protection workers

**Issue #25**

Greater involvement of community based family support and advocacy services

**Issue #26**

Abuse of children's expense funds by foster parents and group home providers

**Issue #27**

Failure of CAS agencies to seek out kinship care providers in a fair, reasonable and timely manner

**Issue #28**

Refusal to allow children in care of the CAS reasonable access to the internet or email

**Issue #29**

Children being denied their access visits to their parents while in care of the CAS

**Issue #30**

Teens in care being denied their right at 16 years of age to gain their independence from their CAS care and control

**Issue #31**

Protocol used by CAS agencies to approve foster care providers

**Issue #32**

Payment of monies to kinship care providers who are financially well off

**Issue #33**

The drugging of children in temporary care of CAS without the knowledge or informed consent of parents or children

**Issue #34**

Bribery and coercion of children in care using lavish gifts and spending

**Issue #35**

Substandard education of children in care

**Issue #36**

Conflict of interest in providing supervised access services to children and families at CAS offices

**Issue #37**

Conflict of interest in providing adoption services

**Issue #38**

Sharing of information with non-custodial parents when parents are separated

**Issue #39**

The creation of undue financial hardship on families as a result of the re-direction of government subsidies from families to child protection service agencies

## **Issue #1: Information available for viewing by the general public on the CAS agency's website**

### **Discussion**

Child protection agencies in Ontario are privately owned but publicly funded by the taxpayers and are supposed to be based on the model of being community based organizations supported by membership from the community. However, most CAS agencies do little to ensure that the public is kept informed about the inner workings of their local children's aid society. Most members of the public are not even aware that they themselves can become more directly involved in supporting the CAS by becoming members of their local children's aid agency.

There is a lack of diversity of talent and resources from the community as decisions are traditionally made by a small group of corporate insiders, consisting of workers, administrators, friends and close business associates who share identical visions and agendas. This is clearly in contrast to the spirit of the law and the protection of our children. Millions of dollars of public tax dollars are controlled by each of these CAS agencies so it is vitally important that each community be involved in decisions as to how money is being spent.

CAS agencies are mandated by law to encourage public participation and facilitate the public to know more about the workings of the agencies at every possible opportunity. To assist in this objective, every child protection agency should mix a good selection of information about the workings of the agency available on its website along with information about how members of the public can become more involved.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should maintain a public website which includes, but not limited to, the following information:**

- a) General contact information for the agency including mailing address, postal code, telephone and fax numbers, after hours phone numbers and physical address of the offices if different from the mailing address of the CAS.**
- b) General contact information for any of the agency's satellite offices including mailing address, postal code, telephone and fax numbers, after hours phone numbers and physical address of the offices if different from the mailing address of the CAS.**
- c) A description of the geographical boundaries of operations or a detailed map showing the boundaries. (This will help members of the public know which CAS agency to call in the event of a call or inquiry)**
- d) A list of the names of all administrative staff and their job titles and duties, including in-house legal counsel representatives for the agency. (This will help members of the public to recognize potential conflict of interest)**
- e) A list of the names of outside law firms or lawyers which the agency uses or has used in the past 24 months under contract on a regular basis for its legal work. (This will help members of the public to recognize potential conflict of interest)**
- f) A list of the names of the Board of Directors, their callings and the term of their positions and position on the Board if assigned a position as is required to be made public under the Corporations Act of Ontario. (This will help members of the public to recognize potential conflict of interest)**

- g) The total number of paid up members of the corporation (but not the names) updated on the agency's website on a monthly basis.
- h) The most recent annual financial statement of the corporation.
- i) A photo and a personal biography of the Chief Executive Officer of the agency.
- j) Code of ethics that workers are expected to follow during the course of their duties.
- k) Information on how members of the public can join up to become voting members of the agency, including downloadable membership application forms and instructions as to how potential members can apply either in person, by mail or by electronic means.
- l) News page with news relating to the ongoing activities of the agency which would be of interest to the public such as meetings, fundraisers, special events, etc.
- m) Information regarding the date, time and meeting location of the monthly Board of Director meetings as is practiced by other responsible agencies.
- n) Information on how to become a foster parent and the requirements that must be met for persons in the community to become approved foster parents.
- o) Links to all applicable legislation which may be useful to children and parents during the handling of any child protection matter such as the Child and Family Services Act, The Child Law Reform Act.
- p) Basic legal information for parents such as to what they should do if their family is the subject of a child protection concern and investigation by the agency such as is practiced by other public agencies, school boards, etc.
- q) Specific and detailed instructions as to how parents have to serve documents on the CAS should parents need to serve documents on the agency?
- r) Links to information or resources which would help parents and families during difficult times such as other community agencies.
- s) Information about the complaint procedure against workers of the agency should parents feel that they need to file a complaint such as practiced by public agencies, police agencies and law societies.
- t) Information about any charitable operations, trusts or foundations which are considered as part of the agency's overall operations. Information should include a list of the Board of Directors of the charitable branches as well. (This will help members of the public to recognize potential conflict of interest)
- u) Statistics of complaints against the CAS agency based on input from complaint forms which are made easily available to any child or parent who has been involved with the CAS agency.
- v) Any other information deemed that workers or members of the public feel would be helpful to families having to deal with the agency or to other interested general members of the public.

## **Issue #2: Abuse of public funds by CAS agencies and their employees**

### **Discussion**

It has been uncovered from time to time that taxpayer's funds are being abused by employees of the various CAS agencies at all levels. It has been uncovered that expensive cars, gym memberships

and expensive trips have been paid for by CAS agencies for what would appear to be personal benefits of selected employees. One investigation reported that CAS workers were taking trips to tropical countries claiming that it was for child protection purposes here in Canada.

Due to the lack of accountability it is very easy for taxpayer's fund to be abused. Many feel that many expenses related to the operation of CAS are in fact being arranged to provide hidden personal benefits to senior employees.

It is in the best interest of the public that the use of tax dollars on expenses be carefully monitored and that members of the public can provide this without cost to the taxpayers of Ontario.

## **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That expenses of each employee of a CAS agency be separately summarized for each fiscal year and that a copy of the list of each employee's expenses be made available upon request to the Board of Directors as well as to any member of the corporation who makes the request for this information. A summary of such expenses to include the date, the amount, the purpose and to whom the money was paid to.**
- 2) That the procedure for obtaining this financial information by members of the corporation be clearly published in the materials given to members of the corporation.**

Making information about the expenses of each employee made readily available for any member of the corporation to view will significantly reduce abuse of tax dollars. Employees of the CAS will be much more frugal with their expenditures knowing that every voting member of the corporation has the ability to check into their spending habits. Having oversight by the members themselves will cost the taxpayers nothing and in reality will be more effective than having expensive government audits done by professionals.

## **Issue #3: Excessive hidden legal expenses by CAS agencies**

### **Discussion**

Many parents have complained that CAS agencies will spend an unlimited amount of public tax dollars on legal fees in order to defend the agency or its employees, even when it is clear that the CAS or its workers have erred and caused damage to children and families in the community. There is a general perception that CAS agencies can wear families out and prevent lawsuits by throwing unlimited amounts of money at lawyers whose job it is to defend the reputation of the CAS at all costs. While members of the public are of the impression that monies put into the hands of CAS agencies are being spent on children, they may be surprised to find out how much of their tax dollars are going for services not related to the protection of children.

Many feel that CAS agencies do their accounting so that the amount of money being paid to lawyers and for legal expenses is either hidden from public view or made very hard to find so that the taxpayers will not be able to see how much of their tax dollars are being spent on services not directly related to the protection of children.

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That legal expenses be accounted for separately and shown as a separate expense item in the annual financial statement of the corporation. Accounting records for legal expenses should show the date, the amount, to whom paid and for what purpose the expense was made. If an expense is applicable to a particular case, then the name of the case must be referenced with the expense.
- 2) That all in-house expenses relating to legal work be accounted for separately in the agency's financial statement.

#### **Issue #4: Conflict of interest for CAS workers to sit on the boards of other corporations or agencies**

##### **Discussion**

There have been reports from citizens in some Ontario communities that some salaried employees from CAS agencies also sit on the Board of Directors of outside community based organizations which donate money to the Children's Aid Agency. One example reported was where the Executive Director of the Hastings Children's Aid Society (paid position) also sat as a member of the Board of Directors for the Rotary Club of Belleville, which made donations to the CAS while this CAS employee was a member of both Boards.

Many citizens would view this arrangement as a conflict of interest. There is clearly a vested interest for persons associated with the CAS to use their influence on the Board of Directors for these outside agencies and to give the CAS agency an advantage over receiving money other community groups which may request funding. Many would believe that CAS agencies may be engaging in a campaign to strategically place their people on outside community Boards for the sole purpose of soliciting funding for the CAS.

##### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices (as part of their bylaws) which clearly reflect the following:**

- 1) That any person who sits on the Board of Directors for a CAS agency shall not be allowed to sit as a member on the Board of any other charitable or non-profit organization which may donate money to the CAS. This will also include any person or firm who may be paid to fundraise or lobby to raise funds on behalf of the CAS.
- 2) That no paid employee of a CAS agency will be allowed to sit as a member on the Board of Directors of any other charitable or non-profit organization which may be requested to donate money to the CAS.

#### **Issue #5: Nomination process for determining candidates for positions on the Board of Directors**

##### **Discussion**

There have been reports from citizens in some Ontario communities that local child protection agencies have created what they refer to as "nomination" committees which have a purpose of pre-screening persons wishing to become a board of director for the local agency. It has been reported that CAS agencies allow only persons selected by the nomination committee to become a candidate during elections for the Board of Directors. Most, if not all of these nomination committees have no published selection criteria for those applying to have their name put on the election ballot.

Decisions as to who is allowed to be on the candidate list are made in secret behind closed doors with no records of the discussions by the nomination committee members. The selection of those on the nomination committee is made by corporate insiders.

A number of citizens from communities in Ontario believe that these nomination committees were formed to be nothing more than a tool to ensure that control of the local CAS agency is kept amongst insiders, their close friends and their business associates. While the principal of voting may be seen by the public as being fair, who gets on the ballot is controlled in a most undemocratic manner. What is at stake in most cases is the control over tens of millions of tax dollars that rests in the hands of those who are elected as members of the Board of Directors.

It is in the public's interest that the election of Directors for CAS agencies be done using a transparent and democratic manner which is fairly accessible to all citizens who are interested in becoming a member of the board of their local CAS agency.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 3) That positions on the Board of Directors be open to any and all members of the public who meet standard criteria to become a candidate.**
- 4) That criteria for having one's name put on the candidate list be published on the agency's website and this to be applied equally to all who wish to become a candidate.**
- 5) That the procedure to have a person's name placed on the list of eligible candidates be clearly outlined and posted on the agency's website.**
- 6) That the names of those of those on the nominations committee be published on the agency's website if the agency does have a nominations committee.**

### **Issue #6: Disclosure of CAS membership lists to members of the public**

#### **Discussion**

CAS agencies in Ontario are supposed to be operated by the communities which they serve and are supposed to be accountable to the communities they serve. There have been reports from citizens in some Ontario communities that local CAS agencies have been highly uncooperative and in some cases openly refused to abide by Corporations Act of Ontario which require that CAS agencies disclose their membership lists to the public upon reasonable notice. Under the Corporations Act of Ontario membership lists are to be provided upon request and there published provisions under the Act for doing do. The purpose is to allow scrutiny of the list to ensure that memberships lists are legitimate and not stacked with false names or friends of friends. In one case, charges under the Act were laid against the Ottawa CAS for refusing to abide by the Corporations Act yet the CAS used thousands of tax dollars to fight what was already the law in Ontario.

Many believe that the reason why CAS agencies do not want their membership lists made available to the public is because some CAS agencies are under the tight control of an elite group of members, many of whom may have a conflict of interest. Many feel that CAS agencies do not advertise how persons in a community can become members so that outsiders will not attempt to join up and thus put at risk the ability of insiders to control CAS affairs.

It is in the public's interest that the various CAS agencies in the Province of Ontario cooperate fully with the Corporations Act and release membership lists as required in a prompt manner in accordance to the requirement of the Act. This is the only way in which the legitimacy of membership lists can be verified by members of the public who may feel that membership lists are being manipulated to the benefit of insiders.

## **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That in addition to provisions of the Corporations Act of Ontario, that each CAS agency have written within its own internal procedures which clearly required that membership lists be provided whenever requested by the public in accordance to the requirement of the Corporations Act of Ontario.**

## **Issue #7: Notice to public regarding Board of Director monthly meetings**

### **Discussion**

Child protection agencies in Ontario are supposed to be community based organizations supported by general membership from the community. Yet in most cases, very little is known by parents in communities about their local children's aid society. Children's aid societies should encourage public participation and encourage the public to know more about the workings of the agencies at every possibility.

To help in this objective, all Board of Director meetings should be open to any interested member of the public who wishes to attend as an observer. Child protection agencies serve the community and as a community service agency should welcome the involvement and participation of members of the public who wish to take an interest in the activities of the agency.

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That the dates, times and location of all upcoming Board of Director meetings will be posted on each agency's website welcoming interested members of the public to attend.**
- 2) That the dates of Board of Director meetings be posted on the agency's website as soon as possible after the meeting date has been set and no less than 20 days before the meeting is scheduled to be held.**

## **Issue #8: Abuse of tax dollars to pay for CAS memberships in the private Ontario Association of Children's Aid Societies (OACAS)**

### **Discussion**

Monies being taken by the taxpayers is being used to pay for each CAS agency in Ontario to belong to the Ontario Association of Children's Aid Agencies (OACAS). This is money being spent to promote all of the privately operated CAS agencies in the province and is not being used to help children and families. It has been reported that in excess of two million dollars of tax dollars have been transferred from CAS agencies to the OACAS. The OACAS is merely a lobbying group to promote the interests of local CAS agencies. Giving money to the OACAS is akin to giving tax

dollars to a particular political party or candidate through clandestine means.

Many believe that the diversion of tax dollars is yet another example of how taxpayer funds are being misused to promote the private interest of privately owned CAS agencies in the Province of Ontario. CAS agencies are using tax dollars to fund this private organization and to pay their members to attend out of town functions which have little or nothing to do with the protection of children. The Ontario Association of Children's Aid Societies is yet another organization which needs to promote bringing children into care and adopting out children as a means to justify its existence. This is a conflict of interest and a good example of how bureaucracy gets out of control.

The Province of Ontario has already legislated into being the Ontario College of Social workers which should be the one organization monitoring individual workers. If individual workers are being properly monitored by the College, there should be no need for the Ontario Association of Children's Aid Agencies. If individual CAS agencies feel that the Ontario Association of Children's Aid Agencies is such a good investment, then force CAS agencies to fund membership from their own private sources, not from the taxpayers of Ontario.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That funds for memberships in any outside organization will not be taken from tax dollars given to the agency by the Government of Ontario but must come directly from contributions from private sources or from CAS workers themselves.**

### **Issue #9: Unnecessary duplication of services by CAS agencies already provided by other community service providers**

#### **Discussion**

In recent years CAS agencies have entered into the business of helping families by handing out food and clothing at Christmas time. Many feel that the involvement of CAS agencies into the distribution of gifts and food at Christmas is an inefficient use of CAS resources and is nothing more than the unnecessary duplication of services which established agencies such as the Salvation Army or local food banks already provide. When it comes to costs of providing such services, the salaries of CAS workers are fairly high in comparison to that of other service providers who generally use more volunteers, so the overall costs to taxpayers is much higher when these sorts of services are being provided through government funded CAS agencies many of which are claiming that they need more government money.

Children's Aid agencies should focus on providing services related to the protection of children in need of protection which only CAS agencies can lawfully provide. CAS should not be diverting staff resources with charitable activities nor attempt to compete with those community based organizations such as churches, food banks or the Salvation Army which specialize in provide food and clothing to needy families. Other agencies are excluded from being in the child protection business so CAS should stay out of the business of distributing food and clothing to needy families.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That children's aid agency provide referrals only to other community based organizations which are in the business of providing food and clothing for needy families at Christmas time.

## **Issue #10: Registration of front line child protection workers with the Ontario College of Social Workers**

### **Discussion**

In recent years there has been a troubling trend for many front line CAS workers to avoid registration with the Ontario College of Social Workers by avoiding calling themselves social workers and instead calling themselves "child protection workers" As a result the resources of the Ontario College of Social Workers cannot be used to help ensure that front line CAS workers are acting in a professional manner.

### **Recommendations**

To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:

- 1) That children's aid agency provide referrals only to other community based organizations which are in the business of providing food and clothing for needy families at Christmas time.

## **Part Two – Issues related to the protection of children**

### **Issue #11: Concealing of abuse of children in care and the violation of their basic rights while in care of the CAS**

#### **Discussion**

Many children, including those who are now adults, have reported that while they have been kept in care of a children's aid society their rights have been grossly violated by the very persons with CAS who were responsible for them while in care. Just some of the things that children in care of CAS have reported include:

- 1) That they have been denied information about speaking to an advocate, their lawyer, relatives and even their members of Parliament as required under the Family Law Reform Act.
- 2) That they have been physically abused by CAS caregivers while in care and physically abused by other kids in care.
- 3) That they have been refused to know why they are being forced to take certain medications or what the purpose of the medications are.
- 4) That their visits with parents or family members will be terminated by CAS workers if they attempt to say anything about being abused while in care or how they witness other children being abused while in care.
- 5) That their shoes have been taken from them and locked up so that they could not escape from the control of the CAS.
- 6) That they are being forced to take prescription medication without their consent and without being told what the medication is or its side effects. Some children have reported seeing CAS

workers put medication into their drinks.

Keeping children from speaking out is clearly wrong and against the law. In order to reduce the incidence of abuse of children in care of CAS, measures must be taken to ensure greater protection for vulnerable children in care.

## **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That the rights of children in care are clearly printed and given and explained to each child upon entrance into care of a CAS agency. A province-wide standard information package should be given out to all children.**
- 2) That each child will be given a questionnaire which will allow them to report on their care complete with instructions on how they are to submit it without having to go through staff at the CAS facility. This form should be posted on the agency's website.**
- 3) That each child in care will be given written information which will explain their right to speak to their local member of provincial parliament and to provide them with the information to contact their local MPP.**
- 4) That the list of the rights of children in care be published on the CAS agency's website.**
- 5) That video cameras be installed in group homes in common areas of the group home and a system of storage be put in place to prevent tampering and erasure of video recordings by group home staff members.**
- 6) That parents of children in care who are not Crown Wards be immediately notified in writing of any harm that may have occurred to their child while in care.**

## **Issue #12: Right to fair disclosure of information to children and parents from agency files and worker's notes**

### **Discussion**

Many parents have complained about difficulties they encountered when attempting to obtain copies of files in order to defend themselves in court against child protection agencies or to find out what may have happened to their children while in care of the State. Child protection agencies use the information in these files against children and their parents yet will often refused to disclose the same information to parents. Parents have reported a number of strategies that CAS agencies employ to put barriers in front of them. Some of these barriers that CAS agencies place in front of parents include:

- Telling parents that it is against the law for parents to see the files because they contain confidential information.
- Telling parents that they can only see the files if the parents come down to the agency's office in person to view the files with a worker present in the room.
- Telling parents that only a lawyer can view the files, so they will have to hire a lawyer to get the files.
- Telling parents that it will take 2 to 3 months to get their files.

CAS agencies have been known to spend thousands of dollars in legal costs on individual cases, including going to court to prevent parents from obtaining disclosure of their files. All of this is paid of course by taxpayers. Even when parents do obtain their files, many CAS workers use shorthand and special codes to make reading the files by parents difficult and time consuming. Sometimes workers are so sloppy in their writing that it is next to impossible to read the notes.

Hindering the ability of children and parents to obtain information from their files is unethical and contrary to the principle of Justice. All parties who are involved in any action or are named as a party in any court documents involving a child protection agency should have the right to access the agencies files, including worker's notes. Access to these files should be granted without the parents having to resort to obtaining a court Order. Access to child protection files should be made available within a reasonable period of time.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That all children and parents who are involved in any child protection matter or are named as a party in any court documents from a child protection agency should have the right to full access to all case files and workers' notes on file with the CAS agency.**
- 2) That when a request has been made for files, then such files be provided within 15 days of such request and at least 30 days before any scheduled court appearance.**
- 3) That the CAS agency will not oppose any request by any defendant to adjourn court proceedings if the defendant has not had copies of the files in their possession for at least 30 days.**
- 4) That no worker or lawyer for a CAS agency will oppose any attempt by a child or parent to obtain access to case notes which the agency has on file.**
- 5) That such files be provided at no charge to children and parents.**
- 6) That workers handwritten notes be written in plain English and legible.**
- 7) That CAS agencies provide information on their website as to how parents can obtain copies of their case files from CAS agencies.**

### **Issue #13: Presence of support persons for parents and children during meetings and interviews with agency workers**

#### **Discussion**

Many parents have complained that children's aid society workers have told them that they are not allowed to have anyone accompany them during important meetings. Parents report that CAS workers claim that they want to maintain privacy and confidentiality. Parents have been refused to have access to their children if they attempt to have a support person come with them to attend meetings with workers or to attend supervised visits with their children at CAS offices. In some cases CAS agencies have refused to allow church ministers to accompany them into meetings. The mistreatment of parents by CAS workers can be seen in the graphic video testimony from the Archbishop Dorian Baxter from Canada Court Watch and the Reverend Stephen Rudd at the following internet links:

<http://www.vimeo.com/>

<http://www.vimeo.com/6961550>

Many believe that the real reason why child protection agencies do not want parents or children to have support persons with them is because they do not want any witnesses to contradict what CAS workers may claim transpired during these meetings. For instance if a child in care shows excitement and great affection toward their parent during a supervised visit, CAS workers will not report this and may report in court documents that the child did not want to see the parent. It becomes very hard for CAS workers to lie about what transpired during a visit if a witness is present.

It is unethical and unjust that child protection workers not to allow children or parents to have support persons with them during meetings. Unfortunately, most child protection agencies and their highly paid lawyers, often refuse to allow this. Often thousands of tax dollars are spent by CAS agencies and their lawyers to keep support persons from helping children and families who are involved with child protection agencies. Even family members are often excluded from meetings and court hearings.

Many believe the reason for this is because child protection agencies and workers do not want anyone to be present as witnesses during meetings or court hearings. Often, child protection lawyers do not want witnesses to many of the lies that the lawyers often give orally in the court.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That all children and/or parents who are being questioned by child protection workers shall have the right to have a support person of their choosing be with them during the meeting.**
- 2) That employees with a Children's Aid Society will not present any objection to a party being interviewed to bring in a support person of their choosing into the meeting.**

### **Issue #14: Electronic recording of meetings between children/parents and agency workers for accuracy purposes**

#### **Discussion**

Many children and parents have complained about their experience when meeting with child protection workers from the CAS. Some of these complaints have included:

- a) That workers have twisted around or fabricated statements about what was said during meetings.
- b) That children and parents were threatened by CAS workers during meetings.
- c) That CAS workers have refused to attend meetings with children or parents when it was suggested by the parties to electronically record their meetings for the purposes of maintaining an accurate record of what was said during the meetings.
- d) That CAS workers have conducted highly illegal body searches of children and parents at CAS facilities out of fear that children or parents may be carrying recording devices with them to record what workers have to say. This is in contravention of the Canadian Charter of Rights and Freedoms.

- e) That CAS lawyers have advised CAS workers not to participate in meetings with children or parents if the parents request to electronically record meetings for accuracy purposes. Parents and children are being refused services and intimidated merely because they want to maintain an accurate record of their meetings with CAS workers and lawyers.

There should be absolutely no reason why workers with any children's aid agency should object to maintaining an accurate record of what was said. All parties who are involved in any matter involving a child protection agency should have the right to maintain an accurate record of meetings and hearings through the use of audio or video recording equipment without objection by the workers or legal representatives of the child protection agency.

Unfortunately, most child protection agencies and their taxpayer funded lawyers, refuse to allow this. Often child protection workers will threaten to cancel meetings with parents or refuse to allow parents to see their children if parents request to use any form of recording equipment at meetings. In some cases parents are denied permission to even take pictures of themselves with their own children during access to their children at child protection offices. The reason for this is because child protection agencies and workers do not want any evidence of what was said by workers during meetings with parents. It is not uncommon for child protection workers to lie about what was said during meetings with parents and with children or to embellish information to the advantage of the child protection agency workers. Anyone who is honest and speaks the truth should have no objection to having meetings or interviews accurately recorded and this should be respected by both workers and parents alike.

Many believe that the real reason why workers with child protection agencies refuse to allow their workers to be electronically recorded is because they do not want any accurate record of what was said during meetings which may support illegal or unethical conduct of workers.

## **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That all children and parents who are involved in any child protection matter or are named as a party in any court documents from a child protection agency should have the right to maintain an accurate record of their meeting with workers through the use of their own electronic audio recording equipment.**
- 2) That no worker or lawyer for a CAS agency will oppose any attempt by a child or parent to electronically record their personal meeting with workers with the agency.**
- 3) That workers with CAS agencies should maintain an electronic record of their meetings with children and/or parents and that the electronic records be kept as part of the case file information.**
- 4) That in matters involving the investigation of sexual abuse of children that video recording be used. (refer to investigations of sexual abuse allegations)**
- 5) That policies and procedures relating to electronically recording interviews be published on agency websites.**

## **Issue #15: The use of electronic recording equipment by parties to record their own court/legal proceedings**

### **Discussion**

Many parents in Ontario have complained that CAS workers and lawyers have objected and argued to the court take away their rights under Section 136 of Ontario's Courts of Justice Act to electronically record their own court hearing as is their lawful right to do. As a result of this, many parents have their lawful rights stripped from them because CAS workers and lawyers have used their influence with the courts to obstruct the rights of parents. Children's Aid agencies have spent tens of thousands of tax dollars attempting to obstruct parents from bringing their personal hand held recording devices into the court. Some parents have been threatened with arrest for attempting to bring in their personal recording devices, even though it is the law in Ontario. Recording court proceedings is helpful to parents because they can easily and quickly review what transpired in court without having to order expensive written transcripts which many parents cannot afford to obtain.

Many believe that the real reason for this is because child protection agencies and their lawyers do not want any independent record of what was said in court as part of the general conspiracy to maintain secrecy in the courts. Those familiar with the system know that court transcripts can be tampered with to remove things said in court which may prove to be damaging to lawyers or judges.

Anyone who speaks the truth should have no objection to having court hearings accurately recorded by parties in court. Only those with something to hide in court should be fearful of having the proceedings recorded by the parties.

Objecting to parties recording their court proceedings is unethical and unfair. Public tax dollars should not be used to pay CAS workers and lawyer to argue against something that is not only a right but clearly a benefit to children and families.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That CAS agencies shall recognize that it is the right of all parents who are involved in any child protection matter or who are named as a party in any court documents involving a child protection agency to maintain an accurate record of court hearings through the use of their own personal audio recording equipment.**
- 2) That workers or lawyers acting on behalf of a CAS agency will not oppose any attempt by a parent to electronically record their own court hearing and furthermore, if this issue is raised in court, will go on record in the court to support any attempt by the parents to electronically record their own court hearings in accordance to section 136 of the Courts of Justice Act.**

## **Issue #16: The presence of family members and supporters during court proceedings or conferences**

### **Discussion**

Many families have reported that when they have gone to court they have been advised that they must go into court alone and that they cannot have any close family members or friends present in the courtroom as witnesses or to give moral support to them and their children. In most cases, when

parents try to have family come into the court with them, CAS lawyers have made a big fuss and asked the court staff to have close family members ejected from the court before the judge comes into the room. Even older brothers and sisters of children who are the subject of the court hearing are told to leave the courtroom and told that they are not allowed to witness matters which affect their own siblings.

As a result of the actions of CAS workers and their lawyers, in the vast majority of cases, parents are thrown into an adversarial court environment feeling isolated and alone against a powerful children's aid society with almost unlimited public funding to pay for the CAS lawyers. Appearing in court alone is generally not good for families as it gives the judge the impression that the family has no support system and that the parents lack family support. Having supportive friends and family is a key indicator of family functioning.

Most, if not all, child protection agencies argue to keep family members and supporters out of the court, claiming that the proceedings should be confidential to protect the identity of the child. In reality, child protection agencies and their high priced lawyers just want to keep witnesses out of the court so that others do not see the terrible things that go on in the courtroom to harm children and families. They also want the parents to appear to be alone and without support as this makes them look like "losers" before the court and thus help to have the judge rule in favour of the CAS.

Many believe that the current practices of CAS agencies using their influence with the courts to keep family supporters out of the courtroom and to keep parents isolated and alone is unethical and unfair and that this unfair practice must stop immediately.

## **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That all parties who are respondents in a court matter involving a child protection agency shall have the right to have their close family members such as grandparents, aunts, uncles and even close friends, attend court hearings as witnesses and support persons and that these people be allowed to show their support for the family.**
- 2) That close friends of the parties should be allowed to come into the court providing the parties have provided their consent. Anyone who has intimate knowledge of the family's matters and who wants to support the family should be allowed to attend the court if this is desired by the family involved.**
- 3) That workers or lawyers acting on behalf of a Children's Aid Agency will not present any objection to members of the family bringing other family members, close friends or any other support person into the courtroom and furthermore, should this issue, be raised in court, support the family with their efforts to have family supporter attend the court.**
- 4) That the only exception to the above will be during the conduct of a trial when those persons will be appearing as a witness during the trial which is standard procedure for a trial anyway.**
- 5) That the decision to make any child protection hearing closed to the public be at the discretion of the family members.**

## **Issue #17: Disclosure of the qualifications and experience of child protection agency workers and/or contracted professionals**

## Discussion

Many families have reported that they have been unable to obtain any information about the experience or background of CAS workers and/or professionals during the course of their court dealings with child protection agencies. In almost all cases, CAS agencies and their workers refuse to provide information about their workers experience or background. It is very frustrating for parents to have allegations made against them based upon decisions and actions of workers and yet denied access as to what qualifications or experience these workers relied upon to base their decisions upon. CAS agencies and workers will go so far as to spend considerable tax dollars on lawyers in court to fight such requests.

Often after much damage has been done to their families, parents are shocked to learn that the workers they have been dealing with lack the necessary training or experience to justify many of their decisions or actions. For instance, CAS workers conduct interviews with children yet most have little or no training in how to conduct an interview or how to maintain an accurate record of the interview. Even more shocking is that most workers with the various children's aid agencies in Ontario are engaged in the practice of social work yet are not qualified to do so. Some CAS workers have been exposed in court for perjury and blackmail yet go on to find employment at another CAS agency.

Even outside professions contracted by CAS agencies have been exposed as fraud artists after years breaking the law and ruining families. In one recent example involving the Durham Children's Aid Society, Greg Carter was arrested and charged by police for fraud, obstruction of justice and perjury after being exposed by parents in the community of being a fraud and representing himself as a psychologist. Mr. Carter conducted hundreds of child custody assessments for the CAS and law firms yet neither the CAS or the lawyers had checked this man's credentials out. All of this is kept hidden when members of the public are prevented from checking out the credentials of those who are employed or contracted by CAS agencies.

Many believe that the real reason why CAS agencies and their workers do not want to provide the background and experience of their workers is because they don't want parents and members of the public to find out about the lack of training and experience of their workers. They want to keep this a closely guarded secret. In this day and age where bogus university degrees can be purchased through the internet, it is even more important that CAS agencies exercise due diligence in the verification of educational qualifications and experience of anyone whose services they employ.

The disclosure of the background and experience of children's aid society workers is a critical factor to allow a family to defend themselves at an early stage of legal proceedings. Disclosure of such information is a vital part of procedural fairness. For children's aid agencies to not disclose the background of workers and/or professionals who have made allegations against members of a family is unethical and unfair. Other professionals in the community such as custody assessors are expected to provide their background and experience when doing private assessment so this same requirement should extend to workers with the various children's aid agencies where transparency and accountability are even more important.

## Recommendations

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

1. That all employees at a child protection agency who work with families out in the community be required to have an up to date curriculum vitae on file with the agency specifically for use when the worker is directly involved in a legal proceeding against members of a family.
2. That upon request, workers with a child protection agency who have provided evidence or testimony which is to be used in any legal proceeding against a party be required to provide full disclosure of their curriculum vitae to that party.
3. That where a request for a curriculum vitae of a CAS worker has been made by a party in any legal proceeding, the worker will provide their information within five (5) business days of the request.
4. That CAS agencies verify the professional credentials of any outside professional being hired, including the verification of all diplomas from any educational source.

### **Issue #18: Training for child protection agency workers to conduct routine or scheduled interviews with children**

#### **Discussion**

Many children and parents have reported that child protection workers have conducted highly flawed interviews with children using biased, leading and speculative questions. Some children report having threats and intimidation used against them during interviews. In some cases older children have reported being coerced into signing legal documents by CAS workers which they did not fully understand.

Analysis of video interview tapes obtained from police of child protection workers conducting interviews with children in the past have revealed significant flaws with the interviews which has contaminated evidence and resulted in significant injustice against children and their parents.

#### **Recommendations**

To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:

- 1) That all children's aid agency workers who may be involved with the interviewing of children be given special training specific to proper procedures on the subject of interviewing children.
- 2) That the training materials used by the workers be made available on the agency's website.
- 3) That interview training include the guidelines to the proper use of electronic recording devices as additional investigative tools, including both audio and video.

### **Issue #19: Investigation of sexual and physical abuse allegations**

#### **Discussion**

Many parents and children have reported highly flawed investigations into allegations of child sexual and physical abuse. Some parents have report having their children taken away after a child protection worker with a CAS agency has claimed that children have said things during a private and unrecorded meeting between the CAS worker and the child. Allegation of sexual and physical abuse of children have become almost an epidemic in family court matters where families have separated. These allegations are used mainly as a tool to gain an advantage over custody. Many

parents actually use CAS agencies as a tool against the other parent using false allegations and knowing that CAS workers will often botch up their investigations.

Sexual and physical abuse of children is a criminal offense and must be investigated in this context. Any investigation must be conducted quickly and with utmost professionalism and by persons who are properly trained. In most cases the CAS workers who conduct these investigations are not properly trained and in most cases not even a registered social worker in the Province of Ontario.

Delays during the investigation must not be allowed to damage the relationship between a child and another parent. Some parents have reported that CAS workers will take a child away from a parent bases on mere allegations only and then take several weeks or months to complete their investigation. The damage done to the child because of the delays by CAS workers can be significant.

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That all interviews of children in regards to sexual or physical abuse of children be videotaped for accuracy purposed using appropriate questioning techniques.**
- 2) That parents not be present during the videotaped interview with the child.**
- 3) That CAS workers who are involved in the investigation of sexual or physical abuse of children be required to be classed as a "social worker" in Ontario and to be registered with the Ontario College of Social Workers.**
- 4) That law enforcement officials must be contacted in the event that the videotaped interview with the child would reasonable suggest that a criminal offence did occur.**
- 5) That in cases where a child may be removed from a parent based on unsubstantiated allegations of physical or sexual abuse, that the child be returned to the parent within 7 days unless criminal charges have been laid. No child should be deprived of a relationship with a parent based on unsubstantiated allegations.**

## **Issue #20: Written communication between children/parents and child protection workers**

### **Discussion**

Many parents and children have reported that children's aid society workers will not respond to their written community to the agency. Some parents report having to send several written requests on a single issue and have had to wait for months to get a response from a CAS worker. Other parents have complained that CAS workers refuse to provide an email address to communicate with them, claiming that emails are not private enough.

Many believe that not responding in a professional manner to written correspondence is part of a general strategy employed by many CAS workers to put barriers in the way of communication in order to minimize any paper trail and also to delay matters and to see if the writer will just eventually go away. In many cases, senior staff at CAS turn a blind eye to this practice. Many believe that the same reasons apply for the refusal of some workers to allow communication from parents by email yet the same workers will communicate by email with their co-workers.

Refusing to respond to any written request from a writer, whether by general mail or by electronic mail is unprofessional and unfair to parents. In this modern day of rapid electronic communication

is to the benefit of everyone that information be exchanged as quickly as possible and that an appropriate paper trail be established.

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 6) That all children's aid agency workers be required to respond to written correspondence from their clients within ten (10) business days (2 calendar weeks) unless reasons such as holidays or sickness prevent this.**
- 7) That if a children's aid agency worker is unable to respond within the time frame as outlined in (1), then responding to written requests will be made by the worker's immediate supervisor or another worker who is familiar with the file.**
- 8) That all CAS workers provide email addresses to their clients upon request to make it easier and more convenient for parents and children to communicate electronically with their CAS workers.**

### **Issue #21: Interviewing of children at their schools by CAS workers**

#### **Discussion**

Many parents and children have complained about CAS workers coming into schools to conduct interviews of the children without informing the parents and without informing the students about their rights. Children and parents have reported that CAS workers have influenced school teachers during "off the record" phone calls to the point where the family is being discriminated against by teachers and school administrators. Students have reported during videotaped interviews of their experiences involving CAS workers that they were bullied and threatened by CAS workers behind closed doors right in their own schools with the cooperation and support of school officials. Many children have reported that they no longer trust school officials and no longer want to go to school as the result of being harassed at school by child protection workers.

Many believe that CAS workers deliberately use the schools as a place to unlawfully gather information about children and families without having to follow the due process of law as CAS workers have misled many school boards into believing that school officials must fully cooperate with CAS workers and do whatever CAS workers tell them to do. Some believe that CAS workers deliberately involve themselves at a child's school in order to stigmatize the family and to influence school officials into believing that the family is abusing their children.

The legal and ethical issues surrounding CAS workers unlawfully entering schools to interrogate children and interfering with schools can be reviewed in a document called, "Schools and the CAS: A guide for school officials". This document is on line at:

<http://www.canadacourtwatch.com/Studies/SchoolsAndCASGuide.pdf>

#### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That child protection workers will not conduct interviews of children at their schools except in extreme circumstances and with the informed consent of the student or his/her parents.**

- 2) That requests for school records will not be made without the informed consent of the parents or a court order being obtained first.
- 3) That all communication between CAS workers and school officials be in writing or electronically recorded to maintain an accurate record.
- 4) That no information, either written or verbal, is to be given to school officials about any family's file without the informed written consent of the parents. Information about the family members must be considered confidential at all times unless the family provides their informed consent.

## **Issue #22: The removal of newborn babies from their mothers at hospitals using unethical practices**

### **Discussion**

Many parents, especially single, young and financially disadvantaged mothers have reported that CAS agencies have without warning or any prior notification, come into the hospital shortly after they have given birth to a baby and removed their infant from the hospital. Often tricks are used by CAS workers to divert the attention of new mothers while child protection workers sneak the new born infants from the maternity ward through a back door. In most cases, court orders have not been obtained prior to the seizure of the child. Mothers are often left in anguish after CAS workers walk into their recovery rooms at the hospital and announce to the new mothers that their babies have been taken away from them.

In all cases, CAS workers make prior plans well in advance to snatch the baby from the parents but never advise the parents of the intention of the CAS to seize the child at birth. Removing a child from his/her parents without prior notice is a violation of the rights of the parents to a fair and just process. This type of apprehension also causes a lot of damage to the child and to the parents. There is no need for this kind of baby snatching at hospitals whatsoever. While CAS agencies may claim that they need to maintain secrecy to protect the child, there clearly are other less adversarial alternatives.

Many believe that CAS agencies and their workers remove newborn infants from the hospital without any prior notice to the mother so that families will not have the chance to properly defend themselves prior to the birth of the child, a strategy which gives CAS agencies a huge advantage over unsuspecting parents when they are most vulnerable. While CAS must apply to the court within five days of apprehending a child, it is impossible for new mothers in such a situation to have any hope of defending the rights of themselves or their child at such a stressful time.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That child protection workers be required to publish clear guidelines as to how workers are to deal with expectant parents and where child protection workers feel that there will be a child protection concern once the baby is born.
- 2) That child protection workers will promptly notify parents who are expecting a baby and to present the parents with the specific concerns that the workers have and to provide a specific list of conditions that if met would allow the parents to take their child home from the hospital without interference from the hospital.

## **Issue #23: Drug testing and screening of child protection workers**

### **Discussion**

Most, if not all, CAS agencies are without published drug testing policies when it comes to their own employees. There have been published reports of CAS workers using illegal drugs while on the job. In some cases CAS workers have been charged for drug and even illegal firearm offences.

In one situation, members of the public attending a fundraising event for a CAS agency reported seeing the agency workers outside of the banquet hall consuming illegal drugs in the parking lot. In spite of a written complaint being made, the CAS agency refused to do anything about the incident or to screen the workers for drug use.

Many believe that CAS do not want to apply drug testing policies for their own workers as it is common knowledge amongst CAS workers that many of the workers do in fact consume illegal drugs and CAS agencies simply do not want the public to become aware of this problem. Child protection workers routinely insist that parents undergo drug and alcohol tests when allegation are made against parents, so workers must be willing to subject themselves to even higher standards than they expect from parents because they are working with many children and the consequences of poor judgement by workers can have profound effect on many children and families in the community.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That CAS workers be required as a condition of employment to submit to random drug screening tests during the term of their employment upon request of their employer.**
- 2) That CAS workers be required to submit to a drug screening test should a complaint of drug use by a worker be made to the CAS agency and reasonable evidence would support the claim.**

## **Issue #24: Screening practices for the hiring of child protection workers**

### **Discussion**

There have been a number of complaints about incompetent child protection workers being fired from one child protection agency only to be hired by another with the worker conducting themselves in the same unprofessional manner.

In one situation, workers with one CAS agency in Ontario were exposed and found guilty in court for blackmail, malicious prosecution, perjury and incompetence. The CAS agency had no choice except to fire the worker who was the most corrupt of the bunch.

Within one year of being fired at the one CAS agency in Ontario, the same worker was discovered working at another CAS agency in the same capacity of child protection worker. Parents in the new community were totally unaware of the worker's past history.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That all applications for employment with a CAS require the applicant to disclose all employment history for a minimum of 10 years prior to the application.
- 2) That all applicants for position at a CAS agency be required to sign an acknowledgement that should it be discovered at any time that false or misleading statements were made on their application, then they acknowledge that they will be dismissed without pay.
- 3) That all those making application to work as a child protection worker be required to provide a criminal check done by police.
- 4) That any employee who is found to have submitted false or misleading evidence in order to obtain employment with the CAS be immediately terminated.

### **Issue #25: Greater involvement of community based family support and advocacy services**

#### **Discussion**

In most cases, CAS agencies keep all matters private claiming that this is needed for the protection of children. Parents are told that outside community based family support agencies are not welcomed and that if parents disclose information to outside agencies that parents will be punished.

Statistics show that children in care of a child protection agency do far worse than children in the general population. Placing children in care of a CAS agency should only be done as a last resort. The involvement of outside community based organizations should be encouraged, not discouraged as is the case now. Agencies providing such services include the George Hull Centre in Toronto and the Family Networks organization which operates in London, Ontario.

#### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That children and parents be given the automatic right to engage a family group decision-making process or to engage any other community based resource which offers advocacy services to deal with child protection issues.
- 2) That CAS agencies provide all children and parents with information about community based advocacy support resources and to inform parents about how they can access these resources.
- 3) That CAS workers be required to work collaboratively with any community based organizations which the family has requested provide assistance for the purposes of providing a plan of care for any children at risk.

### **Issue #26: Abuse of children's expense funds by foster parents and group home providers**

#### **Discussion**

It has been reported by a number of children in care that their physical needs are being neglected by foster care providers. Some of these reports include:

- Children in care being only allowed to drink one glass of milk per day

- Children in care being made to wear hand me down clothes from older foster children which will allow foster parents and group home providers to pocket the money received from the government of Ontario.
- Children in care having to wear old shoes from older foster children
- Children in care not being given their allowances
- Children in care going to bed hungry.

## **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

1. That all foster parents be required to submit receipts for purchases of clothing and shoes for children and be required to maintain these records in the event of an audit.
2. That children in care be provided with access to reporting sheets that they can send off directly to the Child Advocate's office (using self addressed and postage free envelope) in which they can report any irregularities or deficiencies in their physical care including food and clothing.

## **Issue #27: Failure of CAS agencies to seek out kinship care providers in a fair, reasonable and timely manner**

### **Discussion**

It has been reported by a number of families that in situations where CAS agencies have removed children from their home that little or no action is taken to locate other related family members for kinship placement of the child. In many cases, children are put into care and arrangements made by child protection workers to keep the child in care for an extended period of time without any consideration of kinship care for the child.

In many cases where children are taken from a single or separated parent, many complaints arise when child protection workers take little and sometimes no effort to make contact with the child's other biological parent who in many cases is willing to provide care for their own child. Some parents have reported that even when CAS agencies have known the identity of the other parent that steps have been taken to actually exclude that parent from being involved in the process.

Many believe that because of the funding issues, child protection agencies and their workers are more interested in gathering clients than they are in having children placed with families. In order to workers to maintain their jobs, workers must continue to bring more children under the control of child protection.

Failure of child protection agencies to place children at risk with family first, is likely costing the taxpayers of Ontario hundreds of millions of dollars annually and increasing the number of families and community groups openly opposed to child protection agencies and government agencies which provide funding to them.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) In situations where a child is apprehended from a family for sufficient reasons, then the agency shall forthwith, provide information to the parent(s) requesting that they provide a list of all the child's family relatives on BOTH sides of the child's family and that the parent(s).
- 2) That when a child is apprehended from a parent who is single or living with a non-biological parent to the child, all reasonable efforts will be made to contact the biological parent or extended family members and to give the biological parent or extended family the opportunity to be involved should they wish.
- 3) In the event that the non-biological parent or extended family may not wish to be involved with the child after being given the opportunity to do so as outlined in (1), then the agency will request the non-biological parent or a member of the extended family to sign an acknowledgement form to this effect.

#### **Legislative changes**

- 1) Legislation should be amended to include specific provisions that child protection agencies have written policies in place which require the agencies to seek out kinship care as soon as possible after a child has been apprehended.
- 2) That legislation be amended to required that all CAS agencies publish on their websites advising family members how to apply for kinship care and what criteria they would have to meet in order to become kinship care providers.

### **Issue #28: Refusal to allow children in care of the CAS reasonable access to the internet or email**

#### **Discussion**

It has been reported by a number of children in care that they are being denied the right to use the internet or to have access to an email account from their place of care even when such services do exist within the CAS foster or group home. Some foster children have reported that while they are denied any reasonable access to a computer while in a foster home, the foster parents and their biological children enjoy this privilege. Children in such situations feel unjustly discriminated against which only adds to their anger and frustration.

While many CAS agencies claim that they are protecting children from the internet, many children and parents claim that the real reason why CAS restrict access to computers and the internet is to prevent the children from accessing information about the CAS itself and to prevent children from communicating with parents and family.

While no doubt that there are risks associated with children being on the internet, the internet is now a part of the world community which no one can hide a child from. The internet can be a valuable tool in the education of children by helping them conduct research. Many classes as part of school projects ask children to gather information from the internet. Tools such as parental controls exist which help monitor access to mature sites. Most Canadian parents deal with this situation without having to totally cut off their children from the internet so there should be no reason why CAS foster parents and group home providers cannot do the same especially considering the fact that they are getting paid by the government to monitor and provide care for the children. Children in foster or group home care should be provided the same opportunity as other Canadian children to have reasonable access to the internet and to be able to communicate with friends and family through email.

#### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That where internet service is available in any foster home or group home that such services be made reasonably available to all children in care in a manner that is appropriate to their age and development.**
- 2) That as stipulated under the Criminal Code of Canada, all communication between a child and his/her family and friends be private and confidential.**
- 3) That the child's right to access to the internet be restricted only for legitimate reasons which are clearly published and made available for public viewing.**
- 4) That CAS agencies have published policies on their websites which cover the issue of internet use by children while in care and clearly outlining the reasons why a child's right to the use the internet may be limited.**

### **Issue #29: Children being denied their access visits to their parents while in care of the CAS**

#### **Discussion**

It has been reported by a number of children in care and their parents that their scheduled access visits are not being honoured by CAS workers for a number of frivolous reasons. Many children in care have reported that threats of having their visits to their parents cut off is being used as a form of punishment if children in care do not do as they are told by CAS foster and group home workers. During the preparation of this accountability document, electronic recordings were listened to which confirmed that such abusive tactics were being used against children in care.

Many children and parents believe that CAS deliberately create problems with access as part of a strategy used to punish children and parents and to reinforce the physical and psychological barrier that CAS workers put between children and parents so that CAS can maintain control over the children and their parents. One of the unethical tricks that CAS workers use to their advantage is to have the court order that access to children be at the "discretion of the CAS". This phrase leaves it totally up to the whim of workers to decide if and when a child may have access to children.

Except in very rare circumstances, reasonable access between children and their parents should be considered as a right of the child. CAS agencies must in all cases exercise due diligence in protecting and strengthening the bond between parents and their children.

#### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1. That all CAS agencies should have detailed policies and procedures published on their websites which outlines the various types of access and how access between children and their parents is to be accommodated by the CAS workers.**
- 2. In every case where a child is in care of a Society and separated from his/her parent and where access is permitted, the CAS works SHALL establish an access schedule which shall be made in writing.**
- 3. Where scheduled access visits cannot be accommodated by parents or CAS workers as a result of reasonable unforeseen circumstances such as whether, sickness or**

problems with transportation, CAS workers will reasonably accommodate make-up visits between children and their parents so that the intended scheduled visitation time is not lost. The policy for scheduling make-up visits shall be published on the CAS website.

4. At no time will CAS workers use access to parents as a form of punishment or reward. Access to parents who have access allowed should be considered as a right, not a privilege.

### **Issue #30: Teens in care being denied their right at 16 years of age to gain their independence from their CAS care and control**

#### **Discussion**

It has been reported by a number of 16-year-old children in care and their parents that they are being threatened and harassed should the 16-year-old attempt to leave the care and control of the Children's Aid Society. In many cases the teens are being lied to by CAS workers and being told that they cannot legally leave the care of the CAS until they turn 18 years of age. Some parents have electronic recordings of their teenage children being blackmailed by CAS workers to remain in care. In other cases teenagers in care are being coerced to remain in the care of CAS with promises of CAS getting them their own apartments and giving them money each month.

Many believe that CAS the reason why CAS agencies create problems is because they do not want to lose their source of revenue with the Ontario government. In order to keep the money flowing to the CAS agency, workers use a number of unethical tricks to keep teens in the care of the State at the expense of the taxpayers. This creates a tremendous social problem because rather than learning to be independent, teens in care are being taught to be dependent on the CAS and to not think for themselves. As a result, many children in care are unable to make the transition to independence. Statistics clearly show that in general, children raised in the care of a child protection agency, have poor outcomes once they reach adulthood.

Teenager who are 16-years of age and have the maturity to live independently should have the same rights and freedoms to leave the care of the CAS and to take on the responsibility of caring for themselves just as do other 16-year-old teens out in the community who may decide to leave the care and control of their parents. One of the key roles of CAS agencies should be to teach children in care to be independent and to make decisions affecting their lives and to not become dependent on the taxpayers for handouts.

#### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That all CAS agencies should have detailed policies and procedures published on their websites which outline the rights and responsibilities of 16-year-old teens to leave the care of the CAS if they wish to do so. The published policies should indicate how this can be carried out by those teens who may wish to live independently and leave the care of the CAS.
- 2) That where a 16-year-old teen wishes to leave the care of the CAS, that the CAS provide help and assistance to the teen and his/her parents if applicable, including financial assistance, to help the teen make the transition to live independently or back home with parents.

- 3) All CAS agencies must provide educational workshops to children in care once they turn 15 years of age which explains to teens what their legal rights are, what their legal responsibilities are and the steps they need to take at 16 years of age to exercise their rights and freedoms and to gain their independence from CAS if they so choose. These workshops should also be available on video and made available to both teens in care and to parents.

### **Issue #31: Protocol used by CAS agencies to approve foster care providers**

#### **Discussion**

It has been reported by a number of parents that Children's Aid Agencies have approved persons to be foster parents without adequate screening. In some cases persons who become approved foster parents are later discovered to have drug or alcohol abuse problems and in some cases a history of abusing other children. One woman interviewed described how she was abused as a child by her mother for most all her childhood, yet a few years later her mother was approved as a foster home parent without child protection workers ever speaking to her about her experience as an abused child. According to the woman, her mother was taking children into her care solely for financial reasons and that some of the foster children ended up being abused by her mother in the same manner as she had been abused when she was young girl.

The screening process of potential foster parents should be as open and accountable as possible. Not only should potential foster parents know what will be expected on them before they apply but members of the public should also be fully aware of the process used to screen potential foster parents.

#### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That all CAS agencies should have published criteria for all foster parents and the procedures should be published on their website.
- 2) Whenever a person is being considered to fulfil the role of foster parent and where that person has biological or foster children of their own, then each and every child of that person will be interviewed and required to fill in a recommendation form which will include confirmation that no abuse occurred in their home while they were children.

### **Issue #32: Payment of monies to kinship care providers who are financially well off**

#### **Discussion**

It has been reported by a number of parents that Children's Aid Agencies have financially paid family members (grandparents, aunts and uncles) in the same manner as if they were foster parents when these family members are financially very well off. In some cases grandparents who own their own homes, have nice cars and who are financially well off are being paid in the same manner as foster families who are not related to the child being cared for as a foster child.

While on the surface this may look like the CAS is doing a good thing, in reality this practice is encouraging family members to look upon the youngest members of their own family as commodities and a source of additional income. In effect, provincial tax dollars are being given to

persons who do not need the money and who should not be receiving it. Either a family wants to help and support one of its own members or it does not. Some mothers who have lost children into the child protection system on a temporary basis sometimes find that their child has been placed with other family members who sometimes end up opposing their child being returned to them because the family members being paid by the CAS begin to like the extra money coming into to their household and then don't want to give the money up. Money becomes a motivator and sometimes turns family members against each other.

Many believe that the reason why CAS agencies to pay family members in the same way as foster parents as this ensures maximum amounts of money from the provincial governments while appear to be abiding by laws which require that children taken into care be placed with family whenever possible. Financial payments from the provincial government are higher for children in foster care than for those children placed with family under what is referred to as "kinship care" arrangement.

Kinship care arrangements can be arranged where family members care for a related child but in this case, money is not paid to the family by CAS and money for foster care is not charged back to the Province of Ontario by the CAS agency.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1. That kinship care agreements where families care for their own members at no/minimal cost to the taxpayers be encouraged whenever is possible as the first choice for foster care.**
- 2. That all CAS agencies should have published criteria for all family members who may apply to become paid foster parents to a related child and the procedures and criteria for applying should be published on their website.**
- 3. That family members who may wish to become paid foster parents for a child that they are related to be required to submit a financial statement which will include their household income.**
- 4. That family members are not to be paid as foster parents unless they can prove that they are unable to provide care for a child without the additional financial support from the CAS.**
- 5. That additional funding be available to family members wishing to provide kinship care for a child but that the conditions and procedures for obtaining such funding be published on the agency's website.**

### **Issue #33: The drugging of children in temporary care of CAS without the knowledge or informed consent of parents or children**

#### **Discussion**

It has been reported by a number of parents and children in care that children who have been taken into temporary care of the CAS are being taken to doctors who work with the CAS and are being prescribed and subjected to powerful, mind altering drugs very shortly after being taking into care, sometimes within mere days of the child being apprehended. Some parents report their child acting like zombies during supervised access visits at CAS offices. In one known case, the child reported to his parents that he was being given different colours of medicine which the child reported were

like “Buckly’s cough medicine” referring to the taste. In most, if not all situations, the administration of powerful psychotropic drugs is being forced upon children before the issue has ever been properly and fairly discussed with parents or argued in court. In many cases, even the children are not told as to what drugs are being administered to them or what the side effects are.

In most cases, CAS workers take the children to CAS health care providers and then get the children on drugs without informing the parents or family members and without any consultation with the child’s previous family doctor. Parents are kept in the dark about their children being taken to doctors and about any drugs which the children are being forced to take. It is all done in relative secrecy. In many cases, parents are told by CAS workers that they have no rights to know about the drugs being given to their children.

Many believe that the reason why CAS agencies get children on to drugs is to mask the physical and emotional abuse that many children are being subjected to while in care of the CAS. Many believe that the doctors who accept these child patients have a close working relationship with CAS and depend on referrals from the CAS to expand their profitable practices. Because of the secrecy and confidentiality involved between the CAS approved doctors and the CAS workers many of the doctors will prescribe powerful medication on the advice and even a diagnosis by CAS workers who are in most cases not properly trained. CAS agencies also get more money from the Province of Ontario for children who are categorized as special needs so there is also a strong financial incentive to get children medicated and labelled as special needs.

## **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children’s aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That anytime that a CAS agency believes that a child taken into their care is believed to be suffering any kind of mental disorder, that this issue be discussed with the parents and their approval obtained prior to the child being taken to any doctor for diagnosis or treatment. If the child already has a family doctor, the CAS will attempt to provide any necessary services through the child’s own doctor before taking the child to a new health care provider through the CAS agency.**
- 2) That parents of any child in temporary care should be given the first opportunity to take a child to a health care provider of their choice to deal with any mental health issue which CAS believe may be affecting the child.**
- 3) That in the event that parent’s are not willing to cooperate with the reasonable demands of CAS in regards to treatment for a child’s mental health issues, then CAS be required to obtain a court Order before subjecting any child to mind altering drugs without the approval of the parents. This will provide the opportunity for the issued to be properly heard by a court of competent jurisdiction before drugs are forced upon a child in temporary care.**
- 4) That in circumstances where mental health care services are being provided by the CAS, then the CAS should provide a copy of the current curriculum vitae of the health care professional so the parents can has provided some assurance as to the competency of the health care provider.**
- 5) That all CAS agencies should have all policies and procedures relating to the above published on their website.**
- 6) That legislation (if not currently in place) be amended to require that CAS agencies**

**obtain a valid court Order before being allowed to take children to mental health care practitioners or to have psychotropic drugs administered without the informed consent of the child or the parents.**

### **Issue #34: Bribery and coercion of children in care using lavish gifts and spending**

#### **Discussion**

It has been reported by a small percentage of parents and children in care that children who have been taken into temporary care of the CAS are being given lavish gifts while in care, far beyond what their families could afford. It has been reported that children have been given tickets to private boxes at the Air Canada Center which are worth more than \$1000 per ticket. Some families report that foster parents have taken their children to trips to exotic places such as Disneyland and the Caribbean. Parents have reported that children who have been removed from their families because of being unruly and disrespectful to their parents sometimes end up living in foster care with more materialistic benefits than if they had remained with their families. In some cases, some children see going into care as a way to “get what they want” with few consequences.

While it may seem laudable for a CAS agency to do such wonderful things for a child in care, in many cases this is not beneficial to a child and if anything can result in a number of negative consequences for the child. Some of the negative consequences include:

- Will turn some children away from their own families as life in care of the CAS has much better materialistic benefits.
- Will make it more difficult for children to return home/
- When children who have been in long term care reach 18 years of age and leave care, they find themselves alone, without a family and without all of the expensive gifts they benefitted from while in care.

Many believe that the reason why CAS agencies give children in care such expensive benefits is to enhance the public image of the agency and to make children want to remain in care. It makes good press for CAS agencies to advertize how children in care are being treated so nice by CAS. CAS agencies will publish articles in newspapers touting how a child in care has benefitted as a result of the CAS. In many cases children are taken from families because the families are experiencing financial difficulties, yet CAS agencies will give lavish gifts to children in care but not help solve the root of the problem by simply giving additional financial assistance to the family. In many cases, a small amount of financial assistance to a family can actually resolve the issues which CAS agencies use to take children from their families in the first place.

It must always be remembered that the care of children by a CAS agency is only temporary and at some point in time, the child will be leaving the care of the agency and either returning to his/her own family or the community. A child who has been brought up in care of an agency will never benefit from the safety and security of a loving and caring family and for this reason, showering a child in care with expensive gifts during their time in care will only make the transition back to their own family or into the community more difficult and stressful when this time does come.

#### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children’s aid agency should have published policies and/or**

**practices which clearly reflect the following:**

- 1) That a spending budget for each child in care be established which is based on the reasonable spending levels for other children in the community where the child lived with family prior to being taken into care.**
- 2) That the budgeted expenses for any child in care not be exceeded at any time while the child is in care.**
- 3) That the budget for the child in care be part of the plan of care package for the child which will be disclosed to the parents as soon as possible after the child is taken into care.**
- 4) That whenever corporate donations, such as tickets to events become available, then whenever possible, these donations should be used to enhance and strengthen a child's relationship and experience with his/her own family first such as using the donations to allow the family to spend time with the child.**
- 5) That all CAS agencies should have all policies and procedures relating to the above published on their website.**

### **Issue #35: Substandard education of children in care**

#### **Discussion**

It has been reported by a number of parents and from their children in care that children who have been taken into long term care of the CAS lag far behind children outside the system when it comes to education. In many cases teenagers who have been in care of the CAS for a period of time, lag far behind teens in the mainstream population with the basic skills in spelling and grammar.

In many areas CAS agencies have special classes within the school system in which only children from the CAS are allowed to attend. CAS children are isolated from the mainstream students during classes and forced to learn only alongside other students who are in the care of the CAS. In some cases, CAS agencies teach children right on the same premises as where they live.

Many believe that the reason why CAS agencies put their children into special classes and isolate them from other students is to give the appearance to the general public that these children are being integrated into the community but in reality are not. The CAS children are sent to special classes and graded by a different system than students who are not in care. Many believe that this approach is not good for children as it provides substandard education for those children who are in care.

It must always be remembered that the education of children in care of CAS agency is only temporary and at some point in time, the child will be leaving the care of the agency and either returning to his/her own family or the community. A child who has been brought up in care of an agency will never benefit from the safety and security of a loving and caring family and for this reason, showering a child in care with expensive gifts during their time in care will only make the transition back to their own family or into the community more difficult and stressful.

#### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

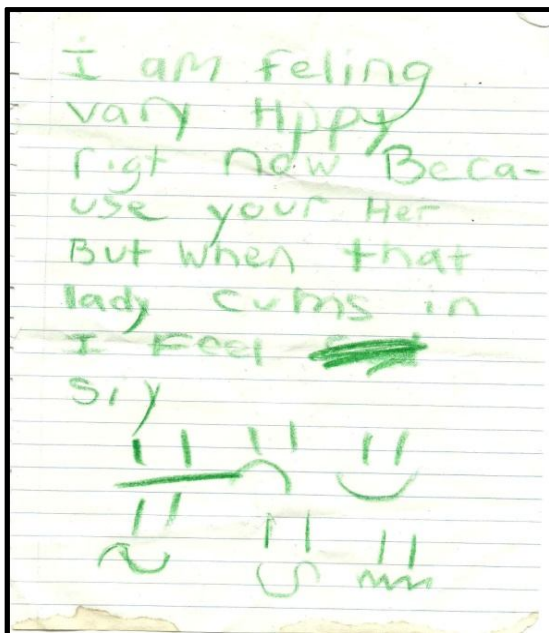
- 1) That children in care must be integrated into the regular schools system with other children whenever possible.**

- 2) That children in care must be required to take the same tests as other students in the mainstream school system for the grades they attend.
- 3) That the parents of children in care of the CAS shall be automatically provided access to their child's educational records, including report cards unless there is a court Order specifically ordering otherwise.
- 4) That all CAS agencies should have all policies and procedures relating to the above published on their website.

### **Issue #36: Conflict of interest in providing supervised access services to children and families at CAS offices**

#### **Discussion**

It has been reported by a number of parents and children that supervised access visits at CAS offices are highly unpleasant experiences. Many children and families report CAS that workers are constantly intruding and standing over them during access visits and generally conveying a sense of being spied upon. Many children report that they don't like supervised access and in many cases say that they don't think it necessary.



Here is a note written by a 9-year-old girl while being supervised at a CAS operated access center. In her note, the girl reports that she is happy when her parent comes to see her but when the CAS lady comes into the room she feels sad. In this case, the same CAS worker who wrote a damning affidavit against the parent would come to the access center to supervise the parent. The presence of the CAS worker literally taunted the little girl and her parent.

Some supervised access centers have two way mirrors so that workers can spy on parents and their children. Many parents report that the environment inside supervised access centers seem staged and unnatural and that it is very difficult for parents to engage in normal activities with their children under such an environment.

CAS workers tell parents that supervised access visits with their children are to give the opportunity for parents and children to have some meaningful time together to preserve bonds. CAS workers make it sound to parents as if the purpose of the visits is to maintain relationships between a child and his/her parents. On the other hand, CAS workers often use the supervised access visits as yet another opportunity to gather evidence to use against the parents in court. Workers will literally sit in the same small room with pens and writing pads in hand, taking notes while children and parents are expected to interact with each other normally. When children and parents are unable to interact

normally because they feel uncomfortable with CAS workers hovering over them, then CAS workers will write in their notes that the relationship between the child and his/her parent is not good. This observation will then be used by CAS to extend supervised access visits or in some cases terminate a parent

Many believe that the reason why CAS agencies want to get into the supervision of visits between children and parents is that this gives society workers another opportunity to spy on parents and children and to gather more evidence to use against the parents. While on one hand, CAS workers advise parents that the supervised access visits are for them to enjoy their time with their children, on the other hand CAS workers use the opportunity to spy and intrude on the parents at each opportunity. Sometimes the same workers who have taken a family to court and signed court documents against children and their parents sit in on supervised access visits to gather more evidence to be used against the family. This is just not right. From a legal perspective many would argue that having CAS provide supervised access visits for the same parties they are in court against represents a serious conflict of interest.

### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That children's aid agencies should not be directly or indirectly involved in providing supervised access services either. Supervised access centers should not be located at CAS offices.**

*Rationale:*

- It is clearly seen as a conflict of interest for CAS workers to be providing supervised access services to parents they are opposed to in court. This is not in accordance to the Principles of Fundamental Justice.*

- 2) That various levels of supervised access (eg community based or access center based) should be clearly defined and the circumstances which would determine as to which level of supervision would be appropriate for the child.**

*Rationale:*

- This will eliminate arbitrary decision-making and help ensure that all children and parents are provided services in a consistent manner.*

- 3) That all supervised access services shall be provided by independent, neutral third party service providers. Children's aid agency employees, members of their families or friends shall not be directly or indirectly involved in providing supervised access services, even privately.**

*Rationale:*

- Having third parties provide these services will avoid the perception of bias and the conflict of interest that exists when CAS supervises parents, who are in most cases, an opposing party in court proceedings.*
- Will promote greater trust between children and parents and CAS agencies as CAS will not be seen being involved in gathering information about parents.*

- 4) That each children's aid agency will encourage the use of extended family members and friends of the family who the children are familiar with to provide supervised access services in a community setting, whenever this is possible. Children's aid agencies should publish the criteria for family members and friends to become supervised access supervisors.**

*Rationale:*

- *Community based supervised access will provide a more natural setting for children and families which will help to maintain healthier and more natural bonds between children and their parents.*
- *Will promote respect for CAS*

- 5) That each children's aid agency maintain a public list published on their website of all independent fee-for-service supervised access service providers in their geographical area of operation. Each children's aid agency will provide on its website the criteria that fee-for-service supervised service providers must meet in order to have their name placed on the list of fee-for-service service providers in the area. Every fee-for-service supervised access service provider who meets the criteria must be allowed to have their name published on the list.

*Rationale:*

- *Providing a list of service providers will make it easier for parents to locate services in their area and allow comparison of prices and services.*
- *Having criteria for agencies to have their name included on the CAS list will makes the process more transparent and accountable.*

- 6) That each children's aid agency provide funding to fee for service supervised access providers for those parents who are financially disadvantaged and cannot reasonably afford to pay for such services.

*Rationale*

- *This will ensure that supervised access services are independent from CAS*
- *Will save tax dollars as services of independent service providers are less expensive.*
- *Will ensure that only those families who financially need assistance benefit from funds donated by taxpayers. Those who can afford to pay will pay for services thus minimizing costs to the taxpayers.*
- *Will save valuable resources of CAS workers who should be engaged in the more important work of investigating child abuse.*
- *Will promote greater trust and respect between families in the community and CAS agencies as CAS will be seen as promoting neutral, third party services rather than being seen as controlling such services.*

## **Issue #37: Conflict of interest in providing adoption services**

### **Discussion**

Children's Aid Agencies get involved with the adoption of children. These is seen as a conflict of interest by many. For CAS agencies to have children available to adopt out, the agency must bring children into the system. In some cases, this may make CAS agencies more aggressive to take children from their families which already seems to be the case already in many jurisdictions.

### **Recommendations**

To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:

- 1) That children's aid agencies should not be directly involved in providing adoption services of children.
- 2) That any child that may need to be adopted after all other options to place the child have been unsuccessful be made available to an outside adoption agency having no

ties to the CAS.

*Rationale:*

- *It is clearly seen as a conflict of interest for CAS workers to be providing adoption services when they are in the same business of taking children from homes.*

### **Issue #38: Sharing of information with non-custodial parents when parents are separated**

#### **Discussion**

It has been reported by a number of non-custodial parents that CAS workers have withheld information involving the abuse of their children when abuse of the child is occurring in the home of the custodial parent.

Many believe that CAS workers intentionally do this to help the custodial parent hide any abuse from the non-custodial parent.

When it comes to abuse of children, it is important that CAS work collaboratively with family members and in situations where parents are separated, to work with both parents equally.

#### **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) **That when children's aid agencies are investigating abuse of a child while in the care of a custodial parent, then the CAS workers will notify the non-custodial parent of any concerns and keep the non-custodial parent fully informed of what steps are being taken to deal with the abuse.**

*Rationale:*

- *The abuse of children should be of concern to both of a child's parents and information should be provided to any non-custodial parent.*

### **Issue #39: The creation of undue financial hardship on families as a result of the re-direction of government subsidies from families to child protection agencies**

#### **Discussion**

It has been reported by a number of financially disadvantaged parents, especially single mothers, that they have been forced out of their homes and into situations where they are unable to provide housing for their children directly because of the unwarranted actions of the CAS agencies to transfer monies normally being paid to families to support their children.

It is not uncommon for CAS workers to apply to the government to have baby bonus and child tax credit payments transferred over to the CAS agency shortly after they have taken a child into care, even if matters have not been finally settled in court. Some mothers have reported that CAS workers have contacted government agencies such as Ontario works in an attempt to have the amount of money the parent received cut back because CAS has the child, not the parent.

Many believe that the CAS workers intentionally take actions to have government monies

transferred away from financially disadvantaged parents as part of a plan to further put parents under financial stress and in many cases, put parents into a situation where they are forced out of their homes. Once parents are forced out of their homes, then CAS workers can use the excuse that the parents are unable to provide adequate housing and then use this to justify keeping the children with the CAS for even longer. This sets up a viscous circle where it becomes almost impossible for parents to be able to afford housing which is adequate to house their children as well.

## **Recommendations**

**To meet acceptable minimal standards of accountability, transparency, fairness and professionalism, each children's aid agency should have published policies and/or practices which clearly reflect the following:**

- 1) That children's aid agencies will not apply to have government subsidies being paid to parents transferred over to child protection agencies until such time as matters involving the care of a child are finally determined which normally should be dealt with within a four (4) month time period.**
- 2) That as long as housing for the child is being maintained by parents, that CAS will ensure that all portions of monies being paid by the government which can be ascertained for the purposes of housing, be paid to the parents until such time as matters are resolved by trial.**

***Rationale:***

- Children's Aid Agencies which receive sufficient funds from the provincial government should not be creating undue hardship for families which goes against the general principles of helping and re-integrating families.***