

**Detaining and/or questioning of students at their  
schools or places of care by Children's Aid Society  
(CAS) workers in Ontario**

**A guide for school officials and private child  
care providers in Ontario**

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Submissions made by email are preferred as these can be more effectively distributed to members of the Committee for review and consideration.

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## **Executive Summary**

This guide for school officials summarizes the legal and ethical issues surrounding the highly controversial issue of school teachers and administrators becoming too closely involved with local child protection agencies and participating in the detaining of students for the purpose of having the students interrogated by child protection workers at schools.

Unknown to most teachers and schools administrators is the fact the children's aid agencies in the Province of Ontario are privately owned and operated and that most of the workers with the provinces CAS agencies lack the necessary qualifications and training to engage in the practice of social work in Ontario.

It is troubling that many school boards in Ontario have been misled into developing published policies which clearly violate the very principles of the Canadian Charter of Rights and Freedoms upon which Canada as a nation exists.

Information gathered and assembled in this guide about this issue clearly shows that it is both unethical and unlawful for school officials to lead, instruct, coerce or detain students for the purpose of being interrogated by child protection workers at the school without the informed consent of the parents and/or students involved. Testimony from children and parents gathered during the preparation of this guide also show that substantial harm to students results when schools officials allow child protection workers to use school facilities as places where children are interrogated without proper informed consent.

It is unacceptable that any school board expect its employees to follow any procedure or policy which supports private child protection workers coming into schools except for purely educational purposes using educational materials which have been reviewed and screened by educators beforehand. Reasonable and sound legal alternatives do exist to gather information from students outside of schools which child protection workers can easily use at their discretion at any time.

School officials who participate in any form of detention of student under the direction of a CAS worker who has not legally apprehended a student are opening themselves up to criminal charges and/or a civil lawsuit by students and/or parents. Detaining and interrogating anyone in Canada is a violation of the person's fundamental freedoms and there is no protection for school officials who violate the rights or freedoms of another person, including those of students.

The intrusion of privately owned CAS agencies into the affairs of students and their families is a form of intrusion of the State into the private affairs of citizens and when conducted outside of the checks and balances of legislation is an assault on democracy and freedom itself.

It is vitally important that all school officials remember that one of the key objectives of the educational system is to educate and to teach our young citizens about their rights and freedoms and to not allow these rights and freedoms to be taken away from them. This is one of the most fundamental principles which ensure the continuance of our free and democratic society. This guide will give teachers and school administrators the information needed to protect the rights and freedoms of their students and to understand the limits of the power of CAS agencies in Ontario.

# **Detaining and/or questioning of students at their schools by Children's Aid Society (CAS) workers in Ontario**

## **Introduction**

In recent years, the issue of child protection workers entering schools to question students with the support of school officials has become a subject of growing complaints and debate amongst many parents, teachers and students. Teachers and school administrators with both public and private schools across Ontario often find themselves faced with requests and in some cases demands, from child protection workers to have school officials become directly and/or indirectly involved with child abuse investigations or to permit the detention and/or questioning of students at their schools. Many within the private child protection industry promote their self serving view that schools should play an integral role with child protection workers and that the questioning students at their schools is a necessary step in their investigative work to protect children. On the other hand, many claim that the issue of child protection workers being involved at schools with school officials is a growing problem in Ontario. Many teachers state the view that the involvement of child protection workers in schools is having a negative effect on the educational environment in many of the schools. Many believe that basic common sense, once prevalent in the past, has been replaced with political correctness which is highly influenced by the players in a multi-billion dollar child protection industry gone amok.

While at first glance, the request to detain and/or question a student at the school may appear harmless and with good intent, on the contrary, the school is one of the least desirable places that a student should be questioned by a child protection worker. In most cases, it is psychologically harmful to students to be subjected to CAS workers questioning them at their schools due to the embarrassment caused with peers and teachers. In addition, should school officials allow a child protection worker to enter school property for the purposes of questioning a student without informed consent of the student and/or the parents, school officials may be opening a Pandora's box of legal and ethical issues and without any hope of good coming out in the end. A graphic example of how things can turn very unpleasant for school officials when they act on the instructions of child protection workers without careful consideration can be found on the Vimeo video internet website at <http://www.vimeo.com/5023797>

This document was written to provide a critical analysis of the relationship between child protection agencies and schools in Ontario on the issue of gathering information from students which relates to child protection. The materials and information in this document will show how educators in many jurisdictions have been misled by unqualified child protection workers. The contents are based on input from concerned parents, family advocates, teachers, lawyers and persons with a background in law enforcement. It is hoped that the information contained in this document will help school officials to better understand their role and that of the CAS in the community when it comes to the subject of detaining and/or questioning students for purposes related to child protection. The information contained herein should assist school officials to be better informed when it comes to making decisions in reference to child abuse and neglect outside of the school and better understand the basic rights and freedoms of students and parents.

## **The implied legal trust between school officials and parents**

When a parent sends their child off to school, in effect, the parent is handing over the care and control of that child to school officials on a temporary basis. However, the passing of the care and control of the child to school officials does come with implied limitations. Generally, that is why

permission forms are obtained from parents giving school officials permission to engage students in activities which are outside of the normal school curriculum. Just because school officials are given the care and control of a student for a period of time during the school day, it does not give them the authority to do whatever they want with the student while he/she is at school. The implied trust between school officials and parents also ends once a parent comes to the school at any time to take back control of the student or at the end of the school day. Parental rights always trump the trust provisions which school officials have when a student is at school.

When a parent sends their child off to school to become a student of the school during the school day, there is an implied understanding or trust established between the parent and the school. Under normal circumstances, parents would expect school officials would do their best to ensure that the following conditions and protections are provided to the student while at school:

- That the student will be educated using materials in accordance to the published school curriculum.
- That the student will not be exposed to information or activities which are not part of the recognized school curriculum.
- That the student will be granted exemption from activities which may not confirm with the students religious beliefs.
- That the student will be taught by teachers who are knowledgeable, competent and properly registered with a regulatory body.
- That the student will be kept safe from unnecessary physical and emotional harm.
- That the student will be kept safe from threats, intimidation, bullying and ridicule by other students.
- That the parents will be informed promptly of any behavioural issues observed with their child while at school which violate any code of behaviour at the school or are of concern to school officials, including child protection concerns.
- That permission from parents will be obtained should school officials wish to take the student off school property which may expose the student to risks outside of the school.
- That school officials will treat students and parents with respect.
- That school officials will act as guardians to the fundamental rights and freedoms of students while under the care of school officials.
- That both parents will be treated equally and fairly, especially in situations where parents are separated or divorced.

In regards to personal rights, protecting the rights which students have under the law (such as the Canadian Charter of Rights and Freedoms) is an implied expectation that exists between parents and school officials. Detaining a student or questioning a student on matters which are outside of the student's school curriculum and activities at school would be considered as a violation to the implied understanding granted to school officials by parents when they send their children off to school. Most parents would expect to be consulted and asked for permission from school officials and/or child protection workers should child protection workers wish to speak to their children.

## **Understanding the private corporate status of CAS agencies in Ontario**

Many school officials and law enforcement officials are of the belief that child protection workers and CAS agencies are part of the Government of Ontario and that workers with these agencies have almost unlimited powers. This is not the case at all.

It is important that all school officials understand that CAS agencies in Ontario are **privately owned and privately administered** non profit corporations under a private funding contract with the Government of Ontario. Most CAS agencies have a charitable branch which allows them to issue tax deductible receipts. In reality, however, CAS agencies are just private companies engaged in the business of protecting children in Ontario within the guidelines established by legislation although past history raised serious questions as to the ability of CAS agencies to really protect children.

Workers from CAS agencies, including child protection workers, are no different from any other employee at a private company except at times when exercising the specific, but limited powers granted to them under legislation. In Ontario, the key piece of provincial legislation which gives child protection workers their specific limited powers is the Child and Family Services Act.

### **The limits to the authority of Children's Aid Society (CAS) workers**

While privately owned CAS agencies play an important role in dealing with child abuse and neglect, CAS agencies and their workers still are required to obey the law and adhere to sound legal principles during the conduct of their duties. Unless a child protection worker with a CAS agency has obtained a lawful court order or is exercising his/her authority to legally take into custody and "apprehend" a student, workers with any CAS have no more legal authority to detain and to question a student than does any other citizen in the community, which is no authority at all! This limitation is very similar to those applied to private security companies. A private security officer who may be guarding a construction site has no more authority to detain and question another person except. The powers granted to police and employees from private companies are vastly different and must not be confused. CAS agencies are private companies and their employees are private citizens.

Many CAS workers, most of whom are not registered social workers, do not understand their limited authority and often feel that they have more power than police. CAS workers who possess little knowledge or understanding of the law often feel that they can tell police officers what to do. Unfortunately, police officers often take their orders from unqualified CAS workers who have absolutely no authority to be telling police what to do. Some school officials and parents have reported that CAS workers have told them that they have more power than even the police.

When it comes to questioning a student, child protection workers have no authority whatsoever to force any student to answer questions or to be cooperative, if the student does not wish to do so. While child protection workers may refer to their need to "question" a student, in reality, questioning a student for the purpose of gathering information is a form of unlawful detention and interrogation. CAS workers have no powers under law to subject students to any form of interrogation. It is important that school officials understand the limitations of the authority of child protection workers and to ensure that they do not let CAS workers exceed their authority when dealing with students while in the care of school officials. The vast majority of child protection workers in the Province of Ontario have less qualifications, experience and formal education than do most teachers when it comes to dealing with children.

Unfortunately today, most school officials lack the knowledge and understanding of some of the most fundamental laws and the limits of the powers granted to the province's privately owned CAS agencies. As a result of being influenced by working too closely with CAS agencies over the years, many school officials have developed the misconception that they must fully co-operate with child protection workers. **In fact, many senior school officials incorrectly believe that they must do whatever child protection workers tell them to do!**

The lack of knowledge about basic laws and individual rights and freedoms has become so widespread today that many school boards actually consult with CAS workers to develop policies for school board employees which in many cases work to the advantage of CAS agencies. This is clearly a conflict of interest. Unfortunately this conflict of interest has resulted in school boards writing policies which violate some of the most fundamental and long established laws intended to protect all students and their families in a free and democratic society.

### **Students cannot be detained for questioning by CAS workers**

When it comes to the issue of students and child protection, it is highly unethical and in all cases unlawful for school officials to detain, lead, entice or coerce a student into being interrogated by a child protection worker without explicit **and informed** consent of the student and/or the parent or guardian of the student. The same applies to school officials themselves when it comes to questioning a student about any private matter outside of the school curriculum.

Even police do not have the power to detain or to question a person without informed consent unless the person they wish to question is fleeing from a crime or is suspected of committing a crime. Suspected young offenders are advised by police that they have a right to a lawyer or to have a parent present when they are being questioned.

All persons have the right to fully understand the questioning process and its consequences or to have some form of legal presents during questioning and this right extends to students of all ages who may be questioned on matters outside of activities directly associated with the school educational curriculum.

### **Why children's aid agencies seek the support and involvement of school officials**

Whether by intention or not, the underlying objective behind why child protection workers solicit the support of school officials in their efforts to interrogate students at schools is so that the CAS workers can gather information from students about their families without the informed consent of the students or the knowledge of their parents. By becoming "friendly" with school officials, many CAS agencies are able to get school officials to let their guard down when it comes to the legal issues of detaining and/or interrogating children.

Unfortunately, due to a lack of knowledge of the fundamental principles of law, many child protection workers and school officials believe this to be acceptable practice but it is not. In many cases, the undefined phrase, "the best interest of the child" is used by most of these uninformed persons as justification to violate the law and to violate the rights and freedoms of students and their parents.

### **Compounding of the injustices by misinformed school officials**

Some CAS agencies have been so successful in their campaigns over the years to influence school officials around to the CAS way of thinking that many school officials believe that informing the parents before the child protection workers question a student will interfere with the "investigation". In fact, some school boards have become so wrongly influenced as a result of working closely with

CAS agencies that some boards have developed protocols for their employees which clearly violate the rights of students to provide their informed consent prior to an interrogation by child protection workers. Below is an example of such a protocol which was included as part of the policy manual for teachers employed by the Halton Board of Education and in force as of June of 2009.

**Informing Parents**

*A consultation with the Principal or the Superintendent of School Operations and the Children's Aid Society, will determine when the parent will be informed of the referral and by whom. Informing the parents of the referral prior to CAS involvement may seriously jeopardize the investigation and may interfere with the protection of the child. It is the obligation of the Children's Aid Society to inform the parent of the referral. (Source: Halton Board of Education child abuse procedure published on its website in June of 2009)*

Clearly, the above policy from the Halton Board of Education is highly flawed, unlawful and misleading to its employees. First, it leads school officials to believe that contacting a parent prior to a student being questioned by a CAS worker would “seriously jeopardize” a child abuse investigation. This policy condones actions that violate the principles of fundamental justice. This policy wrongly advises teachers to become intimately involved in what in a sense is an unlawful conspiracy with child protection workers to violate a student’s right to provide his/her informed consent prior to being questioned.

The second error of this policy is that it sends the message to teachers that it is OK, and in fact required, to work secretly with child protection workers behind the backs of parents without the due process of law and without any measures of accountability or transparency. This too, is in violation of the principles of fundamental justice. In addition to being unlawful, this policy is outright confrontational with parents and will only fuel distrust by parents of their children’s school. In some cases parent have been known to enrol their children into private schools because they no longer trust the public school system.

The Halton Catholic District School Board has a similar flawed policy which advises its school officials wrongly. The Boards policy as of September 2009 stated:

*2.3 In order to minimize interference with any Children's Aid Society investigation and in order to ensure that the rights of all are protected, under no circumstances will the implicated person(s) be contacted or confronted about the incident. The Children's Aid Society, in the best interests of the child, will provide instructions regarding the care of the child until the Children's Aid Society responds.*

The policy from the Halton Catholic School board wrongly advises school officials to take instructions from outside workers from a privately owned CAS agencies without consideration to all of the legal obligations that school official have to children and their parents. Unless there is a court order giving the CAS the authority to have care and control of the student at school, school officials must not take any instructions from them.

The York Catholic District School Board has endorsed a highly flawed and unlawful policy similar to that of the Halton Board of Education when it comes to the detention of students. From their policy manual in effect as of the end of August 2009, it reads:

**Investigation on school premises (Page 7)**

*The police/child protection worker(s) will determine that it may be in the best interest of the child to conduct an interview without the prior knowledge of and in the absence of the parent(s) or guardian(s). In these cases the following steps should be taken:*

Neither the police nor child protection workers have the authority to make a determination of what is in “the best interest of the child” and to use this undefined term to justify breaking the law and violating the rights and freedoms of any student at school. Only a Court of competent jurisdiction can determine what is in the best interest of a child after a proper hearing where evidence is presented. Police are not qualified to assess the “best interest of the child” in child abuse investigations either as they are only trained to investigate and to put evidence before a court if charges are laid. Even qualified professionals such as psychologists cannot make a determination of a child’s best interests without some kind of investigation. This policy from the York Catholic School Board is just another example where school officials have been misled by the phrase, “best interest of the child” to justify school policies which permits child protection workers coming into the schools and committing their crimes against students and parents.

Working behind the backs of parents in the community drags teachers directly into the investigation and in the eyes and minds of students and parents, makes the teachers co-conspirators to the investigation and part of the CAS agency’s team of investigators. If anything, the policy as described in the Halton Board of Education policy will undermine the trust in the teachers and the school by both the child and the parents. This will, without doubt, alienate both the child and the parents and thus harm the student’s educational experience.

Under the published policies of some school boards, students, who are supposed to be the victims of abuse, are given fewer rights than adults who are alleged to have abused their students. The two examples below are from the website for the Halton District School Board and the Halton Catholic District School Board regarding the policies when an employee of the school board is alleged to have committed abuse against a student. With the Halton Board of Education the Principal must be “very clear” to the accused employee about their **right** to have their union/Association President at the meeting. With the Halton Catholic District School Board the principal is compelled to ensure that the rights of the employee are ensured. When comparing the policy of questioning a student (alleged victim) and questioning the staff (alleged abuser), there are glaring discrepancies in the rights offered to the two groups with the student having no rights when compared to those of the alleged abuser.

**School board staffer is the alleged abuser**

*The Principal/Vice Principal arranges to meet with the employee. When the member is told is at the discretion of the administrator, but it should be done as quickly and professionally as possible. Be very clear to the individual that they have a right to have their Union/Association President present at the meeting. (Source: Halton District Board of Education child abuse procedure published on its website in July of 2009)*

*4.2 The principal will make it possible for the employee who has been reported to the Children’s Aid Society or Police to contact their union president. (Source: Halton Catholic District Board of Education child abuse procedure published on its website in September of 2009)*

Violating the rights of students in secrecy without parental consent goes against the goal of having the school seen as a secure and trusted place where students will feel comfortable with reporting incidents of abuse. Most students can understand and accept the requirement that a school official must report abuse to an outside agency such as police or a CAS agency, however, once the student sees that school officials have become directly involved and appear to be working closely with child protection workers, the perception that the student has about the neutral role of his or her teachers drastically changes to the point where the student may no longer feel comfortable in discussing

issues with school officials.

In addition to child protection workers conducting these interrogations without parental consent, child protection workers generally conduct these interrogations without any form of accurate record keeping such as audio or video recording. Child protection workers refuse to audio record their meetings with students because in the vast majority of the time, these clandestine interrogations are often highly flawed with students being questioned using inappropriate and leading questions and forms of coercion. Many parents claim that these “off the record” interviews are nothing much more than a “fishing expedition” to entrap their children to say things against parents. Rulings from some courts have in fact documented that some CAS workers have engaged in highly questionable and unlawful practices to gather information from students, including the use of blackmail and perjury.

One such well publicised case was school teacher Dorian Baxter v. the Durham Children’s Aid Society. In that historic case, the Ontario court found that the Durham CAS had fabricating evidence and had attempted to blackmail the Ontario school teacher and practicing church minister. Archbishop Baxter is now the National Chairperson of Canada Court Watch which is a citizen’s based organization promoting accountability and transparency with Ontario’s child protection system.

Many times, the child protection workers who come to the school to interrogate the child lack the necessary professional qualifications to conduct investigations or to interview a child. There have been documented cases in which child protection workers have used coercive techniques and leading questions intended to get a child to say exactly what the child protection worker want. Child protection workers refuse to audio record their interviews to help ensure that they will not be held accountable or their sloppy work revealed.

Sometimes to ensure that there are no outside witnesses to their often shoddy and unprofessional work, child protection workers often insist that they be left alone with students during interrogations. Students have reported being ganged up on, threatened and intimidated by CAS workers during meetings at their school. Some students have reported that CAS workers told them that if they did not answer questions that CAS would forcefully remove them from their families and forced to stay in a CAS facility.

If coercing a child to be interrogated by a CAS worker is not underhanded enough, some school officials believe that they are obligated to detain and hold children for the purpose of being interrogated by CAS workers. Below is the policy of the Halton District School Board which was published on its website in June of 2009.

**Holding Children After School**

*In some circumstances a child may need to be detained after school for the purpose of the investigation. Once directed to do so by CAS, it is the responsibility of the school to inform the parents the child will be detained. When this is necessary the principal or designate will work in conjunction with the investigative team to determine the best approach with the paramount focus being the safety of the child. Once the Child Protection worker has arrived at the school he/she will assume full responsibility for the child and the communication with the parent. In cases where a Children's Aid Society worker or a Police Officer intends to remove the child temporarily from the school, the Principal must allow the child to leave with that person (Source: Halton Board of Education child abuse procedure published on its website in June of 2009)*

The Halton District School Board’s policy of “holding” students after school is not only highly

flawed and a slap in the face to parents in the Halton community, but also illegal. This policy clearly advises school officials to take the law into their own hands! School officials cannot detain or hold children for the purposes of being interrogated by CAS workers.

The following protocol is from the Ottawa-Carlton Board of Education.

***4.1.10 All reports to the CAS must be documented on Form OCDSB 202: Suspected Child Abuse Incident Report, and submitted to the school board administrative staff member responsible for child abuse issues. The report must include the time, the CAS worker's name, and the school's recommendation. The document is to be signed, dated, and retained as a means of establishing that a report was made. The employee should ask whether to expect the CAS to arrive at the school, and if so, when. He or she should also ask whether the child should be held at the school or sent home. The student should be monitored to ensure that he or she is safe and comforted. (Source: Ottawa-Carlton School Board PROCEDURE PR.605.SCO published on its website in June of 2009)***

In a manner similar to that of the Halton Board of Education, school officials in Ottawa-Carlton are instructed to ask CAS workers if a student is to be **held** at the school or sent home. Detaining a student at the school at the instructions of a CAS worker is unlawful. If a CAS worker considers a student at risk of harm, then the CAS worker must immediately come to the school to apprehend the student or instruct a police officer to come to the school to conduct a lawful detention and apprehension. The student's right to his/her liberty cannot and must not be violated by school officials as they do not have the legal authority to do so.

The following protocol is from the Durham Board of Education.

***Investigation on school premises***

***1. Where the C.A.S. and/or police determine that the school is an appropriate place to interview the pupil, child protection investigations may occur on school premises. To facilitate the investigation, and to ensure the safety and comfort of the child, school staff should cooperate to provide an appropriate private location in the school and to reassure the child that the C.A.S. and police personnel are there to make the child safe.***

***4. Interview of the Pupil: The preference of the C.A.S. is to engage the family and child in a discussion of the reported child protection concerns. In some situations, the C.A.S. may determine that this is not possible. The C.A.S. and/or police will determine, in the best interests of the pupil, whether the interview of the pupil should occur at school without the prior knowledge of, and in the absence of, the parent or guardian. (Source: Durham District School Board child abuse procedure published on its website in June of 2009)***

The Durham District School Board as well appears to have written a policy which for all sense and purpose, virtually makes school property an extension of the physical property of police and CAS workers. Under this policy schools, which are supposed to be safe havens for the education of children, are turned into interrogation facilities with the willing cooperation of school officials. In (1) school officials are instructed to provide an appropriate private location in the school to make the child "safe". The policy is written in a manner which implies to board employees that the student is already in some sort of danger and must be protected.

CAS workers and police do not need a private location within a public school to make a student "safe". If the student is not safe, then the student can simply be picked up and taken back to CAS offices or the police station to make him/her safe. In reality, CAS workers are attempting to avoid due process and to interview the child without the parents knowing about this. In addition, there is no place in a school that can be considered as private. Once a police officer or CAS worker show

up at a school, it does not take long for many in the school to know which student is involved with child protection workers.

Note the use of the phrase, “in the best interests of the pupil” which clearly misleads school officials in Durham Board to believe that violating the rights and freedoms of children and parents is acceptable under this term which in reality can be twisted around to mean almost anything. Without a clear list of criteria for the term, “best interest”, the term means nothing from a legal perspective.

Just because workers from a privately owned company such as a CAS agency may find it difficult to “engage” a family with discussions does not give them the lawful right to violate the rights and/or the privacy of the parents or students without complying with all laws in accordance to the principles of fundamental justice. If a CAS worker believes that a child is at risk, the worker has the authority to immediately apprehend any child without a court order if they want with the condition that they must have the matter before a judge within five days to explain why. CAS can force parents to become engaged using legal processes easily available to them.

### **Schools cannot provide information about students to CAS workers without authorization**

Another misconception that a lot of school officials have is that they must provide any and all information to a private CAS worker upon request and without any valid court order or parental permission. For example, a published policy of the Halton Catholic District School Board current as of September of 2009 states:

*2.2 Staff will furnish by fax, phone or e-mail any and all information required by the Children’s Aid Society including the identification of the child(ren) at-risk and any siblings, if known.*

This policy of the Halton Catholic District School Board effectively advises school officials to ignore privacy legislation and to hand out confidential information about students and their families without requiring consent of the students or parents. The school board policy also makes reference to, “the children at risk” as if some unnamed person has already determined that a student is at risk just because a CAS worker makes contact with the school. This kind of policy is exactly what gets students and their families stigmatized as abusive families by school officials and erodes the basic rights and freedoms of children and families under the Canadian Charter of Rights and Freedoms. As soon as a phone call comes to a school from CAS, many school officials and students assume that the student is a victim and that the parents are abusers as board policy already labels the students involved as “the child(ren) at risk.” Unfortunately, the “you are guilty until proven innocent” mentality ends up being applied to students and their families more often than not and this is where much harm is caused to them.

By law, only a court of competent jurisdiction can make the determination if a child is at risk of harm which is why child protection workers must go to court to obtain a finding that a child is at risk. A legal process must be engaged first before drawing conclusions such as this. Engaging the legal system during child protection matters is one of checks and balances which helps to ensure that the fundamental principles of justice are being followed.

A document produced by the Toronto Board of Education and the Ontario Privacy Commissioner in 2001 and still on their website as of September of 2009 has no doubt helped to fuel the misunderstanding of legislation by school boards. In the document called, “Frequently asked Questions” the following statement is made under FAQ #9:

*Under the Child and Family Services Act and its regulations, the Children’s Aid Society has the right to obtain personal information from schools and school boards in order to investigate allegations or complaints around the issue of child protection. As such, the principal would have been justified in disclosing information about your children if the Children’s Aid Society had requested the information for the purpose of an investigation that relates to the protection of your children. In such a situation, the principal would be required to disclose this information in order to comply with the Child and Family Services Act. (Source: FAQ #9 – Ontario Privacy Commissioner – 2001)*

With the name of Ontario’s Privacy Commissioner written on the document it is not difficult to understand why a number of principals and school boards are of the belief that they must release school records to private CAS agencies without a court order.

However, up until a court order is obtained or the permission of the parents are obtained, giving a child protection agency the lawful right to obtain confidential information from a school, child protection workers have no more authority to obtain information from the school about a student than does any other private citizen off the street and that is absolutely **NONE!**

### **Misunderstanding of fundamental laws by police officials**

When it comes to issues involving child protection and CAS agencies, just as with school officials, many police officers do not fully understand the law or the fundamental principles upon which child protection laws are based. Just as with many school officials and child protection workers, any police officers believe that the undefined phrase, “the best interest of the child” takes precedent over all else, but this wrong.

The main reason for this is that police officials are trained primarily in the enforcement of criminal law, not child protection. As a result, most police officers are out of their natural working environment when it comes to child protection matters. In most cases their first reaction is to turn all matters which are outside of criminal matters over to others such as CAS workers and the courts. Most police officers do not feel comfortable dealing with children nor are police agencies adequately equipped to deal with child protection matters.

While most police officers understand that police officers cannot detain and interrogate citizens without reasonable and probably grounds, many officers wrongly believe that it is perfectly lawful for workers from a private owned CAS agency to detain and/or to interrogate students without informed consent, something which most police officers would never think of doing themselves.

In one incident where the principal of an elementary school detained and locked up two young students in his office as a result of a phone call from a local CAS, an investigator with the local police force was quoted as saying that it was within the law for CAS workers to tell school officials to detain and hold the students and that CAS workers had the authority to tell school officials to commit this unlawful act. Below is a quote from the police detective who was involved in investigating the matter:

*“The Child and Family Services Act gives people like the school boards, people like parents, people like the police, people like children’s aid workers, the right AND THE DUTY, to apprehend, to secure children who they believe may be in need of protection. By getting the phone call from children’s aid society, that gave the principal Mr. [deleted], the grounds to believe that those children needed to be secured for their own safety and that’s what he did.”*

The information stated by the police detective above is wrong and misleading. Nowhere in

Ontario's Child and Family Services Act does it grant child protection workers with a CAS agency the power to authorize school boards or parents to apprehend or to seize other children, yet this officer is incorrectly telling members of the public that the law does give child protection workers this ability. The term, "apprehension" is a clearly defined legal action that **ONLY** a person defined as a "child protection worker" under the Child and Family Services Act or a police officer can legally do.

Failure of police to provide information supported by the law to members of the public only spreads further misunderstandings of the law and fuels the potential abuse of the rights and freedoms of students and parents.

### **Child protection workers coming into schools set a double standard for privacy**

When CAS agencies take parents to court, workers and agency lawyers demand that all documents and court records be shielded from the public. Courtrooms are closed and files sealed from public viewing in every child protection case, even if the family feels that going public would be in the best interests of the family. When families go into court, CAS agencies prevent parents from bringing friends and other family members with them into court. Even close relatives are often kept out. Parents have reported being threatened by CAS workers with being put into jail if they disclose anything that would allow their case to be exposed to the public. CAS agencies claim that this is necessary to protect the identity of the child and to keep members of the public from knowing who the child is. In reality, CAS workers want to keep the public from seeing what they are doing.

When it comes to schools, child protection workers follow a totally opposite set of standards for themselves. Schools are much more public than courtrooms, yet child protection workers will intrude into the private affairs of schools and students in a forceful manner with the end result being that most students and teachers soon learn which one of the students in the school is involved with the child protection agency.

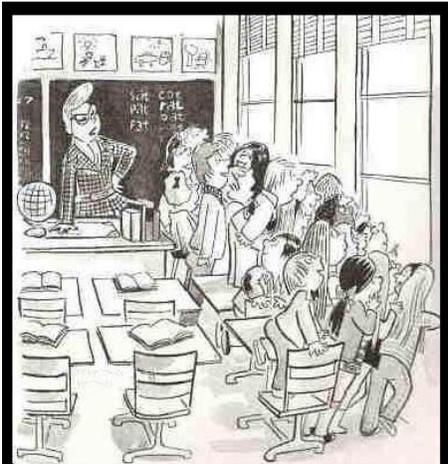
Students who have had personal experiences with CAS agencies in their schools report that they have been embarrassed and humiliated when child protection workers have come to their schools to interrogate them. Students report that it does not take long after child protection workers have left the school for other students and teachers in the school to know which student was involved with the CAS agency. Students have reported being treated differently by other students and teachers once it becomes known that CAS is involved with their family.

During a video interview with a Toronto, Ontario student, the student reported that after it was announced on the school intercom that a CAS worker was at the school to question him he was led down to a private room near the office and threatened by school officials from the Toronto Board of Education and told that if he did not meet with CAS workers and answer their questions, he would be punished by school officials. The Toronto student was personally interviewed at the time that this guide was being written.

For reasons of respecting the privacy and security of students, it is imperative that child protection workers be required to conduct their involvement with the student outside of the school except in the most exceptional of cases. It should be the choice of the students and parents as to what level of privacy they wish to maintain and with whom.

Ontario's system of privately owned CAS agencies has been plagued with serious problems for decades with many of the same problems existing even today. The performance record of CAS agencies in the Province of Ontario has not been good over the years. There have been a number of public inquiries and lawsuits over the years involving the sexual and physical abuse of children

under the care of CAS agencies.



*Ok kids come and sit down... It's just another child being dragged away by Child & Family Services*

This cartoon sketch effectively illustrates how the privacy of students is affected when child protection workers come into schools. In most cases, child protection workers coming into the school to interview a specific student causes long term psychological harm to the student.

### **Historical problems with child protection agencies and workers in Ontario**

School officials must also make themselves aware of the other side of the child protection system. While there are some good examples of where CAS agencies have helped children, it must also be pointed out that in too many situations, more harm than good is done to children and families by child protection workers. Many thousands of children and families have been needlessly harmed in the past and continue to be needlessly harmed today. In the appendix of this document are two newspaper articles which describe the historical failings of CAS agencies in Ontario. One article was published in 2009 and the other in 1981. Although the articles were written and published in national newspapers almost 28 years apart, both articles describe the same problems with the CAS system in Ontario. Hundreds more of similar articles can be found published on the internet along with video testimony of children and parents who have had experience with CAS agencies in Ontario.

### **Most child protection workers in Ontario are not qualified as social workers and have no disciplinary body to oversee their work!**

In Ontario, teachers must be registered as members with the Ontario College of Teachers. They are given a registration number and any complaints made against them by the public are reviewed by a disciplinary body at the Teacher's College. The purpose of the Teacher's College is to protect the public's interest and to maintain high standards of professionalism by all teachers in Ontario. It would not be acceptable to hire persons to teach in schools if they are not registered with the College of Teachers.

Within the social work sector there is a similar body called the Ontario College of Social workers. Just as the Ontario College of Teachers has a mandate to protect the public's interest and a disciplinary body to carry out this function, the Ontario College of Social workers has the same mandate and a disciplinary body as well. Only those individuals registered with the Ontario College of Social Workers can refer to themselves as social workers or to engage in the practice of social work.

Alarming, the vast majority of front line workers with the various CAS agencies in Ontario have chosen not to register with the Ontario College of Social Workers and therefore are not qualified to engage in the practice of social work. The vast majority of CAS workers designate themselves as “child protection workers.” Using the title, “child protection worker” is not done by accident but is done with the intention of skirting around the intent of legislation in Ontario so that unregistered CAS front line workers can avoid oversight by the Ontario College of Social Workers. Lack of oversight of CAS workers is one of the biggest complaints from many parents and professionals today.

Under Ontario’s Child and Family Services Act, CAS workers who designate themselves as “child protection workers” have very limited authority under legislation, yet most child protection workers exceed their authority as child protection workers every day by engaging in the practice of social work. The authority and scope of duties of a “child protection worker” is clearly defined and limited under the Child and Family Services Act which reads as follows:

*“child protection worker” means a Director, a local director or a person authorized by a Director or local director for the purposes of section 40 (commencing child protection proceedings); (“préposé à la protection de l’enfance”)*

The definition of “child protection worker” is directly linked only to what is referred to as **“for the purposes” of Section 40 of the Child and Family Services Act.** An in-depth analysis of the clauses contained in Section 40 of the Act clearly show that the powers of a person who calls themselves a “child protection worker” granted under this section of the Child and Family Services Act are limited to the main purpose of **apprehending the child and the removal of the child to a place of safety,** hence the defined role of a “child protection worker.”

**It is also important to note that while a “child protection worker” from a CAS agency can “apprehend” a child and then take the child to a place of safety once that child is legally apprehended, the Child and Family Services Act does not give the child protection worker the authority to detain or to interrogate any student without lawfully apprehending them first.**

Any child protection worker who identifies themselves as a “child protection worker” but attempts to engage in any sort of questioning of a student or teacher is technically engaged in an investigation which is outside of the legal jurisdiction of a “child protection worker”. Any sort of investigation which is intended to help the family is considered as engaging in the practice of social work for which the worker must be a registered member of the Ontario College of Social Workers. School officials simply have to ask the worker from the CAS as to what their job title is. If the worker identifies themselves as a “child protection worker” then technically they only have the authority to apprehend a child and nothing more.

Below is a quote from the Canadian Association of Social Workers website in which it describes how most social workers who work for school boards are registered with a body which holds them accountable. Tragically, most front line CAS workers in Ontario are not registered with any regulatory body to ensure professionalism.

*“In most jurisdictions in Canada, school social workers have a minimum of a Bachelor of Social Work degree and are registered with a provincial body that holds them accountable for competent and ethical practice. Some provinces require specific certification by the provincial Department of Education.”*

Even though most child protection workers are not members of the Ontario College of Social Workers by choice, they engage themselves into what would be defined as “social work” in violation to the intent of the law in Ontario. For too long, CAS agencies which hire workers have turned a blind eye to this practice of not registering with the College which primarily is to avoid oversight by the College’s disciplinary body. Many would argue that investigating child abuse and neglect making recommendations for the family would be considered social work. Most would agree that the majority of CAS workers in Ontario today are violating the intent of the law which was to regulate the profession of social work. Comparing the unregistered CAS workers to the profession of teaching, this would be akin to school boards hiring unqualified persons to fulfil full time teaching positions.

Unless a CAS worker is coming to the school to make a legal apprehension, school officials must insist that any workers with a CAS agency who wishes to have contact with the school as part of an inquiry or investigation, be professionally qualified and a registered member of the Ontario College of Social workers. If anything, school officials should be doing their part to ensure that they are dealing with only properly licensed professionals with CAS agencies.

### **Lack of accountability and transparency by CAS agencies in Ontario**

While all provincial government services and agencies are subject to the scrutiny of the Ombudsman of Ontario to ensure accountability and transparency, CAS agencies and their workers are immune from scrutiny because they are considered as private companies with private citizens working for them. While CAS agencies receive significant taxpayer dollars and have the appearance of being a government body, there is no independent body that has the power to investigate or to make recommendations to ensure accountability or transparency by CAS agencies in Ontario.

While CAS agencies in Ontario are governed by the Corporations Act of Ontario, citizens in Ontario have reported frequent violations to existing legislation by CAS agencies. A number of CAS agencies have refused to provide membership lists as required by law or have made it extremely difficult to obtain such lists. In order to avoid criticism, some CAS agencies have created committees which approve anyone wishing to become a member. Only those deemed acceptable by these “membership” committees are allowed to become members. CAS agencies have been known to have spent thousands of tax dollars to prevent their member list from being made public, even though the Corporations Act of Ontario requires it to be made available for public scrutiny.

As a result of numerous complaints from the citizens on Ontario, the Ombudsman of Ontario has repeatedly demanded publicly that CAS agencies should come under greater public scrutiny by the provincial government (read article in appendix). The report from the Ombudsman shows that there have been more complaints about CAS agencies than police, school boards and universities.

However, attempts to make CAS agencies more transparent and accountable have met with staunch opposition by CAS agencies in Ontario who oppose any legislation which may make them more accountable to the taxpayers of Ontario. In light of the potential liability when dealing with CAS agencies and the unwillingness of CAS agencies to be more open and accountable, school boards should not rely on child protection agencies and their workers to guide them in making policies and/or procedures.

The Ombudsman of Ontario has been very critical of CAS agencies but under existing legislation in Ontario does not have the power to investigate complaints about the CAS. In communication with a reporter with the Globe and Mail Newspaper in June of 2009, the Ombudsman was quoted, “CAS

*has long used your money to ward off oversight. Don't forget, you and I fund this network of agencies."* And about oversight, he said: *"They oppose it vigorously, though they need it badly"*. It is widely know that CAS agencies have spent millions of dollars of taxpayer's monies to protect themselves and their workers even when their workers have done wrong.

### LAGGING BEHIND

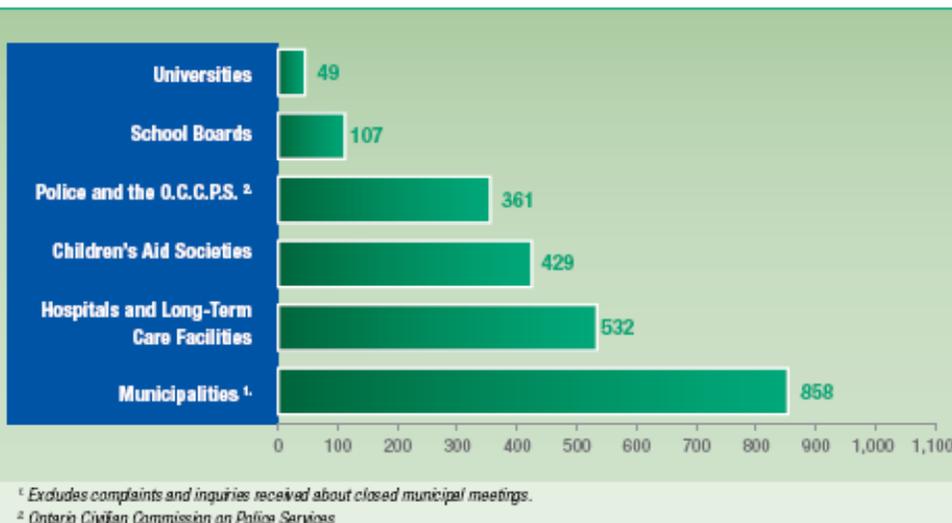
How Ontario's Ombudsman mandate compares to others in key areas of jurisdiction

|                           | Boards of Education | Child Protection Services | Public Hospitals | Nursing Homes and Long-Term Care Facilities | Municipalities | Police Complaints Review Mechanism | Universities |
|---------------------------|---------------------|---------------------------|------------------|---|----------------|------------------------------------|--------------|
| Ontario                   | No                  | No                        | No               | No  | No             | No                                 | No           |
| British Columbia          | Yes                 | Yes                       | Yes              | No  | Yes            | No                                 | Yes          |
| Alberta                   | No                  | Yes                       | Yes              | Yes   | No             | Yes                                | No           |
| Saskatchewan              | No                  | Yes                       | Yes              | No  | No             | Yes                                | No           |
| Manitoba                  | No                  | Yes                       | Yes              | No  | Yes            | Yes                                | No           |
| Quebec                    | No                  | Yes                       | Yes              | Yes   | No             | Yes                                | No           |
| New Brunswick             | Yes                 | Yes                       | Yes              | No  | Yes            | Yes                                | No           |
| Newfoundland and Labrador | Yes                 | No                        | Yes              | Yes   | No             | Yes                                | Yes          |
| Nova Scotia               | Yes                 | Yes                       | Yes              | Yes   | Yes            | Yes                                | No           |
| Yukon                     | Yes                 | Yes                       | Yes              | Yes   | Yes            | No                                 | No           |

Page 15 of the 2009 annual report of the Ombudsman of Ontario which shows that the CAS agencies in Ontario have no oversight by the Ombudsman despite Ontario being the province with the largest population.

### MUSH SECTOR COMPLAINTS AND INQUIRIES RECEIVED DURING FISCAL YEAR 2008-2009

TOTAL: 2,336



Page 15 of the 2009 annual report of the Ombudsman of Ontario which shows that children's aid agencies are a significant source of complaints

A full copy of the Ombudsman's report can be found on the website of the Ombudsman of Ontario at: <http://www.ombudsman.on.ca/media/89644/proof9-en.pdf>

### **Financial costs to school boards relating to child protection matters**

In these days of fiscal restraint, it is vitally important that school boards expend their resources wisely and maintain a good relationship with teachers and their unions. When it comes to the involvement of CAS workers at the school, there are direct and indirect financial costs incurred. In addition, there is the potential of significant financial costs as a result of civil lawsuits relating to child protection issues. Some of the costs which come as a result of school officials getting involved with privately owned CAS agencies include the following:

- The disruption to staff as a result of CAS workers coming to schools to detain and/or question students.
- The disruption of staff time as a result of CAS workers questioning school staff in person about students.
- The costs of providing office space for school based child protection workers.
- The disruption of staff time to accommodate a student being questioned in a private office.
- The disruption to staff time as a result of parents attempting to manipulate school officials against the student's other parent.
- The disruption to other students in the school as other students in the school discuss about child protection workers coming to school to see one of their peers
- The legal implications and potential lawsuits against teachers and school board for errors as a result of their involvement in a child protection matter.
- The disruption to teachers who may be summoned to appear in court as witnesses regarding involvement with students in regards to protection matters.

When it comes to CAS workers questioning children, all such services can be done outside of the school without the use of school resources. This ultimately will conserve school resources and improve respect for schools by both students and their families.

### **Manipulation of CAS agencies and school officials by vindictive separated and/or divorced parents**

In recent years, CAS agencies are becoming increasingly involved with families as a result of malicious and/or false allegations made by parents to school officials who in turn make a report to the CAS. These reports are usually based on information that only one of parents has given to school officials.

Parents who provide information to school officials about the other parent of their child are not acting responsibly and in most cases, acting maliciously. In most of these cases, these parents are what are referred to as hostile-aggressive parents. The real purpose of these parents is to get school officials to believe that the other parent is bad and then to try to get school officials to take sides and support the hostile-aggressive parent in their campaign to label the other parent as bad and to have school officials participate in their program to destroy the child's relationship with the other parent.

Hostile-aggressive parents want CAS agencies to get involved because they know that this will prompt an investigation and in some cases result in access to the child by the other parent being

suspended for a lengthy period of time based on their unproven allegations. False allegations have become almost everyday practice in the family courts today. Madame Justice Mary Lou Benotto of the Ontario Court of Justice has publicly spoken on the subject of how perjury is rampant in family courts and that persons who have committed perjury in court are seldom punished for this most serious of crimes which can have devastating impact on children and their families.

Rational parents should not involve school officials with child protection matters involving their child unless there is a court Order which affects the school. Any attempt by parents to involve school officials in a child protection matter is a form of child abuse in itself. Parents who have legitimate child protection concerns involving the other parent should be contacting child protection workers directly and dealing with this issue outside of the school.

School officials should be very wary of any parent who reports child protection concerns to them which involve the other parent. Such information is merely hearsay and should not be considered as credible. Acting on such information can seriously jeopardize the trust between the student and the other parent.

### **Funding formula for CAS agencies – an incentive for abuse of children and families?**

Funding is paid from the Province of Ontario to CAS agencies based on the various types of services they provide and based on a fee structure which is not easily available for public scrutiny. Some of the services which CAS agencies get paid to perform include the following:

- To open files on families
- To apprehend children
- Take families to court
- To legally adopt those children who have been apprehended permanently from their families.
- To place children into foster homes or group homes
- To place children on to mind altering and medically damaging medications such as Ritalin
- To pay lawyers for services in family court cases as well as to defend the CAS when they are sued by parents.
- To test children and parents for drugs

In order for child protection workers working in the field and administration workers working in CAS offices to keep their jobs and benefits, they must generate income for the privately owned CAS agency that employs them. This can only be accomplished by ensuring that there is a constant supply of case files open and children (clients) brought under the care or supervision of CAS and a number of related taxpayer funded services provided. The more kids who are taken away from parents and/or the more services provided, the more money paid out to CAS agencies.

A troubling reality is that additional money is paid by the Province to CAS agencies when children in care are put on prescription drugs such as Ritalin. It has been revealed that children in care are often forced to take medication which is not really required. Some medications being administered to young children in care have not even been approved for use in persons under the age of 18 years of age. One teen interviewed on video during the time that this document was being prepared reported how he was physically held down by two child protection workers and then had pills and water put into his mouth. He reported not being allowed to get off the floor until he had swallowed the medication being forced upon him while in CAS care. A copy of this teen's letter to the

Executive Director of the York Region CAS, Mr. Patrick Lake, can be found in the appendix of this document.

In one case, CBC television aired a documentary called “Finding normal” which was about one young boy who was being forcefully medicated by CAS workers in a group home to the point where the boy could sometimes not even walk up a flight of stairs. In addition, the boy was being sexually assaulted while in the care of the CAS. This CBC television documentary which includes testimony from the young child on video can be found on the CBC website at <http://www.cbc.ca/national/news/normal/> Fortunately, the young boy was rescued from abuse while in care of the CAS by his grandparents and totally taken off drugs but not before tens of thousands of taxpayer’s dollars were spent by the CAS agency involved to fight the grandparents in their quest to take their grandchild out of the CAS foster home where he was being abused. The CAS put as many roadblocks in front of the grandparents as they could to keep this boy in their care and not in the care of the boy’s family.

Many taxpayers feel that the funding formula which exists actually provides not only an incentive, but a need for CAS agencies to take children into care and in some cases, to get children in care labelled with behavioural problems and on prescription drugs in order to obtain more provincial funding.

### **Lavish spending of tax dollars by CAS agencies**

CAS agencies in Ontario have come under scrutiny in recent years over the abuse of their public funding. Unfortunately, money paid to CAS agencies in the name of protecting children has been misused by some CAS agencies to conduct their operations from lavish offices and to pay for excessive personal employee benefits. Trips down south and gym memberships for CAS employees have been paid from monies paid by taxpayers supposedly for “the protection of children.” The residents of one Ontario community jokingly refer to their local lavish CAS office complex as the “Tashma Hall” in comparison to the world famous landmark building located in Agra, India with the same name.

When a private company spends more money, it must generate more income to cover its expenses. For CAS agencies to cover their lavish spending, they must open up more files by intruding into the affairs of families and creating endless “do good” programs designed to keep the wheels of the huge CAS bureaucracy running at the expense of taxpayers.



**The photos above show the York Region CAS offices located in Newmarket, Ontario (left photo) and the Durham CAS offices in Oshawa, Ontario (right photo). Both CAS agencies have lavish office buildings which cost the taxpayers millions of dollars. (Photos taken in 2009)**

For example, the York Region CAS offices cost over five million dollars to construct with more than \$225,000 being spent annually on interest payments by the Society. Similarly, the CAS in Durham constructed a huge building. Many citizens in both communities feel that less lavish facilities could have served the same purpose with more of the money being used to help children rather than spent on lavish buildings.



A cartoon from the public domain which expresses the perception of the public quite well. A significant portion of the taxpayer money paid to child protection agencies is not used to help children but paid on overhead and administration.

### **The legal issues surrounding the detention and interrogation of students by Children's Aid Society (CAS) workers**

When it comes to an attempt by a CAS agency to question a student at a school, it will generally be the result of a suspicion that the student may be suffering from some sort of abuse or neglect at home. In other words, the student is considered to be a victim. In many, if not most cases, child protection workers forget the fact that the child is the victim and in their desire to get the person who they feel is the guilty party, violate laws and trample over the rights of children and parents. Court files are filled with examples of child protection workers trampling over the rights of children and parents and doing more harm than good as a result of their flawed and highly unethical child protection investigations.

The following are some of the main areas of law which apply in situations where students who may be considered as a subject of interest by a local CAS agency. All school officials should familiarize themselves with these areas of law to help ensure that CAS workers do not violate the rights of students or mislead school officials into violating the law.

#### **The Canadian Charter of Rights and Freedoms**

The most basic and fundamental law which protects all children and their parents in Canada is the Canadian Charter of Rights and Freedoms. In Canada, all citizens who conduct themselves in a civil manner and are in compliance to reasonable laws have the right to go freely about their lives and not to be detained or interrogated. This is the most fundamental principal upon which our free and democratic society is built upon. If someone, including a police officer, stops a person on the street and tells the person that they would like them to answer some questions, that person has the right to say yes or no. If they say no, they have the right to continue on their way.

While the Charter applies to all federal and provincial government bodies and not to private citizens

or to private companies, school boards get their authority under government legislation and therefore are considered to fall within the jurisdiction of the Canadian Charter. School board policies and procedures where they can potentially impact on the fundamental rights and freedoms of students must comply with Charter values. In situations where people's rights and freedoms are violated by private citizens or private companies, other legislation such as the Criminal Code of Canada or the civil courts takes over jurisdiction in these matters.

Tragically, most school officials and child protection workers do not understand the Charter and the inherent rights which it guarantees to all Canadians, including students. The Canadian Charter is supreme and ranks above all other laws, procedures and protocols. No policy or procedure implemented by a school board or a child protection agency which affects the fundamental values of the Charter can be written in a manner which has the effect of conflicting with the Charter. School officials and child protection workers, while acting in their official capacity, cannot engage in any action which causes the Charter rights of any individual to be infringed upon.

Unless a school official has clear evidence before them that a student would be at risk of imminent physical or psychological harm, having a student led, coerced, enticed by a school official to be interrogated by a child protection worker at the school is a violation of the child's rights and freedoms under the Canadian Charter of Rights and Freedoms. It is also a violation of the Criminal Code of Canada. A telephone request from a child protection worker does not constitute sufficient evidence that the child is at risk of imminent harm, but merely, hearsay.

### **Section 7 - Canadian Charter of Rights and Freedoms Life, Liberty and Security of person**

*Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.*

Every student and parent of that student has the right to liberty and security of their persons. When a person of authority over the student, such as a school official, entices, instructs, leads or coerces a student to be interrogated by a CAS worker without the student's informed consent or the consent of the person having the lawful control over the child, then this is considered an infringement on both the rights of the student and the parent under the Charter. The liberty and security of the students are both violated when a student is coerced into any kind of interrogation or investigation at his/her school.

A student's rights can **only** be deprived through a process which complies with the principles of "fundamental justice." In simple terms, it means a fair and just process. One component of fundamental justice is that the student must be of sufficient maturity to fully comprehend the legal implications of being interrogated by child protection workers and also fully aware of the legal issues of providing his or her consent. Fundamental justice could include that prior to interrogating a student, that there was a legal process followed (such as obtaining a court order) which gives a person the legal authority to question the student. The student has the right to remain silent if he/she chooses.

Most, if not all, students do not understand their legal rights in child protection matters so therefore are considered unable to provide their informed consent to be questioned. This is why, at the very least, prior informed parental consent or a court Order must be obtained for anyone to question a student. The Charter is so powerful that even a court cannot order a student to answer questions during an interrogation if they do not want to cooperate.

In terms of the parent's rights, security of the parent is infringed upon when the parent's child is detained or interrogated at the school without parental knowledge and consent. Having a young child interrogated by child protection workers in a setting at a school in which no accurate record is kept and where child protection workers are often not adequately trained in interviewing techniques, can pose a serious threat to the security and well-being of the child and his/her family. Under the Charter, the security of parents means that the parents have the right to be assured that when their child goes off to school that the implied understanding with school officials will be respected and that their child will not be the subject of an arbitrary interrogation at school without the benefit of due process of law.

### **A CAS worker taking a child out to lunch from school is also a form of unlawful detention**

Some students and their parents have reported that CAS workers have attempted to befriend students by coming to the school and taking them out to lunch. Many school officials permit this as they see it as harmless. Many younger children may eagerly go along with this as they see their teachers giving their approval for a nice lunch at McDonalds or Burger Kings with some nice person from the CAS. This type of activity is highly unethical and is similar to giving candy to a small child to lure them into doing something. When CAS workers attempt to take a child off school premises they know exactly that the purpose is to question the child off school premises without the parents knowing about this. The purpose is to unlawfully question the student under false pretences by pretending to be their friend. Under NO circumstances should school officials permit anyone, including CAS workers, to take students off school property without the informed consent of the parents. There have been a number of cases reported where children have been sexually or physically assaulted by CAS workers. Allowing a student to leave school property with a worker from a CAS agency (who in effect is just a private citizen) can leave school officials exposed to the most serious of consequences.

### **Section 9 Canadian Charter of Rights and Freedoms Detention or imprisonment**

*Everyone has the right not to be arbitrarily detained or imprisoned.*

Every student has the right not to be arbitrarily detained. When a person of authority over the child at the school entices, instructs, leads, coerces, takes or participates in an action with the intent to have student interrogated by a child protection worker, this is considered detention of the student and a breach of the student's rights under the Charter. Having a child taken by a teacher to be interrogated by a child protection worker is also a violation of the Criminal Code of Canada. Detaining a child is unlawful unless there is a court Order permitting this or if the child has been considered as being legally apprehended by a child protection worker under child protection legislation. Until a student has been legally apprehended or arrested, a student is free to go about his or her normal activities without detention, imprisonment or interference from any other person.

### **Section 10 Canadian Charter of Rights and Freedoms Arrest or detention**

*Everyone has the right on arrest or detention (a) to be informed promptly of the reasons therefore; (b) to retain and instruct counsel without delay and to be informed of that right; and (c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.*

If for any lawful reason, a student is arrested or detained, there are specific rights which that student has under these circumstances. First and foremost is that the arrest or detention must be done for valid and lawful reasons. Secondly, the student also has the right to be told as to why he/she is being arrested or detained. Thirdly, the student has the right to counsel which in the case of a young student, his or her parents. Detaining or coercing any student to be interrogated by a child protection worker without his or her rights being upheld is simply not lawful!

The only way in which a child protection worker can force a child to attend an interrogation is by first legally apprehending a child or by obtaining a valid court Order authorizing the child to be brought to a place of safety by force if necessary. A legal apprehension can be enforced immediately by the CAS worker and a court Order can usually be obtained within a matter of hours.

Once a legal apprehension has occurred, the child protection worker must go to court within five days and explain to the court why the apprehension was necessary. This forces the child protection worker to explain their actions before a court which is a vital part of the principles of fundamental justice. When child protection workers get school officials to conduct an illegal detention by informal “off the record” verbal communications over the phone with school officials, the child protection workers are often able to get away with unlawfully interrogating the student while avoiding the due process of law. The main reason why child protection workers get away with this is because most school officials wrongfully believe that they must do what they are told by CAS workers.

**Child protection workers have misled school officials into believing that the “Best interest of the child” will justify violating the rights and freedoms of students.**

Many child protection workers have misled school boards and even police agencies into believing that the “best interest of the child” is served when CAS and school officials work together to detain and interrogate students and to permit investigations about personal family matters to occur on school premises. As a result of the misguided influence of child protection agencies and their workers, a number of school boards have even incorporated the use of this phrase in some of their policies. Below is a clause from page 8 from the York Catholic District School Board policy manual which was in effect as of September of 2009.

*“The principal and the Team, acting in the best interest of the child, will determine whether to have a support person for the child present during the interview.”*

Readers should note how the term, “best interest of the child” has been used in effect as a justification to advise school officials to violate the rights of students. This clause makes it appear as if the “Principal and the team” have the qualifications and authority to assess and determine what is in the best interest of the student. The school board has no list of recognized criteria to qualify what the principal will use as a guide to determine exactly what the “best interest of the child means.” In most cases, this is merely a phrase passed on to school officials by child protection workers, most of whom have very limited understanding of the law themselves.

It is important for school officials to understand that **only a court of competent jurisdiction can make a determination as to what is in the best interests of the student.** School officials simply do not have the authority to make such determinations or even to claim that they are acting in the child’s best interests.

## **The Canadian Charter of Rights and Freedoms takes precedent over the undefined phrase, “the best interest of the child.”**

There are many examples in law where it has been clearly demonstrated that the undefined term, “the best interest of the child” is just an often misused phrase, that while sounding good to the legally uninformed, **FAILS** to meet the criteria as a principle of fundamental justice. Just one example of this can be found in a ruling by the Supreme Court of Canada on January 30, 2004 (docket 29113). Some of the relevant statements in the ruling from the Supreme Court of Canada state:

*10 However, the "best interests of the child" fails to meet the second criterion for a principle of fundamental justice: consensus that the principle is vital or fundamental to our societal notion of justice. The "best interests of the child" is widely supported in legislation and social policy, and is an important factor for consideration in many contexts. It is not, however, a foundational requirement for the dispensation of justice. Article 3(1) of the Convention on the Rights of the Child describes it as "a primary consideration" rather than "the primary consideration" (emphasis added). Drawing on this wording, L'Heureux-Dubé J. noted in Baker v. Canada (Minister of Citizenship & Immigration), [1999] 2 S.C.R. 817 (S.C.C.), at para. 75:*

*11 The third requirement is that the alleged principle of fundamental justice be "capable of being identified with some precision" (Rodriguez, supra, at p. 591) and provide a justiciable standard. Here, too, the "best interests of the child" falls short. It functions as a factor considered along with others. Its application is inevitably highly contextual and subject to dispute; reasonable people may well disagree about the result that its application will yield, particularly in areas of the law where it is one consideration among many, such as the criminal justice system. It does not function as a principle of fundamental justice setting out our minimum requirements for the dispensation of justice. 12 To conclude, "the best interests of the child" is a legal principle that carries great power in many contexts. However, it is not a principle of fundamental justice.*

Common sense would also dictate that the phrase, “the best interest of the child” should not be used as the primary justification for developing policies or procedures at schools simply because without clear definition, this phrase it can be misused by anyone of authority who wished to use their own interpretation of the “best interest of the child” to justify their actions. Unfortunately, this is exactly what has been happening when school officials make policies. Several school boards in Ontario have relied on this phrase and incorporated into policies which clearly have the effect of violating the Charter rights and freedoms of students and parents. The Supreme Court of Canada has stated that the broad use of the term, “the best interest of the child” is without merit because is it not capable of being identified with any precision.

### **The Criminal Code of Canada**

School officials are by no means immune from charges under the Criminal Code of Canada than any other person. Even well-meaning school officials who believe they are doing what is best for children but who break the law in the process can find themselves facing criminal charges. School officials are supposed to be professionals and therefore are expected to fully understand applicable legislation that can affect them during the course of their duties with students.

The Criminal Code of Canada is based on the protections offered to persons under the Canadian Charter of Rights and Freedoms. Under the Criminal Code of Canada it is considered a criminal offence when a person of authority over a student entices, instructs, leads, coerces, takes or participates in any action which has the purpose of having student interrogated by a child protection worker or in any circumstance prevents the student from going to be with the student's lawful parent or guardian. The following sections of the Criminal Code are relevant to matters involving students who are considered as subjects of interest by CAS workers.

### **Section 265.(1) Criminal Code of Canada Assault**

***265. (1) A person commits an assault when (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly; (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.***

Section 265.(1) of the Criminal Code of Canada defines the circumstances which are deemed to be an assault on a person. When a person of authority, such as a school official, tells a student that he/she must submit themselves to be questioned by a child protection worker, this constitutes an assault on the student by the person of authority over the student. An assault does not mean just hitting another person as most people would assume. This section of the Criminal Code is based Section 7 of the Charter where every individual has the rights to life, liberty, and security of his or her person.

The term, "force" does not have to be direct, but can be indirect such as locking a student in a room. or implying that force will be used against the student. Telling the student not to leave the room is considered as a form of implied "indirect" force or "gesture" just as would instructing a staff member to not allow a student to leave a room or area. One of the difficulties of being a school official which make the possibility of assault charges being laid is that the school official is automatically deemed to be a person of authority over the student. When a person of authority instructs a student to do something, the student will assume (without being told) that if he/she does not do as they are told that there will be some form of consequences, real or imagined. Students do as they are told by school teachers because they have been conditioned to do what school officials tell them to do.

### **Section 265.(3) Criminal Code of Canada Consent**

***265.(3) For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of (a) the application of force to the complainant or to a person other than the complainant; (b) threats or fear of the application of force to the complainant or to a person other than the complainant; (c) fraud; or (d) the exercise of authority.***

Section 265.(3) of the Criminal Code makes it clear that the consent from a student cannot be used as a defence to the assault charge when the assault was committed by the exercising of authority as would be the case when a school official tells a student to go to a location in the school to be interviewed by a child protection worker. Most students have been taught to follow the instructions

of school officials or that there will be consequences for the student to face.

### **Section 279.(1) Criminal Code of Canada Kidnapping**

***279. (1) Every person commits an offence who kidnaps a person with intent (a) to cause the person to be confined or imprisoned against the person's will; (b) to cause the person to be unlawfully sent or transported out of Canada against the person's will; or (c) to hold the person for ransom or to service against the person's will.***

Section 279.(1)(a) of the Criminal Code of Canada describes three separate and distinct conditions, which when individually considered, warrant the criminal charge of kidnapping. It is clear that should a school official detain or confine a student in a room against the student's will, then the school official is guilty of kidnapping under Section 279.(1a) of the Criminal Code. This is applicable to a student of any age. This section of the Criminal Code is based on Section 7 of the Charter where every individual has the rights to life, liberty, and security of his or her person and Section 9 where every individual has the right not to be detained or imprisoned. Once a person has confined a person, they have violated the liberty and security of the person being confined.

The only reasonable exception which would allow a school official to detain or to imprison a student against his/her will would be if (a) the school official was to conduct an arrest of the student for a crime or for behaviour which justifies arresting the student or (b) the school official had to detain the student in order to protect the student from imminent harm which the school official was clearly aware of such as natural disaster or a person with a gun in the school.

### **Section 279.(3) Criminal Code of Canada Non-Resistance**

***279.(3) In proceedings under this section, the fact that the person in relation to whom the offence is alleged to have been committed did not resist is not a defence unless the accused proves that the failure to resist was not caused by threats, duress, force or exhibition of force. R.S., 1985, c. C-46, s. 279; R.S., 1985, c. 27 (1st Supp.), s. 39; 1995, c. 39, s. 147; 1997, c. 18, s. 14; 2008, c. 6, s. 30.***

Section 279.(3) of the Criminal Code of Canada makes it clear that just because a student may have voluntarily accompanied a person of authority without resistance to be at some point detained against his/her will, is not sufficient grounds to justify the actions of the school official. This section of the Criminal Code is based on the right of the individual not to be detained under the Canadian Charter of Rights and Freedoms.

### **Section 281 – Criminal Code of Canada Abduction of person under fourteen**

***281. Every one who, not being the parent, guardian or person having the lawful care or charge of a person under the age of fourteen years, unlawfully takes, entices away, conceals, detains, receives or harbours that person with intent to deprive a parent or guardian, or any other person who has the lawful care or charge of that person, of the possession of that person is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years. R.S., c. C-34, s. 250; 1980-81-82-83, c. 125, s. 20.***

Section 281 of the Criminal Code of Canada clearly indicates that preventing a student who is under the age of fourteen from returning home or going outside of the school to meet his or her parent is considered as an unlawful abduction. This section of the Criminal Code is based on Section 7 of the Charter where every individual has the rights to life, liberty, and security of his or her person and Section 9 where every individual has the right not to be detained or imprisoned. After the age of fourteen, the criminal charge of kidnapping under Section 279 of the Criminal Codes takes effect.

**Section 286 Criminal Code of Canada  
No defence**

***286. - In proceedings in respect of an offence under sections 280 to 283, it is not a defence to any charge that a young person consented to or suggested any conduct of the accused. 1980-81-82-83, c. 125, s. 20.***

Section 286 of the Criminal Code of Canada, makes it clear that school officials cannot use as an excuse to abduction of a person under fourteen that the student willingly accompanied them to be questioned by a CAS worker. It must always be reasonably assumed that a student does not possess sufficient knowledge of the law to be able to exercise informed consent so consent cannot be assumed by the school official.

**Section 346.(1) Criminal Code of Canada  
Extortion**

***346. (1) Every one commits extortion who, without reasonable justification or excuse and with intent to obtain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the person threatened, accused or menaced or to whom violence is shown, to do anything or cause anything to be done.***

Section 346.(1) of the Criminal Code states that under certain circumstances, school officials could find themselves as accessories to extortion. Should a school official order or coerce a student to remain at the school at the instructions of the child protection worker and while the school official is holding the student at the school, the child protection worker demands that a parent or guardian do anything as a condition to having the student released into his/her care, then this is extortion.

Child protection workers have been known to advise school officials to physically detain students at the school while at the same time they have threatened the parents that the student will not be released unless they sign some sort of agreement. Under such a scenario, school officials technically are an accessory to the criminal offence of extortion by the CAS workers. Should school officials be directly involved in any way in getting a parent to sign a document to release a student, then the school official would be directly involved with committing extortion. Under no circumstances should school officials hold students while child protection workers are attempting to get parents or guardians to sign any type of legal document.

**Section 494.(1) The Criminal Code of Canada  
Arrest without warrant by any person**

***494. (1) Any one may arrest without warrant (a) a person whom he finds committing an indictable offence; or (b) a person who, on reasonable grounds, he believes (i) has committed a criminal offence, and (ii) is escaping from and freshly pursued by persons who have lawful authority to arrest that person.***

The arrest portion of Section 10 of the Charter is dealt with in Section 494.(1) of the Criminal Code of Canada and is not relevant when it comes to school officials detaining children for interviews. However, this section should be understood as school officials may encounter a situation where it would be warranted to arrest a student. School officials may arrest a student only in situations where school officials witness the student commit an indictable offence or if they believe that an indictable offense has been committed by the student and they believe that the student is fleeing those with the power to arrest the student. A school official literally has to catch a student committing a crime in order to be able to violate the rights of an individual not to be detained under the Charter of Rights and Freedoms.

### **Section 494.(3) The Criminal Code of Canada Delivery to a peace officer**

*494.(3) Any one other than a peace officer who arrests a person without warrant shall forthwith deliver the person to a peace officer. R.S., c. C-34, s. 449; R.S., c. 2(2nd Supp.), s. 5.*

Section 494.(3) of the Criminal Code of Canada requires that in the event that a school official may arrest a student on justifiable grounds, the school official must immediately call police to have the student taken into lawful custody by police or **immediately** deliver that child to a peace officer. Students cannot be arrested if they are suspected to be victims of child abuse or neglect. Arrest can only be used for persons caught in the act of perpetrating a crime. School officials simply cannot detain or hold on to students for purposes relating to a matter of concern by a local CAS agency.

### **Child and Family Services Act (Ontario)**

#### **Section 40.(1)(2)(3)(4) - Ontario's Child and Family Services Act Warrants, Orders, Apprehension, etc.**

##### **Application**

*40. (1) A society may apply to the court to determine whether a child is in need of protection. R.S.O. 1990, c. C.11, s. 40 (1).*

##### **Warrant to apprehend child**

*40.(2) A justice of the peace may issue a warrant authorizing a child protection worker to bring a child to a place of safety if the justice of the peace is satisfied on the basis of a child protection worker's sworn information that there are reasonable and probable grounds to believe that,*

*(a) the child is in need of protection; and*

*(b) a less restrictive course of action is not available or will not protect the child adequately. R.S.O. 1990, c. C.11, s. 40 (2).*

##### **Idem**

*(3) A justice of the peace shall not refuse to issue a warrant under subsection (2) by reason only that the child protection worker may bring the child to a place of safety under subsection (7). R.S.O. 1990, c. C.11, s. 40 (3); 1993, c. 27, Sched.*

##### **Order to produce or apprehend child**

***(4) Where the court is satisfied, on a person's application upon notice to a society, that there are reasonable and probable grounds to believe that,***

***(a) a child is in need of protection, the matter has been reported to the society, the society has not made an application under subsection (1), and no child protection worker has sought a warrant under subsection (2) or apprehended the child under subsection (7); and***

***(b) the child cannot be protected adequately otherwise than by being brought before the court,***

***the court may order,***

***(c) that the person having charge of the child produce him or her before the court at the time and place named in the order for a hearing under subsection 47 (1) to determine whether he or she is in need of protection; or***

***(d) where the court is satisfied that an order under clause (c) would not protect the child adequately, that a child protection worker employed by the society bring the child to a place of safety. R.S.O. 1990, c. C.11, s. 40 (4); 1993, c. 27, Sched.***

Section 40.(1) through (4) of Ontario's Child and Family Services Act clearly indicates that a child protection workers with CAS agencies in Ontario can obtain a warrant to immediately apprehend students and to take students to a place of safety where the student can be questioned without the knowledge or consent of the parents. Warrants from Justices of the Peace can usually be obtained on the spot at any courthouse, so this option is easily and readily available to child protection workers at any time.

When a child protection worker appear before a Justice of the Peace, he/she must have some sort of reasonable evidence to present to the Justice of the Peace to explain why the child protection worker needs to violate the rights of the student and the parents by speaking to the student without informed consent. Requiring child protection workers to explain their actions to a judge is in fact the "due process" of law which the student is guaranteed under the Canadian Charter of Rights and Freedoms. The bottom line is that child protection workers with privately owned CAS agencies in Ontario cannot detain and/or question a student without adhering to the Rule of Law. Child protection workers must either respect the rights and freedoms of students and parents, or appear before a judge to explain their intrusive actions.

An example of how due process protects children and families can be read in the newspaper article attached to the appendix of this guide with the title, "Judge returns girl to woman." This article describes how CAS workers with the Hamilton, Ontario CAS were chastised by Justice Donald Gordon for taking the child from her mother based on hearsay evidence. The judge immediately refused to accept the use of hearsay evidence by the CAS and ordered the Hamilton CAS to return the child to her mother. This article also demonstrates how important it is for school officials not to act on what would be considered as "hearsay" evidence. The CAS was ultimately found in error after this story was published. Due process ensured that the child was returned home quickly.

#### **Section 40.(7) - Ontario's Child and Family Services Act Apprehension [of a child] without warrant**

***(7) A child protection worker who believes on reasonable and probable grounds that, (a) a child is in need of protection; and (b) there would be a substantial risk to the child's health or safety during the time necessary to bring the matter on for a***

*hearing under subsection 47 (1) or obtain a warrant under subsection (2), may without a warrant bring the child to a place of safety. R.S.O. 1990, c. C.11, s. 40 (7).*

Section 40.(7) of Ontario's Child and Family Services Act clearly indicates that a child protection worker with a CAS agency in Ontario has the legal authority to immediately apprehend a student and to take the student to a place of safety and to do this without a Warrant or court Order. However, the child protection worker must have some reasonable evidence to cause him/her to believe that the student is at a "substantial" risk of harm to exercise this authority.

However, the right to apprehend a student does not extend to school officials, nor can a child protection worker extend this right on to any another person. **Only** a person designated as a child protection worker under legislation has the authority to **apprehend** a student for justifiable cause. It is unlawful for a child protection worker to contact a school and ask that school officials hold or detain a student for any reason.

Child protection workers do not need school officials to assist them as the workers have the ability to have police come with them if necessary or they can instruct police to immediately apprehend a student. If a child protection worker feels that a student is at risk, then that child protection worker **MUST** come to the school personally and make a legal apprehension of the student as is required under law. Under no circumstances should school officials be required to assist in any apprehension of a student, nor should they.

#### **Section 40.(8) - Ontario's Child and Family Services Act Police assistance**

***(8)** A child protection worker acting under this section may call for the assistance of a peace officer. R.S.O. 1990, c. C.11, s. 40 (8).*

Section 40.(8) of the Child and Family Services Act clearly gives a child protection worker the legal authority to have police assist the child protection worker if the apprehension of a child is warranted under the law.

If child protection workers feel that an issue affecting a student is that urgent, the child protection worker simply has to call the police and to ask for the police to take immediate steps to assist. However, a police officer can only assist if the child protection worker has made the decision to lawfully "apprehend" a student. Even police cannot assist a child protection worker to detain or question a student without a warrant having been issued or the child protection worker indicating that they are making a lawful "apprehension."

School officials are not required nor are they authorized to get involved in the detention or the apprehension of any student. This job must be left strictly up to child protection workers and/or police.

#### **Section 40.(13) - Ontario's Child and Family Services Act Peace Officer has powers of child protection worker**

***(13)** Subsections (2), (6), (7), (10), (11) and (12) apply to a peace officer as if the peace officer were a child protection worker. R.S.O. 1990, c. C.11, s. 40 (13).*

Section 40.(13) of the Child and Family Services Act clearly shows that police officers have been specifically designated under legislation as having the authority of a child protection worker when it comes to apprehending any child. There are no similar powers granted to school officials, nor should there be, in matters concerning the apprehension of a child.

**Section 72.(1) - Ontario's Child and Family Services Act  
Duty to Report a child in need of protection**

**72. (1) *Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:***

***1. The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's, i. failure to adequately care for, provide for, supervise or protect the child, or ii. pattern of neglect in caring for, providing for, supervising or protecting the child.***

***2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's, i. failure to adequately care for, provide for, supervise or protect the child, or ii. pattern of neglect in caring for, providing for, supervising or protecting the child.***

***3. The child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.***

***4. There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.***

***5. The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment.***

***6. The child has suffered emotional harm, demonstrated by serious, i. anxiety, ii. depression, iii. withdrawal, iv. self-destructive or aggressive behaviour, or v. delayed development, and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.***

***7. The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.***

***8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.***

***9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and that the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm.***

***10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent***

*or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.*

*11. The child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.*

*12. The child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment.*

*13. The child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately. 1999, c. 2, s. 22 (1).*

Section 72.(1) of the Child and Family Services Act outlines the various circumstances which make it mandatory for school officials to report abuse of a student to a local CAS agency. School officials must carefully note for many of the circumstances that require to be reported that also neglect of the person having care of the student must also be a factor.

Under some circumstances, should some kind of harm come to the attention of school officials and should it appear to school officials that the incident as an isolated incident was not caused by the caregiver of the child and that there have been reasonable steps taken to deal with the situation by the parents in charge of the student or by other authorities in charge, then school officials do not need to report the incident to the CAS.

The intent of legislation is to have CAS agencies deal with students who need protection because of more serious issues which are not being resolved by those having legal charge or care of them. School officials are not expected to call the CAS every time a child encounters an incident where he or she is harmed. Students do get harmed from time to time in the normal course of their personal activities either at school or at home.

School officials must remember that the role of a CAS agency is not to deal with each and every isolated instance of abuse or neglect involving a student, otherwise school officials would have to report every time a child is hurt at school or gets into a disagreement with another student at school. If school officials believe, on reasonable grounds, that abuse or neglect of a child was committed by the person having care of the child or as a result of the gross negligence of the person have care of the child, this must be reported.

The role of a CAS agency is to deal with issues of abuse or neglect that appear to be part of an ongoing pattern of abuse or neglect affecting a child which deem that child to be "in need of protection" by a CAS agency. There is a significant threshold to meet before a child is considered to be "in need of protection" and once this threshold is crossed, then parents are automatically deemed to be unfit.

The main reason why CAS agencies are assigned to deal with children who are "in need of protection" is because they are considered to be the only agency with the resources and mandate to get involved with families over an extended period of time. Other community based organizations

such as police or school boards are not set up to deal with issues such as child abuse or neglect over a long period of time.

### **Section 72.(1.3) - Ontario's Child and Family Services Act Protection from reporting**

***(1.3) No action lies against a person for providing information in good faith in compliance with subsection (1.1). 2008, c. 21, s. 3 (2).***

Section 72.(1.3) of the Child and Family Services Act protects school officials from civil action **who, in good faith, report suspected abuse**. Protection is offered to those school officials who made a report in good faith which means based on reasonable grounds.

However, if a child or a parent can reasonably show that a school official made a report to a CAS agency for malicious reasons or without reasonable grounds, the school official could be subjected to a civil lawsuit by the child or the parent. Making a report to a CAS agency based on hearsay from another parent could be considered as not being based on reasonable information. School officials should take special note that protection is offered only for **reporting** abuse and not for some of the other actions described earlier such as detaining, holding, enticing, leading, kidnapping, abduction, etc. It is vitally important that school officials understand the limited immunity granted for making a report to a CAS agency.

### **Section 100.(1) - Ontario's Child and Family Services Act Locking up Restricted**

***100. (1) No service provider shall detain a child or permit a child to be detained in locked premises in the course of the provision of a service to the child, except as Part IV (Youth Justice) and Part VI (Extraordinary Measures) authorize. R.S.O. 1990, c. C.11, s. 100 (1); 2006, c. 19, Sched. D, s. 2 (33).***

Section 100.(1) of the Child and Family Services Act prohibits workers with a CAS agency from detaining or locking up children who are in their care except in very exceptional circumstances where the children have committed some form of crime. Services providers directly employed by the CAS agency are prevented from detaining children so it makes no sense that school officials would ever have the authority to do this. Under NO circumstances should school officials detain or allow a student who is a subject of interest to a CAS worker to be detained in a locked room. Locking up a student is clearly wrong.

### **UN Convention on the Rights of the Child (CRC)**

Canada has ratified the United Nations Convention on the Rights of the Child which is the first legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social rights. In 1989, world leaders decided that children needed a special convention just for them because people under 18 years old often need special care and protection that adults do not. The leaders also wanted to make sure that the world recognized that children have human rights too.

The Convention sets out these rights in 54 articles and two Optional Protocols. It spells out the basic human rights that children everywhere have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The four core principles of the Convention are non-discrimination; devotion

to the best interests of the child; the right to life, survival and development; and respect for the views of the child. Every right spelled out in the Convention is inherent to the human dignity and harmonious development of every child. The Convention protects children's rights by setting standards in health care; education; and legal, civil and social services.

By agreeing to undertake the obligations of the Convention (by ratifying or acceding to it), national governments have committed themselves to protecting and ensuring children's rights and they have agreed to hold themselves accountable for this commitment before the international community. States parties to the Convention are obliged to develop and undertake all actions and policies in the light of the best interests of the child.

**UN Convention of the Rights of the Child  
Article 9**

*1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.*

Holding a child or preventing a child from being with his/her parents such as would be the case if a child is detained after school for questioning by a CAS worker violates the student's rights under Article 9 of the CRC. The provisions of Article 9 are protected under Canadian law in relevant clauses within the Criminal Code of Canada and the Canadian Charter of Rights and Freedoms.

**UN Convention of the Rights of the Child  
Article 16**

- 1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.*
- 2. The child has the right to the protection of the law against such interference or attacks.*

Questioning a student at school for the purpose of being questioned by a CAS worker violates Article 16 of the CRC. Questioning by CAS workers is done with the purpose to gather private information about the student and his or her family without informed consent. It is the expectation prior to any such questioning that information gathered during these interviews with students can and will be used against the child and his or her family. This violates the student's privacy and that of his/her family. The fact that these interviews are conducted without being electronically recorded further subjects the child and the family to the lack of due process. Many children report that CAS have lied about what was said during meetings at schools.

The mere presence of CAS workers at the school also causes harm to the reputation of the child and his/her family amongst his/her peers. The provisions of Article 16 are protected under Canadian law in relevant clauses within the Criminal Code of Canada and the Canadian Charter of Rights and Freedoms.

**UN Convention of the Rights of the Child  
Article 18 (1)**

*States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.*

While not directly connected to the issue of detention of a student at a school, school officials must recognize that both parents have a common responsibility to their child unless their rights have been specifically removed by a court. A common scenario is when one parent calls the school and attempts to get school officials to restrict the other parent's access to the child such as on school trips, etc.. Unless there is a valid court order which specifically states that a parent has been banned from the school or has no access to the child, school officials must treat both parents equally.

**UN Convention of the Rights of the Child  
Article 37 (b)**

*No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate time.*

Detaining a student at school for the purpose of being questioned by a CAS worker violates the student's rights under Article 37 of the CRC. It is a violation of a student's liberty to be detained for questioning in matters which do not relate to the purpose of the child's education. The provisions of Article 37 are protected under Canadian law in relevant clauses within the Criminal Code of Canada and the Canadian Charter of Rights and Freedoms.

**Universal Declaration of Human Rights**

On December 10, 1948 the General Assembly of the United Nations which included Canada, adopted and proclaimed the Universal Declaration of Human Rights. Many of the rights outlined in this historic document are embedded in many of Canada's own laws such as the Criminal Code of Canada and the Canadian Charter.

Following this historic act, the UN General Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories." The signing of the Universal Declaration of Human Rights by Canada preceded Canada's own Charter of Rights and Freedoms which was assented to in March 29, 1982.

**Universal Declaration of Human Rights  
Article 3**

*Everyone has the right to life, liberty and security of person.*

Detaining a student at school for the purpose of being questioned by a CAS worker violates the student's rights under Article 3 of the Universal Declaration of Human Rights. It is a both a violation of a student's liberty and security to be detained for questioning in matters which do not relate to the purpose of the child's education.

**Universal Declaration of Human Rights  
Article 9**

*No one shall be subjected to arbitrary arrest, detention or exile.*

Detaining a student at school for the purpose of being questioned by a CAS worker violates the student's rights under Article 9 of the Universal Declaration of Human Rights.

**Universal Declaration of Human Rights  
Article 12**

*No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.*

Detaining a student at school for the purpose of being questioned by a CAS worker violates the student's rights under Article 12 of the Universal Declaration of Human Rights. Questioning a student without "informed consent" with the purpose of obtaining information which are of a private nature about the student's privacy or that of his/her family constitutes a potential attack on the student and his/her family by the CAS agency.

**Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Resolution 53/144)**

On March 8, 1999 the General Assembly of the United Nations which included Canada, passed Resolution 53/144, The Declaration on the Rights and Responsibility of individuals, Groups and Universal Declaration of Human Rights and Fundamental Freedoms. This document outlines the responsibility that each person within the community has to protecting human rights and freedoms within society. This document is available on the "Schools and the CAS" DVD from the Family Justice Review Committee and is also available on United Nations website. A few of the basic provisions as they related to teachers and school officials have been outlined below.

**UN Resolution 53/144  
Article 1**

*Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.*

Everyone, including teachers, students and parents have the right to promote the protection of human rights. Teachers and students must not be standing by and doing nothing, but must be actively promoting the protection of their rights and freedoms including protection from the unlawful detention and interrogation of students at their schools by child protection workers.

**UN Resolution 53/144  
Article 10**

*No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.*

Detaining a student in school or allowing a student to be detained for questioning is a violation of

that student's basic rights and freedoms and no teacher or school official should participate in such action or stand by while the rights of a student are being violated. School officials have an obligation to protect the student and his/her family from having their rights and freedoms violated by workers from privately owned and operated CAS agencies.

### **UN Resolution 53/144**

#### **Article 16**

*Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.*

Article 16 recognizes that teachers and school officials play an important role in educating students and the public about their rights and freedoms. Teaching students about their rights not to be detained and interrogated by workers from privately owned and operated child protection agencies is one of fundamental duties of the educational system.

### **UN Resolution 53/144**

#### **Article 18**

*1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.*

*2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.*

*3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.*

Article 18 emphasises that all person within a community have not only a responsibility, but a duty to safeguard democracy by promoting human rights and freedoms. Allowing child protection workers to come into schools to violate the rights and freedoms of students and their parents is a gross violation of their rights and freedoms.

Tragically, the educational system has become complacent in teaching some of our most basic rights and had allowed child protection workers to come into schools and to run roughshod over the basic rights and freedoms of children and their families.

### **The prime objective of school officials**

While the protection of children should be of everyone's concern, investigating and dealing with incidents of child abuse and neglect should not be the prime role of school officials. Education of children and the investigation of child abuse and neglect are two very separate and specialized fields. Just as child protection workers are not expected to take on the role of teachers in schools, neither should school officials be expected to take on the role of social workers. In fact in Ontario, under legislation, school officials cannot engage in any action which can be seen as engaged in the

practice of social work which is a regulated profession.

While school officials are uniquely placed because of their day to day contact with students to be able to detect signs of abuse and neglect, changes of behaviour or failure to develop, school officials should not be the ones to personally deal with the problem. This is the job of child protection workers and their team of workers. The role of school officials should be limited to referring cases of suspected abuse or neglect out to the local child protection agency.

The prime objective of school officials is to provide a safe and secure place where students will get an education. Hopefully, during the course of their education, students will have an enjoyable and memorable experience with schoolmates and teachers. A relationship of trust and understanding should exist between students and their teachers and administrators throughout all stages of the student's educational experience. School officials must avoid being dragged into situations which involve students being interrogated by child protection workers at schools otherwise it is the student who will likely lose a lot of his/her trust and respect for the school and teachers involved.

Child protection workers from the local CAS agency should be refrained as much as possible from activities at schools which involve child protection concerns of any students. It is of utmost importance for students to feel that their school is a safe and secure place for them to go in spite of any problems they may be experiencing outside of the school. While the school may serve as a reporting source where child abuse or neglect is suspected, students should still feel that their activities at school in regards to their education is separate and apart from any investigations that local child protection workers may be involved in. Students should not have to fear having child protection workers show up at their schools as part of any investigation.

### **School based child protection workers**

In recent years, some CAS agencies have negotiated "partnership" agreements with some school boards which provide for child protection workers from privately owned CAS agencies to be stationed inside schools during the school day.

Some of these workers are even provided offices inside of school buildings at the expense of the school board. The rationale being that it would be helpful to children to have child protection workers right in the school to identify and to deal with some of their behavioural problems. While the idea of having child protection workers in school may sound like a good idea, school boards which allow outside child protection workers to come into their facilities are not making a good choice and are potentially placing their employees at risk and creating a host of other problems.

One example of how school boards get fooled by CAS can be clearly seen in the notice in the Beaver Valley Community School in Thornbury, Ontario. School officials boast how "very excited" they are to have a CAS worker become one of their "staff." The name of the CAS worker has been shorted to initials for the purpose of this document.

***"We are very excited to announce the arrival of a new staff member to BVCS. Her name is J.E. and she is a social worker with the Grey County Children's Aid Society. Her office will be located just beside the JK/SK classroom and J.E. hopes to be in the school every Tuesday and Thursday starting the week after March Break." (Beaver Valley Community School Parents news bulletin March 2009***

The public announcement from the school's newsletter above puts the school board at high risk. The school has publicly identified Ms. J.E. as a "staff" member, this making the Board of Education responsible for any unlawful acts that she may commit as a worker for the CAS. In addition, the

school has identified the CAS worker as being a “social worker”, yet parents in the community have reported that the new school “social worker” is not registered with the Ontario College of Social Workers. It is unlawful for anyone to use the title “social worker” or advertise themselves as being a social worker unless they are registered with the Ontario College of Social Worker.

This news announcement in the local school news is a prime example of how easily school officials get misled by CAS workers. Such complacency and lack of due diligence by school board officials by school boards in many jurisdictions has contributed over the years to an erosion of the basic rights and freedoms of all Canadian children and parents. Schools are supposed to be at the front line when it comes to educating our children about their rights yet by allowing themselves to be infiltrated by CAS workers have allowed themselves to become unwitting participants to the destruction of freedom and democracy in Canada.

A significant problem with CAS workers being stationed in schools is that a significant conflict of interest exists. CAS agencies get government funding based on the number of cases they are involved in. There is without any doubt, a financial incentive for a child protection worker with a CAS agency to seek out students who can become potential “clients” of the local CAS agency. In other words, the school can become a source of revenue generating customers for the local CAS agency. Having a CAS worker allowed access to a school as a staff members is akin to placing the fox in charge of the henhouse.

The conflict of interest argument can be clearly seen so it is best for school boards to avoid putting themselves in this position by ensuring outside workers from the local CAS agency are not allowed to be working inside school facilities. . Having child protection workers in schools to deal with behavioural issues, is the first step to allow child protection workers to gather information about parents in an environment which causes the students to believe that they must attend and answer questions put forth by the child protection worker when told to do so.

A second problem with school based CAS workers is that they are not employees of the board and therefore not responsible to the Board in the same manner as regular school board employees. This can potential lead to other legal liabilities as well.

In one case, a child protection worker with the Huron Bruce CAS was asked to leave the local elementary school after complaints from younger students that the child protection worker was following young students into the washroom and observing the students in the washroom. Not being an employee of the school board, nothing could be done except to ask the local CAS agency to remove the child protection worker from the school.

The third problem involves the issue of detaining students. Even if a child protection worker has every good intention, should a school based child protection worker begin to question a student on issues outside of the published school curriculum, then the issue of unlawful detention and interrogation comes into effect. By having a school based child protection worker in the school, the school board could be found to be an accessory to the unlawful detention for questioning. Anytime that a child protection agency contacts a family in the community and it could be determined that the information which led up to the contact by the CAS agency was gathered by a school based child protection worker, could potentially make the school board liable. In addition, many parents do not like the idea of child protection workers in their children’s school.

### **Student “detentions” for school related discipline are not the same as criminal detentions**

The word “detention” has been used for years in the schools. For many years and for many

generations, it has been common practice to “detain” students by sending them down to the Principal’s office or to have students stay after school in class to serve what is commonly referred to as a “detention”. A detention used in the context of a form of punishment for a student acting out inappropriately or failing to do homework assignments is significantly different from use of the same term in some sections of the Criminal Code of Canada and the Canadian Charter of Rights and Freedoms. The main difference is that the word “detention” under the Criminal Code and the Charter implies detention of the person against the person’s will or informed consent.

In situations where students may be punished for something that they did at school, sending students to serve a school detention would not fall under the provisions of the Criminal Code of Canada because in that situation, the student is mature enough to provide his or her “informed” consent to follow the punishment assigned to him or her by school officials. Students voluntarily go to serve their school detentions because they understand what it was they did at the school to get the detention was wrong and they fully understand what the consequences are for not complying to instructions from a teacher to serve their detention. Students understand that they may have to sit in a room for a certain period of time(s) or be given extra work to do as a form of punishment, but once their detention has been served the matter is over. The bottom line is that in this situation students understand their actions and the consequences and as such can provide their informed consent to a school detention and in most cases, generally do.

Detaining a student for the purposes of being questioned by a child protection worker is an entirely different matter from a school detention and school officials must be very aware of the difference. For child protection matters, no student can be considered as being mature enough to understand the legal consequences of being detained and questioned. In such a situation, the student is not able to provide his/her informed consent to the school official to be detained in a room nor is the student able to provide his/her informed consent to be questioned by a child protection worker. This is the significant difference detaining a child for a school detention as opposed to being detained for questioning by a child protection worker at the school. Detaining a student to be interviewed by a child protection worker is a violation of the Criminal Code and a violation of the student’s rights under the Canadian Charter of Rights and Freedoms.

## **Summary**

To summarize the issue of detaining and/or questioning students at school for the purpose of being interrogated by CAS workers on matters relating to child protection, it is both unethical and unlawful for school officials to lead, instruct, coerce or detain students for such a purpose. It is troubling that many school boards in Ontario have developed and published policies which clearly violate the very principles of the Canadian Charter of Rights and Freedoms upon which Canada as a nation exists.

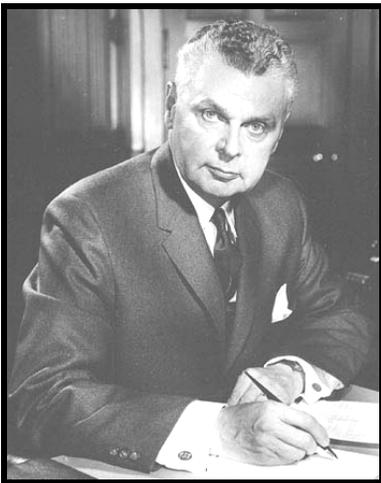
It is unacceptable that any school board expect its employees to follow any procedure or policy which supports private child protection workers coming into schools except for purely educational purposes using educational materials which have been reviewed and screened by educators beforehand. Reasonable and sound legal alternatives do exist to gather information from students outside of schools which child protection workers can easily use at their discretion at any time.

If child protection workers are not willing to take the legal steps to apprehend a student but feel that they must speak to a student, then child protection workers must contact the parents first and obtain the informed consent of the parents to interrogate their child. Otherwise, CAS child protection workers must use their powers to apprehend the student. Even where consent is obtained, interviews with students should be done outside of their school.

School officials who participate in any form of detention of student under the direction of a CAS worker who has not legally apprehended a student is opening themselves up to criminal charges and/or a civil lawsuit by students and/or parents. Detaining and interrogating anyone in Canada is a violation of the person's fundamental freedoms and there is no protection for school officials who violate the rights or freedoms of another person, including those of students.

The intrusion of privately owned CAS agencies into the affairs of students and their families is a form of intrusion of the State into the private affairs of citizens and when conducted outside of the checks and balances of legislation is an assault on democracy and freedom itself.

It is vitally important that all school officials remember that one of the key objectives of the educational system is to educate and to teach our young citizens about their rights and freedoms and to not allow these rights and freedoms to be taken away from them. This is one of the most fundamental principles which ensure the continuance of our free and democratic society.



*We must vigilantly stand on guard within our own borders for human rights and fundamental freedoms which are our proud heritage.....we cannot take for granted the continuance and maintenance of those rights and freedoms.*

**- John Diefenbaker 1895-1979 -**  
(Canada's 13<sup>th</sup> Prime Minister from 1957 to 1963)

## **Appendix documents**

The appendix of this document contains are some various other documents which relate to child protection matters which may be of interest to school officials.

### **Document #1**

#### **Questions and Answers for school officials**

An assortment of common questions and answers that school officials may find helpful in matters relating to the issue of child protection and the rights of children and parents.

### **Document #2**

#### **News article (June 25, 2009) – Teen strip-searched at school wins victory (2 pages)**

This article published by CNN news outlines a lawsuit against school officials by a student who was strip-searched at her school when she was only 13 years of age.

### **Document #3**

#### **News article (June 12, 2009) – CAS needs to be reined in claim critics (4 pages)**

This article published in the National Post which describes how there is growing public outrage over the manner in which child protection workers and agencies in Ontario are abusing their authority and causing harm to children and their families.

### **Document #4**

#### **News article (Nov. 23, 1981) – System misguided officials admit (4 pages)**

This article published in the Globe and Mail shows that even back in 1981, problems with the CAS existed 20 years before this article was written. It would seem that many of the same problems still continue to the present.

### **Document #5**

#### **News article (Jan 24, 2006) – Watchdog pleads for CAS oversight (1 pages)**

This article published in the Globe and Mail back describes how the Ombudsman of Ontario is attempting to make CAS agencies more accountable but is meeting with stiff resistance. The Ombudsman reports “horror” stories related to CAS agencies but is powerless to help under currently legislation which makes CAS agencies immune from his watchful eye.

### **Document #6**

#### **News article (July 15, 2009) – Judge returns girl to mother (1 page)**

This article published by the Hamilton Spectator describes how the Hamilton CAS was chastised by the judge and then ordered to return a child back to her mother which the Hamilton CAS had wrongfully taken based on incomplete and hearsay evidence. This document emphasizes how important it is that school officials do not act on what would be considered as “hearsay” information.

### **Document #7**

#### **News article (July 24, 2009) – Children’s Services slammed by judge (2 pages)**

This article published in the Edmonton journal demonstrates the problem with accountability with child protection agencies. This article describes how a senior judge

slammed a local child protection agency for attempting to evade responsibility for wrongdoing by its workers by trying to “pass the buck” within the agency. The conduct of the child protection agency was so bad that the senior Alberta judge called on the attorney general of the province to investigate the "disturbing" conduct of Children's Services staff in the case that raises troubling questions about how the department operates and who is ultimately responsible for children in care

### **Document #8**

#### **News article (December 18, 2008) – School board policy to protect children doesn't go far enough says local school trustee (2 pages)**

This article published by the Gore Bay Recorder describes how a local school board trustee claims that CAS agencies must comply with existing legislation when intervening with children at schools and that the CAS must obtain either judicial or parental permission to interview children at their schools. The school trustee is a former police officer with 30 years experience with the O.P.P. and is also a former training instructor at the Ontario Police College.

### **Document #9**

#### **News article (June 29, 2009) – Store owner charged with kidnapping (1 page)**

This article published by CBC news describes a store owner from Toronto who was charged for kidnapping when he apprehended a person whom he caught shoplifting in his store. Even under these circumstances where the owner had arrested a suspected criminal, he was charged under the Criminal Code of Canada. Detaining or holding someone, including a student by a school official is a very serious offence that will likely result in criminal charges except in the most extreme of circumstances.

### **Document #10**

#### **Affidavits (2) from a 15-year-old teenager regarding her experience with CAS workers and the court system in Ontario (16 pages)**

This item contains two affidavits sworn by a 15 year-old teenager who had an unpleasant experience with a CAS agency. The first affidavit December 7, 2007 (10 pages) outlines the teenager's claims as to how she was abused by child protection workers from the local CAS. The teen's second sworn affidavit dated January 31, 2008 (6 pages) outlines the teenager's claims about how court related professionals tried to silence the teenager from speaking out about her experiences after she had submitted her first affidavit in December of 2007. Names which identify the teenager or her parents have been blocked out to protect the family's privacy.

### **Document #11**

#### **Letter dated August 4, 2009 from a 16-year-old teenager to York Region Children's Aid Society regarding years of abuse while under the care of the CAS (7 pages)**

This powerful letter from a 16-year-old Crown Ward of the York Region Children's Aid Society describes shocking claims of physical and emotional abuse of this teen over the many years while he was in care of the CAS.

### **Document #12**

#### **News article – Mother, child, school board and the psychic (2 pages)**

An good article on the damage being done by teachers and school boards to children and

families when they fail to exercise due diligence in reporting abuse. In many cases, the use of common sense is totally ignored while school officials foolishly call child protection workers.

### **Document #13**

#### **Letter fax (Dec 2003) from a public school student who is upset about mother and school principal keeping her father from school (1 page)**

This letter from December of 2003 shows how children are affected when school officials become influenced by an outside parties and then involve the school in interfering with the rights of children to see their parent. This elementary school student states that she has seen her mother and the principal talk about her father and that the school stops her father from coming to school. This girl says that this is wrong. No doubt this girl will not have pleasant experiences about her school or about her principal.

### **Document #14**

#### **Document – Ensuring accountability, transparency and fairness with child protection agencies in Ontario**

This document (working paper) provides a list of criteria to determine if CAS agencies meet reasonable standards of accountability and transparency in the services they provide. Questions must be raised about the credibility of any CAS agency which does not meet most, if not all of the criteria outlined in this document.

### **Document #15**

#### **Other sources of information (2 pages)**

A reference list of sources of helpful information about the child protection industry.

### **Document #16**

#### **Petition to the Minister of Education**

The citizens of Ontario clearly support getting the CAS out of their children's schools. This document is a sample of a petition containing just a small sampling of signatures from the citizens of Ontario in which they demand that the Minister of Education take steps to stop the CAS agencies in Ontario from intruding into the affairs of schools and students and to ensure that schools are kept as a place of safety for children.

# Questions and answers for school officials

Updated February 2, 2010

The following are some typical questions and answers which relate to issues involving child protection and detaining children which school officials may find helpful to better understand their roles when it comes to working with CAS agencies within the school system.

## **What role do school officials play when it comes to child abuse and neglect?**

When it comes to child abuse and neglect, the main role that school officials have is to report suspicions of child abuse or neglect to the local child protection agency should a school official become aware of warning signs through normal day to day interaction with students at their schools. Unless there is a valid court Order specifically directing school officials to fulfill other duties, **reporting** abuse is a mandatory requirement and the only significant requirement under the law that school officials are required to comply with.

When reporting suspected abuse, school officials are acting in the capacity as private persons and as such must be willing to provide their testimony in the matters which caused them to report abuse to child protection workers. While every school official has an obligation to report abuse based on their personal observations and is free to speak to qualified child protection workers about any child, this does not give them the right to disclose the contents of school records which are considered separate from personal observations.

A second but optional role that school official have is to educate students about child abuse and neglect. There is nothing wrong with educating students about this subject as long as the materials being used are appropriate, balanced, gender neutral and taught to students by CAS workers who clearly have a conflict of interest to open files. Educating students about all forms of abuse with a balanced perspective helps them to know what to do should they feel that they are the subject of abuse or neglect or know of one of their friends who may be. Educating students themselves is one of the most effective tools to combat abuse and neglect with students and provides students with the knowledge to make their own informed choices on the matter. Children who are being abused while in care of the CAS should also be taught about their rights but CAS workers will ignore this aspect of abuse as it involves CAS workers themselves.

It is **not** the role of school officials to be conducting their own investigations into child abuse or neglect or to be actively gathering information about students or their families which would have the purpose of investigating child abuse or neglect in the homes of students. Schools are not meant to be spy agencies for privately owned CAS agencies. There is no requirement under law for school officials to do whatever they are told by CAS workers.

## **What should school officials do when the local child protection agency wants students to answer a questionnaire regarding child abuse and neglect?**

Some child protection agencies have approached school boards and requested that a questionnaire be put out to students on the subject of child abuse and neglect. Rather than just questioning children on their understanding of child abuse and neglect in these questionnaire forms, many of the questions ask students to describe their personal living situation at home as well as their personal relationships with family and relatives. Many of these questionnaires are part of a hidden agenda of

the CAS agency to go on a “fishing expedition” to gather personal information without anyone knowing what the real purpose is.

Schools should not allow themselves to be involved with any activity in which students are expected to disclose confidential information about their home life and personal relationships without the “informed consent” of their parents. In fact, if such a questionnaire is not part of the official publish school curriculum that year, then such a questionnaire should not be distributed to students. Gathering information for an outside private agency in this way is much the same as having students being detained and interrogated by child protection workers at school. The basic theory in law is the same in that the school is in effect detaining the student to answer on a form without the student and the parents being informed about how the information is to be used or who it is to be given to. Students in a class environment where they are being asked to answer a questionnaire of course feel compelled to participate because they are doing this at the request of persons having authority over them.

Gathering personal information about the family and then turning this private information over to the local privately owned child protection agency is a violation of the rights of the student and his/her parents. Some would say that this form of information gathering is akin to having students act as spies on their families. Nazi Germany used similar tactics during its reign in power as part of their campaign to make children more loyal to the government than to their own parents. Teaching about child abuse and neglect is one thing but to use places of education as places to gather confidential information about students and their families is something totally inappropriate for school officials to be a part of.

### **What should school officials do if a child protection worker calls the school and requests to question a student at school?**

In the event that a school official gets a request from a child protection worker indicating that they would like to interview a student, the school official should advise the child protection worker that unless the decision has been made by the worker to legally apprehend a student, then the worker must contact the parents of the student first and make the necessary arrangements with the parents to question the child.. School officials should also tell the child protection worker that they should conduct any interviews off school premises.

If child protection workers want to speak to students to gather information about another student, the same guidelines must apply in that child protection workers must contact the parents and conduct their interviews off school property.

### **What should school officials do if a child protection worker calls the school and requests to take a student out of school for a short period of time?**

Under NO circumstances should school officials allow CAS workers to take a student off school property for any reason whatsoever. CAS workers have been known to have taken students out of school without parental permission and to take them out for lunch. In most cases, these “excursions” off school property are to get the student away from prying eyes of school officials and other students and to allow the CAS worker to extract information from the student. Often CAS workers use these off-school excursions to befriend students and in some cases to engage in unlawful activities. Canada Court Watch has one video disclosure of an 11-year-old student who reported being sexually assaulted by the CAS worker in the worker’s van. There have been a

number of cases reported where children have been sexually or physically assaulted by CAS workers. Allowing a student to leave school property with a worker from a CAS agency (who in effect is just a private citizen) can leave school officials exposed to the most serious of consequences.

**What should school officials do if a child protection worker requests that school officials question a student?**

In the event that a school official gets a request from a child protection worker indicating that they would like school officials to question the student, the school official should decline any such requests. Once school official engage themselves in such actions, they have become a direct participant in a child abuse investigation. Interviewing children is a specialized field with legal implications. School officials who engage in any kind of questioning process at the informal request of a child protection worker may find themselves in court as witnesses. They could also find themselves subject to a civil lawsuit if the questioning of the student is not conducted in a most professional manner. Such intervention also puts the student's relationship with his/her teachers and school at risk and could potentially damage the student's trust in school officials.

School officials must always remember that it is the role of child protection workers and/or law enforcement officials to conduct investigations into child abuse or neglect.

**What should school officials do if a lawyer representing one of the parents calls the school and requests to question a student at school or to obtain information?**

On occasion, school officials may get a call from a lawyer representing one of the student's parents to request information or to request an interview with a student or with teachers. If a lawyer representing one of the parents calls, it is usually done with the purpose to unlawfully obtain information from school officials which is then used against the other parent. Quite often these lawyers are of the belief that they can intimidate school officials, especially those who work for small school boards, into giving them information that will benefit their client in court. School officials who get such calls should advise these lawyers who call them that no information can be released and that they should address their concerns in court. It is not professional for a lawyer to be making personal calls to any school without a court order in place.

**What should school officials do if the student's lawyer calls the school and requests to question a student at school or to obtain information?**

Another situation which may arise may be a request by a lawyer with Ontario's office of the Children's Lawyer claiming that they are the lawyer representing the student in a family court matter and that they wish to speak to the student at the school. School officials should provide the same response to workers from Ontario's Office of the Children's Lawyer as they do to child protection workers and to have their meetings with the student conducted off the school property. Schools are not the places for lawyers to be meeting with their young clients.

All that a meeting at school does is to draw attention to the student, violate the student's privacy at school and in most cases embarrass the student in front of his/her peers and teachers. School officials should also be aware that students who may have a court appointed lawyer are assigned this lawyer without their informed consent. These lawyers generally are forced upon the students at the insistence of other lawyers. A vast number of children who are appointed lawyers from Ontario's Office of the Children's Lawyer report unsatisfactory service from these taxpayer funded

lawyers. Some children have reported that their Ontario Office of the Children's lawyer have lied to the court about what the children have said to their lawyers. Video testimony from children and parents can be found on the internet. Examples of testimony can be found at:

<http://www.vimeo.com/1323226>

<http://www.vimeo.com/1112830>

**What should school officials do if local police call and indicate that they want to question a student regarding a child protection matter?**

The same considerations apply to police as do to child protection workers. Police cannot detain or question a student as well and for the same reasons. About the only time that police can detain or question a student would be if the student is suspected of being criminally involved in some sort of crime or a witness to a crime, but even in that situation, the student's parents must be contacted first and the student allowed to have a parent present. In matters of child protection, police have authority to conduct an apprehension in the same manner as a child protection worker but they must exercise this authority by a formal apprehension before they are allowed to detain a student.

**What should school officials do if a student reports that he/she is of the opinion that another student at the school is in need of protection?**

Should a student approach school officials with a report that they feel another student is in need of protection, then school officials should assist that student to make a report directly to the CAS. Remember, information through a third party is considered as only hearsay, so primary responsibility of reporting should lie with the person who is most aware of the circumstances. If school officials are doing their jobs right, even those students who are reporting abuse involving another student, will be aware of what the process involves. The main responsibility of school officials is to guide the student making the report to call the CAS. Once school officials have confirmed that the reporting student has contacted CAS, then questioning of the student by child protection workers should be done off school property. Under no circumstances should school officials begin any sort of investigation with the student who is the subject of the alleged abuse or neglect.

**If there is a suspicion that a student is being abused by the parents is it not a good idea for the student to be interviewed at the school without the parents being informed?**

While the idea of a student being questioned first does seem to make some sense, the mere suspicion of abuse or neglect does not give justification to violate the fundamental rights and freedoms of the student and/or the parents. Protections guaranteed under the Canadian Charter of Rights and Freedoms take precedent. Respecting the fundamental rights of persons is one of very principles which are embraced under the Rule of Law. A free and democratic society cannot exist without the Rule of Law.

Questioning students without either the informed consent of the student or the knowledge and informed consent of the parents is fundamentally wrong and in violation to the principles of fundamental justice. In addition, child protection workers are not properly qualified to interview students nor have child protection agencies adopted procedures which require their workers to audio or video record their interviews with children for accuracy purposes. The integrity of an interview with a student at school by child protections workers cannot be relied upon in this environment.

If school authorities do their jobs right and are properly educating their students about abuse and neglect, then students will come forth of their own free will and make a voluntarily disclose. Under such circumstances the student would be considered as having enough knowledge to provide their informed consent to be questioned. Even a young student will come forth on their own to disclose if their teachers have properly informed them of what to do and to explain to them what steps are taken to make them safe after they report.

If a student does not voluntarily come forth on their own to make a report, then the only approach that should be taken is that either the child is lawfully apprehended and taken by CAS workers to be questioned or the CAS workers contact the parents and advise the parents that CAS workers have concerns which required that they need to interview the student alone at their offices.

**What should a school officials do if a child protection worker calls the school and advises that they are coming to apprehend a student?**

In the event that a school official gets a call from a child protection worker, indicating that the child protection agency is going to apprehend a student, the school official should first request that the apprehension be done away from the school. If the child protection agency says that they are going to come to the school anyway, then ask for the child protection agency to send an official notification by fax of their intent to apprehend the student at the school. School officials cannot interfere with a lawful apprehension but at the same time cannot be directly involved with the detention or apprehension itself. If child protection workers indicated that they have a Warrant, then the workers should bring the Warrant and show it to school officials when they come to pick up the child.

When the child protection worker arrives at the school, if the worker is not known to school staff, then the school staff should check the identity of the person claiming to be a child protection worker by also calling the CAS offices to confirm that the worker was sent to the school for the purposes of apprehending a student. All child protection workers should carry some form of photo ID. Next, summon the student to the office to meet the child protection worker. The school official should first explain to the student that the child protection worker has come to apprehend them and that under the law, the school must not interfere. Reassure the child that it is OK to go with the child protection worker. Advise the student that the school will call the parent to advise them of the apprehension. Immediately, attempt to contact the parents to advise them that the child has been apprehended. The child protection worker should introduce herself/himself to the child and let the child know where they are being taken and why.

In all instances, school officials must immediately notify the parents even if the child protection worker says otherwise. While school officials cannot impede an apprehension, school officials do have a fiduciary responsibility to notify the parents once care and control of the child has been taken away from them by another third party which in this situation would be the child protection agency. School officials must also remember that child protection workers do not have the lawful authority to tell school officials not to notify parents. School officials DO have a fiduciary responsibility of notifying the parents as there is an implied understanding between the school and the parents that when their child goes into a school that school officials have the responsibility to care for the child at that school. School officials have an implied duty to the parents under the law, not to the child protection agencies, which are private companies in Ontario.

### **What should school officials do if a student refuses to leave with a child protection worker during an apprehension?**

No matter what the age of the student, if a student refuses to voluntarily leave the school with the child protection worker, then school officials should not participate in any way such as physically holding or forcing a student into a child protection worker's car. This will only alienate the student from his/her school. Only a child protection worker or police officer has the legal authority to apprehend a student using force. It is up to the child protection worker to call police for assistance or to have police come with them to the school if trouble is anticipated.

Such situations are disruptive to all involved, including other students at the school, and should be avoided if at all possible. When a child is apprehended and taken away from his/her school, often the student will associate the school as being on the side of the CAS and no longer a place of safety. CAS workers often attempt to make apprehensions at school as this makes it appear to the student that the school is on the side of the CAS and that everyone is ganged up against the student. The best way to avoid this stressful situation and to avoid alienating the child from his/her school is for school officials to request that child protection agencies apprehend children after they have left school property and they are back at their homes. With the full power of the law and the police to assist them, there is absolutely no reason why child protection workers cannot apprehend students outside of the school environment.

### **Are there situations in which it would be acceptable for a student to be questioned at school by child protection workers?**

The only time that questioning a student at the school would be acceptable would be in a situation where the student approached school officials on his/her own initiative and made a voluntary disclosure of abuse and made it very clear that they were afraid of their parents and wanted help from outside sources and were willing to speak to child protection workers. In such a situation, the child should be coming forward to disclose abuse and indicate a fear of disclosure to his/her parents.

In regards to child protection workers initiating the questioning of a student, there is no reason whatsoever that would justify a student being interviewed at his/her school. Involving the school in any way creates a potential embarrassment for the student and his or her family (which is a violation of their rights) plus it ties up valuable school resources and staff time. Should a child protection worker feel that they need to interview a student, all they simply have to do is to call the parents and arrange to have the parents bring the student to CAS facilities to be interviewed after school. Child protection workers can also meet with a student at his/her home.

If the child protection worker feels that the parents may not be cooperative or should the worker feel that the student is at risk of imminent harm, then the child protection worker should exercise his/her authority to apprehend the student and to take the student to CAS offices. This will ensure that due process of law is followed. Even if the child protection worker tells the school official that the parents are not cooperative (which CAS workers should not do), this does still not justify allowing the child protection worker to question a student at his/her school.

### **What should school officials do if a child protection worker asks for the student's school information?**

Unless there is a court Order, all information about a student is confidential and must not be given

to a child protection worker without the proper release forms being signed. No verbal information should be given as well. School officials should also ensure that should a child protection worker call them, that the worker be asked if they are a registered social worker. Only those who are registered as social workers in the Province of Ontario are authorized to engage in the practice of social work. Conducting an investigation is considered as engaging in the profession of social work. While refusing to disclose information to CAS workers may seem uncooperative, CAS workers do have tools at their disposal to easily obtain this information lawfully through proper legal channels.

### **What should school officials do if a child protection worker asks to speak to school officials about a specific child at the school?**

Should a child protection worker call the school and request to speak to teachers about a specific child, then school officials should be willing to meet with the worker. As private citizens, CAS workers can contact anyone they wish and as private citizens any teacher can speak to anyone they wish. Fundamentally, citizens have the right to speak to each other. However, school officials must be wary of their obligations to minimize the risk of harm to the student who may be the subject of questions by a CAS worker. Below are some tips to minimize the risk of potential harm to a student:

- **Exchange of information child protection workers and school officials should be discussed over the phone, not at the school, if possible. CAS workers can only solicit personal observations of school officials so there is no information that cannot be provided over the phone. It must be remembered that the mere presence of a child protection at the school for the purpose of speaking about a specific student can cause damage to the student.**
- **Child protection workers should not disclose any personal information about their concerns nor disclose ANY of the specifics of any suspected abuse. CAS workers often try to get school officials on their side by disclosing and in many cases exaggerating information about the student's situation.**
- **School officials should electronically record their discussions with school officials to ensure an accurate record of what was said to ensure that child protection workers, (most of whom are not qualified investigators) are asking appropriate questions, acting in a professional manner and most importantly accurately reporting what school officials have told them. Child protection worker have been known to lie about what was said to them by school officials.**
- **At no time should the contents of school records be provided to the CAS worker without the consent of the student or the parents if the student is under the age of sixteen.**

### **Should child protection workers be disclosing the nature of the problems with the student's family to school officials?**

Under no circumstances should a child protection worker disclose ANY information about problems or suspicions related to the student or the student's family to any school official. Unfortunately, many child protection workers disclose information to school officials hoping to gain the sympathy and support of school officials but this is very unprofessional and in fact in violation of the privacy rights of the student and his/her family.

School officials must also be wary about what child protection workers tell them as it is not uncommon for child protection workers to distort the truth and in some cases fabricate information

in order to present a false picture of the student or his/her family. Claims of child protection workers twisting the truth and committing perjury in court documents are rampant today.

Should a child protection worker attempt to disclose any information regarding a child protection concern about a particular student or the student's family, the school official should tell the child protection worker that it is not appropriate for them to be discussing this information and to refrain from disclosing any further information. The school official should tell the child protection worker to deal with their concerns directly with the family and to not involve the school except to inquire about information from the school which may have direct bearing in the matter.

**Are there any situations which would justify a school official physically detaining a child at school when a parent is not present?**

There are a few situations which would justify a school official detaining a student with none of them having anything to do with a child protection agency. These situations generally involve the physical safety of the child being at imminent risk. Below are a couple of examples of when students may be detained for justifiable reasons.

**1) Dangerous weather conditions**

Should dangerous weather conditions become apparent such as hail, snow, tornado, hurricane, etc. and it would appear that allowing the student go outside of the school may be placing the student at risk of harm, then it would be reasonable to detain the student. However, if a parent shows up to get the student, then the school official must turn the child over to the lawful parent as the decisions relating to the safe care of the student now becomes the parent's.

**2) School is in lock down mode**

Sometimes schools go into what is referred to as a lockdown. This is usually due to some imminent perceived threat such a person with a weapon near the school or reports of a stranger in the school. In lockdown mode it would be considered acceptable for the child to be detained in the school until the lockdown ends.

**Are there any situations which would justify a school official physically detaining a child from being released into the care of a parent?**

**#1 - Parent arrives at school impaired due to alcohol or drugs**

While extremely rare, should a parent or person having lawful care of a young student arrive at the school in an obviously impaired condition because of alcohol or drugs and it would appear that the caregiver is not in a state of mind to take safe control of the student, then the school official could be justified to detain the student although it would be appropriate to call authorities to deal with situation. While detaining a student may still technically be a violation of the law, charges would not likely be laid if sufficient evidence was to show that the parent was not capable of providing appropriate care for the student.

In such a situation, the school official should first tell the parent that they feel that the parent is in no condition to take control of the child and then ask the parent to make alternate arrangements to pick up the child. At this point the school official has still not detained the child but has in effect requested the informed consent of the parent to leave the care of the child with the school official. Hopefully, the parent can be convinced to have someone else come to take charge of the student.

Should the parent say no and demand that the student be released into his/her care, then the school official could refuse and detain the student from going with the parent. If there is any possibility of the situation turning violent than school officials could allow the student to leave with the parent but then immediately call police to the scene. Police have the authority to apprehend the child legally and under such circumstances will likely respond quickly. In all cases, it is better to avoid any direct confrontation at the school.

While technically the school official is violating the rights of the parent, individual rights can be violated to protect the individual rights of another person. In this case, the student has the right to security of his/her person and therefore when a school official intervenes in such a situation, the school official is in effect protecting the rights of the children. No court would rule that a parent's rights were violated in this scenario. When the parent is intoxicated poses a clear and imminent danger to the student.

Should any parent arrive at school to pick up a student in an obviously intoxicated state of mind, this should be interpreted as a sign of potential abuse or neglect and should be reported to the local child protection agency. Any parent who would show up at their child's school in such a state is clearly not making choices which are in his/her child's best interest.

## **#2 - Parent attempts to pick up student when there is a court Order which specifically forbids this.**

Although extremely rare, a court Order may exist which specifically states that a specified parent cannot attend the school where his/her child attends. Providing school officials have a copy of this court Order on file at the school, school officials would be justified in preventing a student from being released into the care of a parent who has such a court Order against him/her. While this action may still be considered as technically unlawful, it would be extremely unlikely that the school official would be charged or prosecuted in such a situation. It must always be remembered that enforcing the law is the role of law enforcement officials, not school officials so even in this situation it would still be best for school officials to release the child to the parent and to advise that parent that the school is compelled to call the police. Should the parent still take the child under these circumstances then school officials should immediately call the police and the other parent or lawful guardian.

If students are mature (generally over the age of 12) it would not be wise for school officials to intervene in such a situation even if a court Order does exist. Sometimes court Orders are old and do not reflect the current situation where a child is mature and aware of their personal safety. In many cases, hostile-aggressive parents may attempt to engage school officials to help them keep the child from seeing the other parent, not because there is a real risk, but because of their need to exercise power and control of the child over the other parent.

This situation must not be confused with the situation in which a parent has access to a child at specific times. Any parent of a student who has some form of access to a student at school, even if the times are specified, has the right to have contact with their child at school, even if this is not their scheduled time to be with the child. Access times normally specified in most family court orders for a specific parent are the times in which that parent has priority with the child over the other parent. Access times specified in a court Order do not, however, eliminate general parental

rights under the Charter of Rights and Freedoms. **Parental rights, unless specifically removed by a court Order, apply at all times.**

**What should school officials do if police call the school and request to speak to a student regarding criminal matters which occurred outside of the school?**

It is possible that school officials may get a request from the police to interview a student at the school regarding some trouble that the student may be suspected of being involved in or a witness to outside of the school.

While the police can make a request to question a student at school, it is highly unlikely that police would do so if they were to know that such a request would go against the general policies at the school. School officials should request that police do their questioning of the student off of the school property. The main reason for this is that significant emotional harm can be done to the student as a result such interventions at the school. Police have the authority to question a student at his home or outside of the school so this should always be the preferred option. It is always best that students feel that their schools are a place of safety from the stress arising from issues outside of their schools.

Permitting police to come to the school to question a student at school for unlawful activities committed while on school premises would be acceptable situation in which to allow a student to be questioned at the school. Students who engage in unlawful activities at their schools lose their right to privacy at school. Allowing police into schools to investigate unlawful activities at the school has some benefits in that some of the other students will see that school officials do take appropriate action against those students who do not conduct themselves within the standards of behaviour as set down by their school. While it is important that students witness law enforcement officials doing their jobs professionally, students must also see that law enforcement professionals respect a student's right to privacy at school should matters under investigation not involve the school.

**What should school officials do if one parent calls the school and advises that they want the school not to allow the other parent to see the child during school hours or to be involved with activities at the school?**

Schools often get requests from separated parents who are in the midst of a family court matter and who have been appointed as the custodial parent or primary caregiver parent requesting the school to prevent the other parent from being involved with their child at school. Unfortunately, most of the requests by parents to exclude or to limit another parent's contact with the child at school are motivated by an inability of the parent making the request to act in their child's best interest.

Unless, there is a court Order which specifically states that a parent cannot see or to have contact with a student at the school, then school officials must treat both parents equally and to not interfere with any reasonable request by any parent to see their child during or after school. Such contact may include:

- Taking the student out of school during lunch periods
- Visiting with the child after school
- School trips
- Working as a volunteer in class

While a parent having primary care or custody of a child gives that parent priority over the child at certain times in accordance to the parenting schedule, this does not mean that the custodial parent has the right to order school officials to interfere with the rights of the child to spend time with the other parent during times when their child is attending the school.

It is important that school officials be neutral and not take sides in issues between parents. In most cases, students want both of their parents to be involved at schools and want both of their parents to be treated equally by school officials. Should school officials get themselves involved by supporting one parent's request just because that parent is the custodial parent then school officials risk losing the trust and respect of the student involved.

If the custodial parent wishes to exclude the other parent from involvement with the child at school, then that parent must go to court and obtain a court Order to that effect. This forces the custodial parent to explain to the court why such an order necessary to exclude the other parent from the student's activities at school. Rarely, will courts issue such an order because it is widely recognized by most professionals that the involvement of a parent at their child's school is in the child's best interest.

**What should school officials do if one parent calls the school and says that they want their child interviewed by CAS workers at the child's school in regards to child protection concerns involving the other parent?**

In some cases, schools may get a request from one parent who is at odds with the other parent of the student and who are appointed as the custodial or primary caregiver parent requesting school officials to have CAS workers question their child at the school.

School officials must exercise extreme caution in these circumstances. In many cases where parents are separated, it is not uncommon for one parent to deliberately try to drag school officials into their personal conflict with the other parent by discussing their allegations with school officials and then getting the CAS involved. Once school officials get involved, the parent can force those school officials involved to appear in court to provide testimony. This is one of the signs of a hostile-aggressive parent (HAP). In most cases, the real reason why these parents do this is to make the other parent look like a bad parent and to get school officials to take sides with them in their personal vendetta against the other parent. Many parents have been know to coach their children to tell school officials lies which will then get school officials in a position where they can be forced to attend court.

In such situations, school officials should not allow themselves to get dragged into the conflict between parents and to simply advise the parent to deal with their issues outside of the school and to discuss their issues directly with the local CAS agency. Parents should be advised that any questioning of the student should be done off school property. There are plenty of private counsellors and other professionals where parents can go for this kind of service.

This neutral hands-off approach by school officials when parents are in conflict will help to ensure that the parents who may be the subject of allegations are not alienated from the school and also ensure that the students do not feel that school officials have taken sides against on of their parents.

**What should school officials do if a student advises school officials that he/she does not want child protection workers coming to the school?**

In some cases students may advise school officials that they do not like child protection workers coming to their school. Once a child is aware enough to express such a request, this should be considered as the student refusing to give his/her informed consent to meet with child protection workers. Under such circumstances, school officials should respect the student's wishes and insist that child protection workers make arrangements to interview the student outside of the school. The key point to always consider is that "informed consent" must be obtained first and once a student is mature enough to refuse their consent, then their wishes must be respected. Unless CAS workers have a court order or come to the school to lawfully "apprehend" a student, school officials must refuse access to the student by CAS workers if the student indicates that they do not want CAS workers meeting with them at school.

**What should school officials do if CAS workers want to interview students who are "Wards" of the CAS?**

When a student is a "Ward" of the CAS, the CAS is technically the student's parent. Under such circumstances CAS agencies should be treated no differently than any other parent. Schools do not generally allow parents to come into their child's school to use school facilities to question their own children so neither should the CAS. CAS workers can easily interview their own "Wards" at their foster or group homes or at the CAS offices. Many CAS workers attempt to use school facilities to interview their own wards, not out of necessity but as part of the overall objective to deceive students into believing that CAS is an integral part of the school system and that the school is on the side of the CAS.

**Can school officials be held personally liable for violating the rights and freedoms of children and/or parents as a result of an unlawful detention?**

Schools officials who are found to be responsible for violating the rights and freedoms of children or their parents can be the subject of a civil lawsuit in addition to the criminal aspects of such infringements. It is of utmost importance for school officials to exercise due diligence and make themselves fully aware of the law and any policies which their employers may have in place concerning child protection issues involving students at schools.

School officials should also be aware that there is also no statute of limitations on either criminal or Charter violations so it is possible for a child or a parent to launch a criminal or civil suit at anytime in the future. It is not uncommon for children to launch lawsuits when they turn 18 years of age which could result in school officials being served court document even after they have entered retirement and no longer working for a school board. Examples of similar lawsuits include those against church officials who were found to have abused children when they were young or who permitted such abuses to continue when they had knowledge of the abuses going on. The residential school fiasco involving native children is another well published example of lawsuits occurring years after the damages had occurred.

**What should school officials do if there is a conflict between published school policies and procedures and the rights and freedoms of children and parents?**

When faced with a situation in which published school board policies and procedures conflict with the rights and freedoms of children and parents, school officials must respect the rights and freedoms of students and parents first. Teachers and school officials can be taken to court for

violating the rights and freedoms of students and parents. It must be remembered that school board policies and procedures cannot overrule the laws of Canada nor the provisions of the Canadian Charter of Rights and Freedoms.

Teachers and school officials must bring to the attention of their board, any policy or procedure which is not consistent with the laws of the land with the Charter being ranked supreme above all other laws. Teacher unions must oppose the involvement of CAS agencies in schools as this puts teachers at risk of lawsuit and interferes with the education of students.

### **What can school officials do to help protect the rights of students from abuse by the child protection industry?**

There are a number of steps that school officials can do to protect not only the rights of the students but to protect themselves and their employers from lawsuits. Some of these steps include the following:

- School officials should read and fully comprehend their school board policies relating to child protection and to bring to the attention of their employer any policies which would appear to violate the rights or freedoms of children and/or parents.
- School officials must not follow the instructions given to them by outside child protection workers.
- School officials should ensure that on any matter involving discussing information about a student or family that they deal only with child protection workers who are properly trained to engage in the practice of social work and who are registered with the Ontario College of Social Workers.
- School officials must educate students about child abuse and to teach students specifically what they can do if they are a victim of any kind of abuse. This education must also include teaching students about the process of dealing with child abuse and the rights of students during the process.
- School officials should refuse to engage in any action which in all good conscience they believe violates the rights or freedoms of students or parents, even if refusing to act goes against published school board policies. One of the world's most notable civil rights leaders, Dr. Martin Luther King, once stated:

***“An individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for the law.”***

# Teen strip-searched in school wins partial victory

By Bill Mears -CNN Supreme Court Producer  
June 25, 2009

WASHINGTON (CNN) -- A former middle-school student who was strip-searched by school officials looking for ibuprofen pain medication won a partial victory of her Supreme Court appeal Thursday in a case testing the discretion of officials to ensure classroom safety.



Savana Redding leaves the U.S Supreme Court in April. She was 13 when she was strip-searched.

Savana Redding was 13 when administrators suspected that she was carrying banned drugs.

No medication was found, and she later sued.

The [justices](#) concluded that the search was unreasonable but that individual school administrators could not be sued.

The larger issue of whether a campus setting traditionally gives schools greater authority over students suspected of illegal activity than police are allowed was not addressed fully by the divided court.

"Savana's subjective expectation of privacy against

such a search is inherent in her account of it as embarrassing, frightening and humiliating," wrote Justice David Souter for the majority, likely his last opinion before he steps down from the bench next week.

But reflecting the divisiveness over the issue, Souter said, "We think these differences of opinion from our own are substantial enough to require immunity for the school officials in this case."

Whether the school district would be liable was not an issue before the high court.

"I'm pretty excited that they agreed with me, they see that it was wrong for the school to do that," Redding said from her Hobbs, New Mexico, home after the ruling was announced.

"I'm pretty certain that it's so far less likely to happen again" to other students.

Redding was an eighth-grade honor student in 2003, with no history of disciplinary problems at Safford Middle School, about 127 miles from Tucson, Arizona.

During an investigation into pills found at the school, a student told the vice principal that Redding had given her prescription-strength 400-milligram ibuprofen pills.

The school had a near-zero-tolerance policy for all prescription and over-the-counter medication, including the ibuprofen, without prior written permission.

Redding was pulled from class by Vice Principal Kerry Wilson, escorted to an office and confronted

with the evidence. The girl denied the accusations.

A search of Redding's backpack found nothing. A strip search was conducted by Wilson's assistant and a school nurse, both females.

Redding was ordered to strip to her underwear and to pull on the elastic of the underwear, so any hidden pills might fall out, according to court records. No drugs were found.

"The strip search was the most humiliating experience I have ever had," Redding said in an affidavit. "I held my head down so that they could not see that I was about to cry."

Souter said Wilson initially had "sufficient suspicion" to justify searching the girl's backpack and outer clothing. But when no contraband was found, the officials went too far by continuing the search of her underwear.

With the help of the [American Civil Liberties Union](#), Redding and her family sued, and a federal appeals court in San Francisco ruled against the school, calling the search "traumatizing" and illegal. That court said the school went too far in its effort to create a drug- and crime-free classroom.

The Supreme Court found little agreement on key issues. Justices John Paul Stevens and Ruth Bader Ginsburg agreed that the search was illegal but would have also made individual officials liable for damages by Redding.

"Wilson's treatment of Redding was abusive, and it was not reasonable for him to believe that the law permitted it," said Ginsburg, who was especially forceful during oral arguments in April, criticizing the school's actions.

But Justice Clarence Thomas took the opposite view: that administrators deserved immunity and that the search was permissible.

"Preservation of order, discipline and safety in public schools is simply not the domain of the Constitution," he said. "And, common sense is not a judicial monopoly or a constitutional imperative."

In 1985, the high court allowed the search of a

student's purse after she was suspected of hiding cigarettes. Such a search was permitted if there were "reasonable" grounds for believing that it would turn up evidence and when the search was not "excessively intrusive."

Opinions in 1995 and 2001 allowed schools to conduct random drug testing of high school athletes and those participating in other extracurricular activities.

The court was being asked to clarify the extent of student rights involving searches and the discretion of officials regarding those they have responsibility over.

Adam Wolf, an ACLU attorney who represented Redding, applauded the decision.

"When parents send their kids to school, they can now breathe a sigh of relief they will not end up naked before school officials," Wolf said.

But school administrators said the ruling does not make their jobs any easier.

"The home medicine cabinet now poses a serious threat to students, who may take those medications for abusive purposes," said Francisco Negron, general counsel for the National School Boards Association. "That's a problem schools are trying to stem."

"How they determine now whether the drug is dangerous, whether it's not dangerous -- that kind of clarity and that kind of guidance, the court did not give us."

Redding, now 19, said she has never gotten over her experience.

"Before it happened, I loved school, loved everything about it. You know, I had a 4.0 GPA, honor roll, and now, well, afterwards I never wanted to go to school again."

She is attending college.

The case is *Safford Unified School District No. 1 v. Redding* (08-479).

# Children's Aid Society workers should be reined in, critics say

By Kevin Libin

National Post - Friday, June 12, 2009

They are charged with the most essential of duties: protecting vulnerable children from abuse and neglect. They will intervene in the lives of roughly 200,000 Canadian children this year.

For most of us, they are generally unseen, save for occasional mentions in news reports, when they rescue children from misery. Or, as sometimes happens, deliver it.

Canada's child-welfare agencies, says University of Manitoba social work professor Brad McKenzie, have among the broadest intervention powers in the Western world.

Caseworkers come armed with vaster powers than any police officer investigating crime. It is an immense authority easily abused, without vigilant restraint.

It is time, critics say, they were reined in.

"The social worker system, as it applies to children, is out of control, seriously out of control," says Katherine McNeil, a children's advocate who has worked with families in Nova Scotia and B.C. "And nobody's doing anything about it."

Child-welfare agencies step in when kids are homeless, exploited, hungry or abused. They do not stop there. As the highly publicized neo-Nazi case in Winnipeg demonstrates, they might seize children from parents for teaching racist views, or for "emotional neglect." They have taken newborns from parents considered insufficiently intelligent; from religious families believing the Bible

commands them to discipline kids with a rod. They order homeschooling parents to enroll children in public school, deeming them inadequately socialized.

"They violate all kinds of privacy and rights," says Chris Klicka, senior counsel for the Home School Defense League, which represents Canadian and American parents.

Whether we wanted it or not, knew it or not, over time, the work of child-welfare organizations has become "parenting by the state and the imposition of their value system on other people," says Marty McKay, a clinical psychologist who has worked on abuse cases in the U.S and Canada. Provincial agencies have the power to intervene when children are considered "at risk" of abuse or neglect - even if none has actually occurred. Or, where spousal abuse happens, but kids are untouched. And what they do with the children they take can sometimes be worse than what they suffered at home.

When journalist J.J. Kelso founded Canada's first Children's Aid Society in 1891, it was from revulsion at what he had witnessed working in Toronto's slums: the filthy, homeless urchins begging on the street, the school-aged girls whored out by parents for whiskey money; children needing "rescue," Kelso exhorted, "from the environments of vice, cruelty or mendicancy."

Courts could imprison parents for cruelty, but not revoke custody. Backed by the 1893 Act for the Prevention of Cruelty to and Better Protection of

Children, the society had unique authority to directly interfere in affairs of parents and children: Anyone under 14 found begging, receiving alms, out late, homeless, orphaned, imprisoned, thieving, or associating with thieves, drunkards or vagrants, would be appropriated by the province.

Since then, as child-welfare agencies multiplied across Canada, their authority expanded, too.

One Calgary mother said her kids were recently pulled from class and questioned by a caseworker after she kept them home from school for a week, fearing they might be exposed to Swine Flu. When the mother protested, the worker threatened to seize all six children in her house, including two toddlers.

"All because I was overtly concerned about my children's health," says an incredulous Ms. K, who, as is the case with all investigations, cannot be identified. Nor can she ever know who lodged the complaint against her.

The worker later visited the house. There, Ms. K reports (and witnesses confirm), when she further protested the interference - at one point calling police - the agent hollered at her, physically accosted her, and threatened to report her for abuse, of which, the caseworker later relented, there was no evidence.

The secrecy that envelops these cases makes it nearly impossible to fully investigate Ms. K's remarkable claims: caseworkers do not permit "clients," as they're called, to record meetings, and agencies cannot comment on any case. But the account doesn't shock those who work closely with the authorities.

"I'm certainly not surprised, and hear over and over again of workers ... threatening [parents] with apprehension. They'll never admit it in court, of course, but I hear it all the time," says Bradley Spier, a Calgary family lawyer. "Most of the time they're

above board. ... They all have an attitude, but they'll do their investigation and, if they can't substantiate it, they're generally pretty honest about that, and won't take any action. But until then, they're god-like creatures, for lack of a better word. Or they think they are."

The government's role in protecting vulnerable children treads an impossibly fine line. Without anonymous complaints, and the power to interview and apprehend, some children would undoubtedly suffer terribly. Accordingly, legislators grant workers astounding licence: a social work graduate, fresh from college, can enter a home without warrant; apprehend children without due process; and commandeer police officers to enforce his or her efforts. A caseworker can order children dressed, fed, medicated, and educated any way they consider appropriate. Parents who do not submit risk losing custody, even visitation of their kids. Or have them taken away permanently.

It is an authority that is sometimes severely misused. When that happens, Ms. McKay says, families can be traumatized in a perversion of the very system designed to prevent abuse.

The anonymous process, for example, invites bogus tips - commonly from divorcing parents, for instance, since agencies can unilaterally alter custody arrangements. Most complaints prove "unsubstantiated": 55% according to the most recent Health Canada study.

"Children's Aid, even when they don't start an investigation [themselves], they can be manipulated by people," says Ms. McKay.

Prof. McKenzie says child-welfare agencies typically do good work under difficult circumstances. Overstretched caseworkers, with general training, can be unequipped to specialize in interventions and the complexities each case brings. What some, middle-class agents might consider neglect, for example, is often a matter of poverty,

not necessarily cruelty.

And some child-welfare workers also exploit their tremendous clout to behave unethically, prejudicially or illegally.

"Some of them get a real power complex because they have a bachelor of social work, or a masters, and they suddenly have this power [to] apprehend," says Ms. McKay. "They throw their weight around." She sees in some workers a "police mentality." It may be a coincidence, but in the largest English-speaking provinces, Alberta, B.C. and Ontario (Quebec data are incomplete), the number of children taken into care by provincial agencies between 1993 and 2001, rose a remarkable 97%, 63% and 72% respectively.

Prof. McKenzie is encouraged by a nascent trend in Canadian agencies away from historic, heavier-handed investigative and apprehension focus, and toward working more co-operatively with families to improve home conditions.

Studies show that under the current system, he says, "generally we find that the majority of children that are served [by welfare agencies] do well" - meaning they thrive at school, seem generally well-adjusted, are free from abuse and neglect. About 15% to 20%, he says, do not.

That is not a trifling number. But the stories behind it - let alone the validity of the initial apprehensions - can prove impenetrable. Cases are shrouded in silence, media blocked from reporting details, or questioning workers, in the legitimate name of protecting children involved (even in the high-profile Winnipeg neo-Nazi case, most details were concealed). But such limits thwart public scrutiny into an arm of government as capable of error as any other, yet, in determining how much or even whether families stay together, working with some of the highest stakes imaginable.

Last year, Ontario MPP Andrea Horwath tabled a private member's bill to make Children's

Aid Societies answerable to the provincial ombudsman, something Ontario's Children and Youth Services has repeatedly resisted (ombudsmen in some other provinces, such as Alberta, have that authority). Ontario's CAS typically refuses to share files with its Child Advocate; in his annual report released earlier this year - which found 90 children in provincial care died in 2008 - Irwin Elman called it "almost impossible" to get information necessary to investigate potential agency wrongdoing. In 2007, the Supreme Court ruled parents could not sue child-welfare agencies; provinces, it ruled, owed no "duty of care" to families. The lack of oversight, says Ms. McNeil, creates departments accountable only to themselves.

And there are numerous instances of caseworkers acting improperly. Two years ago, a Nova Scotia judge ruled that workers intervening in a divorce custody dispute were so biased against the mother, and in favour of the father - who lived with a woman previously the subject of interventions for violence and neglect - that they took "intentional and deliberate" steps to "mislead the court" by concealing evidence against him. A few years earlier, the CAS of Prescott and Russell, near Ottawa, and one worker, were convicted of contempt of court for refusing to return a two-year-old boy to his parents, defying a judge's instructions to do so. Agents insisted they were acting in the boy's "best interests." In 2001, two judges in Simcoe, Ont., criticized the CAS there for "arbitrary use of government power" and unreasonableness "verging on blind obstinacy" in fighting to keep children from being adopted by certain foster parents. Several parents interviewed for this story claim to have faced false accusations and bullying from caseworkers harbouring apparent agendas.

A report this year from Saskatchewan's Children's Advocate, Marvin Bernstein, found children suffering serious, ongoing abuse and neglect in the care of the province amidst a "culture of non-compliance with policy" among social services staff.

Even when acting with utmost professionalism, whether agents are able to provide children a better, safer environment than where they came from is not certain.

Mr. Bernstein's report found staff knowingly placing children with histories of committing sexual abuse into crowded foster homes where they preyed on other kids, without alerting foster parents to the problem (one reported that a caseworker assured her "a certain amount of sexual abuse is to be expected in a foster home"). A quarter of children were placed in overcrowded homes, he found, as staff routinely used "manipulative methods" to "trick" foster parents into taking more kids than they were approved for. Two Saskatchewan caseworkers were suspended in February after being discovered shuffling children between foster homes to hide overcrowding conditions from investigators.

"Children's Aid has no business placing into care a child that they can foresee is going to come out worse the other end than when they went in," Ms. McKay says. "If that's the best they can do, just leave them."

Two teens charged in connection with the recent double murder near Edmonton were in care of a ministry-licensed group home - a place neighbours say they warned the government for years was poorly monitored. In March, a 15-month-old baby in care of Alberta's Children and Youth Services suffered critical head injuries in a foster home; in the past four years, two Alberta children have been killed by foster parents. A 2008 report found Alberta caseworkers regularly placing kids in unsafe conditions, including abusive situations.

Last year, seven-year-old Katelynn Sampson was killed in Toronto in care of a foster parent with a record of violent crimes, and in Vancouver, police discovered minors in provincial care working as

prostitutes. In 2002, Jeffrey Baldwin was abused and neglected to death by a couple with a known history of child abuse but were nonetheless granted custody of the five-year-old by the Catholic Children's Aid Society of Toronto. A 2006 CBC investigation uncovered Ontario caseworkers drugging a seven-year-old Ontario boy into a stupor with massive doses of psychotropic medications, which a psychiatrist would later find had "no actual treatment value," except making him more compliant in his group home. While in his drugged state, he was sexually abused by fellow residents.

Those who believe in the good intentions of child-welfare agencies argue they lack the resources to deal properly with each case; with some workers handling more than 30 clients simultaneously, it is impossible to act perfectly. One problem, believes Ms. McKay, is caseworkers spread too thin, drifting far from the original vision of the state's role in family matters: protecting kids from verifiable and authentic abuse, cruelty and neglect.

"They need to go back to the basics," she says. "Do the children look well-nourished? Do they have bruises on them? Are they molested? Is the house crawling with cockroaches? If not, they're not being abused or neglected."

But with powerful, generally unaccountable agencies, dependent on justifying their place in a world far improved from the cruelties of J.J. Kelso's Victorian Toronto, the need to intervene in more cases, for more reasons, may make such discipline difficult. "I would love to just demolish the system and start from scratch again," she says. "Because it's gone very far awry here."

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# System was misguided, officials admit thousands of children needlessly uprooted

Monday, November 23, 1981

By Yves Lavigne - The Globe and Mail

Thousands of Ontario children have been needlessly taken out of their homes during the past 20 years by a child welfare system that provincial officials now say was seriously misguided.

The experience, along with the stigma of having been wards of the Children's Aid Societies, has shattered some of these children's lives. Many are now strangers in their families, are shunned by employers and are regarded as misfits by former friends and neighbors.

An unknown number, say professionals who deal with these children, have rebelled against their unwarranted plight by turning to crime. Others suffered deep emotional wounds that some experts fear could lead them into crime or other anti-social behavior later.

Both the Ontario Government and the Children's Aid Societies say they must share the blame for what has happened to these children.

Societies say that a financing scheme imposed by the Government – and changed this year – encouraged them to take children from families and put them into group homes and other institutions.

Provincial officials say they didn't know their policies were harming children, and add that the financing system was drafted under pressure from the societies that wanted money to break up families instead of helping them stay together.

Clive Chamberlain, a psychiatrist who in the past two decades has seen the child-care system from the different perspectives

of an institution and a court worker, Government policy adviser and institution administrator, says no one can be blamed for the past mistakes. "The pursuit of a scapegoat or a responsible somebody is futile," he said. "it's all of us – the way we think about problems, or the way we don't think about them." While children and their families are the most obvious victims of Ontario's errant child welfare system, taxpayers have also paid a heavy price.

During the two decades in which the so-called interventionist approach predominated – intervention being the jargon for taking children out of their families – spending by Children's Aid Societies multiplied 34 times while Ontario's population grew by less than one-half.

In the same period there was a tripling in the number of group homes, the privately run but Government-financed institutions into which most CAS wards are put.

All told, more than \$1 –billion was spent to create a child welfare system for which a recent internal Government document has little praise.

The document is an assessment of Ontario's child welfare system based on a Government review in 1979 and 1980 of 32 of the province's 51 Children's Aid Societies, which are financed by the province and have the prime responsibility for administering child welfare laws.

The Government assessment says that the societies generally have been inept at helping children. Another document,

based on the same information, says that many children should have been treated with “less destructive alternatives” to being taken from their homes.

Societies processed children instead of caring for them, says the internal document, and dumped them in group homes where CAS workers lost all contact with them, even though the societies had assumed the legal responsibility of the parents.

The same notes that while social workers put children in group homes as a matter of course “societies are unable to explain whether or not these agencies work or in what ways they are effective.” Finding out why the system went wrong took months of reviewing public and unreleased documents, and scores of interviews with social workers, CAS officials, psychiatrists, psychologists, Government officials and officials of other child welfare agencies.

One major reason that emerged from the investigation is that a child welfare was run during the past 20 years by people who believed the misguided notion that social workers know better than parents how to help children, and that institutions, not the home, are the best place to do this.

Not all child-care professionals thought this way, and many children were justly taken out of their homes for their own good. But because the trend and financial incentives to needlessly take children into care were so strong, most workers had little choice.

T.W.A. van Overdijk of the Brantford Children’s Aid Society says his agency’s view “has always been that it’s no good for a kid to be in the care of the society. But it’s been difficult to translate that into reality.” Prompted by its findings that the child welfare system was needlessly taking children into care and costing too much, the Government implemented last January a new financing scheme aimed at tackling both

problems.

The scheme seems to have curbed the practice of taking children from their homes, but officials concede that it may take 20 years to root the interventionist habit from the system.

And there is still no guarantee that children will no longer be hurt by the system that is supposed to help them. Officials warn that removing the kinks from one part of the system may foul things up elsewhere.

But while provincial officials measure the system’s costs in terms of money and shattered lives, another sort of price has been paid: immeasurable damage to the family courts, where child-care professionals say they have been drawn into deceit and distortion to get a judge’s approval for custody of a child.

Dr. Chamberlain, who admits to having been “one of the people out there breaking all the rules,” says that when the facts didn’t justify taking a child out of his or her home, child-care professionals would paint a picture for the judge that would force him to grant custody. “You had to label the kid to get the money to flow,” Dr. Chamberlain said. “The label was useless, but you used it. You distort everything. You abuse the courts, the system, the family. Of course, this had repercussions on the family. Making a child a ward carries the stigma that the parents aren’t going their job well.” Government officials and documents say that the needless removal of children from their homes, the major problem with child welfare during the past 20 years, was compounded by a lack of clear direction from the Ministry of Community and Social Services, which finances and supervises the societies.

The ministry admits in documents that its Child Welfare Act is too vague and open-ended to be effective, and that the main tool for implementing policy has been financing schemes that encouraged the abuse of money and power by the societies.

Child welfare has been haphazard service over which neither the Government nor societies had control, the documents say. The Government acknowledges its smothered societies with red tape and frustrated, through its financing schemes, attempts by some societies to break out of the traditional role of taking children into care.

These Government restrictions bolstered the interventionist attitude among child-care professionals and encouraged the abuse of the courts, said Dr. Chamberlain, now director of the province's Thistleton Regional Centre for Children and Adolescents.

Government documents and officials say that boards of education across the province have been using the courts to rid themselves of children with behavioral and learning problems. These children, most of whom had committed offences no more serious than skipping classes, were made wards of Children's Aid Societies and put group homes. Last year, school boards referred 500 children into CAS care.

Dr. Chamberlain said case workers sometimes have had children charged with criminal offences to get them out of their homes and into training schools, from which they could be transferred to residential care institutions such as group homes.

More commonly, the professionals would tell a judge that the child lived in a "pretty destructive" home where he was endangered, Dr. Chamberlain said. They added, conveniently, that a Children's Aid Society was willing to take the child into care. "You'd end up getting the judge to agree that (making the child a ward) was a reasonable thing to do... How does he know? He's got a social worker and a psychiatrist swearing on a Bible the kid needs (a group home)... He's got 15 or 20 more that day. He doesn't even have the time to ask all the questions." Grant Lowery, executive director of Central Toronto Youth Services and an outspoken

opponent of the past financing schemes, said that the paternalistic attitude in family courts has allowed child-care workers the leeway to interpret the Child Welfare Act as they saw fit.

Mr. Lowery, who has worked with adolescents for nearly two decades, said the practice of taking children into care even when they didn't belong there "was fairly prevalent." You wouldn't have to say anybody was lying. The legal and service system let it happen. We've collectively allowed that to happen. "The judge was told that the parents couldn't get the kid to behave or attend school," he said. "That's where the poor took a hell of a beating in the earlier interpretations of the Child Welfare Act. If the kid was skipping classes, and there was no one at home because it was a single-parent family and the mother was working, or if both parents were working, the court was told the parents couldn't control the kid." Dr. Chamberlain, who ran the in-patient program at the Hincks Treatment Centre in Toronto from 1966-'971 and the Metro Family Court Clinic from 1971-1977, that all laws concerning children were abused in one way or another to facilitate taking children into care. "I remember recommending that a child go to training school just so he could get treatment in a group home. I wouldn't have recommended to the judge that that happen unless I knew a group home was ready to take him. I arranged in advance. It was an abuse of the rules to help the kid. "All of these agencies got used to doing business that way," said Dr. Chamberlain, who from 1977-1980 became senior Government adviser as executive co-ordinator for program policy in the children's services division of the rules to help the kid....The game bothered all of us.... But you've got that kid and he can't wait for the world to change." Michael Ozerkevich, who until recently was executive director of

management information evaluation of the Social Services Ministry, said his 1978 study of child welfare financing first alerted Government officials that the schemes were fuelling the distortion of children's services.

Mr. Ozerkevich, who joined the ministry in 1977 as an expert on financing, drafted the new scheme introduced this year. He said that his predecessors were too overworked to be aware of the problems he discovered.

Evidence of the unwarranted removal of children from their homes has existed since at least 1960.

A report prepared by the Child Welfare League of America in 1960 for the Social Planning Council of Metro Toronto criticized the practice by social workers of taking children out of their homes instead of working with families to keep them together.

A study of 14 institutions in Metro Toronto revealed that "for every two children who were placed in a group setting because of their needs, three were placed because of needs unrelated to them," the 1960 report said.

Government officials and child care professionals said in interviews that ministry officials responsible for financing and supervising Children's Aid Societies ignored the evidence of dozens of similar studies in the wake of contradictory statements from societies that were battling each other for money.

A handful of Government child welfare officials were swamped by society lobbyists, some of whom decried the financing schemes as encouraging abuses while others praised the financing approach but attributed abuses to lack of money.

The legacy of the system's 20-year blunder, critics say, are the emotional wounds left on thousands of children who should have remained at home but didn't.

Stephen Menzies, a Toronto child welfare lawyer, says he has seen children acquire criminal records as a result of unnecessarily being made wards and put into group homes. "My experience has shown that kids may be put in a group home for ridiculous reasons such as skipping classes," Mr. Menzies said. "That's the only offence these kids have committed. Subsequent charges laid against them arise because of their rebellion at the place they've been put in – their attempts to free themselves from the system. Those charges would never arise if the kids hadn't been put in the group home in the first place." Mr. Menzies cited cases where children went into group homes without records and within months had been charged with breaking and entering, theft, and other offences committed while running away from the home.

Because of the common perception that Children's Aid Societies deal mainly with tough, problem children, children who are unnecessarily made wards become vulnerable targets. "Removing the child from the family creates new dangers," said Peter Jaffe, a psychologist who is director of the Family Court Clinic in London, Ont. "The child will be labeled a problem child. This could lead to poor self-esteem because the child will blame himself for causing problems in the home since he's the one who was taken away. There may also be problems reintegrating the child into the family and re-establishing relationships with siblings and parents." Mr. van Overdijk is more blunt: "As soon as you take a child into care, you have helped establish the destruction of the family as a unit."

# Watchdog pleads for children's aid oversight

## Ombudsman cites CAS 'horror' stories that his office is powerless to remedy

The Globe and Mail – January 24, 2006

By Hayley Mick

Tragedies such as the teen who pleaded guilty this week to murdering a toddler in a foster home prove it is time Ontario's provincially funded children's aid societies were held accountable, Ontario's ombudsman says.

"There's not a day that goes by without us hearing another CAS horror story," André Marin said in an interview yesterday.

"The complaints are piling high on my desk and my hands are tied by dated legislation. I simply can't help these people."

Since April of last year, his office has received 496 complaints about children's aid services, ranging from child safety concerns to claims of sexual abuse by children's aid staff and claims that agencies retaliated against people who "dare challenge them," he said.

Yet his office is powerless to investigate because the province's 53 children's welfare agencies -- which collectively consume about \$1.5-billion in provincial funding each year -- are treated as private institutions, outside the provincial watchdog's authority.

On Monday, a 15-year-old girl pleaded guilty to second-degree murder in the suffocation death of a three-year-old boy in a foster home in Welland, Ont.

The teen's case worker had placed her in the home on Dec. 14, 2005, after bailing her out of a youth detention facility. Less than 24 hours later, the toddler was dead.

An inquest into the death is expected to be announced later this week by the Office of the Ontario Coroner, which for the past year has been investigating the case and what role child welfare

agencies may have played in the death.

Relatives of the slain toddler have accused Family and Children's Services Niagara of failing to protect the boy by placing the teen in the home.

She previously had been removed from her adoptive family for assaults on her younger sister.

Bill Charron, the agency's executive director, said earlier this week that case workers knew about the accused teen's troubled past, but put her in the foster home because it was the best place for her.

Mr. Marin says the Office of the Ontario Coroner does a good job of investigating such deaths, but "we should be able to be pro-active and deal with the complaints before we have a dead body."

Mr. Marin says he has lobbied Premier Dalton McGuinty and Child and Youth Minister Mary Anne Chambers to push for independent oversight of the agencies -- with little success.

"It saddens me to this day that the government has been swayed by the self-serving arguments made by the CAS," he said.

Ms. Chambers said the province has recently introduced several new regulations that make children's aid societies more accountable, including heavier security checks for foster families and a system that helps people register complaints.

The minister was in Niagara Falls yesterday, where she announced new funding for grandparents and relatives who take custody of children in the foster care system.

The grandparents of the slain toddler in Welland had been in the final stages of becoming his legal guardians when he was killed.

# Judge returns girl to woman

## Evidence 'incomplete,' he tells CAS

THE HAMILTON SPECTATOR - July 15, 2009

By Susan Clairmont

A judge has ordered the Children's Aid Society of Hamilton to return a little girl to her "mom" while DNA tests determine if she is a girl abducted from the United States.

Justice Donald Gordon wasted no time in making his decision yesterday in his family law courtroom.

"The evidence is lacking. It's incomplete," he said, chastising the CAS for apprehending the six-year-old girl without adequate proof she is the missing U.S. child.

Court documents show the international investigation was sparked by a neighbour in Hamilton who wishes to remain anonymous. Gordon said that makes the information "hearsay," and he is not willing to accept it as evidence.

Lawyers Ian Corneil and Victoria Loh, acting on behalf of the woman and girl, didn't even get a chance to make their case to the judge.

The matter was before Gordon because the CAS must appear before a judge within five days of seizing a child. The CAS asked that the child remain in care.

The 'mom' burst into tears when Gordon said the child would be home last night.

"I'm going to make vanilla pudding for my baby," she said outside the courtroom a few minutes later.

None of the lawyers in the courtroom -- even one who was there just to watch the highly unusual case unfold -- expected the judge to order the child be returned immediately. For a judge to make an order like that on the very first court appearance after an apprehension is extremely rare. Everyone, including the 'mom', was prepared for the CAS to keep the child for two more weeks -- the length of time it will take to compare the DNA of the girl in Hamilton to DNA on file for the missing girl.

Also last night, DNA swabs were to be taken of the woman and girl and sent to a Hamilton-area lab to determine if they are indeed mother and daughter. Those results should be ready Friday.

But that will still not solve the mystery. The child abducted in the United States is believed to be with her mother, who lost custody but ran off with her daughter two years ago before child protection agencies could take her.

I cannot identify the woman or the child, due to a publication ban. The ban is opposed by the woman

who wants the public to know the whole story of what she and the girl have been through.

They arrived in Hamilton recently from the U.S. and are American citizens.

In court, the CAS said the girl allegedly told a neighbour things that match up with a missing child case detailed on many American-based websites. The girl supposedly said she used to have a different name - - the same name as the missing girl.

"They don't call me that anymore," she was quoted as saying.

The child allegedly listed the U.S. cities she once lived in which matched up with the abducted girl. She apparently gave the name of a woman who used to cut her hair and the name is the same as that of the missing girl's grandmother.

The social security numbers provided by the woman "are being investigated by U.S. authorities," said the CAS lawyer.

The CAS also cited the fact the woman did not cry when the girl was taken into custody and Hamilton police said the child seemed "rehearsed" in her responses to their questions.

Court heard the woman in Hamilton agreed to be fingerprinted to compare with prints on file in the U.S. from the missing child's mother.

The prints did not match.

However, the CAS argued yesterday the American prints may not really have been taken from the abducted girl's mother and therefore prove nothing.

Federal and local police and child protection agencies in the U.S. and Canada have been trying to sort through pieces of identification, family photos and legal documents to determine who this child is. It appears the DNA comparisons due in two weeks are the key to everything.

In the meantime, the judge has ordered some conditions: The woman and child cannot move away and must allow unscheduled visits by social workers.

Despite all this, the woman says she still intends to make Hamilton her permanent home.

"I left the U.S. to come here because I thought it would be a safe place to raise my daughter."

**Susan Clairmont's commentary appears regularly in The Spectator.**

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# Children's Services slammed

## Judge raps officials for attempting to evade court order

By Karen Kleiss and Darcy Henton

Edmonton Journal - July 24, 2009

A senior Alberta judge has called on the attorney general to investigate the "disturbing" conduct of Children's Services staff in a case that raises troubling questions about how the department operates and who is ultimately responsible for children in care.

In a searing decision released Thursday, Justice Jean Cote of Alberta's Court of Appeal said the organization of the department is "extremely convoluted and puzzling," and the administrative structure creates opportunities for officials to deny responsibility on the basis of being officially uninformed.

In the end, he likens the shuffling of responsibility among workers to "the dried pea under three walnut shells" and suggests similar mistakes in future might cause "those higher up" to be called to account.

Cote made the comments after hearing a case in which Children's Services staff failed to return a boy to his foster mother after being ordered to do so by the province's highest court.

On June 23, Cote convicted director of child services Richard Ouellet of contempt, but Ouellet asked the judge to reopen the case. As director of child, youth and family services, Ouellet argued he was never directly involved with the boy and the court order should have been delivered to those who were.

In a 20-page decision, Cote dismissed the argument, saying the contempt was "lengthy and undisputed," and that "only the name of the exact culprits has been questioned.

"There has been no miscarriage of justice in the conviction for contempt; indeed, the opposite."

The judge said Ouellet did nothing while his staff ignored the court order to return the boy and tried to figure out how they could legally

avoid doing what the court had instructed them to do.

"He did not tell them that they could not wiggle out of obeying the order, nor that wasting time looking for alternatives to obedience was wrong," Cote wrote. "He did not say to return the child."

Ouellet had no reporting procedures in place, set no deadlines, required no feedback and, "worst of all," never read material given to him regarding the case, Cote said.

The foster mother's belief that officials were stalling until the boy could be adopted by another family merits "careful investigation," Cote said, and he invited the attorney general to undertake that investigation.

"Her Majesty's government of Alberta, in my 42 years' experience, has not been in the habit of hiding identities, equivocating, nor evading orders against it," he wrote.

"But the present case raises doubts about whether everyone in the child protection parts of the government now shares those high standards, or even fully understands court orders. The complex administrative structure suggested by the evidence tendered here must exacerbate opacity and the opportunities for deniability."

Cote said that after his judgment Thursday, "ignorance or neglect by such officials will be a smaller excuse for disobeying court orders. ...

"A repetition might lead to litigation over whether those higher up were not immune."

Court records show the boy at the centre of the case was taken in by his foster mother when he was three months old, and she raised him for more than four years.

### Physical abuse allegations

In April 2006, another foster child who

was living in the home made allegations about physical abuse, which resulted in an investigation. On Oct. 20, 2006, Children's Services removed all the children--including the boy--from the foster mother's home.

She fought the decision and lost, then appealed to a higher panel, and won. The government in turn won an appeal before the Court of Queen's Bench. The foster mother went to the Court of Appeal and on Jan. 30, 2009, won her case.

Lawyers on all sides were confused about the appeal court ruling, but in his judgment Cote said only the lawyer for the foster mother sought clarification from the court.

On June 4, the court clarified that the boy should be returned to his foster mother, but the boy was not returned until noon on June 22--the day before the contempt hearing.

Cote is expected to sentence Ouellet in the coming months.

Children and Youth Services spokesman Trevor Coulombe said the ministry acted quickly to rectify the situation after the contempt ruling came down and is conducting an internal investigation, along with Alberta Justice, to determine how it happened.

"We need to make sure our policies and practices around court orders are sound," he said.

He said the case was complicated by various rulings overturning previous decisions, but once the court of appeal ruled on the matter, the department should have responded immediately.

Coulombe said there was about a three-week lag that should not have occurred.

"Clearly, the court found that delay was too long and inappropriate and unacceptable and ruled the director was in contempt of court," he said. "It is clear that we need to be more expeditious in complying with court orders, and so that's why we're taking steps to ensure that happens now."

Coulombe said Ouellet has been reassigned to other duties within the ministry since the beginning of the year.

The provincial directory lists him currently as director of program quality and standards in the child intervention section of the

ministry.

### **Review underway**

Alberta Justice spokesman Jay O'Neill said the department is conducting a review of the handling of court orders in the Children and Youth Services ministry, but is not conducting a criminal investigation to determine whether others should be charged with contempt.

"We want to make sure there is a complete understanding of what a court order is, and that if there are gaps or concerns or anything that needs to be fixed, they are fixed," he said.

Opposition critics said it was shocking that a government department ignored a court order.

NDP Leader Brian Mason said it appears the judge is saying what his party has been saying for years: "That this is the most secretive government in Canada and that they are focused on plugging leaks rather than correcting problems."

Liberal deputy leader Laurie Blakeman said she is concerned that children may actually be harmed by the actions of the ministry that is supposed to protect them.

"It looks to me like they are arbitrary, sloppy and unprofessional," she said. "If they feel they are constrained by the system, they have to work with the system. They can't step outside of it and imperil the child."

Blakeman said from the judge's remarks, it doesn't appear to be an isolated incident.

"I am really concerned about the number of cases here of kids who don't come through this system OK, or who have the system not work for them in a way that's pretty dramatic."

She was also dismayed to see Ouellet continuing to work in the system pending the resolution of his charges.

"I want an explanation from the minister why he is still in child intervention," she said. "This doesn't seem like he has been taken off of active duty."

**kkleiss@thejournal.canwest.com**

# Proposed school policy to protect kids doesn't go far enough, says local trustee

Tom Sasvari

The Gore Bay Recorder – December 17, 2008

## SUDBURY

Rainbow District School Board (RDSB) trustee Larry Killens feels that a policy being considered by the board concerning the reporting of suspected child abuse by staff at schools does not go far enough.

"I voted in opposition to the policy when the board voted on new policy requiring teaching staff to report suspected child abuse," stated Mr. Killens, a Manitoulin Island trustee on the board, after a meeting earlier this week.

"The policy being looked at for approval by the board just does not go far enough," Mr. Killens told the Recorder. "The policy should spell out the authority CAS (Children's Aid Society) is exercising by law to come into our schools. Criminal investigation, or even routine investigation, requires judicial authority to conduct an interview of students, and in the event that an emergency intervention is required, CAS have a grace period of five days to bring this before a court pursuant to provincial law and this should be included in our policy."

Mr. Killens, in a presentation made to the RDSB at a meeting on Monday and earlier to the board's Policy and Finance Committee stated, "I wish to speak to the proposed wording as supplied in our handout and pursuant to the noted subject, suspected child abuse."

"As most of you if not all are aware I have spent a tremendous amount of time researching and documenting this subject," said Mr. Killens. "I have worked alongside of this organization for 30 years in the capacity of a police officer and served on their board of directors at one time."

"First and foremost, with thanks to Superintendent Lesleigh Dye, the executive of

the local CAS were invited and did attend our office to enlighten us as to their world, "so to speak," said Mr. Killens. "Again, as you are aware, there was no time for questions and answers and it is my understanding that we all left the meeting with the understanding that we would be forwarding questions, if any, to them directly for response. I was the only one to submit questions."

Mr. Killens explained, "I was informed some six weeks after by the director that CAS would not be giving a reply to the questions after my prodding to find out why no reply was happening. Further, I asked the director if they supplied an explanation as to why and she informed me they has not. Thank you to (RDSB) Director (Jean) Hanson, and I do not know how she did it, but she somehow was able to dialogue with the CAS and wrote out what appeared to me, her own understanding of their proposed replay. You all have been provided with her interpretation of the reply even though you did not ask nor pose the questions forwarded to them."

"It is my understanding that I as a trustee owe to my constituents to advocate on their behalf," continued Mr. Killens. "When kept in the dark by an organization like this one, a private organization, to provide an important, vital and needed service, when an explanation is not offered, is a demonstration of arrogance, and breach of ethics, and an affront to all trustees, all be it I am the sole person to pose the questions submitted. This organization province-wide needs to have someone to be accountable to. In agreement with me on this is the Ombudsman of Ontario who has called on our government to have the CAS and their

practices audited on two occasions in recent history.”

“This leads to my note supporting the proposed policy of today,” said Mr. Killens. “Most but not all of this policy is already provincial law and in force with a few exceptions and is redundant:”

“In closing, I repeat that the CAS is a vital and necessary service and we need them when it is delivered in compliance with the Ontario Legislation,” said Mr. Killens. Failure to comply with the law will actually hasten the return of an abused child to their abuser. A violation of process as many Ontarians will be familiar with has caused many a case to be thrown out of court for violation of rights.”

“My effort to educate myself by asking questions and their refusal to be answerable to anyone displays the lack of professionalism of this CAS located in Sudbury,” continued Mr. Killens. “How does a trustee charged with responsibility of formulating policy, create meaningful and quality policy when the enforcers of the law do not assist in clarifying the laws they enforce when asked?”

Mr. Killens told the Recorder, “The motion covered requires staff to report any suspicion of child abuse, as it is law in the province. This is a repeat of existing law pursuant to the Child and Family Services Act. The proposed policy should mirror provincial legislation, all the way, not just parts of it. It should go on to say in the

board’s policy we require that CAS workers need to provide to school authorities, who are the caregivers to the children in their parent’s absence and provide grounds and judicial/parental permission when they wish to intervene with the children out of class.”

“No permission is needed in emergency cases under provincial law. There still is a requirement to report to the court within five days,” said Mr. Killens. “If CAS are in our schools, which I welcome, their presence must be in compliance with the Ontario statutes,” said Mr. Killens. As an example, consider the issue in southern Ontario where a child required treatment, for a life-threatening illness and parents refused because religious beliefs. The CAS did not intervene without judicial permission but rather sought out and acquired the court order they needed to save the child.

Mr. Killens, using this example, stated, “if the CAS requires a judicial order in life-threatening circumstances such as this, does it not become apparent for a mere interview they require the same permission?”

Despite several attempts the Recorder was unable to contact a representative of the Children’s Aid Society for a comment on this issue prior to press deadline.

# Chinatown grocer charged with kidnapping appears in court

**Source: CBC News**

**Posted: 06/29/09 11:41AM**

**Filed Under: [Canada](#)**

A Chinatown grocery store owner made an appearance in a Toronto courtroom on Monday and had his case put over to late July.

David Chen was hoping the charges against him would be dropped, but the Crown has decided to proceed with its case despite petitions supporting the grocer.

Chen is facing four charges including kidnapping and forcible confinement following an incident in May when he chased and held a man he believed had stolen some plants from his store.

Chen tied up the alleged thief, but when police arrived, they arrested Chen and two other store employees and charged them with kidnapping.

Chen's supporters say he was just trying to protect his business.

Ricky Chan of the Victim's Rights Action Committee said outside the court that he was "disappointed" by the Crown's decision.

"I think ultimately it will get dropped," he said. "To me, I don't think there is substantial case behind the law to press those charges."

Chan says the issue of shoplifting and how stores react to it affects all shopkeepers, not just those in Chinatown.

He says anytime someone tries to make a citizen's arrest they could run into trouble with the law.

The Victims' Rights Action Committee is sending a letter to the Ontario attorney general outlining their concerns.

David Chen was ordered to make his next court appearance on July 27.

**ONTARIO COURT OF JUSTICE**  
491 Steeles Ave. E. Milton, Ontario L9T 1Y7

**BETWEEN**

**Children's Aid Society Region of Halton**

**Applicant**

**and**

~~John William Smith~~ (father)

~~Maria Elizabeth Smith~~ (mother)

**Respondents**

**AFFIDAVIT**

I, ~~Christina Smith~~, of the City of Burlington, in the Regional Municipality of Halton,  
MAKE OATH AND SAY:

- 1) I am 15 years old and attend Lester B. Pearson high school in Burlington, Ontario. I do not suffer from any psychological or physical disabilities.
- 2) I am writing this affidavit for the court myself as I feel as if I have to take matters into my own hands to get my wishes presented to the court. I don't have faith in the lawyer from the Office of the Children's lawyer who up until now has not been very helpful and has not represented me very well in court.

**Background to my apprehension by the Halton Children's Aid Society**

- 3) On Thursday September 27, 2007 I called my dad from school asking for money for a dance that evening but my dad refused because he felt that I had not done my chores or homework earlier in the week. He told me that I had to come straight home on the school bus and that I could not go to the dance that night.
- 4) I argued with my dad over the phone about his decision while he was on his way to work and several times we argued over the phone. My dad remained firm about his

decision to not let me go to the dance and to not give me money. This made me angry and upset at him.

- 5) When I got home after school, I called my older sister, ~~23092323~~, and told her how my dad and I had been arguing and that Dad would not let me go to the dance. I told her that I was mad and I wanted to run away to a friend's house. My sister told me that this would not be a good idea because the police would likely just take me back home. She said I could call the CAS instead. I was so angry that I decided to call the CAS while my dad was at work. I told the CAS that I was afraid of my dad. I really wasn't afraid of him hurting me, but was just angry and thought that this would get him into some trouble and get me out of the house for a few days. The CAS worker said that someone would come to see me later and asked me if it was OK if the police came as well. I said that it did not matter to me.
- 6) When my dad came home, we talked about chores and about privileges. While I would have normally have gone to bed anyway, at about 10:30 in the evening, the Halton Police and a CAS came to my house to talk to me and my dad as a result of my call to the CAS earlier that day. My dad asked that the CAS worker stay outside.
- 7) Initially, my dad and I discussed with two officers with the Halton Regional Police and told them about our earlier disagreement over the phone while the CAS worker waited outside. At first, the police officers seemed to understand that my dad and I were just arguing and that there was no real danger to me. Things seemed to be OK with police but when I went outside to speak with the CAS worker he said that it would be better if I left my home with him just for a couple of days. He said that he could take me to a CAS home where there were other kids just like me and that I would be in a nice friendly place for me to stay. The CAS worker made it sound like it would be fun place and I thought that it would be a good way to teach my dad a lesson.
- 8) The CAS worker tried to get the police officers get my dad to sign a voluntary care agreement to allow the CAS to put me into care but my dad refused. The CAS

worker then told me that if my dad would not sign, then the CAS was going to take me anyway just because I had said I wanted to go.

- 9) Although I was not comfortable with leaving with the CAS worker, the worker gave me the impression that it would be just for one or two days while things cool off. The worker made it sound like it would not be that much of a deal if I left home and that I would be much happier where they would take me. I made it very clear to the worker that I would go along with him but only if it was for a couple of days and that I wanted to come back home soon. The CAS workers told me to come along and not to worry. The CAS worker tricked me to leave the house when I thought in my mind that I would be gone from home for just a couple of days.
- 10) As the presence of police officers was quite intimidating, I was lead to believe that I had no other choice except to leave home as this is what the CAS worker and the police wanted me to do.

#### **My experience in care of the Halton Children's Aid Society**

- 11) Overall, my experience with the Halton Children's Aid Society has been very frightening, unpleasant and disruptive to my relationships with family and friends. Staying in the care of the CAS was not what CAS workers had led me to believe and not what I had expected. I feel that I was tricked into going into care of the Halton CAS.
- 12) Prior to going into care, CAS worker, James Moriarty, led me to believe that I would only be with the CAS for just two or three days while things cooled off at home. The worker left me with the impression that I would be returning back home before too long. Had the CAS worker been more truthful and more clearly explained things so that I understood, I would have not wanted to have gone with CAS workers in the first place. Later, one of the other girls in care with the CAS told me that the same worker, James Moriarty, had lied to her in the same manner as he had lied to me.
- 13) The workers with the Halton Children's Aid Society made it sound like going into care would be a pleasant experience for me. The worker never told me the process that

they were going to go to court and to get a court order forcing me away from my family. The workers never explained to me what the agency was planning to do to me or my dad.

- 14) When I was first taken into care, I was taken to a home called Pathways in Milton, Ontario. I found that experience frightening. At Pathways there were other teenagers who were tough and had been involved with crimes. Never before in my life had I been exposed to such tough teenagers like this.
- 15) While in Pathways, one day I came back to the facility to find one of the other kid's room in a mess. I found out that the boy who lived there had been taken away and that he had cut his wrists with a knife because he was so depressed being in the care of the CAS and just wanted out of the facility.
- 16) Another teenage girl staying at Pathways was so stoned and on drugs that she was visibly shaking. She also had attempted to cut her wrists as well.
- 17) Other teenagers at Pathways spoke of how they hated the CAS as well and wanted out. Many of the teenagers were angry and depressed because of CAS. The teens lived in constant fear of workers and the attitude of the teens in the facility was it was us (teens in care) versus them (CAS workers). Teens were afraid to disclose problems to workers out of fear of getting punished by the CAS workers.
- 18) While at Pathways, I was physically assaulted and robbed of my money by one of the other girls. The girl who did this to me was eventually arrested and charged by police and my money returned to me. At the time I was being assaulted in the facility, the CAS supervisor on duty at the time did nothing to help although I am sure that the supervisor could clearly hear what was going on. It was like CAS workers did not care if the residents got into a fight. I was frightened and felt trapped while at Pathways. One of the other kids went AWOL while I was there but everyone talked like going AWOL was a normal thing for the teens in CAS care to do.
- 19) After the assault, I told my father about what it was like at Pathways and he took steps to have me taken back home but was not successful in court. Nobody at the

CAS seemed to care much about me or what I wanted. In fact, CAS workers did not seem to care about any of the other teens in care as well. In my opinion, Pathways was nothing more than a building where teens are given a roof over their heads but where kids are unhappy and where a lot of bad things go on inside.

- 20) After getting out from Pathways, I was placed in a foster home in Burlington, Ontario. While the foster family has a nice house, living in someone else's house is never as good as living in one's own home and with one's own family. The food at the foster home was terrible and there was little to eat. I had to buy my own lunches at school as there was not much of selection of food at the foster home to make lunch with. One time myself and another foster teen found mould growing on the bread. It was gross and we had to throw it out. The foster home was boring.
- 21) On one of the court appearances, the worker with the CAS tried to lie to the court. Before going to court, the CAS worker told me that they were not going to supply transportation any more to take me to work and that I would have to quit my job. When we went into the court, the CAS worker lied to the judge and told the judge that the CAS was taking care of my transportation to work. I had to put up my hand in the court and tell the judge that what the CAS workers were telling the court was not what they were telling me outside of the court and that I had been told that they were going to stop driving me to my work. The judge was not pleased when I told this to him. The CAS worker told the judge that it was too expensive for them to drive me to work in Milton.
- 22) On one occasion, CAS messed up with my transportation. I got off work on evening and found out that nobody from the CAS was scheduled to pick me up. My employer was almost at the point of having to lock me out because they were closing up the business. My employer was not pleased that I was left there without a ride home. This incident almost cost me my job. I believe that the CAS workers may have deliberately done this hoping that this would cause me to lose my job and that they would not have to drive me to work anymore as the CAS worker had wanted. If I was at home with my dad, my dad would have never forgotten about me as did the CAS.

- 23) While my dad and I may have argued at times, deep down inside I know he cares for me. Foster parents just don't take the same level of interest or involvement as do members of your own family. The foster home I am in now is boring and there is nothing to do. I feel isolated and alone. My activities with my friends have been adversely affected.
- 24) To date, I feel that Halton Children's Aid Society workers have not listened to me nor have they really cared about me once they got me into care. The CAS has simply screwed everything up in my life. I simply want to go back to my home and to be with my dad, but nobody seems to be listening to doing anything about what I want. Nobody with the CAS wants to believe the truth when I tell them that I called the CAS to make my dad upset, not because I was fearful of him hurting me.
- 25) Being in care of the CAS is much worse than being at home with my dad in spite of the differences I have with him as a teenager. It seems that the CAS workers don't really understand the issues that teens fight with their parents about.

#### **My experience with my children's lawyer**

- 26) Overall, my experience with my children's lawyer has been unpleasant as well.
- 27) My lawyer told me that if my father did not do what he was told by the Halton Children's Aid Society that he would get into a lot of trouble with the court. I was upset with my lawyer telling me this and it sounded like a threat to bully me and my dad. It seems as if my lawyer was more concerned about doing what the CAS wanted than about protecting my interests.
- 28) I asked my lawyer to let me read the court documents so that I could see for myself what was being said in court about me. My lawyer refused to allow me to read the court documents. While I may be only 15 years of age, I certainly feel that I am mature enough to read the documents and to ask my questions about them. It seemed that my lawyer did not want me to be fully informed about the court matters. I felt very insulted.

- 29) I told my children's lawyer that I would like to present a letter into the court to explain what the real situation was but my lawyer said that this would not be a good idea and that my father would be blamed for making me do it. My lawyer did not want to put anything in writing from me to the court because he said it would only make things worse for me and my dad. In court, my lawyer did not tell the court what I wanted him to say very well. I feel that he did not represent me very well.
- 30) On one court appearance, my children's lawyer did not even show up for court and he did not call me to let me know. Yet, on the previous court date, he had indicated that he would attend court on the day he did not show up.
- 31) If anything, my children's lawyer has given me the feeling that that I must remain silent about the truth and that any attempt to speak the truth would only cause more problems for me. I get the feeling that my lawyer is not really interested in helping the court know what the truth is. In court, he waters down the truth. I am not happy with him.
- 32) Overall, I feel totally uniformed by my children's lawyer even though I have tried to understand things better. Sometimes when I tried to call my children's lawyer, he did not return my calls. I have had to seek answers to my questions elsewhere and feel that I have received more helpful and honest answers from others rather than my own lawyer. I had better luck in getting some of my questions answered over the internet.
- 33) The CAS contacted my mother about my apprehension and she submitted a letter in which she said my dad was a bad parent. My mother does not know what the situation between my dad and I believe that my mother is angry at my father just because I live with him and not with her. I would hope that my mother will respect my wishes and my decision and to not make matters worse by saying things which are not true. While my father encourages me to communicate with my mother, I really wish to stay living with my dad.

## **My current wishes and preferences**

34) My sincere wishes are very simple and as follows:

- a) To be allowed to return immediately to my father and to live in my family home where I feel the most safe and secure. No CAS foster home or group home can ever replace my own home and my family.
- b) That I be allowed to resolve my own issues with my family and that my rights to make my own choices and to be properly informed be respected.
- c) I have discussed my situation with two of my close friends and their parents and both families have said I am welcome to come to their homes anytime I feel that an argument with my dad heats up to a point where I feel I need to cool down. My dad and I have agreed that this is what I will do in the future should the need arise. My dad knows both families very well.
- d) My one friend ~~Carissa~~ ~~Carissa~~ lives close by to my dad's house in ~~Canada~~. We are close friends and I have gone on vacation with ~~Carissa~~ and her parents for the past 4 years. My other friend ~~Carissa~~ lives in Burlington close to my school. I have had many sleepovers at ~~Carissa~~'s house and have gone camping and on outings with their family in the past.
- e) That I be given the opportunity to speak to the judge directly without my children's lawyer should this matter continue on in the courts. I'm 15 years old and feel that I can speak for myself better than my children's lawyer.
- f) That my current children's lawyer not represent me any further. I do not think he represented me very well in court. I am not happy with his performance in my case.

## **Conclusion**

35) I have come to realize that a lot of harm has been caused by me calling the CAS out of frustration and without fully understanding the consequences. Prior to this incident, I never realized the kinds of problems that would be created by a simple phone call to the CAS. I now realize that calling the CAS was not the best thing for me to do for

the circumstances but I also believe that the CAS over-reacted to just my dad and I having an argument about money and chores and that the CAS misled me about what they were going to do.

- 36) My father has never hurt me and I have never, ever been truly afraid for my safety in the presence of my dad as the CAS has claimed. The only thing that I can say about being afraid is that I get afraid of my dad getting angry at me for doing the same sort of things that most teenagers get afraid of when they get in trouble with their parents over something they did wrong.
- 37) I have never been afraid in the sense that I am afraid that my father would physically hurt me. I know that my father cares for me. I believe that this whole incident was blown out of proportion by the Halton Children's Aid Society. My disagreement with my dad over doing chores and getting money was nothing more than the same issues which many other teenagers fight with their parents over.
- 38) Had the CAS better informed me and simply told me beforehand that they wanted to take matters to court and to get a court Order to have me placed in care, I would have told them no way and demanded to go back home right then. The CAS workers told me nothing about going to court to get a court Order to have me stay in care and made me believe that I would simply be with them for a few days. I feel insulted that CAS workers did not properly inform me of their intentions. I feel that my rights have been violated.
- 39) I am more than willing to speak to the Judge in person and to answer any questions that the judge may have for me if this will help to clear matters up in court.
- 40) My father did not assist me in the preparation of this document nor did he tell me what to write in this document. As I was told by my children's lawyer that my dad would get blamed and get into trouble should he help me to write an affidavit to the court, I sought and received help elsewhere from other persons in the community. It seems that others have taken a lot more sincere interest in helping me than the CAS workers who never seemed to really listen.

41) I have made this affidavit because I want the truth known and my wishes conveyed to the court so that the CAS workers will stop twisting things and saying untrue things about my relationship with my dad. I just want to go back home to be with my friends and my family and to get on with my life before CAS messed everything up. I have no concerns whatsoever about my safety at my dad's house as the CAS workers have claimed.

Sworn before me in the town/city )  
of Milton, in the )  
Region of Halton )  
\_\_\_\_\_ )  
this 13 day of Dec 2007 )

~~Josephine G. ...~~  
~~...~~

Josephine G. ...  
Josephine G. ..., Commissioner, etc.,  
Regional Municipality of Halton, for the  
Government of Ontario, Ministry of the  
Attorney General.  
Expires May 16, 2009.

**ONTARIO COURT OF JUSTICE**  
491 Steeles Ave. E. Milton, Ontario L9T 1Y7

**BETWEEN**

**Children's Aid Society Region of Halton**

**Applicant**

**and**

**[REDACTED] (father)**

**[REDACTED] (mother)**

**Respondents**

**AFFIDAVIT**

I, **[REDACTED]**, of the City of Burlington, in the Regional Municipality of Halton,  
**MAKE OATH AND SAY:**

- 1) I am 15 years old and attend Lester B. Pearson high school in Burlington, Ontario. I do not suffer from any psychological or physical disabilities.
- 2) I am currently back living with my father after what I feel was a very unpleasant experience in the care of the Halton CAS. I am very happy to be out of the care of the Halton CAS and to be back home with my dad, my family and friends.
- 3) I am writing this affidavit to update my previous affidavit sworn on December 13, 2007 at the Milton, Ontario Court because I was subjected to even further injustices by the Halton CAS after I had sworn my previous affidavit. I feel that the terrible experience I had while in foster care and in my dealings with the Halton CAS and the lawyers should be made known so that my story may help to prevent other children from being abused by the system as I have been.

**Further abuse by the CAS and the lawyers on the day of my court matter**

- 4) Prior to my court matter on Thursday December 13, 2007 I had made arrangements

with my father to pick me up at my foster home so that he could take me to the Milton courthouse. I had previously asked my Halton CAS worker, Maureen Helps as to the arrangements for me to get to courthouse, but Maureen never returned my calls so I made arrangements with my father. I wanted to go with my father and we had planned to have breakfast before we went to the court and to get my affidavit witnessed at the court. Court was scheduled for noon at the Milton courthouse. I made my foster parent's aware of the arrangements and that I would not be going to school that day. Up until the morning of the court, nobody from the Halton CAS called me to discuss any arrangements about getting to court, so I assumed that my dad would be taking me to the Milton court.

- 5) Shortly before my father was going to pick me up, Maureen Helps from the Halton CAS came to the foster home without any prior notice at 8:00 am and told me that I had to go with her right away and that she would be the one taking me to the courthouse. When I told her that I had already made arrangements with my father to pick me up at 9:00 am to take me to breakfast and then to the court, she told me that the CAS had care of me and that I was to do as they told me to do and that I could not to go to the court with my father. I was not even given time to have a shower which I normally do each morning. I felt that the worker did not want me to go with my dad and that I had no choice except to do as the CAS worker ordered me to do.
- 6) The Halton CAS worker drove me up to the courthouse without stopping for breakfast. I was hungry and wished that my dad had picked me up to take me out for breakfast. While on my way to the court, I contacted my dad on the cell phone. A number of my friends also send me text messages. The CAS worker wanted to know who I was communicating with and at one point told me that I could not communicate with others through my cell phone. I felt that the CAS worker was being nosy and intruding into my personal affairs.
- 7) I was taken to the courthouse but court was not scheduled until much later in the day(12 noon). The worker did not offer me any breakfast. The CAS worker told me that I had to turn my cell phone off at the entrance to the court building and made it sound like it was the rule there, yet I saw many other people using their cell phones in

the hallway of the court. I felt that the CAS worker just wanted to prevent me from being able to communicate with anyone and to keep me isolated.

- 8) Shortly afterwards, my father showed up at the courthouse. He was concerned that I had not had breakfast and wanted to take me for something to eat at the coffee shop in the court building. I also wanted to have my affidavit witnessed. At first, the CAS worker, Maureen Helps, said that I could not go with my father and said that I was supposed to see my lawyer instead. Against my wishes, Maureen grabbed my shoulder with her hand and tried to restrain me from going with my father to see my lawyer. It was my wish to go to see my lawyer with my father, not the worker. At that point my father had to tell the CAS worker to take her hands off of me which she did after my father told her to. It seemed to me that the CAS worker was only trying to keep me from my dad and was not willing to respect my own wishes.
- 9) My dad and I went upstairs to see my children's lawyer but he was not there. The CAS worker had earlier tried to use the excuse that I had to see my lawyer to keep me from going with my Dad but as I found out, the lawyer was not even present. It seems that this was just another lie by the worker to keep me away from my Dad.
- 10) My Dad and I went to a Duty Counsel at the court to ask what could be done about the CAS worker interfering with my rights and her grabbing me. While I was in to see this duty counsel with my Dad, the lawyer from the Halton CAS came into the room. I found out later that her name was Diane Skrow. Ms. Skrow told me that I had no reason to be there and that I must come with her. She put her hand on my shoulder and attempted to pull me to leave the room with her. I did not want the CAS lawyer putting her hands on me and felt violated. Twice in the same morning CAS people were grabbing me and trying to force me to go with them. Ms. Skrow said that I had to come with her because it was the CAS who controlled me. I felt insulted and violated. I feel that the CAS lawyer had no business coming into the room to boss me around and to interfere with my wishes and my rights. The CAS lawyer was not my lawyer and I had never asked her to come in to the room. She came into the room uninvited. Again, my father had to tell Ms. Skrow twice to take her hands off of me and to respect my privacy.

- 11) After that incident, my Dad took me to see someone on the second floor who witnessed by affidavit and next we went to the café at the courthouse and had something to eat.
- 12) When I first came to the court Maureen Helps said that my lawyer wanted to see me. Yet, not once did my children's lawyer try to talk to me prior to the court. In light of the poor service I had received from my children's lawyer up until my last time in court, it was no surprise to me that my lawyer did not bother to speak to me.
- 13) Throughout my entire time at the courthouse, I was left with the impression that the CAS workers and the CAS lawyer only wanted to separate me from the only person who was trying to support me, my father. It was as if they were doing everything in their power to keep me silent and to keep me from telling the court what had happened to me while in foster care.
- 14) After the court, my CAS worker, Maureen Helps, drove me back to the foster home. She appeared to be bothered and did not say much. She told me that I was not allowed to make or to receive any phone calls on my personal cell phone. She was not friendly at all.
- 15) After Maureen and I arrived back at the foster home, Maureen immediately told the foster father about the affidavit I had written to the court and told the foster father what I had said about the lack of food and the mouldy bread. The CAS worker said that it was her job to deal with these matters and we were going to deal with them right now. It sounded more like she was upset. While what I said in my affidavit was true about my treatment in foster care, I was very embarrassed because the CAS worker put me on the spot by telling the foster father what I had said in my affidavit. I was then questioned by the foster father. I felt alone at the foster home with two adults confronting me and nobody to support me in the room. I feel that the CAS worker did this deliberately to embarrass me in front of the foster father for saying bad things about the CAS and the foster home. She could have just as easily addressed this issue after I had left care. I felt as if I was being punished by the CAS

worker simply for telling the truth. This put the foster parents in an difficult situation as well as I still had to stay in the foster home until the next court date.

#### **Lack of proper tools to do my homework while in foster care with the Halton CAS**

- 16) During my time in foster care, my homework suffered because of the stress I was under because of the CAS. Being forced in foster care against my wishes was a very unpleasant experience. Compounding my difficulties at school is that I did not have access to a computer and printer while at the foster home. Having access to a computer and a printer is very important in high school to do homework and projects.
- 17) I was told that the reason why I was not allowed use of the computer in the foster home was because previous foster kids had abused their privileges on the computer and because of the past, foster children were now no longer allowed to use the computer. Because of the actions of some, the solution was to punish all the children. Denying high school students reasonable access to a computer and printer to do homework at night is almost like another form of punishment which only makes it difficult to keep one's grades up.

#### **Disappearance of personal items from the foster home**

- 18) After leaving the foster home, some of my personal belongings were found to be missing. I have since found out that the foster mother gave some of my personal possessions to one of the other foster girls, rather than returning them directly to me. The police had to be called to investigate where some of my belongings went to after I saw another one of the foster kids wearing a valuable necklace of mine in a picture that she had posted on Facebook. There were some other items such as a phone charger which disappeared as well while I was in foster care.
- 19) In my affidavit of December 13, 2007 I disclosed how I had been assaulted and robbed while at a Halton CAS group home and now at the Halton CAS foster home more of my belongings had gone missing. It seems as if no personal belongings are safe while in the care of the CAS.

**Conclusion**

- 20) From the very beginning of my involvement with the Halton CAS, the actions of the CAS workers have convinced me that these people cannot be trusted. To me, they seem more concerned about hiding the bad things that happen to the kids who are in their care. It seems as if CAS workers want to silence kids from speaking the truth.
- 21) I am more than willing to speak to anyone in person, including any judge and to answer any questions about my horrible experience with the Halton CAS and with the lawyers should anyone wish to ask.
- 22) Similarly to the information I swore in my affidavit of December 13, 2007, my father did not assist me in the preparation of this document nor did he tell me what to write. I obtained help from outside of my family as I was originally told by my children's lawyer that my dad would get blamed and get into trouble should he help me to write an affidavit for court, even if it was the truth. The truth is that I have received more real help from others in the community for free than I ever received from the CAS workers or my children's lawyer.
- 23) I have made this affidavit because I want the truth known about my very unpleasant experience with the Halton CAS, the CAS lawyer and the Office of the Children's Lawyer. It is my hope that my testimony will help to prevent other children from being lied to and abused as was I and that my testimony will encourage other kids who have been abused in care to speak up as well. I have come to the conclusion that workers with the Halton CAS cannot be trusted and the Children's Lawyer's office cannot be relied on for real help.

Sworn before me in the town/city )  
of Milton, in the )  
Region of Halton )  
  
this 31<sup>st</sup> day of January, 2008 )


Moreen Jakubczyk, a Commissioner, etc.,  
County of Dufferin and Regional Municipality  
of Halton, for the Government of Ontario,  
Ministry of the Attorney General.  
Expires September 11, 2010.

August 4, 2009

XXXXXXX XXXXXX  
c/o Ms. XXXXXXXXXXX XXXXXX  
XXXX XXXXXX Ave. Apt #XXX  
North York, Ontario  
M3M 1K2

York Region Children's Aid Society  
P.O. Box 358  
Newmarket, Ontario  
L3Y 4X7  
Tel: (905) 895-2318  
Fax: (905) 895-2113  
**Attn: Mr. Patrick Lake, Executive Director**

Dear Mr. Lake

**RE: Termination of my status as Crown Ward with the York Region Children's Aid Society after years of abuse while in care**

This letter is to advise the York Region Children's Aid Society that as of Tuesday July 28, 2009, I no longer consider myself as living as a Crown Ward under the care or control of the York Region Children's Aid Society. I have voluntarily left the care and control of the York Region Children's Aid Society and I no longer wish to live under the control of your agency. I am writing this letter to you, the director of the York Region CAS, as I have been mistreated for years by workers and simply do not have any faith in the workers with your agency.

I am now 16 years of age and fully capable of making decisions about my care for myself. If I need any additional support, I can get it from my mother and other people in the community who support me in my efforts to live independently and to break free of the destructive influences of the children's aid society.

I came to this decision as my life has been nothing but a living hell as a Crown Ward of your agency for the past eight years of my life. The latest incident which finally pushed me to break free from your agency was when I was physically assaulted yet again by a worker with Youthdale Treatment Centre in Magnetawan just prior to my leaving that facility. I suffered physical injuries as a result of being assaulted by the worker.

While workers have always told me that as a CAS ward I must remain under the control of the CAS until I was 18 years of age, I also have been informed that under the Substitute Decision Act of Ontario that I can make my own decisions as to my care. Nobody with the CAS has every informed my of my rights and have always kept me in the dark. Under the Act it states:

**Presumption of capacity**

***(2) A person who is sixteen years of age or more is presumed to be capable of giving or refusing consent in connection with his or her own personal care. 1992, c. 30, s. 2 (2).***

On your website your agency makes a number of claims some of which include:

**Respect and Dignity:**

*All persons have an inherent right to have their needs and challenges met in a manner that treats them as individuals worthy of consideration, and having value simply based upon their being human beings.*

Based on my experience and how I saw other kids in care being treated, none of the kids I have seen over the past several years have been treated with any respect or dignity. This claim on your website is nothing more than a meaningless statement intended to deceive the public.

**Do Onto Others ... :**

*We treat each other in the manner in which we would wish to be treated. In the words of Mahatma Gandhi "You must be the change you wish to see in the world."*

Based on my experience and how I saw other kids in care being treated, kids in care were seriously mistreated. This claim on your website is nothing more than a meaningless statement intended to deceive the public.

**TREAT CHILDREN AS IF THEY WERE OUR OWN:**

*Children in the care of the agency have the same rights as all other children, and the standard of care we strive for is what we would do for our own children.*

Based on my experience and how I saw other kids in care being treated, I doubt very much that workers treat their children the same as the kids in care. This claim on your website is nothing more than a meaningless statement intended to deceive the public.

**NOTHING ABOUT THEM WITHOUT THEM:**

*We involve clients and staff in every discussion and decision that affects their lives. We talk to people, not about people.*

Based on my experience and how I saw other kids in care being treated, kids in care are seldom asked about anything. I was kept in the dark. My questions to the CAS doctor went unanswered. I was never told my rights. I was beaten and robbed in care. I was never asked for my input on anything involving my care. This is just more lies to make your agency look good on its website.

I have wanted to terminate my crown wardship with your agency for a long time now, but with such tight controls in place such as workers locking kid's shoes up at night it has always been next to an impossible task to escape. Being isolated in a remote and desolate Ontario location also is another barrier. It also seems that while in care nobody wanted to help me, including the child advocate's office who kept saying that they would address my concerns but never did.

I believe that living as a Crown Ward of the York Region CAS has caused significant harm to me physically and emotionally and greatly impeded my education. Just some of things that I have been subjected to while in the care of the York Region CAS include the following:

- I have been physically assaulted and abused by workers on numerous occasions but unable to report such assaults as access to communication is tightly controlled by staff.
- I have been lied to by workers and given misinformation.
- I was denied calling my mother on the phone.

- Children in care, including myself, were not allowed to speak to each other unless all of our conversation could be over heard by workers. Workers were stationed outside of the bedrooms at night to ensure that children did not speak to each other.
- I was allowed only two phone calls per week were allowed with those being cut off if staff felt like it. All phone calls were monitored and timed with someone either listening in on the phone line or a worker sitting next to me while I spoke on the phone.
- All children in care, including myself could not keep money. All of our money had to be turned over to staff at the facility. Often our money would go missing and we would never see it again. Half of our weekly \$10 allowance was forcefully taken by workers at Youthdale Treatment Centre which was used by staff on general activities of their choosing. We were forced to give our personal money with no say as to how it was to be spent.
- Many of my personal possessions disappeared after forcefully being taken by staff. Many of the other children in care had the same happen to them.
- I was forced to sign legal documents which I did not understand and nobody would explain to me. I was told to sign documents or be punished. I was refused to be provided a copy of any of the documents which I was forced to sign under duress by workers.
- I have been forced to the floor and sat on by workers and have had powerful medication forced in my mouth and down my throat. The medications were forced upon me by a doctor from the CAS who would not listen to me but basically told me to just comply with the wishes of CAS workers and to agree to take the medications like the other kids in care and to shut up.
- I have been forced to sit at a student desk all night and not allowed to go to my bedroom unless I agreed to do or say things which workers told me I had to do or say.
- I have been the victim of false allegations by workers which they commonly use as an excuse to punish children and to make the kids in care look like problem kids. It seems that workers use this tactic against other kids as well as a post on a blog from another kid under the control of Youthdale stated the same in his post. (blog posting attached)
- I have been subjected to threats, intimidation and bullying by staff as were most of the other kids in care at Youthdale.
- One of your agency's former supervisors, Ms. Donna Lennin stole money which my mother had sent to me. She was arrested by York Regional Police and pleaded guilty to this crime in Newmarket court.
- I have been denied access to the phone to call the child advocate's office in spite of my legal right to do so.
- Attempts to reach me by the child advocate's office have been thwarted by workers.
- At 16 years of age I am computer illiterate, not because I do not possess the ability to learn, but because I was kept from learning about the computer and the internet because of what I believe was the need by workers to ensure that children in care of CAS would not be able to communicate with the outside world and to get their stories of abuse while in care to those on the outside.

- I have been forced to take a cocktail of powerful drugs while in care which have only made me feel sick. I believe that the years of forced medication of powerful drugs has stunted my growth. I believe I am shorter in stature than I should be and I believe it was the powerful drugs which have stunted my normal growth. Below is a photo of the bag of medications which were forced upon me by workers. One of the pill bottles in the bag (see photo below) does not even have a proper prescription label and has been labelled using a crayon.



**Photo of the pills that I was physically restrained by staff and forced to take against my will if I did not agree to take them myself.**

The above is only a partial list of some of the things I have been experienced to while being a Crown Ward of the York Region CAS. While being declared a ward, I have been held in what I would consider nothing less than a prison. In the last few days I have been given information by others which certainly supports that my experience of abuse is not isolated. Attached to my letter is a page containing comments from other persons who have been victimized at Youthdale Treatment Centres just as I was abused. It seems that many of the abusive tactics used against me while in care have been used against other children in the same way. It would seem that Youthdale have got the art of child abuse down to a science where they can abuse kids and keep the evidence and their wrongdoing hidden from the public.

Now that I am 16 years of age, I want out of the CAS. I don't want to have anything to do with your agency, your workers or with any of the agencies which the York Region CAS uses to abuse children such as Youthdale Treatment Centres. As far as I am concerned, the Youthdale Treatment Centre that I was held prisoner in should not be referred to as a treatment centre but instead referred to as a torture and abuse centre for children. Kids are being abused inside of that facility and the only reason why this is not generally known is because Youthdale keeps the children under such repressive conditions, with many being forced to take drugs that it is impossible for the children in care to get their stories out into the open and to be believed.

As I don't trust the workers with your agency anymore, if you would like to hear what I have to say, then I would be willing to meet with you in person at your office along with a support person of my choosing. I would think that you, as the head of the York Region CAS, would be most interested in

being made fully aware of what your agency is doing to the kids that are being taken into the care of your agency.

Because I have had so many bad experiences with workers lying and twisting around what I have said over the years, I will insist that my meeting with you be recorded electronically with my own recording device for accuracy purposes. I have no problem with having anything I say in our meeting accurately recorded. If you are an honest person, then you should have nothing to fear about recording our meeting as well.

If you are willing to meet with me under the condition that our meeting be recorded, then please contact my mother, Ms. XXXXXXXXXXX XXXXXX at (416) XXX-XXXX who will be more than glad to arrange a meeting.

If you are not willing to meet with me in person, then tell your workers to leave me alone and to get out of my life. I would ask that your agency file a motion with the court to remove me from being a Crown Ward of your agency as I don't want your agency to have any control over me whatsoever.

At this time, I would request that a complete copy of all my child protection files since the day I was first taken into the York Region CAS be provided to me including any files in the possession of the agencies which my care was contracted out to by the York Region CAS such as Youthdale Treatment Centres. Please contact my mother and she will arrange to have my files picked up from your offices.

In regards to my future, I am planning to get a part time job and to go back to school to get the education and other life experiences that I was deprived of while living in prison-like conditions as a Crown Ward of the York Region CAS. I have missed out on so much on life while being a Crown Ward and now find myself at a significant disadvantage to other children who have lived outside of the control of the CAS. For years, I have been the subject to the control of workers who did not care for one minute about the kids. In fact, several of the workers said that they were there only for a job to make money and for nothing else. How can your agency claim to be protecting and caring for children, when your agency gives the responsibility of raising children into the control of mindless and uncaring workers? Children cannot thrive or grow up to be normal in the sort of environment that your agency is putting children into.

Tragically, I know that I am not alone and that other kids in the care of your agency are suffering as well. Children in care are unable to speak out because of the almost prison-like conditions as well as the daily threats and intimidation which strikes fear in the children and silences their cries for help. If your agency really cares about kids, then start by getting your workers to respect the rights of children in care. One suggestion I would make to help protect children from abuse is that workers be required to record all of their conversations with children using video or audio equipment. This will help put an end to the lies by workers. I believe that the installation of video surveillance equipment inside of Youthdale Treatment Centres may also help reduce the number of incidents of bullying and abuse of children by the staff members who, based on my own experience, seem to take enjoyment in taunting and bullying the kids in care, knowing that there is nothing to make them accountable for their abuse of power over the kids.

In just the short period of time since I have been out of the control of your agency, I have learned so much about my rights and freedoms. By isolating me and controlling my ability to obtain

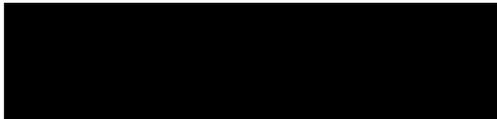
information, workers have kept from me from learning about my rights for all of these years. Based on my experience, I can see how workers do everything they can to keep kids in the dark about their rights and freedoms and to keep them feeling frightened and isolated. I wish that I had known more about my rights sooner and had been able to speak up and take action earlier.

I hope that this letter will serve as a wakeup call to your agency to review the way it does business and which other agencies it does business with. I intend to speak to others about my experience. Hopefully, by getting my story out, I might be able to make a difference to other children. I am sure that other children will be coming forth in the months and years with more stories about how they have been abused by various workers while under the care and control of CAS.

In closing, all I can say is that the York Region Children's Aid Society should be absolutely ashamed of the abuse what it has subjected my family and I too. While my letter may seem not very polite, I have suffered years of abuse which gives me reason to be angry. If a resident spoke like this in care, they would be punished and in most cases forced on to medications. I suspect that other children in care are being affected just like I was. It is my hope that your agency will help me to make contact with my own little brother who is 12 years of age. I have been constantly refused permission to contact him. It seems however, from comments made on the Youthdale blog, that breaking up siblings is something that CAS agencies do to other kids as well.

I would appreciate your personal response in writing sent to my mother's mailing address which is listed at the top of this letter. I only hope that your agency will do what is right and to put things right for the future and to take steps which will stop the abuse of children who are in care.

Yours truly

A large black rectangular redaction box covering the signature area.

Xxxxxxx Xxxxxt

Former Crown Ward of the York Region Children's Aid Society

Attachment: Comments posted in a public forum about Youthdale Treatment Centre (1 page)

## Comments posted on the internet about Youthdale Treatment Centre

### **Sherri**

NO!! THEY MEDICATE WITH DANGEROUS DRUGS THAT CAUSE BRAIN DAMAGE...**I do not recommend this place.**

### **Blackwidow1PP**

Believe me I have a lot to tell you. You need to get stories from all over because some of us are out there and we consider ourselves Youthdale Survivors so, let me know if you want a story. Youthdale tried to rip me and my family apart. They sent me to a doctor for no reason. When they screw up they try to find a escape goat to blame it on, and that is the kids. They try bribe me to staying, they let a guy walk into my room at night I won't get into details, but it was humiliating. So do not send your kids there? **I do not recommend this place.**

### **Mom69**

My experience with Youthdale is very poor they love to try to twist your words and they will try to put all the blame on your child cause they are "professionals" they will say they are there for the family but will try every which way to pull the family away I honestly feel its no place for a child or anyone to be at. never let out your true feelings to them cause they will use it in the long run on you. **I do not recommend this place.**

### **scarsrundeep**

This place is the absolute worst; they drug you if you over react to something, they embarrass you in front of everyone, OMG! I'll never forget when Kevin did that to me. It had to be the worst day out of all the days i was there. I really don't recommend this place to send your kids, send them anywhere else but here. **I do not recommend this place.**

### **Scar**

I was in treatment and was restrained by staff while going through flash backs of when I was raped then I was charged by Youthdale for assault on a staff member. Is this how they help?? From 13y/o to 16 1/2 all my life was about was Youthdale and some things I will never forget. It's amazing how the mind can be moulded to what they want. The crisis center was like a jail, no windows to open, sleeping in beds that felt like boards with hospital sheets, Grup as they call it. They pick your brain and analyze every word finishing with how does that make you feel. If you act out they send you in a padded room with a pillow but be prepared to take a pill or a needle to calm you down before you get sent in the room. Believe me, I was there twice then sent to a foster home. If you want to have a connection with your child don't send them here as I was now at 25 I am like a stranger to my family. At 17 I got reunited back with my brother I didn't even recognize him. It's easy to read this but believe me just sharing this little bit ....it hearts, I cry, nothing can ever give back what i have missed or wished I had. **I do not recommend this place.**

### **Meandmyself**

This place is evil. 18 months of hell I spent in that place. Do NOT send your kids there. **I do not recommend this place.**

### **John8**

Keep your kids out of their grasp! They abused my child with heavy drugs whenever something was done wrong. The psychs here need to take a trip to the Clarke (and NOT as a psych, but rather as a PATIENT). Heard they're getting exposed soon, so hopefully they'll get shut down! **I do not recommend this place.**

# The Mother, The Child, The School Board And The Psychic

June 6, 2009 - CityNews.ca Staff

Colleen Leduc already had a lot going against her. The Barrie woman was holding down a job while struggling to raise her autistic 11-year-old daughter. She couldn't afford to give the child the intensive therapy she needed, and was forced to send her to a public school in the area.

So she was completely unprepared for what happened to her and the youngster, an almost unbelievable tale of red tape involving a strange claim from a teaching assistant, a bizarre decision by a school board, a visit from the Children's Aid Society (CAS) and most improbably of all, the incorrect pronouncements of a psychic.

Leduc's weird tale began on May 30, when she dropped young Victoria off for class at Terry Fox Elementary School and headed in to work, only to receive a frantic phone call from the school telling her it was urgent she come back right away.

The frightened mother rushed back to the campus and was stunned by what she heard - the principal, vice-principal and her daughter's teacher were all waiting for her in the office, telling her they'd received allegations that Victoria had been the victim of sexual abuse - and that the CAS had been notified.

How did they come by such startling knowledge? Leduc was incredulous as they poured out their story.

"The teacher looked at me and said: 'We have to tell you something. The educational assistant who works with Victoria went to see a psychic last night, and the psychic asked the educational assistant at that particular time if she works with a little girl by the name of "V." And she said 'yes, I do.' And she said, 'well, you need to know that that child is being sexually

abused by a man between the ages of 23 and 26.'"

Victoria, who is non-verbal, had also been exhibiting sexualized behaviour in class, actions which are known to be typical of autistic behavior. That lead authorities to suspect she had a bladder infection that may have somehow been related to the 'attack.'

Leduc was shaken by the idea. "It's actually your worst nightmare your child being violated," she admits. "So for them to even suggest that, and that be my worst nightmare, it was horrific."

But things got worse when school officials used the "evidence" and accepted the completely unsubstantiated word of the seer by reporting the case to Children's Aid, which promptly opened a file on the family.

"They reported me to Children's Aid," Leduc declares, still disbelieving. "Based on a psychic!"

The mom, who is divorced and has a new fiancé, adamantly denied the charges, noting her daughter was never exposed to anyone of that age. And fortunately she had proof. The mother was long dissatisfied with the treatment her daughter had received at the school, after they had allegedly lost her on several occasions.

As a result, the already cash strapped mom had spent a considerable sum of money to not only have her child equipped with a GPS unit, but one that provided audio records of everything that was going on around her.

So she had non-stop taped proof that nothing untoward had ever happened to her daughter, and was aghast that the situation had gone this far. But under the Child and Family Services Act, anyone who works with children and has reasonable grounds to suspect a youngster is being harmed, must report it

immediately - and the CAS has an obligation to follow up.

And so a case worker came to the Leduc home to discuss the allegations of sexual misconduct, only to admit there wasn't a shred of evidence that anything had ever happened at all. They labelled Leduc a "diligent" mother doing the best she could for her child under difficult circumstances, closed the file and left, calling the report "ridiculous."

"It is highly unusual, I will admit, to have a case called in based upon what a psychic might say," concedes Sue Dale of the Simcoe County CAS.

And what does the admittedly red-faced school board have to say about all this? "I don't have the information yet, but when we proceed with our own investigation we'll know more about that," is all Dr. Lindy Zaretsky, the Simcoe County Superintendent, was willing to allow.

And what does the local board have to say about all this? "I don't have the information yet, but when we proceed with our own investigation we'll know more about that," is all Dr. Lindy Zaretsky, the Simcoe County Superintendent, was willing to allow.

But that wasn't the end of the story.

While the board agrees it may have overreacted, accepted a rather dubious source and misinterpreted the signs of the so-called abuse, Leduc is now more convinced than ever that her daughter isn't safe at the campus and that she needs more intensive therapy.

As a result, she's refused to send Victoria back to class - or to the educational assistant who allegedly started the entire chain of events in the first place.

As a result of her stress and the need to stay home with her daughter, Leduc is now unable to work, has no place to send her child for the rest of the year, isn't sure where she'll go when school begins in September and is seeking legal advice.

Her goal: get the board to pay for the therapy she believes her child should have had in the first place. She wants them to foot the bill for the expensive treatment - it can cost more than \$50,000 annually - at least for the rest of the semester.

But school officials have refused.

Asked if she feels whether her entire support system has been yanked away, her answer is succinct and simple. "Yep," she nods.

And you don't need a psychic to know what that answer means.

## Letter from an elementary school student

The letter below was written by an elementary school student complaining about how her mother and the principal at her school were talking about her father and colluding to prevent her father from participating at school with her. This student clearly says that she wants this to stop and she wants her father to be treated the same as her mother by school officials. Based on what this young girl witnessed her mother and the principal do, she will be left with only bad memories of her school and principal. The principal has set a terrible example for this young student which she will likely never forget in her lifetime.

This letter demonstrates the damage done to children when school officials allow themselves to be influenced by separated parents and/or others such as child protection workers and then use their authority to interfere with the rights of students. Under NO circumstances should school officials be influenced to interfere with the basic rights and freedoms of any student. School officials must always demonstrate fairness and justice in their dealings with all persons.

|  |                          |                             |
|--|--------------------------|-----------------------------|
| 03/01/04 MON 14:35 FAX 905 317 2642  | GREAT-WEST LIFE HAM DIS. | 005                         |
| Dear Reader  |                          | Sunday, December 14<br>2003 |
| <p>I, Shanese Steele, have witnessed my Mother, Lisa Steele, and my Principal, Mr. Smyth, talk about my Father, Sherwin Steele, to try and stop him from coming to my school or on field trips. I feel this is wrong, my Father has been a good influence to my Brother and I, I hope this letter no different than the letter I wrote to my grandparents will help stop what's going on. My should Father should be able to be apart of my life, just like my Mother.</p> |                          |                             |
| yours truly  |                          |                             |
| Shanese Steele<br>Shanese Steele   |                          |                             |
| PS: My Father did not force me to right this letter  |                          |                             |

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

by  
**The Family Justice Review Committee**  
Working paper: February 1, 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**

**Attn: Documents Review Team**

**By Email: [fjrc@canadacourtwatch.com](mailto:fjrc@canadacourtwatch.com)**

## **Or by general mail 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.

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# **Ensuring 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, outside 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. 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 review.

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 allowed 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 child protection system in Ontario in the following ways:

- 1) To provide an 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 waken 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, individuals or municipal governments who may be considering a financial donation to a CAS agency**

All businesses, individuals or municipal governments who may be considering making a financial donation to a CAS agency are urged to familiarize themselves with the contents of this document and before making any financial donation to a CAS agency, insist that the CAS agency provide them with documented proof that the CAS agency has written policies in place which reflect that the CAS agency is conducting its business in an open and accountable manner as outlined in this document. Businesses, individuals or municipal governments who make financial donations to CAS agencies which refuse operate in a transparent, accountable and fair manner as outlined in this document should consider that they may be indirectly and unwillingly 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 at: [info@canadacourtwatch.com](mailto:info@canadacourtwatch.com) or by phone at (416) 410-4115

## **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) 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)**
- c) A list of the names of outside law firms or lawyers which the agency uses under contract on a regular basis for its legal work. (This will help members of the public to recognize potential conflict of interest)**
- d) 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. (This will help members of the public to recognize potential conflict of interest)**
- e) The total number of paid up members of the corporation (but not the names) updated on the agency's website on a monthly basis.**
- f) The most recent annual financial statement of the corporation.**
- g) A photo and a personal biography of the Chief Executive Officer of the agency.**
- h) Code of ethics that workers are expected to follow during the course of their duties.**

- i) Information on how members of the public can join up to become voting members of the agency, including downloadable membership application forms.
- j) 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.
- k) Information regarding the date, time and meeting location of the monthly Board of Director meetings as is practiced by other responsible agencies.
- l) Information on how to become a foster parent and the requirements that must be met in order to become a foster parent.
- m) Links to all applicable legislation which may be useful to parents during the handling of any child protection matter.
- n) 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 as is practiced by other public agencies, school boards, etc.
- o) Links to information which would help parents and families during difficult times.
- p) 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.
- q) 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)
- r) 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: Concealing of abuse of children in care and the violation of their 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 who are supposed to be caring for them. 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
- 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.

### **Issue #3: 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 #4: 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 #5: Conflict of interest for CAS workers to sit on the boards of other corporations**

##### **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 also sat as a member of the Board of Directors for the Rotary Club of Belleville, which made donations to the CAS while this paid 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 organization or private company 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 organization or private company which may be requested to donate money to the CAS.**

## **Issue #6: 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 #7: 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 #8: 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 #9: Disclosure of information to children and parents from agency files and worker's notes**

### **Discussion**

Many parents have complained about difficulty to obtain copies of files in order to defend themselves in court against child protection agencies. Yet, child protection agencies use the information in these files against children and their 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.

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 notes 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 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.**
- 4) That such files be provided at no charge to children and parents.**
- 5) That workers handwritten notes be written in plain English and legible.**
- 6) That CAS agencies provide information on their website as to how parents can obtain copies of their case files from CAS agencies.**

## **Issue #10: 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 treatment 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, 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 parties 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 #11: 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 worker 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 #12: 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 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 should have the right 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 #13: The presence of family members and supporters in the court**

### **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 can not 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 #14: 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 #15: 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 interview training include the guidelines to the proper use of electronic recording devices as additional investigative tools, including both audio and video.**

## **Issue #16: 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 #17: 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 #18: Interviewing of children at their schools by CAS workers**

#### **Discussion**

Many parents and children have complained about CAS workers come into schools to conduct

interviews of the children without informing the parents and without information 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 #19: The removal of newborns 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 #20: 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 #21: 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 #22: 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 #23: Greater involvement of community based family support 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 #24: 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 #25: 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 #26: Failure of CAS agencies to seek out biological parents and extended families prior to placing children up for adoption**

### **Discussion**

It has been reported by a number of non-custodial parents and/or extended family members that in situations where CAS agencies have removed children from abusive parents that no action is taken to locate the biological parent or to consider the biological parent as a care provider for their child. Some parents have reported that even when CAS agencies have known the identity of the other parent that steps have been taken to exclude that parent from being involved.

### **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 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.
- 2) 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.

## **Issue #27: 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. 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 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 pub**
- 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.**

## **Sources of additional information about the child protection industry and the rights and freedoms of students**

### **You Tube video website**

The You Tube video website contains many videos posted by children and families who have been affected by child protection agencies. Viewers can quickly locate many of these videos by using the search function on the website and searching phrases such as CAS, children's aid, child protection, CPS, child abuse, etc.

<http://www.youtube.com>

### **Vimeo video website**

Similar to the You Tube video website, Vimeo has a video website which hosts a number of videos regarding the child protection industry. Viewers can quickly locate many of these videos by using the search function on the website and searching phrases such as CAS, children's aid, child protection, CPS, child abuse, etc.

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

### **Facebook**

Facebook has a number of groups which have organized around the issue of child protection. Many of these groups are based in Canada. Viewers can quickly locate many of these groups by using the search function on the website and searching phrases such as CAS, children's aid, child protection, CPS, child abuse, etc.

<http://www.facebook.com>

### **Canada Court Watch**

Canada Court Watch is an organization with a website which covers general injustices against children and families, including those by child protection agencies in Canada. The National Chairman, the Archbishop Dorian A. Baxter, was the first person in Canada to successfully win a lawsuit against the Durham Children's Aid Society. In his case, the CAS agency and its workers were found by an Ontario court to have committed gross incompetence, malicious prosecution, perjury and blackmail.

<http://www.canadacourtwatch.com>

### **Dufferin Voca**

Dufferin Voca is a not-for-profit group based in Ontario which has a website and posts news article on a regular basis concerning the child protection industry.

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

### **Corruption Central**

Corruption Central is a Canadian organization which published articles on its website concerning the child protection industry.

<http://corruptioncentral.com/>

### **Protecting Canadian Children**

Protecting Canadian Children is a Canadian based children's right's organization from Hamilton which publishes information about the abuse of children and families by the child protection industry.

<http://www.protectingcanadianchildren.ca/>

### **Fight CPS.com**

Fight CPS is a US based children's right's organization which publishes articles on its website

exposing abuse of children and families by the child protection industry.

<http://fightcps.com/>

### **CBC Television**

CBC Television aired a documentary on national television called “Finding normal” which was about one boy who was being forced medicated by CAS workers in a group home to the point where the boy could not even walk up a flight of stairs. In addition, the boy was being sexually assaulted while in the care of the CAS. Luckily, the boy was rescued by his grandparents and totally taken off drugs but not until after tens of thousands of taxpayer’s dollars being spent by the CAS to fight the grandparents in their bid to save their grandchild. This documentary can be found on the CBC website at the following weblink:

<http://www.cbc.ca/national/news/normal/>

### **The Universal Declaration of Human Rights**

This document outlines the most basic human rights which were recognized and endorsed by Canada back as early as 1948.

<http://www.un.org/en/documents/udhr/>

### **General Internet**

The internet contains a wealth of information about the child protection industry and many stories from children and families. Some suggest search criteria would include:

Fight children’s aid societies