

**Provincial Advocate**  
*for Children & Youth*

**L'intervenant provincial**  
*en faveur des enfants & des jeunes*

# **Office of the Provincial Advocate for Children and Youth**

**Suggested recommendations for Jury consideration**

## **Inquest into the death of Jeffrey Baldwin**

February 4, 2014

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## STRENGTHENING POINTS OF PROTECTION IN NATURAL ADVOCATES AND THE PUBLIC

1. Toronto District School Board (TDSB) immediately deliver a directive to principals, trustees and staff that, where a member of staff suspects a child may be in need of protection within the meaning of the *Child and Family Services Act* (CFSA), the staff member has a statutory obligation to report that directly to a children's aid society. The staff member should not investigate or discuss the concern prior to making the call to the children's aid society. TDSB amend "Operational Procedure PR-560: Abuse and Neglect of Students" to accord with the directive.
2. Toronto District School Board partner with experts to establish means by which young people with lived experience of child maltreatment can be involved in teaching students about their right to be safe and free from child abuse and neglect.
3. The Ministry of Education direct all other school boards to review their policies on child abuse and neglect and take action as set out in recommendations 1 and 2 above as necessary.
4. The Ministry of Education amend the curriculum with appropriate content for each grade level, from kindergarten through secondary school, to include instruction on the topic of child abuse and neglect. This curriculum to be informed by input from youth with lived experience and experts on the education of children and youth about child abuse and neglect.
5. Ministry of Children and Youth Services (MCYS), in consultation with young people in and from care, develop and implement a public interest campaign. The campaign should centre on Ontario's commitment to the well-being of all our children. The campaign message should include recognizing child abuse and neglect, the duty to report child abuse and neglect, the method of reporting, and that reporting has the potential to create positive change in a child's life.

## CHILD WELFARE PRACTICE

### A. REFERRALS TO CHILDREN'S AID SOCIETIES

6. Ministry of Children and Youth Services create a provincial child abuse hotline, modeled on Crimestoppers, to create an easy point of access for members of the public to make a referral to a children's aid society, connect the caller to their local children's aid society, provide consistency in the response to referrals and allow the call taker to check Child Protection Information Network (CPIN) and/or other electronic document management systems upon receipt of the call for past involvement with a children's aid society.

7. The children's aid societies for the City of Toronto (The Children's Aid Society of Toronto, Catholic Children's Aid Society of Toronto, Jewish Child and Family Services and Native Child and Family Services of Toronto) create a centralized intake with one telephone number for the City, the ability to screen all four databases and the ability to ensure that a person who wishes to make a referral is connected to a society.

## B. ACCESS TO CRIMINAL RECORD CHECKS

8. The Ministry of Community Safety and Correctional Services develop a means by which children's aid workers can obtain a Canadian Police Information Centre and or criminal records checks 24 hours a day, 7 days a week.

## C. VERIFICATION OF IDENTITY

9. Ministry of Children and Youth Services require child protection workers to acquire photocopies of government-issued identification and/or digital reproductions of government-issued identification for all adults living in the home where a child is seeking or receiving services under the Child and Family Services Act. This is crucial for criminal and historical searches, but also for tracking children and cases over time within and across computer systems.

## D. DOCUMENTING VERIFIED IDENTITY

10. Ministry of Children and Youth Services and children's aid societies ensure that Child Protection Information Network (CPIN) and other electronic document management systems have a means of opening a file when government-issued identification is not available but prompts the workers to verify identities each time the electronic file is accessed (e.g. for case management purposes). The alert/prompt shall remain in effect until the identification is confirmed with government-issued identification and a further records check is completed with the verified identity.

## E. LEGISLATIVE FRAMEWORK FOR COLLECTION, RETENTION AND DISCLOSURE OF INFORMATION

11. The *Child and Family Services Act* (CFSA) shall be amended to contain provisions relating to the collection, retention and disclosure of information under the CFSA. MCYS shall create the necessary policies and guidelines to support the legislative change. The revised information sharing regime shall:
  - i. Emphasize the prioritization of child safety over common law individual privacy interests
  - ii. Provide clear direction to Ontario's children's aid societies regarding the disclosure of records and retention of records in both Child Protection Information Network

(CPIN) and the legacy electronic document management information systems that continue to exist

- iii. Expand access to CPIN and the Child Protection FastTrack Information System in circumstances other than child protection investigations, including, specifically, the assessment of alternative caregivers (e.g. kinship service providers) and other adults in the home
- iv. Require all children's aid societies to produce records in their entirety (including, where applicable, an adult client's childhood history) to other children's aid societies when requested and clarify that shared records become part of the receiving children's aid society's record for the purpose of subsequent disclosure
- v. Allow access to CPIN and Child Protection FastTrack Information System without the requirement of consent of the person subject to an investigation and/or intended placement for a child

## F. CASE MANAGEMENT AND A SINGLE INFORMATION SYSTEM

- 12. Ministry of Children and Youth Services fully implement Child Protection Information Network (CPIN) within 24 months of this recommendation for all of Ontario's children's aid societies with access to the information contained in Child Protection Information Network (CPIN) to be governed by a statutory framework which permits access by a society to information retained by another society.
- 13. Child Protection Information Network (CPIN) include functionality which creates alerts for "must know" information including the existence of psychiatric assessments, parenting capacity assessments, child abuse convictions, criminal records, and other key information and documents.

## G. LEGISLATIVE FRAMEWORK FOR INFORMATION SHARING BETWEEN CAS AND POLICE SERVICES

- 14. Section 32(g) of the *Municipal Freedom of Information and Protection of Privacy Act* and s. 42(g) of the *Freedom of Information and Protection of Privacy Act* shall be amended to include the phrase "or to aid a child protection investigation".

## H. INVESTIGATIONS

- 15. MCYS require that where a society receives three or more reports involving a single family which do not result in an investigation, the society shall consider opening a full investigation.
- 16. MCYS amend standards to require that where a new allegation that a child may be in need of protection is received with respect to a child or a family who is already

seeking or receiving services under the *Child and Family Services Act* (CFSA), that an intake investigator by assigned to do the investigation.

17. Ministry of Children and Youth Services (MCYS) create and implement an authorization process with appropriate training to ensure that workers have the core competencies to conduct investigations and other duties under the CFSA before they can undertake any investigations on their own.
18. MCYS require that when doing investigations, children's aid society workers do so in pairs, thereby providing additional safety, providing an opportunity for one worker to do interviews and another take notes, and provide an opportunity for further discussion and analysis to assist in decision-making.

## I. TRAINING

19. The Ministry of Children and Youth Services shall establish and fund an authorization process for new child protection workers and determine the means by which that authorization process is created and delivered through an open and competitive process. Only authorized child protection workers will have the authority to conduct investigations, apprehend children or make child protection applications to child welfare court.
20. The provincial authorization process shall include a competency based curriculum to support the authorization process for new child protection workers.
21. Child protection workers subject to the authorization process shall be required to pass oral and/or written exams to demonstrate their learning and competency.
22. Workers subject to the authorization process shall participate in field practice assignments and assume increasing levels of casework responsibility until they have achieved and demonstrated minimum competencies.
23. Field assignments, at a minimum, will include the shadowing of authorized experienced child protection workers, coaching and mentoring and a supervisory assessment.
24. The Ministry of Children and Youth Services shall enact a regulation under the *Child and Family Services Act* to define the specified criteria for authorization which shall include, but not be limited to, training on the following:
  - i. investigative techniques
  - ii. interview techniques
  - iii. legal and court processes

- iv. guarding against cognitive bias and the importance of reevaluating conclusions on an on-going basis and in light of new information
- v. taking of comprehensive notes and the importance of thorough and timely documentation
- vi. the importance of comprehensive and accurate demographic information, including aliases, nicknames, former names and maiden names, and the potential consequences of inaccurate demographic information, such as misspelling or inaccurate names, for future discovery of and access to historical information about the individual
- vii. the importance and relevance of family history as part of the child welfare investigations and assessments

An Executive Director of a children’s aid society may designate a worker as authorized once satisfied that he or she has met the prescribed criteria and demonstrated the required competencies.

## J. KINSHIP

- 25. Ministry of Children and Youth Services (MCYS) develop a “Kinship Services Home Study Comprehensive Assessment” form to enhance the consistency and thoroughness of Kinship assessments across Ontario. The form shall include a place to record the child’s perspective, views and preferences on the potential kinship placement and how they have been understood and considered. Workers shall be provided training to ensure they have the knowledge and skills to collect, assess, and record the information as required.
- 26. MCYS construct a kinship services key performance indicator in order to track the utilization of kinship services, including issues related to child safety and permanence.
- 27. MCYS conduct a needs assessment (survey of kinship service providers) and engage family support service providers and children’s aid societies to deliver a tailored set of support services (e.g. respite care, effective parenting courses, tutoring).

## K. CHILD ADVOCACY CENTRES

- 28. MCYS fully fund the Child & Youth Advocacy Centre (CYAC) in Toronto and expand the model to other parts of the Province.

## ACCOUNTABILITY

- 29. The Ministry of Children and Youth Services (MCYS) collect and consolidate the quality assurance data and reports/or summary reports collected by Ontario children’s

aid societies and ensure that the data is made public and shared among the children's aid societies for the purpose of meaningful education and awareness.

30. Until there is a renewed child death review process as described in recommendations 36 and 37, the Office of the Chief Coroner for Ontario develop means by which knowledge and understanding obtained through the children's aid related inquests and the Paediatric Death Review Committee (PDRC) processes can be disclosed to children's aid society workers, staff and supervisors and other relevant sectors across the Province.
31. Until there is a renewed child death review process as described in recommendations 36 and 37, the Office of the Chief Coroner for Ontario share the recommendations of the PDRC (including child welfare recommendations) with the family of the deceased child and make those recommendations publicly available.
32. Until the report of the public inquiry is released as described in recommendation 37, the Information and Privacy Commissioner of Ontario, with MCYS, develop means by which there can be increased accountability and transparency within Ontario's children's aid societies on issues of outcomes, finances, quality assurance and other governance issues without compromising the privacy of people seeking or receiving services under the CFSA.
33. MCYS initiate an ongoing process for systemic reviews of child protection, family service and kinship service files ensuring that *Child Protection Standards in Ontario* (February, 2007) are being adhered to, with particular focus on compliance with the investigation standards.
34. The Auditor General of Ontario conduct an audit of the jury's recommendations and release the results of the audit to the public.
35. The Auditor General of Ontario examine the proposed cyclical review process to ensure that it incorporates the intentions of integrated file review process (promised in response to the 2008 Special Report of the Auditor General: *Follow-up of 2006 Audits of Child Welfare Services Program and Four Children's Aid Societies*) and that it is implemented.

## TOWARDS BETTER PROTECTION FOR CHILDREN AND YOUTH

36. The Premier of Ontario call a public inquiry into the protection of children in the Province of Ontario. The inquiry shall have the power to access information from witnesses and require the production of documents. The inquiry will report publicly. The inquiry shall engage sectors which can offer points of protection to children and youth including schools, mental health sector, first responders, business, shelters that provide shelter to youth and families, doctors, hospitals, housing providers, psychiatrists, children's aid societies, early years centres, parents and children and

youth with experience with the child welfare system as well as the general public. The inquiry will:

- i. review the investigation of child maltreatment, child protection practice, and child protection policy and procedure
- ii. create a plan to ensure the health and well-being of Ontario's children and youth that includes all sectors and which puts children at the centre
- iii. consider the sufficiency of existing oversight mechanisms to ensure accountability of child welfare and the delivery of adequate services to children and youth including the role of the Ministry of Children and Youth Services (MCYS) and the capacity of volunteer boards of directors to provide accountability, oversight and the training and governance of workers and supervisors carrying out a legislated mandate under the CFSA
- iv. examine Ontario's child death review process for children who are connected to Ontario's care systems within a year of their death and whether the criteria is sufficient to ensure meaningful review of the death of children connected to care
- v. review deaths which occurred in the last decade of children who were connected to Ontario's care systems for which there are death investigation reports available

37. The Ministry of Community Safety and Correctional Services and MCYS, together with the Office of the Chief Coroner for Ontario and the Office of the Chief Forensic Pathologist for Ontario, create a task force to lead the development of a structured, open and transparent provincial child death review process for systematic reporting and analysis of all child and youth deaths and the evaluation of the impact of case-specific recommendations. The task force should include broad representation including representation from public health, the Canadian Pediatric Society, First Nations representation (e.g. Assembly of First Nations, Regional Chiefs or local Chiefs), young people, members of the general public, education, child care and child welfare and should consider:

- i. the composition of the child death review team
- ii. the structure and process by which deaths are reviewed
- iii. the creation of linkable databases for data collection, consolidation and dissemination, systemic data collection and data-sharing which would assist in the development and support of policy in Ontario and provide a model for other provinces
- iv. the relationship with child death review teams from other provinces.

The report of the Task Force should be mailed to the jury, mailed to counsel for the siblings and the institutional parties with standing at the inquest, and placed on the Ministries' websites.

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