

Summary Director's Case Review:

S.C.

1.0 Overview

1.1 Purpose of the Review

The purpose of this review is to examine the involvement of USMA Nuu Chah Nulth Community and Human Services (USMA *or* the Agency) and the Ministry of Children and Family Development (the Ministry *or* MCFD) in the case of a child and her family, to ensure policy and practice standards related to planning for the child's care were met.

The scope of review did not include an analysis of Ministry practice with respect to services provided to the caregiver's family. However, since there were a number of contacts with the caregiver's family, an appendix outlining them is attached to the report.

Director's Case Reviews involve a review of all Ministry and Agency files associated with a case, as well as interviews with Ministry and Agency staff who had conduct of the child's file and other professionals as required.

1.2 Terms of Reference

1. Was the response of Usma Nuu Chah Nulth Community and Human Services to the child protection concerns associated with the [family] consistent with established standards?
2. Was the decision to facilitate the entering of the CFCSA s.8 Kith and Kin Agreement between [the mother] and [the Kith and Kin caregiver] in the children's best interests?
3. Did Usma Nuu Chah Nulth Community and Human Services agency staff follow the July 2002 Draft 'Practice Guideline for Section 8 Agreements - Aboriginal Agencies'?
4. Was the information-sharing process between the Ministry for Children and Family Development Vancouver Island region and the Usma Nuu Chah Nulth Community and Human Services agency with particular respect to the sharing of information regarding the [Kith and Kin Caregiver] family adequate to ensure the safety of the children in the Kith and Kin placement?

1.3 Background Summary

The child was born on January 17, 2001, the second of two children of the mother, aged 19, and the father, aged 27. The parents' first child, a boy, was born on January 18, 1999. The family lived intermittently in Ahousat, Port Alberni and Victoria. There were eleven intake calls relating to the child, her brother and her mother and father received either by the Ministry or the agency.

On August 14, 2002, the child was placed with the caregivers by her mother. On that date, there was a discussion between Ministry staff and Agency staff regarding a Section 8 (Kith and Kin) agreement. The caregivers and family agreed to a plan for both children

to be placed with them under a Section 8 Agreement. The Agency placed the brother with the caregivers on August 21, 2002. On August 26, 2002, the caregivers signed the Section 8 agreement.

The child died on September 4, 2002. She was 19 months old. The caregivers' explanation for the death, as reported by the investigating police officers from the Port Alberni RCMP detachment, was that she was pushed down five stairs by her older brother during what was described as a "sibling fight" and died as a result of her injuries.

Between September and November, the Ministry conducted a safety assessment of the other children in the home and found them to be safe. Between September 2002 and January 2003, the agency and Ministry received information that the coroner was suspicious about the explanation for the child's death. On January 17, 2003, the coroner released the official pathologist's report indicating that the cause of the child's death was homicide. The RCMP met with the coroner on January 21 and began a homicide investigation. On January 24, 2003, the Agency director met with the RCMP and the coroner. Following a consultation between the Agency and the Ministry, the boy was removed from the home on February 3, 2003.

On June 5, the male caregiver was charged with second-degree murder and remained in custody until October 2003, when he was released pending the preliminary hearing. He is allowed no contact with the family. On Oct. 4, 2004, he pleaded guilty to manslaughter and on Oct. 5, 2004, he was sentenced to 10 years in jail.

2.0 Summary of Findings

2.1 Was the response of Usma Nuu Chah Nulth Community and Human Services to the child protection concerns associated with the [family] consistent with established standards?

Finding: The Agency's response to the child protection concerns was not fully consistent with established standards.

Discussion: The Agency's response to the protection concerns met many but not all of the standards. There was some inconsistency in the adherence to standards, although there was clear evidence that practice was improving significantly over the period under scrutiny. This finding is with respect to service provided to the child while she resided with her mother. The failure to meet all standards in those investigations did not impact on the final outcome.

2.2 Was the decision to facilitate the entering of the CFCSA S.8 Kith and Kin Agreement between [the mother] and [the Caregiver] in the children's best interests?

Finding: This review cannot answer the question as posed. However, the Agency's decision to facilitate a Kith & Kin (Section 8) Agreement was based on the belief

that the caregivers were the most appropriate placement for the children and made with the support of the family.

Discussion: The Agency's decision to facilitate a Kith and Kin (or Section 8) Agreement was based on the belief that the Caregivers were the most appropriate placement for the children. The Agency considered other options to ensure the safety of the child however Kith & Kin was chosen for a number of reasons including: the belief by the agency that there was no history of child protection involvement with the caregivers; the placement was a "less intrusive" measure than removal but would still have allowed social workers to monitor the situation; and the family supported the plan for a placement with the caregivers.

This determination was made in the absence of information regarding the extent of the family's involvement with the Ministry and without full disclosure of the caregivers' criminal history.

2.3 Did Usma Nuu Chah Nulth Community and Human Services agency staff follow the July 2002 Draft 'Practice Guideline for Section 8 Agreements - Aboriginal Agencies'?

Finding: The Agency staff did not meet the practice guidelines in the July 2002 Draft "Practice Guideline for Section 8 Agreements."

Discussion: The Agency understood that the draft *Practice Guideline for Section 8 Agreements* was not a mandatory requirement however the Agency reviewed the guideline and began to implement it. Some but not all of the pre-agreement checks were completed at the time the agreement was signed. The Criminal Record Check of the male caregiver had not been completed and only one letter of reference had been received. The agency had received the PCC from the Ministry however it was incomplete.

The *Practice Guideline for Section 8 Agreements* document, accompanied by a covering memo, was received by the Agency on July 23, 2002. Agency staff did not receive any training regarding implementation or the practice implications of the Section 8 agreements. The newness of the policy, the lack of training and the lack of clarity on the requirements contributed to some confusion in the Agency re the use of Kith and Kin Agreements.

2.4 Was the information sharing process between the Ministry of Children and Family Development Vancouver Island region and the Usma Nuu Chah Nulth Community and Human Services agency, with particular respect to the sharing of information regarding the [Kith and Kin Caregiver] family, adequate to ensure the safety of the children in the Kith and Kin placement?

Finding: The information sharing process between the Ministry and the Agency failed to alert Agency social workers of the existence and nature of caregivers' involvement with the Ministry.

Discussion: When the Agency requested a Prior Contact Check on the caregivers' home, they were inadvertently provided an incomplete record of Ministry involvement with the caregivers' family. Due to this error, Agency social workers remained unaware of previous Ministry involvement with the caregivers' family.

Subsequent to this the Agency received access to the Ministry Information System and completes its own Prior Contact Checks.

3. Recommendations

1. The Agency Executive Director to review with their staff the Aboriginal Operational and Practice Standards and Indicators related to investigation, specifically Standards #4 -#20 of Level 15 delegation.
2. The Agency Executive Director and MCFD Manager to review their protocol to ensure that there are no barriers to good communication between the Ministry and Agency
3. The provincial Director to ensure that when new child welfare legislation is enacted, and before new standards are implemented or new policies are approved, all social workers are provided with its associated training, especially in cases where the new legislation is central to how children are protected, such as Sections 8, 9, 10 and 41.
4. The provincial Director MCFD, to review Kith and Kin guidelines to determine whether they were intended as discretionary guidelines or as a policy requirement. The revised November 2003, Kith and Kin guidelines should be forwarded to all Aboriginal Agencies.
5. The provincial Director MCFD, to review policy regarding out of care options to determine whether medical examination should be completed on all children living in out of care placements as a result of a child protection intervention.
6. The provincial Director MCFD to require that all child welfare agencies in British Columbia use an information-sharing computer database that interfaces with every other child welfare agency in the province. The SWS MIS system of file management and information sharing is one such database that should be available to all agencies in the province prior to their achievement of Level 15 (Protection) delegation. Because social worker's assessment tools are limited, knowledge of a family's previous history is essential for them to make informed decisions. The SWS MIS system lists any previous Ministry involvement with the child or family. Since all agencies go through a long and graduated process of achieving the highest level of delegation, the requirement that the information-sharing program be in existence prior to the Level 15 delegation would not create undue hardship on an Agency.

7. The provincial Director MCFD to ensure that Ministry and Agency social workers are aware that intakes on young people who are parents or who are about to be parents and who are living away from their legal guardians with little or no likelihood of repatriation should be registered under the young person's name. They should identify the young person as the "key player" on their own Family Service file even if they are living with family members or other de facto caregivers.
8. The regional Director MCFD and Agency Director to ensure training is provided for Family Support workers regarding reporting responsibilities and working with delegated Aboriginal Agencies.
9. The provincial director MCFD to communicate with MCFD staff that all files are clearly marked as "protection" or "request for family support services". While the response of the social worker may not be affected by this classification because of their knowledge of the case, when the file is transferred to either another social worker or another agency, proper classification is critically important.
10. The agency director to ensure that social workers do not register intakes related to their family members on Family Service files, whether they are "protection" calls or "requests for family support services".
11. The Agency director to ensure a clear communications protocol be developed and implemented between delegated social workers and local police detachments.
12. The provincial director MCFD to communicate with delegated agencies and Ministry staff that Prior Contact Checks must be reviewed by a delegated social worker before being forwarded to another Agency.