



Ontario's Child Welfare System

Jaime Wegner-Lohin, Alicia Kyte & Nico Trocmé
September 2014

This CWRP Information Sheet provides an overview of the child welfare service delivery system in Ontario. The summary is based on the authors' synthesis of information collected from publicly available documents. The summary presented in this information sheet were prepared by the authors with funding from a Social Sciences and Humanities Research Council Partnership Grant and a gift from the Royal Bank of Canada foundation to support the McGill Centre for Research on Children and Families' Children's Services Research and Training Program.

Background

Children's Aid Societies in Ontario have the exclusive mandate under the [Child and Family Services Act](#) (CFSA) to protect children who have been or are at risk of being abused and/or neglected by their caregivers, to provide for their care and supervision where necessary and to place children for adoption (CFSA, 1990). A total of 46 Children's Aid Societies are specifically designated by the Minister of Children and Youth Services to investigate child abuse and neglect and take the necessary steps to care for children and youth in need of protection. Seven are designated Aboriginal societies and 3 serve religious communities. Children's Aid Societies are independent legal entities (corporations run by Boards of Directors) or Indian Bands (that operate under the Indian Act) and are accountable to the communities they serve. In addition to the CFSA, the [Ontario Child Welfare Eligibility Spectrum](#) and [Child Protection Standards](#) guide child protection workers at each phase of service delivery.

The Government of Ontario and the Government of Canada have a cost-sharing agreement for funding certain social services to First Nations children and families living on reserve. For more information on First Nations child welfare in Ontario, see the information sheet "[First Nations Child Welfare in Ontario](#)" (Kozlowski et al., 2011).

The current structure of the Ontario child welfare system has been through a series of changes over the last decade. While Children's Aid Societies continue to provide services to children and families, the number of agencies and service protocols have changed and the range of available services have expanded. The Ministry of Children and Youth Services created the Child Welfare Secretariat in 2004 to develop or revise policy and amend legislation related to the provision of

child welfare services. With the release of the Child Protection Standards, a differential response model was implemented and alternative dispute resolution mechanisms were introduced. In 2011, amendments were made to the legislation through the [*Building Families and Supporting Youth To Be Successful Act*](#). This act is intended to remove barriers to children in care being adopted and allow older youth whose care was terminated at age 16 or 17 to return for support until the age of 21.

Child in Need of Protection

Child protection services are provided to children and youth ages 0-16 years and in some cases up to the age of 18 if the young person is already the subject of a child protection order at age 16. Also, youth ages 18-20 (inclusive) may be eligible for Continued Care and Support for Youth (CCSY) provisions to help them meet their goals as they transition to adulthood. In order for a child to be found in need of protection, evidence of harm is not required. Children can be deemed as being in need of protection when there is a risk that the child is likely to be sexually molested or exploited, suffer physical harm, or emotional harm.

[Section 37\(2\)](#) of the *Child and Family Services Act* considers that a child is in need of protection where:

- (a) 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;

- (b) 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;

- (c) the child has been sexually molested or sexually exploited, including by child pornography, 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;

- (d) there is a risk that the child is likely to be sexually molested or sexually exploited as described in clause (c);

- (e) 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;

- (f) 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;

(f.1) the child has suffered emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) 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;

(g) there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) 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;

(g.1) there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) 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;

(h) 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;

(i) 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;

(j) the child is less than twelve 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;

(k) the child is less than twelve 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; or

(l) the child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is twelve years of age or older, with the child's consent.

Service Delivery

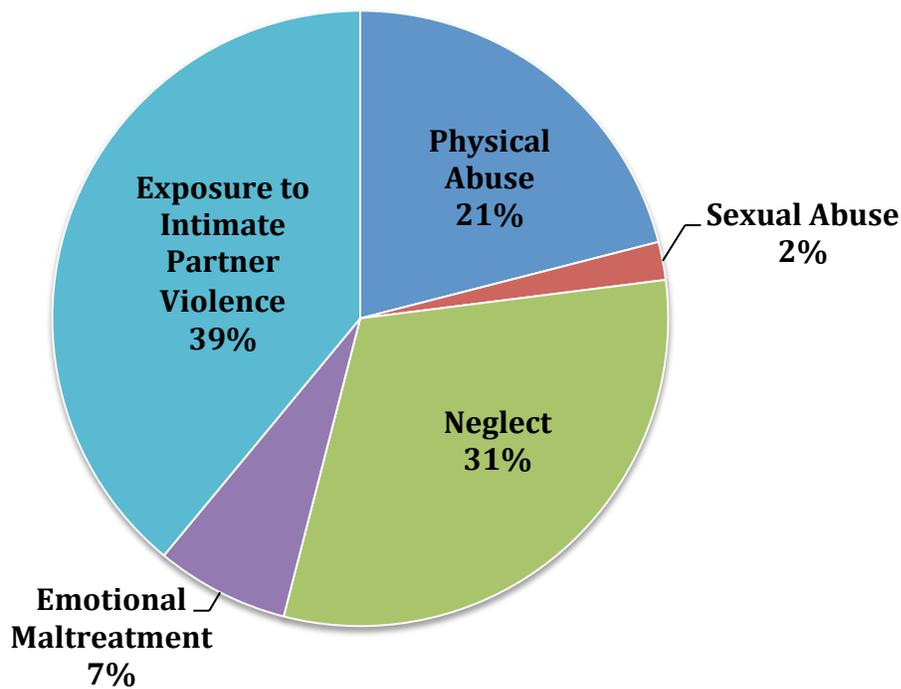
When child abuse or neglect is suspected, the information is reported to the local Children's Aid Society. Each report of a child protection concern is assessed by a child protection worker based

on the Child Protection Standards in Ontario and the Eligibility Spectrum. In cases where there are reasonable and probable grounds that a child may be in need of protection, an investigation is initiated using either a “traditional approach” (focused on ascertaining facts and collecting evidence in a legally defensible manner) or a “customized approach” (more flexible, individualized approach used in less severe cases).

Between April 1, 2010 and March 31 2011, Children’s Aid Societies received a total of 166,754 referrals – 82,876 (49.7%) of which were assessed and determined that no investigation was necessary and 83,878 (50.3%) investigations were completed (OACAS, 2011). At the conclusion of the investigation, concerns are deemed as being verified (substantiated), not verified (not substantiated) or inconclusive.

The 2008 Ontario Incidence Study of Reported Child Abuse and Neglect (OIS) describes the primary forms of reported maltreatment for children investigated by child welfare services. Figure 1 presents the incidence of substantiated maltreatment in Ontario, based on the primary maltreatment category. The OIS uses maltreatment categories designed for application across all provinces and territories; therefore the maltreatment categories in Figure 1 do not directly correspond to the protection categories outlined in the Child and Family Services Act. As shown in Figure 1, findings from the OIS indicate that the primary category for substantiated maltreatment in Ontario is highest for exposure to intimate partner violence (39%), followed by neglect, physical abuse, emotional maltreatment and sexual abuse (Fallon et al., 2010).

Figure 1.
*Primary Category of Substantiated Maltreatment in Ontario, 2008**



*Source: OIS-2008 (Fallon et al., 2010)

If the child is still deemed as being in need of protection at the conclusion of the investigation, the family will continue to receive services either voluntarily or on a court-mandated basis. The Child and Family Services Act requires that decisions related to protection services consider the best interests of the child and that the least disruptive alternatives are preferred. Table 1 indicates that in 94% of cases where a Children’s Aid Society becomes involved, the child remains at home with their family (Fallon et al., 2010).

Table 1.
*Placement in Child Maltreatment Investigations and Risk of Future Maltreatment Investigations in Ontario 2008**

Placement Status	#	Rate per 1,000 children	%
Child remained at home	121,436	50.98	94%
Child with relative (not a formal child welfare placement)	3,616	1.52	3%
Formal care (includes foster and kinship care)	3,004	1.26	2%
Group homes/Residential secure treatment	692	0.29	1%
Total Investigations	128,748	54.05	100%

*Source: OIS-2008 (Fallon et al., 2010)

**Placement data are only collected for the initial investigation period in the OIS-2008.

In cases when there is significant risk that a child will be maltreated if they remain in the family home, the child will be placed with another caregiver and may be in the care of the Children’s Aid Society or a family or community member.. The OIS reports that children are most likely to be placed in out-of-home care for investigations with neglect as the primary form of substantiated maltreatment (Smith, Van Wert, Ma & Fallon, 2012). As shown in Table 1, most children who require out-of-home care at the time of investigation are placed in an informal arrangement with a relative (3%), followed by foster care and kinship care (2%) and group homes or residential secure treatment facilities (1%) (Fallon et al., 2008)

Additional information about child welfare services in Ontario is available on the [Ministry of Children and Youth Services website](#), the [Ontario Association of Children’s Aid Societies website](#), the [Office of the Provincial Advocate for Children and Youth website](#), as well as the [Canadian Child Welfare Research Portal](#).

About the authors: Jaime Wegner-Lohin is a doctoral student in the McGill University School of Social Work. Alicia Boatswain-Kyte is a doctoral student at Université de Montréal École de

service social. Nico Trocmé is a Professor at and the Director of the McGill University School of Social Work.

Suggested citation: Wegner-Lohin, J., Kyte, A. & Trocmé, N. (2014). Ontario's Child Welfare System. CWRP Information Sheet #138E. Montreal, QC: Centre for Research on Children and Families.

References

Building Families and Supporting Youth to be Successful Act, S.O. 2011, c.12.

Fallon, B., Trocmé, N., MacLaurin, B., Sinha, V., Black, T., Felstiner, C., Schumaker, K., Van Wert, M., Herbert, A., Petrowski, N., Daciuk, J., Lee, B., DuRoss, C. & Johnston, A. (2010). Ontario Incidence Study of Reported Child Abuse and Neglect-2008 (OIS-2008). Toronto, ON: Child Welfare Research Portal. Retrieved from <http://cwrp.ca/publications/2293>.

First Nations Child and Family Caring Society of Canada. (2010). First Nations Child and Family Services Funding. Retrieved from <http://www.fncfcs.com/projects/child-welfare-funding>.

Indian Welfare Services Act, R.S.O. 1990, c.I.4

Kozlowski, A., Sinha, V., & Richard, K. (2011). First Nations Child Welfare in Ontario. Toronto, ON: Canadian Child Welfare Research Portal. Retrieved from: <http://cwrp.ca/infosheets/first-nations-child-welfare-ontario>

Ministry of Children and Youth Services (2007). *Child Protection Standards in Ontario*. Toronto, ON: Ministry of Children and Youth Services. Retrieved from: <http://www.children.gov.on.ca/htdocs/English/documents/topics/childremsaid/childprotectionstandards.pdf>

Ontario Association of Children's Aid Societies [OACAS]. (2006). *Ontario Child Welfare Eligibility Spectrum*. Toronto: Ontario Association of Children's Aid Societies. Retrieved from: <http://www.oacas.org/pubs/oacas/eligibility/EligibilitySpectrum06nov1.pdf>

Ontario Association of Children's Aid Societies [OACAS]. (2011). *Statistics*. Retrieved from: <http://www.oacas.org/pubs/oacas/statistics/index.htm>

Ontario Child and Family Services Act, R.S.O. 1990, s37, 2.

Smith, C., Van Wert, M., Ma, J. & Fallon, B. (2012). OIS-2008: Rates of Out-of-Home Placement in Substantiated Maltreatment Investigations. Canadian Child Welfare Research Portal: Toronto, ON. Retrieved from: <http://cwrp.ca/infosheets/ois-2008-rates-out-home-placement-in-investigations>