The "Without Notice" Removal
Warrantless Apprehension and Emergency Removal/Placement

The Child Welfare Toolkit

A Joint initiative between the Factor-Inwentash Faculty of Social Work and the David Asper Center on Constitutional Rights, Faculty of Law, University of Toronto

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Contents

Introduction

The following sections outline case law and social science literature concerning "without notice" removals of children from their parents and caregivers. Without notice removals are used to ensure the immediate protection of a child who has been or is deemed to be at risk of being maltreated, either at the present time or in the future. This brief includes a brief synthesis of the two areas which highlights gaps, points of alignment, and potential future directions for judicial decision-making and social science research.

Section 1: The Case Law

Legal Issues

1. Is an emergency placement the most appropriate intervention for a child deemed at risk?
2. Do emergency placements present additional risks that could be circumvented by offering services or enacting supervision orders?

Legislation

A child protection worker can remove a child from their parents or caregiver at any time, if they determine that the child is in need of protection, based on the risks outlined in section 74(2) of the ***Child, Youth and Family Services Act (CYFSA)***. A Children's Aid Society (a "Society") can obtain a warrant to remove the child and bring them to a place of safety, or, if a substantial risk to the child's safety is found to exist in the period of time that it would take to obtain a warrant, the child protection worker may remove the child without a warrant. Following a removal without a warrant, a Society must bring the matter for a hearing within five (5) days.

The relevant provisions of the *CYFSA* can be found in Appendix A.

Legal Findings

1. Legal Research Methods

Search for jurisprudence was conducted in Westlaw (a subscription resource) and CanLII (an open resource), using the terms: emergency care or emergency placement or apprehension, and child protection or child welfare. The search also included browsing the Legal Issues category on Westlaw. From this heading, child protection was selected; apprehension was found as an additional subcategory and was explored for articles and jurisprudence. The "Texts and Annotations" category was selected to develop a comprehensive compendium of the overarching jurisprudence on the issue of bringing children to a place of safety without a warrant within the confines of the *CYFSA*. Cases

were excluded if they did not include an emergency placement. Cases were confirmed to still be in good standing and were ranked both on their number of citations and level of court decision. Preference was given to cases from 2017 to 2021, though older precedents were also included in the analysis. Case law from other provinces was at times referenced to highlight constitutional considerations for performing warrantless apprehensions/removals.

2. Jurisprudence

The Legal Test

A child can be removed with or without a warrant. The process begins with a report of suspected child maltreatment, resulting in a child protection worker being assigned to the family to conduct a *Risk Assessment* and rate the level of potential danger to the child. This preliminary rating determines whether immediate action is required or if the protection concerns may be mitigated through a supervision order and the provision of services to the family while the child stays in the home.

The statutory scheme dictates that, to remove a child without a warrant, a child protection worker must have "reasonable and probable grounds" to believe that the child needs protection, and that there is a substantial risk to that child's safety during the time it would take to obtain a warrant or commence a hearing on the matter. In ***R v Ashkewe*** at paragraph 27, the Court defined the evidentiary threshold of reasonable and probable grounds as requiring that both the child protection worker must subjectively believe that the child would face a substantial risk of harm in the time it would take to get a warrant, and that an objective person placed in the position of the worker would reach the same conclusion (ONCJ, 2007). A "substantial risk" to the child's safety must be a "real, concrete risk" that has more than a "trifling or minimal" chance of evolving into actual harm (***Children's Aid Society of Algoma v S (R)*** [*S(R)*] at para 35) (ONCJ, 2013). Courts have interpreted the term "substantial" as raising the quality and degree of the risk of harm to levels that are "quite elevated," meeting a "threshold that is beyond a simply 50:50 chance that the risk of harm will materialize into actual harm," and not merely "illusory or speculative" (see ***S(R)***, para 35). There is also a requirement for an objective assessment of the time period in which the risk can persist, based on the facts and some acceptable reasoning in determining the time it would take to obtain a warrant to apprehend[1] or commence child protection proceedings (***S(R)*** at para 43).

Constitutional Considerations

In ***Winnipeg Child & Family Services (Central Area) v W (KL)*** [*KLW*], the Supreme Court of Canada (SCC) looked at the constitutionality of bringing a child to a place of safety without a warrant (called an apprehension in the Manitoba legislation) (SCC, 2000). Writing for the majority, Justice L'Heureux-Dubé rejected the contention that warrantless apprehensions in non-emergency situations would infringe *Charter* rights and formulated the following standard:

> Apprehension should be used only as a measure of last resort where no less disruptive means are available. [...] I find that the appropriate minimum s. 7 threshold for apprehension without prior judicial authorization is not the "emergency" threshold. Rather the constitutional standard may be expressed as follows: where a statute provides that apprehension may occur without prior judicial authorization in situations of serious harm or risk of serious harm to the child, the statute will not necessarily offend the principles of fundamental justice. (at para 117)

The SCC reached this decision by contrasting the procedural protections in the child protection system from those in the criminal law context, finding that expecting child protection workers to differentiate between emergency and non-emergency situations imposes unacceptable risks on the child which outweigh the risk of trauma resulting from an unnecessary apprehension, since the latter can be redressed by a prompt, post-apprehension hearing

1 The term "apprehension" is used in cases that predate the CYFSA which replaced the term with "removal to a place of safety." We use apprehension and removal throughout this brief interchangeably.

(KLW at paras 98, 103, and 116). Requiring a warrant for emergency apprehensions was seen as insufficiently mitigating the risk of an inappropriate apprehension, because judges are likely to afford deference to the Society's assessment of the situation given the highly particularized nature of child protection proceedings and the highly compelling purpose for state action in this context (KLW at para 113).

Section 81(2)(c) of the *CYFSA* follows the standard set in KLW, namely that bringing a child to a place of safety should only occur when "a less restrictive course of action is not available or will not protect the child adequately." As per KLW, bringing a child to a place of safety is conceptualized as a protection of last resort that is grounded in the existence of reasonable and probable grounds to believe the child is at risk of serious harm within a narrow time frame.

Constitutional considerations regarding without notice removals have been discussed in several Ontario cases, primarily from the perspective of parental rights. In one case, the Court considered whether pictures taken of a (disorganized) home, incident to an apprehension, had constituted a violation of section 8 of the *Charter* and should therefore been rendered inadmissible in the associated child protection proceeding. The Court found that the child protection worker, by taking the pictures of the home, was acting far outside the scope of her authority. Her actions therefore constituted a violation of section 8. The Court found further that even with a warrant, the actions would have been inappropriate (***Chatham-Kent Children's Services v K.(J.), 2009 ONCJ 589*** (ONCJ, 2009).

In ***Family & Children's Services of St. Thomas & Elgin v F (W)*** [*F(W)*], the Ontario Court of Justice conducted a similar analysis to the Supreme Court in , and found that child apprehensions invoke the section 7 *Charter* rights of the parents, but that the apprehension was in accordance with the principles of fundamental justice. Of note, the judge commented,

> It is important also to note in that regard that the apprehension in any given case may be very short in nature. Children might be returned to their caregivers promptly, as soon as the society determines that they are not being harmed and that there is no real risk of harm. No matter what, however, the actions of the society in apprehending the children have to undergo judicial review unless the children are returned to the parents within five days of the apprehension, according to section 46 of the Act. This constitutes safeguards for the parents, and children, that there is a form of judicial review within a short period of time. (ONCJ, 2003 at para 182).

The Court also found no violation of section 8 as consent was given for the search, and that section 10(b) was not triggered because the mother was never detained. The case has also been cited as standing for the principle that self-incrimination rights do not apply to child protection cases, as they are distinguishable from criminal proceedings (ONCJ, 2003). In ***Children's Aid Society of St. Thomas & Elgin v JPG***, the Court found that the right to silence does not apply in the context of child protection proceedings: there is a right by applicant Societies to interact with a child "with no apparent boundary" (ONCJ, 2016).

The finding that a removal of a child from the custody of their parents invokes section 7 of the *Charter* has resulted in several specific rights being afforded to parents. This includes the right to state-funded counsel for indigent parties, as per ***Catholic Children's Aid Society of Toronto v MC***, (following ***New Brunswick (Minister of Health and Community Services) v G(J)*** [*G(J)*]) and, as per ***Children's Aid Society of London & Middlesex v D (S)***, the right to access important evidence, so long as the production of the evidence would not lengthen the proceedings beyond the statutorily prescribed limits (ONCJ, 2018; ONSC, 2008). Courts have also described the best interests of the child as a limit on a parent's section 7 and section 2 *Charter* rights to raise a child in accordance with their religious beliefs, as can be seen in ***Children's Aid Society of Toronto v LP*** [*LP*] (ONCJ, 2010). The Supreme Court has discussed these issues in ***B (R) v Children's Aid Society of Metropolitan Toronto*** and ***AC v Manitoba (Director of Child and Family Services)***, which concerned situations where a hospitalized child is not entirely removed from the parent's care, but only in the sphere of medical

decision-making regarding treatment in that hospital, which becomes the place of safety. The aforementioned **LP** case is an example of this, as is ***Children's Aid Society of Toronto v L(M)***.

Best Interests of the Indigenous Child

Section 10(1) of *An Act respecting First Nations, Inuit and Métis children, youth and families*, SC 2019, c 24 (***Bill C-92***), requires that the best interests of the child is the paramount consideration in decisions or actions related to child apprehension. Under the *CYFSA*, the best interests test requires, in the case of a First Nations, Inuk, or Métis child, to consider the importance of conserving the child's cultural identity and connection to their relevant First Nations, Inuit, or Métis community. ***Bill C 92*** has modified the best interests test further for Indigenous children. In ***CAS v KC and Constance Lake Nation***, the Society designated a hospital as a place of safety for infant twins and obtained a temporary order placing the children with the Society. In the subsequent formal motion for temporary care, the Court interpreted the interplay between Bill C-92 and the *CYFSA* as establishing an augmented best interests test applicable to Indigenous children which aims to align with the federal legislation's overall goal of promoting substantive equality between Indigenous and non-Indigenous children (para 10) (ONSC, 2020). Justice Breithaupt Smith observed that there are only two factors in the inclusive list set out at section 10(3) of Bill C-92 regarding the best interests of an Indigenous child that do not already exist in the list of factors as set in section 74(3) of the *CYFSA*: 10(3)(g) regarding family violence, and 10(3)(h) regarding any civil or criminal proceeding, order or measure relevant to the child. The Court held that the two factors are to be added to the list of factors in the *CYFSA* when analyzing the best interests of the Indigenous child in Ontario. Otherwise, the provincial legislation is not in conflict or inconsistent with the federal legislation, and therefore the thus-augmented *CYFSA* best interests test governs (para 41).

Grappling with the concept of "substantive equality" in the child protection context, the Court highlighted that "substantive equality supports, and in some ways enables, the dignity of personal autonomy and self-determination" (para 42). In that case, the mother's home territory of Constance Lake First Nation had no established First Peoples governance structure in the Waterloo Region, where the mother resided; she was, however, connected with the local First Peoples community in the Waterloo Region. The Court reasoned that, since the children were young babies, their link to the First Nations community was through their mother, and found it incorrect to disconnect them from culturally-supportive resources already accessed by the mother in favour of alternatives which were inaccessible as a result of the geographic distance (para 43). Most importantly, the Court took into account documented challenges experienced by the mother in travelling outside of the Waterloo Region, and, while it acknowledged that transportation accommodations were made by the Society to facilitate the mother's visits of the children at their out-of-region foster placement, it held that such a placement, even if culturally-matched, will curtail the children's time spent with the mother with the effect of "prioritizing a statutorily-driven cultural match with strangers over the parent-child relationship" (para 44). Justice Breithaupt Smith argued that "[a] barrier is created that would not form itself for a child of the demographically-dominant group, that being Canadians of primarily European descent here in Waterloo Region" (para 44) – a practical reality that defies Bill C-92's goal of promoting substantive equality between First Peoples and other Canadians. The Court ruled the augmented best interests test required that the children be placed with a foster family that was geographically close to the mother's residence regardless of the foster parents' ethnicity (para 45).

In ***Kina Gbezhgomi Child and Family Services v MA***, in the context of a submission by the relevant CAS that the mother's non-cooperation was a factor against returning the children to the care of their mother, Justice Wolfe took judicial notice of the disproportionate impact of the child welfare system on Indigenous communities, as well as the disempowerment and frustration faced by Indigenous families when they interact with the child welfare system (ONCJ, 2020). In making these comments, Justice Wolfe referred to the preamble of the *CYFSA*, ***Bill C 92***, and the intentional disruption of Anishinaabe kinship structures through, first, residential schools, and then the child welfare system. To this end, Justice Wolfe refused to hold the mother's lack of

engagement with the CAS against her. However, the circumstances of this case are also emblematic of some of the ongoing problems in the enforcement of child protection law. Approximately one year elapsed before the appropriateness of the initial removal was reviewed, and Justice Wolfe imposed a supervision order, expressing worries about how the mother, who was recovering from an addiction, might pose a risk to the children should she relapse.

Child Protection Workers

Child protection workers face the challenging task of making time-sensitive decisions in situations where it is often difficult to obtain hard evidence, which will stand up in court, to substantiate allegations of imminent danger (see **KLW**, para 100). They must additionally consider all reasonable options for the protection of the child, before proceeding with the apprehension and continue to remain attentive to the possibility of risk of harm or actual harm to the child while parsing through and interpreting the information before them, as can be seen in the Saskatchewan case o***f E (CCA), Re*** (SKQB, 2009).

The "immense power" to bring a child to a place of safety granted to the Society under section 81(7) of the *CYFSA* has strict requirements in, for example, ***Children's Aid Society of Niagara Region v P(T)*** [*P(T)*] (ONSC, 2003). In determining whether it is appropriate in a specific case, the Court will consider the circumstances in which the child is to be brought to a place of safety and the basis of the decision made at that point in time given the information then known or reasonably available to the Society, as in ***Children's Aid Society of Niagara Region v JF*** [*F(J)*] (ONSC, 2005). In assessing the risk at that juncture in time, the Court will weigh several factors, including: the nature of the protection concern, the age of the child, and the familiarity of the family involved (see F(J), para 17). As can be seen in ***Children's Aid Society of Algoma v SP***, under the legislation, child protection workers are not required to articulate their reasons for believing that a child is in need of protection or explain the grounds for bringing a child to a place of safety without a warrant (ONCJ, 2012). Accountability for the worker's actions is left to later stages in the child protection process, like the ratification of temporary care and custody orders.

Judicial disapproval of bringing children to a place of safety without a warrant as a routine practice can be found in several recent cases. For instance, in ***Children's Aid Society of Toronto v YM*** [*YM*], Justice Sherr noted that warrants are an important check on state power in child protection and found that bringing the child to a place of safety in that case was inappropriate because the Society supervisor herself "acknowledged that there was not a substantial risk to the child's health or safety during the time necessary to bring the matter to court or to obtain a warrant" (ONCJ, 2019). In ***Children's Aid Society of Algoma v LG*** [*LG*], the Court commented that the unavailability of a justice of the peace who could grant a warrant did not excuse the Society for bringing a child to a place of safety without a warrant, since other justices were available within the territorial jurisdiction of the Society (ONCJ, 2020).

Lack of Accountability for Unnecessary Removals

Courts have recognized the importance of the parent-child relationship, and held that the state should interfere with it only in accordance with the principles of fundamental justice (see **F(W)**, para 136). Although judges have been critical of bringing children to a place of safety without a warrant, the statute precludes meaningful accountability for improper removals by not providing a viable remedy and leaving the consideration of the Society's removal actions to later stages in the child protection process.

Bias has been found to influence child protection workers' decisions to bring a child to a place of safety, as evidenced through actions such as purposefully altering facts to demonstrate the "need" to bring a child to a place of safety (***Children's Aid Society of London and Middlesex v S (F)***) or preventing parents from accessing information about what they need to do to keep their child (***Children's Aid Society of Toronto v G (D)*** [*G(D)*]) (ONSC, 2004; ONCJ, 2003). Courts have also pointed out that children should not be brought to a place of safety solely on the basis of a breach of a supervision provision (see ***S(R)***, para 49), or on the basis of evidence that is "too trivial for state intervention" (see ***P(T)***, at para 69).

Bringing a child to a place of safety is an interim child protection measure, and one of the most disruptive forms of interventions (see ***KLW***, para 79). At present, there is no specified legislative recourse or legal consequence for a finding that a removal was unlawful. To this end in ***S(R)***, the Court stated that it could not "do anything about a warrantless apprehension that fails to meet the statutory requirements of the *Act*" (ONCJ, 2013). The power to bring a child to a place of safety must instead be accounted for when the Society seeks court ratification of a temporary care and custody order as the Court held in ***Catholic Children's Aid Society of Metropolitan Toronto v K (T)***, as well as when it considers other placement options, as in ***S(R)*** (ONCJ, 1997; ONCJ 2013). For example, in ***Children's Aid Society of the Niagara Region v B (C)*** [*B(C)*], the Court noted that a warrant would not have been issued at the time the child was brought to a place of safety because there was a lack of evidence, but that the Society "got lucky" (***B(C)*** at para 50) because the subsequent investigation determined that the children were in need of protection. The Society's action was nonetheless found to be unlawful, as there were compelling and logical alternatives that would have been less traumatic to the child (see ***B(C)***, para 57) (ONSC, 2005).

Another example of judicial disapproval is found in ***YM*** (ONCJ, 2019). In that case, Justice Sherr observed that although bringing a child to a place of safety was improper in the circumstances, the child protection worker had acted in good faith and in accordance with her interpretation of Society protocol. Accordingly, the remedy was left as a mere comment declining to award costs but calling attention to the fact that repeated issues and improper Society practices may lead to a more substantive form of relief for future parents of children who are subject to an improper removal.

Judges continue to comment on the issue of lack of accountability on the part of the Society when it inappropriately brings a child to a place of safety without a warrant. One example is in ***LG*** where the Court stated that "the description of the apprehension of these three children suggests that there is a systemic failure in the policy of this Society to apply the statutory requirements in all of its apprehensions, at least in Elliot Lake. Worst of all, there appears to be no accountability for the Society for those occasions when it does not fall within the statutory exceptions that allow for apprehension without a warrant. Indeed, it is not even held accountable to explain why it falls within any such exceptions" (ONCJ, 2020).

Courts have also interpreted a Society bringing a child to a place of safety as evidence to substantiate other child protection concerns. For instance, in ***Children's Aid Society of the Districts of Sudbury and Manitoulin v CR***, the Society's motion to withdraw their custody application was denied, in part because the Court found the fact that a child had been brought to a place of safety had occurred was evidence that there was a valid child protection concern (ONCJ, 2021).

Five-Day Limit as a Source of Society Accountability

Under section 88 of the *CYFSA*, a Court must review a child protection case as soon as is practicable and no more than five days after a removal, unless the child is returned to their previous caregiver, transferred to another jurisdiction, or a temporary care agreement is concluded. If the child is 16 years or older, the Society can make an agreement with them directly under section 77. This five-day limit constitutes an important source of accountability for removal actions, something which is lacking in other parts of the statutory scheme.

In ***Dilico Anishinabek Family Care v EJ*** [*Dilico*], the Court affirmed that the five-day limit is a "hard cap," vital to the overall scheme of the legislation and its constitutional validity (ONCJ, 2019). In this case, the hearing did not occur until 14 days after the removal. The Court found that failure to abide by the five-day limit meant that they had lost jurisdiction, with the children consequently being returned immediately to their father.

The Court referenced several key decisions in concluding that the five-day limit was a hard cap in ***Dilico***. First, the Court cited ***Kenora-Patricia Child and Family Services v JG*** to explain that the reason for the hard cap was to recognize that removals are exceptionally intrusive and are only meant to be used in situations of harm or a risk thereof (ONCJ, 2001). The Court also cited this case as an example of loss of jurisdiction as a remedy for the Society failing to meet the five-day limit. Then, the

Court quoted a passage from ***KLW*** in which the Supreme Court stated that a hard time limit is an essential feature of the removals process because "the seriousness of the interests at stake demands that the resulting disruption of the parent-child relationship be minimized as much as possible by a fair and prompt post-apprehension hearing" (SCC, 2001).

In ***DA v GH and Dilico Anishinabek Family Care***, the Society's failure to bring the matter for a hearing within the five-day limit was used in part to deny the request for deference in the temporary care and custody hearing at bar (ONCJ, 2021). More generally, the Court found that the failure to bring the matter to a hearing within the time limit was part of a broader pattern of ignoring the rights of the parent and the child and subverting the processes of the *CYFSA* in the facts of that case.

Despite this, the case law demonstrates that there are many instances where the children, once removed, remain in the care of the Society for extended periods of time even if the Court subsequently finds that there were no grounds for the warrantless removal. For example, in ***P(T)***, the children were in the care of the Society for six months after the removal (ONCJ, 2003); in ***S(R)***, the period of time was three months (ONCJ, 2013); and in ***B(C)***, the time lapse was four months (ONCJ, 2005).

Effects on the Child

In ***G(J)***, the Supreme Court of Canada held that section 7 of the *Charter* requires that state removals of children from a parent's custody may only occur when it is in the best interests of the child, a test which takes into consideration all aspects of the child's mental, physical, cultural, and emotional health, and imposes on the Society a duty to minimize the disruption of the parent-child relationship and give the parents reasonable opportunity to participate in the proceedings through a prompt hearing (SCC, 1999). Following this standard, the paramount purpose of the *CYFSA* is to promote the best interest, protection and well-being of children. The best interests test must be considered when determining a placement for the child, but not during the assessment of the risk of harm leading to bringing the child to a place of safety. Courts may fail to consider the risk that the child may be harmed, or in the alternative, the real harms that can flow from an inappropriate apprehension (see ***KLW***, para 14). The Court in ***KLW*** looked at a social science article by Professor Nicolas Bala, in which he argued that the post-apprehension foster care environment is not always better for a child than their pre-apprehension circumstances (see ***KLW***, para 14). Courts have commented on the negative impact of removal of children in cases where the removal was not justified. For example, in ***S(R)***, Justice Kukurin noted,

> The removal of a child from the care of his or her primary caregiver, especially a parental caregiver, is the single most significant step in the entire child protection regime in our law. While this involuntary physical severing of the relationship with the child and his or her caregiver results in the most impact, not to be minimized is the effect of the removal of the child from all things familiar and familial in the child's family: the constellation of persons, both family and friends, with whom the child has relationships; the child's home environment with which the child is familiar and comfortable; even the routines and every day activities that constitute the framework of a child's life. The apprehended child is initially placed in a foster home with foster parents – a place and persons who are generally completely unknown and total strangers. This is the epitome of disruption. Little wonder that the statute authorizing apprehension of children from their families contains some significant checks and balances. (ONCJ, 213, para 22).

Courts have also found that children have the right to be brought up by their parents, as long as they will be protected and nurtured (see ***G(D)***, para 42).

Definition of Bringing to a Place of Safety

Judges have considered when actions by a Society constitute bringing a child to a place of safety, thereby triggering the previously discussed statutory and constitutional protections. Such discussion can be found in ***Children's Aid Society of Algoma v MV and ML*** (ONCJ, 2019). Although the specific issue in that case did not relate to bringing children to a

place of safety, the Court referenced two prior cases in which actions that constituted bringing children to a place of safety had been defined. In one case, "where children were removed from parents to a place of safety, such as grandparents, without a valid consent" (at para 121, referencing ***Children's Aid Society of Brant v LDV***), the Society's actions were found to constitute a removal and trigger the requirement that the matter be brought before a court within five days. In another unreported case, an even broader definition of a child being brought to a place of safety was adopted as "an action which is incompatible with the wishes of the custodial person" (at para 130, referencing an unreported 2006 decision). In both cases, the factual situation was giving rise to the analysis of the removal of the children and their placement in the care of kin by the Society.

Courts have held that a suspension of access, resulting from a new child protection concern, does not, on its own, amount to bringing a child to a place of safety, as long as the Society is acting within the terms of the judicial order through which the access was granted in cases such as ***Ogwadeni:deo v JR*** (ONCJ, 2020). It was further noted that it would have been preferable for the Society to suspend the access through a motion and not merely by exercising their residual discretion in order to give the parent an opportunity to contest the new child protection allegations (paras 18–25).

3. Case Law Summaries

Winnipeg Child & Family Services (Central Area) v W (KL), 2000 SCC 48 (SCC)

The applicant mother, who struggled with substance abuse issues and had been through multiple abusive relationships, claimed that the warrantless removal of her child violated her section 7 *Charter* rights and brought a constitutional challenge that agencies should have to acquire judicial authorization before taking a child, or, in the alternative, that warrantless apprehensions should only be allowed in emergency situations. At the time of the apprehension, the mother had two other children who had been placed in the care of the Society. The apprehension was undertaken because the mother had refused the Society's demand that she move out of her apartment and into a residential facility with support for new mothers (though she relented one day before giving birth).

In its analysis, the Court observed that apprehension is a disruptive form of intervention and an interim child protection measure (para 79). It held that in the case of a warrantless removal, there must be a balancing of: the seriousness of the interests at stake, the difficulties in distinguishing between emergency and non-emergency situations, and an assessment of the risks to the child associated with adopting an "emergency" threshold, as opposed to the benefits of prior judicial authorization (para 93). The majority found that section 7 of the *Charter* did not require that warrantless apprehensions only occur in emergency circumstances, and that the statutory scheme was in accordance with the fundamental principles of justice as it provided for a prompt post-apprehension hearing. They pointed out that the mother had resisted the move because she feared it would affect her position in the child protection proceedings for her other two children.

Family of St. Thomas and Elgin (County) v F (W), 2003 CanLII 54117 (ON CJ)

Seven children were apprehended from their parents on the belief that the children were being physically abused (corporal punishment). The parents had admitted to using objects to physically discipline their children in accordance with their religious beliefs, which was supported by interviews conducted with the children. The children were in the care of the Society for 22 days, before being returned to the care of the parents under a negotiated supervision order. The parents challenged the lawfulness of the apprehension of the children and sought a ruling that the interviews with both themselves and the children by the social worker prior to removal should be excluded (para 28). The Court stated the parents have a presumptive right to care for and raise their children, including determining discipline and making decisions about education and religion (para 135). Ultimately, the apprehension was ruled to be lawful, as there was clear evidence that physical abuse had been occurring and would continue to occur, constituting reasonable and probable grounds for a warrantless apprehension.

Children's Aid Society of Toronto v G (D), 2003 CarswellOnt 74 (ON CJ)

Two children were removed from their mother's care due to mental health and addiction issues. The father of one of the children was not given the opportunity to care for his child/have his child placed with him. The Court found that the father had made communications with the Society before his second child was born and should have been given the opportunity to parent his child under the Society's supervision (see para 38). The Court determined that the Society failed to make clear to the father that continued cohabitation with the mother would prevent him from assuming custody of the child. The Court deemed that the apprehension was handled in an inappropriate matter (see para 38) and commented that children deserve to be raised by their parents, so long as they will be nurtured and protected (see paras 42-43).

Children's Aid Society of Niagara Region v P(T), 2003 CanLII 2397 (ON SC)

A child was removed from her mother due to intimate partner violence and was placed with the maternal grandparents. Both the mother and the father retained access. Over six months later, the Court held the warrantless removal was unjustified because the Society had time to obtain a warrant, and there was no substantial risk to the child's health or safety during the time it would have taken to get one (para 52). The judge condemned the actions of the Society calling them "heavy-handed." Despite this, the Court stated that on the day of apprehension, the child was in need of protection, due to the mother's inability to protect the child from her partner. The case concluded with the child being placed with their biological father, who had an excellent access record, subject to a six-month supervision order. The mother was allowed access to the child as authorized, arranged, and supervised by the Society at its discretion (para 118).

Children's Aid Society of London and Middlesex v S (F), 2004 CanLII 34346 (ON SC)

The child was removed from their parents due to suspected physical and sexual abuse. The children were placed in foster homes until the hearing 9 days later, when the Society requested the return of the children to their parents under a supervision order. The Court found that the Society had acted recklessly because the child protection worker did not have sufficient evidence to support their claims. Their conduct was described as a "shocking departure from reasonable standards of both fair play and honest, factual reporting" (para 42). The Court found that the child protection worker had applied their own biases and opinions developed over the course of previous investigations and had altered facts to obtain a warrant.

Children's Aid Society of Niagara Region v B (C), 2005 CanLII 32915 (ON SC)

Three children were removed from the home due to the risk of physical and emotional harm, after the Society was alerted by an anonymous tip. One of the children was the child of the adult son of the parents of the other two children. The children were placed with family friends. The (grand)parents brought a motion that the apprehension of the children was unlawful and that the children should be returned unconditionally. The Court stated that reasonable and probable grounds means a "reasonable probability" (para 36) and held that to meet that standard, the risk must be real and seen to be real by an objective observer. With regards to the specific facts of this case, the Court held that the Society should have investigated the extent of the alleged abuse, and that given the fact that any risk to the children was low and non-urgent, the situation could have been dealt with in a significantly less intrusive way (para 39). The Court noted that all children in need of protection do not necessarily need to be apprehended (para 40) and ordered that the children be returned to their parents subject to a six-month supervision order with conditions. Around 4 months elapsed between the removal and the return of the children to their (grand)parents' care.

Children's Aid Society of Niagara Region v F (J), 2005 CanLII 7658 (ON SC)

A child was removed due to a suspicion of physical abuse as a result of unexplained bruises. The Court stated that in apprehension proceedings, the circumstances in which the apprehension occurred must not be considered with hindsight, but from the point in time when the decision was made (para 17). This should include the nature of the protection concern, the age of the child, and the Society's familiarity

with the family. In this case, the Court found that the child protection worker acted reasonably in removing the child in order to take them for further medical tests, at the recommendation of a physician, to determine the existence and extent of the suspected abuse. Approximately one month elapsed between the removal and the return of the child to the mother, with supervision.

Children's Aid Society of Algoma v P (S), 2012 ONCJ 355 (ON CJ)

Four children were removed from their mother's care due to a variety of concerns including frequent intoxication. The Court recognized that the *CYFSA* does not require that the Society articulate the reasons why they believe protection is necessary, on what basis they may have formed a belief that the child is in danger, nor to provide information pre or post apprehension about the time constraints related to obtaining a warrant (paras 46, 50). The Court found that the apprehension was not reasonable and returned three of the children to the care of their father with no further court order. The Court further ordered that the youngest child remain in society care until evidence could be presented regarding placement with the father or family. The three older children spent almost two months in the custody of the Society before being returned to the father.

Children's Aid Society of Algoma v RS, 2013 ONCJ 688 (ON CJ)

The Society apprehended a child without a warrant after the mother breached an existing court order for no contact with the father. The Court found no evidence that the Society had made any attempt to obtain a warrant. It pointed out that the breach of a supervision order term does not automatically justify apprehension without a warrant (para 49). The Court stated that in the case of a warrantless apprehension deemed to be inappropriate after it has occurred, the Court can only provide remedies in areas within its jurisdiction, such as a subsequent temporary care and custody order (para 51). Upon determining that the apprehension was inappropriate, the child was placed back with the mother, after almost three months of foster care.

Children's Aid Society of Toronto v YM, 2019 ONCJ 489

This case involved an infant being brought to a place of safety from the hospital, shortly after being born. The Society supervisor on the case acknowledged there was no substantial risk to the child's safety in the time it would have taken to bring the matter to court and that the child was believed to be safe at the hospital. Accordingly, the Court found that the Society bringing the child to a place of safety was inappropriate, but that the supervisor had acted "in good faith, albeit in a misguided manner" as they believed they had been acting within the Society's protocols. On this basis, the Court held that either the supervisor was wrong about the Society's protocols, or the protocols must be changed. Ultimately, the child was placed in extended society care, with parental access.

CAS v K C and Constance Lake First Nation, 2020 ONSC 5513

This case involved a mother with a complex history of homelessness, addictions, and health issues. As a result of the mother's past syphilis infection and methadone treatment at the time of the pregnancy, as well as additional health issues and concerns, the children were required to remain at the hospital for an extended period of time after they were born. The Society had been aware of potential child protection concerns before the birth, as they had been alerted through the observations of a worker who worked with the mother through her voluntary participation in a prenatal class. Due to the children's complex health issues, and the reports of hospital staff that the mother was unable to provide the necessary care, the children were brought to a place of safety immediately before their anticipated discharge. The Court concluded that,

> [t]o summarize, Mother's attendance at a voluntary prenatal program with her support person on April 27, 2020 was used against her because she is under medical care for her historic opiate use and lives in a one-bedroom apartment. It is little wonder that Mother and P. B. believe that she was racially profiled, and that P. B.'s initial words when Society worker Mr. Drummond telephoned Mother two weeks later were: "this is not okay."

In the end, the children were returned to their mother's care two and a half months after the removal.

Children's Aid Society of Algoma v LG, 2020 ONCJ 297

The Society received reports of potential child protection concerns through another child in care. The day after receiving this information, Society workers interviewed the children in school, receiving confirmation of the child protection concerns, namely, extreme discipline that the children were subjected to, including being locked in part of the house for long periods of time with their hands tied behind their backs. The children were taken from the school to the police station for further interviews. The mother was not informed of this removal until late in the day, when a Society worker arrived at her home to collect clothing for the children. Further investigation revealed inconsistencies in the children's stories regarding the potential abuse, as well as problematic routine practices by the Society. For example, the Society admitted that it was a routine practice not to seek a warrant to bring children from the particular community (Elliott Lake) to a place of safety. There was also evidence that the Society destroyed paper records of interviews with the children and may have edited digital records. The Court concluded that, on a balance of probabilities, the children had suffered harm via the "discipline" imposed on them by their mother and her partner, and that in this and other areas, the mother remains an inadequate parent. The children were not returned to her care; some were sent to the grandmother, while others were placed in extended society care.

CAS v EB, 2020 ONSC 6462

This case concerned an application to amend an existing protection order, but in reviewing the background facts, the judge provides a summary of the Society having previously brought the child to a place of safety. Prior to that removal, the mother had custody of the children subject to the condition that she avoid contact with the father. The mother eventually allowed the father to once again reside with her resulting in escalating violence leading to a particularly violent incident in which the police was called. Following this incident, the children were taken to places of safety, with the two older children sent to the custody of their biological father, and the youngest (whose biological father had committed the aforementioned abuse) was sent to a foster home. After over a year of foster care, the youngest child was placed in the care of the biological father of the two older children, which the Court approved in this case.

Children's Aid Society of Ottawa v HD, 2019 ONSC 4402

This case involved a family with a sixteen-year history of interactions with child protection services across multiple jurisdictions and provinces. The two children in question had each been the subject of multiple removals, supervision arrangements and periods in society care. They also have significant learning impairments, including autism and ADHD, and therefore required significant support both at home and at school. The case specifically dealt with the final removal of the children and their placement in extended society care with maternal access at the discretion of the Society. In the months leading up to this removal of the children to a place of safety, the police had attended the family residence after being called by one of the children and informed the Society that the apartment had a strong marijuana odour, and that the child was hysterical, afraid about a potential reprisal from his mother for calling the police. Community members also informed the Society that the children were left alone in the apartment by the mother for extended periods of time, including in the middle of the night. The children's school had also been in contact with the Society, informing it of the children's frequent tardiness and truancy and their lack of sanitation, lunches, and school supplies. On the basis of this evidence, the Society interviewed one of the children at the school, after which the children were brought to a place of safety.

Children's Aid Society of the County of Dufferin v EF, 2020 ONCJ 434

An infant was removed from her mother's care after police attended the residence of the infant's great-grandmother, where the mother and infant had been residing, in response to a call from the great-grandmother about the mother's intoxication. When police arrived, the mother was extremely uncooperative and intoxicated and the room in which she had been living with the infant was extremely unkempt. The mother was compelled by the police to go to the hospital, where she was also very uncooperative with the medical staff. Later that day,

the Society investigated the residence and confirmed reports of poor living conditions that the mother and child had been living in. After being released from the hospital, the mother took the infant to the father's home. The Society arrived there and removed the child from the mother's care. Both parents were cooperative at this point. After the child was brought to a place of safety, the mother made important changes in her life, including accessing a number of community services and moving into a women's shelter. Accordingly, the judge denied the Society's motion for society care of the child and returned the infant to the mother subject to Society supervision and a number of additional restrictions, 17 days after the removal.

Dilico Anishinabek Family Care v EJ, 2019 ONCJ 916

Two children were removed from the father by the Society, which had been aware of potential child protection issues for years due to multiple instances of alleged physical and sexual abuse. On the day the children were brought to a place of safety, Society workers arrived at the father's home with police and, upon inspecting the home, demanded that the father book a hotel until such time as he was able to clean up the home to a sufficient standard. After the father stated that he did not have the economic means to do so, the children were removed and placed in the care of their grandmother. The Society alleged that the removal was conducted due to the condition of the home, drug use in the home, and allegations of sexualization of the children by the father and sexualized behaviour on his part. The judge concluded that these allegations were "frail and unsupported" and that there had been a total lack of support for the father on the part of the Society. Furthermore, the judge noted that, in listing the mother as a reference for the allegations, the Society failed to take into account the history of dispute between the mother and father and the possibility that the allegations were an act of vengeful behaviour on the part of the mother. For these, and other procedural reasons the children were returned to the care of the father after over a year in foster care or the care of the grandmother.

The Children's Aid Society of Ottawa v SM et al., 2020 ONSC 4980

Four children were removed from their mother's care due to her breaching conditions of the order placing the children in her care. The removal occurred as a result of a series of incidents that began with the mother and father, who had been cohabiting, getting into an argument that concluded with the father moving out. The mother was unable to execute her Society-approved plan due to the COVID-19 pandemic. As a result, the mother contacted her cousin who arrived at the residence with a friend. All three of them consumed alcohol while the children were sleeping. After the mother went to sleep, an individual against whom she had obtained a restraining order entered the home and got into an altercation with the cousin and his friend. Police intervened and arrested the intruding individual. The following day, on the basis of a referral from the police, a child protection worker inspected the home. The mother assumed that both the cousin and his friend had left the home, but the worker found the friend asleep in the home with a beer in his hand. The child protection worker removed the children on the basis that the mother had breached the order placing the children in her care, as it stipulated that she must maintain a home for the children free of conflict, substance abuse, and individuals not approved by the Society. The Court ordered that the children be returned to the care of the parents, with Society supervision, about four months after the removal.

DA v GH and Dilico Anishinabek Family Care, 2021 ONCJ 95

This case discussed a child being brought to a place of safety at birth as part of a child protection proceeding relating to the foster parent with whom the child was subsequently placed. The Court found that the child was brought to a place of safety despite almost no evidence to support the enumerated child protection claims, and that subsequently, no support or even a "modicum of respect" was given to the parents by the Society. The judge denied the Society's request to have their decisions treated with deference by the Court in the proceedings at bar, in part because of the Society's improper actions relating to the apprehension.

Section 2: Social Science Evidence

The central objectives of this literature review were to:

1. identify the breadth and scope of existing research evidence on the issue of without notice removals
2. uncover the range and nature of research on the topic

A literature review was conducted to determine the breadth of information available and to identify, collect, and synthesize information relevant to the issue of without notice removals in child welfare. The search engine ProQuest was utilized for the identification and collection of relevant studies. Search strategies were developed and refined after results were reviewed. Sources were included in the literature scan if they were peer-reviewed and contained keywords relevant to the research objective. Data sources were limited to those published in English. The final list of keywords and search terms used in the literature scan are provided below. Throughout the search process, keywords were added, deleted, or modified as different terms were discovered to enhance the search strategy.

Search #	Years	Keywords	Databases	Results
1)	None specified	("emergency shelter" OR "emergency placement" OR "emergency care" OR "emergency removal" OR "unplanned placement" OR "apprehension") AND ("child welfare" OR "child protection" OR "foster care" OR "in-care")	APA PsycInfo and APA PsycArticles in ProQuest	291
2)	2010–2021	*see above*	APA PsycInfo and APA PsycArticles in ProQuest	155
3)	2010–2021	*see above*	APA PsycInfo and APA PsycArticles in ProQuest – Scholarly Journals only	151
4)	None specified	*see above*	Sociological Abstracts in ProQuest	974
5)	2010–2021	*see above*	Sociological Abstracts in ProQuest	611
6)	2010–2021	*see above*	Sociological Abstracts in ProQuest – Scholarly Journals only	388
7)	2010–2021	((emergency placement)OR(emergency removal) or (emergency apprehension)) AND((child protection)OR(child welfare))AND(long term impact)	Sociological Abstracts in ProQuest – Scholarly Journals only	186
8) Final Search Result: Studies were screened for relevance based on search terms, and duplicate studies were removed. Studies that did not pertain to Without notice removals were not included.				19

The title and abstracts of records retrieved from the databases were screened for key words; anything not deemed relevant was not included, and any duplicates were removed. Studies that did not pertain to the effects of without notice removals were not included. A hand search of reference lists from relevant studies was also used to supplement searches. The final search result was 19 studies included in the literature scan. The results of the literature scan revealed a limited number of published articles from Ontario, and Canada in general. Of the main studies cited in this memorandum, 4 are from Canada, and the remainder are from the United States, Norway, Finland, Ireland, Portugal and Israel.

See Appendix II for a description of the studies.

Introduction

Without notice removals are used to ensure the immediate protection of a child who has been or is deemed to be at risk of being maltreated, either at the present time or in the future. There is no consistent definition of what constitutes an emergency placement in the literature, and there is significant ambiguity surrounding without notice removals, or "emergency apprehensions," but typically, they are described as the physical removal of the child from their home that has not been considered prior to the removal (Hébert et al., 2018). There is limited research evaluating the effects of emergency removals on children. This is due in part to the lack of consistent definition of an emergency placement. Temporary or emergency care placements ranging anywhere from less than five days to eight months are common in child welfare systems (James, 2004; Hébert et al., 2018). Short-term placements account for a large portion of children in care, and the variation in cut-offs used by researchers to categorize an emergency or temporary placement makes it difficult to achieve consensus about the current research findings (Hébert et al., 2018).

Hindt et al. (2019) have identified four main reasons why the child welfare system needs emergency shelter care as a transitional placement option, and these include: that it provides caseworkers time to determine the best long-term foster placement; it offers an opportunity for assessment of children's needs upon entry into care even in times of relative stability in foster care; and it is often necessary because children can be taken into care at any time, even when a more permanent placement may not be immediately available (Hindt et al., 2019). A removal from home carried out by child welfare services is an extraordinary situation that may be a potentially stressful or traumatic experience for a child (Baurgerud & Melinder, 2012). The lack of preparedness for the event, as well as its profound personal significance for the child, may affect the level of stress and make the removal situation clearly very different from a planned event (Baurgerud & Melinder, 2012).

However, despite some evidence that emergency shelter care is susceptible to harmful practices, there is a lack of examination on its impact on longitudinal well-being outcomes for children (Hindt et al., 2019). Some research suggests that while placement in an emergency care setting may be necessary and contribute to positive outcomes for youth, such a setting can also be associated with social disruptions and negative outcomes beyond the effects of maltreatment.

Impact on Child

Articles in this section examine the impact of without notice removal on children, including placement outcomes, behavioural challenges or children's general experiences and perceptions of the child welfare system.

Mitchell and Kuczynski (2010), in a Canadian study, sought to understand how children experience the transition into foster care, and to explore their experiences and reflections of these events. The sample consisted of 20 children, aged 8-15, who were in non-kinship foster care for more than 6 months and less than 3 years. The design of the study was hermeneutic phenomenology (empirical collection of experiences, and analyses of their meanings). The transition into foster care could be understood in terms of the apprehension transaction and the foster home placement transaction, with the children bifurcating these constructs. Most of the children reported that they were advised of foster placement on the day of apprehension, and of the need to be placed into care while at a location outside of their original home (Mitchell & Kuczynski, 2010). They indicated that the transition and notification of foster care placement was stressful. Common themes that occurred were shock, confusion and abruptness. A few of the children reported coming home from school only to discover that their belongings had been packed and they needed to move (Mitchell & Kuczynski, 2010). All but one child noted that the removal from their home was forced and against their wishes (Mitchell & Kuczynski, 2010). Half of the children could not recall the reason for their placement; some were still unaware of the reason for their placement at the time the study took place. The separation from loved

ones that occurred at removal resulted in the children experiencing "ambiguous loss" (Mitchell & Kuczynski, 2010). Many discussed feelings of helplessness when they were placed into a new home with no means to communicate with their parents (Mitchell & Kuczynski, 2010). The children in this study viewed the transition into foster care as two separate transactions: the apprehension and the foster care transition. Both evoked distinct evaluations and recall of events that threatened their well-being overall.

Despite extensive research, there are mixed findings regarding the impact of stress of removals on children's developing memory, although it has been found that it can influence memories of traumatic events (Baugerud & Melinder, 2012; Davis et al., 2008). Baugerud and Melinder (2012), a Norwegian study, examined the associations between removals, a personally significant stressful event, and memory. The authors note that due to the ethical, logistical and methodological challenges, studies such as this have been, and are, difficult to conduct. In this study, the memory that maltreated children had of their removal from biological parents was tested to examine if the stress level observed during the removal influenced their memories of the event. A researcher attended the removals in order to observe the children, providing an unique opportunity for the researchers to focus on "real-life ongoing trauma" (Baugerud & Melinder, 2012, p. 263). The sample consisted of 33 children; 21 maltreated children aged 3-12 were observed in the emergency removal condition, and 12 in the planned removal. A checklist was developed to register the child's stress level, and one week after the removal the children were given a structured memory interview consisting of 74 questions. The authors found that children that had a planned removal versus emergency removal showed less stress during the removal (Baugerud & Melinder, 2012). Children who were removed without notice were not prepared for the separation from their parents, and the authors concluded that having knowledge about an event seems to decrease the degree of observable stress in children (Baugerud & Melinder, 2012). It should be noted that the methodology relies on accounts from children one week after removal which may be too short a time to accurately assess the trauma of the removal on the later memories of the event.

Hébert et al. (2018), is a Canadian study from Quebec that examines the impact of a short-term placement on the risk of re-entry to care. The study was based on a secondary analysis of data from an evaluation of Quebec's *Youth Protection Act*. The sample included 5,755 children, children who were the subject of an investigation by Quebec's child protection services from September 2007 to August 2008 and from January 2009 to December 2009. Following each investigation, the child was surveyed for a minimum of three years. Results indicated that when the first placement was an emergency placement, the median duration in care before returning home was two days for every age group considered. Older children were somewhat more likely to have an initial short-term placement. However, children who were placed in care because of physical abuse were almost twice as likely as other children to have an initial short-term placement (Hébert et al., 2018).

Duration of the first placement had a "unique effect on the risk of re-entry into care" (Hébert et al., 2018). Children whose first placement was between one and five days, compared to placements that lasted up to 60 days, were almost twice as likely of re-entering into care during the first year following reunification (Hébert et al., 2018). The authors concluded that having been moved between settings during a first placement and having the first placement occur in a group setting increases the risk of re-entry into care, especially in the first year following family reunification. A first placement lasting 60 days or less may influence a child's re-entry into care, beyond the two individual preplacement characteristics (age and having been physical abused) that the study found to be significantly associated with short-term placements (Hébert et al., 2018). It is noted that while resolving the immediate crisis may be the main objective, short-term placements may only be a temporary solution in addressing a child's safety and well-being concerns; they fail to ensure that, once reunified, children return to their families permanently (Hébert et al., 2018). Short placements can also disrupt the relationship between children and their parents, by making the connections more fragile, and by introducing additional problems into the family picture. The stress and confusion that children experience

during rapid, unplanned placements (Baugerud & Melinder, 2012; Mitchell & Kuczynski, 2010), may exacerbate some of their emotions and behaviours (Hébert et al., 2018).

Hindt et al., (2019) examined the effect of an initial placement in an emergency shelter on the trajectories of children's internalizing symptoms and externalizing behaviours. This longitudinal study also assessed the impact that children's relationships with kin between emergency placements may have in aiding in well-being outcomes for children. Data for this study was collected as a part of the Recruitment and Kin Connections Project (RKCP) in Illinois, United States. Participants were children between the ages 6 and 13 who entered care between October 2011 and June 2014 (Hindt et al., 2019). The sample total was 282 children. File reviews of the "Integrated Assessments on the Statewide Automated Child Welfare Information System" database and caseworker phone interviews were used to complete the "Kin Identification and Level Engagement" form (Hindt et al., 2019). There were no significant differences in demographics between children in emergency shelter versus non-shelter care. The shelter placement was associated with negative internalizing symptom trajectories and higher internalizing trajectories among children who had fewer kin placements (Hindt et al., 2019). A shelter care placement appears to be a risk factor for behavioural maladjustment; however, the authors note that the number of kin involvement types may buffer this effect in what "Cohen and Wills (1985) described as the stress buffering hypothesis" (Hindt et al., 2019, p. 82). Cohen and Wills (1985) suggested that social support, such as a large social network and positive relationships, can buffer against the effect of stress on an outcome in several ways. In a following analysis among the children with an emergency shelter placement, the number of days spent in the shelter was not associated with negative outcomes. The authors suggest that the negative impact of a shelter placement may be the placement itself, regardless of amount of time in the shelter, and that is what negatively impacts children (Hindt et al., 2019).

Moves in Care With Regard to Without Notice Removals

Experiencing several moves in care is associated with poor behavioural outcomes. A study by Rubin et al. (2007) determined that children who experience multiple moves in care, even if there are no signs which may predict difficulties in placement before entering care, are at higher risk for behaviour problems. Rubin et al. (2007) used a sample of 729 children from the National Longitudinal Study of Child and Adolescent Well-Being (NSCAW) and administered the Child Behaviour Checklist (CBCL) at baseline and at 18 months (Rubin et al., 2007). Children were then assessed by their risk for instability, defined as experiencing multiple placement changes, based on CBCL scores, maltreatment history and other predictive factors (i.e., age). Children were either at low, medium or high risk for instability. Unstable placements were defined as a child not remaining in a placement for more than 9 months over the 3-year study period (Rubin et al., 2007). This study found that 20% of children who were identified as at low risk for instability at baseline and experienced multiple placement changes were unable to achieve a stable placement within the first 18 months in care. Child characteristics (i.e., troubling behaviour) a risk factor for multiple placement changes, were therefore not the causes of these changes in placement (Rubin et al., 2007). The authors speculate that these changes in placement are the cause of policy or system changes out of the child's control. This study indicates that children who were categorized as experiencing unstable placements were at a higher risk for developing behavioural problems by as much as 63% more than children who did not experience placement changes (Rubin et al., 2007).

Delaville and Pennequin (2020), looked at the continuity and disruptions of foster placements in France. Their aim was to understand the effects that emotional regulation, such as temperament and coping strategies, have on the resulting vulnerability and stability of children in foster care, and how multiple placements might factor into this. Participants included 221 French children ages 7 to 16. Three French placements were examined: single placement, multiple placements and mixed parental and foster home placements (Delaville & Pennequin,

2020). This study comprised of more children who had experienced multiple placements than a single placement, 49% vs. 29%. Thirteen percent experienced mixed placements (Delaville & Pennequin, 2020). A majority of the participants in the mixed placement group had had four to eight moves, compared to two to three for the multiple placement group (Delaville & Pennequin, 2020). The authors noted that "children with no experience of maltreatment provided a normative reference" (Delaville & Pennequin, 2020). The authors also noted that in order to avoid bias in the results, children with major behavioural disorder and/or special needs were not included in the study. The children in the study completed the "Kidcope scale," which assessed the frequency of the coping strategies in response to stress. Children were asked to think about a situation that gave them stress in recent weeks and to evaluate how they coped (Delaville & Pennequin, 2020). The participants also completed a questionnaire about temperament, which included 46 items assessing seven "temperamental dimensions," and responses were rated on a scale from 0 (usually false) to 3 (usually true). The seven dimensions included motor activity, positive mood, social avoidance, difficulty adjusting to change, take orientation, impulsiveness, and inhibitory control to a parental injunction (Delaville & Pennequin, 2020).

This study highlights that children and adolescents who experience multiple placements have greater emotional vulnerability than those whose placements include returns to the parental home. For the multiple placement group, this study highlights the need to provide placement stability in order to enable children to form lasting attachments and develop a less "fearful representation of the social world" (Delaville & Pennequin, 2020, p. 532). The multiple placement group constituted almost half of the sample of children in foster care. Among the three placement types, it is the group that showed the poorest emotional regulation, and especially the temperamental aspect (Delaville & Pennequin, 2020). Placement discontinuity experienced by these children and adolescents had a specific effect on their relationships with others and with society. They could be distinguished from the other foster groups by their social avoidance and compliance with adult rules (Delaville & Pennequin, 2020). The disruption that placements create affected all age groups and mark the placement trajectory (Delaville & Pennequin, 2020). However, the age of the child at the time of separation from the mother figure affects the development of close attachments and related difficulties. The authors note that these disruptions in early childhood should be avoided as far as possible. Findings for the multiple placement group raised several issues, including the way the child is taken into foster care. Delaville and Pennequin (2020) note that good coordination and communication between the child welfare and family support agencies are essential prior to fostering.

First Nations, Inuit, and Métis Children

First Nations, Inuit, and Métis children make up 4.1% of the population in Ontario under the age of 15 but represent 30% of foster children and are overrepresented at all points of child welfare decision-making (Ontario Human Rights Commission, 2018). Canada's history of assimilationist policies results in Indigenous children being disconnected from their families, communities, and identities (Crowe et al., 2021). Starting in the 1950's, child welfare authorities removed Indigenous children from their families in large numbers, and the history of oppression has led to continuing disparities and a disproportionate number of placements (Ontario Human Rights Commission, 2018). By the 1990's, the overrepresentation of First Nations children in the child welfare system was clearly documented (Crowe et al., 2021). Canadian child welfare data have found that neglect is a significant reason for the removal of Indigenous children (Crowe et al., 2020). There is evidence that racial discrimination is a contributing factor to the over-representation of Indigenous children in care. Child welfare agencies with higher numbers of Indigenous children in their caseload are more likely to place children into care (Ontario Human Rights Commission, 2018). This issue is attributed in part to unequal access to resources to these agencies, depending on their location. The 2018 First Nations Ontario Incidence Study (FNOIS) report highlights that investigations involving First Nations children were transferred to ongoing services more often than investigations involving non-Indigenous children. Thirty-six percent of investigations involving First Nations children were transferred to ongoing services "(an estimated 4,187 investigations; a rate of 63.62 per

1,000 children) compared to 18% of investigations for non-Indigenous children (an estimated 24,716 investigations; a rate of 10.92 per 1,000 children)" (Crowe et al., 2021, p. 16).

A study was conducted by Fallon et al. (2012) that examined the overrepresentation of First Nations children in Canada while controlling for individual and organizational variables. The decision to place a child in out-of-home placement was examined from the Canadian Incidence Studies of Reported Child Abuse and Neglect (2003) and a re-analysis of CIS-1998. Nine hundred and thirty-six investigating workers provided a sample of 11,562 child maltreatment investigations in 57 child welfare agencies (Fallon et al., 2012). In the multi-level study using the CIS-2003 data, findings suggested that physical and emotional harm variables at the individual level contributed to placement decisions. The child's First Nations ethnicity was significantly related to placement in the replication study using 2003 data and re-running the 1998 analysis in order to compare the findings directly (Fallon et al., 2012). Unlike the CIS-1998 analysis, the First Nations status of the child did contribute to the placement decision. Consistent with the 1998 analysis, greater levels of Indigenous families in the investigation caseloads were associated with an increased likelihood of placement (Fallon et al., 2012).

Parental Experience

Canadian First Nations, Inuit and Métis children continue to be removed from their families at a higher rate than non-Indigenous children. For many Indigenous women, social, political and economic factors such as poverty, inadequate housing, unemployment, substance use, and violence, largely stemming from a history of colonialism and ongoing neocolonial policies, have created a depiction of these women as "neglectful" (Denison et al., 2014). The challenge of living with the fear of having one's child removed certainly affects the decisions a mother makes in her daily life. Denison et al. (2014), a Canadian study, set to explore how the threat of child apprehension affects Indigenous women and children regarding their experiences accessing healthcare services (Denison et al., 2014). This study used qualitative research methods, "following the general principles of ethnographic research" (Denison et al., 2014, p. 1107), and was conducted in two phases. This study was part of a larger study examining primary healthcare service delivery to Indigenous and non-Indigenous men and women at two health centres.

Phase One of this study included three mothers who all had experiences of child apprehension and four healthcare providers who had "extensive experience" working with Indigenous communities. Indigenous women whose children become involved with the child welfare system will often experience complex challenges that intersect the threat of removal. These threats, such as economic or sociopolitical challenges, did not impact their decision to seek healthcare services; however, experiences of racism, discrimination and prejudice in mainstream healthcare agencies did. The fear of their child being removed deterred them from accessing health care for themselves at multiple occasions (Denison et al., 2014).

All the women interviewed in Phase One either currently or in their past had experienced challenges with substance use. The healthcare providers noted that substance use is one of the main reasons women lose custody of their children (Denison et al., 2014). One woman from Phase One described how when she starts going on a "downward turn" she instantly contemplates just giving up her children to child welfare services because she assumes that will be the end result either way (Denison et al., 2014). In Phase Two, the sample consisted of seventeen: nine women who identified as Indigenous, seven self-identifying as Status First Nations, one as non-status First Nations, and one woman as Métis, and eight healthcare providers, two registered nurses, one social worker, two drug and alcohol counsellors and a physician, a peer support worker and an outreach worker (Denison et al., 2014).

Healthcare provider participant interviews indicated that if a mother has a crisis (for example, she starts using drugs or alcohol again) and does not have healthcare providers or some other support system present, she can "quite easily" lose custody of her children (Denison et al., 2014). There was little data that indicated explicitly how pregnant or parenting women's decision to access healthcare services is impacted

by investigations or experiences with child protection services; however, this analysis highlights how complex it is for many women living with multiple socio-economic issues to maintain a lifestyle that is safe and healthy enough to maintain custody of children (Denison et al., 2014). It was noted by one healthcare provider that some women will avoid clinics where the program's mandate is to provide services to pregnant and parenting women that do have a past or present substance abuse problem. Many women see this as increasing their risk of having a child apprehended (Denison et al., 2014). A number of participants thought that the power of child protection social workers loomed over them, and many believed that if more supportive parenting services were available for parents, it would prevent some of the child removals into care (Denison et al., 2014). As well, the women and healthcare providers' interview data suggest that there are deeper issues related to trauma, such as mental health or substance abuse disorders surrounding, no longer having custody of a child, as well as to the process by which the removal is carried out (Denison et al., 2014).

Parental experience is not often included in conversations of without notice removal, as parents are often seen as the problem (Storhaug & Kojan, 2017). Storhaug and Kojan (2017), a study from Norway, investigated parental responses to without notice removals. The authors aimed to discover how contact between families and child welfare services was before the emergency placement, how parents experienced and understood the placement, and how the parents experienced contact with child welfare services after the emergency placement. Sixty-four parents, whose children had been placed outside of the home under emergency provisions, were interviewed (Storhaug & Kojan, 2017). A survey questionnaire was administered by either telephone or face-to-face interview consisting of both fixed questions and open-ended questions. The questionnaire consisted of questions regarding parents' experiences with child welfare, their perceptions of their children's functioning and needs and information about their living standards, income, physical and mental health and contact with a variety of helping agencies (Storhaug & Kojan, 2017). Over one-third of the parents (36%) noted that they had been provided help from the child welfare services before the emergency placement was made. Thirty-nine percent of the sample initiated contact with the child welfare services themselves. The authors note that self-referral rates were "surprisingly high" (Storhaug & Kojan, 2017, p. 1410). Forty-four percent of the children had been returned to the parental home at the time of the interview, with 50% not returned and 6% unknown. Forty-five percent of parents said that they were satisfied with their contact with child welfare services, 39% of the parents had negative feelings surrounding their contact, and 16% were ambivalent (Storhaug & Kojan, 2017).

In response to the question, "what did you understand to be the reason for your contact with child welfare?," 58% categorized it as concerns about the child's behaviour, such as mental health problems, substance abuse and self-harm (Storhaug & Kojan, 2017). Thirty-six percent of the answers were categorized as the parents' problem, such as substance abuse, mental health issues and maltreatment of children. The other 6% was "other." Those who had mostly negative experiences of their contact with child welfare services spoke of poor communication and poor cooperation, feeling they were not heard or taken seriously and that there was a mutual lack of confidence. They were also more likely to have had prior contact with child welfare services (Storhaug & Kojan, 2017). Eleven percent of parents had children who had been reported to child welfare earlier but were dismissed without an investigation, and 21% had been reported earlier, with the cases being dismissed after investigation "but without any intervention" (Storhaug & Kojan, 2017). Given that these children were eventually placed under emergency care, the authors note that this raises questions about the quality and thoroughness of the investigations and assessments (Storhaug & Kojan, 2017). It was also found that almost half of the children placed outside of the home eventually returned to their parents, making follow-up for parents an important issue; however, many parents were unsatisfied with it. As well, approximately one-third of the parents in the study agreed with the emergency decisions that were made (Storhaug & Kojan, 2017). The authors note that the study brings nuance to the notion that emergency decisions are usually unwanted by the parents.

Worker Experiences

1. Policy and Organization Structure

Lamponen et al. (2019) conducted a qualitative study to examine how frontline child protection workers in Finland and Ireland perceive the practice of emergency removals. Considering the traumatic and stressful nature of these removals, the authors aimed to understand the circumstances and decision-making processes that guide workers' practices. Sixteen social workers from Ireland and 33 workers from Finland were interviewed, for a total sample of 49 participants. In their study, Lamponen and colleagues (2019) found that the two jurisdictions have considerably distinct models of social work practice for handling cases of children in need of immediate protection. In Finland, workers are tasked with completing an assessment and making the formal decision to urgently remove a child. This responsibility lies solely with the worker, making them the primary decision-maker (Lamponen et al., 2019). In contrast, child welfare practices in Ireland were more team-oriented. Though Irish social workers are responsible for assessing a child's situation, the decision to carry out an emergency removal is made by a District Court judge. In Finland, workers are expected to rely on their professional expertise, act quickly, and finalize emergency removal decisions independently. On the other hand, the team-based response practiced in Ireland allows workers to efficiently collect information, collaborate with other service providers and share the assessment workload (Lamponen et al., 2019). The differences between each jurisdiction's emergency removal process highlight the direct impact legislation and organization policies have on workers' decisions and the subsequent outcomes children experience.

Storhaug et al.'s (2019) qualitative study with child welfare workers explored the implications of organizational structure and protocol. To examine which challenges Norwegian child welfare workers identify when making emergency placement decisions, Storhaug et al. (2019) conducted interviews with workers from five different child welfare agencies. During their interviews, eleven child welfare workers, all of whom were women, were asked to consider a long-term case that ended with an emergency placement. The findings indicate that emergency placements were often made as a response to concerns that accumulated over a long period of time (Storhaug et al., 2019). Even in cases where a triggering event precipitated the removal, long-term concerns were often present. All participants shared that, in hindsight, they believed child welfare services should have gotten involved earlier (Storhaug et al., 2019). Workers attributed various factors to the delayed involvement of child welfare services, including a lack of opportunity and skills needed for assessments and the length of time it took them to recognize the severity of a child's situation being too long. Participants also stated that more communication should have taken place with the children in the earlier stages of the removal process (Storhaug et al., 2019).

2. Child and Family Characteristics

To determine if child or parent characteristics can predict social workers' decisions regarding emergency removals, Davidson-Arad and colleagues (2005) conducted a quantitative study in Israel. The authors aimed to assess whether the social worker's decision regarding if a child should be removed can be predicted by various characteristics of the families. Three separate instruments were used to obtain data and examine social workers' decision-making process during emergency removal assessments. The social workers of 99 child subjects participated, the majority of which were women (92.9%). The three questionnaires assessed the workers' perceptions of the children's quality of life, parents' circumstances (i.e., socio-economic status, agreement with removal, quality of child-parent relationship, etc.), and children's features (i.e., age, gender, agreement with removal, type of injury tied to child welfare involvement). The results of the study indicated that 15.4% of the children wanted to be removed from their home, while the rest wanted to remain in their home (Davidson-Arad et al., 2005). In regard to social workers' decisions, the study participants kept 45.5% of the children in their home and removed the other 54.5%, providing them with substitute care (Davidson-Arad et al., 2005). In cases where both caregivers agreed to the child's removal, "around two thirds of the children were removed...and where both objected, [the

rate] plummeted to around a fifth (Davidson-Arad et al., 2005, p. 13). Worker's assessment of a child's quality of life did not predict their removal decision. The child and parent features reportedly had limited predictive power, since the children that were removed from their home were far more likely to have sustained a psychological injury and were more likely to have agreed with the removal decision (71.4%). As such, the study suggests that there are many factors that inform a social worker's decision to removal a child from their home (Davidson-Arad et al., 2015).

Wattenberg et al. (2004) is a Minnesota study that was developed to examine the circumstances of 1306 children who were removed from their families under "emergency situations" and held in emergency shelter care for seven days or less. While the study was not found using the ProQuest search as it was published before 2010, it was referenced in several studies and therefore included in this document. Data were collected from an administrative information at Hennepin County's central point of intake for Child Protective Services, St. Joseph's Home for Children (St. Joe's) in 1999. Group interviews were conducted with Hennepin County supervisors, child protection workers, and with staff members from St. Joe's. Individual interviews were also conducted with the Minneapolis chief of police, child protection workers based in a police precinct, St. Joe's intake workers, the supervisor of the Community Based First Response unit and Hennepin County Community Based First Response workers (Wattenberg et al., 2004). The sample consisted of 1306 children between 0 and 17 years old. The findings indicated that "abuse," including physical and sexual abuse, was the number one reason for a placement, accounting for 16% of the population entering St. Joe's. Parental incarceration was another common reason for placement, accounting for 12% of the population (Watternberg et al., 2004). Racialized children were far more likely to be placed due to parent incarceration than White children. Children less than 11 years old were returned to families at much higher rates than adolescents; children aged 0-6 were returned approximately 85% of the time, whereas youth aged 12-17 were placed back in custody of a parent in only 24% of cases, and relatives 4%, for a total reunification rate of 28% (Wattenberg et al., 2004).

Among infants and children up to 3, parental incarceration was the primary reason for placement, making up 21% of all admissions in this age group. The majority of infants and toddlers were brought in under a 72-hour hold (Wattenberg et al., 2004). Only 2% of the emergency placements were voluntary (Wattenberg et al., 2004). Racialized children are dramatically over-represented among children admitted into emergency care. More than half (54%) of children aged 4-6 at St. Joe's in 1999 were African American, 63% of children aged 7-11, and 52% of children aged 12-17. It should be noted that physical abuse was the primary reason for placement among children aged 7-11, accounting for 18% of admissions. The majority of children aged 7-11 enter under a 72-hour hold, while only 27% of children aged 12-17 entered under a 72-hour hold; the majority entered through a court order (Wattenberg et al., 2004).

Eighty percent of children were reunified with their parents, and the children tended to reappear in the shelter in the year under review. The extent to which the children are reunited with parents or kin under protective supervision, a closely supervised arrangement, was not measured. In a 72-hour hold, "time is of the essence" (Wattenberg et al., 2004, p. 602). The interview data highlights that the quick assessment of the family's capacity to care for the child is the most contentious issue between child protection workers and police (Wattenberg et al., 2004). "The length of time social workers and police have worked together appears to be the key to a mutual understanding of roles and responsibilities" (Wattenberg et al., 2004). This study also reveals that a primary reason for very young (particularly African American) children (aged 0–6) to be removed in emergency situations is parent incarceration (Wattenberg et al., 2004).

In the United States, the utilization of emergency shelter care varies significantly. Leon et al. (2016), a study from Illinois in the United States, explored the factors associated with placement in the shelter versus kinship placements and those associated with the length of time spent in the shelter. The sample consisted of 123 participants, who were selected into two groups: those who entered care and were immediately placed with a relative (100 participants) or those who entered a

kinship placement after spending time in an emergency shelter (23 participants). After reviewing the "Integrated Assessment" on each participant, research assistants had phone interviews with child welfare workers to confirm the information that was collected from the database (Leon et al., 2016). The Integrated Assessment was completed within 45 days of youth coming into care through Temporary Custody. An Integrated Assessment screener conducted in-person interviews with each youth and his or her parent(s) and foster parent(s) to examine the medical, social, developmental, mental health, familial, and educational domains of both the child and the adults involved in rearing the child (Leon et al., 2016). The main objective is to make appropriate placement decisions and to develop a service plan that meets needs of families (Leon et al., 2016). It was found that families in which 70% or more of the relatives have barriers to involvement with the child were more likely to be experience a shelter placement compared to children from families with fewer than 70% of relatives with barriers (Leon et al., 2016). Children with no or little rated emotional abuse were predicted to be placed in a home of a relative upon entry into care, whereas children who experienced moderate to severe emotional abuse prior to entry into the system were predicted to experience a shelter placement (Leon et al., 2016). Children with low to mild neglect were more likely to stay less than 30 days while children in the more moderate to severe range were more likely to stay for longer than 30 days. Being in a larger sibling group (two or more) was associated with a stay shorter than 30 days, and age was the strongest variable associated with time spent in the shelter, with children 12 and older more likely to stay 30 days or longer in care (Leon et al., 2016).

Intersecting Involvement with Child Welfare and Other Systems

Articles in this section examine the intersection without notice removals share with other services or institutions. By considering factors such as contact with other systems (i.e., criminal justice, mental health services) or other child welfare service providers, the authors identify how a child or family's experience of without notice removals can be understood as one of the many contacts/experiences folks have with the child welfare system.

1. Social Service Institutions

Litrownik and colleagues (1999) conducted a study in San Diego to determine the scope of youths' involvement with other institutions, such as criminal justice or mental health systems, prior to their contact with the child welfare system. Their objective was to explore the relationship between outcomes of care and prior involvement with other institutions, as well as identify youths' characteristics. A sample of 295 youth who spent time at the Polinsky Children's Center, an emergency shelter care facility, participated in intake screening interviews to discuss their experience with other systems and "current and past history of risk behaviors" (Litrownik et al., 1999, p. 11). Social service records were also reviewed to analyze episodes of entry. The findings indicate that 25.1% of participants reported being involved with the criminal system, and 43.1% had contact with the mental health system through counselling services (Litrownik et al., 1999). According to record analysis, 49.5% of the sample was released from the Polinsky Children's Center within 2 days, while only 5.1% stayed for 6 days or more. Youth who experienced sexual abuse were 2.5 times more likely to be placed with a stranger once leaving the facility. Overall, participants reported extensive contact with other systems of care, with the criminal justice and mental health systems being noteworthy involvements.

Bai and colleagues (2020) have also explored the intersection of child welfare with other public services, focusing on housing insecurity. Considering housing insecurity can increase the likelihood of contact with other systems, including child welfare, it is worthwhile to study the impact it has on children and families. Bai et al. (2020) reported that housing issues were associated with approximately 10% of child removal cases. Despite the fact that housing insecurity cannot legally warrant a child's removal from their home, it is often listed as one of the reasons why a child is removed and/or failed to be reunified with their caregiver (Bai et al., 2020). The authors systematically reviewed the

relationship between child welfare involvement and housing insecurity. Focusing on empirical studies with a quantitative methodology, Bai et al. (2020) included 12 studies from the United States for the final review. The studies' findings indicate that housing insecurity is associated with a higher likelihood of foster care placement, extended time in foster care and a child maltreatment investigation (Bai et al., 2020). One study found that experiencing housing insecurity made families 2.2 times more likely to be investigated by child welfare. Another reported that long or frequent stays in shelters are connected to increased risk of children entering foster care. Together, the 12 studies examined in Bai et al.'s (2020) review highlight how housing insecurity can lead to child welfare involvement and the impact that relation has for children and families after the initial contact.

Given the overlap that children and families experience between involvement with child welfare and other social services, a shift towards interprofessional collaboration is often discussed in the literature (Jordan et al., 2019). Using a mixed-method research design, Jordan and colleagues (2019) conducted a study in the United States to examine how effective an interprofessional intervention program can be at increasing worker capacity of emergency care providers working with children who have experienced alleged sexual abuse. The sample (n = 36) consisted of Emergency Department (ED) registered nurses (63%), ED social workers (20%), ED advanced practice providers (14%), and behavioural health workers and law enforcement (3%) (Jordan et al., 2019). After completing the interprofessional education intervention (Phase 1), workers participated in focus groups (Phase 2) to explore their ability to identify and apply their newly learned knowledge of working with child victims of alleged sexual abuse. When asked "whether additional education in pediatric sexual abuse would be of benefit to their clinical practice" 100% of participants stated that it would (Jordan et al., 2019, p. 21). All focus groups also reported that interprofessional communication is crucial when working with alleged sexual abuse child victims. This discussion of interprofessional education highlights the diversity amongst workers caring for vulnerable children and the need for all service providers to collaborate to ensure their protection and safety.

Graça et al. (2018), a study out of Portugal, aimed to build knowledge to inform evidence-based practice and policy in service models of residential care, in particular emergency care. Seven studies were undertaken, the first with a sample of 17 children, and data was collected with the "Form for Assessing Children and Youth in Emergency Care." Upon admittance, the children were referred by the child protection services, family members, community services, social services or health centres. The total time of stay of the children in this study in emergency care ranged from 1.8 to 14.73 months (Graça et al., 2018). The second study consisted of semi-structured focus groups with 10 staff members of the emergency care facility. The discussion lasted about two hours (1h 52m) and was structured around three topics: needs and resources of the service; general functioning of emergency shelter and children/youth needs; and perceived results and effectiveness (Graça et al., 2018). The staff brought up shortcomings in the child protection system, such as lack of services to address mental health needs, problems with legislation, and a lack of local family intervention and follow-up teams (Graça et al., 2018). The third study looked at the document analysis and systematization that supports the shelter activity. The fourth study consisted of semi-structured interviews with staff of the shelter: a psychologist, social worker and educator coordinator.

It was noted that despite having resources to receive the child/family in the "moment of admission," they often struggled with lacking information about the case, or having misleading information surrounding the case that they then felt might compromise their ability to deliver a response with both the proper emotional and behavioural support (Graça et al., 2018). It was also noted that the families were often hostile or suspicious initially, which added further challenges in adequately responding to the distress of both the child and family as a whole, and occasionally the staff's safety felt threatened. The fifth study included collecting data with the "Form for Assessing Shelter Cooperation with Social/Community Services." The findings suggest that the shelter had a set of shared inputs and activities with regards to program development and evaluation, and the shelter appeared to have established protocols for collaboration only with the central social service teams. The sixth study included a semi-structured focus group

with seven of the older residents, aged 13-15, who were in the shelter for an average of 3.89 months (Graça et al., 2018). The schedules in the shelter were identified by the participants as flexible overall, and routines were adjusted to specific residents. The general consensus in the focus group was that in the current group of residents, the primary feelings were of mutual trust and support, even if there were occasional episodes of disagreement or conflict (Graça et al., 2018). When asked about suggestions to improve life in the shelter, the quotes mainly referred to providing more resources for activities such as play and leisure.

The seventh study looked at data collected with a questionnaire developed from the "Diagram of Affective Quality Attributed to Environments." Ten children aged 8-15 and ten staff members completed it. The authors note that involvement of the children's families previously and during the care placement is recommended, particularly when family reunification is considered (Graça et al., 2018). When the case plan involves family reunification, it is crucial that the intervention includes a close coordination of professionals in care and in the community to avoid a lengthy placement (Del Vale & Zurita 2015, as cited in Graça et al., 2018). The findings were consistent throughout the set of studies in suggesting that the shelter was able to meet the general needs of the children/youth and provide a positive socioemotional climate and affective environment (Graça et al., 2018).

2. Birth Alerts

This section provides a summary of "The Efficacy of Birth Alerts" written by Sistovaris et al. (2021), at The Policy Bench, Fraser Mustard Institute of Human Development University of Toronto.

Citation: Sistovaris, M., Sansone, G., Fallon, B., & Miller, S. (2021). *The efficacy of birth alerts: Literature review*. [Unpublished manuscript]. Fraser Mustard Institute of Human Development, University of Toronto.

Inconsistencies in official provincial policies and statistics related to birth alerts (Stueck, 2019a) make it difficult to estimate the proportion of children placed in care that can be attributed to apprehensions resulting from birth alerts. In a 2019 media report, a spokesperson for Ontario's Ministry of Children, Community and Social Services noted that although Ontario "[does not have a] policy in place [for] birth alerts...some Children's Aid Societies in Ontario have established protocols with local hospitals relating to birth alerts...Ensuring that parents' information was not shared without their consent through birth alerts [is the responsibility of the] individual Children's Aid Societies" (Stueck, 2019b; Berrouard, 2017). In 2020, the Ontario government issued a new policy directive that orders children's aid societies to cease the practice of issuing birth alerts as of October 15, 2020 (Ministry of Children, Community and Social Services, 2020).

The practice of birth alerts has garnered significant debate among child welfare advocates, practitioners, and legal professionals regarding their efficacy in ensuring the safety and well being of children. Sistovaris et al. (2021) conducted a literature scan of both peer-reviewed journals and grey literature to identify, collect and synthesize research assessing the efficacy of birth alerts in Canada. The results revealed a limited body of evidence-based research assessing the efficacy of birth alerts. Although the characterization of birth alerts as "problematic" and growing disapproval of birth alerts were common themes, supporting literature has largely been exploratory in nature and untested.

Berrouard's (2017) study exploring the attitudes and practices of child welfare workers towards new mothers who are involved with the child welfare system while receiving perinatal care, characterized birth alerts as a "necessary evil." The study found that, although "there was a general sentiment that [birth alert documents] are problematic because they almost automatically set mothers up to be viewed negatively by hospital staff...all of the participants expressed feeling that birth alerts are needed in certain instances" (Berrouard, 2017, p. 51). In 2018, Flaherty, Meiksans, McDougall and Arney published the results of their exploratory research study examining the "impact of a Child-At-Risk electronic medical record (eMR) alert information sharing system on the practice of staff within the Northern New South Wales Local Health District (NNSW LHD) and the perceived outcomes for women and children experiencing interpersonal violence, abuse or neglect" (Flaherty et al., 2018, p. 6). The eMR alert information sharing system

was, according to Flaherty, Meiksans, McDougall and Arney (2018), designed as an early intervention tool for practitioners in identification of at-risk children and pregnant women and prevention of future harm by providing them with the necessary supports. The results of the exploratory study revealed that "the NNSW LHD Child-At-Risk eMR alert system [was] having a positive impact on healthcare responses to victims of interpersonal violence, abuse and neglect" (Flaherty, Meiksans, McDougall and Arney, 2018, p. 43).

Research examining the separation of newborns at birth reports that separation "disrupts bonding and can have serious consequences for...children, including increased aggression among children" (Wall-Wieler, Roos, Brownell et. al., 2018; Kenny, Barrington and Green, 2015). According to a study by Howard, Martin, Berlin and Brooks-Gunn (2011), "[m]aternal availability is particularly important within the first two years of life because of the infant's limited understanding of the reasons for maternal absence and the timing of her return. As a result, experiences of separation may be particularly salient. Even those as brief as a few hours in duration can result in distress" (Howard et al., 2011, p. 2).

Research examining the separation of newborns at birth finds that the disruption between mother and child caused by a separation can lead to "increased mental health conditions and substance use in mothers" (Wall-Wieler et al., 2018). In many cases the simple fear of having a birth alert issued is significant enough to impact a woman's health, particularly during pregnancy (Malebranche, 2019). According to Dr. Mary Malebranche of the University of Calgary, "fears of having a birth alert issued...can deter at-risk women from accessing prenatal care or, for example, from seeking treatment for a substance use disorder while pregnant" (Malebranche, 2020), a concern that has also been expressed by Indigenous leaders and child welfare advocates (Stueck, 2019b). In many cases, subsequent pregnancies are often flagged as high-risk despite evidence that a woman has overcome any issues that resulted in the issue of the initial birth alert (Malebranche, 2019). According to Malebranche (2019), "[i]n the context of Indigenous families, the practice contributes to ongoing cycles of inter generational trauma as many women for whom birth alerts are issued were themselves apprehended at birth." Child welfare advocates suggest, although birth alerts began as a means to identifying high-risk pregnancies in hopes of providing the mother with the required supports, birth alerts quickly "became a tool for apprehensions (Hobson, 2020) primarily used for marginalized women, especially Indigenous women" (Hobson, 2020; Kelly & Boothby, 2019; Malebranche, 2020).

3. General Findings from Birth Alert Summary

Citation: Sistovaris, M., Sansone, G., Fallon, B., & Miller, S. (2021). *The efficacy of birth alerts: Literature review*. [Unpublished manuscript]. Fraser Mustard Institute of Human Development, University of Toronto.

A review of research by the American Bar Association (2020a) examining the effects of removing children from their parents more generally found separations have detrimental effects on the short- and long-term health and development of children that include, increased risks of developing heart disease, diabetes, and even certain forms of cancer (Eck, 2018); developmental regression, difficulty sleeping, depression, and acute stress (Goudarzi, 2018); increased risk of a child becoming a runaway and a victim of child sex trafficking (National Center for Missing & Exploited Children, 2017); increased risks of future disorders (McNutt et al., 2018); impaired brain function (Wan, 2018; Carnes, 2018); and emotional and psychological issues (Trivedi, 2019).

Research also indicates that the removal of a child from the family into foster care can also have profound impacts on a child's health and development (American Bar Association, 2020b). When compared to children who remained at home, children removed and placed in care had higher rates of: delinquency and teen pregnancies (Doyle, 2007); involvement in the criminal justices system, particularly later in adulthood (Doyle, 2008); healthcare requirements (Doyle, 2013; Schneider, Baumrind, Pavao et al., 2009); behavioural problems (Lowenstein, 2018; Lawrence et al., 2006); adverse adult outcomes (Ryan & Testa, 2005); impaired cognitive development (National Scientific Council on the Developing Child, 2012); emotional impairment (VanTieghem & Tottenham, 2018; Schuengel et al., 2009); poor

educational outcomes (Brownell et al., 2015; Schneider, Baumrind, Pavao et al., 2009); poverty (Schneider et al., 2009; Doyle, 2007); and reliance on public assistance in adulthood (Schneider et al., 2009).

Conclusion

This literature scan reveals that there is a lack of research evaluating the effects of emergency removals on the well-being of children and their families. Many children within the studies discussed feelings of helplessness during and after the removal, due to its abrupt nature and lack of means to contact their parents. Most of the children who were removed without notice were not prepared for the separation, and multiple authors concluded that having knowledge about the upcoming event seems to decrease the degree of observable stress in children. The lack of preparedness for the event, as well as its profound personal significance for the child, affects the level of stress and makes the removal situation very different from a planned event. One study, Hindt et al. (2019), suggests that the negative impact of the shelter placement following the removal may be the actual act of the removal and placement, regardless of amount of time children spend removed from their family. It was also found that while short placements are usually seen as causing less trauma to children than longer ones, short placements can also significantly disrupt the relationship between children and their parents. This can happen by making the connections more fragile and introducing new problems into the family dynamic. The stress and confusion that children experience during rapid, unplanned placements may exacerbate some of their emotions and behaviours. The literature also indicates that experiencing several moves in care is associated with poor behavioural outcomes. First Nations, Inuit and Métis children are overrepresented in the child welfare system, including with regards to without notice removals. For many Indigenous women, social, political and economic factors such as poverty, inadequate housing, unemployment, substance use, and violence, largely stemming from a history of colonialism and ongoing neocolonial policies, have created a depiction of these women as “neglectful,” and have created higher rates of removal. It was also found in the literature that the fear of having their children removed has been a deterring factor for many Indigenous women to access health care. Children of colour are also dramatically over-represented among children admitted into emergency care. One study found that experiencing housing insecurity made families 2.2 times more likely to be investigated by child welfare. Another reported that long or frequent stays in shelters are connected to increased risk of children entering foster care. Multiple parents noted that the child protection system involvement was filled with emotions, such as anger that their children were taken away, and there was consensus in confusion about how to get them back. It was noted by the majority of authors that the well-being of children must be the first concern, and while resolving the immediate crisis may be the main objective, short-term placements after without notice removals may only be a temporary solution in addressing a child’s safety and well-being concerns. They fail to ensure that, once reunified, children return to their families safely and permanently.

Section 3: Synthesis of Social Science and Law

The Supreme Court of Canada ("SCC") has ruled that the removal of children from parental custody engages section 7 of the *Charter* and, as such, must only occur when it is in the best interests of the child. Yet, child protection workers are not required to apply the best interests test when determining whether to bring a child to a place of safety. While the legislation and case law require child protection workers to use emergency removal only as a measure of last resort, short-term placements account for a large portion of children in care, and Indigeneity has been found to increase the likelihood of placement.

Social science research shows that short-term placements fail to ensure that children return to their families permanently, and that they disrupt the relationship between children and their parents, introducing additional concerns in the family constellation. Children have been found to experience stress during emergency placements, which exacerbates negative internalizing and externalizing symptoms. The sudden separation from family members leads children to experience feelings of loss and helplessness upon placement into a new home, particularly when they are removed without being prepared for the separation from parents. The duration of first placement has also been correlated to re-entry into care: children whose first placement is between one and five days are almost twice as likely of re-entering into care during the first year following reunification. Studies also show that children who experience several moves in care have poor behavioural outcomes and greater emotional vulnerability, and experience social avoidance and compliance with adult rules across the entire placement trajectory.

Courts have taken notice of social science literature highlighting that the post-apprehension environment is not always better for a child than their pre-apprehension circumstances; but have struggled to consider the harm that can flow from an inappropriate apprehension, merely expressing judicial disapproval when the Society fails to apply the statutory requirements for a warrantless removal. While some studies have examined the child's views and their experiences with planned versus unplanned removals, the case law has not focused on the views and wishes of the children to any significant extent. At the same time, courts have recognized the importance of the parent-child relationship and have held that the state should interfere with it only in accordance with the principles of fundamental justice. However, for many Indigenous women, social, political and economic factors such as poverty, inadequate housing, unemployment, substance use, and violence have led to increased involvement with the child welfare system. In some instances, courts have found that bias has influenced child protection workers' decisions to bring a child to a place of safety. While there is limited academic writing surrounding Indigenous children in care in Canada, social science research reveals that the threat of child apprehension has a negative impact on the well-being of Indigenous women, creating significant barriers to access to healthcare services.

The legislation does not mandate child protection workers to articulate their reasons for believing that a child is in need of protection, or to explain the grounds for bringing a child to a place of safety without a warrant. Social science research suggests that there are many factors informing a social worker's decision to remove a child from their home. Some findings indicate that emergency placements often occur as a response to concerns that accumulate over a long period of time. Canadian-based data links urgent protection cases with parental risk factors, such as cognitive impairment, substance use, housing and financial problems, and lack of support. Other American-based literature has found that "abuse," including physical and sexual abuse, is the number one reason for a placement, followed by parental incarceration. Racialized children are also more likely to be removed as a result of parent incarceration than are White children. Overall, children and families impacted by emergency removal have reported extensive contact with other systems of care, the most noteworthy being the criminal justice and mental health systems. Given this overlap, a shift towards interprofessional collaboration is often discussed in social science literature. Academics have especially

explored the intersection of child welfare with housing insecurity, which has been found to be one of the reasons why a child is removed from or fails to be reunified with their caregiver. Studies highlight that it is crucial that child protection interventions include a close coordination of professionals in care and in the community to avoid a lengthy placement.

Appendix A

74(2) 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) I might be jaded a bit jaded but I tend to skip right over the paid ads to the "organic" listings because I feel like the ads are artificially ranked high and won't actually return the info Am I mistaken?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 abused 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 abuse or sexual exploitation and fails to protect the child;

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

(d.1) the child has been sexually exploited as a result of being subjected to child sex trafficking;

(d.2) there is a risk that the child is likely to be sexually exploited as a result of being subjected to child sex trafficking;

(e) the child requires 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 the treatment or access to the treatment, or, where the child is incapable of consenting to the treatment under the Health Care Consent Act, 1996 and the parent is a substitute decision-maker for the child, the parent refuses or is unavailable or unable to consent to the treatment on the child's behalf;

(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;

(g) 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 services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to the treatment to remedy or alleviate the harm;

(h) 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;

(i) 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 services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to treatment to prevent the harm;

(j) 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 treatment or access to treatment, or where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to the treatment to remedy or alleviate the condition;

(k) the child's parent has died or is unavailable to exercise the rights of custody 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;

(l) the child is younger than 12 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 services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to treatment;

(m) the child is younger than 12 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;

(n) 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 12 or older, with the child's consent, for the matter to be dealt with under this Part; or

(o) the child is 16 or 17 and a prescribed circumstance or condition exists. 2017, c. 14, Sched. 1, s. 74 (2); 2020, c. 25, Sched. 1, s. 26 (1); 2021, c. 21, Sched. 3, s. 1 (2).

81 (1) A society may apply to the court to determine whether a child is in need of protection.

(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 younger than 16;

(b) the child is in need of protection; and

(c) a less restrictive course of action is not available or will not protect the child adequately.

(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).

(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 brought the child to a place of safety 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 the child before the court at the time and place named in the order for a hearing under subsection 90 (1) to determine whether the child 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.

(5) It is not necessary, in an application under subsection (1), a warrant under subsection (2) or an order made under subsection (4), to describe the child by name or to specify the premises where the child is located.

(6) A child protection worker authorized to bring a child to a place of safety by a warrant issued under subsection (2) or an order made under clause (4) (d) may at any time enter any premises specified in the warrant or order, by force if necessary, and may search for and remove the child.

(7) A child protection worker who believes on reasonable and probable grounds that,

(a) a child is in need of protection;

(b) the child is younger than 16; and

(c) 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 90 (1) or obtain a warrant under subsection (2),

may without a warrant bring the child to a place of safety.

(8) A child protection worker acting under this section may call for the assistance of a peace officer.

(9) A child protection worker acting under subsection (7) or under a warrant issued under subsection (2) or an order made under clause (4) (d) may authorize the child's medical examination where a parent's consent would otherwise be required.

(10) A child protection worker who believes on reasonable and probable grounds that a child referred to in subsection (7) is on any premises may without a warrant enter the premises, by force, if necessary, and search for and remove the child.

(11) A child protection worker authorized to enter premises under subsection (6) or (10) shall exercise the power of entry in accordance with the regulations.

(12) Subsections (2), (6), (7), (10) and (11) apply to a peace officer as if the peace officer were a child protection worker.

(13) No action shall be instituted against a peace officer or child protection worker for any act done in good faith in the execution or intended execution of that person's duty under this section or for an alleged neglect or default in the execution in good faith of that duty.

88 As soon as practicable, but in any event within five days after a child is brought to a place of safety under section 81, subclause 83 (1) (a) (ii) or subsection 136 (5),

(a) the matter shall be brought before a court for a hearing under subsection 90 (1) (child protection hearing);

(b) the child shall be returned to the person who last had charge of the child or, where there is an order for the child's custody that is enforceable in Ontario, to the person entitled to custody under the order;

(c) if the child is the subject of an extra-provincial child protection order, the child shall be returned to the child welfare authority or other person named in the order;

(d) a temporary care agreement shall be made under subsection 75 (1); or

(e) an agreement shall be made under section 77 (agreements with 16 and 17 year olds).

Appendix B

Reference	Location of Study	Research Design	Sample	Socio-Demographics of Sample	Instrument
Bai, R., Collins, C., Fischer, R., Groza, V., & Yang, L. (2022). Exploring the association between housing insecurity and child welfare involvement: A systematic review. *Child and Adolescent Social Work Journal, 39*, 247–260. http://dx.doi.org/10.1007/s10560-020-00722-z	USA	Systematic review guide by the family stress model	N = 12	n/a	Reporting of this systematic review conformed to guidelines from the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) search focused on empirical studies using quantitative methods and published in the English language in the United States that explored the association between forms of housing insecurity and types of child welfare involvement
Baugerud, G. A., & Melinder, A. (2012). Maltreated children's memory of stressful removals from their biological parents. *Applied Cognitive Psychology*, *26*(2), 261–270. http://dx.doi.org/10.1002/acp.1817	Norway	A quasi-experimental design, composing one factor with two levels (type of removal; acute versus planned).	N = 33	White (51, 5%), Asian (21, 2%) African (15, 2%) East-European (6, 1%) Other (6, 1%)	A detailed, sequential step-by-step observation schema employed during the removal process was outlined according to the procedure used in all removal situations Stress rating: In order to register the child's stress level in each phase, we developed a checklist. The researcher rated each child's distress during the removal on a global arousal scale. One week after the removal, the children were given a structured memory interview devised for the current study, consisting of 74 questions about the removal.

Reference	Location of Study	Research Design	Sample	Socio-Demographics of Sample	Instrument
Davidson-Arad, B., Englechin-Segal, D., Wozner, Y., & Arieli, R. (2005). Social workers' decisions on removal: Predictions from their initial perceptions of the child's features, parents' features, and child's quality of life. *Journal of Social Service Research*, *31*(4), 1–23. http://dx.doi.org/10.1300/J079v31n04_01	Israel	Quantitative study The concept of quality of life used in this study is based on the Systemic Quality of Life Model developed by Shye (1979, 1985, 1989)	Subjects were 99 children, but children's social workers were the ones participating in the study. It is never clearly stated if N = 99 social workers.	44 (46.8%) boys 55 (53.2%) girls Children between three and thirteen years old, mean age of 6.91 Majority of the children (58.5%) came from families whose economic status was very poor	Quality of Life Questionnaire: used to tap the social workers' assessment of the children's quality of life in the four fields of the model: psychological, physical, social and cultural. (16 items, 4 for each field) Questionnaire to Obtain Personal Data on the Parents: designed by the authors to tap the parents' socio-economic status, problem areas, cooperation with the social worker, and agreement to removal, as well as the quality of the parent-child relationship.
Denison, J., Varcoe, C., & Browne, A. J. (2014). Aboriginal women's experiences of accessing health care when state apprehension of children is being threatened. *Journal of Advanced Nursing, 70*(5), 1105–1116. http://dx.doi.org/10.1111/jan.12271	Canada	Exploratory qualitative research methods, following the principles of ethnographic research.	Phase 1: N = 7 Phase 2: N = 9	**Phase 1:** 3 women, 4 healthcare providers (all women) 1 healthcare provider self-identified as a Status, First Nations 3 other participants all reported their ethnicity as stemming from Western European backgrounds **Phase 2:** N = 17 9 women, self-identified as Aboriginal: 7 as Status First Nations; 1 as non-status First Nations; and 1 woman as Métis. 8 healthcare providers: two registered nurses, one social worker, two drug and alcohol counsellors, a physician, a peer support worker and an outreach worker. female, ranging in age from 35 to 65 years old.	**Phase 1**: Analysis of interview data and fieldnotes (thematic analysis) **Phase 2**: In-depth semi-structured face-to-face interviews (thematic analysis)

Reference	Location of Study	Research Design	Sample	Socio-Demographics of Sample	Instrument
Graça, J., Calheiros, M. M., Patrício, J. N., & Magalhães, E. V. (2018). Emergency residential care settings: A model for service assessment and design. *Evaluation and Program Planning. 66*, 89–101. http://dx.doi.org/10.1016/j.evalprogplan.2017.10.008	Portugal	Presents and tests a framework for assessing a service model in residential emergency care Comprises seven studies which address a set of different focal areas, informants and service components	Study 1 (N = 17) Study 2 (N = 10) Study 3 (N = n/a) Study 4 (N = 3) Study 5 (N = n/a) Study 6 (N = 7) Study 7 (N = 20)	**Study 1** 11 boys (64.7%) 6 girls (35.3%) **Study 2** 70% female Mean age = 38.9 **Study 3** N/A **Study 4** psychologist, social worker, educator coordinator **Study 5** N/A **Study 6** 57% boys **Study 7** Children (N = 10) aged 8–15 years M = 12.2 60% male Staff (N = 10) aged 25–55 M = 38.9 70% female	**Study 1:** Data was collected with the Form for Assessing Children and Youth in Emergency Care... comprises 86 items **Study 2:** Semi-structured focus-group was conducted with the staff of the emergency care facility **Study 3:** Document analysis and systematization **Study 4:** Semi-structured interviews **Study 5:** Data was collected with the Form for Assessing Shelter Cooperation with Social/Community Services, which was created for the purposes of this, the Interagency Collaboration Scale, and dimensions for assessing social networks available in the literature **Study 6:** semi-structured focus group **Study 7:** Data was collected with a questionnaire developed from the Diagram of Affective Quality Attributed to Environments
Hébert, S. T., Esposito, T., & Hélie, S. (2018). How short-term placements affect placement trajectories: A propensity-weighted analysis of re-entry into care. *Children and Youth Services Review. 95*, 117–124. http://dx.doi.org/10.1016/j.childyouth.2018.10.032	Quebec, Canada	Study was based on a secondary analysis of data from an evaluation of Quebec's *Youth Protection Act* Quasi-randomization method, using propensity weights that control for individual factors that may predispose a child to have a short-term placement prior to reunification Multivariate logistic regression models were used to examine the risk of re-entry into care	N = 17,101	52.3% male 47.7% female 61.2% foster family placement setting 38.2% group placement setting 47.5% re-entered care after first placement	Data Analysis: 1. performed descriptive analysis (for all the children and by age groups) to establish the profiles of the children in the cohorts 2. performed two multivariate regression analyses.

Reference	Location of Study	Research Design	Sample	Socio-Demographics of Sample	Instrument
Hindt, L. A., Bai, G. J., Huguenel, B. M., Fuller, A. K., & Leon, S. C. (2019). Impact of emergency shelter utilization and kinship involvement on children's behavioural outcomes. *Child Maltreatment, 24*(1), 76–85. http://dx.doi.org/10.1177/1077559518797198	Illinois, UnitedStates	Not identified	N = 282 Subsamples: Shelter (n = 104) Non-shelter (n = 178)	Children 6 to 13 years old Mean age at entry into foster care= 9.90 55.3% male 60.5% African American 17.4% multiracial 14.6% Latino 7.5% Caucasian or Asian American	Research assistants used the file reviews of the Integrated Assessments on the Statewide Automated Child Welfare Information System Database and caseworker phone interviews to complete the Kin Identification and Level of Engagement (KILE) form, a tool developed by the larger e-Recruitment and Kin Connections Project.
Jordan, K. S., Steelman, S. H., Leary, M., Varela-Gonzalez, L., Lassiter, S. L., Montminy, L., & Bellow, E. F. (2019). Pediatric sexual abuse: An interprofessional approach to optimizing emergency care. *Journal of Forensic Nursing, 15*(1), 18–25. http://dx.doi.org/10.1097/JFN.0000000000000232	USA	Integrated Change Model theoretical model was used to guide this project. Study conducted in 2 phases, using mixed-method research design Phase 1: education intervention Phase 2: focus groups	N = 36	Emergency Department (ED) registered nurses (63%) ED social workers trained in forensic interviewing (20%) ED advanced practice providers including nurse practitioners and physician assistants (14%) Behavioural health workers and law enforcement (3%)	**Phase 1:** A hard-copy written pretest and post-test study design was used to measure the effect of this education program **Phase 2:** Content analysis was used to identify emergency themes.
Lamponen, T., Pösö, T., & Burns, K. (2019). Children in immediate danger: Emergency removals in Finnish and Irish child protection. *Child & Family Social Work, 24*(4), 486–493. http://dx.doi.org/10.1111/cfs.12628	Finland and Ireland	Qualitative analysis Semi-structured interviews with 49 child protection workers	N = 49 Social workers in Ireland (N = 16) Social workers in Finland (N = 33)	Ireland (N = 16): 11 social workers 4 social work team leaders 1 team manager	Analysis: Interview data was coded into themes using thematic analysis
Lalayants, M. (2012). Parent engagement in child safety conferences: The role of parent representatives. *Child Welfare, 91*(6), 9–42. http://myaccess.library.utoronto.ca/login?qurl = https%3A%2F%2Fwww.proquest.com%2Fscholarly-journals%2Fparent-engagement-child-safety-conferences-role%2Fdocview%2F1509394998%2Fse-2%3Faccountid%3D14771	New York City, USA	Mixed-method design. Quantitative surveys and qualitative interviews	Quantitative N = 68 Qualitative (N = 60)	Qualitative: 9 parent representatives 21 birth parents 30 child protective services workers and supervisors	Quantitative Data Analysis: Surveys were converted to an SPSS dataset by the researcher for descriptive analysis. Qualitative Data Analysis: Researcher performed content analysis of the transcribed data (open coding, then axial coding and finally selective coding)

Reference	Location of Study	Research Design	Sample	Socio-Demographics of Sample	Instrument
Leon, S. C., Jhe Bai, G., Fuller, A. K., & Busching, M. (2016). Emergency shelter care utilization in child welfare: Who goes to shelter care? How long do they stay? *American Journal of Orthopsychiatry, 86*(1), 49–60. http://dx.doi.org/10.1037/ort0000102	Illinois, United States	Utilizing Optimal Data Analysis (ODA) and Classification Tree Analysis	N = 123	52.7% female 57.1% African American, 20.5% Latino, 11.6% biracial (i.e., African American and Caucasian or African American and Latino), 8.9% Caucasian, and 1.2% Asian American Mean age at entry into foster care was 9.40years	Kin Identification and Level of Engagement Form tool was developed for this study. It was used to obtain information regarding participants' race/ethnicity, gender, age, family composition, foster care placement information (i.e., initial placement, types of placement, length of stay in each placement), the youth's kin (e.g., maternal grandmother, paternal aunt), and the type of kinship support provided to youth by each of the identified kin. Based on data gained from the Kin Identification and Level of Engagement Form, 16 family related variables were computed for the study Child and Adolescent Needs and Strengths: was completed as a part of the Integrated Assessment (IA) during the first 45 days upon entering care Version used in this study was a 105-item structured instrument to assess the needs and strengths of a youth across seven areas of youth functioning

Reference	Location of Study	Research Design	Sample	Socio-Demographics of Sample	Instrument
Litrownik, A. J., Taussig, H. N., Landsverk, J. A., & Garland, A. F. (1999). Youth entering an emergency shelter care facility: Prior involvement in juvenile justice and mental health systems. *Journal of Social Service Research, 25*(3), 5–19. http://dx.doi.org/10.1300/J079v25n03_02	San Diego, USA	Initial interviews from a pilot screening program for youth at an emergency shelter were analyzed	N = 295	Mean age for the 295 youth was 13.6 37.6% male, 62.4% female 45.1% "Caucasian" 24.1% African American, 22% Hispanic	Measures Intake Interview: consisted of a number of questions for youth about their current and past history of risk behaviours... and consequences or encounters with other systems of care Social Service Record Reviews: San Diego Department of Social Services keeps computerized records for each entry episode. The data for the time period, April 18 to October 11, 1995, were downloaded and merged with data files containing information from the intake assessments.
Mitchell, M. B., & Kuczynski, L. (2010). Does anyone know what is going on? Examining children's lived experience of the transition into foster care. *Children and Youth Services Review, 32*(3), 437–444. http://dx.doi.org/10.1016/j.childyouth.2009.10.023	Canada	Qualitative methodology of hermeneutic phenomenology Semi-structured interviews	N = 20	7 males 13 females Average age of the sample was 12 years Average time spent in care was 20 months	Data analysis for hermeneutic phenomenological research involves: (i) thematic analysis, (ii) identification of exemplars, and (iii) search for paradigm cases MAXQDA was used to assist with thematic analysis
Monico, C., Rotabi, K. S., & Lee, J. (2019). Forced child–family separations in the southwestern U.S. border under the "Zero-Tolerance" policy: Preventing human rights violations and child abduction into adoption (Part 1). *Journal of Human Rights and Social Work, 4*(3), 164–179. http://dx.doi.org/10.1007/s41134-019-0089-4	USA	Examination of the critical issues pertaining to the "zero-tolerance" policy adopted in spring, 2018, in the USA	n/a	n/a	n/a

Reference	Location of Study	Research Design	Sample	Socio-Demographics of Sample	Instrument
Nwabuzor Ogbonnaya, I. (2015). Effect of race on the risk of out-of-home placement among children with caregivers who reported domestic violence. *Journal of Family Violence, 30*(2), 243–254. http://dx.doi.org/10.1007/s10896-014-9664-8	USA	Utilized propensity score analysis, a quasi-experimental contemporary statistical method that attempts to mimic a randomized controlled trial. Information gathered during face-to-face interviews with primary caregivers and CPS caseworkers in charge of the investigation or with access to the case file.	N = 630	162 African American, 95 Hispanic, and 373 White	The statistical approach involved three steps. 1. Conducting bivariate and multinomial logistic regression analyses to examine differences in the observed propensity score between caregivers from each racial/ethnic group. 2. The multinomial logistic regression model was used to reduce the multidimensional covariates to a one dimensional score, called a propensity score. 3. To accomplish data balancing (i.e., controlling for covariates in observational studies), the propensity score was then used to create weights for propensity score weighting analysis. After balancing the data using propensity score weighting techniques and determining that differences between groups were eliminated, survival analysis was conducted.
Sistovaris, M., Sansone, G., Fallon, B., & Miller, S. (2021). *The efficacy of birth alerts: Literature review*. [Unpublished manuscript]. Fraser Mustard Institute of Human Development, University of Toronto.	Canada	Literature Scan A scan of existing peer reviewed and grey literature was carried out to identify, collect and synthesize research assessing the efficacy of birth alerts in Canada.	n/a	n/a	n/a
Storhaug, A. S., & Kojan, B. H. (2017). Emergency out-of-home placements in Norway: Parents' experiences. *Child & Family Social Work, 22*(4), 1407–1414. http://dx.doi.org/10.1111/cfs.12359	Norway	Survey interviews with parents whose children had been placed outside the home under emergency provisions	N = 64	28% fathers 72% mothers 80% of mothers were born in Norway	Quantitative data coded and analyzed using SPSS Statistics23. Analyses carried out included frequency analysis, cross-tabulation, and correlation analysis

Reference	Location of Study	Research Design	Sample	Socio-Demographics of Sample	Instrument
Storhaug, A. S., Bente, H. K., & Fjellvikås, G. (2019). Norwegian child welfare workers' perceptions of emergency placements. *Child & Family Social Work, 24*(2), 165–172. http://dx.doi.org/10.1111/cfs.12599	Norway	Phenomenological method Qualitative case study approach Semi-structured in-depth interviews	N = 11	All the participants were women and had extensive experience (7–15 years) as a child welfare worker.	Data Analysis: Systematic text condensation. This is a descriptive and explorative method that is used for thematic cross-case analysis
Trocmé, N., Kyte, A., Sinha, V., & Fallon, B. (2014). Urgent protection versus chronic need: Clarifying the dual mandate of child welfare services across Canada. *Social Sciences 3*(3), 483–498. https://doi.org/10.3390/socsci3030483	Canada	Study analyzed data from the 1998, 2003 and 2008 Canadian Incidence Study of reported child abuse and neglect (CIS)	CIS-2008 tracked 15,980 maltreatment-related investigations conducted in a representative sample of 112 child welfare organizations	n/a	Information was obtained directly from child welfare workers using a three-page data collection form describing child, family and investigation related information that workers routinely gather as part of their investigation
Wattenberg, E., Luke, K., & Cornelius, M. (2004). Brief encounters: Children in shelter for 7 days or less. *Children and Youth Services Review, 26*(6), 591–607. https://doi.org/10.1016/j.childyouth.2004.02.027	Minnesota, USA	Review of data collected from a previous study.	N = 1306	23% 0-3 yrs, 16% 4–6 yrs, 27% 7–11 yrs, 34% 12–17 yrs 55% African American 19% Caucasian 10% Native American 9% bi-racial Less than 6% Hispanic, Asian/Pacific Islander and "other"	The data used in the study were based largely on administrative information collected at Hennepin County's central point of intake for Child Protective services, St. Joseph's Home for Children during 1999. These data were augmented by group interviews with Hennepin County child protection workers and supervisors and with staff members and administrative staff from St. Joe's. The analysis of these data took place in 2000 and 2001.

Citations

Bai, R., Collins, C., Fischer, R., Groza, V., & Yang, L. (2022). Exploring the association between housing insecurity and child welfare involvement: A systematic review. *Child and Adolescent Social Work Journal, 29*, 247–260. http://dx.doi.org/10.1007/s10560-020-00722-z

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