



Child Custody Disputes in Child Maltreatment-Related Investigations in Ontario in 2023

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Introduction

The Ontario Incidence Study of Reported Child Abuse and Neglect, 2023 (OIS-2023)¹ is the seventh provincial study to examine the incidence of reported child maltreatment and the characteristics of children and families investigated by child welfare authorities in Ontario. This Information Sheet examines investigations involving custody disputes in Ontario in 2023.

Findings

There were an estimated 125,879 child maltreatment-related investigations² conducted in Ontario in 2023. In an estimated 122,143 investigations, the investigating worker was asked whether there was an ongoing child custody dispute (i.e., the family court application was made or pending). This question was not asked in an estimated 3,736 investigations (i.e., community caregiver investigation or a youth living independently investigation).

An estimated 13,580 maltreatment-related investigations involved custody disputes in Ontario in 2023 (11% of investigations); this is a similar proportion to previous cycles of the OIS (13% in 2018 and 2013; see Black, Fallon, Joh-Carnella, & Allan, 2023; Deljavan, Black, Saini & Fallon, 2016).

¹ Fallon, B., Black, T., Lefebvre, R., Trocmé, N., Hélie, S., Crowe, A., Miller, M., Budau, K., Houston, E., King, B., Esposito, B., Fluke, J., Collin-Vézina, D., Parada, H., Provençal, J., Chhabra, N., Sawh, P., Chan, P., Chowdhury, R., ... Wilson, L. Ontario Incidence Study of Reported Child Abuse and Neglect-2023 (OIS-2023). Toronto, ON: Child Welfare Research Portal.

² A maltreatment-related investigation refers to both maltreatment and risk-only investigations. Risk-only investigations are those in which a specific past incident of maltreatment was not suspected or alleged to have occurred, but rather a constellation of factors lead to concerns that a child may be maltreated in the future (e.g., caregiver with a substance abuse issue).

Table 1 describes the proportion of child maltreatment-related investigations involving a custody dispute by age group. Investigations involving infants under 1 year and sixteen and seventeen year olds were the least likely to involve a child custody dispute.

Table 1.

Investigations involving child custody disputes by child age in Ontario in 2023[^]

Child Age	Child Custody Dispute			Total
	No	Yes	Unknown	
Under 1 year	5,537	265	-	5,827
	95%	5%	0%	100%
1 to 3 years old	15,077	2,074	130	17,281
	87%	12%	1%	100%
4 to 7 years old	27,901	4,029	295	32,225
	87%	12%	1%	100%
8 to 11 years old	26,830	4,122	417	31,369
	85%	13%	1%	26%
12 to 15 years old	24,592	2,634	464	27,690
	89%	9%	2%	23%
16 to 17 years old	7,268	456	-	7,752
	94%	6%	0%	6%
Total	107,205	13,580	1,358	122,143
	88%	11%	1%	100%

[^]Based on a sample of 6,621 maltreatment-related investigations with information about child custody disputes

“-” Estimates of less than 100 are not shown, but are included in the total

Table 2 describes the primary concern of the investigation among investigations involving child custody disputes in Ontario in 2023. Custody disputes were most often noted for investigations involving emotional maltreatment (21% of investigations involving emotional maltreatment had noted child custody disputes in Ontario in 2023), followed by 14% of sexual abuse investigations, 12% of exposure to IPV, 11% of physical abuse investigations, and 9% of neglect investigations. This is similar to 2018 when child custody disputes were most often noted for investigations involving emotional maltreatment.

Table. 2

Investigations involving child custody disputes by primary concern in Ontario in 2023[^]

Primary Concern	Child Custody Dispute			Total
	No	Yes	Unknown	
Physical Abuse	19,768	2,548	305	22,621
	87%	11%	1%	100%
Sexual Abuse	3,873	640	116	4,629
	84%	14%	2%	100%
Neglect	22,857	2,340	420	25,617
	89%	9%	2%	100%
Emotional Maltreatment	7,153	1,959	114	9,226
	77%	21%	1%	100%
Exposure to IPV	26,656	3,808	135	30,599
	87%	12%	0%	100%
Risk	26,898	2,285	268	29,451
	91%	8%	1%	100%
Total	107,205	13,580	1,358	122,143
	88%	11%	1%	100%

[^]Based on a sample of 6,621 maltreatment-related investigations with information about child custody disputes

Table 3 outlines the level of substantiation among maltreatment investigations (an estimated 92,691 investigations; information about fabricated referrals was not collected for risk-only investigations) by child custody disputes. An estimated 11,294 maltreatment investigations involved custody disputes in Ontario in 2023 (12% of investigations). Of these, almost half (49%) were substantiated, 4% suspected, and 47% unfounded. The proportion of investigations that were initiated by a fabricated report are similar whether the investigation involves a child custody dispute or not (6%). This proportion is similar to the OIS-2018 (4% of investigations involving child custody disputes were fabricated).

Table 3.

Investigations involving child custody disputes by Substantiation level in Ontario in 2023[^]

Level of Substantiation	Child Custody Dispute			Total
	No	Yes	Unknown	
Unfounded - fabricated	4,555	629	-	5,184
	6%	6%	0%	6%
Unfounded - not fabricated	38,095	4,356	660	43,111
	47%	39%	61%	47%
Unfounded - fabrication unknown	640	288	-	928
	1%	3%	0%	1%
Suspected	2,017	444	-	2,507
	3%	4%	4%	3%
Substantiated	35,000	5,577	384	40,961
	44%	49%	35%	44%
Total	80,307	11,294	1,090	92,691
	100%	100%	100%	100%

[^]Based on a sample of 5,011 maltreatment investigations with information about child custody disputes

Methodology

The OIS-2023 used a multi-stage sampling design to select a representative sample of 20 child welfare agencies in Ontario and then to select a sample of cases within these agencies. Information was collected directly from child welfare workers on a representative sample of 6,799 child protection investigations conducted during a three-month sampling period in the fall of 2023 involving children 0-17 years of age. This sample was weighted to reflect provincial annual estimates. After two weighting procedures were applied to the data, the estimated number of maltreatment-related investigations (i.e., maltreatment and risk-only investigations) conducted in 2023 was 125,879.

For maltreatment investigations, information was collected regarding the primary form of maltreatment investigated as well as the level of substantiation for that maltreatment. Thirty-three forms of maltreatment were listed on the data collection instrument, and these were collapsed into five broad categories: physical abuse (e.g., hit with hand), sexual abuse (e.g., exploitation), neglect (e.g., educational neglect), emotional maltreatment (e.g., verbal abuse or belittling), and exposure to intimate partner violence (e.g., direct witness to physical violence). Workers listed the primary concern for the investigation and could also list secondary and tertiary concerns.

Workers were asked to provide information on various other aspects of their investigation, including the characteristics of the household, caregivers, and child subject of the investigation; history of previous child welfare case openings; and short-term child welfare service dispositions (e.g., level of substantiation).

Limitations

The OIS collects information directly from child welfare workers at the point when they completed their initial investigation of a report of possible child abuse or neglect, or risk of future maltreatment. Therefore, the scope of the study is limited to the type of information available to them at that point. The OIS does not include information about unreported maltreatment nor about cases that were investigated only by the police. Also, reports that were made to child welfare authorities but were screened out (not opened for investigation) were not included. Similarly, reports on cases currently open at the time of case selection were not included. The study did not track longer-term service events that occurred beyond the initial investigation.

Three limitations to estimation method used to derive annual provincial estimated should also be noted. The agency size correction uses service volume as a proxy for agency size; this does not account for potential variations in investigations across agencies. The annualization weight corrects for seasonal fluctuation in the volume of investigations, but it does not correct for seasonal variations in types of investigations conducted. Finally, the annualization weight includes cases that were investigated more than once in the year as a result of the case being re-opened following a first investigation completed earlier in the same year. Accordingly, the weighted annual estimates represent the child maltreatment-related investigations, rather than investigated children.

Comparisons across OIS reports must be made with caution. The forms of maltreatment tracked by each cycle were modified to take into account changes in investigation mandates and practices. Comparisons across cycles must, in particular, take into consideration the fact that the OIS-2008 was the first to explicitly track risk-only investigations.

References

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