

SUMMARY: DIRECTOR'S CASE REVIEW of an Incident Involving a Child in the Care of the Ministry

A. BACKGROUND

The Ministry of Children and Family Development (MCFD) conducted the Director's Case Review (DCR) to examine the facts associated with the case and to ensure that policy and practice standards regarding the provision of child services were met, particularly in relation to placement issues.

The terms of reference were to:

- Determine if the ministry's assessment of the strengths, risks, and needs of the foster family were adequate and consistent with legislation, policy and standards.
- Determine if the ministry's response to child protection reports and requests for service in the foster home were appropriate and consistent with legislation, policy, and standards.
- Determine if the ministry's interventions with the foster family adequately addressed the needs and risks of the foster family.
- Determine if there were any systemic barriers to quality service delivery to the foster family.

For the purposes of the review, interviews were conducted and ministry documents were reviewed.

The DCR reports that historical involvement with the family of the subject child (the child) existed with the ministry. Multiple reports were received by the ministry regarding the well-being of the child and/or the child's siblings. The investigations subsequently resulted in a finding that the children were in need of protection. The children were then removed under Section 13 of the *Child Family and Community Services Act (CFCSA)*.

The children, who were staying with adults the family had a significant relationship with (significant adults), were placed with extended family members. The children preferred to stay with the significant adults, yet it was determined that a placement there would not be in their best interest. However, visits occurred between the children and the significant adults.

It came to the attention of the ministry that issues existed regarding the visits with the significant adults, including an issue that was in contravention of the court order which specified terms regarding visits with the children. The ministry addressed these concerns with the significant adults, and they agreed to co-operate with the terms of the court order. The file indicates issues concerning the time period the children were staying with the significant adults were identified.

The children's placement with their extended family members was assessed and no issues were identified. Thorough Risk Assessment and Risk Reduction Service Plans were also completed and documented on the file.

The children's desire to reside, once again, with the significant adults was brought to the attention of the ministry through a court conference process; a judge advised the ministry to explore this option as a placement for the children.*

Previously identified concerns, including the issue that was in contravention to the court order, continued to exist, yet placement with the significant adults continued to be explored as an option.

Documentation of the completion of a full Criminal Records Check was not on file. The children were placed with the significant adults, and they became the children's caregivers.

Issues continued to be identified regarding the placement with these caregivers and with the behaviour of the children. These issues were identified through reports to the ministry, by the ministry and by the caregiver(s) themselves.

A home study was conducted to determine if the caregivers could be approved as a form of foster placement for the children. The file indicates that some information for the home study was missing and not all the required steps of the process were completed. The caregivers were approved on the condition that improvements were made. The identified areas of needed improvement were the same as previously raised areas of concern.

A Quality of Care Review regarding the caregivers was planned just prior to the occurrence of the critical incident which precipitated the review. Subsequently, the children were moved from the placement and placed with family members.

The DCR's final written report is dated after January 01, 2008.

*Note: The team leader has discussed with the involved social worker the parameters of a provincial court judge's jurisdiction to direct child welfare practice.

B. FINDINGS

In carefully reviewing the services provided to the subject child, the child's siblings, and the foster caregivers, the DCR findings indicated the following:

1. The ministry's assessment of the strengths, risks and needs of the foster caregivers was not adequate or consistent with legislation, policy, and standards.
2. Up to the time of the critical incident, there were no child protection reports assessed as requiring investigation. There were, however, many calls about ongoing concerns and requests for service. While some of the responses were adequate and services were offered or provided, not all matters were dealt with in a manner consistent with legislation, policy and standards.
3. The ministry's interventions with the foster caregivers did, in some cases, adequately address the needs and risks of the foster caregivers but not in others. In some situations, more pro-active intervention was necessary.
4. Systemic barriers to quality service delivery to the foster caregivers did exist in this case.

C. RECOMMENDATIONS

The DCR's recommendations were developed by regional ministry staff and by the report writer, and are as follows:

1. The Community Service Manager (CSM) will discuss with the Regional Leadership Team the feasibility of Resource Workers assessing potential out-of-care providers rather than Family Service workers. The restricted foster home study format (contained in the Caregiver Support Service (CSS) Standards) would be considered as the assessment tool.
2. The Regional Director will bring to the Director's Table, the issue of an inequity of payments between out-of-care care providers and restricted foster care providers, with a focus on trying to equalize the payment schedules.
3. The CSM will ensure that all staff who are involved in the approval of caregivers (out-of-care and in-care) have received training in assessment, documentation, and all other aspects of home studies.
4. a) The CSM will arrange for the involved staff to review the Criminal Record Check information as outlined in the CSS Standards.
b) The Resource Consultant will examine the feasibility of updating the November 2003 guideline entitled *Custody of a Person other than a Parent under the Director's Supervision*.
5. The CSM will arrange for the involved staff to review their responsibility to:
 - a) Monitor and follow up on care plans including care plans that involve out-of-care caregivers; and,
 - b) Keep up-to-date information on all care plans.
6. The CSM will ensure that staff is aware of the requirements to apply the provisions of Section 13 of the *CFCSA* when a report is received about a child in a foster home and to assess the report accordingly.