



Canada Court Watch

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SENT VIA EMAIL

January 22, 2014.

The Honourable Kathleen Wynne
Legislative Building
Queen's Park
Toronto Ontario M7A 1A1
Tel: 416-325-1941
Email: premier@ontario.ca

Dear Premier Wynne

RE: The cover-up of an alleged sexual assault of a young boy by a senior CAS worker and the disappearance of the boy

Attached to this letter, please find a very short and disturbing MP3 audio clip of a young boy who describes how he was sexually assaulted and threatened by a senior Children's Aid Society worker from Ontario. The alleged sexual assault occurred in the vehicle of the CAS worker while the worker was transporting the boy.

The boy further describes how the CAS worker warned him after the assault that if he said anything to anyone that the CAS would have his visits with his custodial father taken away and he will then be forced to stay in the CAS group home forever. This short clip is a small part of a videotaped interview I had privately with this young boy before he was taken away by force by the CAS and never to be seen or heard from again. At the time, the boy had asked me to advocate on his behalf due to the abuses he was being subjected to while in the care of the CAS against his wishes.

Due to the criminal nature of the boy's videotaped disclosures, with the boy's informed consent I arranged to have my confidential videotaped interview with the boy turned over to the police in the jurisdiction where the criminal offense had occurred. At that time I had faith that the police would conduct a competent investigation to ensure that charges were laid against the CAS worker involved so that the boy would get his day in court and that justice would be seen to be served. The boy only wanted to get out of the CAS group home and to go back home with his family.

Almost immediately after the video recorded interview was turned over to the police all access by the boy's custodial father was terminated by the CAS and the boy's whereabouts kept secret. In spite of my requests to the CAS and police detectives to at least speak to the boy to confirm that he was still safe, I never heard from the boy again in spite of his informed consent for me to advocate for him. His father who had custody of the boy before the CAS became involved never heard from his son ever again. The boy was taken away by CAS and never seen by his friends and family again.

Instead of justice and transparency, in response to the videotape being given to police, two undercover detectives from York Regional Police showed up at my home to interrogate me. The detectives took out a audio recorder and told me that they were going to record their interview with

me. I told the police detectives that I had no objective to being recorded as long as they did not mind being recorded as well. I then took out my own recording device and placed it on the desk as well. From that point forward, the detectives conducted themselves in a cautious manner.

What became clear to me during my meeting with the detectives was that they had come to my home not with the purpose of investigating the sexual crime against the young boy, but to investigate me and how it was that the boy had managed to come into contact with Canada Court Watch while under CAS control. The detectives seemed to have very little interest in the sexual assault or about the boy disclosing how he was being abused while in the care of the CAS and the workers who held him against his wishes. I learned later that the police and the local CAS agency had a close working relationship with each other which may have explained why the police did not seem eager to investigate the crime.

The police never did call me back and never gave me any update as the boy's whereabouts or give me any indication that the boy was OK. My attempts to contact the boy through CAS were never responded to. I was never asked to provide a statement by police. If anything, I was left with the impression that the police were somehow working in conjunction with the CAS to help the CAS cover up this alleged crime by a senior CAS official.

Later, Ontario's Office of the Children's Lawyer (OCL) took me to court in Toronto in an attempt to get a gag order to stop me from publishing letters that the boy had sent to me through Canada Post before my video interviews with him. The Office of the Children's Lawyer claimed to be representing the boy however, when I asked the Children's lawyer to simply let me speak to the boy so that I could confirm what they were claiming was true, the Children's Lawyer said they would not permit me to speak to the boy.

In court, the Ontario Children's Lawyer even tried to get the judge to stop me from exercising my right under section 136 of the Courts of Justice Act to record my own court hearing. The OCL lawyer was not successful. The Children's Lawyer withdrew their motion after spending taxpayer's dollars and in the end, paid for my court related costs when I advised them that I was going to seek costs against them. To this day I verily believe that the OCL was fraudulently claiming to represent the boy because the boy had disclosed in writing and during his videotaped interviews that the OCL had not acted in the boy's interest.

Attached to this letter are copies of letters from the boy which he had to hide and smuggle out while he was in care of the CAS.

There appears to be a double standard when dealing with CAS workers


What still haunts me to this day is that no charges were ever laid against the very senior CAS worker. This boy never had an opportunity to be heard and to have his day in court. After the boy came forward, he was put back into the very care of those who the boy claims were abusing. The boy was prevented from being able to contact those he most trusted. It seemed that the entire alleged sexual assault was hushed up and the boy taken away to silence him. The CAS worker who was alleged to have conducted this crime to my knowledge still works with the CAS today and is still in a very senior position with the agency.

On the other hand, Court Watch has cases right now where parents are being arrested and unable to see their children because of questionable allegations from ex spouses regarding incidents which in some cases occurred many years ago. CAS workers seem to get special treatment while parents in similar situations are arrested and jailed.

Abuse of children while in care of child protection agencies had been well documented over the

years. Everyone knows of the cover-up that went on during the times of residential schools. During one of the cases I was involved in early in 1994 I interviewed two young Brampton boys who were being sexually abused while in care of the Peel CAS. They identified Douglas Moore as the man sexually assaulting them. The boys reported how nobody at the CAS was listening to them.

I contacted the Toronto Star and helped to get an investigation underway to expose Douglas Moore who was arrested in March of 2004. An article was subsequently published in the Toronto Star on July 17, 2004 titled, "A monster hidden in plain sight". One part of the article describes how Douglas Moore was sexually abusing the boys in CAS foster care right under the noses of the CAS workers. Below is a photo and information about Douglass Moore. Tragically, it took a call to the media and a media investigation to get action.



Classification: **Murderer**
Characteristics: **Convicted pedophile - Dismemberment**
Number of victims: **3**
Date of murders: **2003 - 2004**
Date of arrest: **March 27, 2004**
Date of birth: **1968**
Victims profile: **Robert Grewal, 22, and Joseph Manchisi, 20 / Rene Charlebois, 15**
Method of murder: **Strangulation with a hockey skate lace / Beating with a baseball bat**
Location: **Ontario, Canada**
Status: **Died of an apparent suicide in a cell at the Maplehurst Detention Centre on April 2, 2004**

Very recently on December 4, 2013, the Archbishop Dorian A Baxter testified in person at the Bill 88 hearings at Queen's Park. Archbishop Baxter has testified that in his lawsuit against the CAS, the CAS was found guilty by Justice Sommers in the Oshawa, Ontario court of blackmail, malicious prosecution, perjury and incompetence. In his closing statement Archbishop Baxter stated, "***But I would say, please, give a sober second thought. Do not allow this bill [Bill 88] to pass. It will usher in a Pandora's Box of tyranny beyond human comprehension***".

I have been working as a child and family justice advocate with Canada Court Watch since 1994 over 18 years and have interviewed many children and families adversely affected by CAS and the family courts. Even CAS workers have contacted Canada Court Watch to confidentially report unethical and/or illegal practices going on inside some CAS agencies. Many of those workers who call Canada Court Watch speak in confidence out of fear of losing their jobs for passing us information. I have recent statements from children being abused by the CAS and their rights under the Canadian Charter of Rights and Freedoms being grossly violated.

While there are some good CAS workers, unfortunately the practice of many CAS workers acting

illegally and covering up their unlawful acts with the help of high priced CAS lawyers continues to be a significant problem today. The abuse of power and authority, the waste of taxpayer dollars, the lack of transparency and the lack of accountability by many CAS agencies are significant problems which the government of Ontario must address sooner rather than later.

I have copies of the video recorded interviews with this boy (as well as many others which are being collected) should you or any other member of the Legislature wish to privately review some of these interviews. The one audio recording I have attached to this letter is just a sample of the abuse that children and families report to Canada Court Watch.

The same problems exist with CAS today which have existed for decades

CAS workers have been violating the Social Work and Social Services Work Act (1998) which requires that they be registered with the Ontario College of Social Workers. CAS workers are making a mockery of the very law which was officially passed into law in August of 2000 and intended to protect children and families. More about the unlawful practice of social work in Ontario by CAS workers can be reviewed in my research document at the following website link:

[http://www.canadacourtwatch.com/files/all/The Unlawful Practice of Social Work.pdf](http://www.canadacourtwatch.com/files/all/The_Unlawful_Practice_of_Social_Work.pdf)

The privatising of child protection through CAS agencies has been a dismal failure for the Province. The contracting out of child protection to CAS corporations has encouraged a culture of unaccountability and greed at the expense of the taxpayers of Ontario while in general, working against the best interests of many children and families in Ontario. Matters are only getting worse as CAS agencies scramble to find ways to extract more .money from the Ontario government such as is the case with Bill 88, which is currently before the Ontario Legislature. Bill 88 must never get passed. In my 19 years of seeing the same problems with CAS repeat themselves the time has come to have child protection services taken over by the government of Ontario as is the case in the other provinces of Canada. Ontario needs a fresh start when it comes to child protection.

Members of Canada Court Watch would be willing to meet with you and/or your high level staff to discuss the ongoing problems with Ontario's child protection system and to present effective solutions to fix many of the problems which exist with Ontario's child protection system today. I believe that the province could save over a half a billion dollars annually by implementing measures that would effectively improve accountability and transparency within the child protection system.

I look forward to your response. I can be best reached by phone at 905-829-0407 or by email at vernonbeck1@yahoo.ca. Also attached is a copy of a letter which I sent to you regarding Bill 88 which I have still not received a reply from your office.

Respectfully,



Vernon Beck, Child and Family Justice Advocate, Canada Court Watch

<http://www.canadacourtwatch.com>

Attachments

Handwritten letter from H.K to Mr. Beck undated (1 page)

Handwritten letter from H.K. to Mr. Beck dated August 13, 2003 (3 pages)

Handwritten letter from H.K. to his loving father dated August 7, 2003 (3 pages)

Letter from Canada Court Watch to Premier Wynn dated October 10, 2013 (82 pages)

Aug 13, 2003

Dear Mr. [REDACTED]

I am in big trouble and I am begging you to help me. (JFCS) have put me in a group home. I am very depressed. They put me in the basement for no reason. They also locked me in inside the basement where I fainted. I was rushed to the emergency by ambulance where I got saved. At Regesh school a wild kid stabbed me with a sharp pencil into my sculp. Since then I see in my eyes all kinds of patterns for instance waves, dots, and squares and blurriness. It's a mixture of everything which also includes like dizziness. It moves slowly in the eyes with flapping and blinking. This condition keeps me sometimes one hour and sometimes four hours and sometimes a day. My pediatrician Dr. Gruber sent me to an eye specialist. Dr. Gruber said I developed in my eyes migraine in my eyes. She also said it could have come from a pencil stabbed into my sculp and also from big aggervation and depression at the group home. At the group home the staff gives me tranquilizers when I asked to go home. The staff put the tranquilizers in my milk for no reason. Now I cannot finish my meals anymore, because I'm throwing up all my food. Now I have to eat like a baby, approx. 3 table spoons at each meal and I must wait till my next meal to get 3 table spoons again. Dr. Gruber is blaming the (JFCS) who damaged me for life. Everybody is scaring me. The group home is scaring me. Jeff Mintz is scaring me by cutting visits with the visitation access between me and my dad. When I heard this kind of news my heart started to beat strong from stress and I'm getting even cheast pain. My mother in her apartment runs after me with a knife

continuation pg 2 →

and forces me that I should say that I hate daddy and I should love my mom instead. It's impossible to hate my dad because my dad never gave me a reason to hate him. My dad is to me very gentle and kind and he takes very great care of me since birth. My dad goes with me to many places and he keeps me happy.

Mr. [redacted] please attend all my meetings with you and please get me a new children's lawyer. If I for some reason ^{I'm} not allowed to go to any meetings so please be so kind and be there for me. Mr. [redacted], in you I believe very highly that you will save my life.

Thank you, your kindness will never be forgotten.

yours truly

H [redacted] K [redacted]

H [redacted] K [redacted]

H [redacted] K [redacted]
331 Centennial Rd.
Toronto Ont, Scarborough



Mr. [redacted] [redacted]
[redacted] [redacted] Dr.
[redacted] [redacted] ont.
[redacted] [redacted]

Aug Thurs 7, 03

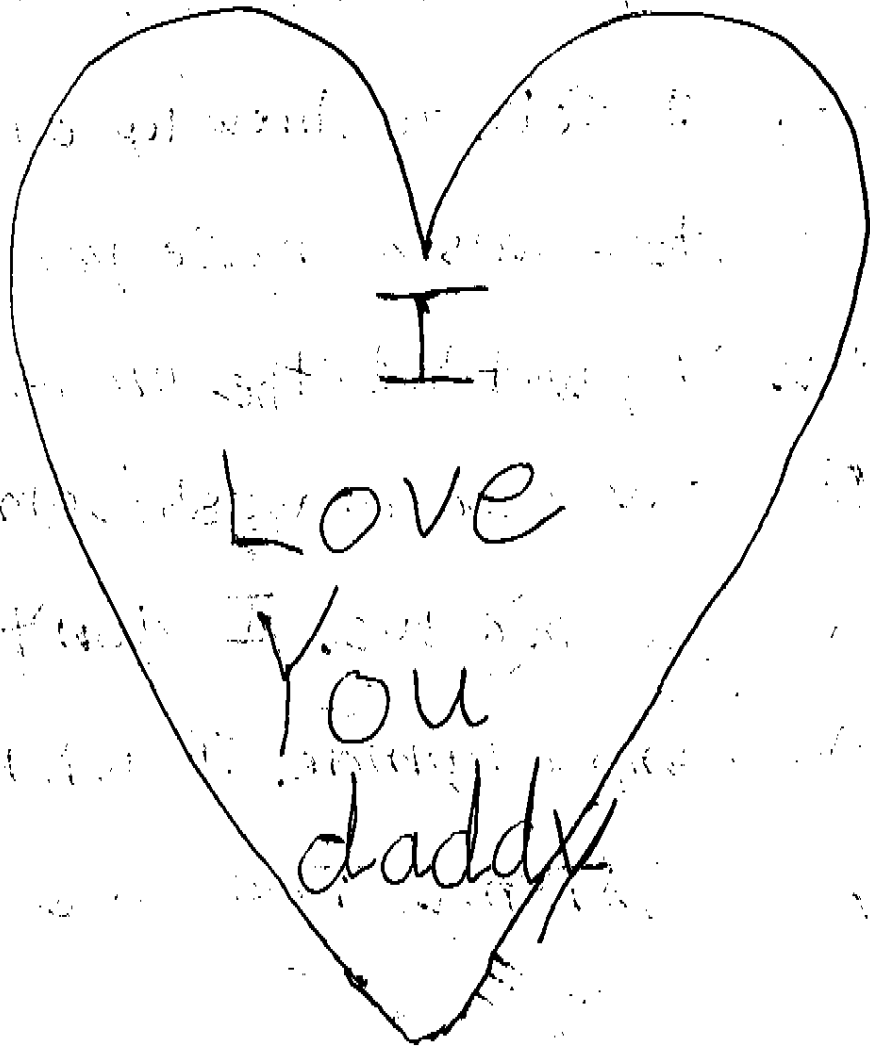
Dear daddy,

I love you and I miss you. When I got transported by bus to the camp the all seats ~~were~~ were full of kids. The ride to the camp was fine except I felt to throw up on the ride. In the bus there was a movie you could watch on t.v. They watched the movie called Alladin. There was also a washroom in the bus. It was a big bus. I don't like it much this camp anymore. I wish I can see you right now. There are bullies

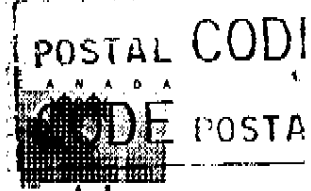
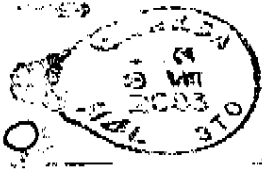
10/22/14

In my cabin. I want to be already out of this
place. I hope you're ^{feeling} okay.

Love: From your son Howard.
To: my precious daddy.



Howard Kober
Cabin I-2
Camp Northland B'nai B'rith
Haliburton, ON KOM 1S0



Mr. J. Kober
357 Goldenwood rd.
North York On, Toronto M2M 2Z4

MAILED FROM CAMP NORTHLAND
(JFVCS CAMP)

Dear Mr. [REDACTED],

I'm going to be in camp for three weeks, very far from Toronto. I don't know if I will make it there because I don't know if I can take the hot climate and I'm very depressed from my mom who is threatening me and chasing me with a knife over the all apartment and (JFCS) is scaring me to death that they will cancel the visitation rights with my father. When I hear this news my heart starts to beat very fast and I'm getting chest pain at the group home. The staff at the group home stole my allowance away. I couldn't even buy a little chocolate. I'm very hungry at the group home. When I asked the staff at the group home that I should have something to eat the staff told me "none left". In this case I'm very hungry. It hurts even my stomach from hunger. I have to suffer with this pain. If (JFCS) should send me away to another horrible group home. And if that happens please don't forget me [REDACTED] to help me out of there. Mr. [REDACTED] [REDACTED], in you I trust because you helped many other poor kids. Thanks to you Mr. [REDACTED], you saved their lives. I consider you as an angel from God who sees the truth on this planet. God bless you.

Yours Truly

[REDACTED] K [REDACTED] who I will never forget your kindness.



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October 10, 2013

The Honourable Kathleen Wynne
Legislative Building
Queen's Park
Toronto Ontario M7A 1A1
Tel: 416-325-1941
Email: premier@ontario.ca

Dear Premier Wynne

RE: The dangers of Bill 88, an Act to amend the Child and Family Services Act with respect to children 16 years of age or older

On behalf of Canada Court Watch and many of its supporters, I am writing this letter to draw to your attention just some of the significant dangers with *Bill 88, an Act to amend the Child and Family Services Act with respect to children 16 years of age and older* which supporters of our organization have brought to our attention. This Bill was introduced by Mr. Rod Jackson with the best of intentions and recently passed second reading in the Legislature on September 19, 2013.

It is the position of our organization that Bill 88, if passed, will increase costs to the taxpayers of Ontario by tens of millions of dollars annually and in addition, will have devastating consequences to the physical and psychological well being of the youth in Ontario. Many believe that members of the Legislature have been misguided in supporting Bill 88 which at first glance may appear good but upon close scrutiny is highly flawed. Many would say that it is dangerous piece of legislation.

While our organization agrees that a number of youth above the age of 16 are in need of more community support to prepare themselves for the world they will entering as adults, Bill 88 will not achieve this goal. If anything, Bill 88 will have the opposite effect. Giving money and power to private CAS agencies which have already proven themselves to be untrustworthy, is not the way to deal with this issue affecting youth in Ontario.

Some of the dangers that we see with Bill 88 are as follows:

Danger #1 -Bill 88 will give significant more money and power to CAS law-breakers

Since 1998, most CAS workers in the Province of Ontario have been working in violation of Ontario Law by refusing to be registered with the Ontario College of Social Workers as is required under the *Social Work and Social Services Work Act (1998)*. Why would the Province of Ontario give more money and power under Bill 88 to CAS agencies whose workers are already breaking the law and have been deliberately breaking the law for more than a decade! Front line CAS workers are professionally engaged in the practice of social work and under the Act, social work is a

REGULATED activity which is supposed to be regulated by the Ontario College of Social Workers and Social Services Workers as part of its primary mandate to protect the public's interest.

Below is the applicable section of the Social Work and Social Services Work (1998) Act:

Objects

3.(2) The College has the following objects:

1. To regulate the practice of social work and the practice of social service work and to govern its members.

Under the section of the Act which covers "Objects", clearly the **PRACTICE** of social work by CAS workers in Ontario is an activity which is **REGULATED** by law in Ontario. Yet, most CAS workers are not registered with the College and **are not** regulated.

Attached to this letter is my research document on the issue of the "Unlawful Practice of Social Work in Ontario by CAS workers" recently revised in July of 2013. Page 4 of my document outlines the legislation which shows that the **PRACTICE** of social work is regulated in Ontario. This document has been sent to two previous Ministers. The accuracy of the claims that CAS worker must be registered with the College has never been challenged by anyone from the Ministry of Children and Youth Services since it was first published in 2010.

See attached document, "The Unlawful Practice of Social Work in Ontario by CAS workers"

The issue of CAS workers breaking the law has already been raised in the Legislature by MPP Mr. Frank Klees. Below is a photo showing Mr. Klees speaking in the Legislature on the issue of CAS workers breaking the law. Why has nothing been done to correct the unlawful activities of CAS workers in Ontario and to give the public the protection which the ACT intended?



"In 1998, this House passed a piece of legislation called the Social Work and Social Service Work Act. The whole purpose of that legislation was to ensure that there are standards across this province for social workers and social service workers. It was to establish a college that would register social service workers and social workers so that there would be a disciplinary panel so that people could be held to a standard of accountability. What has happened over time? This same government has actually found a way to circumvent that legislation that was intended to protect the public interest. Why? Because now, children's aid societies are calling those social workers "child protection workers."

The Honourable Frank Klees, MPP Newmarket Aurora (May 5, 2011)

Danger #2 - Bill 88 will give more power and money to private CAS agencies which already have a lengthy track record of abusing children in care

There are many documented cases over the years of children and families being abused by CAS workers and agencies. Abuse of children and families continues by CAS workers continues to this day. While there are some good stories about the work that CAS workers have done, overall the

track record of CAS agencies in Ontario has been deplorable due to a lack of accountability and transparency. Our organization continues to collect interviews from children and teens even today who describe physical, sexual and emotional abuse while in the care and control of CAS agencies and when it is reported, they are silenced. We get calls on a regular basis from teens who are terrified of their CAS care providers and don't trust them at all. As an example, please find attached just one of the recent affidavits from a teenage girl which show how CAS continues to abuse children and continues to squander significant tax dollars.

See attached recent affidavit from a 15 ½ year-old teen being detained against her will by the Durham CAS

Danger #3 – Bill 88 will result in CAS “spreading itself thin” by engaging in services which are not related to helping children who truly are at risk of harm

Protecting children who are at risk of harm is a highly complex and specialized field requiring the undivided attention of workers dedicated to this specific task. Vulnerable children need agencies which specialize in this area and workers whose only job is to protect those children who are at real risk of harm. If CAS agencies are given the mandate under the Child and Family Services Act to engage in supporting young adults above the age of 16 as Bill 88 proposes, the focus of protecting the younger children who are most at risk will lose its emphasis as CAS workers also become involved in providing services for persons who are not really at risk of harm. Protecting children at risk of harm should be the only specialized mandate of CAS agencies. Providing support to young adults should be the mandate of other government social agencies dedicated to this task.

Danger #4 – Bill 88 will result in more of Ontario youth spending more money on drugs, alcohol and other irresponsible activities

We have interviewed youth in care of CAS who tell us that a significant portion of the money being given to them while under CAS care is being used to purchase drugs and alcohol. Just this morning, my own 19 year-old daughter told me about how some of the teens she knew in the Oakville, Ontario region who were on the CAS independent living program were basically learning how to cheat the system to get money through CAS. Because CAS gives them so much more than welfare, much of the extra money given to some of the teens is being used to “party” with drugs and alcohol each month.

Danger #5 - Bill 88 will in effect turn CAS agencies into private welfare organizations with little or no accountability to the taxpayers of Ontario.

CAS agencies are private non profit corporations and as such have little accountability to the public who fund them. CAS workers are not part of the Ontario Government and most are not even registered with the Ontario College of Social Workers as required by law. CAS agencies are exempt from the Ombudsman and except from Freedoms of Information Legislation. In effect, Bill 88 if passed would likely turn CAS agencies into private welfare organizations for those above the age of 16 at a significant higher cost to the taxpayers of Ontario. Abuse of tax dollars by CAS agencies has been documented in the mainstream media on many occasions.

Below is a photo of the personal vehicle of one CAS worker in Ontario. This Hummer is being

indirectly paid for with money from the taxpayers of Ontario intended to provide services to protect children at risk of harm. It seems that some individuals with the CAS are able to buy some lavish toys with money transferred to private CAS agencies in the name of helping protect children. The name of the CAS agency where this photo was taken can be disclosed upon request. Such images of lavish spending by CAS workers does not help to build public confidence in responsible spending of tax dollars by CAS agencies.



The Hummer of a CAS worker parked in the parking lot of a CAS agency in Ontario. While CAS agencies demand more tax dollars, some CAS workers still seem to be able to live lavishly

Danger #6 - Bill 88 would be placing CAS agencies in direct competition to existing welfare agencies and the jobs of other social service sector employees

Bill 88 would give private CAS agencies the power to take into care young adults above the age of 16 and to financially support them at a higher level than current government funded programs. This would result in many young adults turning to CAS for support rather than the existing government agencies. With such a financial incentive, many young adults above the ages of 16 may elect not to participate with Ontario works. This could result in job losses with government service employees as the caseload for those over 16 is picked up by CAS agencies.

Danger #7 – Bill 88 will result in more of Ontario youth becoming dependant on the system for handouts

A number of teens, including the one whose recent affidavit is attached to this letter have reported that they are being coerced to leave their family and to remain in care of the CAS past 16 years of age. These teens report being told by CAS workers that they will get a lot more money and benefits if they remain in care with CAS. Many of these kids have homes to go to and parents willing to take them back in. In effect, these young persons are being bribed with money to stay with CAS. A number of young adults say that they have ended up remaining under the control of CAS for the only reason being that they get more money each month and that there is little accountability expected of them by CAS workers. While there may be some exceptional teens who act responsibly, the funding from the CAS is nothing but a free ride to be abused by many.

Danger #8 – Bill 88 will result in more young adults being harmed

In the 18 years our organization has been in existence, complaints have come in on a regular basis from children and families being abused by CAS workers and the professionals related with the

CAS. Violation of Charter rights and abuse by the Family Court System are rampant in many CAS cases. Yet, in all this same time, there have been very few complaints by families regarding abuse by welfare or Ontario works employees. This in itself suggests that services for children and families in the Province of Ontario are better provided by government employees and not by private CAS agencies using front line workers who violate the law in Ontario.

Bill 88 must be scrapped

In summary, Bill 88 should be scrapped before it potentially becomes a major embarrassment and liability. The taxpayers of Ontario do not need CAS duplicating services which can easily be provided by existing social service agencies. Private CAS agencies must not be given the mandate to expand their taxpayer funded operations to include what amounts to welfare services and support for young adults 16 years of age and older. CAS workers who are currently breaking the law and abusing the freedoms and rights of children and families should not be given more money and authority to further abuse children and families which is the case far too often now.

Yes, there is a better, more cost effective solution to the problem than Bill 88

If more financial support and personal guidance is needed for persons 16 years of age and older, then there is no reason why this same funding could not be allotted to a special program specific to young adults 16 and older. Instead of creating new departments at CAS to deal with young adults 16 and older, this program would be administered by established government agencies currently involved with providing support to children and families. Existing government agencies such as Ontario Works can likely deliver such a program at a much lower cost to the taxpayers than private CAS agencies and without the risk of lawsuits that result from the physical and emotional abuse of children which seems to be such a common problem amongst CAS agencies.

I hope that the information I have provided herein will promote immediate discussion and careful review of this flawed bill by members of the Legislature. Please feel free to contact me by phone at (905) 829-0407 should you have any questions. Please visit our website at www.canadacourtwatch.com and view for yourself some of the video testimonials about CAS from children and families which are on our video sites. We have other affidavits and videos which are not posted to our website which will provide more disturbing evidence to support that the care of persons above the age of 16 should not be placed into the hands of private CAS agencies as is being proposed under Bill 88.

Respectfully,



Vernon Beck, Child and Family Justice Advocate, Canada Court Watch

Attachments (2):

- 1) Recent affidavit by 15 ½ year old teen being detained in CAS care in violation to her rights under the Canadian Charter of Rights and Freedoms
- 2) “The Unlawful Practice of Social Work in Ontario by unregulated CAS workers”

cc: all members of the Ontario Legislature

Superior Court of Justice Family Court Branch

(Name of Court)

150 Bond St. East, Oshawa, Ontario L1G 0A2

(Court office address)

Court File Number

XX-XX-XX

Family Law Rules, O. Reg. 114/99

Form 14A: Affidavit (General)

Dated: September 12, 2013

Applicant(s)

| | |
|--|--|
| <p><i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p> <p>Durham Children's Aid Society 1320 Airport Rd. Oshawa, Ontario L1H 7K4 Phone: 905-433-1551 Fax: 905-433-0603 Email:</p> | <p><i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p> <p>Kristy Davidson, Legal Counsel Durham Children's Aid Society 1320 Airport Rd. Oshawa, Ontario L1H 7K4 Phone: 905-433-1551 Ext 2620 Fax: 905-433-8966 Email: kristy.davidson@durhamcas.cas</p> |
|--|--|

Respondent(s)

| | |
|---|---|
| <p><i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p> <p>XXXXX XXXXXXXX (mother) XXX GXXXXXXXX St. North Oshawa Ontario XxX XxX Tel: (905) XXX-XXXX Email: xxxxxxxxxxxxxxxx@hotmail.com</p> <p>XXXXX RXXXXXXXXX (father) XXX GXXXXXXXX St. North Oshawa Ontario XxX XxX Tel: (905) XXX-XXXX Email:</p> <p>BXXXXX VXXXXXXXX (15 yrs) Currently in care of CAS c/o XXX XXXXX Rd. E. Whitby, Ontario Tel: (905) XXX-XXXX</p> | <p><i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p> <p>Self Represented</p> <p>Self Represented</p> <p>Valerie Pringle (OCL) 185 Brock St. N. Whitby, Ontario Tel: 905-665-9594 Fax: Email:</p> |
|---|---|

My name is

(Full legal name)

BXXXXX VXXXXXXXX

I live in

(municipality and province)

Oshawa, Ontario

and I swear/affirm that the following is true:

Set out the statements of fact in consecutively numbered paragraphs. Where possible, each numbered paragraph should consist of one complete sentence and be limited to a particular statement of fact. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.

1. I am currently 15 ½ years of age and am not mentally or physically impaired. I am the oldest

biological daughter of my parents (the Respondents) and the person who is the main subject of this child protection matter.

2. Below is a photo which I took of myself last month in August using a cell phone while at the CAS access centre. This photo was a message I sent to my father to let him know that I love him and that I am thinking of him while I am being confined against my will by the CAS. I had to take this photo and to send it to my father secretly as I was told by CAS workers that I would be punished if I attempted to communicate with my father.



My current situation

3. Currently I am being held against my wishes in an abusive group home by the Durham Children's Aid Society (CAS) and my rights are being violated. The group home I am residing in is located at XXX Xxxxxx Rd. E. in Whitby, Ontario. The phone number is 905-XXX-XXXX.
4. I have gone AWOL from the group home at least 4 times due to abuse and being provoked by group home staff. The most recent incident when I went AWOL was on Wednesday September 11, 2013 when I climbed out of a window after bedtime and walking 5 hours from Whitby to Oshawa during the night to my boyfriend's home. I am afraid being in the group home as I know that I will be further abused and punished for attempting to exercise my lawful rights and freedoms. I cannot see me staying in the group home any longer as I am fed up with the horrible conditions in the group home.

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5. I was forced into care on May 21, 2013 without even being told I was being taken from my family until the moment I was taken. I did not even get a chance to say goodbye to all my family when I was taken away. I told the CAS worker, Stephanie Bruce, that I did not want to go with her but I was told that I had no choice. The main workers from the CAS who deal with me currently are Ms. Sarah Place and Ms. Kelly Dwyer of the Durham CAS.
6. I am being held in the control of the CAS against my wishes because the Durham CAS workers claim that my father is a danger to me and they need to keep me "safe". This is not true. I love my dad. I am very unhappy and feel afraid living in care of the CAS because of the constant abuse and violations of my rights which I have summarized below in this affidavit.
7. I desperately want out of the control of the CAS and just want to go back to my home and to have a normal life once again with my family.
8. I am submitting this affidavit to show my willingness to stand up and to get the truth out the matters which have caused me and my family to be subjected to abuse by the Durham Children's Aid Society. I also want to get my wishes and preferences before the court and to tell the court about some of the very bad and abusive things that I have been subjected to while in the care of the Durham CAS.
9. In order to facilitate the preparation of this affidavit I had to go AWOL from school at least once as the CAS workers would not have allowed me to do this affidavit. I believe that going AWOL was the only way in which I could get my wishes and preferences heard as nobody was listening to me.
10. I have willingly submitting this affidavit with the help and support of supporters in the community as well as information from the Internet and neither of my parents or any other member of my family has assisted me in writing this affidavit as I was led to believe that they might get blamed for influencing me if they assisted me to write it. I do not trust my children's lawyer.

There are no reasons for keeping me in care of the CAS any longer

11. I have read the Application by the Durham CAS and in the application the CAS states that I have been sexually molested or exploited by my father and that I am at risk of being sexually molested or exploited by my father. These statements by the CAS are not true.

12. Currently, there is a family court Order obtained by the Durham CAS which states that my father is not to have access with me and that my mother is to have only supervised access with me at the CAS offices.
13. This was based on past charges laid by the police against my father that I had been sexually assaulted by my father. This was not the case although I do admit and take full responsibility for creating this situation which I have explained in this affidavit. In reality, I love my father very much. I miss him and am so sorry for making allegations when I did. While I have been a bit of a rebellious teen at times, he has never acted in any way against my interests.

Background to my false allegations of abuse by my father - my father never sexually abused me as claimed by CAS workers and I admit that I lied to the authorities

14. I am currently facing charges for public mischief and obstruction of justice and am before the court for making false allegations against my father that he had sexually assaulted me. I now admit making false allegations against my father and am ready to take full responsibility for my actions by pleading guilty when the charges against me are brought before by the court.
15. I made these allegations against my father at a time when I was angry at him and my mother. I was angry at my parents for them restricting my access with my boyfriend. At the time I made these allegations I did not understand the seriousness or the implications of my actions.

Mistreatment and abuse while in care of the Children's Aid Society

16. I am very upset with the way in which the CAS has dealt with myself and my family. Living in care of the CAS has been mostly nothing but a horrific nightmare for me. Below are some of the ways in which I have been subjected to abuse while in the care of the CAS.

CAS workers extorted me to give my personal passwords to my Facebook and email accounts which was then used in court documents

17. Last month, I was ganged up on by three workers at the CAS group home and told that if I did not immediately provide them with my passwords to my Facebook and email accounts that I would be punished by having access and phone communication with my mother, siblings and my boyfriend cut off. They did not explain to me their concerns as to why they wanted my passwords. There was no inappropriate communication. It was frightening to be ganged up on like this and under threat of losing access to my family and with no one I could speak to for advice I gave in to the workers demands for my personal passwords. After I gave the CAS workers my personal passwords, the workers reviewed and copied my personal messages from

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my Facebook and my email account. What the workers did was so humiliating and so wrong. I hate the workers for doing this and violating my rights to my privacy.

18. In addition, after forcing me to give my passwords, some of my personal messages were passed over to the CAS workers and the CAS legal department and these unlawfully obtained communications inserted in court documents in an attempt to use them against my parents. What the CAS workers have done is so unfair, sneaky and unlawful.

Threatened by CAS workers for telling the truth

19. When I told CAS workers that I had made false allegations against my father, I was told that I would face severe punishment and that police would charge me. Pressure was put on me by the CAS workers to remain silent and to not to tell the truth. In spite of this, I come to the point where I come to realize that my whole family was being affected because of my bad behaviour.

My personal phone calls are being intrusively monitored by group home staff

20. Staff at the group home monitor every phone call I make, even to my mother or siblings. They stand close to me and listen to everything I say. The CAS workers claim that I am a victim but in reality they are treating me as if I am the one who is the criminal.

CAS workers refused to listen to me and told me was a liar when I was telling the truth

21. When I began to realize the seriousness of my false allegations against my father I tried to tell the CAS workers of my lies. Instead of listening to me, the workers took the position that I was lying. Even when I did tell the truth, the CAS workers continued to assume my father was guilty.

My personal cell phone was confiscated by CAS workers

22. Staff at the group home took my cell phone away from me in June and told me that I was not allowed to have any communication device. Staff at the group home kept my phone for almost a month before my mother managed to get it from them. The only reason why I can see that staff confiscated my phone was to exercise control over me and to prevent me from communicating with the outside world to obtain information.

Incident on September 5, 2013 when I was forced off the phone by group home workers

23. On September 5, 2013 I was on the phone speaking to my mother. At one point I was asking

my mother about the upcoming court. I wanted to get some information as I have the right to do so. As soon as the workers heard me speaking to my mother about the court matters I was ordered to hang up the phone immediately. The CAS group home workers did not say why but just ordered me immediately off the phone. Clearly these CAS group home workers do not want me to be informed and are deliberately interfering with my ability to obtain information which I have the right to be informed of.

I was not allowed to call the child advocate's office

24. After being forced into care I was given some papers which described that I had the right to call a child advocate. Although I was not exactly sure what the advocate's office did, I did try to call but when I tried to call the child advocate's office the CAS group home staff stopped me and told me to hang up the phone.

I was forced to sign legal documents by CAS workers which I did not understand

25. Shortly after I was forced into care Stephanie Bruce came to see me in the group home with a bunch of papers. I was told by Ms. Bruce that I had to sign my signature on the documents. I told her that I did not understand what the documents were all about but Ms. Bruce told me that I had to sign anyway. The contents of the documents were never explained to me. Not knowing what to do and with nobody I trusted to ask for advice, I signed the documents without understanding what they were all about. To this date I have never been given a copy of the documents that I signed nor do I fully understand what was written in these documents.

Threatened, teased and bullied by other group home residents

26. I have been threatened, teased and bullied by the other teens in the group home. Staff does nothing. On one occasion when I was out of my room some of the other girls went into my room and vandalised it. Pepper was sprinkled all over my room and a sanitary pad was hung on each side of my door. The sanitary pad was covered with red sauce to make it look like it had been used. It was disgusting.

27. Just last month I had to call the police to report one of the other residents being physically abusive to me. I literally feel afraid and under pressure at all times. I hate being in CAS care.

My personal food snacks were taken from me and locked up

28. My mother gave me some Goldfish crackers as a snack. Sometimes I have some small candy treats. CAS group home staff take my personal snacks and lock my personal food with the

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group home food. Not being allowed to keep a few treats in my room is like being treated like a baby.

Other residents in the CAS group home urinated on my toothbrush and in my bottle of hair shampoo.

29. During the last week of August, I found my toothbrush had been urinated on and my shampoo bottle had urine in it. This is an example of the behaviour of some of the kids I am being forced to live with. Staff now take my toothbrush, shampoo and personal items and lock them up to keep them safe. When I need my personal items I have to ask the staff to take what I need out of the lockup. The fear of having personal items stolen is constant.

CAS workers prevented me from calling my mother and my siblings from May to July of 2013

30. During the months of May through July of 2013 I was told by the CAS workers that I could not communicate with any family member, including my mother or my siblings. I was told by CAS workers that this was for “my safety”. In order to communicate with my mother I had to contact her secretly so as to avoid being punished by CAS workers. My mother and my siblings have done nothing to me yet the CAS are treating both my mother and my siblings like criminals. I did not fear for “my safety” as the CAS workers falsely claimed.




Photo removed for
public distribution

A photo of my brother and my two sisters taken at the CAS access centre.

Not allowed to speak in my native tongue (French) to my family members

31. My family is French speaking and we always speak French when we communicate with each other. CAS workers have told me that I cannot speak French when I speak to my family members over the phone including my mother and siblings.

32. When I visit with my mother at the CAS supervised access centre, both of us are told that we cannot speak in French to each other. My mother has done nothing to abuse me but both of us are being treated like criminals even at the CAS access centre.

CAS group home workers insulted and made fun of my boyfriend to the point of making me cry

33. Prior to being forced into the control of the CAS in May of 2013, I had a boyfriend who I continue to see to this day. His name is Kevin and he lives in Ajax, Ontario. The workers at the CAS group home have repeatedly told me that my boyfriend is abusive and that I should break up with him.

34. On Sunday August 25, 2013 while I was talking to my boyfriend on the phone, the workers kept taunting me in the background while I was on the phone with him. The workers were taunting me to the point where it made me cry. The workers rudely interrupted while in the middle of our conversation by saying very loudly, "break up with him, break up with him". My boyfriend could hear the workers in the background trying to force me to end the phone conversation between my boyfriend and I. We are taught in school that bullying is bad yet what the workers in the group home were doing was nothing less than bullying me. Then the CAS group home workers disconnected the phone on me by unplugging the phone jack.

I was offered money by CAS as a bribe if I signed myself into CAS care

35. The CAS workers have attempted to entice me to remain in their care. Workers told me that if I decided to stay in their care that I will get money and benefits. The CAS workers made it sound like it would be so wonderful to be in care and that it would be financially rewarding for me. The CAS workers were basically trying to bribe me to stay in their care and to permanently leave my family. After experiencing the lies and abuse by the CAS workers up to now I don't want to have anything to do with the CAS workers. I simply don't trust them and want them out of my life.

CAS workers do not listen to me or even seem to care about what I have to say

36. I have repeatedly told my CAS workers that I want to go home with my family. I am just told that I cannot go. CAS workers never explain things or give reasons for their answers.

Not allowed to use the Internet in the group home

37. Residents are not allowed to use the Internet at the group home either for school work or

entertainment. I am forced to go to the library and even when I do go to the library, a CAS group home worker will stand behind me to watch what is on the computer screen. The workers spy on me constantly.

CAS workers will not let me speak to my father

38. CAS workers claim that my father is a dangerous to me. I am being treated like a kid who cannot think for myself. I am very aware of what sexual and physical abuse is and I would never tolerate being sexually molested or exploited. I don't need CAS workers claiming to be keeping me "safe" by keeping me from speaking to my father. If anything, I have been exposed to terrible abuses while in the care of the CAS. I actually feel afraid living in the CAS group home. It is a horrible feeling.

Not told about my rights or informed of my legal rights

39. During all the months that I have been in care, at no time have CAS workers ever told me about my rights to attend court. At no time has anyone from the CAS shown me court documents or reviewed with me the court matters affecting me. I have been kept in isolation and silenced. The only way I found out about my right to attend court was when my mother informed me of my rights. Just recently when I attempted to ask my mother more questions about my rights I was forced off the phone by the group home workers and told that I was not allowed to talk about legal matters.

CAS workers will not let me speak to anyone without their "authorization"

40. I have been told by the CAS group home workers that I am not allowed to communicate with anyone without the permission of CAS workers. Again, this is just another example of how I am being controlled and my rights violated by the CAS.

I had to smuggle notes out to my father to avoid being punished by CAS workers

41. CAS workers constantly threatened me by telling me that I am not allowed to communicate with my father or any other family member through Facebook or email or I would be punished. I got so desperate to send a message to my father letting him know that I miss him that I had to resort to secretly giving notes to my mother for her to take to my father for me. The CAS workers are horrible people to use threats and intimidation to keep a teen who is almost 16 years of age from communicating with her father. These CAS people have no hearts at all.

CAS workers are threatening me with the use of police force to control me

42. I have been told by the CAS workers that if I go AWOL from the group home and go anywhere without the permission of the CAS workers, that they will call the police on me and that I will suffer serious consequences as well as any other family member who may be involved. The CAS workers are using threats in an attempt to control me and to keep me silent.

CAS workers will not allow me to obtain information from my mother about my upcoming court appearance at the Oshawa court

43. On Friday Sept 6, 2013, I was speaking to my mother on the phone. Up until then, none of the CAS workers had told me the date and time of the upcoming court case. While I was speaking to my mother, the CAS group home workers interrupted my conversation and asked me what I was talking about. I told the worker that my mother was giving me the date and time of the court next week. The worker told me that I could not get this information from my mother and that only the CAS workers were the only ones who could provide me with this information. I literally had to argue with the workers to stay on the phone. There is no privacy at all.

September 6, 2013 - CAS group home workers lied to my boyfriend

44. On Friday Sept 6, 2013 at about 9:30 pm my boyfriend tried to call me. He works and was unable to call before them. CAS group home staff told him that I was asleep and could not receive his call. It was a Friday night and I was up and available and would have very much appreciated speaking to my boyfriend. This is just another example of how CAS group home workers violate the rights of residents and control every aspect of their lives.

Not allowed to speak to anyone without the "approval" of the CAS workers

45. I have been told by the CAS group home workers that I am not allowed to communicate with anyone without the staff knowing who that person is and approval given to me first. I am not allowed to speak to anyone, even if it is someone I might want to talk to in order to get some information or help. Anytime I speak my native language of French on the phone a worker will interrupt me and tell me to stop speaking French or they will unplug the phone.

Ridiculous group home restrictions – I am not allowed to eat Goldfish crackers

46. Some of the restrictions at the CAS group home are utterly ridiculous. One of my favorite snacks is Goldfish crackers. Some kids like chips, I just happen to like Goldfish crackers made by the Campbell Soup company. CAS Group home workers told me that I was not allowed to eat Goldfish crackers and they would not get them for me when they did grocery shopping for

the kids in the group home. I am going on 16 years of age and I certainly feel old enough to make the decision to eat certain snacks I like. Luckily, my mother brought me some goldfish crackers to the access center for me to take back to the group home but when I got back to the group home, I was told that staff would have to lock them up and that I would have to ask staff to get them out.

September 6, 2013 – I was denied food when I was hungry

47. On Friday September 6, 2013 at about 8:30 pm I was hungry and wanted a sandwich. I was told by CAS group home workers that I was not allowed to have any food in spite of being hungry at the time. The CAS workers say that I am a victim, yet I am being treated like a criminal. The CAS workers refer to the place where I stay as a group “home” but in reality it is nothing but a jail.

September 11, 2013 – I went AWOL because of being provoked by CAS group home staff regarding my affidavit

48. On Wednesday September 11, 2013 during the evening, I was again denied making phone calls to family and boyfriend. This upset me. At one point the CAS group home worker, Niki, got my court and started to read this affidavit which I had in my possession in the group home at the time. Niki then confronted me about the contents of my affidavit and demanded that I apologise to her. Again, CAS group home staff were putting pressure on me because I was telling the truth about my experience in the CAS group home.

49. Being confronted by Niki about this affidavit made me angry. I went to my room. During the night I climbed out of the window at the group home and walked 5 hours during the night to my boyfriend’s home to escape to freedom.

September 12, 2013 – Extorted by Durham police officer and forced back to group home under threat of being arrested and taken back using police force

50. On Thursday September 12, 2013 my mother picked me up at my boyfriend’s house and at the advice of her lawyer, took me over to the Durham Police Station to file a complaint about my treatment at the group home as well as the unlawful activities of the group home workers. The same CAS group home worker who had confronted me the night before, Niki, came to the police station to force me back to the group home.

51. Instead of my complaints of abuse by CAS group home workers being listened to by police, the police officer sided with the CAS group home workers and told me that I had to go back to the

dated September 12, 2013

group home (where I was being abused) and if I did not comply I would be handcuffed and put in a cruiser and forced by the police to return to the group home which I had gone AWOL from the night before. As proof of the threats by the police officer, my mother audio recorded the police officer stating this. I did not want to go back to the CAS group home but after being threatened by the Durham Regional police officer I felt compelled to do as I was ordered by the police officer.

September 12, 2013 – I was not provided with proper sanitary products by group home workers

52. On Thursday September 12, 2013 while at the visit with my mother at the CAS access center, I told my mother that the group home staff would not provide me with sanitary napkins and that the group home would only supply me with tampons which I cannot use. My mother offered to bring some sanitary pads over to the group home after the visit but the CAS group home worker, Christina, told my mother that CAS workers had ordered CAS group home workers not to allow my mother to come over to the group home.

Summary

53. It is not in my best interest that I remain under the control of the CAS. I do not feel safe being kept against my wishes in the CAS group home and feel that workers will provoke an incident to make trouble. At this point in time, I just want to have my wishes and my rights respected and not to be treated by CAS workers like some little kid who is unable to make my own informed choices. I have lost respect for the CAS workers who have turned my life upside down and done so much harm to me and to separate me from my family.

54. I simply want to go back home where I feel safe and to be with my family members who are the only ones who truly care about me. I am ready to face the consequences of making false allegations against my father. I now realize the terrible harm I have brought to my family.

55. I want the CAS to stop controlling me, to stop harassing me and to stop interfering with my relationship with my parents, my siblings and my boyfriend. I don't mind providing answers to the CAS workers if they have reasonable questions but I don't want them taking control of my life, bossing me around and telling me what to do with my life and not give me any answers to my questions when I ask them. I am old enough to know what abuse and to report it if being abused. I want the CAS workers to stop telling me that I am being abused when I am not. I

want the CAS workers to stop telling me that I need to be “kept safe” from my parents when I do not need to be protected from them.

- 56. What I reasonably do with my life and who I choose to communicate with should be my choice, not the choice of CAS workers. When it comes to guidance, I trust my parents to do what is in my interests over the CAS workers anytime. If I screw up because of my own decisions then I will have only myself to blame and I will have to suffer with the consequences of my choices. The CAS home workers should just leave me alone as they are the ones who are making me stressed out and are ruining my relationships with those I am closest to!
- 57. The only people I really feel harassed and threatened by are the CAS workers. I am not afraid of my parents and fully capable of handling any issues involving my parents contrary to what the CAS workers falsely claim. As a young Canadian I should not have to live in fear of CAS workers who claim to be protecting me yet from my own experience seem to do the opposite by bullying and controlling me.
- 58. Hopefully, these CAS workers who claim to be helping me will come to realize that they should listen to me, acknowledge the truth that I lied to authorities about being abused by my father at time when I was angry at my parents and to let me get on with my life.
- 59. If anything, the involvement of the CAS in my life has made things worse, not better. I do not like the CAS and all that the workers have done to me since I was forced into care.
- 60. I am more than willing to speak to the judge privately should he/she have any questions about the contents of this affidavit.
- 61. I make this affidavit for no improper purposes.

Put a line through any blank space on this page.

Sworn/Affirmed before me at:

Oshawa

(municipality)

In Province of Ontario

(province, state or country)

on

(date)

Barrister/Solicitor or
Commissioner of Oaths



Signature

Xxxxxx Xxxxxxxx

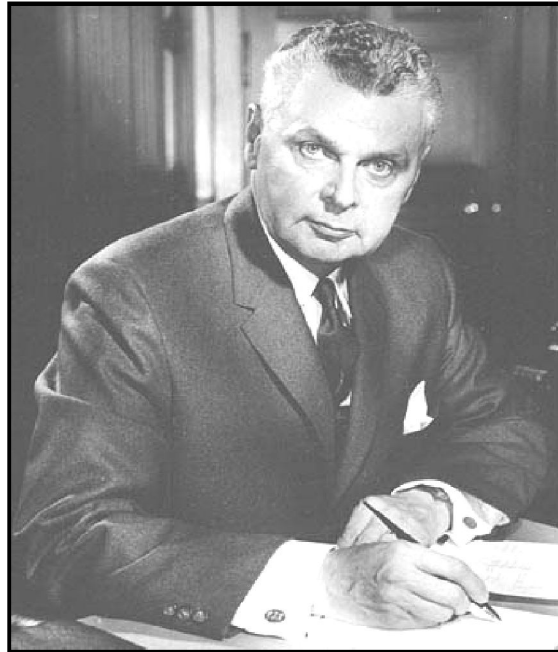
(This form to be signed in front of a lawyer,
justice of the peace, notary public or commissioner
for taking affidavits.)

The unlawful practice of social work in Ontario by unregulated CAS workers who provide services to the public under false pretence

A review of legislation applicable to unregistered and unregulated front line workers with the various Children's Aid agencies in Ontario who identify themselves as "child protection workers" or by various titles other than "social workers". This document also includes a brief overview of the impact that these unregulated workers have had on the protection of vulnerable children, the well being of society and the administration of Justice in Ontario.

**Published by
Vernon Beck, Child and Family Justice Advocate
Working paper – July 1, 2013
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**Words to inspire Canadians from one of Canada's
great Prime Ministers**



“We must vigilantly stand on guard within our own borders for human rights and fundamental freedoms which are our proud heritage.....we cannot take for granted the continuance and maintenance of those rights and freedoms.”

**- John Diefenbaker 1895-1979 -
(Canada's 13th Prime Minister from 1957 to 1963)**

Opening message from the author

Since 1995 I have been working in the volunteer sector as a child and family justice advocate helping families who have been adversely affected by the family courts and by child protection services. I have conducted hundreds of interviews of children, families, legal professions and foster parents over the years, many of which are electronically recorded. Over the years I have heard countless stories of family destruction as a result of the actions of Children's Aid Society (CAS) agencies and their workers in Ontario. I have made numerous public presentations and provided testimony in court and before legislative committees over my many years as a justice advocate.

In the many cases I have been involved in regarding CAS agencies in Ontario over the years, one troubling fact which I repeatedly come across in the complaints involving CAS workers was that these workers were not registered with the Ontario College of Social Workers and Social Service Workers (the College) as required under the Social Work and Social Services Work Act (1998). This observation made it clear that there was a direct link between the quality of child protection services by CAS workers and their registration, or lack thereof, with the College.

The College was created by our Legislators with the intent to protect the public's interest relating to the practice of social work in the province of Ontario. It is paramount that all regulatory bodies uphold this most fundamental principle that professional services be regulated. The Legislators laid a sound legal foundation and the College was given the tools and the mandate under law in the year 2000 to fulfill this task, yet to date, the vast majority of front line CAS workers continue to engage in the practice of social work without being registered with the College. This sort of blatant defiance to the Rule of Law in Canada and the principles of fundamental justice by CAS workers in Ontario represents a gross betrayal of all Canadians, not just those in Ontario.

I personally believe that the Province of Ontario needs a child protection system to protect vulnerable children in Ontario. I personally support the need for the CAS and am a voting member of my own local Children's Aid agency. As an advocate for justice I also believe that each and every children's aid agency should be providing the highest quality of services in the most open and transparent manner as possible. Tragically, the current practice of allowing employees of CAS agencies who identify themselves as "child protection workers" to engage in the practice of social and to intrude into the lives of children and families under the force of law, is in many cases resulting in children receiving substandard levels of service and contributing to some horrific abuses against vulnerable children and their families. In addition, I believe that the use of unregulated workers is needlessly costing the provincial government hundreds of millions of dollars annually as a result of the lack of accountability and transparency.

I hope that the information I have assembled in this document will encourage debate and serve as a wakeup call to put an end to the practice of allowing front line, taxpayer funded CAS workers in Ontario to unlawfully engage in the practice social work under false pretences using misleading names such as "child protection worker". It is in the best interest of vulnerable children that services being provided to their families be done by only those who are professionally qualified in the practice of social work and that an independent body exists with the power to hold those who practice social work accountable for the services provided to vulnerable children and families in Ontario.

Since the first release of this document in October of 2010 this document has undergone updates thanks in part to contributions from members of the public and from child protection professionals themselves. I welcome feedback from all readers. Any reader with a comment or criticism about this document may contact me via email at: vernonbeck1@yahoo.ca



Vernon Beck, Child and Family Justice Advocate

Executive Summary

This document will show that many front line workers with the various children's aid agencies in Ontario are unlawfully engaged in the practice of social work and working in violation to the Social Workers and Social Services Work Act (1998) by not being registered as members of the Ontario College of Social Workers and Social Service Workers. Violations of the Social Service and Social Service Workers ACT are occurring on a massive scale in Ontario with the majority of front line workers at most, if not all Children's Aid Society (CAS) agencies, working in violation to the law in Ontario.

This document will show that the Ontario College of Social Work and Social Services Workers has failed to fulfil one of its most important objectives and legal requirements which is to **regulate the practice of social work** in the Province of Ontario as it is required to do under the Act as stated below:

Objects

3.(2) The College has the following objects:

1. To regulate the practice of social work and the practice of social service work and to govern its members.

Under the section of the Act which covers Objects, clearly the **PRACTICE** of social work by CAS workers in Ontario is an activity which is **REGULATED** by law.

What should be of great concern to members of the public is that in spite of lawbreaking on a massive scale in Ontario and this massive lawbreaking being brought to the attention of the Minister of Children and Youth Services who oversees Ontario's child protection system in Ontario, senior government officials have failed to take any action to correct this massive fraud against the citizens and taxpayers of Ontario. Many believe that cost to the taxpayers of Ontario as a result of CAS workers working unlawfully is in the hundreds of millions of dollars annually.

In addition, this document will show that the Ontario College of Social Work and Social Services Workers has failed in its primary duty under 3.(1) of the Act to protect the public as outlined below:

Duty to protect public interest

3. (1) In carrying out its objects, the College's primary duty is to serve and protect the public interest. 1998, c. 31, s. 3 (1).

In addition to CAS workers working unlawfully in Ontario, the Government of Ontario, through the Ministry of Children and Youth is transferring payments to the various children's aid agencies in violation to good principles of transparency and accountability by providing funds which are used to fund the salaries of CAS workers who are engaged in unlawful activities. By funding unlawful activities, the Province of Ontario is directly implicated for the massive harm being done to many children and their families as a result of the unlawful practice of social work by CAS workers in the Province of Ontario.

Background to the passing of legislation requiring CAS workers to be regulated by the College

In August of 2000, the Ontario College of Social Workers and Social Service Workers was created when the province of Ontario fully proclaimed the *Social Work and Social Service Work Act (1998)* into law on August 15, 2000. The Act was intended to recognize that social work was a profession which needed to be not only officially recognized in law but regulated by an independent body to protect the public's interest. The significant impact that the practice of social work could have on the well being of society was well recognized by the Legislators at the time.

Some of the comments made by elected officials during debate on the bill in the Ontario Legislature included:

“Social workers and social service workers play critical roles in the delivery of a wide range of important services in the social, health, educational and correctional services sectors in this province. Thousands of vulnerable adults and children receive services from social workers and social service workers every year in this province. This is important and sensitive work with far-reaching consequences for individuals, for families and for our society.” Mr. Frank Klees, MPP, riding of York-McKenzie

“Nobody wants to see an incompetent worker in the system, which is the reason for the bill itself: why we need competent people, why we need qualified people in the province of Ontario.” Mr. Blain Morin, MPP, riding of Nickel Belt

Legislators forming the Ontario government at the time recognized that there was a serious problem with the delivery of social work services including those services being provided by the province's various children's aid agencies. Legislators understood that a need existed to regulate higher standards of practice in the delivery of social work services in the province. Mr. Blain Morin, MPP for Nickel Belt stated that the reason for the Act was to ensure quality social work services for the people of Ontario.

One of the primary goals of the *Social Work and Social Services Work Act* in Ontario was to protect the public's interest relating to the practice of social work in the province of Ontario. Up until the time of passage of this Act anyone could be employed to engage in the practice of social work and call themselves a social worker. While there were many in the private sector engaged in providing social work services, the province's various children's aid agencies were one of the largest government subsidized which employed workers to engage in the practice of social work.

The intent of the Legislators in Ontario at the time was not without precedent in other jurisdictions. Significant work on the issue of regulation of the practice of social work had been studied for many years in the United States. Not long prior to Legislation being introduced in Ontario in 1998, the Association of Social Work Boards Model Social Work Practice Act¹ was formally adopted by the AASSWB (now ASWB) Delegate Assembly at its Annual Meeting in the fall of 1997.

Section 102. Legislative Declaration.

The practice of social work in the _____ of _____ is declared a professional practice affecting the public health, safety, and welfare and is subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of social work, as defined in this Act, merit and receive the confidence of the public and that only qualified persons be permitted to engage in the practice of social work

¹ Full document available at: http://www.aswb.org/pdfs/Model_law.pdf

in the _____ of _____. This Act shall be liberally construed to carry out these objectives and purposes.

Clearly under Section 102 of their Social Work Practice Act (U.S.A.), it was recognized that those who engaged in the practice of social work needed to be regulated.

During its development, extensive input for the Model Act was solicited from social work regulatory boards, social work professional organizations, credentialing groups, and accrediting bodies from all over the United States. Numerous comments were received and reviewed culminating in this comprehensive model to assist legislatures and boards address issues in social work regulation. Throughout the document, it is clear that “persons” who engage in the “practice of social work” be subject to regulation and control.

How other jurisdictions identify and regulate the practice of social work

Province of Alberta

On the government Alberta website it also contains a description of what the practice of social work entails. The government website also makes it clear that one must be registered with the College of Social Workers in order to practice social work in the province of Alberta. The following was extracted from the government of Alberta official website.²

Description of Occupation

Social Workers help people, communities and organizations develop the skills they need to improve their social functioning and social environments. They also connect them with available resources needed to do so, through counselling, education, referrals and other means of assistance. Social Workers may work for hospitals, government, schools, community agencies or in private practice. They can provide assessments, counselling, treatment and referral services to clients. They can also be involved in social policy or program research and development.

Registering in Alberta

In order to practice social work in Alberta, you must register with the Alberta College of Social Workers (ACSW).

Province of British Columbia

Under provincial legislation in British Columbia, the *Social Workers Act[SBC 2008] CHAPTER 31*³ defines social work and a social worker. The Act states:

"social work" means the assessment, diagnosis, treatment and evaluation of individual, interpersonal and societal issues through the use of social work knowledge, skills, interventions and strategies, to assist individuals, couples, families, groups, organizations and communities to achieve optimum psychological and social functioning;

"social worker" means a person who practices social work.

Province of Saskatchewan

² Website: http://alberta-canada.com/immigration/media/Social_Worker_Final_June_2010.pdf

³ Website: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_08031_01

In May of 2006 the child advocate for the province of Saskatchewan, Mr. Marvin M. Bernstein, published a document called, “The Challenge of Professionalizing Child Protection Workers and retaining the Title of Social Worker.” In his document, he made strong arguments supporting the need to have child protection workers registered and regulated as professionals. In fact, Mr. Bernstein stated that on page three of his document that it was “imperative” that child protection workers be members of a professional body as part of the strategy of improving the quality of services that child protection workers should be providing. In his document, Mr. Bernstein stated the following:

“It is imperative that within this climate of potential discouragement and anxiety that child protection workers be supported and empowered in their work. One way of achieving this goal is through professionalizing child protection work and encouraging those child protection workers with social work degrees to take the necessary steps to strengthen their professional identification and to represent themselves as social workers by becoming members of the Saskatchewan Association of Social Workers (SASW)” Marvin Bernstein



When it comes to knowledge of the laws relating to child protection, Mr. Bernstein has extensive experience as a child protection lawyer, including experience in the province of Ontario. Below is Mr. Bernstein’s bio:

Marvin M. Bernstein obtained his B.A. from the University of Toronto in 1969, his LL.B. from the University of Western Ontario in 1975, and his LL.M. in Alternative Dispute Resolution from Osgoode Hall Law School in 1997. He was called to the Bar in 1977, and from 1977 to 1980 was employed as in-house Counsel to the Children's Aid Society of York Region in Newmarket, Ontario. From 1980 to 2000 he served as Chief Counsel to the Catholic Children's Aid Society of Toronto. Mr. Bernstein joined the Ontario Association of Children's Aid Societies (OACAS) in January 2001 and served as Director of Policy Development and Legal Support until 2006. He was appointed Children's Advocate for the Province of Saskatchewan in 2005 in which capacity he currently serves. He is the co-author of Child Protection: Practice and Procedure and Child Protection Law in Canada.

Mr. Bernstein’s report on the subject of regulating social workers and having them hold professional status can be downloaded from the internet at:

http://www.sasw.ca/releases/Professionalizing_Child_Protection_Article.pdf

State of Minnesota (United States)

As a comparison, below is a copy of legislation related to the practice of social work in the State of Minnesota. It is clear that no person shall engage in the practice of social work unless he/she is licensed by the State.

148D.275 UNAUTHORIZED PRACTICE.

No individual may:

- (1) engage in the practice of social work without a social work license under sections 148D.055 and 148D.060, except when the individual is exempt from licensure pursuant to section 148D.065;
- (2) provide social work services to a client who resides in this state when the individual providing the services is not licensed as a social worker pursuant to sections 148D.055 to 148D.060, except when the individual is exempt from licensure pursuant to section 148D.065.

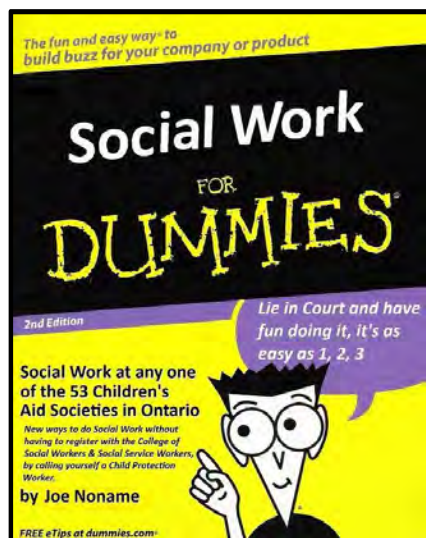
Use of deception by CAS workers in Ontario to break the law

After passage of the Ontario *Social Work and Social Service Work Act (1998)* in August of 2000, workers with the various Children's Aid agencies in Ontario could no longer technically engage in the practice of social work nor openly identify themselves as social workers. Rather than simply registering with the College and ensuring that their qualifications met professional standards, a large percentage of children's aid society workers with the province's various CAS agencies switched from the practice of calling themselves "social workers" and began to identify themselves to members of the public using the title of "Child Protection Worker". Some CAS workers opted to use other titles such as intake worker, child worker, family worker, etc. but the underlying fraudulent intent behind these titles was clearly an attempt to skirt legislation intended to provide protection for the public.

While the services that front line CAS workers provided to the public remained exactly the same, only the title by which they identified themselves by changed. In reality, this sneaky move by CAS workers was nothing more than a calculated move to avoid compliance with the law.

It is widely believed by many that the real reason why the majority of CAS workers did not want to join the College was that many of them were not competent enough or willing to abide by the professional ethical guidelines and standards of practice of the College. Many CAS workers and management at CAS agencies saw the smoke and mirror name change as a simple way to avoid accountability to the College's disciplinary body and as a way to pull the wool over the eyes of the Legislators. From the year 2000 up to the present this deception has gone relatively unnoticed by Legislators who continue to be bombarded by complaints about CAS workers from members of the public.

However, the use of titles which do not use the term "social work" provides no protection at all for the CAS workers. Legislation makes it clear that it is the **PRACTICE** of social work, not the title of the person which defines the work they do. Legislation as it is worded, clearly requires front line CAS workers who by large are engaged in the practice of Social Work to be registered with the Ontario College of Social Workers and Social Service Workers.



Members of the public are becoming so fed up with the massive violations to the law by CAS workers that the CAS workers are becoming the subject of public ridicule. The fake magazine cover to the left which is published on the Internet mocks CAS workers.

Unfortunately, since passage of the Act in the year 2000 and the creation of the Ontario College of Social Workers and Social Services Workers nothing has changed to improve the protection of the public from those who engage in the practice of social work with the province's children's aid agencies. Many argue today that the public is offered less protection now than back then as many workers actually avoid registration with the College so as to avoid having to abide by the College's professional standards as well as oversight by the College's disciplinary body.

How Ontario legislation defines the term, "Child Protection Worker"

Legislation in Ontario clearly recognizes the position of "Child Protection Worker" as it applies to the protection of children who are at risk of harm. The term "Child Protection Worker" is clearly defined under section 37.1 of Ontario's Child and Family Services Act and is defined in the Act as follows:

37.1 *"child protection worker" means a Director, a local director or a person authorized by a Director or local director for the purposes of section 40 (commencing child protection proceedings); ("préposé à la protection de l'enfance")*

Under section 37.1(1) child protection workers get their authority by being authorized by a "Director" or "Local Director" of a Children's Aid Agency. A "Director" (known in the field as a "Big D" Director) is an appointee of the Minister of Children and Youth Services (MCYS) to exercise particular powers under the Act and is NOT an employee of a CAS (see Section 5 (1)); their key powers are outlined under Section 17(1). This designation is ordinarily given by the Minister to positions such as the Regional Directors (currently nine) of the MCYS, or to Assistant Deputy Ministers (one of the Commissioners recently appointed by the Minister also has the authority as a "Big D" Director).

The "local director" (or "little d") is the Executive Director or CEO of a Children's Aid Society as stipulated under Section 16.

By the fact that CAS workers are hired as child protection workers by a local CAS agency they become "authorized" to carry out Section 40 of the Child and Family Services Act. However, it must be noted that the authority of those who call themselves child protection workers is limited to section 40 of the Child and Family Services Act only.

Also under Section 40.(13) of the Child and Family Services Act, a police officer is automatically

granted the power and authority of a “Child Protection Worker” without having to be designated as such by a director of a local CAS agency. The act states the following:

Peace officer has powers of child protection worker

40.(13) Subsections (2), (6), (7), (10), (11) and (12) apply to a peace officer as if the peace officer were a child protection worker. R.S.O. 1990, c. C.11, s. 40 (13).

A police officer can remove a child from any situation in which the police officer believes that a child is at risk of imminent harm. A police officer can even apprehend a child from the care and control of a foster home or group home should the officer be given information which would allow him/her to believe that a child was at risk of harm in a child care facility, even if the child was placed in that facility by a Child Protection Agency. In fact, a police officer would have an obligation to apprehend a child in such an imminent situation if the child disclosed abuse while being in the care of a children’s aid society and indicated fear of being punishment by those who were in a position of authority over the child.

Just as with any child protection worker with a children’s aid agency, the authority of a police officer under the Child and Family Services Act is limited as well. A police officer who has apprehended a child considered at risk under section 40 of the Act can only deliver a child to a place of safety. Once the child is delivered to a place of safety, the authority of the police officer to protect the child under the Act ends. In most situations, when a police officer apprehends a child who is at risk of harm, the police officer will usually call the children’s aid society and to have the children’s aid society take control of the child and to handle carriage of the file from that point forward. Any further involvement of the police from that point forward will be related to enforcement of other acts such as the Criminal Code.

The role and authority of a child protection worker

The role and authority of a “child protection worker” is directly linked by legislation only to what is referred to under 37.(1) of the Act as **“for the “purposes” of Section 40 of the Child and Family Services Act** and for no other purposes. A person who calls themselves a “child protection worker” is therefore limited in the scope of his/her duties as defined under section 40 of the Act.

An in-depth analysis of the clauses contained in Section 40 of the Act clearly shows that the powers of a “child protection worker” granted under this section of the Child and Family Services Act are strictly limited to the purpose of **apprehending the child and the removal of the child to a place of safety**, hence the defined status of a “child protection worker.”

It does make complete logical sense that CAS workers who are not necessarily social workers be given the limited power to apprehend a child as this is often the first stage in any child protection proceeding and is often done on an emergency basis. However, once a child has been taken to a place of safety by the legally authorized “child protection worker,” the authority granted to the “child protection worker” under Section 40 of the Child and Family Services Act ends. The limit to the power and authority of a child protection worker is very clear.

From the time that a child is made “safe” from immediate harm by the “child protection worker,” the Social Work and Social Service Act (1998) takes over which requires that only those CAS workers qualified to engage in the practice social work to provide services which involve investigating and resolving the more complex dynamics of the issues which may be affecting children and their families. This is clearly an area covered by the profession of “social work” and regulated by the Ontario College of Social Workers and Social Service Workers.

The role of a “child protection worker” could be closely compared to that of a police officer, who for example, found a young child who was at risk of some sort of harm. A police officer would have the immediate authority to apprehend and to remove the child from the situation but once the child was brought back to a place of safety such as the police station or child protection agency, the role of the police officer as a “child protection worker” ends and the child must be turned over to appropriately trained persons to deal with the social functioning aspect of the case, such as investigating how the child came to be in that situation and/or to make the recommendations as to what will be done next with the child to keep the child safe in the future.

Interpreting section 37.(1) of the Act in a very broad sense, it would appear that even a non CAS worker could be designated as child protection worker in an emergency situation provided that the person was given this authority by someone classified as a “Director” such as the Director of a local CAS. While such a scenario would likely be extremely rare, technically, a teacher at a school could be given the authority to detain a child or to take a child from the school down to the local children’s aid society office in an emergency situation as part of an apprehension process. In such a situation, the only person who could appoint the teacher as a temporary “child protection worker” would be person considered as a “Director” under the Legislation. A front line CAS worker could not grant this authority to another person to fill the position of a child protection worker on their behalf. This is why front line CAS workers cannot even provide the directions to school officials to detain a child as part of an apprehension of a child. In order to detain a child or to apprehend a child, a CAS “child protection worker” must go to the school in person in order to apprehend any child. School officials cannot be asked to assist in the detention in any way nor should they.

In situations where a child is in immediate risk of harm, a child protection worker can apprehend a child and take a child to a place of safety without a warrant being applied for first. This is outlined under section 40.(7) of the Child and Family Services Act:

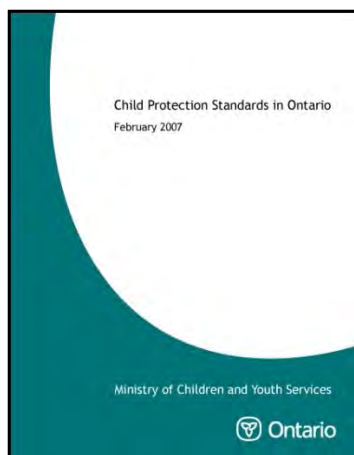
Apprehension without warrant

(7) A child protection worker who believes on reasonable and probable grounds that,
(a) a child is in need of protection; and
(b) 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 47 (1) or obtain a warrant under subsection (2), may without a warrant bring the child to a place of safety. R.S.O. 1990, c. C.11, s. 40 (7).

It must be noted that where a child has been apprehended without a warrant, the child protection worker must be able to explain to a court within 5 days as to why he/she felt that the child was at such a high risk of harm that immediate removal of the child from the situation was necessary without a court hearing beforehand. To remove a child from a home suddenly without reasonable justification reason could make the child protection worker personally liable for their actions.

The fact that a person who calls themselves a “child protection worker” is limited to the role of apprehending a child is also reaffirmed on page 12 of the “Child Protection Standards in Ontario” published by the Ministry of Children and Youth Services. Under “definitions” in the Standards manual a “Child Protection Worker” is defined as:

Part III of the Child and Family Services Act defined a child protection worker as a person who has been authorized by a Director or local director as a person who may “apprehend” children. (Page 12 under definitions)



| CHILD PROTECTION STANDARDS in ONTARIO | |
|--|--|
| Standard #1 | Receipt of a Report Page 12 |
| Case-Specific Considerations (continued) | <ul style="list-style-type: none"> The facility or institution is considered to be the secondary caregiver. Where there is a family file open, community caregiver files are cross-referenced with the protection files of any child who is an alleged victim, and his or her family of origin. |
| References | <p>CPSA, section 15.3(a) (Function of a society to investigate allegations)</p> <p>1. Edleson, Jeffrey L. "Should Childhood Exposure to Adult Domestic Violence Be Defined as Child Maltreatment under the Law?" In Jaffe, P.G., L.L. Baker, & A. Cunningham (Eds.). <i>Protecting Children from Domestic Violence: Strategies for Community Intervention</i>. New York, NY: Guilford Press, 2004.</p> |
| Definitions | <p>Child Protection Worker</p> <p>Part III of the <i>Child and Family Services Act</i> defines a child protection worker as a person who has been authorized by a Director or local director as a person who may apprehend children.</p> <p>Community Caregiver</p> |

No reference is made in the definitions that a Child Protection Worker can engage in investigations or to assess the risk of harm to any child which is within the jurisdiction of the profession of social work.

Limited protection from personal liability granted to those who call themselves “child protection workers”

Unfortunately, many workers with the various CAS agencies in Ontario who identify themselves as “child protection workers” are under the misguided belief that if they identify themselves as such they are immune to civil or criminal prosecution, even when they extensively involve themselves in the affairs of a child and his/her family. Those who carry out their specified duties under the authority of a “child protection worker” are indeed protected to some extent from personal liability and this is outlined in section 40 of the Child and Family Services Act:

Protection from personal liability

40.(14) 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. R.S.O. 1990, c. C.11, s. 40 (14).

However, the immunity from prosecution granted under 40.(14) to those who call themselves a child protection worker applied only when exercising their authority under section 40. This immunity ends once the child protection worker has fulfilled his/her duty to bring the child to a place of safety as outlined under the Child and Family Services Act. ***Once a child protection worker engages in activities outside of those listed under section 40 of the Child and Family Services Act, then section 40.(14) which grants them immunity to prosecution no longer applies.***

Workers with one CAS agency, the Durham Children’s Aid Society, learned this lesson the hard way. It was reported that in one civil lawsuit case, D.B. v. the Durham Children’s Aid Society, the Durham CAS and one of its workers in particular were found guilty in court of malicious prosecution, blackmail, perjury and incompetence. Dorian Baxter, who was a minister at the time and the party in this matter took the Durham CAS to court was awarded damages in excess of \$350,000.



Dorian Baxter (shown left) won his precedent setting lawsuit against the Durham CAS and its workers. His case was even debated in the Parliament of Canada. Today, Mr. Baxter is an Archbishop with the church and continues to assist others being wrongfully persecuted by children's aid agencies.

Photo by Canada Court Watch

Regardless of any immunity provision under section 40, no such immunity applies when bad faith can be reasonably shown by a complainant, even during a lawful apprehension.

Child and Family Services Act also reaffirms that CAS agencies are to employ social workers

The Child and Family Services Act of Ontario also makes it very clear that the intent of legislation was to ensure that only qualified persons are employed by CAS agencies. Section 28 of the Act makes this very clear.

Staff Qualifications of Societies

28. No society shall employ a social worker unless the person is a social work assistant, a social work supervisor, a social worker I, a social worker II, a social worker III, a social worker IV or a social worker V. R.R.O. 1990, Reg. 70, s. 28.⁴

The Legislators went to great lengths to carefully include the various classes of social workers and to further state that CAS agencies cannot employ social workers unless they meet certain minimum criteria. For a person to believe that the Legislators intended that CAS agencies could hire workers to practice social work with less qualifications than a social worker is absolutely ridiculous.

Crossing over the line of jurisdiction between child protection worker and social worker

The fact that all of the province's Children's Aid agencies hire front line workers and give them titles such as "child protection worker" and employ these workers to engage in the practice of social work is very obvious.

Below is a copy of an advertisement put out by the Hamilton Children's Aid Society in which its agency is advertising for a child protection worker. Clearly the job ad openly acknowledges that the child protection workers will be engaging in activities which exceed the legislated authority granted to a "child protection worker" under the Act. Child Protection Workers are not authorized under the Act to engage in the activities which the Hamilton CAS has indicated fall within the scope of a child protection worker.

Child Protection Workers provide front-line social work services to children and their families by assessing complaints about children alleged to be in need of protection as defined by the Child and Family Services Act, specifically including areas of sexual and physical abuse, neglect and parenting capacity. (Source: Hamilton CAS)

⁴ From the Canlii website April 2011

Below is another sample job posting on the Services Canada website from the Children's Aid Society of the Districts of Sudbury and Manitoulin showing a typical job posting for a child protection worker. It should be noted that listed under the category of "Credentials" that no kind of credentials are required. Yet under the category of "Specific skills", it is clear that the person being hired for the position of child protection worker will be engaged in the practice of social work. In effect, the Children's Aid Society is hiring persons of unknown qualifications as "Child Protection Workers" to engage in the practice of social work. These job applicants are immune to restrictions and oversight of social workers registered with the College of Social Workers and Social Service Workers. By any reasonable speculation this is nothing short than a recipe for disaster.

Job Advertisement

[Job Search Safety Advice](#)

[E-mail this Job](#)

Job Number: 5010932

Title: **Social worker (Bilingual Child Protection Worker) (NOC: 4152)**

Terms of Employment: Temporary, Full Time, Day

Salary: To be negotiated, Other Benefits, As per collective agreement, Medical Benefits

Anticipated Start Date: As soon as possible

Location: Sudbury and Area, Ontario (2 vacancies)

Skill Requirements:

Education: Completion of university

Credentials (certificates, licences, memberships, courses, etc.): Not required

Experience: Experience an asset

Languages: Speak English, Speak French, Read English, Read French, Write English, Write French

Work Setting: Community service organization, Social and family service agency

Area of Social Work Specialization: Child welfare

Type of Clients: Adolescents, Adult, Child

Specific Skills: Interview clients to assess their situation and determine the types of services required and eligibility, Plan programs of assistance for clients, Investigate cases of child abuse or neglect and take authorized protective action when necessary

Security and Safety: Criminal record check, Child welfare check

Work Conditions and Physical Capabilities: Fast-paced environment, Work under pressure, Tight deadlines, Attention to detail, Large workload, Large caseload

Transportation/Travel Information: Valid driver's licence, Own vehicle

Work Location Information: Various locations

Essential Skills: Reading text, Document use, Writing, Oral communication, Working with others, Problem solving, Decision making, Critical thinking, Job task planning and organizing, Computer use, Continuous learning

Employer: The Children's Aid Society of the Districts of Sudbury and Manitoulin

Below are copies of two ads published by the Family and Children's Services of Niagara in February of 2011 clearly show that the agency openly acknowledges that the child protection workers will be engaging in providing social work services which exceed the legislated authority granted to a "child protection worker" under the Act. In the second ad, the agency states that it uses "professional social workers" to conduct investigations yet many of its workers are conducting investigations who are not registered with the College.



[Jobs at FACS](#) : [Job Postings](#) : [Job Descriptions](#)

JOB POSTINGS

[Back to Job Postings](#)

1 employment opportunity for **Social Workers**

Child Protection Worker

01/24/2011

Capable of communicating and building strong relationships, you will provide social work services to families and children in need of protection. The focus is on investigation, assessment of risk, short and long-term treatment, advocacy, and referrals. Your proven assessment, organizational, and teamwork abilities are combined with an MSW or BSW degree and experience working with families in crisis. A valid driver's license and vehicle are required.

[Apply for this position](#)



How Can I . .

- [Become a Foster Parent?](#)
- [Become a Volunteer?](#)
- [Make a Donation?](#)

This job ad clearly refers to the new child protection worker as providing social work services



[Child Protection Services](#) : [Investigation & Reporting](#) : [Foster Care](#) : [Adoption](#) : [Youth Services](#)

INVESTIGATION & REPORTING

We are mandated by the Child and Family Services Act to investigate all reports of the possible abuse or neglect of children or other concerns regarding their care and safety. We receive referrals from many community sources including the schools, police, concerned friends, neighbours or family members.

Professional social workers will conduct a thorough investigation, speaking with all concerned individuals and other community professionals where needed. Their goal is to determine whether or not a child is in need of protection and what action is required to ensure the safety and well being of the children.

Child protection concerns include issues such as physical, emotional or sexual abuse; lack of supervision, inappropriate discipline, neglect or other concerning factors such as family violence, parent or caregivers' mental health; drug, alcohol or other substance abuse problems and environmental factors such as the safety and hygiene of the home.

Intervention might include referrals to other community agencies, ongoing assistance and monitoring by FACS to help make changes that will allow children to remain safely in the home or possibly removing children from the home to foster care or placement with family or friends.

You can report your concerns about the safety of a child 24 hours a day, 7 days a week. Call your local office of Family and Children's Services at (905) 937-7731 or 1-888-937-7731. You can report anonymously or ask to remain confidential.

Please Note: Please do NOT attempt to make a report or referral via e mail. Reports should be made by phone or in person.



How Can I . .

- [Become a Foster Parent?](#)
- [Become a Volunteer?](#)
- [Make a Donation?](#)

The Ontario Child Protection Tools manual which all front line CAS workers are mandated to follow during the course of involvement with a family is riddled with dozens of examples which make it clear that CAS workers are engaged in the practice of social work. Just one example in the publication where CAS workers are identified as being required to engage in the practice of social work can be found below.

| | | |
|--|---|--|
| | <p>The safety assessment <i>process</i> is conducted at the point of the first face-to-face contact with the child and family or at any subsequent point in the life of the case when child safety is of concern. Using the safety assessment tool as a guide, the information for each safety threat is collected from the child, caregivers and collaterals using good social work practice and engagement. Each of the safety threats is addressed at some time during the initial contact to ensure that all safety areas are assessed; however, the Ontario Safety Assessment tool is not meant to be used as a questionnaire.</p> | |
|--|---|--|

The extract from page 5 of the Ontario Safety Assessment instructions (above) provides clear instructions from the Ministry that CAS workers are to use “*good social work practice and engagement.*”

CAS workers being advised not to call themselves “social workers”

Not only are CAS agencies openly advertising that child protection workers will be engaging in the practice of social work but also informing their workers to intentionally call themselves “child protection workers” in order to avoid registration by the College.

During a secretly recorded conversation in the home of parents in the Niagara Region on June 14, 2011, CAS workers first identified themselves as “social workers” to parents but then corrected their slip of the tongue afterwards by saying that they were “child protection workers”. One of the CAS workers from Niagara FACS stated that it was hard to use the term “child protection worker” after using the term “social worker” for so long. One CAS worker commented that they really are social workers but added the comment, “They [The Society] are making us call ourselves that now” referring to instructions they receive from their superiors at the CAS agency. The audio recording of the CAS worker stating this can be heard by going to the link below:

<http://www.canadacourtwatch.com/files/all/FacsNiagaraWorkerSaysWeAreSocialWorkers.flv>

What is social work?

To better understand the problem associated with CAS workers being engaged in the practice of social work contrary to legislation, it is important for one to have an understanding of what social work is. Social work is a widely accepted and understood public domain, English language term which is not exclusive to any Act or to any professional body, including the College. The term has been described in many textbooks, journals and other publications throughout the world including various encyclopaedias. Most members of the public understand what “social work” is and what it entails in its most general sense and understand that the term “social worker” would refer to a person who provides social work services. The term, “social work” describes a well established discipline dating back to the early 19th century which can be defined as follows:

Social work is a discipline involving the application of [social theory](#) and research methods to study and improve the lives of people, groups, and societies. It incorporates and uses other [social sciences](#) as a means to improve the [human condition](#) and positively

change society's response to chronic problems. Social work is a profession committed to the pursuit of [social justice](#), to the enhancement of the [quality of life](#), and to the development of the full potential of each individual, group and community in the society. It seeks to simultaneously address and resolve social issues at every level of society and economic status, but especially among the poor and sick. Social workers are concerned with social problems, their causes, their solutions and their human impacts. They work with [individuals](#), [families](#), [groups](#), [organizations](#) and [communities](#).

On its website, the International Federation of Social Workers (IFSW) <http://www.ifsw.org/> defines the social work profession as follows:

The social work profession promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well-being. Utilising theories of human behaviour and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work.

The Canadian Association of Social Workers <http://www.casw-acts.ca/> describes the practice of social work on page one of its document, “*Social Work Practice in Child Welfare*” as follows:

“Social workers in child welfare agencies are involved with the planning and delivery of a variety of services for children and families, such as family support, residential care, advocacy, and adoptions and foster care programs, as well as child protection. The social worker’s task is to understand a variety of factors related to the child, the family, and the community and to balance the child’s safety and well-being with the rights and needs of a family that may be in need of help. The professional social work judgment involved in these decisions serves children and families well in the great majority of situations, a fact often lost when a case decision becomes the object of intense public and legal scrutiny. As in other professional work, it is difficult never to make a mistake, and most decisions about complex matters involve risks as well as benefits.”

While the Ontario Association of Social Workers (OASW) does not publish a specific definition of the term “social work” on its website as do some of the other organizations, they do describe some of the activities that a social worker would engage in. From their website in 2011, the OASW states the following:

A career that makes a difference

- *Social work as a career offers many possibilities to people who want to make a difference in the quality of life for individuals and society.*
- *Are you interested in working with abused children or with couples who are having trouble in their relationship?*
- *Would you like to help persons with drug or alcohol problems or in assisting disabled persons to realize their potential?*
- *Social workers are commonly viewed as those who work directly with people who are disadvantaged and troubled.*
- *Perhaps you want to assist people to influence the quality of life of their communities and neighbourhoods. Could you see yourself helping groups organize to get better housing, improved health care or safer neighbourhoods?*

- *Maybe you would like to use your knowledge and skills to help shape better social policies. Or perhaps you have an inquiring mind keen to delve into the causes of specific social ills or to grapple with questions about which social programs really work and why. These are just some of the career possibilities open to you as a social worker.*

About Social Workers

Social workers help people resolve problems that affect their day-to-day lives. People see social workers when they are going through a difficult period in their personal, family and/or work life. Social workers help clients:

- identify and understand the source of stress or difficulty
- develop coping skills and find effective solutions to their problems
- find needed resources
- by providing counselling and psychotherapy.

Social workers deal with all ages, groups, backgrounds and income levels.

(Source: The Ontario Association of Social Workers website)

Social workers are regulated by the Social Work and Social Service Work Act under the Ministry of Community and Social Services. This Act requires that anyone who calls themselves, or holds themselves out to be, a social worker, must belong to the Ontario College of Social Workers and Social Service Workers. The initials RSW (Registered Social Worker) appear after their name.

(Source: The Ontario Association of Social Workers website)

Under provincial legislation in British Columbia, the *Social Workers Act[SBC 2008] CHAPTER 31*⁵ defines social work and a social worker below:

Definitions

“social work” means the assessment, diagnosis, treatment and evaluation of individual, interpersonal and societal issues through the use of social work knowledge, skills, interventions and strategies, to assist individuals, couples, families, groups, organizations and communities to achieve optimum psychological and social functioning;

"social worker" means a person who practices social work.

Under Ontario’s Child and Family Services Act R.R.O. 1990, REGULATION 70 the term social worker is also defined. As of October 2011 the following is a description of the term social work as defined under Regulation 70:

“social worker” means a person who investigates or supervises children and who provides guidance and counselling; (“travailleur social”)

Source: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900070_e.htm (Oct 2011)

⁵ Website: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_08031_01

Ontario Regulations also reaffirm that those persons who practice social work must be registered with the College

Ontario regulations related to the *Social Work and Social Services Act 1998* also describes the role of a social worker and social services worker. The Ontario Regulation makes reference to **persons**, not just members of the College. If legislation was intended to apply only to members of the College then the word “members of the College” would have been used instead of the word, “person.” Under section 2 (definitions) of the *Ontario Regulation 383/00* (downloaded from the Ontario Government website on August 13, 2010) it states:

“role of a social worker” means the role of a person who assesses, diagnoses, treats and evaluates individual, interpersonal and societal problems through the use of social work knowledge, skills, interventions and strategies, to assist individuals, dyads, families, groups, organizations and communities to achieve optimum psychosocial and social functioning. O. Reg. 383/00, s. 2; O. Reg. 320/10, s. 1.

Under section 6.1.2 of the *Ontario Regulation 383/00* (which is scheduled to be in force on February 13, 2011) further clarification is provided to reinforce the fact that it is the practice of social work in the province of Ontario that is being regulated by the College, not, just the practice of social work by only members of the College. This section of the Regulation is quite clear in that it prevents even a former member of the College from engaging in the practice of social work once the member has ceased their membership with the College. Section 6.1.2. states:

6.1.2. An inactive member [of the College] shall not engage in the practice of social work in Ontario.

However, verification with the College of the status of former members of the College, does show that some are engaged in the practice of social work with CAS agencies after they have become inactive with the College. It should also be noted that Ontario Regulation 320/10 which was published in the Ontario Gazette on August 28, 2010, and is considered as a revision to Ontario Regulation 383/00 still maintains the same definitions for the “role of a social worker.” (current as of January 4, 2011)

What about those who call themselves by other names such as “intake worker, family worker or child worker, etc.

While the term “child protection worker” has become one of the most broadly used titles used by many front line CAS workers as a way to avoid registration with the College, some workers may try to mask their unlawful practice of social work under other titles such as family worker, child worker, intake worker, etc.

No matter what title the front line worker uses on his/her business card to identify themselves by, the moment the worker begins to use their social work training to investigate, to gather information by personal observation or to evaluate a problem and to make recommendations, the person is engaging in the practice of social work and therefore must be registered with the College. A CAS worker who may call themselves an intake worker would not be engaged in the practice of social work for example if their job was limited to helping parents fill out standardized forms at a CAS office which would then be reviewed and evaluated by a properly qualified social worker. A CAS intake worker who goes into a home to observe surroundings and to observe interactions between parents would be considered as crossing the line into the area of social work. Regardless of title, registration with the College is a requirement for those CAS workers who engage in the practice of

social work.

The Fiduciary Duty of the Ontario College of Social Workers and Social Service Workers to regulate the practice of social work

The duty to protect the public's interest in the practice of social work has been given to the Ontario College of Social Workers (the College) under *Social Work and Social Service Work Act (1998)*. In fact, under the Act, the **PRIMARY** duty of the College is to serve and protect the public interest, even ahead of the interest of its own members. The section of the Act which states that the College must carrying out its objects with the primary purpose of protecting the public's interest is expressed in section 3.(1) of the Act (below).

The College has an online registration form which members of the public in Ontario can make inquiries as to whether CAS workers in Ontario are registered with the College. The form can be found on the College's website at: <http://www.ocswssw.org/en/registrationform.htm>. The College will only respond by fax or by regular mail to inquiries and usually does so within a few days.

Because protection of the public's interest and regulation of the practice of social work has been given to the Ontario College of Social Workers under an Act, a fiduciary relationship is automatically established between the College and members of the public to which the College has the primary duty to serve. The word fiduciary itself comes originally from the Latin *fides*, meaning faith, and *fiducia*, trust. In law, a fiduciary duty is the highest standard of responsibility that a person or entity (referred to as the fiduciary) owes to other person (the principal). A fiduciary (in this case the College) is expected to be extremely loyal to the members of the public to whom the College owes the duty to protect. When acting as a fiduciary, the College must put the interests of the public ahead of its own and must not profit from its position as a fiduciary. From Wikipedia:

In English common law the fiduciary relation is arguably the most important concept within the portion of the legal system known as equity. In the United Kingdom, the Judicature Acts merged the courts of equity (historically based in England's Court of Chancery) with the courts of common law, and as a result the concept of fiduciary duty also became usable in common law courts.

When a fiduciary duty exists, equity requires a stricter standard of behaviour than the comparable tortious duty of care at common law. It is said the fiduciary has a duty not to be in a situation where personal interests and fiduciary duty conflict, a duty not to be in a situation where his fiduciary duty conflicts with another fiduciary duty, and a duty not to profit from his fiduciary position without express knowledge and consent. A fiduciary cannot have a conflict of interest. It has been said that fiduciaries must conduct themselves "at a level higher than that trodden by the crowd"^[3] and that "[t]he distinguishing or overriding duty of a fiduciary is the obligation of undivided loyalty."^[4]

The following sections of the Social Work and Social Services Work Act are what the College's fiduciary duty to protect the public's interest is based upon:

Duty and objects

Duty to protect public interest

3. (1) In carrying out its objects, the College's primary duty is to serve and protect the public interest. 1998, c. 31, s. 3 (1).

The section of the Act which states that the College must regulate the practice of social work and

social service work is expressed in section 3.(2),1., of the Act below:

Objects

3.(2) The College has the following objects:

1. To regulate the practice of social work and the practice of social service work and to govern its members.

Clause 3.(2)1. of the *Social Work and Social Service Work Act (1998)* clearly states that the College must regulate **three** separate and distinct objects. The three distinct objects are;

- 1) to regulated the practice of social work **and**
- 2) to regulate the practice of social service work **and**
- 3) to govern its members

The use of the known English conjunction “and” within the Act clearly indicates that each of these objects is separate and distinct from each other. Nowhere in the Act does it state that the College must regulate the practice of social work amongst **only** its members. If legislators had intended that the practice of social work was to be regulated against only those practitioners who voluntarily chose to be members of the College, then Legislators would have not used the word “and” in the wording of the Act and would have inserted the word “members of the college” in a grammatically correct location in the legislation. The Legislators clearly knew what they were doing at the time when they made "protecting the public's interest" as the "primary" duty of the College.

The importance of grammar in the interpretation of a law was also described by one of Canada's foremost authorities on Statutory interpretation, Elmer Driedger, (1913–1985) who stated, *“the words of an Act are to be read in their entire context in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.”* This principle has been adopted by the Supreme Court of Canada.

Looking at sections 3.(1) and 3.(2) harmoniously is it very clear that the College of Social Workers and Social Service Workers was given the mandate and authority to regulate the practice of social work as part of its duty under 3.(1) of the Act to protect the public's interest. Regulating the practice of social work applies to all persons. The public's interest cannot be protected as intended by the legislators if membership in the College can be avoided by those who practice social work by identifying themselves under some other title such as “child protection worker”.

In fact, the Act also states that no person shall represent themselves as a social worker or by implication that he or she is a social worker or registered social worker. Section 46.(2) of the Social Work and Social Service Work Act, 199 S.O. 1998, CHAPTER 31 states:

46.(2) *No person except a registered social worker shall represent or hold out expressly or by implication that he or she is a social worker or a registered social worker. 1998, c. 31, s. 46 (2).*

When a front line CAS worker engages in providing services that fall within the realm of social work this “implies” that the worker is a social worker and will be interpreted by members of the public as such. The wording of the Act also indicates that the term “implication” is used to reference two specific groups of persons – those who imply to be social workers [without being members of the College] and those who imply to social workers as **registered** social worker members of the College. A CAS worker does not have to be a member of the College or even state in words to imply that he/she is a social worker. The term “implied” means to interpret by the

actions of that person.

When a CAS worker provides social work services, most members of the public will reasonably assume that the person is a social worker and will trust that due diligence and regulation is in place. It is commonly assumed that those with a degree or certificate in social work who are hired by a Children's Aid Society and are being paid as a professional to provide social work services to children and families are for all intent and purpose, social workers. (Changing a person's title on a business card does not change the facts)

The intent of the Social Services and Social Services Act (1998) was clearly intended to equally benefit all citizens in Ontario and to ensure that those engaged in the practice of social work be properly qualified and regulated. Unfortunately, the Ontario College of Social Workers and Social Service Workers has taken the misguided position to regulate the practice of social work amongst only its members with membership in the College being voluntary. This position of course leaves members of the public vulnerable to anyone who wishes to set up themselves up in business to provide social work services by just calling themselves by a title other than "social work". If legislators had intended that the regulation of the practice of social work be voluntary, the formation of a College would never have been necessary. The intent of Social Work and Social Service Act was meant to extend equal protection of the law to all children and families in Ontario.

Many references can be found in case law, including the Supreme Court of Canada, which state that Legislation is to be applied based on its grammatical correctness, its intent and its purpose. More than twenty-five years ago, in the first edition of the Construction of Statutes, Elmer Driedger (1913-1985) described an approach to the interpretation of statutes which he called the modern principle:

'Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.' – Elmer A. Driedger, *The Construction of Statutes (Butterworths, 1974), at p. 67.*

As one example of the application of such principle, judges of the Supreme Court of Canada stated the case of *Winnipeg Child and Family Services v. K.L.W.*, [2000] 2 S.C.R. 519:

L'Heureux-Dubé, Gonthier, Major, Bastarache and Binnie JJ.: ".....the underlying philosophy and policy of the legislation must be kept in mind when interpreting it and determining its constitutional validity."

By allowing front line CAS workers with the various children's aid societies in Ontario to engage in the practice of social work under the appearance to the public as professionals without enforcing membership, the College is failing in its primary duty to protect the public's interest and failing in one of its most important objectives which is to regulate the practice of social work in the province of Ontario.

The duty of CAS workers to be registered with the College and the failure of the College to fulfill its fiduciary duty to regulate the practice of social work and to protect the public's interest

Since the Ontario College of Social Workers and Social Service Workers has come into existence, it has wrongfully taken the position that it only has the authority to regulate those who are registered as members with the College and that those who practice social work as non members are

untouchable by the College. The College has taken the position that it protects the public interest by only protecting the title of “social work”

In response to a complaint to the College from a parent in regards to a CAS worker practicing social work who was not registered with the College, the College replied in a letter dated, February 22, 2011:

“The Act provides that no person except a member of the College shall use the title "social worker", "registered social worker" or an abbreviation of those titles to represent expressly or by implication that he or she is social worker or registered social worker.....”

“.....The legal framework work described above, sometimes known as a "title protection" regime, is the Framework under which the College protects the public interest.

As a fiduciary, the College has failed in its duty to protect the public. Many believe that the College’s position is nothing more than a deliberate attempt to skirt its primary duty to the public and to protect the public interest.

The College’s position flies in the face of logic and other similar legislation for other professional sectors. Below is similar Ontario legislation from the Law Society Act regarding legal services in Ontario:

Non-licensee practising law or providing legal services

26.1 (1) Subject to subsection (5), no person, other than a licensee whose licence is not suspended, shall practise law in Ontario or provide legal services in Ontario. 2006, c. 21, Sched. C, s. 22.

In Ontario it is unlawful for persons to engage in the practice of law and in order to be charged, an individual does not need to call themselves a lawyer. Individuals in Ontario have been taken to court and fined for doing something as simple as preparing an agreement between two individuals. The offense of the practice of law does not rely on a person using the title of “lawyer.” Yet the Ontario College of Social Workers and Social Service Workers has taken the position that it is fulfilling its duty to protect the public by taking action against those who practice social work and who have voluntarily decided to join up as members.

In a conversation regarding the intent of the Act and the position of the Ontario College of Social Work and Social Services Work, Marlene Zagdanski, director of complaints and complaints, stated, ***“It [the Act] is a scheme of title protection, this is very clear.”*** Ms. Zagdanski stated that it was the College’s official position and understanding of the legislation that the Act was intended for the protection the title of “social worker” and in her own words, “We have authority over members of the College.” Most reasonable persons would disagree with this position for how can the College be expected to fulfill its primary duty to protect the public interest if the College selectively applies its authority only to those who practice social work **and** choose to become members of the College.

In fact, the College wrongfully stated in its own five year review of the Act that it cannot accomplish the key objective of the Act which is to protect the public if those who have the academic qualifications to practice social work continue to provide services to the public which would fall within the practices of the social work profession. In their five year report to the Minister of Community and Social Services the College stated:

“The College's view is that the Act cannot accomplish the key objective of ensuring public

safety and quality services if there are practitioners who have the academic qualifications of a social worker or social service worker and who provide services to members of the public within the scope of practice of the professions but are not regulated by the College.⁶

While the College incorrectly stated that it could not protect the public interest, there are clear provisions in the law which do allow the College to enforce the act. The College can take action if it only “appears that a person does not comply with the Act.” Below is the section of the Act which allows the College to intervene on behalf of the public.

Compliance order

54. If it appears to the College that a person does not comply with this Act or the regulations or the by-laws, despite the imposition of a penalty in respect of that non-compliance and in addition to any other rights it may have, the College may apply to a judge of the Superior Court of Justice for an order directing the person to comply with the provision, and the judge may make the order or any other order the judge thinks fit. 1998, c. 31, s. 54; 2006, c. 19, Sched. C, s. 1 (1).

If the legislators had intended that the duty and objects of the College were to be applied to only its members, then the legislators would have stated in the Act that the primary duty of the College was to serve and protect the interest of its members. The legislators did not intend for the Act to make the practice of social work in the province of Ontario something that CAS workers can opt into or out of on a voluntary basis.

The failure of the system to address the issue of unregistered CAS workers in the province of Ontario was brought before the Legislature on May 5, 2011. MPP Frank Klees raised this issue before the Honourable Members of the Ontario Legislature. During debate he stated that one of the purposes of the legislation was to ensure that there would be a disciplinary panel to oversee those practicing social work. Avoiding the disciplinary body of the Ontario College of Social Workers is one of the main reasons why CAS workers want to avoid registration with the College.



“In 1998, this House passed a piece of legislation called the Social Work and Social Service Work Act. The whole purpose of that legislation was to ensure that there are standards across this province for social workers and social service workers. It was to establish a college that would register social service workers and social workers so that there would be a disciplinary panel so that people could be held to a standard of accountability. What has happened over time? This same government has actually found a way to circumvent that legislation that was intended to protect the public interest. Why? Because now, children’s aid societies are calling those social workers “child protection workers.”

The Honourable Frank Klees, MPP Newmarket Aurora (May 5, 2011)

A number of CAS workers engaged in practice of social work in Ontario have stated that there is no purpose to joining the College as the workers get very little back from the College and that because of this it is not worth the membership fees to join. Forgotten by these short-sighted workers is the fact that the intent of the College was to promote the practice of social work and to make society better through the regulation of the profession. Tragically, too many CAS workers take the selfish position that there must be a direct benefit to themselves if they are to join the College and do not

⁶ Review of the Social Work and Social Services Work Act by the College – November 7, 2005.

consider what their contribution of becoming a member is doing to support the profession of social work and to benefit society as a whole.

A breach of a fiduciary duty is considered as one of the most serious violations of the law. The College and its Board of Directors have been given the **PRIMARY** duty under legislation to protect the public interest and as such, the Board of Directors of the College owe the public the duty of care to fulfill this obligation. In the view of many the College has failed in its fiduciary duty to protect members of the public and should be held accountable. Damages resulting from the breach of a fiduciary duty such as legal costs, physical or mental suffering or Canadian Charter Rights Violations by CAS workers will generally be compensated for by the courts. In addition, punitive damages are very likely to be awarded against those who violate their fiduciary duties and cause harm to individuals or corporations.

Growing public criticism and defiance against unprofessional CAS services and the waste of taxpayer's dollars

There has been growing public opposition and defiance against children's aid agencies in the province of Ontario over the quality of services being provided by many of the front line CAS workers.

Public demonstrations against CAS agencies have been going on for years and are increasing in numbers. During 2010 and 2011, dozens of community protests by parents against the children's aid society were held in cities and towns all over the province of Ontario. Various parent advocacy groups are already planning their demonstrations and public meetings for the 2012 calendar year.

In addition to the complaints about services by the families affected, those concerned about the abuse of tax resources by CAS agencies are also expressing concern over how CAS agencies are wasting tax dollars. Many of the CAS offices are lavish facilities which These expensive buildings must be paid for from government funding from the government, funding which relies on the number of children being provided services.



Shown to the left is a photo of the CAS offices in Windsor, Ontario which looks more like a palace than an office building.

In addition to the numerous and ongoing public protests by parent groups from across the province of Ontario, social network sites on the child protection system have proliferated on the internet in recent years. There are literally countless Facebook groups and websites springing up regarding the abuse of children and families by child protection agencies. You Tube also has a large number of testimonials about abuse of children and families as a result of child protection services. A number

of groups have organized public meetings to discuss the issue of child protection with all of these events being well attended by people in their local communities.

In Ontario, organizations such as Canada Court Watch (www.canadacourtwatch.com), Dufferin Voca (www.fixcas.com), The Foster Care Counsel of Canada (www.afterfostercare.ca) and the Bill88 organization (www.bill88.ca) have websites that have been exposing horror stories about the ongoing failures with the child protection system in Ontario and other parts of Canada for many years. There are literally dozens of facebook groups dealing with the issue of child protection agencies. One Facebook group, “Stop the Children’s Aid Society from taking away children from good parents” has attracted thousands of readers and a devote group of followers. Adults who were formerly in care of CAS agencies in Ontario have formed their own chat groups to exchange stories of their abuse while in the care of CAS agencies.



Children stand up to protest CAS

The photo to the left shows three children taking to the streets to protest the CAS in their community. Unregulated CAS workers took their friends away into isolation and will not let them see them. In the vast majority of cases, complaints by children and parents against CAS workers involve those workers who call themselves “child protection workers” and who are engaged in the unlawful practice of social work but who are not registered with the Ontario College of Social Workers and Social Service Workers.

Photo: Canada by Court Watch



Natives take to the streets

The photo to the left shows native protestors marching through downtown Toronto in protest of the Children’s Aid Society during the summer of 2010. Hundreds of protestors at this event closed down the intersection of Yonge St. and Dundas St. which is one of Toronto’s busiest of intersections.

Photo: Canada by Court Watch



Parents protest CAS

The photo to the left shows a group of parents outside of the front entrance to the Cambridge, Ontario courthouse. Rallies like this have been held in communities all across Ontario with more being scheduled in communities across Ontario.

Photo: Canada by Court Watch



Highway blockage in protest of CAS

Natives on Manitoulin Island, Ontario, block the highway in protest of CAS atrocities against members of their communities. Protests like this are becoming more militant as unregulated CAS workers continue to practice social work unlawfully in violation to the Social Work and Social Services Work Act (1998) and cause havoc to families in many communities.

In some cases, Native communities in Ontario have passed resolutions to ban CAS workers from entering their reserves. Constance Lake First Nation Chief and Council have passed a resolution banning all members of the Ministry of Children and Youth Services from their territory. In July of 2009, Chief Arthur Moore of the Constance Lake First Nation Reserve was quoted in the news media as saying, "If for any reason a representative [Children's Aid Society] enters onto Constance Lake Territory, they will be treated as trespassers, and if any children are removed from the community it will be considered a kidnapping."

Children in care of CAS and formerly in care of CAS are coming forward to tell their chilling stories while they were under the care of CAS agencies in Ontario. In many cases, CAS agencies are spending more tax dollars in an attempt to have some of these sites shut down and to keep the public from finding out. While there are a number of good stories that the public do hear about regarding CAS, there remains little doubt that there are far too many serious issues surrounding the delivery of services by most of the CAS agencies in Ontario and the abuse of tax dollars to cover these mistakes up.

Ontario's Child and Family Services Review Board also has issued orders against CAS agencies and their workers which show that many CAS front line workers are failing to perform their duties in a professional manner consistent with the legislation. Examples of these decisions can be viewed on the Canadian Government legal research website called Canlii at: <http://www.canlii.ca>. Many of the CAS workers who are involved in these complaints to the Review Board are not registered with the Ontario College of Social Workers and Social Service Workers.

The vast majority of children and parents with complaints against the CAS workers in Ontario find that the CAS workers who they feel have done harm to themselves or members of their families are not registered with the Ontario College of Social Workers and Social Service Workers. Based on input from children and parents, there appears to be a direct correlation between workers who are not registered with the College of Social Workers and the frequency and seriousness of complaints by children and parents. *This would reasonably suggest that in general, front line CAS workers who are not registered with the College are not doing as good a job as those front line CAS workers who are registered with the College.*

Widespread violations of the rights and freedoms of children and parents as a result of the influence of CAS on other public institutions

In an effort to spread their power and influence and to give an air of legitimacy to the unlawful practices that many CAS workers engage in, especially to the violations of the rights and freedoms

of children and their parents, CAS agencies actively engaged in a number of campaigns and partnerships to solicit the support and endorsement of the public as well as community based institutions such as schools, hospitals and law enforcement agencies. CAS agencies spend taxpayer money on media campaigns designed specifically to make their operations look as respectable and legitimate as possible.

In some cases, CAS agencies will hold public events to make it appear as if CAS does good for the community where in reality, CAS agencies hide much of the harm they do children and families behind a veil of secrecy and legal barriers.



Media events such as the one shown to the left are often used by CAS agencies to make themselves look respectable in the community. Yet behind the scenes most of the front line CAS workers providing services to children and families are breaking the law and in many cases wasting tax dollars and causing significant harm to children and families as a result of the lack of due diligence by front line workers and agency lawyers.

In other cases, CAS workers will approach public institutions and offer their services as consultants to help these other institutions develop policies relating to child protection. Some senior CAS workers have been known to become board members of other organizations which donate money to the CAS. While such activities may appear honourable on the surface, legitimacy cannot be given to such events when there continue to be widespread abuse of power and authority by those who work for these agencies.

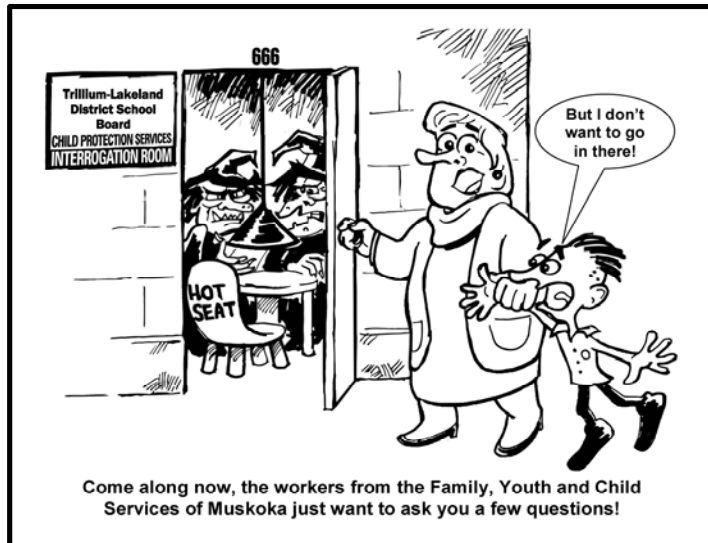
Some of the adverse influences which CAS agencies have on agencies include some of the following:

Influence of CAS on teachers and schools

CAS workers have directly influenced teachers and school officials in a number of ways to spread the power and control of the CAS over the community, some of which include the following:

- a) CAS workers act as “consultants” to school boards to help ensure that school boards develop policies related to child abuse and neglect. Once a part of the policy making process, CAS workers often influence board members into approving policies which support the unlawful activities and the interests of unregistered CAS workers.
- b) Many school boards in Ontario have written policies and procedures relating to child abuse which provide access by CAS workers to children at school but directly violate the rights and freedoms of students and parents under the Canadian Charter of Rights and Freedoms and in some cases, the Criminal Code of Canada. In many cases CAS workers are invited to sit on the committees which draft school policies which favour CAS agencies.
- c) Many children are unlawfully detained at their schools by CAS workers without the knowledge and informed consent of the parents. In some cases, children are secretly interrogated at their schools by CAS workers who have misled school officials into believing that the interviewing of children at their schools without informed consent is lawful. The unlawful interrogations of children at their schools has become almost a source of embarrassment to schools and CAS agencies. Below is an artist’s depiction of how children

are being taken to rooms at their schools to be secretly interviewed without informed consent.



There have been reports of chilling confrontations involving children and child protection workers at school involving yelling, screaming and crying out for help. It has been reported in some cases, that child protection workers have shown up at schools with police to interrogate and bully children. Below are a couple of emails from parents:

Example 1 - "The CAS came to my daughter's school to apprehend her with police. Even though I understand that they had the right to do so, the workers forced her into a room to question her first. My daughter became upset and started screaming for them to let her go home. I was called by the school and when I arrived at the school I could hear her screaming in the halls. After such an incident, how can my daughter ever expect to trust her teachers or ever want to go back to that school again? My daughter was taken away and placed into foster care in a different district. All of this trauma to my daughter could have been avoided if the apprehension had been done off school property and not involved the school at all. In hindsight, I believe that this was deliberate to make it easier for the CAS to take my child and to relocate her in another district. She has lost contact with all her friends. How is this in the interest of my child."

Example 2 - Sharon wrote: "A CAS worker came into the school and simply walked around my son's class observing the students and not speaking to anyone. Her presence made my son so uncomfortable that he asked to be excused to go to the washroom when he really didn't go. He hid in the washroom for several minutes hoping that when he got back the CAS, "SS" worker would be gone."

Chilling video testimony from children who were terrified at their school and experienced having had their rights and freedoms violated by the involvement of unregulated CAS workers can be viewed on line along with other chilling videos at:

<http://www.vimeo.com/5023797>

<http://www.vimeo.com/28034150>

<http://www.vimeo.com/23978011>

<http://www.vimeo.com/4707058>

The most common illegal activity which school officials unknowingly participate in is to allow CAS workers to come into schools and to interview children without the informed consent of the parents for the purpose of investigating a report of child abuse. Unless a child has gone to his/her teacher of his/her own initiative and asked for help, it is unlawful for school officials (persons of authority) to allow CAS workers to interview a child at school without the informed consent of the parents. Under Section 7 and 9 of the Charter of Rights and Freedoms, children cannot be unlawfully detained and questioned by anyone. Most police officers are aware of this which is why police officers will not question children without the presence of a parent. Under the Criminal Code, the detention of students at their school is considered as “unlawful detention.”

Some CAS agencies are infiltrating school Boards to such an extent as to be allowed to establish CAS offices inside of schools. Unrestricted access to children in their schools provides CAS agencies to a direct source of new clients.

More on the issue of the unlawful activities of CAS inside schools can be reviewed in the document, “Schools and the CAS, a guide for teachers and school officials” which can be obtained for no charge from Canada Court Watch at info@canadacourtwatch.com

School officials at all levels must be aware that they also have a fiduciary duty to ensure that they do not allow unregistered and unregulated CAS workers who are not members of the Ontario College of Social Workers and Social Service Workers to have any dealings with students or school officials. Too often, school officials fail to understand their contract obligations under the law as fiduciaries.

Influence of CAS on police services

Unregulated CAS workers have directly influenced police services in a number of negative ways, some of which include the following:

- a) Police officers are routinely requested to accompany unregistered CAS to the homes of parents to assist the CAS workers to unlawfully detain or to interrogate the parents. Most police officers are aware that police don't have the power to arbitrarily detain citizens, yet will often blindly assist unregistered CAS workers to break the law.
- b) Police are often used by CAS workers as a “show of force” tactic to allow unregistered CAS to unlawfully enter homes without search or apprehension warrants. Police officers are routinely used by unregistered CAS workers to bring sense of legitimacy to the unlawful actions of CAS workers against children and parents.



The photo to the left taken by a video surveillance camera shows police with child protection agency workers at the front door of a home. In many cases police are being used by child protection workers to gain entry into a home to conduct an illegal search of the home and to unlawfully detain children and parents.

- c) Police have been reported unlawfully entered homes and breaking down doors to apprehend children at the orders of unregistered CAS workers where there is no apprehension order and no apprehension being conducted under the Child and Family Services Act. Some of these incidents have been captured on videotape. Below is a photo take of a 15 year-old teen being taken away in handcuffs and in his stocking fee by officers with the Ontario Provincial Police based on a phone request from the Hamilton Children's Aid Society to speak with the teen. The actions of police were completely unlawful.



The photo to the left shows a 15½ year old teen being taken away by OPP officers in handcuffs and with no shoes simply because the CAS workers wanted to speak to the teen. In a brutal display of force, the teen was thrown into a jail cell and locked up by OPP officers after being transported to the police station.

- d) Many police officers and supervisory officials are under the misguided impression that they must follow the instructions of CAS workers without question when it comes to the area of child abuse and neglect. Police are not likely to ask the credentials of those CAS workers who call them for assistance and are totally unaware to the fact that CAS workers have no more authority under law to give police instructions than an average person off the street except when an official legal apprehension of a child is being conducted.
- e) In some cases police officers and high ranking law enforcement workers become members of the Boards of Directors of their local CAS agency. While on the surface this may look good and be a form of cooperation between two community agencies, there is a significant conflict of interest. Many times CAS workers and associated agencies break the law and have to be investigated by police. Having police conduct an investigation into a criminal matter involving a child protection worker when a law enforcement professional sits on the Board of Directors of the CAS could be seen in the eyes of the public as a significant conflict of interest.

Police officers are supposed to be protecting the public from those CAS workers who are breaking the law yet in the vast majority of cases the police end up unknowingly protecting the CAS workers when it is the CAS workers who are the ones breaking the law! The bottom line is that police officers should never be taking instructions or assisting any CAS workers without checking first to ensure that the CAS workers are acting within the law themselves by being registered with the College.

Influence of CAS workers on courts and family court judges

Unregulated CAS workers have misled courts and judges in every part of the province of Ontario. With few exceptions, judges at all levels of courts in Ontario assume that CAS workers are professional social workers and the work they do with families to be considered as reliable and

professional. Testimony by way of affidavit evidence from CAS workers is often accepted in court without question. Below is a quote from Madame Justice J. Mackinnon of the Ontario Superior Court of Justice in Ottawa, Ontario which reflects how many judges have taken the position that CAS workers are synonymous with social workers.

“...It is admitted that upon completion of its investigation the C.A.S. closed its file without taking any action. Again, it is my view that the mother has confused the issue of the merits of the father’s case with that of relevance. It may be that the observations made by the C.A.S. at this time will simply serve to confirm the mother’s view that the child is fine and should remain in her care. If so, the merits of the father’s case would be weakened. But in my view, it can hardly be said that the in-home observations of a trained social worker are not likely to be relevant to the outcome of a custody case. Nor do I agree that any information given by the mother to the C.A.S. in the course of its investigation was done with a legitimate expectation of privacy.” Mackinnon, J.⁷

Influence of CAS on hospitals and on health care professionals

Unregulated CAS workers have directly influenced hospital workers and health care professionals in a number of negative ways which violate the rights and freedoms of Canadians, some of which include the following:

- a) Hospital staff will in some cases act as “spies” to report back to CAS workers when a mother has come into the hospital to give birth to a child. Based on just a phone call from the CAS, hospital workers are misled into believing that the mother is a child abuser and by acting as a spy for the CAS, they are doing a good deed by helping to protect a child.
- b) Hospital staff will often abuse their authority and unlawfully detain a mother and her baby at a hospital. In some cases it has been reported that hospital staff will use force to prevent a mother and her child from leaving the hospital based on just a phone call from a CAS worker. Often these unlawful detentions are made without any written confirmation by the CAS or indicating the lawful authority by which the hospital staff are under obligation to follow. Most often those from the CAS making the call are unregistered CAS workers who are breaking the law themselves and unlawfully engaged in the practice of social work in Ontario.
- c) Hospital staff will help CAS workers “snatch” a child from the mother by distracting the mother while CAS workers take the child out the back door of the hospital into a waiting CAS vehicle while the mother is distracted.

Chilling testimony of one mother who had her child taken from her at the hospital by CAS workers with the help of police services can be viewed on line at: <http://vimeo.com/8080556>

Influence of CAS workers on women’s shelters and shelters for young mothers

Unregulated CAS workers have directly influenced women’s shelters and shelters for young mothers and in many cases resulted in the rights and freedoms of mothers being violated. Mothers have reported that they have been held inside these facilities against their will under threat that their child will be apprehended by CAS workers if they tried to leave the facility to visit friends or families. Fathers are discriminated against and mothers often encouraged not to have contact with fathers even if the mother and father are on good terms with each other. Staff at these facilities

⁷ D. v. H, 2007 CanLII 62774 (ON S.C.)

have revealed to mothers that they have been instructed by unregulated CAS workers to keep the mothers from leaving the facility for any reason. Sometimes shelter staff are instructed by CAS workers to restrain mothers while CAS workers come over to apprehend their child. These sorts of actions are criminal under the Criminal Code of Canada.

In Canada, it is a criminal offence to unjustly hold anyone against their will through the use of threats, duress, force or the exhibition of force. This offence is called "forcible confinement" and is formally defined by the *Criminal Code* of Canada as depriving an individual of the liberty to move from one point to another by unlawfully confining, imprisoning or forcibly seizing that person.

Unregistered CAS workers violate the principles of Contract Law in Canada

If a statute requires the licensing or registration of an individual to perform a professional or regulated service and an unlicensed practitioner enters into a contract or understanding, then the contract or understanding would be considered as null and void if any of the protections intended by the Legislation which require licensing or registration are being denied by any of the parties who receive such services. This stems from the modern legal principle of harm stemming from the illegality of Contract. CAS agencies and workers are technically under contract with the Government of Ontario to provide services intended to protect children and to help families. Indirectly, because the government of Ontario represents the people of Ontario, the CAS workers are under implied contract (or by fiduciary duty) with the citizens of Ontario to provide services in accordance to the protections provided for under legislation.

The intent of the Social Work and Social Services Work Act (1998) was to provide protection to members of the public by ensuring standards of training and in addition, to provide the public the protection of the College's disciplinary body. The Social Work and Social Services Work Act (1998) was not brought into force so that membership in the College was optional only for those who chose to be members.

If the logic that the College now uses was to be applied to other professions, these would be some examples of what society would be like:

- Any person could start up an automobile repair business and service automobiles as long as they did not call themselves a "mechanic"
- Any person could start up a dental business and perform dental work as long as they did not call themselves a "dentist"
- Any person could start up a real estate marketing business and sell homes and property for others as long as they did not call themselves a "real estate agent"
- Any person could start up a medical clinic and provide medical services as long as they did not call themselves a "doctor"
- Any person could start up a business providing legal services as long as they did not call themselves a lawyer.
- Any person could start up business prescribing eye glasses as long as they did not call themselves an "optician."
- Any person could be employed by a school board teaching children in schools as long as they did not call themselves a "teacher" or belong to the Ontario Teacher's College.

When CAS workers refuse to register with the College members of the public are being denied the protections which the legislation was intended to provide to members of the public. The fact that unregistered CAS workers are working in violation to the Social Work and Social Services Work Act (1998) makes their contract with the Government of Ontario illegitimate as well as the services

they provide to the courts, illegitimate.

In reality, most affidavit evidence from CAS workers who have submitted evidence which was submitted in their affidavits while they were engaged in the practice of social work unlawfully is null and void as they and the CAS agencies they are employed by are in violation to the principles of contract law in Canada. All consent agreements or court Orders made as a result of unregistered CAS workers engaged in the practice of social work proving evidence to the court would be considered as null and void as well.

Legal Remedies

Under the Social Worker and Social Services Act, the College has not only the authority but the **duty** under its objects to take actions against those CAS workers who engage in the practice of social work and their employers who wilfully allow their workers to disobey the law. Ensuring that all CAS workers are regulated, meet the professional standards of the College and are overseen by a disciplinary body with the power to act is the only way in which the public's interest and the protection of children can be better protected than now. Currently, the College is the only independent body outside of the courts which has the ability to effectively protect the public. The ability of the College to take legal action against any CAS worker, even if they are not registered as a member of the College is outlined in Section 54 of the Act which states:

Compliance order

54. If it appears to the College that a person does not comply with this Act or the regulations or the by-laws, despite the imposition of a penalty in respect of that non-compliance and in addition to any other rights it may have, the College may apply to a judge of the Superior Court of Justice for an order directing the person to comply with the provision, and the judge may make the order or any other order the judge thinks fit. 1998, c. 31, s. 54; 2006, c. 19, Sched. C, s. 1 (1).

To start resolving the problem of unregistered and unregulated workers providing services for vulnerable children, the College need simply send out a letter to the province's CAS agencies advising them that they must bring the qualifications of all workers in line legislation regarding the practice of social work within a fixed period of time or the College will take corrective actions through the court as provided by Section 54 of the Social Work and Social Services Work Act,

Those CAS workers who meet the academic qualifications of the College should be ordered to immediately register with the College as full members. For those front line CAS workers who may not meet the academic qualifications of the College, then those workers should be required to immediately join up as "probationary" members of the College and given twelve months to complete any additional training that is needed to meet the requirements of the College.

The twelve month probationary period of time will ensure that:

- No CAS workers will be forced out of a job because of registration with the College
- Will allow workers to upgrade their training where necessary
- Give the public protection by having a disciplinary body oversee members of the College

Forcing all CAS workers engaged in the practice of social workers to become members of the College will eliminate many of the problems that have been ongoing for many years with child protection workers working for CAS agencies. Members of the public will have an outside body to complain to where currently there is none. The problem practice of social work in violation to the law can be ended in a relative short time frame if the College is to enforce its legal mandate and

CAS agencies were to cooperate in this process.

Long term solutions to problems with the child protection profession

While the issue of child protection workers using various titles to skirt the law in Ontario has been the main focus of this document, many of the problems relating to the manner in which CAS agencies handle child protection cases are not related to training or education of the workers at all. Many of the current problems in the child protection sector stem back to the general lack of transparency and accountability. The one single advantage of forcing child protection workers to be registered with the College is that a disciplinary body to investigate complaints will exist where currently there is no body to oversee workers.

Readers who would like to read more about the many problems facing CAS agencies and some of the solutions that concerned citizens of Ontario have proposed as solutions should view the document, “Promoting accountability, fairness and professionalism within Ontario’s child protection system.” This document may be viewed on the Canada Court Watch website at the link:

www.canadacourtwatch.com/Studies/PromotingAccountabilityTransparencyAndFairnessWithCAS.pdf

Conclusion

The circumvention of legislation intended to promote accountability and to protect children and families in the province of Ontario by unregulated CAS workers must be stopped immediately. Too many individuals, organizations, government Ministries, and the Ontario College of Social Workers and Social Services Workers have turned a wilful blind eye to this blatant violation of the law by child protection workers in the province of Ontario.

As a result, many children and families in Ontario have suffered and continue to suffer significant harm. Judges, lawyers, teachers, school board officials, law enforcement officials and health care professionals have all been duped into believing that unregulated front line CAS workers maintain professional status and have foolishly accepted the testimony of many unregulated CAS workers at face value in legal proceedings. As the result, the fundamental rights and freedoms of Canadians as well as the administration of justice have been sacrificed in the process

Human rights are inseparable from social work theory, values and ethics, and practice. Rights corresponding to human needs have to be upheld and fostered, and they embody the justification and motivation for social work action. Advocacy of such rights must therefore be an integral part of social work, even if in countries living under authoritarian regimes such advocacy can have serious consequences for social work professionals.⁸

The definition in legislation of the term, “child protection worker,” which many CAS workers identify themselves by, makes it very clear that children’s aid society workers who identify themselves using this title to members of the public and who are not registered members with the Ontario College of Social Workers and Social Service Workers have only the limited authority under the law to apprehend a child as outlined under Section 40 of *Ontario’s Child and Family Services Act* and to take that child to a place of safety. There are no provisions in the Child and Family Services Act which gives those who call themselves “child protection workers” the authority to engage in practices that would be considered as being encompassed by the regulated profession of social work.

⁸ Human Rights and Social Work published by the United Nations - 1994

It has become quite evident to many over recent years that the use of the term, “child protection worker” is being used as a guise by many children’s aid society workers to engage in the practice of social work in the province of Ontario with the intent to circumvent the intent of the law, specifically the *Social Work and Social Services Work Act (1998)*. Child protection workers engaged in the practice of social work with the various children’s aid agencies have caused extensive harm to children and families in Ontario and have avoided oversight by the Ontario College of Social Worker and Social Service Workers which has been given the mandate to protect the public’s interest relating to the practice of social work. The actions of many CAS workers who are not registered with the College and therefore not trained to the professional standards of members of the College are bringing disrepute to the profession of social work and causing significant harm to the administration of Justice in Ontario.

The practice of social work in the area of child protection has far-reaching consequences for individuals, for families and for our society. The people of Ontario, not only deserve, but are entitled by the Social Work and Social Services Work Act to the highest quality of services when it comes to child protection. This was the intent of the Act when it was proclaimed into law in 2000. When it comes to protecting the province’s most vulnerable children, only those who are properly qualified to the professional standards of the College of Social Workers and Social Service Workers and registered with the College should be used for child protection. The Courts cannot be reasonably assured of protecting a child’s best interest in a child protection matter when the qualifications and competence of CAS workers who call themselves “child protection workers” cannot be reasonably assured.

Unfortunately, it has become all too common for CAS agencies to turn a blind eye when their “child protection workers” go beyond the limited powers granted to them under Section 40 of the Child and Family Services Act. CAS agencies are openly allowing their workers to engage in the practice of social work without being registered with the Ontario College of Social Workers and Social Service Workers. This practice is a violation of the intent, spirit and letter of the law as it currently applies to all CAS agencies.

Many citizens would consider the slight-of-hand practice of calling front line workers “child protection workers” a fraud against the people of Ontario. It appears too many that CAS agencies appear to be little more than callous, government non-government funded organizations which are destroying the lives of families, children, and adults for money and political agendas while fraudulently portraying their unaccountable workers as "child protection workers". It is also clear that the College was given the mandate to protect the public’s interest by ensuring consistency in quality of services of those who practice social work in the province of Ontario, yet it is failing to live up to its duty to the public.

In these times of growing public criticism against children’s aid agencies province-wide, it’s time for CAS agencies themselves to take responsibility for their actions in the past and to step up to the plate and to take immediate steps get their workers registered. Should CAS agencies fail to do what is right then the province of Ontario and the Ontario College of Social Workers and Social Service Workers must act swiftly and decisively on behalf of children and families and to begin to fulfill their mandate of protecting the public’s interest in the practice of social work. Properly enforcing the *Social Work and Social Service Work Act (1998)* would offer a number of advantages:

- Will reduce the number of complaints from the public to elected members of the Ontario Legislature
- Will not add a burden to the taxpayers as the College is largely self funded.

- Will reduce the number of complaints to the Child and Family Services Review Board.
- Will reduce the number of children being taken into care.
- Will reduce litigation against CAS agencies by children and parents.
- Will lessen the need for provincial Ombudsman oversight involving CAS agencies.
- Will ensure higher quality services for children and families in Ontario.
- Will bolster public respect for the child protection system in Ontario.

The first order of business to be undertaken by the authorities should be to begin enforcing membership in the College for all children's aid society workers who engage in paid work which involves the practice of social work. There is no good reason to justify why front line CAS workers, who are being well paid by tax dollars, are being allowed to avoid registration with the College and thus circumvent the intent of provincial legislation intended to protect the public. Until other more effective steps are implemented, membership in the College will help to reduce problems in the meantime.

The second order of business should be for the government to legislate practices which will promote accountability and transparency within the child protection system. Accountability and transparency within the child protection services sector play even a greater role in protecting children and families than does forcing social work practitioners to become a member of the College.

Appendix of supporting documents

The following documents are referenced in this document and have been attached for convenient reference by readers.

Document #1 (2 pages)

Section 40 of Ontario's Child and Family Services Act (2 pages)

Document #2 (2 pages)

A copy of a job posting for a child protection worker on the Services Canada website from the Children's Aid Society of the Districts of Sudbury and Manitoulin. It should be noted on the job posting that listed under the category of "Credentials" that "none" are required. Yet under the category of "Specific skills", it is clear that the person hired for this position of child protection worker will be engaging in the practice of social work with the CAS. In effect, the Children's Aid Society is openly hiring persons as "Child Protection Workers" to engage in the practice of social work and accepting persons who are not properly qualified nor registered with the Ontario College of Social Workers and Social Services Workers.

Document #3 (11 pages)

"The Challenge of Professionalizing Child Protection Workers and retaining the Title of Social Worker" by Marvin Bernstein

This document, written by the child advocate for the Province of Saskatchewan and former legal counsel for Ontario's Office of the Children's Lawyer, Mr. Marvin Bernstein, discusses the benefits of having child protection agency workers regulated as a profession so that they can keep their title of social worker. This document may also be downloaded on the following government of Saskatchewan website at:

http://www.sasw.ca/releases/Professionalizing_Child_Protection_Article.pdf

Document #3 (8 pages)

How to determine if a CAS worker/agent is How to determine when an employee/agent of a child protection agency (CAS) in Ontario would be engaging in the practice of social work as defined under legislation in Ontario

This document provides a summary and checklist for persons to determine if a child protection worker is engaged in the practice of social work.

Other reference information

The following is a listing of sources of other information which was referenced during the development of this document but too lengthy to include in the appendix of this document. Readers may also find the information helpful and/or relevant to their own understanding of issue of the unethical and/or unlawful practices of child protection workers in Ontario. While links to any websites were active at the time of publication of this document, readers may find that some may have changed.

Ontario Regulation 383/00

This Ontario regulation deals with a number of issues concerning the social work and social services work Act including enforcement measures. This document is available on the Ontario Government website at:

http://www.e-laws.gov.on.ca/html/regqs/english/elaws_regqs_000383_e.htm

Ontario Regulation 320/10 (Approved August 10, 2010)

This Ontario regulation deals with a number of small revisions to the Ontario Regulation 383/00. This document is available on the Ontario Government website at:

http://www.e-laws.gov.on.ca/html/source/regqs/english/2010/elaws_src_regqs_r10320_e.htm

Five Year Review of the Social Work and Social Services Act – Nov 7, 2005

This document published by the Ontario College of Social Workers and Social Service Workers reveals that the College claims that it is unable to protect the public unless all persons with academic credentials of social work and who provide services to the public must be made to be registered as professionals. This document is available on the Ontario College of Social Workers and Social Services Workers website at:

http://www.ocswssw.org/docs/swssw_review_additional_submission_november_2005.pdf

Association of Social Work Boards model Social Work Practice Act (U.S.A.)⁹

This document is a model for legislators to use in various jurisdictions. The Association of Social Work Boards Model Social Work Practice Act was formally adopted by the AASSWB (now ASWB) Delegate Assembly at its Annual Meeting in the fall of 1997.

During its development, extensive input for the Model Act was solicited from social work regulatory boards, social work professional organizations, credentialing groups, and accrediting bodies. Numerous comments were received and reviewed culminating in this comprehensive model to assist legislatures and boards address issues in social work regulation.

http://www.aswb.org/pdfs/Model_law.pdf

“Human Rights and Social Work” – United Nations

This teaching document intended for schools of Social work and the social work profession is

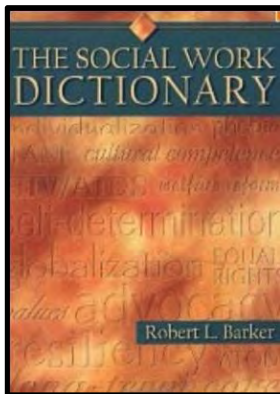
⁹ Website: <http://www.aswb.org>

published by the Centre for Human Rights, The United Nations, 1211 Geneva 10, Geneva Switzerland. At the time of publication, this document was downloadable at the following website:
<http://www.ohchr.org/Documents/Publications/training1en.pdf>

“Understanding Children’s Aid: Meaning and Practice in Ontario’s Children’s Aid Societies 1893-1912”

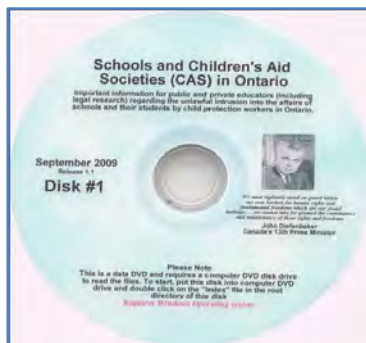
This research document reviews how CAS agencies got started and what motivated the founders. The document also reveals that even in the beginning, politics, money and influence were factors with those who began the child protection industry in Canada.

http://bruise-hound.angelfire.com/Understanding_Childrens_Aid.pdf



The Social Work Dictionary

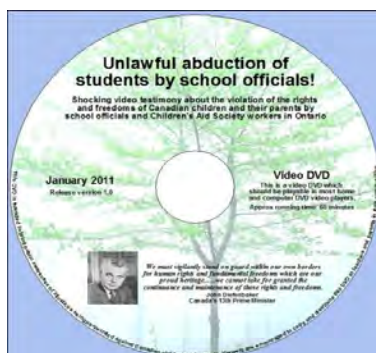
The Social Work Dictionary by Professor Robert L. Barker published by the National Association for Social Workers in Washington, D.C. This book contains a lot of good reference information relating to the practice of social work. This book can be ordered from Amazon.com.



Schools and the CAS resource data disk

This data DVD contains a collection of valuable information for school officials in regards to the involvement of CAS workers at schools in Ontario. In most cases, CAS workers are entering schools unlawfully and violating the rights and freedoms of students and their parents as guaranteed under the Canadian Charter of Rights and Freedoms. This data disk can be ordered from Canada Court Watch at:

info@canadacourtwatch.com



Unlawful Abduction of Children by School Officials

This 60 minute DVD video reveals the tragic and unlawful physical detention of two young children by their principal at an Ontario School. The unlawful detention of the children was done at the instructions of an unregistered CAS worker who gave the principal verbal instructions over the phone to unlawfully detain and to hold the children. This video can be ordered from Canada Court Watch at:

info@canadacourtwatch.com or downloaded at:
<http://www.vimeo.com/5023797>



DVD Video – One mother's story of baby snatching by the Children's Aid Society

This 60 minute video reviews the tragic story of one mother from Hamilton, Ontario who had her child snatched from her at the hospital by CAS workers. At one point, the CAS used police as a tool to threaten her and the father of the child at the hospital. It was reported that police physically assaulted the father of the child at the hospital because of over-zealous CAS workers giving unlawful instructions to police. This video can be viewed and downloaded from the internet at:

<http://www.vimeo.com/8080556>

The Unlawful Practice of Social Work in Ontario by CAS workers
APPENDIX

Child and Family Services Act (Section 40 only)

(Current as of Sept 2010)

Warrants, orders, apprehension, etc.

Application

40.(1) A society may apply to the court to determine whether a child is in need of protection. R.S.O. 1990, c. C.11, s. 40 (1).

Warrant to apprehend child

(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 in need of protection; and

(b) a less restrictive course of action is not available or will not protect the child adequately. R.S.O. 1990, c. C.11, s. 40 (2).

Idem

(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). R.S.O. 1990, c. C.11, s. 40 (3); 1993, c. 27, Sched.

Order to produce or apprehend child

(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 apprehended the child 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 him or her before the court at the time and place named in the order for a hearing under subsection 47 (1) to determine whether he or she 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. R.S.O. 1990, c. C.11, s. 40 (4); 1993, c. 27, Sched.

Child's name, location not required

(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. R.S.O. 1990, c. C.11, s. 40 (5).

Authority to enter, etc.

(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. R.S.O. 1990, c. C.11, s. 40 (6).

Apprehension without warrant

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

(a) a child is in need of protection; and

(b) 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 47 (1) or obtain a warrant under subsection (2), may without a warrant bring the child to a place of safety. R.S.O. 1990, c. C.11, s. 40 (7).

Police assistance

(8) A child protection worker acting under this section may call for the assistance of a peace officer. R.S.O. 1990, c. C.11, s. 40 (8).

Consent to examine child

(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. R.S.O. 1990, c. C.11, s. 40 (9).

Place of open temporary detention

(10) Where a child protection worker who brings a child to a place of safety under this section believes on reasonable and probable grounds that no less restrictive course of action is feasible, the child may be detained in a place of safety that is a place of open temporary detention as defined in Part IV (Youth Justice). R.S.O. 1990, c. C.11, s. 40 (10); 2006, c. 19, Sched. D, s. 2 (6).

Right of entry, etc.

(11) 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. R.S.O. 1990, c. C.11, s. 40 (11).

Regulations re power of entry

(12) A child protection worker authorized to enter premises under subsection (6) or (11) shall exercise the power of entry in accordance with the regulations. R.S.O. 1990, c. C.11, s. 40 (12).

Peace officer has powers of child protection worker

(13) Subsections (2), (6), (7), (10), (11) and (12) apply to a peace officer as if the peace officer were a child protection worker. R.S.O. 1990, c. C.11, s. 40 (13).

Protection from personal liability

(14) 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. R.S.O. 1990, c. C.11, s. 40 (14).



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Job Advertisement

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Job Number: 5010932

Title: Social worker (Bilingual Child Protection Worker) (NOC: 4152)

Terms of Employment: Temporary, Full Time, Day

Salary: To be negotiated, Other Benefits, As per collective agreement, Medical Benefits

Anticipated Start Date: As soon as possible

Location: Sudbury and Area, Ontario (2 vacancies)

Skill Requirements:

Education: Completion of university

Credentials (certificates, licences, memberships, courses, etc.): Not required

Experience: Experience an asset

Languages: Speak English, Speak French, Read English, Read French, Write English, Write French

Work Setting: Community service organization, Social and family service agency

Area of Social Work Specialization: Child welfare

Type of Clients: Adolescents, Adult, Child

Specific Skills: Interview clients to assess their situation and determine the types of services required and eligibility, Plan programs of assistance for clients, Investigate cases of child abuse or neglect and take authorized protective action when necessary

Security and Safety: Criminal record check, Child welfare check

Work Conditions and Physical Capabilities: Fast-paced environment, Work under pressure, Tight deadlines, Attention to detail, Large workload, Large caseload

Transportation/Travel Information: Valid driver's licence, Own vehicle

Work Location Information: Various locations

Essential Skills: Reading text, Document use, Writing, Oral communication, Working with others, Problem solving, Decision making, Critical thinking, Job task planning and organizing, Computer use, Continuous learning

Employer: The Children's Aid Society of the Districts of Sudbury and Manitoulin

How to Apply:

Please apply for this job only in the manner specified by the employer. Failure to do so may result in your application not being properly considered for the position.

By Mail:

319 Lasalle Blvd, suite 3
Sudbury, Ontario
P3A 1W7

In Person between 8:30 and 16:30:

319 Lasalle Blvd, suite 3
Sudbury, Ontario
P3A 1W7

By Fax: (705) 521-7371

By E-mail: hr.recruitment@casdsm.on.ca

Advertised until: 2010/05/21

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Email: childadvocate@saskcao.ca
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SASKATCHEWAN

THE CHALLENGE OF PROFESSIONALIZING CHILD PROTECTION WORK AND RETAINING THE TITLE OF SOCIAL WORKER BY MARVIN M. BERNSTEIN¹

INTRODUCTION

This article has grown out of a presentation I gave to child protection staff of the Department of Community Resources on March 9, 2006 in Regina, Saskatchewan as part of the celebration of Social Work Week. It is also intended to draw upon the 28 years of child welfare experience that I have had in the Province of Ontario as Counsel to the Children's Aid Society of York Region (3 years); Chief Counsel to the Catholic Children's Aid Society of Toronto (20 years); and Director of Policy Development and Legal Support, Ontario Association of Children's Aid Societies (5 years).

During my years of working with Children's Aid Societies, my individual clients were the front-line social workers who were acting as the instructing family service workers. I grew to develop an enormous and unwavering respect for these individuals, who are doing such important work "in the trenches", but are often second-guessed when they make important decisions about the well-being of children for whom they have direct responsibility. Over my career, I have seen a consistent nobility of purpose and a strong commitment to child protection and social justice that has been truly exceptional. I have also been the beneficiary of enduring friendships and collegial relationships with social workers, who are or have been in leadership positions within child welfare, and who have made outstanding contributions to the advancement of child welfare through a variety of academic, research, policy and/or practice pursuits.

During my years of child welfare involvement in the Province of Ontario, I saw the pendulum swing from the promotion of child protection and child safety to the promotion of family empowerment and reunification and then back again. In fact a number of child deaths in Ontario in respect of children receiving child welfare services led to a series of child welfare systemic Inquests and a report of a Panel

¹ B.A., LL.B., LL.M., Children's Advocate, Province of Saskatchewan, Article prepared in May 2006 for the SASW Newsletter and for other relevant professional Journals.

of Experts chaired by Madam Justice Mary Jane Hatton², recommending that a greater emphasis be placed on the safety of vulnerable children. This, in turn, generated a whole child welfare reform initiative, culminating in the enactment of several amendments to the Ontario *Child and Family Services Act* in March 2000. I also worked at the Catholic Children's Aid Society at a time when a child protection worker was co-charged with criminal negligence causing death, together with the mother of Jordan Heikamp,³ a five week old infant who starved to death at a Toronto women's shelter where he was residing with his mother, after the approval was provided by the child protection worker. I saw first hand the devastating effects upon a conscientious child protection worker who happened to be in the wrong place at the wrong time. Fortunately, this worker was discharged at the preliminary hearing stage, but she still had to endure the ordeal of a public inquest and much negative media exposure shortly thereafter.

As well, I have refined my thinking about the role of social workers in the child welfare system over the years through my involvement as a sitting member of the Ontario Association of Social Workers (OASW) Image of Social Work Task Force (later changed to the Public Relations Advisory Group) and as a member of both the Sparrow Lake Alliance Steering Committee and the Child in Limbo Task Force of the Alliance.

Now, as Children's Advocate for the Province of Saskatchewan, I have a special interest in contributing to systemic change that will enable child protection workers to perform their duties with optimal effectiveness, so that the children and young persons of this province will have their interests and well-being properly considered and served at all times.

THE CONTEXT OF CHILD PROTECTION WORK

Child protection workers are often the unsung heroes when a child is protected from harm or goes on to enjoy a happy and secure life as a result of judicious worker intervention. Child protection workers are the composite glue that holds the entire child welfare system together. They should be admired for the importance of the work that they do and for the passion and commitment they exhibit on behalf of our most vulnerable citizens. The unfortunate reality, however, is that they are subject to a great deal of stress and are too often unappreciated, if not publicly criticized. As stated by Lord Nicholls of the British House of Lords:

² Hatton, M.J. (Madam Justice) et al., *Report of the Panel of Experts on Child Protection* (Toronto: Ontario Ministry of Community and Social Services), 1998.

³ For a detailed discussion of this case, see Bernstein, M., Regehr, C. and Kanani, K., *Liability for Child Welfare Workers: Weighing the Risks*, in *Canadian Child Welfare Law: Children, Families and the State* (ed. Bala, N. et al.), Thomson Educational Publishing, Inc.: Toronto), 2004. A shorter version of the article appears in OACAS Journal, April 2002, Vol. 46, No. 1 (www.oacas.org).

“Cruelty and physical abuse are notoriously difficult to prove. The task of social workers is usually anxious and often thankless. They are criticized for not having taken action in response to warning signs which are obvious enough when seen in the clear light of hindsight. Or they are criticized for making applications based on serious allegations which, in the event, are not established in court. Sometimes, whatever they do, they cannot do right”.⁴

The stress of child welfare practice has been well documented in the literature and can be attributed to a number of factors⁵:

- Excessive workloads caused by unwieldy caseloads;
- Frequent court appearances;
- Overwhelming paperwork and documentary requirements;
- Poor working conditions;
- Low salary;
- Rapid organizational and supervisory changes;
- Conflicts with supervisory or management staff;
- Changing policies and standards;
- Lack of community resources;
- Conflicts with community stakeholders;
- Mandatory training;
- Frequent travel;
- Working much of the time with involuntary and sometimes hostile clients;
- The enormous responsibility of protecting vulnerable children;
- Threats and risk of personal injury and post-traumatic stress disorder;
- Threats of civil liability or criminal charges;
- Risk of injury or fatality to a child for whom the worker has responsibility; and
- Public or media scrutiny.

In the research conducted by Professor Cheryl Regehr and her colleagues, they found that child protection workers have rates of traumatic stress scores, which are considerably higher than those of workers in the other canvassed emergency service organizations, such as paramedics and firefighters.⁶

A WAY FORWARD

It is imperative that within this climate of potential discouragement and anxiety that child protection workers be supported and empowered in their work. One

⁴ *Re H. (Minors)* (1996), A.C. 563 (H.L.), at p.592.

⁵ Regehr, C., Leslie, B., Howe, P. & Chau, S, *Stressors in Child Welfare Practice*, Faculty of Social work, University of Toronto, November 2, 2000.

⁶ *Ibid*, at p. 10.

way of achieving this goal is through professionalizing child protection work and encouraging those child protection workers with social work degrees to take the necessary steps to strengthen their professional identification and to represent themselves as social workers by becoming members of the Saskatchewan Association of Social Workers (SASW).

The Saskatchewan Association of Social Workers has much to offer child protection social workers, by virtue of its many and varied statutory purposes⁷:

- To establish, maintain and develop standards of knowledge, skill and competence among its members for the purpose of serving and protecting the public interest;
- To establish, maintain and develop standards of professional conduct among its members;
- To promote, develop and sponsor activities appropriate to the strengthening of and unification of the social work profession;
- To provide a means by which the association through its members may take action on issues of social welfare;
- To edit and publish books, papers and journals and other forms of literature respecting social work in order to disseminate information to members of the association as well as to members of the public at large;
- To encourage specialized studies in social work among its members and to provide assistance and facilities for special studies and research; and
- To carry on any other activities related to the above.

BENEFITS OF SOCIAL WORKER PROFESSIONAL IDENTIFICATION FOR CHILD PROTECTION WORKERS

The benefits of social worker professional identification for child protection workers are as follows:

- It would assist in elevating respect and esteem for child protection work outside the social work profession. In this regard, social work has not always been externally viewed as an accomplished and valued profession. This may, in part, be attributable to the profession's historical origins, which are rooted in charity work, and its focus on assisting, and advocating on behalf of, the most vulnerable and dispossessed groups in society. Public education and communication strategies could be used through the SASW to address these misconceptions.

⁷ *The Social Workers Act*, S.S. 1993, as amended, c.S-52.1, s. 4.

- It would assist in elevating respect and esteem for child protection work within the social work profession itself. Even among other social workers, child protection work is often misunderstood and is sometimes perceived as the least important or prestigious form of social work. This form of “lateral disrespect” towards child protection workers within the social work profession is alarming in its elitism and needs to be addressed. Once again, public education and communication strategies through the SASW could be used to rebut these myths. As well, membership in the SASW, and the attendant networking with fellow social workers, could be used as an opportunity to discuss the nature and importance of child protection work.

- It would enable child protection social workers to identify for clients, other professional groups and the public at large that they are “social workers” specializing in child protection work, notwithstanding that the job or position title has been reduced to that of a “child protection worker”. This is important, as no person other than a member of the SASW is permitted to “engage in the practice of social work by using the title ‘social worker’”⁸. This “profession nullification” of child protection work has sometimes occurred for the wrong reasons – such as the unwillingness or resistance of employers to pay the required membership fees. This change of job title - without the accompanying professional identification - strikes at the heart of the credibility of the social work profession, diminishes its status and has the potential to set off inadvertent implications, such as reduced weight being accorded a child protection worker’s “expert” testimony before a court or tribunal. In its submission to the Ontario Provincial Government as part of the 5-year review of that province’s social work legislation, the Ontario Association of Social Workers (OASW) expressed concern regarding the same phenomenon in the following terms:

“ Additionally, the change in job titles has reduced the credibility of social work testimony within the courts since individuals with academic qualifications in social work, who are not registered ...cannot call themselves social workers or hold themselves out as social workers... the weight of their testimony as an expert witness [being] seriously diminished. Most importantly, social work is the leading discipline for practice and scholarship in the child welfare field, and the scope of practice of social work encompasses the breadth of expertise required to ensure child protection. This includes assessment, diagnosis, treatment and evaluation of individual, interpersonal and societal problems to achieve optimal

⁸ *The Social Workers Act*, S.S. 1993, as amended, c.S-52.1, s. 24.

psychosocial and social functioning for the child and his or her family.

... Given the vital role that government plays in protecting at-risk children through child welfare ... and the criminal justice system, tolerance of the practice of changing job titles sends a troubling message that the harms from abuse, neglect and family disruption are less significant than harms arising from a health condition or impairment, or that children and families who are disenfranchised do not need the same level of protection afforded other members of the public. It is inconceivable that other regulated professionals such as nurses, doctors, physiotherapists, lawyers or teachers would be permitted to provide services without membership in their professions' regulatory body. Indeed, the Child and Family Services Act exists to codify our responsibility to ensure the well-being of children who are more vulnerable than adult members of society".⁹

- It would provide some significant protection to child protection social workers against a successful criminal prosecution or a finding of professional negligence (which could have serious reputational implications, even in those circumstances where the "good faith" defence under *The Child and Family Services Act*¹⁰ proves ultimately to protect the Department, agency and/or social worker). This is because child protection social workers, who act according to accepted standards of practice, as endorsed by the Saskatchewan Association of Social Workers, in addition to acting in compliance with legislation, government policy and in good faith at all times, will be better protected against a determination of criminal culpability or civil negligence.¹¹

- It would enable child protection social workers to stay current with leading developments in their field by attending professional development conferences and seminars and receiving information in SASW Newsletters. They would also benefit from the exchange of ideas and information with social worker colleagues. In addition to obtaining new information directly related to their area of practice, they would learn about other areas of social work practice. These

⁹ Ontario Association of Social Workers (OASW), *Response to Discussion Paper on Review of Social Work and Social Service Work Act*, (March 2005).

¹⁰ *The Child and Family Services Act*, S.S. 1989-90, as amended, c. C-7.2, s. 79.

¹¹ See Bernstein, M., Regehr, C. and Kanani, K., *Liability for Child Welfare Workers: Weighing the Risks*, in *Canadian Child Welfare Law: Children, Families and the State* (ed. Bala, N. et al.), Thomson Educational Publishing, Inc.: Toronto), 2004. A shorter version of the article appears in *OACAS Journal*, April 2002, Vol. 46, No. 1 (www.oacas.org).

professional development opportunities could also fortify their status as expert witnesses when giving testimony or deposing affidavits.

- It would enable child protection social workers to obtain ethical advice and direction from an Association that promotes all the ethical and professional standards of social work. In particular, there may be occasions where a child protection social worker is questioning an action that he or she is being asked to carry out, having regard to the safety, protection or best interests of an individual child, or it may be that a worker is questioning whether a supervisor is giving excessive weight to the parent's needs and interests over and above the best interests of the individual child. In such circumstances, it is extremely helpful to be able to turn to a regulatory Association for impartial ethical direction. In this regard, the SASW has adopted the 2005 Code of Ethics of the Canadian Association of Social Workers, which provides as follows:

"...Ethical decision-making in a given situation will involve the informed judgement of the individual social worker. Instances may arise when social workers' ethical obligations conflict with agency policies, or relevant laws or regulations. When such conflicts occur, social workers shall make a responsible effort to resolve the conflicts in a manner that is consistent with the values and principles expressed in this Code of Ethics. If a reasonable resolution of the conflict does not appear possible, social workers shall seek appropriate consultation before making a decision. This may involve consultation with an ethics committee, a regulatory body, a knowledgeable colleague, supervisor or legal counsel."¹²

- It would enable child protection social workers to obtain the support of the social work profession outside of their work units and to take pride in their social work identity. This could lead to networking activities with social workers who are specializing or generalizing in other areas of social work, so that their peer groups would not be limited to their immediate colleagues within the Department of Community Resources and within the child welfare sector. Over time, it is likely that commonalities of values and practices would be identified and newfound respect for child protection work and diversity of social work practice would be generated.
- It would enable child protection social workers to have a direct voice in shaping future directions for the profession of social work and the activities, continuing educational opportunities and advocacy of the

¹² Canadian Association of Social Workers (CASW) *Code of Ethics 2005*, at p. 3.

SASW. Members of the SASW can likewise volunteer to serve on different committees and participate at different educational events.

OVERCOMING RESISTANCE

If at least some of these benefits could be derived from maintaining one's social work identification within the field of child protection work, what then what are the barriers to membership and to assuming this sense of professional pride? A non-exhaustive list of barriers would include the following:

- Many child protection workers do not have a clear understanding of the role of the SASW and what it has to offer and thus may be questioning what they would be obtaining for their membership fees. The website of the SASW is full of rich information as to the "value added" by membership and can be found at www.sasw.ca.
- Some child protection workers with social work degrees may be concerned about the cost of membership. While this may have been a real concern historically, most Government Departments, including the Department of Community Resources, are prepared, when requested, to reimburse registering social workers for virtually the full amount of the membership fees.
- Some child protection workers may feel that they are more concerned about individual benefits, rather than any "public interest" considerations. This, however, is short-sighted, as it is important to take a larger view of the serious and legitimate public interest in ensuring that child protection services are delivered by competent and well-trained child protection social workers.
- Some child protection workers with social work degrees may feel that their union is charged with the responsibility of representing their interests and that they do not need to become members of the SASW. In this regard, it is important to delineate between workplace equity issues, on the one hand, and the ethics, standards of practice and quality assurance concerns of the social work profession, on the other.
- Some child protection workers with social work degrees may have issues or concerns with a school of social work and may mistakenly see the SASW as being an extension of, or associated with, their school of social work.
- Some child protection workers may see the SASW as simply a complaints body and do not see why they should pay a fee to register to have complaints brought against them, particularly when complaints may also be made against them to the Department of Community

Resources, thus exposing them to “double jeopardy”. In this regard, good social work practice will generally provide child protection social workers with the best protection against disciplinary sanctions and protocols could be developed between the SASW and the Department of Community Resources to avoid concurrent complaints review procedures. As well, mechanisms can be developed to support the screening out of frivolous, vexatious and bad faith complaints. In a report I authored on behalf of the Ontario Association of Children’s Aid Societies (OACAS) in response to that province’s 5 year review of its social work legislation, we made a number of recommendations in the area of complaints resolution.¹³

- Some child protection workers may feel that there is too much social worker elitism and they do not want to be disparaged by their colleagues, who are engaged in other social work practice areas. However, it is important to remember that misconceptions can be addressed and negative attitudes can be changed through constructive dialogue and direct professional interaction.
- Some child protection workers may feel that the advocacy and/or educational directions do not support their needs. It is axiomatic that we cannot change what we cannot influence and it is only through direct participation in the work of the SASW that child protection learning opportunities and advocacy will take on a stronger presence.

CONCLUSION

The Preamble to the Canadian Association of Social Workers 2005 Code of Ethics describes the enormous and exciting capacity of social workers to make a positive difference in the lives of their clients and the communities in which they serve:

“The social work profession is dedicated to the welfare and self-realization of all people; the development of and disciplined use of scientific and professional knowledge; the development of resources and skills to meet individual, group, national and international changing needs and aspirations; and the achievement of social justice for all. The profession has a particular interest in the needs and empowerment of people who are vulnerable, oppressed, and/or living in poverty. Social workers are committed to human rights as enshrined in Canadian law, as well as in

¹³ Ontario Association of Children’s Aid Societies (OACAS), *Response to Discussion Paper on Review of Social Work and Social Service Work Act*, (March 2005).

*international conventions on human rights created or supported by the United Nations”.*¹⁴

It is important that child protection social workers develop the capacity to see the “big picture”, and see past the ideological cycles and institutional limitations of child welfare work, while remaining empowered to think independently and creatively and maintaining the fundamental values of the social work profession. Membership in the SASW can go a long way in achieving these goals.

In his recent report on the British Columbia Children and Youth Review, the Honourable Ted Hughes commented on the cycle of ideological shifts in the child welfare system in the following terms:

*“I hope that some of the recommendations in this report can help to achieve a balance so that the pendulum can return to equilibrium... Government has long played a role in protecting children who are at risk for any reason, but has always struggled to find the right balance between respecting families’ autonomy and privacy on the one hand, and intervening to protect vulnerable children on the other.”*¹⁵

Judy Finlay, the Chief Advocate of the Office of Child and Family Service Advocacy in Ontario, has also provided a caveat concerning the institutional limitations of child welfare work:

*“...In some ways, social workers are at risk of becoming agents of the state in their work in child welfare... It is important to be cognizant of this development, so as not to suppress the profession’s ability to exert influence in a proactive way on behalf of clients and the community-at-large. We should never lose sight of who the client is, as we provide service in the context of large bureaucracies.”*¹⁶

It is within this larger context of social work and social justice that child protection workers can draw from the strengths of established supervisory and institutional

¹⁴ Canadian Association of Social Workers (CASW) *Code of Ethics 2005*, at p. 3.

¹⁵ Hughes, Ted (Hon.), *B.C. Children and Youth Review: An Independent Review of B.C.’s Child Protection System*, April 7, 2006, at pages 4,5.

¹⁶ Finlay, Judy, *Profiles of Social Work Leaders* (February 2004), www.oasw.org. See also: Bernstein, M., Regehr, C. and Kanani, K., *Liability for Child Welfare Workers: Weighing the Risks*, in *Canadian Child Welfare Law: Children, Families and the State* (ed. Bala, N. et al.), Thomson Educational Publishing, Inc.: Toronto, 2004, where the Coroner’s Jury in the Jordan Heikamp Inquest recommended, among other things, that “It should be made clear to all Child Protection Workers and their Child Protection Supervisors that their client is the child in need of protection, not the parent or the family” and that “All Children’s Aid Societies should adopt a critical role as well as a supportive role for their social workers.” A shorter version of the article appears in *OACAS Journal*, April 2002, Vol. 46, No. 1 (www.oacas.org) and in *Canadian Social Work*, Winter 2001, Volume 3, No. 2.

structures, but yet be empowered, through further consultation, networking and association membership, to challenge constructively those decisions that create ethical dilemmas by leaving vulnerable clients at risk, whether within or outside of government care.¹⁷

ACKNOWLEDGEMENTS

I would like to express my appreciation to the following persons for their valuable input: Richard Hazel, Executive Director, Saskatchewan Association of Social Workers, Joan Mackenzie-Davies, Executive Director, Ontario Association of Social Workers; Roxane Schury, Advocate, Children's Advocate Office; and Rhonda Johannson, Advocate, Children's Advocate Office.

¹⁷ The Children's Advocate Office is also available to front-line child protection workers, who may wish to make a referral, so that we can, in appropriate cases, advocate on behalf of those vulnerable children and young persons whose safety and protection ought not to be jeopardized.

How to determine when an employee/agent of a child protection agency (CAS) in Ontario would be engaging in the practice of social work as defined under legislation in Ontario

**Published by the Citizen's Committee for Public Accountability
January 24, 2011**

Evaluation form to determine when an employee/agent with a Children’s Aid Agency in Ontario would be deemed as being a social worker under legislation

Date

Name and title of CAS employee/agent

Employer’s name, address and contact information

Information and/or materials upon which this evaluation has been based

Instructions

To determine if a CAS worker/agent would be considered as engaged in the practice of social work in Ontario under the Social Work and Social Services Work Act (1998) or is a social worker by implication, review all the areas of practice outlined in this document and check off all that are applicable. If any of the questions are marked “Yes”, then the CAS employee/agent would be considered as engaged in the practice of social work or is implying that he/she is a social work and therefore would be required under the Act to be registered with the Ontario College of Social Workers and Social Service Workers. The comments section can be used if needed to better explain how each question marked “yes” applies to the subject CAS employee/agent.

Actions and/or activities of the subject CAS worker/agent which involve the practice of social work or imply that the person is a social worker

Has the subject CAS worker/agent identified themselves as a social worker or has the subject CAS worker/agent presented themselves or implied in any manner which has caused another person to believe that the subject CAS worker/agent is a social worker or registered social worker?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has engaged in any action that would cause them to appear to take on the role of a social worker which under Ontario Regulation 320/10 means “the role of a person who assesses, diagnoses, treats and evaluates individual, interpersonal and societal problems through the use of social work knowledge, skills, interventions and strategies, to assist individuals, dyads, families, groups, organizations and communities to achieve optimum psychosocial and social functioning.”

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has engaged in any decision-making or evaluation process using applied social work theory and principles which has affected, or potentially could affect, any individual who would be considered a client of the CAS agency?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has engaged in any decision-making or evaluation process with the intent to improve the social relationships of any individual who would be considered as a client of the CAS agency?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has worked with individuals, families, groups or organizations with the purpose to identify problems involving the social relationships and/or social functioning of persons within these groups?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has worked with individuals, families, groups or organizations with the purpose to formulate solutions to the social relationships of persons within these groups?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has participated in any process intended to observe or to analyse and draw conclusions or to make recommendations about the personal interactions between one or more other persons?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has participated in any decision-making or evaluation process which would involve the observation or analyses of the living conditions at the private residence of any person or family?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has participated in any decision-making or evaluation process which has, or potentially could totally sever the relationship between one member of a family and another?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has participated in any decision-making or evaluation process which has, or could potentially interfere with the reasonable wishes and preferences of any child?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has participated in any decision-making or evaluation process which has, or potentially could interfere with the reasonable wishes and preferences of a parent or other family members?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has participated in any decision-making or evaluation process which has, or potentially could affect the Charter Rights and Freedoms of any another person(s)?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has participated in any decision-making or evaluation process which has, or has the potential to affect the dynamics of the children, the child's parents or any member of the child's extended family?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has participated in any decision-making or evaluation process which has affected or has the potential to affect the dynamics of any child's relationship with others in their community outside of the child's family.

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has participated in any decision-making or evaluation process which has resulted in a psychological assessment being either recommended or required for a client of the CAS agency?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has participated in any decision-making or evaluation process or worked in an advisory capacity which has affected, or potentially could affect the policies or procedures of other organizations or institutions in a manner which could impact on the freedoms, rights or social interactions of others in society (eg. School board policies/hospital board policies)?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has participated in any decision-making or evaluation process which has caused or has the potential to cause another person to be required to engage in counselling (such as anger management, etc)?

Yes No

Add any additional comments you think necessary

Could it be reasonably concluded that the subject CAS employee/agent has entered a school to interview a child for the specific purpose of gathering information as part of an investigation into suspected child abuse?

Yes No

Add any additional comments you think necessary