



Canada Court Watch Report

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A child is dead: Why did the children's aid society of Niagara (FACS) ignore the early warning signs?

Child's mother and same sex partner managed to keep abuse of children and a young child's death a secret in spite of reports of abuse to the CAS

By Mike March, Justice Reporter

Over the years Children's Aid Society workers and their agencies have made many serious and avoidable mistakes that have resulted in the needless deaths of children.

It would appear that another such needless and tragic death of a young child can be closely linked to the failure of CAS and its workers, most of whom are not registered as social workers in Ontario.

This latest tragic death of a child involves the Family and Child Services of Niagara (FACS).

A Fort Erie, Ontario woman, **Rainbow Hill**, 28 years of age was charged with second-degree murder in the death of a two-year-old Marissa Whalen who is the daughter to Ms. Hill's same sex partner, Roseanne Whalen, who has also been charged.

On October 14, Ms. Hill appeared briefly in bail court in St. Catharines and requested through a lawyer that the court impose a ban on the publication of her name. Fortunately, the judge refused to grant the publication ban and with good reason.



Rainbow Hill, (shown above) is facing charges for the death of her same sex partner's daughter, Marissa Whalen, 2 years of age.

On Sunday October 16, 2011, at approximately 2:00 pm the remains of a young child were discovered

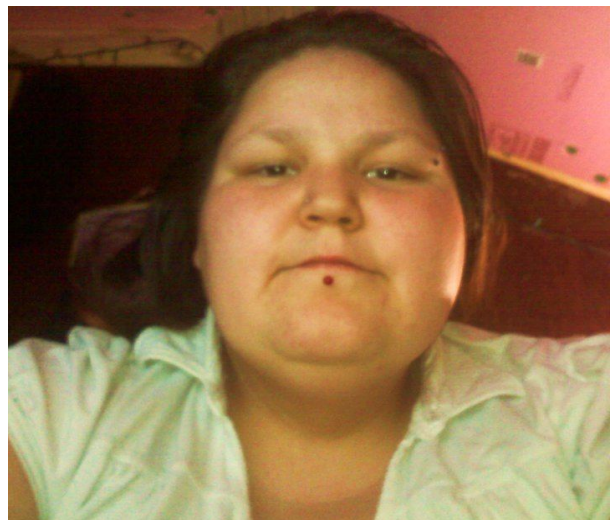
at a site within the Six Nations Territory. The remains are believed to be that of 2-year-old Marissa Whalen who has been missing since late July 2011 but police have yet to confirm her identity through forensic identification.

The discovery of the young child's body was made after a search of the area near 3rd Line, between Chiefswood Road and Seneca Road in Ohsweken, Ontario.

Rainbow Hill's older sister also arrested

On the same day that the child's remains were discovered, police arrested 30-year-old **Amanda Dipota** of Niagara Falls with Accessory After the Fact to Murder and Indignity to Human Remains.

Amanda is the older sister of Rainbow Hill.



Amanda Dipota has also been charged

It is rumored amongst friends of the family that Ms. Dipota may have been involved in some way with her younger sister to transport and dispose of Marissa's body.

Ms. Dipota is scheduled to attend a bail hearing in St. Catharines court on Monday October 17th, 2011.

FACS Niagara turned away reports from close friends of the mother

What appears to be very troubling with this child's death is that testimony would appear to support that workers with FACS Niagara had plenty of advanced warning signs that the child was at risk and that Ms. Hill was violent and abusive.

Court Watch spoke to Carolyn Day, a former friend and partner to both the accused and she stated that she called FACS on more than one occasion to report incidences of abuse involving the children by Ms. Hill. Others had called FACS as well.

Some of the information that callers gave to FACS Niagara workers included the following:

- **Both the child's mother and her same sex partner, Rainbow Hill, were abusing drugs sometimes with the children present.**
- **That Ms. Hill's children had called Ms. Day on more than one occasion to report violent altercations between Ms. Hill and the Marissa's mother, Roseanne Whalen.**
- **That there was a Peace Bond against Ms. Hill as a result of physical violence by Ms. Hill against Ms. Day after their relationship had ended.**
- **That Ms. Hill would smear her younger child's face with dirty underpants when she got angry.**

On one occasion back in early 2010, Ms. Day received a call from Ms. Hill's older daughter who was eight years of age at the time.

Ms. Hill's 8-year-old daughter called Ms. Day on a number of times saying that she was frightened during her mother's spells of violence.

Ms. Day said she could hear yelling and screaming from Marissa's mother and Ms. Hill and could also hear objects being broken in the background.

According to Ms. Day, when she told FACS worker, Carmela Petty, about one of the children calling her about what was happening in the home, she was told that the CAS were not going to follow up because the FACS workers believed that Ms. Day was making stories up because Ms. Hill had broken up with her earlier.

FACS workers never called her back to let her know if they had ever followed up on her report but not letting informants know that their concerns were followed up is common to most CAS agencies.

Ms. Day said that her sister as well had called FACS on at least two occasions to report that she had

witnessed Marissa's mother and her partner, Ms. Hill high on drugs when the children were with them.

Ms. Day also said that there was a peace bond against Ms. Hill for an assault. As a condition of the Peace Bond, Ms. Hill was not to go near or have any contact with Ms. Day.



Picture of the home where Marissa lived with her mother, Roseanne Whalen, before her death.

Many questions remain unanswered including:

- Were the FACS workers who failed to properly investigate the complaints properly qualified and registered as social workers with the Ontario College of Social Workers as required by law?
- Did the FACS workers ever conduct private videotaped interview with the children after the complaints were made and what did the children reveal during the interviews?
- Why was the CAS not intervening when police had been involved with Ms. Hill for prior domestic violence incidents with her former same sex partner and in addition where a peace bond existing in which Ms. Hill was not to have contact with Ms. Day's children and with Ms. Day?



Volunteers, including those from Canada Court Watch, helped in the search for Marissa's body

Tragically, the death of Marissa under such circumstances is proof that the FACS Niagara workers failed to exercise due diligence and instead of helping, chose to ignore the warning signs of child abuse.

Hopefully FACS Niagara will take effective steps to see that another child does not die like this.