

Provincial Advocate
for Children & Youth
L'intervenant provincial
en faveur des enfants & des jeunes

Office of the Provincial Advocate for Children and Youth

Suggested recommendations for Jury consideration
Inquest into the death of
Katelynn Sampson

February 26, 2016

Table of Contents

Recommendations

TO: Ontario Government	3
TO: The Ministry of Child and Youth Services	4
TO: The Children’s Aid Society of Toronto	11
TO: Native Child and Family Services of Toronto	13
TO: Toronto District School Board	16
TO: Ministry of Education	21
TO: Ministry of the Attorney General	23

RECOMMENDATIONS

TO: Ontario Government

1. The Government of Ontario implement the United Nations Convention on the Rights of the Child (UNCRC), to afford children and youth their rights under the UNCRC, and in particular, to recognize that children are individuals with rights, whose voices must be heard on matters affecting them, and their views must be given due weight in accordance with the age and maturity of the child.

2. That the Government of Ontario ensure that Katelynn’s Principle applies to all services, policies and legislative decisions that affect children and youth. Katelynn’s Principle provides:

The child is at the centre of the child welfare system. Children are individuals with rights, whose voices must be heard, and who must be seen and listened to. Children in the child welfare system are to be afforded the rights set out in the United Nations Convention on the Rights of the Child (UNCRC). In particular, actions should be taken to assure to the child who is capable of forming his or her own views the right to express those views freely on matters affecting them, and their views must be given due weight in accordance with the age and maturity of the child.

3. That the Government of Ontario implement a Child Rights Impact Assessment process for future reviews of legislation, regulations, directives, policies and procedures, to screen for the impact on children's rights.

4. The Province convene an inclusive, restorative public inquiry process that would develop a true seamless system of family support and child protection in Ontario. The inquiry would allow for a Province-wide discussion about how we could better protect children and support families including the role and practice of Ontario’s Children’s Aid Societies within a new system.

TO: The Ministry of Child and Youth Services

5. That the Ministry of Child and Youth Services review the legislation, regulations, directives and policies applicable to the child welfare system to ensure they are guided by Katelynn’s principle:

The child is at the centre of the child welfare system. Children are individuals with rights, whose voices must be heard, and who must be seen and listened to. Children in the child welfare system are to be afforded the rights set out in the United Nations Convention on the Rights of the Child (UNCRC). In particular, actions should be taken to assure to the child who is capable of forming his or her own views the right to express those views freely on matters affecting them, and their views must be given due weight in accordance with the age and maturity of the child.

6. The Ministry of Child and Youth Services amend the *Child and Family Services Act* to incorporate the UNCRC, including in the purpose/interpretation sections, and in all areas where Article 12 would apply, to ensure that a child, including a child whose family or caregiver is the subject of an investigation or receiving child welfare services including on a voluntary basis, is given the right to be informed at the beginning of the process affecting their interests that they have the right to express their views and preferences, to have their views considered in a substantive way, and to be informed of the result reached and the ways in which their views have been taken into account.

7. That the Ministry of Child and Youth Services implement a Child Rights Impact Assessment process for future reviews of legislation, regulations, directives and policy, to screen for the impact on children’s rights.

8. The Ministry of Children and Youth Services develop a “Know Your Rights” pamphlet in consultation with the Provincial Advocate for Children and Youth and the Office of the Children’s Lawyer in a variety of formats appropriate for different developmental ages and stages, for all children receiving services from a Children’s Aid Society, which includes reference to their rights under the UNCRC, and require that the pamphlets be provided to all children in a family receiving child welfare service.

9. The Ministry of Child and Youth Services review its accountability framework to ensure that it is exercising the required oversight of Children’s Aid Societies so that:

- (a) The Ministry can ensure that Societies adhere to the Child Protection Standards, Tools and Eligibility Spectrum in the delivery of child protection services, including voluntary family services, including file reviews and audits of case files to be conducted without advance notice to the Societies,
- (b) Workers understand that the Standards represent legislated minimums and not simply an aspirational “gold standard” that may not be achievable, and
- (c) Differences between Societies do not lead to inconsistencies in child protection services throughout the Province, since all Societies are required to provide the same services under the same mandate.

10. The Ministry of Child and Youth Services implement measures to audit compliance with the Standards by workers and supervisors in child protection files, including family service files.

11. The Ministry of Child and Youth Services review the legislation, regulations, directives and policies applicable to the child welfare system to implement a child-centred approach to child welfare service delivery. For services to be effective they should be based on a clear understanding of the needs and views of children. This includes the following:

- (a) Anyone working with children should see and speak to the child; listen to what they say; take their views seriously; and work with them collaboratively when deciding how to support their needs.
- (b) Children should be seen alone. The worker has a duty to ascertain the child’s wishes and feelings regarding the provision of services to be delivered. The worker should explain decisions to the child directly.
- (c) Child welfare workers and supervisors should be mindful of the requirement to understand the level of need and risk in a family from the child’s perspective and ensure action or commission services which will have maximum impact on the child’s life.
- (d) Services be designed with a recognition that children and youth express a need for the following:

- Vigilance: to have adults notice when things are troubling them,
- Understanding and action: to understand what is happening; to be heard and understood,
- Stability: to be able to develop an on-going stable relationship of trust with those helping them,
- Respect: to be treated with the expectation that they are competent rather than not,
- Information and engagement: to be informed about and involved in procedures, decisions, concerns and plans,

- Explanation: to be informed of the outcome of assessments and decisions and reasons when their views have not met with a positive response,
- Support: to be provided with support in their own right as well as a member of their family, and
- Advocacy: to be provided with advocacy to assist them in putting forward their views.

12. The Ministry of Child and Youth Services shall revise Risk Assessment Tools 1 through 4 and related Standards to take into account the following principles:

- (a) Every risk assessment and service plan should be child centred as set out “Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children”, March 2015, HM Government. Where there is a conflict between the needs of the child and their parents/caregivers, decisions should be made in the child’s best interests.
- (b) Every risk assessment and service plan must be informed by the views of the child as well as the family. Children and their parents should each be considered as individuals, and children in the child welfare system should be afforded the rights set out in the United Nations Convention on the Rights of the Child (UNCRC), and in particular, actions should be taken to assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child. The views of the child must be given due weight in accordance with the age and maturity of the child.
- (c) Services may also focus on improving family functioning and building the family’s own capability to solve problems but this should be done

within a structured framework involving regular review, where information is verified, to ensure that real progress is being made.

- (d) Risk assessment (including related service plans) should be a dynamic process, which analyses and responds to the changing nature and level of need and/or risk faced by the child. A high quality risk assessment is one in which evidence is built and revised throughout the process. A child welfare worker may arrive at a judgement early in the case but this may need to be revised as the case progresses and further information comes to light. It is important that child welfare workers, through supervision, revisit their assumptions in the light of new evidence and take action to revise their decisions in the best interests of the individual child.
- (e) The Tools must be amended to ensure that any caregiver with access to the child be equally assessed in respect of risk, rather than the primary/secondary caregiver model.
- (f) Information obtained in the course of any child protection investigation and subsequent family service must be gathered and recorded systematically, including sources of information and dates, with changes to risk similarly systematically recorded and integrated.
- (g) Risk assessments must be holistic in approach, addressing the child's needs within their family and wider community, build on strengths as well as identifying difficulties, and be transparent and open to challenge. The aim is to use all the information to identify difficulties and risk factors as well as developing a picture of strengths and protective factors.
- (h) Information should be checked and discussed with the child and their parents/caregivers where appropriate. Differences in views about information should be clearly recorded. The impact of what is happening to the child must be clearly identified.

13. The Ministry of Child and Youth Services revise the risk assessment tools to ensure that a risk assessment must be child-centred and robust, encompassing the following factors as proposed in “Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children”, March 2015, HM Government:

- (a) Child's Developmental Needs: Health, education, emotional and behavioural development, identity, family and social relationships, social presentation and self-care skills;

- (b) Parenting Capacity: Basic care, ensuring safety, emotional warmth, stimulation, guidance & boundaries, and stability; and
- (c) Family and Environmental Factors: Family history & functioning, wider family, housing, employment, income, family's social integration and community resources.

14. The Ministry of Child and Youth Services shall amend CPIN to ensure that the system records that children's views have been solicited (individually and privately) at all critical junctures – investigation, safety/risk assessment, development of service plan/plan of care, regularly-scheduled home/community visits, at times of files transition, and at closing.

15. The Ministry of Child and Youth Services shall establish an authorization or certification process for child protection workers, and a separate process for supervisors, including a competency based curriculum with testing and formal individual evaluation which incorporates training on:

- (a) Child-centred practice,
- (b) The UNCRC and the rights of children and youth,
- (c) The ongoing process of risk assessment,
- (d) The importance of obtaining and using family history and information from collaterals in investigations, service planning and delivery,
- (e) Critical analysis of information,
- (f) Standards, Tools and the Eligibility Spectrum, with an emphasis on the importance of compliance;
- (g) Clinical judgment and decision making;
- (h) Risk factors as identified in PDRC reviews, including caregiver capacity concerns, substance abuse, neglect/inadequate supervision, domestic violence, repeat CAS referrals and repeat CAS openings, caregiver level of cooperation, mental health, high risk subject children, childhood history with a CAS and criminal records, with an emphasis on identifying safety plans and service delivery in families exhibiting these traits;
- (i) Working with traumatized and marginalized people and communities.

16. The Ministry must establish the components of standard initial and on-going training required for child protection workers and supervisors. Compulsory training must be established for different worker roles. The Ministry should determine a cycle of training for workers to ensure they receive updated compulsory training, which shall include testing and formal individual evaluation. The Ministry shall ensure effective oversight of the content and delivery of required training by the OACAS

17. Consultations on certification or authorization requirements and ongoing training requirements must go beyond the OACAS, to include consultations with bargaining agents, the Provincial Advocate for Children and Youth, children and youth with lived experience in the child welfare system, and the Office of the Children’s Lawyer.

18. The Ministry of Child and Youth Services shall amend the Standards to establish a requirement to record documents which have been reviewed by workers and supervisors at key points (referral, investigation, transfer to family service, supervision consultation, before file closed), and ensure that CPIN functionality tracks this requirement.

19. The Ministry of Child and Youth Services broaden consultations about access, disclosure and privacy of personal information in child protection files to include the Provincial Advocate for Children and Youth and the Office of the Children’s Lawyer, and provide guidance in legislation to ensure full and complete sharing of information in child welfare files between and among Societies, as well as appropriate disclosure to third parties.

20. The Ministry of Child and Youth Services update the 1987 guidelines respecting the Child Abuse Registry, and expand the circumstances in which the Registry can be checked to include non-parental custody applications, and ensure that Societies are checking the Child Abuse Registry as required by Standard 1.

21. The Ministry of Child and Youth Services modify the FTIS Policy on Security and Sharing of Information which governs Fast Track (see Ex 30A, 2015) to allow Fast Track to be checked in non-parental custody applications, and direct CASs to report child protection records in other CASs identified in FASTRACK when responding to CAS record check under the CRLA.

22. The Ministry of Child and Youth Services consider the implications for blended

families of a child-focussed child welfare system, and develop a standard to ensure that the child's identity and the child's views and preferences are important factors in determining which Society shall deliver services.

23. The Ministry ensure that Children's Aid Societies respond to all recommendations directed to them from child death reviews and inquests on a timely basis and obtain and review relevant progress reports progress reports.

24. The Ministry of Child and Youth Services shall require that all Societies review with their staff recommendations from inquests and key findings and recommendations from PDRC -Child Welfare committees relating to the deaths of children connected to the child welfare system. In particular, the Ministry shall circulate the recommendations from this Inquest into the death of Katelynn Sampson to all Children's Aid Societies, to share the lessons learned from this tragedy.

25. The Ministry should:

- (a) Enhance the requirements of the current child death management strategy;
- (b) Improve the internal child death reporting database;
- (c) Establish a consistent system to track Paediatric Death Review Committee recommendations and inquest recommendations that have been implemented or are in progress; and
- (d) Establish processes for generating regular reports and information relating to child deaths for Ministry use in order to support evidence-based decision-making.

26. The Ministry, in consultation with other relevant Ministries, the OACAS, bargaining agents in the child welfare sector and the Provincial Advocate for Children and Youth shall extend whistleblower protection to CAS employees, school board employees and other broader public sector employees to provide protection from reprisals when a disclosure or complaint is made to the Provincial Advocate for Children and Youth about a Children's Aid Society service or the actions of a child and family service provider as defined in the *Child and Family Services Act*.

TO: The Children's Aid Society of Toronto

27. The Children's Aid Society of Toronto in its mission statement and policies regarding the delivery of child welfare services be guided by Katelynn's principle:

The child is at the centre of the child welfare system. Children are individuals with rights, whose voices must be heard, and who must be seen and listened to. Children in the child welfare system are to be afforded the rights set out in the United Nations Convention on the Rights of the Child (UNCRC). In particular, actions should be taken to assure to the child who is capable of forming his or her own views the right to express those views freely matters affecting them, and their views must be given due weight in accordance with the age and maturity of the child.

28. The Children's Aid Society of Toronto report all instances of verified abuse to the Child Abuse Registry in a timely manner, in accordance with the MCYS guidelines.

29. When responding to a verbal request for information from another Society, that the Children's Aid Society of Toronto ensure that as much information as possible that is relevant to risk assessment be shared with the requesting Society promptly, in order to achieve the common goal of child protection. This includes the prompt sharing of information from masked or sealed files. Where a written request is made in a form such as an e-mail, staff should contact the requesting Society, where necessary providing a more detailed form, so that the written request can be promptly and fully responded to.

30. The Children's Aid Society of Toronto provide training to intake screeners about information to be conveyed to another Society when information from a restricted file is requested.

31. The Children's Aid Society of Toronto train its workers to make better use of secondary coding on the Eligibility Spectrum when they become aware of issues, and train intake screeners to secondarily code when record searches, collateral inquiries or family history reveal new information which raises additional issues of risk in a referral.

32. The Children's Aid Society of Toronto adopt a policy that when the caregiver of a child twelve or under requests that a child be removed from the home, that the intake

screeners or Emergency After Hours Worker elicit as much information as possible on the behaviors of the child that led to the request, that record checks of the caregivers and child be completed promptly, and that the child be seen within 12 hours.

33. When dealing with referrals involving blended families, the Children’s Aid Society of Toronto ensure that the child's identity and the child's views and preferences are important factors guiding the choice of which Society is to deliver services.

34. The Children’s Aid Society of Toronto should train workers to “trust but verify”, to ensure that important information about potential risk to a child is verified by speaking with the child and collaterals.

35. The Children’s Aid Society of Toronto ensure that workers and supervisors receive appropriate training to understand that when they become aware of a risk to child posed by a formal or de facto change of custody, including a non-parental custody transfer, the matter should be referred to a child protection investigation, or if there is recent child protection opening with another Society, refer to that Society for investigation.

36. When referring a case to another Society involving a report from a school involving abuse or neglect, the Children’s Aid Society of Toronto should train its workers and supervisors to ensure that arrangements are in place with both the receiving Society and the school to ensure that the child is seen before the end of the school day, and that the school official is aware that the child is not to leave before either the CAS or police see the child. Workers should be trained to call back and provide the referral source with the name and phone number of the Society that will respond, and ensure the referral source understands that the child must be seen before leaving, and to call the police if required.

37. Supervisors as well as screeners complete case notes of supervision meetings.

38. The Children’s Aid Society of Toronto should ensure that information from internal and external reviews, including PDRC reviews and inquests, following the death of a child are shared with its staff, so that action may be taken promptly to address issues emerging from such reviews.

39. The Children’s Aid Society of Toronto shall review the recommendations from this Inquest into the death of Katelynn Sampson with its staff, to share the lessons learned from this tragedy.

TO: Native Child and Family Services of Toronto

40. Native Child and Family Services of Toronto in its mission statement and policies regarding the delivery of child welfare services be guided by Katelynn’s principle, adapted for the indigenous child welfare context.

41. Native Child and Family Services of Toronto train its workers and supervisors on critical thinking skills; the importance of doing a thorough risk assessment which involves the principles set out in Recommendation 12, as well as the following: obtaining all relevant records and verification of information from collaterals at the outset of a file, continuing to gather evidence and revise risk assessments throughout the course of a file, incorporating that information into ongoing service planning, with a focus on the importance of using family history in service planning and keeping the children at the centre of service delivery. Native Child and Family Services Toronto must ensure that:

- (a) Risk assessments must support determination of clinical judgement. Workers observations alone do not serve as basis for clinical judgment. Tools and assessments must be utilized to support case/ risk analysis.
- (b) Findings must be well documented and summarized, and attached for review. These should be incorporated into the service delivery plan.
- (c) Risk assessments must be comprehensive and contain full and complete list of sources used to verify information or used to inform assessment.
- (d) Incomplete or incorrect information must be clearly flagged and action taken to pursue obtaining most up to date information must be documented.

42. Native Child and Family Services of Toronto train its workers and supervisors in the development of family service planning and service delivery to ensure that;

- (a) Service plan development, action and contact is purposeful and relevant to addressing critical issues and risk factors. The plan, process or next

steps should be explicit in case documentation.

- (b) Information from key collaterals regarding the progress of a service plan should be sought, verified and recorded.
- (c) Case conferencing should be utilized where appropriate to ensure all current workers are apprised of recent risk assessment outcomes and service delivery plans.
- (d) Supervisors should review and evaluate the plans for effectiveness and compliance with standards in consultation with workers.

43. Native Child and Family Services of Toronto train its workers and supervisors on issues relating to accuracy and completeness of documentation, including:

- (a) Closing dispositions must relate to or address changes to opening disposition.
- (b) Documents must clearly indicate the name of author and/or source of information. Documents must be dated in a consistent manner.
- (c) Note-taking must be clear and comprehensive, including notes relating to parent/caregiver and child interviews.
- (d) Information in documents and reports which is cut and pasted from other reports must have the originating source clearly referenced with the date and name of the prior worker or report sourced.
- (e) All decisions should be documented along with its rationale. Any deviation from a process or standard or identified goal must have a clear explanation why it may be necessary to do so, and supervisor approval.
- (f) All documents reviewed by a worker or supervisor must be listed by name of report; author and agency; date.
- (g) All files must be checked to ensure that searches of all three key available searches: Fast track; the Society's internal database and the Child Abuse Registry (as applicable) must be completed upon referral in all cases. All individuals identified, including children, must be searched and maintained in the file.

44. Native Child and Family Services of Toronto ensure that workers and supervisors receive training to understand that when they become aware of a risk to child posed by a formal or de facto change of custody, including a non-parental custody transfer, the matter should be referred to a child protection investigation, or if there is recent child protection opening with another Society, refer to that Society for investigation.

45. Native Child and Family Services of Toronto train its workers and supervisors on the issues of goals and the abandonment of goals where goals are linked to the reason for opening a child protection file or related to mitigation of risk to a child. The file must clearly record the rationale for abandoning such a goal, in consultation and with the approval of the supervisor. Since the goal is related to risk to a child, an alternative goal/monitoring plan must be developed and recorded in the file. If the abandonment relates to a change of circumstance, the source of verification must be identified and documented in the case file. Self-reports alone are not sufficient evidence to abandon goals relevant to mitigating risk to a child. If previously identified goals relevant to risk to a child remain incomplete at the time of closing, workers must document the reason for closing with abandoned goals, and obtain a supervisor's approval at the time of closing. In approving the abandonment of goals and closing of files with abandoned goals, the supervisor must apply clinical judgment, and document the exercise of clinical judgment.

46. Native Child and Family Services of Toronto must train its workers to ensure that upon internal case transfer between workers:

- (a) The current case manager and/or supervisor must convene and attend case conference when discharging or transferring a case.
- (b) The current case manager and/or supervisor must provide an overview of critical issues regarding current involvement, risk factors past and present; overall progress and outcomes of goals established as part of service plan or risk assessment.
- (c) The current case manager and/or supervisor must convey all information that will assist new workers in developing relevant plans and keen awareness of potential risks.
- (d) On receipt of a transferred file, workers must independently complete a thorough review of the files and pursue missing and incomplete information. They should make corrections and flag changes to ensure the next case manager will see where changes and updates have been made.

47. Native Child and Family Services of Toronto must train its workers with respect to the importance of seeking police records in order to inform risk assessments when they become aware of criminal activity that could impact the safety of a child or risk to a child; the records must be clearly documented in the file; workers must review the information of criminal activity in order to determine the relevance to risk to a child; the decision to use or not use such information in risk assessment should be documented.

48. Native Child and Family Services of Toronto should revise its internal case recording system regarding risk assessment and service planning, to ensure the ability of reader to comprehend and apply historic information.

49. Native Child and Family Services of Toronto report all instances of verified abuse to the Child Abuse Registry in a timely manner in accordance with the Guidelines.

Native Child and Family Services of Toronto shall review the recommendations from this Inquest into the death of Katelynn Sampson with its staff, to share the lessons learned from this tragedy.

TO: Toronto District School Board

50. The Toronto District School Board incorporate the UNCRC as a guiding principle with respect to its policies and procedures.

51. Within the constraints of the provincial curriculum, the Toronto District School Board incorporate the rights of the child under the UNCRC, with development of and reference to learning resources/lesson plans geared toward the various grades and developmental levels of children and suggest that UNCRC information be incorporated into the lesson plans of teachers.

52. The Toronto District School Board provide professional learning for teachers by providing information/lesson plans/resources and strategies that will better support teachers' understanding and enhance professional capacity about the rights grant to the child under the UNCRC at various grade levels.

53. The Toronto District School Board connect with UNICEF Canada re appropriate learning resources / methodologies relating to the UNCRC.

54. The Toronto District School Board provide information in the common and/or school pages of the student agenda to convey information about the rights granted to children such as those in under the UNCRC. The common and/or school pages of the agenda pages should also have the numbers for the Kids HelpLine and Student Safety Line, and information about the Provincial Advocate for Children and Youth. The Board should involve children and youth in the design of the common and school pages, and include where appropriate visual material and child friendly language.

55. In addition to the student agenda, the Board should disseminate information regarding the UNCRC throughout its schools in a variety of accessible and child-friendly formats, including posters and on-line materials available through the Board's website.

56. The Toronto District School Board should enhance the annual duty to report training of staff by developing a case scenario based on Katelynn's circumstance to identify and discuss the possible indicators of abuse and neglect (i.e. absenteeism, questionable sites for bruises, and behaviours observed in adults who abuse children).

57. The Toronto District School Board should enhance the annual duty to report training of staff by expanding the component of the training that is devoted to group discussion and analysis of case scenarios, and potentially including representatives from a children's aid society or BOOST in this segment.

58. The Toronto District School Board should enhance the annual duty to report training of staff by including specific training or case scenarios related to dealing with caregivers in the aftermath of a CAS report.

59. In consultation with PACY, the Toronto District School Board should enhance the annual duty to report training of staff by incorporating the perspective of youth with lived experience in the child welfare system into the training materials.

60. The Toronto District School Board should continue the annual training for administrators about their duty to follow up with the CAS if no apparent action is taken in response to a report to a Society, and the steps they may take in this regard, and should incorporate a case scenario based on Katelynn’s circumstances to illustrate the importance of follow-up.

61. a) The Board should require that all casual and temporary staff who will be acting the role principal or classroom teacher receive training about the duty to report, either prior to beginning their contract, or within 6 weeks of its commencement.

b) Annual abuse and neglect face to face training should be completed within the first two months of the school year. In the event of a work stoppage, written materials should be distributed to all staff with direct contact with students within the first two months of the school year, in-person training conducted within 12 weeks of the conclusion of the work stoppage.

62. The Board to require that all persons volunteering at the school during school hours shall be provided with written material about their duty to report suspected abuse and neglect.

63. The Toronto District School Board should work with the four Toronto Societies to develop: (a) a protocol to alert the Board to situations where a Board employee fails to meet the duty to report, and (b) consideration of better information-sharing practices between societies and schools to assist in identifying, reporting and monitoring concerns re abuse and neglect.

64. The TDSB should revise Operational Procedure PR560: Dealing with the Abuse and Neglect of Students (Ex 158B, p. 8308) as follows:

(a) Paragraph 4, in section B.2: What to Report (p. 7) should be amended to clarify the meaning of "should not conduct an investigation", clarify the meaning of “should not conduct an investigation” for example by speaking with a caregiver or interviewing the child extensively and the reasons for this

(b) Paragraph 6, in section B.4: How to Report? (p. 9) should be amended to provide that the principal shall contact the CAS to ascertain the status of an investigation if it is not apparent that an investigation has been

undertaken within the next school day of the report being made, whether or not the child is absent from school;

- (c) Section B.4 should include a provision that if a child is absent from school within 5 school days after a report has been made to the CAS, then the principal shall report this absence to the CAS as a follow-up to the initial report;
- (d) Section B.4 should include a provision that an elementary student's homeroom teacher shall be advised by the Principal in a timely manner of any calls made to CAS by other school staff;
- (e) page 8, to add "a pattern of problematic attendance", when tied to any of the circumstances (a) through (e), to prompt a call to the CAS, and

Section B.3: When & To Whom to Report, paragraph 7 (p. 8) should be amended to provide that the principal shall notify the appropriate CAS when the principal becomes aware that a child known to have been reported to be at risk, found to be in need of protection or who was the subject of a report to the CAS during the same school year, has ceased attending the school, transferred to a new school, or is receiving home schooling.

65. Revise Operational Procedure PR707A, Student Attendance and Safe Arrival Procedures [Elementary], section C.2, to add a request for a home visit by an attendance counsellor (social worker) or call to CAS to ensure that a child is seen, as one of the key options in dealing with problematic attendance issues. This section of the policy should also indicate that absenteeism on its own may be reportable, given the circumstances, as an indicator of neglect or abuse.

66. The Board Revise Operational Procedure PR707A, Student Attendance and Safe Arrival Procedures [Elementary], section C., section C.2, sub paragraph (e) to require that principals in all cases shall request external confirmation (which might include a medical note, travel verification, or that the child be seen by a school official) to verify absences that exceed 10 days (consecutive) or 10 out of 30 days (cumulative).

67. The Board shall continue its efforts to implement an electronic system of attendance flag alerts (at the 5, 10, and 15 day points) in, or alongside, the Trillium program.

68. The Toronto District School Board consult with the Ministry of Education, the OACAS, the Provincial Advocate for Children and Youth and youth with lived experience in the child welfare system, and the Information and Privacy Commissioner with respect to its policies regarding CAS related information being placed on the Ontario Student Record. The consultation should specifically consider the UNCRC, including Article 12 (the child's right to be heard) and Article 16 (the right to privacy).

69. The Toronto District School Board should review the issue of how the school should track calls to a Society (including both calls to report abuse, and calls to consult), actions taken and direction provided by a Society, and steps taken to follow up on calls to a Society where there is no apparent action, as well as where records relating to the above should be collected.

70. The TDSB should revise the Form 560A C to include the telephone numbers of all four of the Toronto children's aid societies.

71. Greater visibility of social workers in the schools through such measures as:

- (a) Introducing social worker to students at beginning of the year assemblies, or by visiting individual classrooms to discuss services offered; and
- (b) Posting of times/days when at the school, where applicable; and
- (c) Information in the agenda about the role of the social worker and the times/days when at the school, where applicable.

72. TDSB continue to offer access to BOOST programs (“You’re a Great Kid”, “You’re A Great Little Kid”) at all GTA schools, and access by teachers to BOOST teacher training workshops.

73. The Toronto District School Board should not wait for inquests in order to address factors relating to the deaths of children enrolled in the Board. Where a child enrolled in a Board school has died as a result of suspicious circumstances indicating abuse or neglect, including homicide, the Board should assess whether an internal or external review should be conducted to determine the role of the school relating to the circumstances in order to enhance the school's role in the safety and security of its students.

TO: Ministry of Education

74. That the UNCRC be incorporated into the *Education Act*. It should be incorporated into the purpose/interpretation sections (in a manner similar to section 2(3) of the *Provincial Advocate for Children and Youth Act, 2007* including the concepts of rights as follows: “In interpreting and applying this Act, regard shall be had to the rights and principles expressed in the United Nations Convention on the Rights of the Child.”

75. That the Ministry of Education implement a Child Rights Impact Assessment process for future reviews of legislation, regulations, directives and policy, to screen for the impact on children's' rights.

76. The Ministry of Education to work in consultation with School Boards to create new K-12 curriculum devoted to “Healthy Relationships and Responsible Social Development”. The new curriculum should address all aspects of healthy relationships, social interactions and responsibility, mental health (both for self-care and care of others), empathy and emotional intelligence, social and cultural diversity, human rights, the UNCRC, social justice and engagement for democratic citizenship. The new K-12 curriculum should trigger specific college and university teacher training and create better professional system capacity. The new K-12 curriculum should also be subject to regular testing and evaluations to determine that students are learning key information regarding rights, harm, reporting, finding help, consent, boundaries and self-care. This should include revisions to the Grade 10 Civics curriculum to include a mandatory learning expectation that students understand their duty, as citizens, to report suspected child abuse and neglect. New K-12 curriculum learning expectations should include explicit references to abuse and neglect within a familial context; to identify neglect as an example of an exploitative behaviour; explicit references to the rights afforded to children under the UNCRC, including but not limited to their rights to be protected from violence, to have their views considered when decisions are made about them, to education (including the right to regular attendance at school) and to health care (including the right not to be deprived of health care services).

77. Ministry of Education to consult with community partners to develop a collection of resources to support teachers in providing age and developmentally appropriate instruction to grade 10 students about the duty to report.

78. Ministry of Education to consult with organizations such as UNICEF and the Provincial Advocate for Children and Youth to develop a collection of resources to support teachers in provide age-appropriate instruction on the rights of the child under the UNCRC, with development of and reference to learning resources geared toward the various grades and developmental levels of children, so that UNCRC information can be incorporated into the learning plans of teachers.

79. Ministry of Education to consult with stakeholders and community partners, including individual school boards, the Provincial Advocate for Children and Youth, and youth with lived experience in the child welfare system, the Information and Privacy Commissioner and the OACAS with respect to its policies regarding CAS related information being placed on the Ontario Student Record. The consultation should specifically consider the UNCRC, including Article 12 (the child's right to be heard) and Article 16 (the right to privacy). The consultation should include the Education Act provisions and the Ontario Student Record Guidelines and include:

- (a) Records and information that may be kept in the OSR, including documentation of reports to and consultations with children's aid societies about suspected abuse and neglect;
- (b) If CAS related information is not kept in the OSR, where the information should be retained;
- (c) Who is entitled to access an OSR; and
- (d) Ensuring that the process for removing records from the OSR can be initiated by a student who is still a minor.

80. The Ministry of Education review the curriculum to establish a learning expectation that all students in Ontario receive instruction on the duty to report suspected child abuse and neglect under the *Child and Family Services Act* before the end of high school, and that the Ministry consider incorporating the duty to report in the mandatory Civics course in high school.

81. The Ministry of Education consult with school boards and the College of Social Workers to develop a policy or protocol with respect to the ability of school social workers to provide services directly to students with the capacity to consent to service, without a requirement for parental consent.

82. The Ministry of Education shall circulate the recommendations from this Inquest into the death of Katelynn Sampson to all school boards, to share the lessons learned from this tragedy.

TO: Ministry of the Attorney General

83. That the UNCRC be incorporated into the *Children's Law Reform Act*. It should be incorporated into the purpose/interpretation sections (in a manner similar to section 2(3) of the *Provincial Advocate for Children and Youth Act, 2007* but including the concepts of rights as follows: “In interpreting and applying this Act, regard shall be had to the rights and principles expressed in the United Nations Convention on the Rights of the Child.”

84. That the Ministry of the Attorney General implement a Child Rights Impact Assessment process for future reviews of legislation, regulations, directives, policies and procedures, to screen for the impact on children's rights.

85. That the Ministry of the Attorney General engage in consultations, including with the Office of the Children’s Lawyer and the Provincial Advocate for Children and Youth, with the goal of amending the *Children's Law Reform Act* to provide the following in respect of children who are the subject of a custody proceeding:

- (a) The right of the child to be informed at the beginning of the application process that they have a legal right to be heard
- (b) The right of the child to express views and preferences freely, communicating and participating in a manner that effectively works for them
- (c) The child's right to participate in any process affecting their change in custody is an integral part of the determination of a child's best interest
- (d) The right to have their views considered in a substantive way and be informed of the result reached and the way in which their views have been taken into account.

86. The Ministry of the Attorney General amend section 64 (1) of *CLRA* by removing “where possible”, and adding: “The child has a right to express his or her views in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

87. The Ministry of the Attorney General amend the *CLRA* by incorporating a section similar to section 49 of the *CFSA*, to provide that the court may, on its own initiative, summon a person to attend before it, testify and produce any document or thing, and may enforce obedience to the summons.

88. The Ministry of the Attorney General amend section 30(1) of the *Children’s Law Reform Act* to ensure any appointed neutral assessor has an obligation to obtain and put forth the views and preferences of the child, and the Ministry establish regulations to clarify the role of the assessor in custody proceedings.

89. The Ministry of the Attorney General amend section 24(2) (b) of the *Children’s Law Reform Act* so it reads: "The right of the child to express his or her views in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

90. The Ministry of the Attorney General amend the *Children’s Law Reform Act* to ensure that independent evidence as to the views and preferences of the child in non-parent custody transfer proceedings be elicited and brought before the court. In consultation with stakeholders including the Provincial Advocate for Children and Youth and the Office of the Children’s Lawyer, the Ministry should consider a variety of ways to facilitate the child’s right to participate pursuant to Article 12 of the UNCRC.

91. The Ministry of the Attorney General amend Form 35.1 under the *Children’s Law Reform Act* to require all adults residing in the home of the person seeking custody of the child to provide criminal record checks, CAS and Court File checks in a non-parental custody transfer.

92. The Ministry of the Attorney General Forms and affidavit be amended to require that the views and preferences of the child be ascertained and recorded in a non-parental custody transfer.

93. The Ministry of the Attorney General to work together with the Ministry of Children and Youth Services to amend the Form 35.1 self-reporting of jurisdictions in which a caregiver has had CAS involvement in non-parental custody cases, by instead ensuring information is also provided to the Court by a third-party such as the Ministry of Children and Youth Services or a Society based on searches of Fast-Track and successor province-wide CAS systems including CPIN, and access to the Child Abuse Registry. The Ministries should work together to revise access policies to Fast Track, CPIN and the Child Abuse Registry, and should require that searches of all residents in the proposed new home, including the child who is the subject of the non-parental custody application, are provided to the court to identify for the court any child protection openings, past or present, in the Province.

94. The Ministry of the Attorney General should revise the *Children's Law Reform Act* to provide that where a non-parent custody application has been filed and the information received from Society or Court file searches reveals there has been a recent Society investigation or multiple openings involving the proposed caregiver or adults resident in the proposed household, that the court should advise the Society of a pending custody transfer proceeding, and the Society may be asked to appear before the court to provide information relevant to the custody of a child, if either the child or any adults identified in the proceedings has had any contact with the Society, that may have bearing on the decision being rendered.

95. The Ministry of the Attorney General Amend 24(4) of the *Children's Law Reform Act* to include neglect.

96. The Ministry of the Attorney General train all court staff on the duty to report suspected child abuse or neglect under the *Child and Family Services Act*, on a regular basis.

97. The Ministry of the Attorney General Consult with the judiciary or judicial training institutes respecting the duty to report suspected child abuse or neglect under the *Child and Family Services Act* by the judiciary, as well as training on the United Nations Convention on the Rights of the Child, and on how to elicit and give weight to the voice of the child.

98. The Ministry of the Attorney General Consult with the judiciary with respect to placement of pamphlets and information on the duty to report suspected child abuse or neglect under the *Child and Family Services Act* in courthouses in Ontario.

99. The Ministry of the Attorney General Consult with the OACAS regarding a protocol on information to be provided to the Office of the Children's Lawyer when appointed in a custody case.

100. The Ministry of the Attorney General ensure police forces are receiving appropriate training to ensure that the expanded police records check information required under O.Reg 24/10 is provided in non-parent custody claims.

101. The Ministry of the Attorney General MAG meet with children and youth with lived experience in the child welfare system, through the Office of the Provincial Advocate for Children and Youth, to learn ways in which Family Court could be a more child/youth friendly process, in which the participation of children can be facilitated, their voices can be heard, and they can be seen.

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