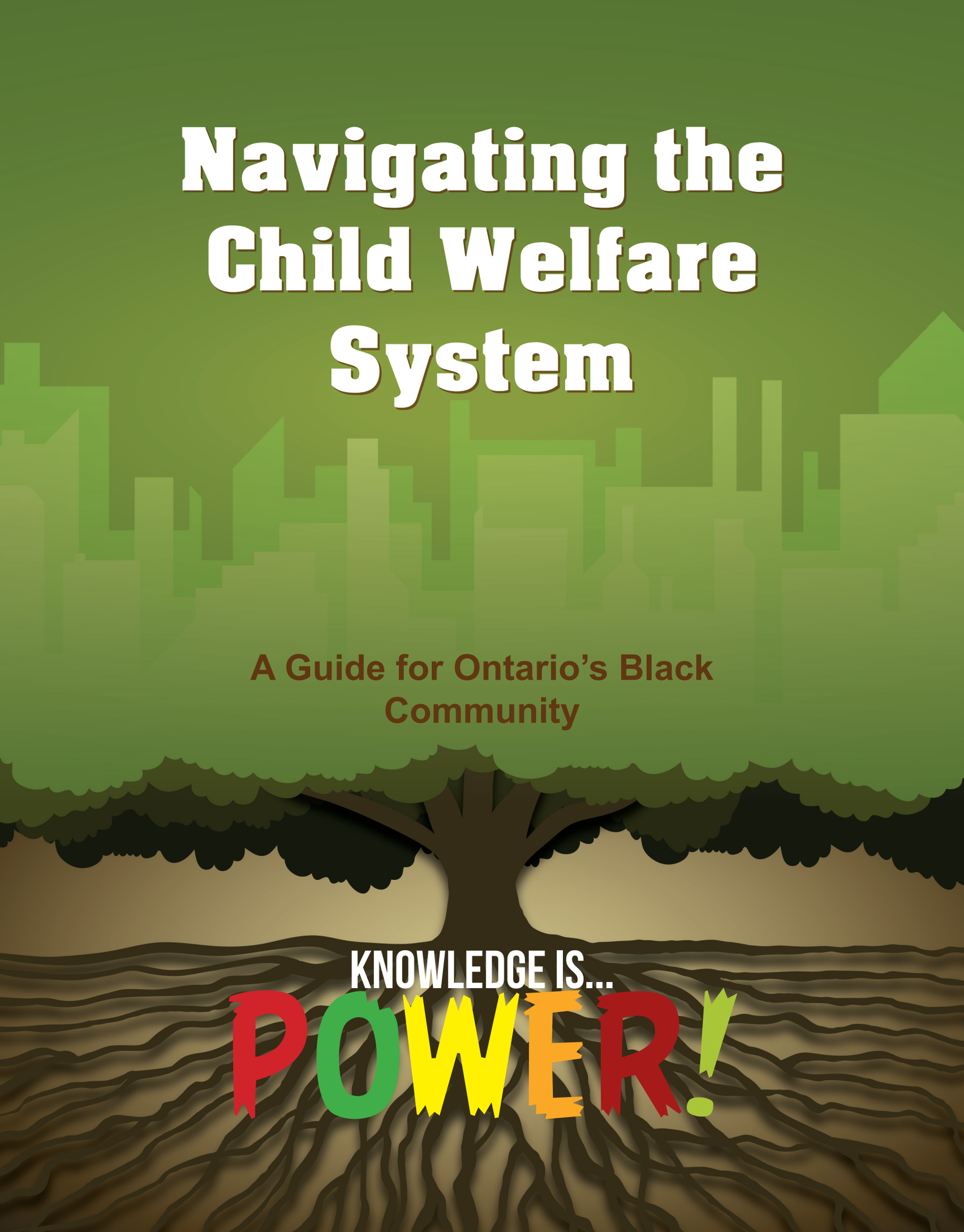
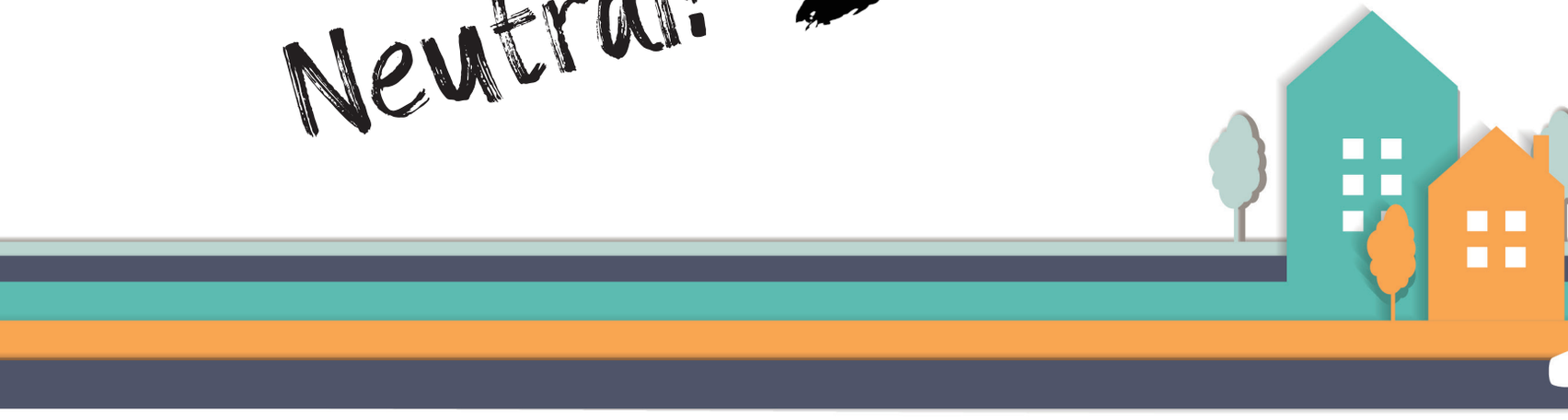
Navigating the Child Welfare System

A Guide for Ontario's Black Community



The System is NOT Neutral!



All of the institutions that Black people come into contact with, like the education system, police, justice, healthcare and the child welfare have policies and practices in place that do not always work well for people of African Canadian descent.

These policies and practices were created a long time ago, within a historical context of white supremacy, colonialism, and anti-Black racism, all of which have been woven into the fabric of the systems that we use today.

The success of African Canadian families despite this context, is a testament to the resilience of communities and cultures of people of African descent.

If you are a person of African descent in contact with a Children's Aid Society or are supporting a family of African descent caught up in Ontario`s child welfare sector, this booklet will offer support and guidance about how to navigate and interact with the system.

WHO IS CONSIDERED A PERSON OF AFRICAN DESCENT?

The term 'People of African descent' refers to all Black people who can trace their family tree back to the continent of Africa. It does not matter if you are descendent from victims of the transatlantic slave trade (example people from the Caribbean, Latin America, South America, African American, African Canadian) or if you are a more recent migrant from the continent of Africa (example: Somalia, Nigeria, Ghana etc.).

The term "African Canadian" refers to all Canadians of African descent, regardless of where they were born, e.g. Canada, Jamaica, Nigeria, England, etc.

BEFORE WE BEGIN...WHAT YOU NEED TO KNOW:

These are a few important terms that you should know before we begin to talk about the child welfare system.

Systemic Racism: Systemic racism happens when institutions or a set of institutions (like the education system, hospitals, police or the child welfare system) working together, create racial inequity. This can be unintentional and doesn't necessarily mean that people within an organization are racist. This can happen because of hidden biases in policies, practices and procedures within the systems that give one group advantages and disadvantage another group.

Systemic racism can also be the result of doing things the way they've always been done, without considering how they impact particular groups differently.

Anti-Black Racism is prejudice, beliefs, stereotyping and discrimination that is directed at people of African descent. Anti-Black racism exists in Canadian institutions, policies and practices. In many instances it is considered normal or is invisible to the larger white society. You see anti-Black racism in the lack of opportunities for Black people, lower socio-economic status, higher unemployment, significant poverty rates, higher suspension rates in schools and overrepresentation in the criminal justice and child welfare system.

One Vision One Voice (OVOV): OVOV is a program led by the African Canadian community through the Ontario Association of Children's Aid Societies and addresses the overrepresentation of African Canadian families in the child welfare system.

The One Vision One Voice program has developed a Practice Framework made up of 11 Race Equity Practices, which Children's Aid Societies across the province should use to make outcomes better for African Canadian children and families who come into contact with the child welfare system.

For more information visit:
www.oacas.org/onevisiononevoice

Ontario Association of Children's Aid Societies (OACAS): OACAS is an association representing 48 member organizations. On behalf of the Children's Aid Societies, OACAS provides advocacy and government relations, public education, training, information and knowledge management, and event planning. OACAS is governed by a voluntary board of directors which works with the member agencies, communities and government to bring positive change to child welfare services

CHILDREN'S AID SOCIETIES: WHAT YOU NEED TO KNOW

WHAT ARE CHILDREN'S AID SOCIETIES?

In Ontario, Children's Aid Societies (CAS) are the only organizations that have the job of legally making sure children are protected 365 days a year, 24 hours a day.

The responsibilities of a CAS are set out in the Child, Youth and Family Services Act, 2017 (CYFSA). These are the rules and guidelines that CASs have to follow in order to do their job.

WHAT DO CHILDREN'S AID SOCIETIES DO?

If they receive a call from someone about a child under the age of 16 who may be in need of protection, they investigate.

They provide guidance, counselling and other services to families in order to protect children or to prevent situations requiring the protection of children.

They provide care for children who have been removed from their home They supervise children assigned to its supervision.

They place children for adoption.

They provide protection for children who have been harmed or are at risk of harm.

Children's Aid Societies also :

ONE	Conduct assessments
TWO	Provide crisis intervention and ongoing services
THREE	Provide preventative services to vulnerable families through early intervention, linking them with counselling services and parenting programs offered in partnership with other community agencies.

Children's Aid Societies are also called:
CPS/CAS
Child Welfare
Child Protection
Child Protective Services
Child and Family Services
Family Services

CAN CHILDREN'S AID SOCIETIES TAKE MY CHILDREN AWAY FROM ME?

Yes, they can. If there is a need to remove a child from their family due to safety concerns, Children's Aid Societies should always look for other family members (kin) or friends (kith) to put children with, before putting them in a foster home or group home.

When there is no possibility of a child returning to their family or home, other forms of substitute care including adoption and family-based custody arrangements are considered.

BLACK FAMILIES AND CHILDREN'S AID SOCIETIES

Biases and anti-Black racism exist in all systems across the province (example: hospitals, justice, policing, schools). This means that the treatment Black people receive in these institutions can be unfair and harmful.

MANDATED REFERRERS

WHO CONTACTS CHILDREN'S AID SOCIETIES ABOUT FAMILIES?

Reporting to CAS can be done by anyone who believes that a child might be harmed. This can include relatives, friends, and neighbours.

It also includes people who work with children. These people are called **mandated referrers.**

They include teachers, doctors, nurses, daycare workers, family counsellors, social workers, and religious leaders. **They MUST tell CAS when they think a child is not safe. If they do not, the police can charge them with a crime.**

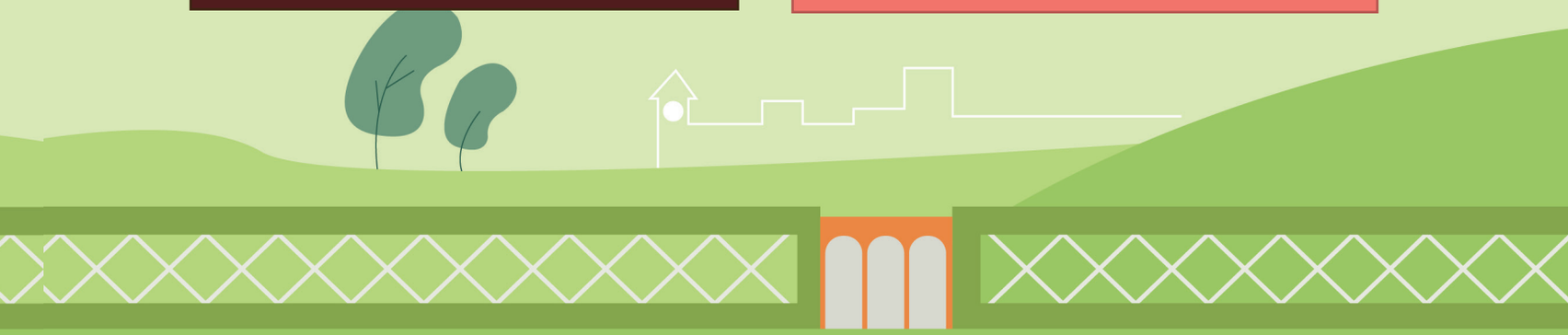
In Ontario, Black children are over represented in the child welfare system. In many foster homes and group homes there are more Black children than non-black children in the homes.

In Toronto, 41% of the children in foster care are Black, even though the Black population of Toronto is only 8%. This means that Black children are nearly five times overrepresented in foster care.

This happens because Black families are reported to CAS more often than white families even though the Black community is NOT more likely to need CAS involvement.

tip: If you are speaking to someone who is considered a **mandated referrer.** (teachers, doctors, nurses, daycare workers, family counsellors, social workers, and religious leaders) remember that whatever you tell them may be reported to CAS if they think your child is in danger.

Be sure to get help and ask for support if you need it.



WHAT ARE SOME EXAMPLES OF SITUATIONS THAT CAN BE CONCERNING FOR CHILDREN'S AID SOCIETIES?

1. I don't have any food in the house
2. I don't have heat
3. I don't have any money to buy new shoes
4. I can't control my child's/ teenager's behavior
5. I'm depressed and don't feel like I can cope
6. Sometimes I'll have a few drinks at night after the kids are asleep
7. Sometimes the thought crosses my mind of just ending it all
8. I feel like I want to leave and never come back
9. My partner and I fight and argue sometimes

Be sure to ask for support if you need it. If you need help managing childcare or family situations, contact a local community organization that works with Black families for help. In Toronto, Some examples are:

Women's Health in Women's Hands:
(416) 593-7655

Taibu Community Health Centre:
(416) 644-3536

Woodgreen Community Services:
(416) 645-6000

Tropicana Community Services:
(416) 439-9009

CAFAN Social Services:
416-740-1056

You can search for community social service organizations based across Ontario at:
www.byblacks.com/directory

WHAT YOU NEED TO KNOW ABOUT BLACK FAMILIES AND THE SCHOOLS

For many Black families, school is the first place concerns about parenting, or problems with a child's behaviour are raised. In many instances teachers and school administration work with families to address concerns.

However, sometimes teachers may call CAS about a concern with a Black child, instead of talking to the family.

Teacher Biases: Many teachers do not understand the culture of African Canadian students. And some may be scared of African Canadian parents. All of this leads to an overreporting of African Canadian students to CAS.

Trite Reporting: Trite reports are silly situations that may cause a teacher to call CAS. For example, if a child brings a lunch to school that the teacher is not familiar with (like a roti). Teachers are quicker to call CAS when there is a concern about an African Canadian student, while similar concerns about non-Black students would be directed to parents. Other trite reasons teachers may call CAS are, a parent is late to pick up their child, a child uses dramatic language like saying "My mom is going to kill me"

Parenting Styles: Many teachers think that Black parents are too strict with their children. Or they may think that Black parents speak rudely to their kids. For some, they don't understand why Black parents need to be strict in order to keep their kids safe in a society that views them as threatening.

Behaviour in school: It is not easy to be one of a few, or the only Black child in school. Even when Black children are in schools with other Black kids, they are often taught by teachers who are not Black. This can be stressful for children, because they feel different or unsafe in their schools. As a result, Black children may sometimes act out in schools and teachers sometimes see this as a result of issues in the home and will call CAS.

Overreporting: Teachers often overreport Black children to CAS, because they are worried if they don't they will get in trouble.

tip: Check in with your child everyday. If they are feeling sad, scared or isolated, contact the school first with a plan to help your child. Do not wait for the school to contact you.

WHAT IS YOUR RESPONSIBILITY AS A PARENT?

As a parent, your job is to provide a safe and loving home for your child. This does not mean that your home needs to be perfect, but you should try to make sure that your child is always well cared for, safe and well loved.

OTHER REASONS CAS MAY CONTACT A FAMILY:

Parents are violent to each other.	Parents do things that could harm their children.	A parent does not stop their partner, or other people, including other family members, from doing things that could harm their children.	Insulting or yelling at children.
Hitting or tying up children.	Punishing children by refusing to give them food.	Touching children in a sexual way.	Leaving children by themselves without someone who is old enough and able to take care of them.

EVEN IF YOU HAVE TO WORK. NEVER LEAVE YOUR CHILDREN BY THEMSELVES!

Source: to Community Legal Education Ontario (CLEO)

AN IMPORTANT NOTE REGARDING SUPERVISION:

In Ontario, the CYFSA does not specifically state a minimum age your child must be before you can leave them unsupervised. It does explain that caregivers should not leave children under the age of 16 alone without making reasonable arrangements for their care and expressly says **children under the age of 16 are not permitted to be out alone between midnight and 6am.**

RECOMMENDED GUIDELINES FOR LEAVING A CHILD ALONE

Children under the age of 10 years (1-9 years old) should not be left alone at any time of the day or night. A competent caregiver should be on the same premises as the children.

Children under the age of 12 years should not be left alone to care for other children.

With notes from:
https://familyconnexions.ca/cgr-home-alone/
https://durhamcas.ca/parent-resources/supervision-guidelines/

WHAT IS THE PROCESS OF A FAMILY THAT IS REFERRED TO A CHILDREN'S AID SOCIETY?

1

Typically, a CAS worker will call you. You can request that they arrange a time to speak to you that works best for you.

2

Sometimes, CAS workers will go to your child's school to interview the child or speak to the school principal or teacher about your child. Depending on the allegation, a worker may have the right to speak to your child without you present.

- Stay calm.
- Contact the worker to find out why they went to speak to your child
- Contact a lawyer or consult a community organization that supports Black families

IMPORTANT!
If you can't afford a lawyer, contact Black Legal Action Centre (BLAC)
416-597-5831
blacclinic@lao.on.ca

3

A CAS worker can also show up unannounced at your door. You do not have to let them in. You can request that the CAS worker come back at a more convenient time.

- You should contact a lawyer or consult a community organization that supports Black families
- **If you do not let CAS in, you should know that CAS may feel you are hiding something.** HOWEVER, you are entitled to get advice from a lawyer or a community organization serving Black families.

4

In most cases, a CAS worker must get your permission to enter your home. It is usually best to let them in or the situation can become worse. If they have to, a CAS worker can enter by force to protect a child. They can bring the police to help them.

5

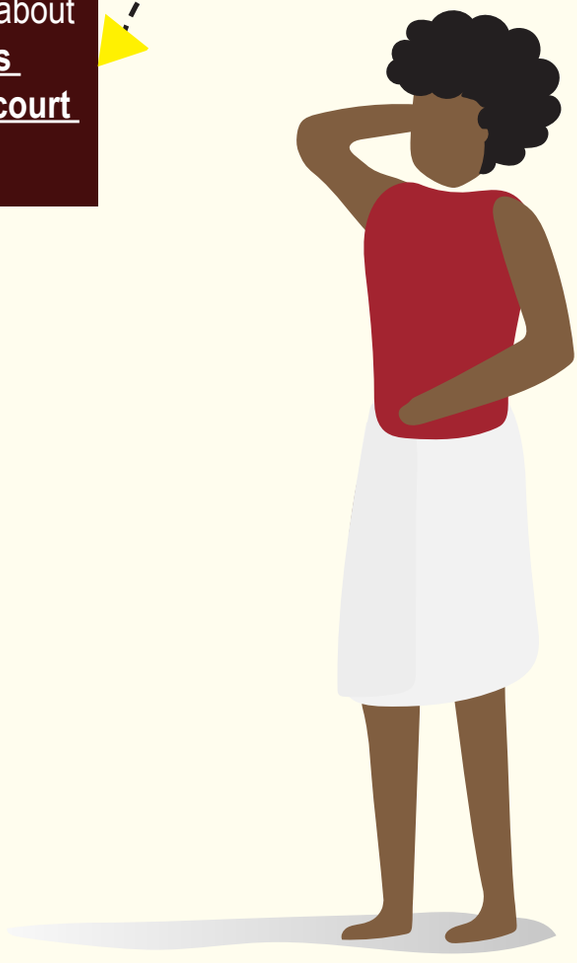
If you have **any** difficulty understanding or speaking English, tell the CAS worker. Ask for an interpreter who speaks your language and English well. If the CAS does not find one, you should try to find an interpreter.

6

The CAS worker usually talks to the parents and children separately. They must keep notes about anything you or your children tell them. **This information can be used against you in court later on.**

7

Some acts that harm children are crimes. At any time, if you think a CAS or the police suspect you of a crime, tell them that you would like to get legal advice before you answer any more questions. Contact a lawyer right away.



With information from: Community Legal Education Ontario (CLEO)

WHAT SHOULD YOU DO IF A CHILDREN'S AID SOCIETY CONTACTS YOU?

Rememeber: if CAS contacts you, you are defending your job as a parent. Think of this situation like an important job interview. Dress the part and be ready.

Try to stay calm. It can be frustrating when it feels like someone is telling you how to parent or take care of your child. But know that everything you do or say is being observed and will be recorded in a file. Stay calm. If you do not, it will create a story about who you are. (example: you are aggressive, unstable).

Try to speak to a lawyer before you say very much. (If you can't afford a lawyer, contact**: Black Legal Action Centre (BLAC) 416-597-5831 blacclinic@lao.on.ca**

If you have been contacted by CAS, find a local community organization that can help support you through the process. Visit **www.byblacks.com/directory** for a list of community organizations.

Try not to go to meetings with CAS alone. Make sure you have someone with you.

Family members and community organizations supporting Black families should always meet first BEFORE going together to a CAS meeting.

Write down a list of questions before a CAS meeting. Ask the purpose of the meeting and state what you expect from the meeting.

Maintain composure.

If you are the family member contacted by CAS, make sure you have a notepad and pen so that you can take notes of things you would like to address.

Make sure you have showered, appear clean and your clothes are neat and tidy: Remember you are defending your job as a parent, so dress like you are going to a job interview.

Ensure you are not under the influence of any substances.

Ensure family members have transportation, bus fare and a way to get to and from the meeting…**ON TIME.**

Remember: Your response is being documented. It is the response and coping that matters most.

If you can't afford a lawyer, contact Black Legal Action Centre (BLAC), 416-597-5831, blacclinic@lao.on.ca

CRITICAL

INFORMATION FOR BLACK FAMILIES

1. **The CAS can advise you to do many different things. They might want you to agree to do what they say.**

2. **Do not sign any papers with the CAS until you get a lawyer's advice. It is very important to get your own lawyer even if you want to make an agreement with the CAS.**

3. **In some cases, the CAS can take your child away from you. If your child is 16 or 17, they can only do this if the child agrees.**

Source: Community Legal Education Ontario (CLEO)

WHAT IF CAS TAKES MY CHILDREN AWAY FROM ME?

1. One Vision One Voice Race Equity Practice 11.1 says that care by kin or kith (family or friends) is preferred for African Canadian children and youth and that kin should be used when possible to ensure child safety and well-being, strengthen families, and support the best outcomes for African Canadian children and youth.

2. If your child has to be taken out of your care, you can request that your child be placed with kin or kith (family or friends) because this is racially and culturally safe and appropriate for your child and it is the best situation for your child.

As soon as CAS contacts you, give them a list of family members and friends who can take care of your child in an emergency. DO THIS EVEN IF YOU DON'T EXPECT THAT YOUR CHILD WILL BE TAKEN AWAY FROM YOU. If CAS has this list it makes it less likely that your child will be placed in the care of strangers, if they have to be removed from you for a little while.

If the CAS does not take your child to stay with relatives or friends, then a community agency or a family that is paid by the government will take care of your child. Usually, you will be allowed to visit your child.

Get a lawyer right away to help you get your child back. You need to do this no matter where the CAS takes your child to stay, even if they take your child to relatives or friends.

If you can't afford a lawyer, contact
Black Legal Action Centre (BLAC), 416-597-5831, blacclinic@lao.on.ca

With information from: Community Legal Education Ontario (CLEO)

FAMILY GROUP CONFERENCE (FGC)

A Family Group Conference (FGC) is a meeting between you, your family members, close friends, people who support you and representatives from the Children's Aid Society. **You can ask for a Family Group Conference to help create a solution for your child.** The CAS worker may also request a FGC. **Bring any and all family members or close friends who are supportive of you and would be committed to helping to support your child.** This is your right. ***Do not attend an FGC meeting alone.***

WILL I NEED TO GO TO COURT?

The CAS must take the case to family court if they take your child away or if they are asking the court to order you to follow CAS advice. If they take a child away, the first day in court must be within 5 days from the day they took the child.

You may have to go to court many times. Get a lawyer right away to help you in court. The lawyer should have experience with CAS cases.

If you can't afford a lawyer, contact
Black Legal Action Centre (BLAC), 416-597-5831, blacclinic@lao.on.ca

If the police charge you with a crime, you have a right to a trial in criminal court. This is separate from the case in family court, even though it may be about the same situation. Get a criminal lawyer right away.

TIP:

You may be asked for your work number and who your employer is. You do not have to provide this information to CAS. Make sure they have your cell phone number and/or home phone number and personal email address, so they are able to contact you if need be. But you do not have to provide your work phone number or work address.

With information from: Community Legal Education Ontario (CLEO)

WHEN WILL I GET MY KIDS BACK?

Legally, a child under the age of 6 can remain in care for 1 year before a judge must make a decision about their permanent home. This means, if your child has been removed from your home, you have 1 year to work to set up an appropriate plan to get them back. After that year, they could be placed up for adoption, if a judge makes that decision.

For children over the age of 6, this decision must be made within 2 years.

Source: https://familyconnexions.ca/client-cornerfamily-support-services/cc-my-rights/

WHAT ARE THE DIFFERENT TYPES OF PLACEMENTS FOR CHILDREN?

Temporary Care Agreement (TCA):
This is a voluntary agreement between the parents and the Society placing the child in care. This agreement plus all extensions are signed for a specified period of time not to exceed 12 months.

Interim Care & Custody:
This is a Temporary Order which is usually made on the first appearance of a Court Application. Interim (Temporary) care and custody Orders can either place the child in the care of the Society, or with the parent or with another person subject to Society supervision. If your child/youth was apprehended, their legal status would be Interim Care and Custody of the Society until a final order is made by a Judge.

Society Wardship:
This is an order that places the child in the care of the Society for a specified period of time not to exceed 12 months.

Crown Wardship:
This is a final order placing the child in the care of the Society permanently. The CAS becomes the child's legal guardian. This order will continue until it expires on the child's 18th birthday unless the Crown Wardship is terminated, an adoption occurs or the child marries.

Source: https://familyconnexions.ca/client-cornerfamily-support-services/cc-my-rights/

HOW DO I GET HELP?

211 Ontario is an information and referral hotline that gives help in many languages. They take calls 24 hours a day, 7 days a week. They can tell you:

- where to get legal help
- how to contact a settlement agency or community agency for other kinds of help.

If you can't afford a lawyer, contact
Black Legal Action Centre (BLAC), 416-597-5831, blacclinic@lao.on.ca

ByBlacks

ByBlacks Directory (www.byblacks.com/directory) is a website with a list of Black organizations that may be able to offer support to Black families

One Vision One Voice

http://oacas.org/onevisiononevoice
onevisiononevoice@oacas.org

In this resource we give only general information. You should get legal advice about your own situation.

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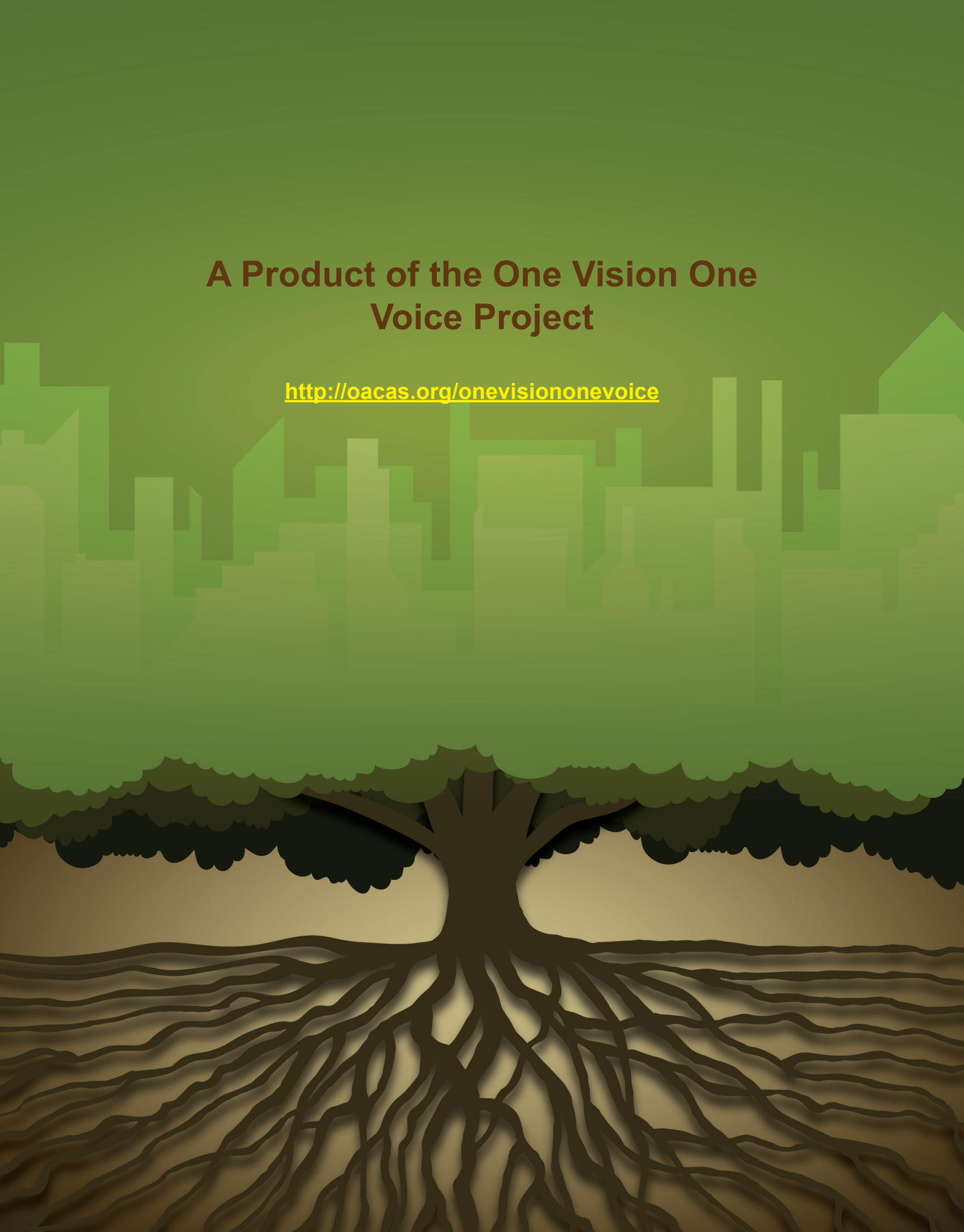

A Product of the One Vision One Voice Project

http://oacas.org/onevisiononevoice