



News Release

For Immediate Release
Sept. 17, 2013

VICTORIA – The tragic case of a young Aboriginal girl who suffered horrific abuse and neglect for 18 months at the hands of unfit care givers points to significant improvements that are required to British Columbia’s child protection system as well as to the protocol that guides the interprovincial transfer of such vulnerable children across Canada.

In a Special Report, *Out of Sight: How One Aboriginal Child’s Best Interests Were Lost Between Two Provinces*, B.C. Representative for Children and Youth Mary Ellen Turpel-Lafond examines the circumstances that led to the move of the toddler from B.C. to Saskatchewan and concludes that no less than three child welfare bodies failed on some level to protect the best interests of the child.

“This child’s best interests were never taken seriously and, as a result, she was left in a dangerous situation, severely traumatized and emotionally and physically injured,” Turpel-Lafond said. “This outcome could have been prevented if social work in both provinces had met basic standards. We must learn from this case and obtain strong assurances that these important services work for children in the future.”

At just over two-years-old, the child went from the custody of B.C.’s Ministry of Children and Family Development (MCFD) to the guardianship of her maternal grandfather, who moved her to his home in Saskatchewan. It was in this home that the child endured months of abuse and neglect before finally being removed by authorities in July 2008. She was traumatized, badly malnourished and physically injured.

The grandfather had gained custody of the child through B.C. provincial court 1½ years earlier despite the fact he had a criminal record including some 70 offences and a history of chronic addictions. He had been unable to provide a home for the mother of the child who is the subject of this report, who was also abused as a child, and he had significant prior contact with child welfare authorities that should have set off alarm bells.

MCFD supported the grandfather’s application for custody based on an incomplete criminal record check and a far-below-standard home study supplied by the First Nations Child and Family Service (FNCFS) agency that served the small Saskatchewan community in which the grandfather lived. The B.C. ministry failed to do due diligence with regard to the grandfather’s addictions and past involvement with the child welfare system. And MCFD did not provide a transition plan for the child even though the ministry was well aware she had significant special needs.

The grandfather and his spouse were convicted in 2012 of failing to provide the necessities of life and sentenced to three years in prison. But Turpel-Lafond said there is still much to answer for regarding the conduct and professionalism of the three child welfare agencies involved in the case that placed the child in a dangerous situation.

The Representative recommends that MCFD review its policies and standards for out-of-province placements for all children under the guardianship of the province, including cases in which guardianship is transferred to an individual by way of a custody order under the *Family Law Act* prior to the move. B.C.'s Director of Child Welfare should ensure that there are clear guidelines for assessing and recommending such placements that take into account the safety, health, educational, cultural and developmental needs of the child. That assessment should include a home visit by a delegated B.C. social worker, a detailed transition plan and, in cases where there may be some risk, an arrangement for ongoing monitoring by the B.C. social worker in the new placement.

The Representative also recommends a review be undertaken of the Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories to ensure there is a commitment across Canada that placement decisions – especially those involving Aboriginal children – fully support the needs of children and families.

While the Representative's authority to make findings and recommendations does not extend outside B.C., she observes that there is also much work to be done in Saskatchewan. This case points to major social work practice and record-keeping deficiencies by the FNCFS agency that was responsible for the child. It also points to a significant lack of oversight by Saskatchewan's Ministry of Social Services (MSS), which has ultimate authority for child protection in that province.

“It is up to these public bodies to take appropriate steps to demonstrate the accountability and effectiveness of Saskatchewan's child welfare services,” Turpel-Lafond said. “The Saskatchewan ministry has identified areas for improvement and I commend them for doing so. In the meantime, I urge B.C. child welfare offices to use great caution and care in relying on home assessments, criminal record checks and post-placement courtesy services from Saskatchewan.”

The Representative also urges the federal government to consider assuming a more active role in the well-being of Aboriginal children under the care of provincial/territorial governments. In the two provinces involved in this case, Aboriginal children are heavily over-represented in the child welfare system and too often underserved, or left without the protections of a functioning child welfare system, she said.

“The needs and safety of children must be at the centre of all social work practice,” Turpel-Lafond said. “Uniform standards must be applied across the country so that this doesn't happen to another child in the future. Accountability is required and we do not have that for some of our most vulnerable children.”

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