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## ONTARIO'S CHILD WELFARE TRANSFORMATION

### Another Swing of the Pendulum?

*Gary C. Dumbrill*

**Abstract:** Child welfare policy has been likened to a pendulum that shifts between extremes. At one extreme, the pendulum focuses practice on supporting families at the expense of child safety; at the other, it focuses practice on child safety at the expense of support to families. Child welfare “transformation” is underway in Ontario, a process designed to push policy toward a more balanced position that provides support to families while also protecting children. As an analysis of the dynamics that drive the child welfare pendulum shows, the current transformation initiative contains weaknesses that may undermine its goal of seeking balance and may cause it to fail. Strengthening the initiative by coordinating agency services and involving families in formulating their own needs, among other suggestions, may help to avoid these failures, not only in Ontario, but also in other jurisdictions attempting to balance how child protection services are delivered.

**Abrégé :** On a qualifié la politique de la protection de l'enfance de pendule se balançant entre, à un extrême, une pratique axée sur le soutien des familles au détriment de la sécurité des enfants et, à l'autre extrême, une pratique axée sur la sécurité des enfants au détriment du soutien des familles. L'on est à « transformer » la protection de l'enfance en Ontario, préconisant pour ce faire une approche plus équilibrée à mi-chemin du soutien des familles et de la protection des enfants. Comme l'indique une analyse de la dynamique qui anime le mouvement de pendule de la protection de l'enfance, l'initiative de transformation actuelle présente des faiblesses susceptibles de miner son objectif – trouver un point d'équilibre – et pourrait la faire échouer. Il serait peut-être utile de renforcer l'initiative en coordonnant les services des organismes et en faisant participer les familles à la définition de leurs besoins pour éviter que de tels échecs ne se produisent, et ce, non seulement en Ontario, mais également ailleurs où l'on tente de trouver une formule équilibrée de prestation des services de protection de l'enfance.

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**Canadian Social Work Review, Volume 23, Number 1-2 (2006) / Revue canadienne de service social, volume 23, numéro 1-2 (2006)**

Printed in Canada / Imprimé au Canada

*CHILD WELFARE* in Ontario is undergoing “transformation”; ten years ago it went through “reform.” These terms are euphemisms for policy shifts in almost opposite directions. Such shifts occur with a regularity that has caused child welfare policy to be likened to a pendulum (Editorial, 1996; Finholm, 1996; Gardner, 1996; McLarin, 1995; Paterson, 1999; Reder, Duncan & Gray, 1993; Trocmé & Chamberland, 2003; Watson, 1997). At one extreme the pendulum focuses practice on family support at the expense of child safety, and at the other it focuses practice on child safety at the expense of family support. When concentrating on preserving families, social workers operate under a “rule of optimism” (Dingwall, Eekelaar & Murray, 1983) that centres their attention on family strengths and leaves them vulnerable to losing sight of family limitations. In these circumstances, when child abuse deaths occur, inquests usually find a pattern of social workers failing to identify or respond to risk factors. Policy and practice are then swung toward intrusion, as an outraged public demands change (Reder et al., 1993). In response, workers begin to operate under a “rule of pessimism” that centres their attention on family deficits and makes them quick to remove children when risks are perceived. Intrusion persists until public concern about the costs of increased numbers of children in care or scandals about abuses of intrusive authority push the pendulum in the opposite direction, and the cycle begins again.

In the late 1990s child welfare reform pushed Ontario’s child welfare pendulum toward protecting children at the expense of assisting families. A transformation is now underway to shift practice into a more balanced position that protects children, but also offers support to families. Will transformation balance the pendulum? Although the new initiative has the potential to create balance, it contains weaknesses that may cause it to fail. If failure occurs, rather than balance the child welfare system, transformation will set the stage for another round of child protection policy extremes. An examination of the politics that create a tendency for child welfare policy to oscillate between extremes leads us to some suggestions for strengthening the transformation initiative in ways that may help avoid failure.

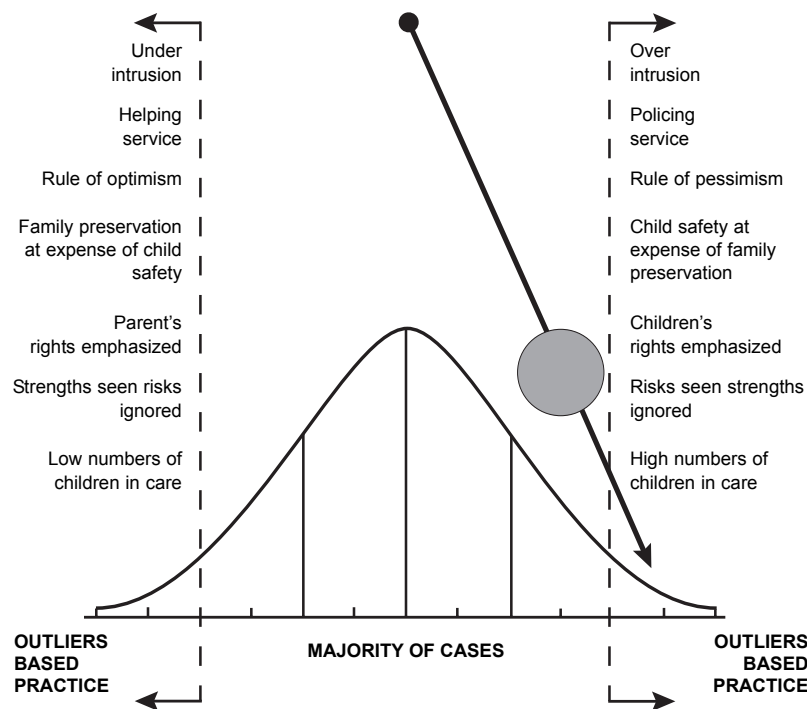
### **Understanding the child welfare pendulum**

Child welfare policy is often shaped by crises. Children being killed by their parents, or alternatively social workers removing children from parents with insufficient cause, quickly offend public sensibilities and flare into issues that demand immediate political solutions (Ayre, 2001; Trocmé & Lindsey, 1996). Cleaver and Freeman (1995) describe such public demand for policy change as a “moral panic”—a form of social hysteria evoked by sensationalist and hostile reporting about a socially unac-

ceptable phenomenon. Such panics tend to evoke an exaggerated response to an over-exaggerated problem (Cohen, 2002). In moments of moral panic about child deaths, the public demands that social workers increase intrusion into family life in their efforts to protect children (Cleaver & Freeman, 1995). In moments of moral panic about over-intrusion by social workers into family life or concern about budgets spiraling out of control from the increasing number of children in state care, the public demands that social workers become less intrusive and find more economical ways to protect children (Department of Health and Social Security, 1988a).

Governments usually respond to a moral panic by holding public inquests into the offending events and basing policy change on inquest findings. While inquests provide important information, basing policy solely on their findings is akin to a researcher ignoring typical outcomes and generalizing from outliers. Figure 1 shows how inquests examine exceptional events in atypical cases and produce "outliers-based practice." Australia, North America, and Britain all have patterns of allowing such findings to drive their child welfare systems (Reder et al., 1993; Trocmé &

**FIGURE 1**  
**The Child Welfare Pendulum**



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Chamberland, 2003), and consequently these systems fail to meet the needs of the majority of children and families receiving services. Policy solutions emerging from inquest findings have also tended to be based on a gross oversimplification of the complex issues that have led to failure in the case in question. In Canada, for instance, the Alberta inquest into the suicide of a Métis youth in care, Richard Cardinal, concluded that the system had failed to give him the “one thing” he needed, which was a chance to go home to his family (National Film Board, 1984). In contrast, the findings of the British Columbia inquest into the death of Matthew Vaudreuil at the hands of his mother were represented by the media as Matthew not getting one thing he needed, which was to be taken into care (Canadian Broadcasting Corporation, 1996). Children cannot be protected by a system that provides “one thing,” and yet policy-makers tend to adopt these jingoistic, simple remedies and thereby set the stage for policy oscillation between extremes.

### **Reform: A swing toward intrusion**

Ontario's 1984 *Child and Family Services Act*, the legislation governing child protection intervention in the province, was built on the principle of “least intrusion” and the notion of protecting children in their own homes wherever possible. In the 1990s the services and supports needed to make a least intrusive approach viable were cut, first by Bob Rae's New Democratic Party government in 1990-1995, as it struggled to contain a growing deficit in a time of economic recession, and secondly by Mike Harris's Progressive Conservative government in 1995-2003, as it slashed already diminished services in a “common sense” revolution. When the Harris government took office in 1995, the media were focusing public attention on a series of child abuse deaths, and a moral panic began to emerge. As the crisis grew, the media suggested that parents were “getting away with murder” (Welsh & Donovan, 1997b), and that, rather than protecting children, Children's Aid Societies actually “protect parents who are incompetent” (Welsh & Donovan, 1997a). In response, the government “declared war on child abuse” and promised to “reform” the system (Donovan & Welsh, 1997).

The child death rates under scrutiny were not extraordinary, and consequently it remains unclear why they gained enough media attention to evoke a moral panic. In fact, the child homicide rates that drove the system toward increased intrusion were lower than the present rates that have led to the transformation away from intrusion: immediately prior to reform, in 1994-1995, 11 homicides of children known to Children's Aid Societies occurred (Ontario Association of Children's Aid Societies, 1998), while in the corresponding period of 2002-2003, prior to transformation, 15 homicides of children known to Children's Aid Societies occurred (James Cairns, Deputy Chief Coroner for Ontario, personal communi-

cation, January 6, 2006). Although the latter figure is higher, neither departs significantly from the consistency found in Canadian child homicide rates over the past 30 years (Trocmé & Chamberland, 2003).

A Child Mortality Task Force, commissioned to examine the 1994-1995 deaths, cautioned against overreacting to homicide rates and drew attention to that fact that these constituted a “rare event when compared with the high rates of reported child maltreatment” (Trocmé & Lindsay, cited in Ontario Association of Children’s Aid Societies & Office of the Chief Coroner of Ontario, 1997, p. 20). Nevertheless, several measures were recommended to improve the ways child protection was delivered, the primary change being the development of a standardized risk assessment model that was subsequently implemented throughout the province (Parada, 2004). As one might expect, however, the provincial government of the day took up these recommendations not only in a manner designed to quell the moral panic, but also in a way that furthered its own agenda.

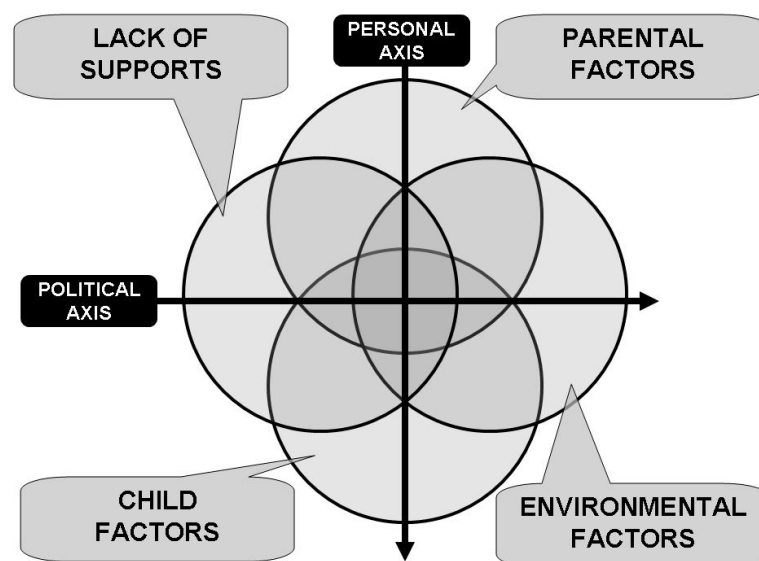
A part of the Harris government’s agenda was to cut social services and get tough on crime. Consequently, public concern about child abuse appears to have been used by the government as an opportunity to “get tough” on “abusive parents.” The government revised the training received by child protection workers, placed regulatory measures on child protection agencies to ensure that new risk assessment procedures were followed, and implemented protocols to shift the supervision of front-line staff away from casework issues and towards ensuring workers’ compliance with new regulatory procedures. In this manner, reform instituted a system in which parents were regulated by workers, workers by supervisors, supervisors by managers, and managers by government-imposed procedures. A new computerized information system gave supervisors the ability to monitor workers’ compliance with government regulations, and, in concert with auditing processes, it gave the state a panoptic ability to regulate families by directly determining the ways in which intervention took place. In this climate, the new risk assessment model was taken up not as an aid to casework thinking, but as a replacement for it. Risk assessment became a formulaic case management tool that provided a concrete definition of risk upon which uncritical and standardized intervention responses were based (Parada, 2004). With this tool in place, in the midst of a moral panic about child deaths, children were quickly brought into care when risks were perceived. The Ontario child welfare pendulum had swung firmly toward intrusion.

This swing toward intrusion not only limited the ways child protection services were delivered; it also attempted to limit the ways child welfare problems were conceptualized. Prior to reform, Ontario child protection workers assessed families using a model based on Brandt Steele’s typology of abuse (Steele, 1976, 1980, 1987). Steele identified four factors associated with child abuse and neglect: parental factors, child fac-

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tors, environmental factors, and a lack of supports. When these four factors overlap, the risk of child abuse and neglect is thought to increase. The role of the worker, therefore, is to reduce risk by intervening in each of these overlapping areas.

**FIGURE 2**  
**Assessing Child Abuse and Neglect**

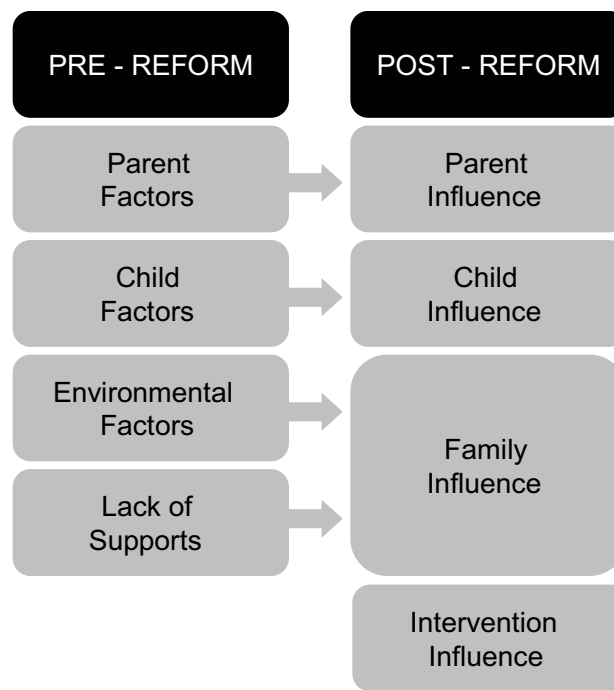


This formulation of Steele's model is based, in part, on the ideas of Ontario Child Welfare Trainer Bill Carrier

Prior to reform, Ontario child protection workers were trained to assess families using a model shown in Figure 2, which is loosely based on Steele's formulation. Steele originally emphasized psychological components of the personal axis and focused primary attention on variables such as whether parents had impaired care-giving capacity or whether children had medical or other characteristics that significantly increased the care they required. As the importance of broader ecological determinants of child abuse and neglect became evident (Belsky, 1980, 1993; Krishnan & Morrison, 1995), more attention was paid to the etiological role of family supports and the lack of economic and physical resources such as adequate housing. These issues, placed on a horizontal axis in the diagram, are political because government decisions shape societal supports and environmental variables.

Pre-reform child protection workers, therefore, were trained to consider environmental and support factors in their family assessments, and several Ontario Child Welfare System trainers, this author included, labelled this axis as political and urged workers to consider the macro and mezzo interventions these factors required. Of course, even prior to reform, the Ontario child welfare system limited workers' abilities to take action on mezzo and macro levels. It was crucial, however, that workers be trained not to mistake a family's impoverished environment, with few supports, as the consequence of personal pathology in instances in which inadequate social policy was the cause. Reform, however, fostered this type of mistake because it stripped away the political axis from assessment. The risk assessment model adopted in reform was derivative of a model developed in New York, which in turn was based partly on Steele's formulation. The model changed Steele's original variables as shown in Figure 3. The components on the left of the figure represent the elements of a pre-reform assessment, and the elements of post-reform are on the right. Some of the changes are superficial: "parental factors" became "parent influence," and "child factors" became "child influence."

**FIGURE 3**  
**Ontario Child Welfare Reform Making the Political Personal**



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More importantly, however, “lack of supports” and “environmental” factors became “family influence,” a change that likely reflected the government’s agenda. Re-labelling political issues as “family influences” rendered the political personal. A seemingly trivial change in language downloaded responsibility for an impoverished societal environment and a lack of social supports onto children and families, and it masked the way in which the removal of social supports had created stress for families, thereby actually raising the risk of abuse and neglect. The new model also introduced an additional category called “intervention influence,” which required the worker to assess the extent to which parents cooperated with child protection services. From a protection perspective, it is important to assess this variable, but, in an environment in which political dimensions had been stripped from assessments, parents who protested that they needed community support and social programs rather than policing found that this response increased the risk of their children being removed by the state.

The outcomes of reform were entirely predictable. As services that help prevent child abuse and neglect were reduced and the capacity of protection workers to offer casework support was diminished, removal of children from their families became the primary means of protection. In the period from 1998-1999 to 2003-2004, the number of children brought into care increased by 65 per cent, from 11,609 to 19,105, and the cost of Ontario’s child welfare system escalated by 100 per cent, from \$542 million to \$1.085 billion (Ontario Association of Children’s Aid Societies, 2004). Today, with these increased costs and the number of children in care at almost an all-time high, Ontario’s Liberal government has initiated a process of transformation designed to undo the excesses caused by child welfare reform.

**Transformation: A swing toward family support**

Ontario’s child welfare transformation sets out to remedy the excesses of reform without pushing the pendulum toward an opposing policy extreme. This transformation attempts to maintain a focus on protecting children while creating new opportunities for providing increased family support. The balancing effort appears well thought out and, unlike the earlier reform, it is not a superficial political response to offer a quick remedy to problems that have caused a moral panic. Transformation, however, does take place in the context of a political problem—a child welfare budget that has spiraled out of control. Consequently, a primary priority has been to develop a “sustainable funding model” (Child Welfare Secretariat, 2005). Unsurprisingly, most of the transformation measures have cost-saving potential. Open adoption (allowing adoption with access to birth families) is likely to reduce legal challenges to adoption. Increasing post-adoption support may enable children to

move more easily from state care to adoptive homes. Placing more children in kinship care should reduce in-care rates and costs. Developing alternative dispute resolution processes is likely to save legal costs. Coordinating child protection with other forms of service delivery should increase the overall cost-effectiveness of services.

At the heart of transformation, besides the above initiatives, is a “differential response” model, which streams high-risk child abuse and neglect cases into a “policing” or forensic response, low-risk cases into a “helping” or social work response, and, potentially, in-between cases into a mix of forensic and helping responses. Although new to Ontario, differential response models have existed for some time (Waldfogel, 1998, 2000) and have already been implemented in several jurisdictions in the United States and also in Alberta. This aspect of transformation is intended to balance the pendulum and allow a focus on protection to coexist with a new array of less intrusive options for lower-risk cases. To develop these less intrusive options, the government is streaming new funds into community agencies and Children’s Aid Societies, showing that, although fiscal restraint is an important factor driving transformation, the government is willing, at least in the short term, to increase expenditure so that children and families can receive a broader array of services. It is likely anticipated that these expanded services will eventually reduce the numbers of children in state care and thereby help produce a sustainable budget.

Although it is a well-reasoned initiative, several problems may prevent transformation from balancing the child welfare pendulum as planned. First, to be successful, differential response requires an assessment instrument capable of separating the cases needing an intrusive protection response from those needing a helping and supportive one. No such instrument exists. Additionally, the idea that risk in child protection can be firmly designated and a case can then be streamed into one response or another is flawed and potentially dangerous. Munro’s (1996) research into child deaths in protection cases shows that workers are influenced by a natural human tendency not to change an initial opinion once it has been formulated. Munro linked this human tendency to fatal errors made by workers who did not change their initial assessments in light of evidence that the nature of a case had changed and by workers who did not revise their assessments in the light of evidence that a case had been initially inaccurately assessed. Consequently, an effective child protection system must enable workers constantly to interrogate the viability of their assessments. This ongoing fluidity of assessment and interrogation may be undermined if cases are streamed into a fixed category in the initial assessment. To some extent, policy-makers appear to have considered this weakness, because they remind workers that a case can be switched between policing and helping approaches if needed. It is unlikely, however, that this reminder will be enough to allow

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the fluidity of assessment and response that Munro urges is needed to avoid fatal errors. Indeed, rather than having dual approaches and a differential response, effective protection relies on having a single approach in which the worker takes on the dual roles of helping and protecting as needed (Filip, Schene & McDaniel, 1991).

Another danger of transformation is that, rather than balance the pendulum, it may institutionalize both pendulum extremes in a single model. Intrusion, for instance, may increase for families streamed into a forensic response. Until now, workers have remained somewhat uncomfortable with and resistant to the intrusion brought by the forensic and policing nature of reform (Dumbrill, 2005). This resistance may be undermined if workers feel more comfortable with a model that reserves intrusion for “worse” cases. Such comfort with intrusion may increase the inquisitorial nature (Dumbrill, 2006) of the service families receive, and evidence suggests that such practice not only fails to protect children effectively (Trotter, 2004), but also disregards the fundamental human rights of parents and families (Brindle, 1995a, 1995b; Cleaver & Freeman, 1995; Home Office, Department of Health, Department of Education and Science & Welsh Office, 1988).

At the opposite extreme, gaps in service and protection may occur for those receiving a less intrusive response. To provide supportive intervention, community agencies are expected to deliver services in collaboration with Children’s Aid Societies. To protect children, collaboration requires agencies to share information so that a holistic understanding of events and risks is established and a comprehensive protection plan can be developed. Aside from following inter-agency reporting and procedural protocols in cases of abuse, Ontario community agencies are often hesitant to collaborate and share information with child protection agencies. Currently, when these agencies and child protection services do manage to collaborate, this usually occurs despite, rather than because of, the overarching system within which they work. Without a policy framework of inter-agency collaboration, agencies will find it difficult to work together effectively, and indicators of risk to children will fall through the gaps. In Britain, a comprehensive policy infrastructure exists that requires all community agencies involved with a family to share information and plan collaboratively in providing services to children considered to be at risk of abuse or neglect (Ennis, 1999; Waller, 1995). Even with such mandated collaboration, the model used in Britain sometimes fails and allows children to fall through the system’s communication and service gaps (Laming, 2003). In Ontario, where no overarching system of inter-agency collaboration exists, such failures are inevitable. A policy that mandates a communications infrastructure, similar to the British “Working Together” initiative (Ennis, 1999; Waller, 1995), must be built in Ontario. Although not foolproof, the British initiative does provide a basis from which effective collaboration can begin.

An additional limitation of transformation is that it focuses primarily on strengthening the agencies that serve families, rather than strengthening families themselves. No matter which way the Ontario child welfare pendulum has swung, policy-makers, university researchers, and agency staff have been the ones to define the supports families need, rather than families defining their own needs. This failure stems from an ideological hesitancy to involve parents accused of child abuse and neglect in policy and program planning. Such hesitancy has always existed, but was reinforced by the reforms of the mid-1990s that bolstered the notion that parents receiving child protection service needed to be policed rather than heard. Yet parents do need to have a voice in shaping the child protection policies they receive (Brindle, 1995a, 1995b; Dumbrill, 2003). Although the Ontario Ministry of Children and Youth did invite comments from parents as a part of the transformation process (Child Welfare Secretariat, 2005), the absence of parents as full partners at the policy planning table undermines the entire ethos of partnership and collaboration that the government seeks to achieve. Having service users around the policy-making table will not resolve all the challenges the Ontario system faces, but, without their involvement, the policies produced can be no more than benevolent paternalism. Not only is this problematic at an ideological level, but it also has a profoundly negative impact on the types of social policy that can be developed. For instance, if parents were viewed as active partners in developing services, rather than passive recipients of intervention, the possibility of funding some families directly would become viable. In some circumstances in which poverty or a lack of resources causes or compounds risk factors to the degree that removal of a child is needed, families could be funded to take care of their own children, rather than funding agencies providing foster or residential care. Funds could be saved and disruption to children avoided by a simple policy that prevents a child from being brought into state care when that child could be *safely* maintained at home through direct family funding. If some form of fiscal limit were considered necessary, a condition could be added that the cost of such family funding should be equal to or less than the cost of providing out-of-home care for the child. Such progressive policy and practice possibilities will remain out of reach as long as parents are considered recipients of service rather than active partners in and co-developers of it.

### Conclusion

A move away from an overly intrusive child welfare approach and towards an increase in capacity to protect children in their own homes and communities is long overdue in Ontario (Dumbrill, 2005; Parada, 2004). The Ontario child welfare transformation is an important step in that direction. The initiative, however, contains flaws. Differential response

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may increase the range of service responses available in cases of child abuse and neglect, but it may also increase the inquisitorial nature of intervention for families streamed into a policing or forensic approach, and children identified for this response may receive inadequate protection from workers who are falsely confident about the effectiveness of such intervention (Trotter, 2004). Problems may also arise for families streamed into varying degrees of a helping response. These families will rely on community agencies to meet their needs, and, although measures are underway to increase the capacity of these agencies, no adequate plan exists to help the agencies coordinate their services in a manner essential to even low-risk cases of potential child abuse and neglect (Department of Health and Social Security, 1988b; Ennis, 1999; Home Office, Department of Health, Department of Education and Science & Welsh Office, 1991; Waller, 1995). Indeed, so essential is it that agencies “work together” in cases of child abuse and neglect that inattention to an infrastructure of inter-agency collaboration is the flaw most likely to cause Ontario’s differential response model to fail and thereby destabilize the entire initiative. The most probable failure will be that, among the cases streamed into a non-forensic response, the lack of a viable communications infrastructure and collaboration mechanism among agencies will conceal warnings that the nature of a case either has changed or was initially misunderstood. If such a case leads to tragedy, public outrage may again swell into a moral panic, causing another overhaul to the system that again focuses on extreme cases at the expense of the majority of families. Avoiding this outcome depends not only on taking up some of the recommendations discussed here, but also on developing a better understanding of the dynamics that drive the child welfare pendulum. Indeed, the next time a child welfare tragedy occurs, in addition to the usual inquest into the actions of social workers on a micro level that led to the tragedy, one should also be held into the actions of politicians and policy-makers on a macro level, whose child welfare initiatives consistently produce practice extremes that ultimately fail children and families.

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