# NO PLACE CALLED HOME: REMOVAL OF ABUSED CHILDREN FROM THEIR FAMILIES

by

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B.A. (first class honours), Simon Fraser University, 2001

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# Abstract

One of British Columbia's primary child welfare challenges is the increasingly high number of children in care; B.C. has one of the highest percentages of children in care in Canada. The researcher examines statistical data on children in care, undertakes a policy analysis of relevant policies, and conducts interviews with twelve individuals involved with child protection. For the latter, interviews explore participants' perceptions on 1) whether it is in children's "best interests" to be removed from their families in cases where they are, or are at risk of, being physically abused; and 2) whether an alternative to removal, such as removing the abusive parent instead, is viable.

There was overwhelming consensus that removal is *not* in the best interest of the child, while the described practice suggests it is frequently employed. Thus, this kind of removal may be in contradiction to the *UN Convention on the Rights of the Child.*

# Dedication

To my family for all their support and encouragement. And for my sister, Hyun, your strength and courage are an inspiration to me.

# Acknowledgements

This thesis would not have been possible without the encouragement and wisdom provided by so many. I would like to thank my committee, who provided constant support and guidance throughout this endeavour. In particular, I would like to thank Dr. Brian Burtch for all his insight and assistance, including incredible editing. I am grateful to Dr. Robert Ley for expressing interest in this topic and for his numerous contributions to this thesis, especially throughout the research process, and Frances Grunberg, for her involvement and for her great comments and questions. A special thanks goes out to Dr. Margaret Jackson, a phenomenal supervisor, for her mentorship and guidance in all phases of this research and for her continuous support and encouragement. I am forever grateful to have been given the opportunity to work with and learn from someone so knowledgeable and would like to express my heartfelt appreciation.

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December 14/97

*Dear Liz*[1],

*You're probably wondering why I'm calling you Liz? Right! Well, it's because an angelic, sweet, lady named Liz who worked at Brooker House (where I used to live: group home #1) cared, loved and tried to help me so much. Since I know Liz picked you out for me, I decided to give you her name so that I can talk to you like I talk to her ... I have so many thoughts pouring into my head right now that I don't know what to write. Well, let's start off with Thursday (Dec. 11/97). I tried to commit suicide? Or did I. Anywayz, I took 22 anti-depressant pills and slashed-up my arm. I don't know what I was trying to prove. Did I want to be found or was I trying to get people to feel sorry for me, like Sarah's mom said. I don't know, whatever. Anywayz, it was hell because I had to drink this charcoal shit. eww and they took out my blood which was cool. I had to talk to like 20 doctors and I didn't listen to any of them cause I was so zoned-out. When I got home the next day I had to meet my social worker.*

Diary entry of Sam, youth in a group home

[1] Names and places have been changed to ensure anonymity.

# Chapter 1 Introduction

## Child Protection Measures

Child protection legislation establishes a system of state intervention into private family life and in other situations where the caregiver is unable or unwilling to properly care for a child or youth. The legislation must maintain a constant balance between what is in society's interests to provide a standard of care, what is in the child's best interest, and what is in the family's interest. In Canada, the child welfare system is not consistent across provinces; rather, it consists of separate child welfare legislation for each of the 10 provinces and 3 territories (Buchwitz 2001). Each province and territory has specific legislation providing protection for neglected and abused children, as well as different ways of defining abuse and collecting data. For example, child abuse (physical, sexual or emotional) is considered grounds for finding a child to be in need of protection in all jurisdictions except New Brunswick. New Brunswick specifies abuse as "grounds to conclude that a child's security and development is in danger" (Secretariat to the Federal/Provincial/Territorial Working Group on Child and Family Services Information 2000: vi).

Although the goals and philosophies of child protection legislation vary across Canada, in keeping with the *UN Convention on the Rights of the Child*, the statutes generally reflect the notion that families form the basic institution of society which should be supported and preserved (Secretariat to the Federal/Provincial/Territorial Working Group on Child and Family Services Information 2000). Furthermore, while it is acknowledged that families are responsible for the care, nurturing, supervision and

protection of their children, child protection legislation also recognizes that children have "certain basic rights, including the right to be protected from abuse and neglect and that governments have the responsibility to protect children from harm" (Federal-Provincial Working Group on Child and Family Services Information 1994: 7 as cited in Canadian Coalition for the Rights of Children 1999: 42).

***UN Convention on the Rights of the Child***

The human rights of children and the standards to which all governments must aspire in realizing these rights, are most fully articulated in one international human rights treaty, the *UN Convention on the Rights of the Child* (UNICEF 2004). The *Convention* is the most widely ratified human rights treaty in history, which sets the minimum legal and moral standards for the protection of children's human rights, "including civil rights and freedoms, rights related to the provision of optimal conditions for growth and development (health care, education, economic security, recreation), and the right to protection from abuse, exploitation, neglect and unnecessary harm" (Special Joint Committee on Child Custody and Access 1998: 13). The *Convention* expressly recognizes the special role of the family in the nurture of the child and views the family as the fundamental group of society and the natural environment for the growth and well-being of children[2].

Canada ratified the *UN Convention on the Rights of the Child* on December 13, 1991. In doing so, the Canadian government committed itself to protecting and ensuring children's rights and agreed to hold itself accountable for this commitment before the international community (UNICEF 2004). Therefore, under the *Convention*, not only is Canada required to take measures to protect children from maltreatment, including

[2] See preamble and articles 5, 10 & 18 of the *UN Convention on the Rights of the Child*, available at: http://www.unicef.org/crc/crc.htm.

violence, abuse and neglect (Article 19), but they are also obligated to move toward legislation and public policy that is in the "best interests of the child" (Article 3)[3].

In B.C., child protection services, which is under the Ministry of Children and Family Development[4], carries out the province's responsibilities under the *Child, Family and Community Service Act*. This agency ensures that children found to be at risk of harm are protected from further abuse and neglect and promotes the capacity of families and communities to support children. Currently, one of British Columbia's primary child welfare challenges is that the number of children in care has increased through the 1990s, as it now has one of the highest percentages of children in care in Canada (Buchwitz 2001). Statistics obtained from the Ministry of Children and Family Development (MCFD) indicates that as of March 2003, B.C. had about 10.5 per 1,000 children in care[5] when the average for all Canadian provinces (excluding Quebec) was 9.4 (MCFD 2004a). The increased number of children removed from their families is problematic, as researchers have suggested, among other things, that the effects of removal are detrimental.

This said, the aim of the present study is threefold. The first objective is to determine whether it is in children's "best interests" to be removed from their families to unfamiliar environments[6], specifically in instances where they are, or are at risk of, being physically abused[7]. Child protection workers may argue that these removal practices

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[3] For full text of articles 3 & 19 of the *UN Convention on the Rights of the Child* please refer to: http://www.unicef.org/crc/crc.htm.
[4] Hereinafter, the Ministry or MCFD.
[5] Rate of children in care measured per 1,000 children under 19 years of age.
[6] Namely group homes.
[7] In accordance with the *B.C. Handbook for Action on Child Abuse and Neglect*, a child is defined as a person under 19 years of age and physical abuse is defined as "a deliberate, non-accidental physical assault or action by an adult or significantly older or more powerful child that results or is likely to result in physical harm to a child. It includes the use of unreasonable force to discipline a child or to prevent a child from harming him/herself or others. The injuries sustained by the child may vary in severity and range from minor bruising, burns, welts or bite marks to major fractures of the bones or skull, and, in its most extreme form, the death of a child" (MCFD 1998: part 2).

are the *least detrimental* to children; however, is it in children's "best interests"? The second objective is to find out the perceptions held by social workers, mental health professionals and administrators regarding an alternative to removing the child from the family – removing the abusive parent from the family[8]. These two objectives will be achieved by analyzing relevant policies and reviewing the literature, as they speak to my objectives, with the results of interviews conducted with social workers, mental health professionals and administrators. The third objective is to make meaning of the analyses achieved from meeting the first two objectives in terms of outcomes and recommendations. A brief context for the thesis will first be provided before outlining the structure and flow of the chapters and determining the policy environment.

## Child Protection Services in British Columbia

### *Context for Change*

An understanding of child protection policy in B.C. or anywhere in the world is intrinsically related to understanding the past and evaluating the present. Thus, child protection cannot be studied in isolation, but only within the complex political, historical, economic, ideological and cultural structures in which it is embedded. Today's child protection policies and procedures in B.C. are the result of a series of legislative and historical events. First, major changes to B.C.'s child protection laws occurred in the 1990s, partly as a result of developments in Britain (*Children Act* 1989), Scotland (*Children Scotland Act*, enacted later in 1995) and New Zealand (*Children, Young Persons and Their Families Act* 1989) (Buchwitz 2001: 73). Second, the tragic death of five-year-old Matthew Vaudreuil in 1992 played a significant role in shaping B.C.'s current child protection policies and procedures.

[8] This research focuses specifically on children who come from two-parent households and are, or are at risk of, being physically abused by one of their parents. By two-parent, I am referring to the child's biological parents.

Matthew Vaudreuil was involved with child protection services from birth. In 1992, at the age of five, he "died at his mother's hand ... after a life of abuse" (McInnes 2002: B13). Not surprisingly, Matthew's death prompted much concern over B.C.'s child protection system, for the Ministry was seen as having failed Matthew. The Inquiry Report, called the Gove Commission Report, examined the case of Matthew and recommended that a new Ministry for Children and Families replace existing provincial agencies dealing with children's care (Jackson 2001). In addition, two new statutes - the *Child, Youth and Family Advocacy Act* in 1994 and the *Child, Family and Community Service Act* in 1996 - were implemented to address concerns about the system (Buchwitz 2001).

The case of Matthew Vaudreuil is but one example illustrating how political discourse inevitably surrounds child welfare issues to the extent that decisions are taken in the glare of publicity and political contention and mistakes often become news headline. As Garland asserts, "[t]he policy-making process has become profoundly *politicized* and *populist*. Policy measures are constructed in ways that appear to value political advantage and public opinion over the views of experts and the evidence of research" (2001: 13; italics in original). Although Garland was speaking specifically about crime control issues, this can be said about any social issue, including child welfare.

### *Child, Family and Community Service Act [1996]*

As mentioned, the *Child, Family and Community Service Act* is currently the provincial legislation that provides legal authority for child protection services in British

Columbia (MCFD 2001b). The guiding principles, which form the basis for practice and decision-making under the Act, are as follows[9]:

a) *children are entitled to be protected from abuse, neglect and harm or threat of harm*;
b) *a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents*;
c) *if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided*;
d) the child's views should be taken into account when decisions relating to a child are made;
e) *kinship ties and a child's attachment to the extended family should be preserved if possible*;
f) the cultural identity of aboriginal children should be preserved;
g) decisions relating to children should be made and implemented in a timely manner (Province of British Columbia 2004: section 2).

The intent of the Act is very clear: to ensure the safety and well-being of children. In the guiding principles, it is stated that "[t]his Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations" (Province of British Columbia 2004: section 2). Interestingly, this focus was incorporated into B.C.'s child protection legislation as a recommendation from the Gove report and was already part of legislation in other jurisdictions, such as the U.K., New Zealand, Scotland and Nova Scotia (Buchwitz 2001).

### *Policy in Action*

The *Child, Family and Community Service Act* requires that anyone who has reason to believe that a child may be abused, neglected, or is for any other reason in need of protection must report it to the Director of Child Protection or a delegated social worker. This responsibility to report child abuse and neglect is reinforced in criminal law.

[9] The italicized principles will be the focus of this analysis.

Under the *Criminal Code*, "physical assault, sexual assault and other sexual offences involving children are crimes, as are abandoning a child and failing to provide the necessities of life" (MCFD 1998: part 1). Once a report has been made, social workers must then investigate the report and go through the arduous task of deciding which cases involve children who are in need of protection. In making this decision, social workers are heavily guided by section 13 of the *Child, Family and Community Service Act*, which sets out criteria that one must consider in determining whether a child is in need of protection. These circumstances may be that the child has been, or is likely to be: physically harmed by the child's parent; physically harmed because of neglect by the child's parent; emotionally harmed by the parent's conduct; or that the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care[10] (Province of British Columbia 2004: section 13; see Appendix A for entire section).

Part of the Ministry's responsibility includes providing the least disruptive intervention necessary to advance the safety and well-being of B.C.'s most vulnerable children. Thus, upon investigation, social workers must take the most appropriate action that is *least disruptive*[11] for the child (MCFD 2001a; emphasis added). These actions may include:

a) providing or arranging the provision of support services to the family;
b) supervising the child's care in the home; or
c) protecting the child through removal from the family and placement with relatives, a foster family or specialized residential resources (i.e., group homes) (MCFD 2001a).

[10] While social workers may be heavily guided by section 13 of the *Child, Family and Community Service Act*, still, considerable judgement and discretion are needed to apply these guidelines.
[11] It is understood that the operationalization of this concept is difficult.

Under the *Child, Family and Community Service Act*, orders that enable the removal of an offending person from a child's home or to prohibit contact with a child in need of protection, may also be made. The *B.C. Handbook for Action on Child Abuse and Neglect* specifically states that if there is reason to believe that a child needs protection and is in imminent danger, "the child protection social worker may remove the child" (MCFD 1998: part 2). However, if the child is believed to be in need of protection but is *not* in immediate danger, the *Handbook* states that the child protection social worker "must *not* remove the child if other available measures are less disruptive to the child and meet their need for protection" (MCFD 1998: part 2; emphasis added).

***Bill C-17: Child, Family and Community Service Amendment Act***

The *Child, Family and Community Service Amendment Act* (Bill C-17) was proclaimed on June 27, 2002. As mentioned earlier, under the *Child, Family and Community Service Act*, there are only two options for Ministry workers and family court judges: to take the child into the care of the Ministry or leave the child in the home. The Ministry clearly emphasized that the purpose of the amendments in Bill C-17 was to uphold and strengthen the intent of the *Child, Family and Community Service* Act; that the family is the preferred environment for the care and upbringing of a child, *as long as* the child's safety and well-being are not at risk.

Amendments made to the *Child, Family and Community Service Act* increased the range of options available to Ministry workers and family court judges (MCFD 2002b). One change under Bill C-17 was that, where it is in the child's best interests, the child's extended family, friends of the family or other community members who have a significant bond to the child, may be considered as potential guardians (MCFD 2002b). This new option was seen as empowering families and providing a less disruptive intervention, while giving Ministry workers an expanded array of tools to do their work.

Since this amendment, there has been an increased use of placements with extended family or close friends; in their 2003/2004 Annual Service Plan Report, the Ministry indicated that placements with extended family increased from 63 in March 2003 to 150 in March 2004 (MCFD 2004a: 7).

***Ministry Re-Structuring***

The Ministry of Children and Family Development has been through numerous organizational changes, ministers and deputy ministers; in 2004 alone, there have been three different ministers[12]. Each new leader, each new structure and each new budget year shifted the focus and changed the priorities of the Ministry, impeding its ability to develop. The Office of the Child, Youth and Family Advocate recently reported that "there have been no significant improvements to services" (2000: 12). Rather, in their 2001 Annual Report, the Office of the Child, Youth and Family Advocate stated that it is often difficult for families to receive the support and services they need to care for their children. Many young people seeking assistance from the Advocate's Office reported that, when dealing with the Ministry, "good planning and practice appeared to be secondary to concerns about costs" (Office of the Child, Youth and Family Advocate 1999: 13). As a result, the Advocate's Office recommended having increased support for families in their role as primary caregivers for their children, and "urge[d] the government to direct additional resources and energy to reducing the need to bring children and youth into care" (Office of the Child, Youth and Family Advocate 2001: 28). With this background providing the preliminary context for the reader, the thesis outline will now be discussed.

[12] Minister Gordon Hogg was replaced by Deputy Premier Christy Clark, who was recently replaced by Stan Hagen.

***Chapter Outlines***

The thesis comprises of six chapters, including this introduction. Chapter two discusses the existing literature on the best interests of the child standard and child removal. It is organized into four key themes: best interests of the child, child removal, effects of removal on children, and alternatives to child removal.

In chapter three, I discuss the research problem and the reasons for choosing this topic for my thesis. The chapter also lays out my research objectives and explains why I used a qualitative approach for my research. I then outline my research method, which involved face-to-face interviews with twelve professionals involved directly or indirectly in child protection. Finally, my data sources and collection, data analysis, and the limitations of my research are discussed in this chapter.

Chapter four discusses the results from the interviews undertaken with the twelve participants. It considers their perceptions on a variety of topics including the best interests of the child standard, child removal, the effects of removal, current practices of child protection workers, and the alternative of removing the abusive parent from the home.

In chapter five, I relate my interview findings to the policy analysis and literature review. Thus, in this chapter, I was interested in how my research reflected, contradicted and/or advanced the existing literature in this area. An unsettling disjuncture between the policy and practice surrounding child removal was a key finding of this research. While the majority of literature on child removal suggests that removal should be considered as a last resort, the respondents illustrated that, in practice, removal is often used as a first resort.

The concluding chapter of the thesis summarizes this analysis and presents recommendations for future research in the field. One recommendation is to look

beyond the immediate effects of removal on children and conduct a longitudinal study of the lives of children and youth after they leave the Ministry's care to further our understanding of what is in their "best interests".

# Chapter 2 Literature Review

Before discussing the research methods employed in my study, it is important to contextualize the research by examining the key sources of literature in this area. In this chapter, I discuss the central themes found in the literature, including the best interests of the child standard, child removal, the effects of removal on children, and alternatives to child removal.

## Best Interests of the Child

The best interests of the child standard is, arguably, the universal principle, which now guides the adjudication of all matters concerning the welfare of children (Breen 2002). In fact, many professionals rely on this standard when making crucial decisions about the fate of children. The best interests of the child principle is the dominant approach for resolving legal disputes about children in the context of parental separation and in a variety of other contexts, including child protection cases involving abuse and/or neglect (Weisz 1995). The best interests of the child principle has also been adopted as a central concept of international law. In 1989, after a decade of debate, the United Nations adopted the *Convention on the Rights of the Child*. Article three of the *Convention* provides, as a key principle, that "[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, *the best interests of the child shall be a primary consideration*[13]" (UNICEF 2004). Therefore, in each and every circumstance, in

[13] Emphasis added.

each and every decision affecting the child, all possible solutions must be considered and due weight given to the child's best interests (UNICEF 2004).

Legislatively, the "best interests of the child" standard has a long history in Canada, appearing in federal legislation pertaining specifically to divorce and immigration and provincially in child welfare and protection policy (Angus 1998). The B.C. *Child, Family and Community Service Act* requires that the "best interests" of the child must be considered in the administration and implementation of the Act. Within the Act, there are numerous references to the best interests of the child; for example, section six of the Act stipulates that, before making a voluntary care agreement, "the director must ... consider whether the agreement is in the child's best interests". In addition, section 20(1)(b) of the Act states that, "[t]he purpose of a family conference is to enable and assist the family to develop a plan of care that will ... serve the best interests of the child" (Province of British Columbia 2004: sections 6 & 20).

The *Child, Family and Community Service Act* also requires that the best interests of the child be considered regarding the removal of children from their families. Since the concept of a child's "best interests" can mean different things to different people, the *Child, Family and Community Service Act* specifies factors that must be considered in determining a child's best interests. These factors include:

a) the child's safety;
b) the child's physical and emotional needs;
c) the importance of continuity in the child's care;
d) the quality of the child's relationship to the parent;
e) the child's cultural heritage;
f) the child's views; and
g) the effects of delayed decision-making on the child (Province of British Columbia 2004: section 4; see Appendix B for entire section).

Similarly, article 20 of the *UN Convention on the Rights of the Child*, stipulates that "due regard shall be paid to the desirability of continuity in a child's upbringing, and to the child's ethnic, religious, cultural and linguistic background" (UNICEF 2004).

Although there has been longstanding debate about what constitutes the "best interests" of a child in relation to child custody and access issues (Jameson et al. 1997; Walter et al. 1995), researchers have yet to systematically examine the "best interests of the child" standard as it applies to child protection cases involving abuse. The available literature does, however, include some examinations of the best interests of the child standard in relation to child removal.

***Best Interests of the Child & Child Removal***

The standard of the best interests of the child was popularized by the works of Goldstein, Freud and Solnit (1973, 1979). These authors based their guidelines on psychoanalytic theory and focused primarily on the need to safeguard the physical and psychological needs of a child[14] (Breen 2002). Furthermore, their guidelines were an attempt to guide judicial decision-making in all types of disputes involving child placement. Goldstein and colleagues broadly define child placement as "a term that encompasses all legislative, judicial, and executive decisions concerned with establishing, administering, or rearranging parent-child relationships" (1996: 6). The principles contained in their books are not specific to child protection and the authors note that child placement covers a wide range of legal procedures including "birth certification, neglect, abandonment, battered child, foster care, adoption, delinquency, youth offender, as well as custody in annulment, separation, and divorce" (Goldstein et al. 1973: 5).

[14] The authors' attempts to define the best interests of the child standard are based on two value preferences: (a) minimum state intervention into an existing family and (b) making the child's interests paramount (Goldstein et al. 1973).

Goldstein and his colleagues proposed three guidelines for decision-makers in determining the placement of a child in a family or alternative setting. These were to safeguard the child's need for continuity of nurturing relationships, reflect the child's sense of time, and take into account the limits of knowledge to make long-range predictions and the limited capacity of law to monitor interpersonal relationships (Goldstein et al. 1973). The authors believed that placement decisions should safeguard the child's need for continuity of existing relationships because they viewed continuity as being an essential component for the healthy development of a child's sense of self and identity (Goldstein et al. 1973). According to Goldstein and colleagues (1973), disruptions in continuity can evoke a variety of negative responses among children, including separation anxiety and difficulties forming attachments. Due to the harmful effects that discontinuity can have on children, Goldstein and associates (1973) maintain that foster or other temporary placements should be administered to preserve the continuity of ties to the absent parents with whom the child is expected to be reunited.

The second guideline proposed by Goldstein and colleagues is that placement decisions should reflect the *child's* sense of time and not that of the adult. The authors note that a child experiences a given time period according to their purely subjective feelings of impatience and frustration; not according to its actual duration[15]. Thus, depending on the duration, the frequency and the developmental period during which the parental absence occurs[16], a child may experience the detrimental implications associated with breaches in continuity (Goldstein et al. 1973). Consequently, Goldstein and colleagues contend that decision-makers should act with "all deliberate speed" when making decisions about child placement (1973: 42).

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[15] Goldstein et al. (1973) assert that although three months may be a short time for an adult decision-maker, for a young child it may seem like forever.

[16] The younger the child, the shorter the interval needed before the child experiences the harmful effects associated with breaches in continuity (Goldstein et al. 1973).

The third guideline proposed by Goldstein and associates (1973) is that child placement decisions should take into account the law's incapacity to make long-range predictions and to manage family relationships. Goldstein and colleagues argue that the legal system has neither the sensitivity nor the resources to maintain or supervise ongoing day-to-day happenings between parent and child. Furthermore, the authors contend that the legal system does not have the capacity to predict future events and needs that would, in the long term, justify any specific conditions it might impose upon the parent or parents with whom the child is placed (Goldstein et al. 1973). As a result, the authors believed that the law was to take a non-interventionist stance and resist interfering unless the need or inevitability of change became clear (Breen 2002).

When intervention becomes necessary, Goldstein and colleagues proposed, as an overall guideline for child placement, "the least detrimental available alternative for safeguarding the child's growth and development" to replace the "best interests of the child" standard (Goldstein et al. 1973: 53). The authors believed in the importance of accepting and understanding that, for children who are the subject of placement conflicts, "best" is no longer an option. For the authors, the least detrimental alternative incorporates the three guidelines:

> The least detrimental alternative, then, is that specific placement and procedure for placement which maximizes, in accord with the child's sense of time and on the basis of short-term predictions given the limitations of knowledge, his or her opportunity for being wanted and for maintaining on a continuous basis a relationship with at least one adult who is or will become his psychological parent (Goldstein et al. 1973: 53).

Goldstein and colleagues believed that this approach was the most preferable for two reasons. First, it indicated to the decision-maker that the child was already a victim of his or her environmental circumstances (Breen 2002). As Goldstein and his colleagues assert, "[a] child whose placement must be determined in legal controversy

has already been deprived of his "best interests", either by the loss of his parents; or by their rejection, ineptitude, and negligence; or by the breaking up of his family ties for other reasons" (1973: 62-63). Consequently, in adopting the least detrimental alternative approach, the focus of the decision-makers should be transferred from the unattainable promise of "best interests" to the need to "salvage as much as possible out of an unsatisfactory situation" (Goldstein et al. 1973: 63). Second, the least detrimental alternative highlighted the fact that many decisions made in the best interests of the child were often balanced against, or subordinated to, adults' interests and rights (Breen 2002). In the least detrimental alternative approach, the best interest is based exclusively on the child; other factors, including the needs of parents, siblings, or the state, are considered only insofar as they affect the child. While the articulation of Goldstein and colleagues' ideas may appear overly academic and stilted, it remains true that their work is one of the first to focus on the important issues of meaning and definition of concepts such as "best interests of the child".

In 1998, Banach attempted to operationally define the best interests of the child standard by interviewing professionals who regularly use the standard to determine a child's residence. She interviewed family court judges, caseworkers, and lawyers who work in New York State Family Courts and found that, although many professionals asserted that the best interests of the child are determined on a case-by-case basis, certain factors were commonly used in the decision-making process. She also found that the majority of professionals interviewed for the study expressed a great deal of subjectivity with regard to the standard.

Banach (1998) found that specific guiding principles and case variables were considered by these professionals when deciding the living arrangements for a child. The principles included time in care, prevention of future problems, selecting alternatives

that would preserve the family unit, and cultural identity. Time in care referred to the desire to have the child returned to the biological family as quickly as possible, as well as the actual amount of time that a child has been with a surrogate caretaker (Banach 1998). Banach (1998) found that ideological elements implied in this category contained references to attachment and child development theories. In some instances, respondents indicated that, due to the length of time away from the parent, the child might be better served by remaining in the current situation.

The second guiding principle, prevention of future problems, reflected the professionals' concerns for the child to be in an environment that fosters their growth and development. Banach (1998) found that safety and psychological well-being were key considerations in the immediate and long-term projections of a child's best interest. The third guiding principle, which was present in both foster care and divorce custody proceedings, was the desire to select an alternative that would preserve the family unit. The last guiding principle, cultural identity, reflected the professionals' desire to maintain or enhance a child's connection with their culture or his or her birth parents.

Banach also found that case variables such as parental functioning and child-related variables were important in determining the best interests of a child. Therefore, the parents' current and past relationships with the child, as well as the perceived capacity of the parent to attend to the child's needs, were significant considerations when projecting a child's best interests (Banach 1998). In assessing and evaluating the behaviours detrimental to the parent/child relationship, the interviewees identified prior reports of abuse and neglect as a significant factor.

Banach's (1998) study also revealed that the parent's relationship with their partner was an important variable in determining a child's best interest. The factors considered in this context included domestic violence, the extent of general conflict

between the parents, and parental involvement with a partner who may have questionable parenting capabilities. An additional case variable that was considered in determining a child's best interest was the availability of social support, which entailed any emotional and/or financial backing available or absent for a parent.

With respect to child-related case variables, Banach (1998) found that the child's behaviour was a consideration when determining their best interests. The professionals in Banach's study indicated that behaviour problems and the degree of attachments demonstrated by the child were important variables when determining the quality of the parent/child relationship. Finally, Banach (1998) found that "child wishes", statements made by children about their preferences, were also an essential ingredient in the decision-making process (1998: 337).

Up to now, the literature has revealed various factors that must be considered in determining the "best interests" for a child in the context of removal. The available literature, however, does not fully address whether removal is in a child's "best interest". Drach and Devoe (2000) assert that it is perhaps in the best interest of the child to be removed from the home in situations where the child enjoys "no secure attachments within the family, where extreme and long-term disturbances in the child-caregiver relationship are clearly evident, and where the primary attachment figure either is the abuser or is unable to protect the child from abuse" (2000: 99). Conversely, they conclude that in other situations, even when the child may have suffered a severe injury, it may be better to keep the child in the home. Therefore, if the abuser was *not* the child's primary attachment figure or "if the abuse was clearly precipitated by transient stressors in an otherwise healthy attachment environment", Drach and Devoe contend that it is in the child's best interest to be kept in the home (2000: 99). Nevertheless, as

noted, there is a scarcity of research examining whether removal is in a child's "best interest".

Researchers have, however, examined the associations between the decisions of child protection officers to remove children at risk from their home and features of a) the children's parents and b) the *quality of life* the parents can provide for their children (Arad & Wozner 2001; emphasis added). A study by Arad and Wozner (2001) found that child protection officers confronted with the decision to leave children at risk of abuse or neglect at home or to remove them, considered both in-home and out-of-home alternatives, rather than focusing solely on removal. These officers also selected the alternative that they perceived to be the less damaging of the two. Determining the quality of life that the parents and home could give the child, as opposed to the quality of life that the out-of-home placement could provide, was used to assess which alternative was superior (Arad & Wozner 2001). Arad and Wozner (2001) measured quality of life on a 16-item Quality of Life questionnaire, developed by Shye (1979, 1985, 1989), to tap the psychological, physical, social and cultural components of the child's quality of life. Surprisingly, the child protection officers reported their prediction that both the children they recommended keeping at home, as well as those they recommended removing, would have a better quality of life *outside* their homes (Arad & Wozner 2001).

Using such apparently objective measures as the 16-item Quality of Life questionnaire to assess a child's quality of life is unsettling. First, it seems unjust to "measure" or "predict" something as subjective as quality of life, especially when that outcome will end up determining whether a child will be removed or kept in their home. Further, the questionnaire cannot truly "tap" into the psychological, physical, social and cultural components of a child's life. This is because it involves the child protection

workers' *prediction* of what the child's quality of life may be if they are removed, as opposed to kept in the home.

A further criticism of such objective measures comes from Strauss and Corbin, who assert that "a state of complete objectivity is impossible and that in every piece of research - quantitative or qualitative - there is an element of subjectivity" (1998: 43). Thus, by using such objective measures, the researchers are able to disguise themselves as being detached from the process of analysis. Even so, it is inevitable that researchers will appeal to their own interpretations and common-sense knowledge in defining certain variables and coding answers in questionnaires. Hence, as Silverman claims, "the 'hard' data on social structures which quantitative researchers claim to provide can turn out to be a mirage" (2000: 6).

There has also been great debate about the best interests of the child standard. At the heart of the debate is the assertion that the "best interests of the child" standard eludes definition (Wall 1994; Walter et al. 1995; Bailey & Giroux 1998). Banach (1998) adds that there is great variability in beliefs about what is "best" for children within both the social service and legal community and that no operational definition is universally recognized. Thus, she notes that "although people certainly agree that children should not be harmed physically, agreement about factors to consider in decisions based on the best interests standard is lacking" (Banach 1998: 331). Likewise, Bailey and Giroux (1998) contend that application of the best interests of the child standard can be difficult due to the absence of clear guidelines as to what factors should be given the most weight in a particular case. A noted American legal scholar, Robert Mnookin (1975), observed:

> Deciding what is best for a child poses a question no less ultimate than the purposes and values of life itself. Should the judge be primarily concerned with the child's happiness? ... Are the primary values in life in

> warm interpersonal relationships, or in discipline and self-sacrifice? Is stability and security for a child more desirable than intellectual stimulation? These questions could be elaborated endlessly. And yet where is the judge to look for the set of values that should inform the degree of what is best for the child? Normally the custody statutes do not themselves give content or relative weights to the pertinent values. And if the judge looks to society at large he finds neither a clear consensus as to the best child rearing strategies nor an appropriate hierarchy of ultimate values (as cited in Bala 2000: 2).

Furthermore, the subjective nature of applying the standard has also been criticized. Some authors assert that the determination of a best interests decision inevitably requires speculation and the application of the personal values of the decision-maker (Walter et al. 1995; Bailey & Giroux 1998). Bala concludes, "[w]hile the knowledge of child psychologists and other mental health professionals can have an important role in best interests decisions, it is also clear that the values, biases, beliefs and experiences of the person making a best interests decision will inevitably affect the decision" (2000: 2).

Undoubtedly, the best interests of the child standard epitomizes decision-making that is flexible and "individualized" to respond to the particulars of the situation. Nevertheless, as Walter and his colleagues observe, such individualized tailoring, "when combined with vague definitional guidelines, the problems of prediction and reliance upon the ultimately personal values of the decision maker, results in decisions that are potentially inconsistent and themselves lacking in predictability" (1995: 381).

## Child Removal

It is widely recognized that the decision to separate a child from his/her family is one of the most serious and difficult decisions made by child protection workers (Thompson 1981; Canadian Coalition for the Rights of Children 1999; Whelan 2003). Investigating child protection cases, social workers are often faced with two difficult

choices: should a child be taken into care or is the child best served by staying in the family home, with appropriate services and supports provided to the family? (Canadian Coalition for the Rights of Children 1999; Arad & Wozner 2001)

Under the *UN Convention on the Rights of the Child*, states must prevent children from being separated from their families unless the separation is judged necessary for the child's best interests (Article 9)[17]. Similarly, the existing literature suggests that due to the negative effects of removal, which will be discussed in further detail later in this chapter, removal should *only* be used when all alternatives short of separation have been adequately tried and found wanting (Steinhauer 1991; Weisz 1995). Bearing in mind the potentially harmful effects of removal on children, child protection workers must consider a host of factors when contemplating removal of children (Thompson 1981; Weisz 1995; Walter et al. 1995). Walter and associates assert that the decision-maker needs to know about the child and "a great deal about the proposed setting for the child, in order to be able to compare the benefit or harms of the home versus removal, upon the child's intellectual, physical, emotional and social development" (1995: 387). Information regarding the parent(s) and the availability of services must also be acquired in order to make a constructive decision about child removal (Thompson 1981; Weisz 1995).

When obtaining information about the child, Thompson (1981) contends that it is necessary to consider the *quality* of attachments the child has to the nurturing people, the developmental stage of the child, and impact of the abuse on the child. Another major consideration for decision-makers is the anticipated impact that removal or remaining in the home will have on the child (Weisz 1995). Weisz (1995) also claims that it is necessary for the social worker to assess the danger to the child and collect

[17] For full text of article 9 of the *UN Convention on the Rights of the Child* please refer to: http://www.unicef.org/crc/crc.htm.

information from doctors, teachers, neighbours, mental health professionals and others to support the decision to apprehend the child.

Thompson (1981) maintains that information about the parent(s) must be acquired when making the decision to remove a child from their family. Therefore, assessing the strengths and weaknesses of the parent(s), both as parents and as individuals, and the parents' capacity to change to meet the child's needs are very important when making the decision to remove a child (Thompson 1981). In addition, Weisz (1995) insists that the child protection worker must consider the possibility of environmental stresses that may have precipitated the breakdown of the family's nurturing functions and whether all reasonable services were provided to the family to eliminate the need to remove the child.

### *Wife Abuse as a Risk Factor for Child Abuse*

Research evidence suggests that child protection workers considering the apprehension of children from their families should also make inquiries about whether wife abuse and child abuse are co-occurring, so that maximum safety is ensured to all family members. Existing literature demonstrates strong links between child abuse and wife abuse (e.g., Giles-Sims 1985; Pulido & Gupta 1995; Straus & Smith 1990; Tajima 2002; see also Jaffe, Wolfe & Wilson 1990; Ross 1996); not only do the majority of children living in situations of domestic violence witness incidents of violence, but they also become much more vulnerable to being either indirectly or directly physically abused. Researchers indicate that it is not uncommon for battered women seeking safe shelter and other services to be accompanied by their children; for many battered

women, the safety and well-being of their children often acts as a catalyst for their decision to leave their violent partners and seek help[18] (Peled & Edleson 1995).

Straus and Gelles (1990) conducted two landmark studies in the field of family violence - the National Family Violence Survey (NFVS) in 1975 and the National Family Violence Resurvey in 1985. Through telephone interviews, Straus and Gelles were able to measure the incidence of violence in nationally representative samples of American households[19]. The database obtained from these surveys was extremely significant because it offered the opportunity for various researchers to explore risk factors for child abuse (e.g., Tajima 2000 & 2002; Ross 1996; Straus 1990).

Using the 1975 and 1985 NFVS data, Straus and Smith (1990) listed characteristics that differentiated abusive parents from non-abusive parents, identifying wife abuse as a significant risk factor for physical child abuse. In families where the husband had hit his wife, even if the violence was restricted to slaps, pushes and throwing things, the incidence of child physical abuse was 150% greater than in other families (22.3% vs. 8.0%) (Straus & Smith 1990). Furthermore, using only the 1975 NFVS data, Straus (1990) found that 50% of fathers who frequently abused their wives also frequently abused their children.

Tajima (2000) also used the 1985 NFVS data to investigate the relative importance of wife abuse as a risk factor for physical child abuse, physical punishment

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[18] In Canada, between April 1998 and April 2000, there was a decline in the number of children admitted to shelters; however, the proportion of children in shelters for reasons of abuse increased (Code 2001). "Snapshot" day data indicated that 86% of children in 1998 were residing in shelters for reasons of abuse compared to 91% of children in 2000, while the proportion of women residing in shelters for reasons of abuse was the same in both 1998 and 2000 at 83% (Code 2001).

[19] The surveys are representative of adult, heterosexual persons with telephone service. The National Family Violence Survey (1975) consisted of a sample of 2,143 households and the National Family Violence Resurvey (1985) consisted of a sample of 6,002 households. Both men and women were interviewed, with one respondent (selected randomly) interviewed per household.

and verbal child abuse. She conducted a secondary analysis of the 2,733 cases in which respondents were married (or living together) and had at least one child younger than 18. In the 456 cases that reported wife abuse, she found that wife abuse was a consistently significant predictor of the three forms of abuse. In 2002, Tajima employed the same sample as she used in her 2000 research and compared risk factors in households with wife abuse to risk factors in homes without wife abuse. Once again, she found that households reporting wife abuse had higher rates of all forms of violence toward children than in homes without wife abuse. She also found that physical abuse correlated with verbal abuse and physical punishment - more than 90% who were physically abused also experienced verbal abuse and physical punishment (Tajima 2002).

Other studies also provided evidence that wife abuse and child abuse co-exist in many families. Stark and Flitcraft (1988), using the medical records of mothers in suspected cases of child maltreatment, found that of 116 children seen in a hospital for suspected abuse and neglect, 45% of their mothers had histories indicative of domestic violence. In a study by Giles-Sims (1985), 27 women[20] who sought help at a shelter were interviewed. The women's reports indicated that 63% of the men and 55.6% of the women used severe forms of violent tactics[21] toward their child in the last year. When more minor forms of violence[22] were included, Giles-Sims (1985) found that 88.9% of the men and 92.6% of the women reported using violence toward their child.

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[20] The women selected all had children under the age of 18.

[21] In accordance with the Conflict Tactics Scale (CTS) the "severe violence index ... is restricted to the more serious acts of violence which are most likely to result in injury: kicking, biting, punching, hitting with an object, beating up, threatening with a knife or gun, and/or using a knife or gun" (Giles-Sims 1985: 207).

[22] In accordance with the Conflict Tactics Scale (CTS) the "Violence Index includes: throwing something at the child, pushing, grabbing or shoving, slapping, kicking, biting, hitting with a fist, hitting or trying to hit with something, beating up, threatening with a knife or gun and/or using a knife or gun" (Giles-Sims 1985: 207).

The literature does not support a solid conclusion that wife abuse is a *causal* factor in the incidence of child abuse; however, it undeniably illustrates that there is a significant *correlation* between the two forms of family violence. Furthermore, it has also been suggested that children of battered women are more likely to be placed in out-of-home care compared with those of non-battered women (Stark & Flitcraft 1988). Stark and Flitcraft (1988) found that almost one-third of the children who were specially marked, or "darted[23]", for all reasons were removed from homes where mothers were being battered. They assert that this is significantly higher than the percentage of children removed for all reasons from families with non-battered mothers (Stark & Flitcraft 1988).

## Effects of Removal on Children

*"When you take the child away from the parent, there's [a] risk. We know that children that are away from their families often do not thrive" (Jane Morley, B.C. Child and Youth Officer as cited in McInnes 2003: B3).*

The effects of physical abuse are very well documented and prove to be very serious and detrimental to children. However, few researchers have examined the effects associated with removing children from their families in instances of abuse. The available literature does suggest that removal can be both harmful and beneficial to children. Stein and Rzepnicki (1983) assert that although removal of a child from their home solves an immediate problem - protection from the harmful situation that necessitated the intervention - the separation could also create trauma, especially for the child who blames him or herself for the separation (as cited in Weisz 1995: 128).

Existing literature on the negative effects of removal suggests that placement of children outside the home poses a risk factor for negative psychosocial consequences

[23] Children are "darted" because clinicians believe that they are "at risk" of abuse, neglected, or injured under "suspicious circumstances" or because the mother needs "support" to help her cope (Stark & Flitcraft 1988: 105).

(Drach & Devoe 2000). It has been suggested that this can be attributed to the radical disruption children may experience in their primary emotional attachments and routines (Drach & Devoe 2000; Goldstein et al. 1973). As Weisz (1995) contends, separating a child from siblings, the extended family, friends and/or their school, presents a significant risk for the child's basic attachments. Steinhauer (1991) reports that although separation may be intended to be temporary, it may sometimes drift into a permanent rupture of that child's relationship with the natural family, further disrupting an already disturbed family equilibrium. Drach and Devoe assert that children frequently experience "intense reactions of anxiety, loss, grief, and depression when precipitously separated from their family, even an abusive family, and placed in foster care" (2000: 96). Due to the harmful effects that removal can have on a child's attachments, the literature suggests that when removal is the *only* recourse to protect the child, "meaningful parental contact should be maintained, especially for the already bonded young child" (Weisz 1995: 125).

Some authors believe that children who are separated from their parents for long periods may suffer from confusion, inner conflict and insecurity about the future, resulting in a low frustration threshold and poor impulse control (Arad & Wozner 2001; Wasserman & Rosenfeld 1986). They may become angry, hostile and develop behavioural problems, which sometimes cross the line to anti-social behaviour and difficulties forming intimate ties (Wilkes 1992 as cited in Arad & Wozner 2001). There is evidence that separation may impair a child's self-esteem, cause them to feel unloved, rejected and worthless, and leave them (and their parents) feeling that they are failures (Wasserman & Rosenfeld 1986). It has been proposed that children tend to see their removal as abandonment, which further undermines their trust in their parents (Moss & Moss 1984 as cited in Arad & Wozner 2001). Levine (1988) also claims that, in a

defensive maneuver, children who are removed tend to perceive their removal from home as punishment for being bad, which further erodes their self-esteem.

Shelton (1982) maintains that removal can be very damaging because it places children under excruciating pressure from family members to recant. This, combined with the guilt from already "hurting the parents by telling on them," can produce an emotional breakdown having the child return home alone to face the family's wrath (Shelton 1982: 56). On the other hand, Wasserman and Rosenfeld (1986) found that some abused and neglected children, who have taken physical care of their parents, feel guilty when they are removed because they will no longer be able to fulfil the necessary and meaningful role of caretaker and protector.

Recently, the Canadian Coalition for the Rights of Children (2003) reported that children in care typically have several different short-term placements and workers, averaging about five different placements and three different workers. The literature reveals that child removal always presents the eventual possibility of multiple placements, which can be extremely harmful to a child (Weisz 1995). Goldstein and colleagues (1973) confirmed that multiple placements put many children at an educational and social disadvantage, which may, in turn, cause behaviour that schools and the community at large experience as disorganized and disruptive. Multiple placements may also destroy the child's attachments and their ability to form trusting relationships (Weisz 1995; Goldstein et al. 1996). Goldstein and colleagues assert that "[b]y moving children from placement to placement in the interests of absent parents ... the state interferes with the attachments that are essential for a child's well-being" (Goldstein et al. 1996: 226).

The effects of removal are complex since research also shows that removal can be *beneficial* for children. Wasserman and Rosenfeld (1986; see also Weisz 1995)

claim that removal of a child can provide for their immediate safety and an opportunity to live in a situation where they are safer, wanted and valued. Furthermore, McMahon and Clay-Warner (2002) acknowledge that removing the child from the home might provide a more stable environment in which the child may develop secure attachments. It has been suggested that separation can also temporarily free a parent from the burdens of child rearing, creating an opportunity for them to take constructive steps to improve their economic and social situation so that an adequate home can be provided for the child (Wasserman & Rosenfeld 1986).

In general, the majority of literature surrounding child removal tends to support the argument that separation and institutional care have a negative effect on children's cognitive and social development (Thompson 1985; Bohman & Sigvardsson 1980 as cited in Arad & Wozner 2001; see also Wasserman & Rosenfeld 1986; Weisz 1995; Drach & Devoe 2000). The British Columbia Children's Commission (1999) also concluded that children and youth in care are especially prone to poor outcomes as they experience poorer physical health and underperform in school compared to other children.

## Policy Implications for Child Protection

The literature suggests, not only that removal practices are detrimental to children, but also, that it presents social workers with a major dilemma in their decision-making process. Given the options currently available to social workers, the mandate to protect children while trying to keep families together, represents conflicting ideologies. On the one hand, if social workers decide to *remove* a child from the home, thereby keeping the child protected, they fail to preserve the family unit and any attachments the child may have. On the other hand, if social workers decide to keep the child *in* the home, preserving the family unit, the child is not fully protected because the possibility

that the abuse will continue still exists. It appears that the option to remove children from their homes does not adequately satisfy the "best interests" of the child or the mandate set out by the Ministry. Furthermore, the dramatic increase in the number of children in the Ministry's care in B.C. throughout the 1990s[24], suggests the province's focus on the physical *safety* of children, with less consideration for the child's best interests *or* the preservation of family.

The evidence to date supports the need for the Ministry to implement a clearer policy that states plainly what is of utmost importance - the safety of children, promoting the best interests of children, or the preservation of family? In 1999, amendments were made to Ontario's *Child and Family Services Act* to clearly establish that the paramount purpose of the child protection system is to promote the best interests and well-being of the child, *not* to ensure family preservation (Canadian Coalition for the Rights of Children 2003). B.C.'s child protection policy may benefit from identifying and adopting such "best practices" from other provinces where children in need of protection have their needs met in compliance with their rights. The literature also reveals a need to apply clearer and better definitions to such terms as "well-being". The *Child, Family and Community Service Act* indicates that "... the safety and *well-being* of children are the paramount considerations" (Province of British Columbia 2004: section 2; emphasis added); however, what is meant by the term "well-being" is very ambiguous.

Finally, the Ministry should work towards emphasizing more alternatives to child removal that will better satisfy the mandate and be less disruptive than removing a child from his or her parental home. The literature suggests that the state is not an ideal

[24] Statistics obtained from the Ministry of Children and Family Development (2002a) indicates that the percentage of children in care in B.C. declined from 1981 to 1995. However, since the introduction of the *Child, Family and Community Service Act* in 1996, the percentage of children in care rose sharply until 2001, peaking at 10,775 in June 2001 (MCFD 2003; MCFD 2004a; MCFD 2004b).

parent for children because of the limitations on assistance it can provide to children and the difficulty of coordinating the services of many agencies to fulfil the needs of one child (Weisz 1995). As Weisz stipulates, "[t]he child protective services worker, as the primary community agent charged with providing child protection, is stymied too often by tight budgets and inadequate family services and is powerless to ensure that other community services play a vital role in protecting vulnerable children" (Weisz 1995: 11). The Special Joint Committee on Child Custody and Access also noted that a "universal feature of child protection systems ... is the overwhelming caseloads of child protection workers because of insufficient resources" (1998: 65).

The B.C. Child, Youth and Family Advocate, in her 2001 Annual Report, indicated that a number of callers to their Office expressed problems obtaining family support services[25]. Family support services are intended to support families to care for their own children, and includes in-home and respite supports, family counselling, parenting programs, mental health services and programs for children who have witnessed family violence (Office of the Child, Youth and Family Advocate 2001). Unfortunately, the Annual Report confirmed that the lack of resources renders it difficult for families to receive the support and services they need to care for their own children (Office of the Child, Youth and Family Advocate 2001). This shortfall is problematic, as it does not meet the *Convention*'s requirement that countries respect parents' primary responsibility for providing care and guidance for their children and support parents in this regard by providing material assistance and support programs (UNICEF 2004).

Although it has been asserted that removal should occur only when the child cannot be protected within the home, Weisz contends that "foster home placement has a sorry history of use as a first rather than as a last resort" (1995: 149). Inadequate

[25] The Annual Report (2001) indicated that, while some callers required basic information on family support services, others had difficulty accessing such services.

funding of public service agencies, turf boundaries that narrowly define the area of children's needs served and office hours unmanageable for many targeted families make the process of providing services to families so burdensome that "protection agencies often are pushed in the path of least resistance and remove the children from the home" (Weisz 1995: 12). Thus, the literature suggests that individuals and agencies that care for children are not motivated solely by the promotion of a child's best interests when making decisions about them; rather, resources and institutional constraints play a significant role when state agencies are involved in making decisions about children (Bala 2000).

The lack of sound and clear policy, compounded by increasingly severe budget cuts to social services, have contributed to a neglect of the "best interests" of children by all levels of government, thereby making the practice of best interests "weak" (Angus 1998: 3). Furthermore, it has also been suggested that, although the best interests of the child concept is the centrepiece of the *UN Convention on the Rights of the Child* and is present in Canadian legislation and policy, it is often not applied in practice (Angus 1998). Following an evaluation of Canada's compliance with the *UN Convention on the Rights of the Child*, the Canadian Coalition for the Rights of Children indicated that, while Canada does, to some extent, uphold the *Convention*'s general principles of best interests of the child, "[i]n child welfare cases, the child's best interests are weighed against parents rights. In other areas, children's "best interests" are ignored or are interpreted without considering the views of the children at all" (1999: 4).

***Removal of the Abuser***

Even with the harmful effects that removal can have on children, Stark and Flitcraft (1988) note that, if the man is battering the mother and child, foster placement or residential group homes is most likely. Removal of the child in these instances is a

punitive intervention as far as the mother is concerned: not only are the mothers who pose the least danger to their children most likely to lose them, but they may also lose access to any resources being provided by social services. Furthermore, the removal of children only confirms that the mother is responsible for her abuse, as well as that suffered by her children and child abuse signals a failure in mothering or her failure to protect her children. More importantly, the removal of the child(ren) instead of the batterer, may actually endanger a woman's life. When an abused or neglected child is removed from their home, not only is the battered woman isolated, but her vulnerability to abuse is also increased (Stark & Flitcraft 1988). In this respect, the response of child protection workers to remove children is, as Stark and Flitcraft argue, "ineffective at best and punitive at worst" (1988: 108).

Researchers suggest that in assessing whether children should be removed from the home, child protection workers should concern themselves with the possibility of domestic violence occurring in the house. In responding to the subset of their cases in which a woman is battered, child protection workers should focus on ensuring that safety for women and children is the goal, and that the unit preserved is children and their non-abusing parent. Thus, child protection workers ought to avoid the unnecessary separation of children from the non-abusive parent, the person who intimately understands the trauma they face. DePanfilis and Brooks (1989) suggest that rather than removing the child(ren) from the abusive home, the abuser should be removed:

> While child protective service is grounded on the premise of family maintenance, it may be necessary to reassess what constitutes a safe family if the presence of the batterer in the home poses a continual threat to the children and mother. This means that, in many cases, removing the batterer from the home, not the children, may be the more appropriate intervention (as cited in McKay 1994: 4).

Steinhauer (1991) also asserts that if there is imminent danger of repeated or severe abuse for the child, it may be necessary to remove the abuser from the home. The dilemmas of working safely and effectively with abusive men are not always resolved if the abusive parent is removed from the family and the non-abusing parent and child unit is preserved. As Steinhauer (1991) points out, in some cases, removing the abuser may not resolve the threat to the child. This is because many chronically abusive families continue to scapegoat and reject the abused child, blaming them for breaking up the family by revealing the abuse (Steinhauer 1991). Further, if the abusive parent is the biological father, he has rights and responsibilities as a parent and questions remain, for instance, about arrangements for safe visitation (Fleck-Henderson 2000).

The alternative of removing the abuser is recommended, not only because it preserves the non-abusing parent and child unit, but because it keeps the child and mother safe. This alternative would fall closer to meeting the best interests of the child standard and the Ministry's mandate of protecting children while keeping families together. Unfortunately, very few contemporary authors favour ordering the perpetrators of woman abuse and child abuse out of the home (see Echlin & Marshall 1995). Furthermore, there is an absence of research that examines the care of children by their non-abusive parent where the abuser, as opposed to the child, is removed from the family.

## Alternatives to Child Removal

Stark and Flitcraft contest that "a shift in child protection *away from ... the removal of children* [is needed]" (1988: 102; emphasis added). Indeed, due to the harms associated with child removal, researchers suggest that alternatives to removal should be sought whenever possible. As McInnes notes, "[i]t is argued that children are

generally better off in the care of their immediate or extended families and it is better to provide support for those families when they are in crisis than it is to take children into the care of the state" (2003: B3; see also Weisz 1995). Similarly, Walter and colleagues (1995) maintain that efforts should be made to identify temporary placement resources that are both physically close to the child's home and with whom the child already enjoys a comfortable relationship, such as neighbours, friends, or extended family.

The support of children in their own homes is what Rivers claims to be the most striking contemporary change in child welfare work (1993 as cited in Krane 1997). Not surprisingly, because of increasing evidence of the risks involved in separating children from their families and communities, the maintenance of children with their families has come to replace "rescue" as the intervention/philosophy of choice (Krane 1997: 58). In B.C., family preservation programs are now used as an alternate intervention of last resort in families where children would otherwise have to be apprehended because of abuse and neglect (Watchel 1997). In addition, Watchel (1997) asserts that family preservation programs are used to prepare high-risk families for re-unification where children have been taken into care temporarily.

The Ministry of Children and Family Development has also made attempts to readjust practices to support more children in their homes. Amendments to the *Child, Family and Community Service Act*, allowing the child's extended family, friends of the family or other community members who have a significant bond to the child to be considered as potential guardians, are one such attempt (MCFD 2002b). Another attempt was a pilot program to assess the use of kinship care for children who are at risk or who have been removed from their family (Buchwitz 2001). Buchwitz notes that "kinship care and out-of-home care with a relative or close family connection, has recently drawn more attention as alternatives to out-of-home care with a stranger such

as a foster parent" (2001: 104). In fact, in the 2003/2004 Annual Service Plan Report, the Ministry reported an increased use of alternate care arrangements with extended family or close friends when a child needs protection. Due in part by this increase in use of placements with extended family, the number of children in care was reduced by 517 between March 2003 and March 2004 (MCFD 2004a). Furthermore, the Ministry also reported an increased use of "kith and other agreements" in 2003/04 (MCFD 2004a). Kith and other agreements provide alternate care arrangements with extended family or close friends when a child needs protection, including children who are at risk and/or requiring rehabilitative resources (MCFD 2004a).

In 2003/04 the Ministry also implemented several new programs to strengthen families and communities, including a "Family Development" approach (MCFD 2004a). A Family Development approach can be used where there is a community complaint about a child being at risk but where the family may only need some assistance with improving parenting skills, coping with specific challenges, or linking with necessary community services (MCFD 2004a). A Family Development approach can include counselling for the parents, substance misuse treatment, or respite services (MCFD 2004a). Another important initiative is the Ministry's continued investment in Alternative Dispute Resolution (ADR) processes, such as mediation and family group conferencing, to resolve child welfare disputes prior to seeking to take the matter to court (MCFD 2004a). Family group conferences[26] were recently brought into force and are used as a means of finding alternative out-of-care options for children who need protection (MCFD 2003; MCFD 2004a). This process places the family at the centre of planning and reinforces the primary responsibility of families to care for their children (MCFD 2001d).

[26] This option can be found under section 20 of the *Child, Family and Community Service Act*.

Family preservation, which involves brief, home-based interventions to prevent out-of-home placements for children, is also increasingly used by the Ministry (MCFD 2001e). Family preservation involves the Ministry contracting with a variety of service providers to provide various intensive home-based interventions for vulnerable children, youth and families. These include parent training homemakers, family advancement workers, childcare workers and other intensive home-based individual interventions (MCFD 2001e). Finally, the Ministry of Children and Family Development is also responsible for piloting the "Differential Response Team Frontrunner Project", which was set up as part of the child protection intake response to family support and lower level reports of abuse and neglect[27] (MCFD 2001f). In this alternative, social workers respond to lower priority child protection reports by offering and identifying community support, resources and strategies for building family capacity.

[27] This project is specific to the Vancouver Coastal Region.

# Chapter 3 Research Methods

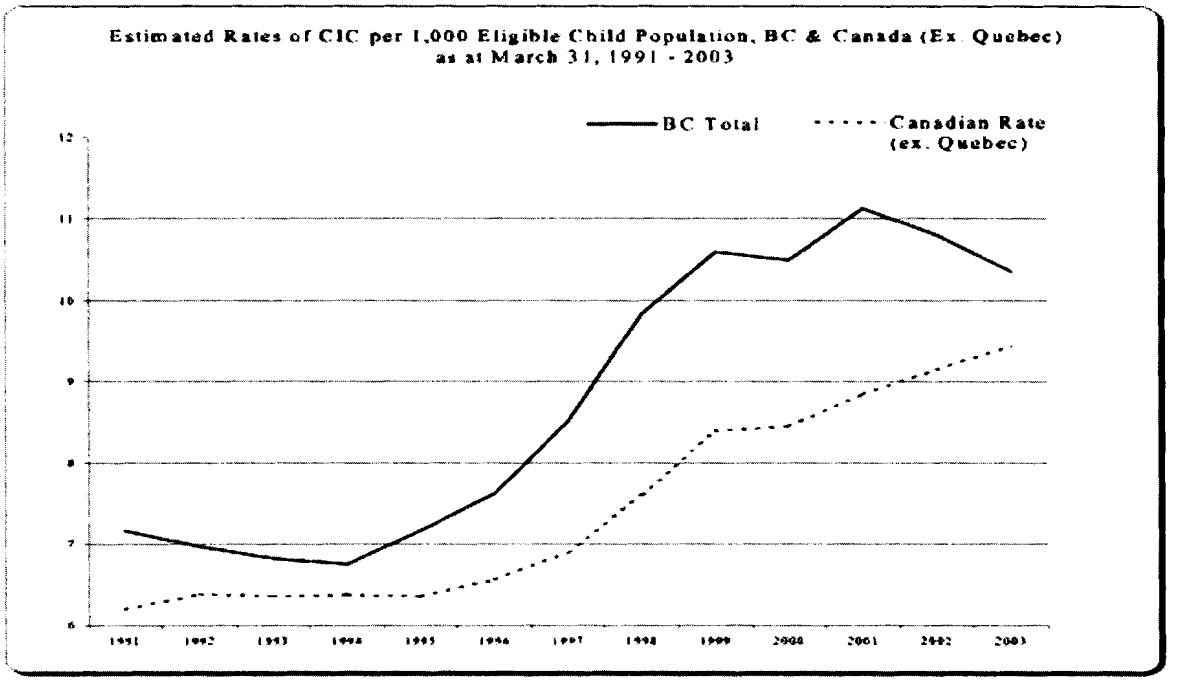
This chapter outlines my research design and method. The discussion begins with an overview of the research problem, my research objectives and the method I adopted for the study. I then describe my data sources, the data collection process and the data analysis. The chapter concludes with a discussion of the limitations of this exploratory research.

## Research Problem

As earlier referenced, B.C. currently has one of the highest percentages of children in care in Canada, relative to the population of children and youth aged 1-18 years; that is, along with the Northwest Territories, Quebec and Saskatchewan (Buchwitz 2001). Statistics obtained from the Ministry of Children and Family Development (2002a) indicates that the percentage of children in care in B.C. declined from 1981 to 1995. However, since the introduction of the *Child, Family and Community Service Act* in 1996, the percentage of children in care rose sharply until 2001, peaking at 10,775 in June 2001 (MCFD 2003; MCFD 2004a; MCFD 2004b). Although the number of children in care in B.C. has declined steadily since 2001 and the rate of children in care throughout Canada has increased, B.C. is still currently well above the national average (MCFD 2004a; MCFD 2004b; see figure 1 & 2). As of March 2003,

B.C. had about 10.5 per 1,000 children in care[28] when the average for all Canadian provinces (excluding Quebec) was 9.4 (MCFD 2004a).

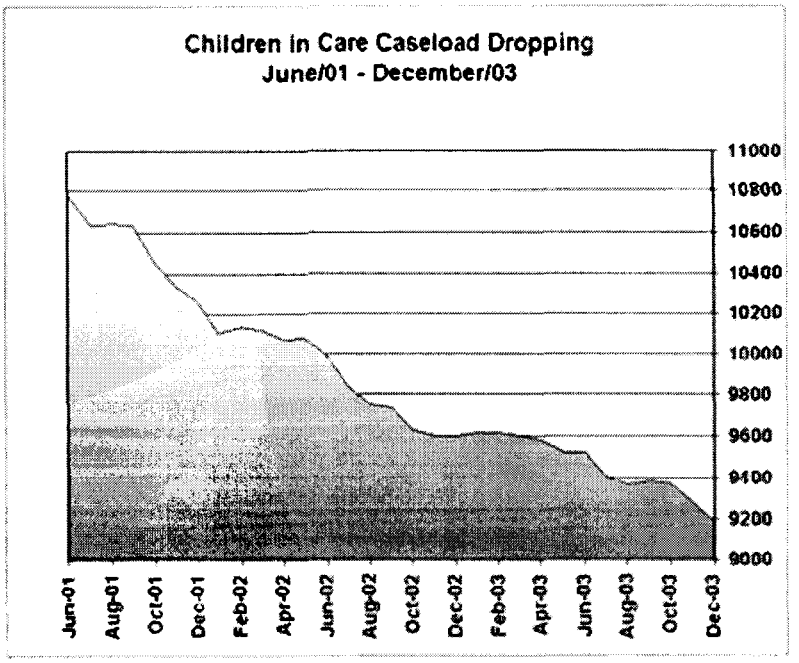
**Figure 1 Children and Youth in Care: British Columbia & Canada[29] March 31, 1991-2003 (per one thousand)**




Source: Ministry of Children and Family Development. (2004b). Copyright © 2005 Province of British Columbia. All rights reserved. Reprinted with permission of the Province of British Columbia. www.ipp.gov.bc.ca. Available: http://www.bcbudget.gov.bc.ca/sp2004/cfd/cfd_appendix2_link3.htm

[28] Rate of children in care measured per 1,000 children under 19 years of age. The rate is calculated by taking the total number of children in care (as of March each fiscal year end) and dividing it by all children under 19 years of age in B.C. As of the 2003/2004 fiscal year, the total number of children under 19 years of age in B.C. was more than 926,000 (MCFD 2004a: 18).
[29] Excluding Quebec.

**Figure 2 Children in Care: British Columbia June 2001-December 2003**[30]




Source: Ministry of Children and Family Development. (2004). *Statistics: Vulnerable Children II.* Copyright © 2005 Province of British Columbia. All rights reserved. Reprinted with permission of the Province of British Columbia. www.ipp.gov.bc.ca. Available: http://www.mcf.gov.bc.ca/media_site/statistics_vc.htm. Updated 15 October 2004.

The Ministry of Children and Family Development, in their 2004-2007 Service Plan, indicated that the steady decline in the number of children in care in B.C. can be "partially attributed to efforts in the ministry to better support children and their families" (MCFD 2004b: 38). More specifically, they noted that the decline may have been "due to the increased use of alternatives to removal of children from a family situation in which they were at risk, and a greater emphasis on family development and adoptions for children in care" (MCFD 2004a: 25). As of March 2004, B.C. had 9,086 children in care[31], the lowest number since October 1997 (MCFD 2004a). While this recent reduction in the number of children in care may have made the issue appear slightly less

[30] As of December 2003, there are now 15 percent fewer children in care than there were in June 2001.
[31] This equates to 9.9 per 1,000 children in care.

pressing, the fact that B.C.'s rate is well above the Canadian national average, is problematic.

In the 2001/2002 Annual Report, the Ministry of Children and Family Development indicated that "[r]emoving a child from their home and community is the choice of last resort, when no other means available would ensure the child's safety and well-being" (MCFD 2002c: 29). However, it is unfortunate to see that so many social workers are using the choice of "last resort". Existing research documenting the damaging effects of removal, together with the statistics indicating the frequency with which social workers are placing youth in the Ministry's care, are very troubling. It clearly demonstrates that the Ministry is "not meeting its mandate of protecting children while trying to keep families together" (Buchwitz 2001: 1).

***In the Eye of the Beholder?***

Dunn claims that policy-relevant information, such as government statistics, can and often does result in conflicting definitions and explanations of what constitutes a "problem" (1994: 137). He asserts that this is "because policy analysts, policymakers, and other stakeholders hold competing assumptions about human nature, government, and opportunities for social change through public action" (Dunn 1994: 137). Indeed, Dunn's assertion that policy problems are partly in the *eye of the beholder* brings to the forefront a very perturbing issue for policy analysts: is the problem that has been identified *really* a problem?

The statistics cited can be interpreted in a variety of ways. Moreover, there are a number of possible reasons for the aforementioned increase in the rate of children in care as well. One of the most cited reasons has been attributed to the increased profile of child-removal issues since the death of five-year-old Matthew Vaudreuil, and

subsequent media attention placing greater emphasis on removal (MCF 1997; MCFD 2002e; Schreck 2003). Further, the high rates of children in care may actually reflect "anecdotal evidence that children are being brought into care as an overly cautious response to media attention, death reviews, and higher demands being placed on workers with fewer resources" (Buchwitz 2001: 77). Finally, the increase in reports may also indicate that abuse *is* happening more frequently, that there is a heightened awareness of child abuse and that people are reporting everything to the authorities as a response to mandatory reporting requirements (Buchwitz 2001).

On the other hand, this increase may not be significant upon analyzing the rates of children in care over a period of time. The MCF internal audit report states that the increase may be a statistical anomaly, as the "number of children in care was abnormally low in the early 1990s and the current number is more consistent with historical levels" (1997: 34). In addition, as mentioned earlier, statistics from the Ministry of Children and Family Development currently indicates that the rate of children in care in B.C. is declining (MCFD 2004a). The drop in the number of children taken into care can be understood in the context of policies and procedures that were implemented by the new Campbell government to provide other, possibly better, alternatives. Schreck (2003) points out that the reduced rate of children in care could have also been due to a reduced number of investigations, which then raises serious questions as to what is happening: are fewer children being abused and/or neglected or is the Ministry ignoring reports of suspected abuse?

### *Choosing the Problem*

Strauss and Corbin (1998) observe that one of the most difficult parts of doing research is deciding on a topic. The primary source for the problem that has been identified in this research is a result of my experience. Hence, it is necessary that I

share with the reader, my "conceptual baggage" (Kirby & McKenna 1989). Conceptual baggage is, essentially, a record of experiences and reflections of the researcher that relate to the focus of the research (Kirby & McKenna 1989). By making my thoughts and experience explicit, Kirby and McKenna assert that "the researcher becomes another subject in the research process and is left vulnerable in a way that changes the traditional power dynamics ... that has existed between researcher and those who are researched" (1989: 32). Having said this, the thoughts and ideas that I have set out about the research topic result from my experience of having a close relative placed in a group home. This event undoubtedly changed my perspective on issues surrounding child protection as I saw first-hand, the very detrimental and rather terrifying effects that removal can have on both the child who is removed, as well as the family. I entered into this project with the preconceived idea that removing children out of their homes is not in their "best interest" and that there are other alternatives, such as removing the abusive parent from the family, that the Ministry of Children and Family Development is not adequately exploring.

There are indeed negative aspects in letting one's own personal life experiences guide the research process. However, Strauss and Corbin indicate that, although choosing a research problem through the professional or personal experience route might seem more hazardous than choosing one through the suggested or literature routes, this is not the case. Rather, they contend that "[t]he touchstone of one's own experience might be a more valuable indicator of a potentially successful research endeavour than another more abstract source" (Strauss & Corbin 1998: 38). Accordingly, I view my passion for this topic as a positive asset, as it will ultimately enhance the quality of my research. Alternatively, I feel comfortable with drawing on my

own experience because I am entering the project recognizing my tendency towards bias.

The second source for this specific research problem came in the form of technical and non-technical literature (Strauss & Corbin 1998). By technical literature, I am referring to the existing literature and research surrounding child removal and by non-technical literature, I am referring to government statistics. As I have illustrated, research clearly suggests that removing children from their families is very detrimental and interruptive to their lives, but statistics are indicating that B.C. has one of the highest numbers of children in care. This discrepancy between the literature and the statistics is what raised serious concerns and led me to conclude that there *is* indeed a problem. Therefore, it was the combination of my personal experience of having had a close relative removed and the insight gained from various sources of literature, which aided in the process of choosing this research problem.

### *Research Objectives*

To reduce the research problem to a workable size, three research objectives were formulated. The first was to determine whether it is in children's "best interests" to be removed from their families to unfamiliar environments[32], specifically in instances where they are, or are at risk of, being physically abused. The second objective was to find out the perceptions held by social workers, mental health professionals and administrators regarding an alternative to removing the child from the family – removing the abusive parent from the family. The third objective was to make sense of the analyses achieved from meeting the first two objectives in terms of outcomes and recommendations.

[32] Namely group homes.

## Research Decisions

Palys insists that doing research is a "decision-making process" (2003: 398). In any research endeavour the researcher must make critical decisions about how to approach and carry out their research (Palys 1997, 2003). For this study, I chose to concentrate on children of physical abuse because physical abuse is the most visible form of abuse and easier to detect than emotional or sexual abuse, as well as neglect. I decided to pose the alternative of removing the abuser from the family acknowledging that it would only apply to children who are, or are at risk of, being physically abused by one of their parents. Thus, I am referring to children who come from two-parent households[33], where there may be other children in the house (i.e., siblings and/or older brothers and sisters).

The reason I decided to look at children from two-parent households is that although the majority of children involved in child protection come from single-parent households[34], Trocmé and colleagues (2001) illustrated that there are also children in the Ministry's care who come from two-parent households (29%). Thus, one-third of the children in care are from "nuclear" families; however, there seems to be a lack of emphasis on children of abuse who come from such families. Further, Mason and Steadman claim that "there is a need to broaden child protection policy to respond to children generally, not just those children traditionally highlighted, frequently due to severe social disadvantages as at risk" (1996: 4).

## Research Approach

The objective of this research was to obtain an *understanding* of the factors that constitute the "best interests" for children, as well as, the *perspectives* of various

[33] By two-parent, I am referring to the child's biological parents.
[34] In the 2002/2003 Annual Service Plan Report, the Ministry of Children and Family Development indicated that approximately 60 percent of children in care come from lone-parent families.

individuals involved directly or indirectly in the area of child protection on an alternative to removing children. Consequently, I employed both a qualitative method and methodology. "Methodology", defined as "a general approach to studying research topics" (Silverman 2000: 88), essentially defines how one will go about studying any phenomenon, while the "method" is a specific research technique (Silverman 2000). Qualitative approaches were applied in the research in hopes of producing findings that are "not arrived at by statistical procedures or other means of quantification" (Strauss & Corbin 1998: 10-11). This research concerns the lives and emotions of children, which cannot be easily quantified.

***Research Method***

The objective of this research was indeed exploratory, as it was an attempt to achieve new insights and gain familiarity with a phenomenon (Palys 1997). The primary research method, or "research technique" (Silverman 2000) that was employed for this study was face-to-face interviews. Interviews were chosen as the method of choice because it allows each professional to express their perceptions on child removal, as well as their perspectives on what constitutes the "best interests" for a child in an abusive environment. The discursive statements and the knowledge-based or value-based rationales that these professionals provide are extremely important in understanding, not only the actions and decisions they make, but the child protection system as a whole.

There are many advantages to using interviews as a research technique. Palys (1997) claims that participation rates among people approached for face-to-face interviews are much higher than for questionnaires (see also Del Balso & Lewis 1997). Furthermore, volunteer bias is minimized; the interviewer can ensure that the appropriate person completes the interview, immediately clarify any confusion about

particular questions and encourage verbally stingy respondents to embellish further (Palys 1997; Del Balso & Lewis 1997). Even so, Silverman cautions that interviews raise a serious methodological issue about whether the responses are to be treated as giving direct access to 'experience' or as actively constructed 'narratives' involving activities, which themselves demand analysis (Silverman 2000). A further disadvantage to using face-to-face interviews is that they can be time-consuming, generate less of a feeling of anonymity and create reactive bias[35] (Palys 1997; Del Balso & Lewis 1997). However, the issue of anonymity may be corrected by ensuring that rapport is created and that the interviewee does not feel threatened in any way.

The interview questions for this research consisted of semi-structured, open-ended questions, in which the respondents were asked to provide his/her own answers (Maxfield & Babbie 1998). Disadvantages with this type of questioning are that the researcher must interpret the responses, which allows for the possibility of misunderstanding and researcher bias. However, it was appropriate for my sample because it facilitated rich, in-depth opinions, as well as a wealth of data compatible with comparative analysis. In addition, since my sample was small (twelve interviewees), open-ended questions were extremely helpful in developing sensitive questions (see Appendix C for the list of questions posed to each interviewee).

Secondarily, in addition to the interviews, non-technical and technical literature was used to cross-analyze and supplement the interview material. *Non-technical literature* consists of policies, biographies, documents, manuscripts, reports and other

[35] Reactive bias refers to the unintentional influence the interviewer might have (if at all) on the respondents (Del Balso & Lewis 1997). Palys claims that "[i]nterviewees can be very attentive to cues that the interviewer emits, since they want to know whether they are "doing well" as participants" (1997: 155). Thus, the researcher's appearance, tone of voice, their mere presence, or what they choose to write down from the interviewees' responses, may influence the respondents, causing the research participant to change their usual behavior patterns (Del Balso & Lewis 1997; Palys 1997).

materials used "to supplement interviews and field observations, or to stimulate thinking about properties and dimensions of concepts emerging from data" (Strauss & Corbin 1998: 35). The non-technical literature used in this research included statistics obtained from the Ministry of Children and Family Development, website-based policy statements and procedure manuals, as well as government publications, such as the Ministry of Children and Family Development Annual Reports. *Technical literature* involves "[r]eports of research studies and theoretical or philosophical papers characteristic of professional and disciplinary writing that can serve as background materials against which one compares findings from actual data" (Strauss & Corbin 1998: 35). The primary form of technical literature for this study was the existing research on child removal.

Finally, policy analytic techniques, as advanced by Dunn (2004), guided the analysis of the many relevant policies on child removal. These techniques allowed an examination of the underlying values and intents of these policies and an understanding of whether they were being achieved in practice.

## Sample

The final sample for the interviews included twelve individuals involved directly or indirectly in the area of child protection: four social workers, four psychologists, and four administrators. Social workers were sought for this research because they are directly involved in the process of making the decision to remove children from their families, as well as doing the actual removal. Psychologists were chosen to obtain information concerning the effects of removal on children. Finally, I decided to interview administrators to acquire a more policy-oriented perspective on child protection issues, as the very foundation of my research relies on policy. The selection process to obtain my participants included a combination of non-probabilistic sampling techniques:

purposive sampling, convenience sampling and snowball sampling. Non-probabilistic sampling techniques were appropriate for this research because I was not aiming for formal representativeness. As Cook and Campbell assert,

> ... the researcher who samples various "unrepresentative" (i.e., unique) groups of interest and then either demonstrates that the same results hold across all these groups or shows that – and perhaps explains why – results differ across groups is in a much more powerful theoretical position than is the researcher who can merely describe, in gross terms, the overall status of a variable in a population of interest (1979 as cited in Palys 1997: 136).

The first sampling method, purposive sampling, "involves selecting for the sample whoever or whatever in the researcher's judgement has characteristics that meet the purpose of the study" (Del Balso & Lewis 1997: 113). Thus, purposive sampling does not aim for formal representativeness; rather, people are intentionally sought out because they meet certain criteria (Palys 1997). The decision to interview social workers, psychologists and administrators involved purposive sampling, as the three groups were chosen because they were thought to be appropriate for the exploratory study as explained above.

The second type of sampling that was employed is referred to as convenience sampling. This procedure involves "selecting for the sample whomever or whatever is convenient for the researcher" (Del Balso & Lewis 1997: 112). Thus, it involves little more than "getting whomever you can" (Palys 1997: 137); selecting individuals because they are available. Clearly, in this type of sampling one cannot and should not assume that the opinions of the persons interviewed reflect those of everyone else. As Del Balso and Lewis state bluntly: "results obtained from a convenience sample only pertain to the sample itself" (1997: 112). Although the information gathered cannot be generalized, it is nevertheless useful (Del Balso & Lewis 1997).

In addition to purposive and convenience sampling, a snowball sampling technique was employed. Snowball sampling involves "starting with one or two people and then using their connections, and their connections' connections, to generate a large sample" (Palys 1997: 139). One main danger in using this sampling technique is that the first individual interviewed may influence or determine the end sample. As Palys contends, "one's first snowball may well influence the shape of the snow figure that results" because in general, people are more likely to know people who have similarities with them (1997: 139). Employing this sampling procedure may generate a biased sample, but it was appropriate for this research because the individuals I sought were not easily accessible. Keeping in mind the biases that may result from employing the above sampling techniques, I made certain that I remained cautious when generalizing results.

To obtain the twelve individuals for my interviews, I had intended for the participants who were included in a pilot project I conducted in the spring of 2003, to provide me with further contacts (Kim 2003). The pilot project involved interviews with a social worker, a psychologist and a probation officer; however, only the psychologist provided me with a referral to another psychologist. Once I had this contact, I secured the four psychologists for my sample using snowball sampling.

The four social workers were obtained by a combination of convenience and snowball sampling. Unable to get any referrals for social workers from the participants in my pilot project, I asked my senior supervisor for referrals she might have. Fortunately, my supervisor provided a referral, who then gave me another contact, and so forth until I had four willing individuals involved either directly or indirectly in the area of social work. This group consisted of two practicing social workers and two former practicing social workers who are now instructors of social work.

Administrators were attained using a combination of convenience and snowball sampling. Initially, I had hoped to interview caregivers because they work directly with children in group homes and I thought they would be able to provide valuable insight about removal and its effects on children. My attempts to acquire caregivers for this research were unsuccessful for a variety of reasons. First, I ended up with only two referrals, and not to caregivers but to administrators who would be able to help me obtain referrals to caregivers. When I spoke to my first referral, a resource supervisor, she agreed to provide me with referrals to caregivers. Although she had expressed some uncertainty about the questions I intended to ask the group home caregivers, she indicated that she would provide me with referrals if I did not ask them specific questions. She reasoned that certain questions were ambiguous and that they would not make sense to the caregivers and therefore, preferred that I did not ask these questions of the caregivers[36]. I agreed to this, however, she later changed her mind and specified that she no longer wanted to provide me with caregiver contacts, without stating her reasons for refusal.

My second attempt at obtaining referrals to caregivers involved speaking with the director of operations *after* I had spoken to the resource supervisor. The director of operations indicated that she was aware that I had spoken to the resource supervisor and immediately indicated that she did not feel comfortable getting in the way of my communications with the resource supervisor. She suggested that I just work with the resource supervisor on this matter. Consequently, after I had exhausted all my options for obtaining referrals to caregivers, I decided that it would be best if I interviewed a

[36] She did not want me to ask questions #7, 8 &14, which are:
7. What is the total number of children who are being physically abused, or are at risk of being physically abused, within their families?
8. What percentage of this total do you think are in out-of-home placements (i.e., group homes)?
14. What do you think is the preferred rate of removal, in comparison with the preferred rate of leaving the child in the home?

different group of professionals and thus, decided to interview administrators. As stated earlier, this group is more appropriate to have interviewed, given my policy analytic frame. As noted by the resource supervisor, the caregivers are not, in fact, involved in the decision-making with regard to child removal. Furthermore, they may have a conflict of interest on issues surrounding the basic question of the removal of children as their employment is contingent upon removal. The process of choosing the administrators for my research involved convenience and snowball sampling. My supervisor referred me to two administrators, one of whom then referred me to another administrator. The remaining administrator interviewed was chosen based on her willingness to participate.

***Interviews***

Ethics approval of my research - deemed "minimal risk" - was granted on January 27, 2004. I was then able to locate my participants and start the interview process. The interviews were conducted in an eight-month period, from January 2004 to August 2004. Although I had intended to interview all twelve participants face-to-face, this was not possible for two main reasons. First, the individuals that I was seeking for my research were extremely difficult to access and thus, I could not afford to lose a potential interviewee because they did not have time to participate in a face-to-face interview or because they worked outside of the Lower Mainland. Second, as already mentioned, it took eight months to secure twelve interviewees for this research and therefore, due to time constraints, it was impractical to decline a potential interviewee because they could not complete a face-to-face interview. Thus, by default, telephone interviews and email interviews were offered as an alternative to these participants. Ultimately, I was able to conduct ten of the twelve interviews face-to-face, with one interview completed via email questionnaire and another over the telephone.

The initial telephone contact with each interviewee involved a brief statement about who I am, what the purpose of my study is, as well as a brief description of my research. I then proceeded to ask them if they are interested in participating and if they were I indicated that the interview would last approximately forty-five minutes to one hour. Palys (1997) contends that every effort should be made to ensure that informed consent has been obtained from participants. In addition, principle 3 in *Ethical Principles in the Conduct of Research with Human Participants* by the American Psychological Association (1990), outlines that "individuals who participate in research should do so willingly and should be given sufficient information about factors that might influence their decision" (Palys 1997: 94). Thus, at each interview, I gave the participant an informed consent form that they were to read and sign, which outlined that any information obtained during the interview would be kept confidential (see Appendix D). It also indicated that participation is voluntary and that they may withdraw from participation at any time. For the telephone interview, a consent form was sent to the interviewee as an email attachment, which was then signed and mailed back to me. For the email interview, verbal consent was obtained from the participant. At the very start of each interview, I indicated that any questions they find "overly sensitive" or that they are uncomfortable with, do not have to be answered. Further, I asked my participants not to identify any cases or individuals by name; however, I assured them that any specific information about families or children discussed in the interview would be kept confidential.

The duration of each interview ranged from 25 minutes to 60 minutes. Immediately after each interview, I recorded my thoughts of the interview in a little 'notebook', or as Silverman (2000) refers to it, a "research diary". This diary was used to keep track of the processes involved throughout this research, from developing my

research questions to thoughts for future research. Nine of the ten face-to-face interviews and the telephone interview were tape recorded[37] upon obtaining consent from each interviewee, while notes were taken on the side. One interviewee did not feel comfortable being tape recorded, so for that particular interview, notes were taken to the best of my ability. To ensure that the content of the interviews was transcribed as accurately as possible, each interview was transcribed on the day that it was conducted, while it was still fresh in my mind.

There are disadvantages to tape recording interviews because when they are transcribed, the reliability of the interpretation of transcripts can be "gravely weakened by a failure to transcribe apparently trivial, but often crucial, pauses and overlaps" (Silverman 2000: 187). However, for the purposes of my research, tape recording proved advantageous, as it ensured that I did not distort any of the content since I was able to replay the tapes to improve the transcriptions. Further, taking notes in addition to tape recoding ensured fluidity in the interview and provided a backup in case of technical difficulties.

## Data Analysis

Once my data collection was completed and the interviews had been transcribed, I began my data analysis. Palys notes that researchers "should be especially careful to maintain the participants' confidentiality or anonymity when analyzing and writing up the data" (Palys 1997: 94). Further, principle 10 in *Ethical Principles in the Conduct of Research with Human Participants* by the American Psychological Association (1990), "reminds us that everyone has the right to keep aspects of his or her life private, or open only to those who receive permission" (Palys 1997: 97). Therefore, when individuals

[37] I was able to transcribe the interview that was completed over the telephone because an amplifier was used, which allowed me to tape record the telephone interview.

give you this permission, it is necessary to take all precautions to ensure this confidentiality. To ensure confidentiality and anonymity in this study, the interviews were transcribed immediately after the interviews were conducted and the tapes will be destroyed once my thesis is completed. In addition, I used pseudonyms rather than names to identify the participants to ensure anonymity (for example, Social Worker #1, Psychologist #1 and Administrator #1).

To analyze data from the interview transcripts, three stages of coding were involved: open coding, axial coding and selective coding. Strauss and Corbin describe coding as "the analytic processes through which data are fractured, conceptualized, and integrated to form theory" (1998: 3). A qualitative computer software program called *NVivo* was used to facilitate the organization and coding of my interview transcripts. As Legeiwe states, "a computer program can be extremely helpful in creating order out of a mass of field notes, interviews, codes, concepts, and memos ..." (as cited in Strauss & Corbin 1998: 276).

The first stage, open coding, consists of identifying concepts and discovering their properties and dimensions within the data (Strauss & Corbin 1998). Therefore, the first step to coding my interview transcripts involved conceptualization. As Strauss and Corbin indicate, a concept is a labelled phenomenon, "an abstract representation of an event, object, or action/interaction that a researcher identifies as being significant in the data" (1998: 103). The initial extracting of these concepts, or "conceptualizing", enabled me to group similar events, objects, actions under more abstract concepts termed "categories" (Strauss & Corbin 1998: 102). It is important to note that the categories I have selected are a result of my own perspective as the analyst, the focus of the research and the research context. Some of the names for the categories were derived from the pool of concepts that were already discovered in the data, others resulted from

the literature and "vivo codes", which refers to appealing terms that draw people's attention (Strauss & Corbin 1998: 115).

Next, the categories were broken down into subcategories and sub-subcategories, which aided in explaining the "when, where, why, how, and so on of a category that are likely to exist" (Strauss & Corbin 1998: 114). This is the second stage of the coding process, referred to as axial coding. Axial coding is the act of "relating categories to subcategories along the lines of their properties and dimensions" (Strauss & Corbin 1998: 124). It is at this stage that the analyst begins to fit the pieces of the data puzzle together to form more precise and complete explanations about the phenomenon. The last step in my data analysis involved selective coding, a process of integrating categories and identifying the central category which represents the main theme of the research (Strauss & Corbin 1998). All of the categories are brought together in this last stage to form an explanatory whole or narrative, which in my case is a narrative about the "best interests of the child" and child removal. It is important to note that while analyzing the data I continually considered whether differences emerged between the three groups of professionals to see if the ideologies dominating each profession impacted their responses.

## Limitations of my Research

One limitation of this pilot study was the small sample size. Although I was not looking for representativeness, I would have liked to have a wider range of opinions. Furthermore, I had gone into each interview with a set of questions, which I ended up following very closely, as I did not want to go on a tangent. Because of this, together with the time restraints that I had, I tended not to ask as many clarifying questions as I would have liked. As I had mentioned earlier, I informed my participants that the interview would last approximately 45 minutes and I did not want to exceed that time

limit. The interviews ended up being rather structured, which was somewhat disadvantageous. Since this study was intended to be exploratory in nature, the process did provide sufficiently rich data to analyze and enabled the identification of key themes, which could be researched in the future.

Another limitation of this study is that the majority of supporting documentation was in the form of statistics obtained from the Ministry of Children and Family Development. An unexpected concern that arose during the course of this research was the inconsistent data within Ministry statistics. For example, in the 1999/2000 Annual Report, it stated that in 1998/1999 there were 16,535 requests for family support services; whereas the 1998/1999 Annual Report stated that there were 12,539 requests for family support services. This is a difference of roughly 4,000 reports, which is quite puzzling. Clearly, there is a need for the Ministry to have accurate data on all aspects of its operations to better manage and properly evaluate policies.

Furthermore, the 2000/2001 and 2001/2002 Annual Reports do not reveal the number of reports on children in need of protection, nor do they reveal the number of investigations that were conducted throughout that year. In addition, the format of the reports differed considerably from previous years and did not contain all the statistics on the number of children in care, the number of children under supervision orders and so on, which made it difficult to use for comparison. Hence, although some of the statistical information is not reliable or incomplete for a number of reasons, it is nevertheless useful for understanding the general picture of the status of child removals.

# Chapter 4 Interview Results

In this chapter, I discuss the findings from the interviews. As I ended up with 25 different categories, all containing subcategories and sub-subcategories, I decided to discuss only those categories that appeared most interesting and/or those that either contradicted or supported findings from existing literature. Thus, I discuss four major themes below: best interests of the child, effects of child removal, current practices of child protection workers, and removal of the abusive parent. Before discussing the results, it is important to convey that although these themes were categorized separately, the themes not only overlap each other, but are inter-related.

## Best Interests of the Child

There is no set definition for the "best interests of the child". Nevertheless, there is a list of criteria within the *Child, Family and Community Service Act* that must be considered in determining the best interests of a child. These include:

a) the child's safety;
b) the child's physical and emotional needs;
c) the importance of continuity in the child's care;
d) the quality of the child's relationship to the parent;
e) the child's cultural heritage;
f) the child's views; and
g) the effects of delayed decision-making on the child (Province of British Columbia 2004: section 4; see Appendix B for entire section).

The interviewee's responses with respect to factors that should be considered in determining the "best interests" of a child were consistent with the criteria set out in the

*Child, Family and Community Service Act* and the existing literature. Some factors mentioned by the interviewees included the child's age, the child's safety, the child's needs (including their developmental, psychological, emotional and physical needs), the child's culture, their need for stability and consistency, and the need for opportunity (which includes education). Although not a frequently cited factor, four interviewees emphasized the importance of taking into consideration the child's views, when determining a child's best interests. As one administrator expressed:

> ... 'best interests' has to be considering what the child says; the child has to be consulted. Unless, I mean, they have to be able to cognitively understand what's going on and be able to respond ... I think the child has to have ... some part in the self-determination (Administrator #2).

Six of the twelve interviewees noted that the child's attachment to their parent(s), family ties, and the child's support network, which may include their school or family, should be considered when determining the best interests of a child. As one social worker explained, "[w]e consider the child's attachment to the parent ... we consider where the child lives in the context of the neighbourhood and you know, their friends, we consider keeping the child connected to their extended family ..." (Social Worker #3). Two interviewees made references to the *UN Convention on the Rights of the Child*, noting that the best interests of a child encompass the universal rights that children are entitled to within the *UN Convention of the Rights of the Child*. One social worker reflected:

> I think that when you look at the best interests of the child, you're basically looking at how the child's needs and rights can be met and respected. The *UN Convention on the Rights of the Child* spells out clearly all of the rights that children are entitled to. So the best interests of the child means that their rights to protection, provision and participation are respected. So basically, I go right to the *UN Convention* and that's where I base my view of what the best interest of the child should be. And the *Child, Family and Community Service Act* in British Columbia is, does have the best interest of the child at its foundation and does actually reflect the *UN Convention* (Social Worker #2).

Likewise, an administrator expressed that for the best interests of the child, it is important to consider a range of factors that affect the child's life and that "the litmus test is the *Convention of the Rights of the Child*" (Administrator #1).

### *Physical Abuse*

The interviewees' responses surrounding factors to be considered in determining the "best interests" for a child who is being physically abused by a parent within their family, did not differ substantially from the factors they described above. The interviewees, however, were unanimous in stating that the *safety* and *protection* of the child is tantamount if they are being physically abused by one of their parents.

All interviewees emphasized the importance of evaluating each case individually, as the "best interests" for a child who is, or is at risk of, being physically abused will vary from one child to the next. The interviewees explained that factors such as the child's age, the vulnerability and/or resiliency of the child, the child's ability to protect him/herself, and the nature and level of the abuse (i.e., how often the abuse occurs, when it occurs, the severity of the abuse) are intervening variables that will affect what the "best interests" are for a specific child.

Four interviewees highlighted the importance of considering the quality of the child's relationship to their parents and siblings in deciding what is in a child's "best interest". As one psychologist explained, an abused child might have a very good relationship with the abusing parent, except when they are being physically harmed by them. Hence, she discussed the need to consider that:

> ... [the] physically abusive parent might be a better parent than the other parent ... you know maybe ... when that parent is being a good parent that's enough for the child that the whops and bops and physical moments are minor in comparison to the quality time the child has with the parent (Psychologist #4).

Finally, the results indicate a need to understand, not only specific child-related factors when determining what is in a child's "best interest", but also, the totality of the situation. One administrator explained,

> ... if you had all the resources you needed at hand, what you would do is you would go in and try and understand what's happening and you want to be able to talk to their siblings and you want to know, is this something that is happening right now, is it something that happens all the time ... what is the nature and level of violence happening and when does it happen? ... you have to understand what's happening and then you can determine what's going to be in the best interest of the child (Administrator #4).

## Child Removal

This next sub theme will examine the various perceptions held by the psychologists, social workers and administrators regarding the removal of children from their families when they are deemed to be in need of protection. The Ministry of Children and Family Development claims that removal of children from their families is a last resort. Consistent with the Ministry's claim, all the practitioners acknowledged that child removal is a drastic measure and the ultimate last step in child protection cases. One social worker explained that removal only happens in the most serious cases, when they are unable to protect the child at home (Social Worker #3). Another social worker agreed that, "[r]emoval is generally considered a last resort. Most often it is temporary because an immediate safety plan is not available or because immediate circumstances demand it. Then the best plan is to return the child as soon as safety can be restored" (Social Worker #1).

In speaking about how child protection workers should go about keeping children safe and protected, the majority of interviewees explained that it is *not* in the best interest of children to be removed from their families in instances where they are, or are at risk of, being physically abused. Rather, the interviewees suggested that it would be

best if the child could be made safe in the family environment, thus preserving the family and any attachments the child may have. In cases where this is not feasible, the interviewees all agreed that the child would have to be removed from their home. As one social worker described, "the situation would have to be assessed carefully to determine if the child could be made safe in the family environment; that would be the preference. But if that's not possible, then the child needs to be removed and protected from the abuse" (Social Worker #2). In a similar light, a psychologist noted that, "... it always is, if you can maintain the child with the parents, you do, but if it's a matter of protecting the child, then you don't" (Psychologist #1). Evidently, the majority of interviewees felt that it would *only* be in the best interest of a child to be removed *if* safety cannot be achieved within their family environment.

In contrast to the opinion that a child should only be removed if they cannot be made safe in their family environment, one interviewee asserted that the best interest for a child who is being physically abused by one of their parents, is *not* to be with the family. Interestingly, she stipulated that "[t]he best interest of the child is to be in an environment where they're not in an abusive situation, so in that case ... the best interests of the child is to not be in the family because the family is unable to provide that nurturing environment ..." (Administrator #1).

It is clear that the ideologies surrounding whether it is in a child's "best interest" to be removed or kept in the home when they are, or are at risk of, being physically abused, can be diametrically opposed. Notwithstanding this, the overall consensus among the professionals interviewed was that it is *not* always in the best interest of children to be removed from their families in instances where they are being physically abused. Rather, the research illustrates a preference to keep children in their family environment, if this option can ensure a child's safety.

***Removal Criteria***

This section will provide an overview of some of the factors the interviewees felt should be considered when contemplating whether or not to remove a child who is being, or is at risk of being, physically abused by one of their parents. In explaining some of these factors, a psychologist remarked:

> ... I would want to consider the age of the child, the alternatives of whether it be, if any parent ... would consent to leave. Whether there are siblings, the severity of the physical abuse, in other words, was it life threatening or not? The age of the child, the attachment that the child has to the non-offending parent ... (Psychologist #3).

The child's safety within their family structure was considered an extremely important factor in the decision-making process among all the interviewees. Interestingly, five interviewees suggested that the risk of being physically abused itself, is grounds for removal, while the remaining seven interviewees indicated that risk alone is not grounds enough for removal and that a thorough assessment of the risk must be conducted. One social worker noted:

> If the child is being physically abused or is at risk of this, I have to determine the basis of that risk. If this is incidental or episodic, then I have to assess the probability of reoccurrence and what contributes to that. Is it severe enough to compromise the child's best interests as compared with an alternative to remaining in the home? Can it be alleviated readily? (Social Worker #1)

Another social worker explained that if there is an allegation of physical abuse on a child, the legitimacy of that abuse must be determined. She stated that "[y]ou need the grounds that they're physically abused and we have their statements ... we check for collaterals, right? We do collateral checks with other people to make sure that, you know, we're not just getting a story; we have medical evidence ..." (Social Worker #3).

Six interviewees noted that factors such as severity and frequency of the abuse must be considered in the decision-making process. One social worker explained that

the decision to remove a child from their family hinges "on the extent of the abuse; the severity. If it is a severe assault, I may have to remove the child during the time period that it takes to even complete the assessment" (Social Worker #2). The majority of interviewees also felt a necessity to look beyond the abuse and to look holistically at what problems are causing the abuse to occur. Thus, considering the circumstances of the family, such as their financial situation, changes that may have occurred in the family, such as a death or a divorce, whether there is drug or alcohol abuse in the family, whether the family has a history of abuse, whether social services or any other agencies have previously been involved with the family and if so, the number of times they were involved, are essential when making the decision to remove a child.

In addition, one social worker noted that decisions about a child's care must consider the child's attachment and emotional relationship with their parent(s) and the probable duration of any separation, given the needs of the child and circumstances of the parent(s). Another key consideration is the likely impact that removal - as opposed to staying in the home - could have on a child. As one psychologist described,

> I think that you have to balance two different types of areas. Is the harm that is caused by keeping a child in the situation balanced with the harm that is caused by removing the child from the situation? ... you have to look at the relative risk of harm and you look at the harm that will be caused by putting a child in with strangers, suddenly, versus the harm that we cause by keeping a child in the home, with that person either absent or keeping them with their other parent who's prepared to protect them, or with a family member ... (Psychologist #3).

Interviewees also discussed the need to consider what will be done for both the child and the family *after* the child has been removed. As one administrator discussed, "if you're going to remove a child from their home, what can be done so the family can heal or improve the situation and it's not going to if there isn't any recourse, financially or emotionally ..." (Administrator #1).

Seven interviewees explained that alternatives to removal should be considered before making the decision to remove a child from their home. One administrator maintained that it is important to look at options that are going to have the least traumatic impact on the child (Administrator #1). In support of this, a practicing social worker explained that social workers must go through a "least intrusive checklist" before making the decision to remove a child (Social Worker #3). More about the "least intrusive checklist" will follow later in this chapter. Another alternative that was discussed frequently among the interviewees was that of keeping the child in the home while providing support services to the family. References were also made to remove the abusive parent, rather than the child, from the home. As one social worker remarked, "[i]f it is serious physical assault and *the offender is not removed* and the non-offending parent is not capable of protecting the child, then the child has to come out" (Social Worker #2; emphasis added). More about the alternative to remove the abusive parent will come later in this chapter.

The interviewees argued that family preservation is a key consideration when contemplating whether or not to remove a child from their family. Moreover, the interviewees revealed a preference to do everything possible to maintain a child within their family, but *only* if safety could be attained for the child. In expressing this, one social worker stated, "I think we have to look seriously at whether we've done everything possible to assist the family so that they can parent the child. If that fails, if it's not possible, then I have no qualms about removing the child. But I think you have to not leave any stone unturned" (Social Worker #2). Similarly, an administrator noted, "as much as possible you want to keep the child in their home and provide supports to the family and that should be your first course of action" (Administrator #4). One social worker went further to describe how social workers are currently trying to keep children

with their families, stating that, "we do try to keep it with family, we have those sections where we can, we can remove and place with family members now; we didn't used to be able to do that. You have sections 35 2(d) and 41 1(b)[38]" (Social Worker #3; see Appendix E). However, four interviewees indicated that in certain cases, it may not be in the best interest of both the child and the family to maintain the family unit. As one social worker discussed,

> There are some circumstances, however, where parental history and the level of abuse indicate that recovery is improbable within a time frame that can meet the child's developmental needs and time frame given that a child's sense of time is different from an adult's. In these circumstances, I believe that the child should be removed and plans should be put into place to achieve permanence through some other means (e.g., adoption) as quickly as possible (Social Worker #1).

An administrator stipulated that although keeping the family together should be a consideration, some families are so dysfunctional that it might be best to break up the family (Administrator #2). Consistent with this, a psychologist indicated that "in some cases, there isn't much family to preserve and in fact, there are some cases you come to the ultimate conclusion that the child shouldn't be with the family" (Psychologist #2). Demonstrating the difficulty involved in choosing between the preservation of family and the safety of the child through removal, one interviewee explained,

> Oh, I think it's a very, very fine and delicate balance and it's, I know social workers know only too well, you're damned if you do and you're damned if you don't. This last summer ... there were two stories - there was a cover story on the front of the Sun and a cover story on the front of the Province - and in one story the Ministry was being absolutely hammered for leaving a child in an abusive situation. In the other newspaper cover story, we were being hammered for ... taking a child too fast and not considering other alternatives for the family, so you just can't win. But, back to your very original question, the best interest of the child may include or should include, remaining in a family, if that family can be preserved (Administrator #3).

[38] Sections 35 2(d) and 41 1(b) of the *Child, Family and Community Service Act* are applied when a child is removed from their home and placed with someone other than their parent (i.e., an extended family member, a friend of the family).

Although the preservation of family is thought to be a priority consideration when determining whether or not to remove a child from their family, it clearly does not precede the child's safety. The results illustrate that there are many different variables that must be considered before making the decision to remove a child from their home and that it is indeed a "balancing act" (Social Worker #4).

## Effects of Removal

### Positive Effects of Removal on Children

In discussing the various effects removal can have on children, all the interviewees indicated that the consequences can be both positive and negative for a child. Three interviewees claimed that removal can be beneficial to the child because it provides them with a form of safety and protection. One psychologist maintained, "they are probably less likely to be abused or ... the abuse that has been going on will be prevented or discontinued, so that's the protection issue if there's abuse ... puts them less at risk" (Psychologist #2). One social worker asserted, "[s]ometimes it's a really good thing because they can be, you know, in terms of physical abuse, they are not being hit anymore ..." (Social Worker #3). Psychologist one also mentioned that children not only feel safe, but they know that the people around them are safe.

An administrator explained that although there are harms associated with removal, children often feel a sense of relief. She commented that, "my experience would be with a child who's had long standing abuse over a number of years, there's relief and regret and guilt and all of those, but primarily relief at being given an opportunity elsewhere" (Administrator #3). Consistent with this, a psychologist pointed out that "[t]hose that have a poor relationship with their parents over a long period of consistent abuse are actually relieved to be removed" (Psychologist #3). Four

interviewees mentioned that for some children, being removed from their families can be beneficial because it gives them an opportunity to settle and resolve some of their emotional distress while they are in a different setting.

Interestingly, two interviewees - a psychologist and a social worker - mentioned that most children who are removed from their homes and are in Ministry care are there voluntarily. The psychologist stated, "[t]he children I work with usually do better. They know they want to be removed. Very rarely do I see children who didn't want to be removed from parental care" (Psychologist #1). Social worker one also explained that most children are in care by voluntary agreement and that many removals are planned. In contrast, interviewees mentioned instances where children did not want to be removed. One psychologist recalled:

> I can remember some children who didn't want to be removed because they had become the parents. So they wanted to be with their parent because they didn't think their parent could survive without them ... these are the children that have the hardest time because they believe that they have given up their jobs as parents (Psychologist #1).

In addition to the positive effects that removal can have on children, the interviewees discussed the benefits that removal can have on the family and on family attachment. Five interviewees indicated that removal, at times, can be healthy in rebuilding and strengthening families. For example, one social worker commented, "I think sometimes they [the child] have to be out of the home to give the parent a chance to heal and figure out what the problem is and solve the problem because the conditions that the child has been living in are like, harmful to them" (Social Worker #3). She also went on to note that removal may, in the long term, actually improve family attachment and make it stronger if the family is able to get some healing (Social Worker #3). A psychologist, too, pointed out that:

> Another positive for the ... family, might be the reduction of stress or reduction of the stressful situation. Sometimes the children are simply the result of accumulated stress within the family, to which they even contribute ... So it can provide a respite for the parents ... especially if the parents are dealing with something that's out of their control or maybe even that's part of their own problems, they may have financial difficulties, they may have substance abuse problems, there may have been some health issues, there may have been job issues, you know, and so the parents are under stress and the children are simply contributing to the stress and being abused. So there's that potential benefit to the children [and] family, at least on a short term basis, often that's referred to as semi-respite care (Psychologist #2).

Another psychologist maintained that removing a child does not interfere with the concept of family preservation; rather, he claimed that "... removing a child is to enhance family. You remove a child ... so that first of all, you can make sure that the child is safe in the family structure ... you remove a child to protect the child and to educate the parent and to return the child to the parents' care" (Psychologist #1). For the most part, the majority of interviewees stipulated that removal would be negative for the family, in general, and family attachment.

## Negative Effects of Removal on Children

*"... I guess you just have to look at, what are the results of children in care, in terms of how they are doing? You know, how are they doing financially? Well, not as well. How are they doing in terms of post secondary education? Not as well ... and those are some of the longer term outcomes ..." (Administrator #1).*

Although the interviewees spoke to the benefits of removing abused children from their homes, they also suggested that there is definitely a harm caused by removal as well. In general, one psychologist contended:

> I think as soon as the child is not in a structured, loving household that provides continuity throughout the child's history of development, that provides a safe and secure environment that allows the child to know that they are good people, that allows them to know that they can explore the world around them successfully within that same structure, family and extended family, one parent or two, it doesn't matter, three parents, it doesn't matter, same-sex parents or traditional parents, it doesn't matter.

> You take a child away from that structure and the child begins to feel there's something wrong (Psychologist #1).

Some negative effects of removal that were discussed by the interviewees included insecurity, attachment issues, a sense of grief and loss, depression, and anxiety. Six interviewees stipulated that removal will erode a child's ability to trust, their ability to have positive relationships, their self-esteem, as well as their development. A psychologist explained that a child's ability to attach in the future and their ability to form long-term bonds as adults can be damaged by removal:

> ... the children don't make an investment; they don't make an investment, they don't have an emotional tie. You can't make an emotional tie as a child, you probably can't make it as an adolescent, and you probably can't make it as an adult. You are setting up a structure where the person is unable to outwardly make a tie between themselves and another human being. Over and above all that, you don't get a model either, you can't get a consistent parental model and what happens then is they don't learn how to parent (Psychologist #1).

A third of the interviewees claimed that removal tends to give children the message that they have done something wrong and that the removal was their fault. For example, one administrator commented:

> ... having worked with children and talked to youth who have been in care, the message that children generally receive is that they're bad and that they've done something wrong. And when you understand how children think and how they process, it makes sense that they're being taken way. And sometimes it's not just, it's only one of them, it's not all the children and so, you know, it's very hard for a child to understand that (Administrator #2).

One psychologist reflected: "I think the major effect of removing the child from the home may be the child's feeling that they've created the problem, as opposed to have been the victim of the circumstances" (Psychologist #4). Consequently, because the child is blaming him/herself, one administrator expressed that the child "may try to change their behaviour to fit back into the family, when in effect, it's not their behaviour that's the problem" (Administrator #2). Furthermore, another interviewee claimed that a child's

sense of guilt can sometimes lead to both behavioural and mental health issues (Administrator #3).

Another significant effect that removal can have on children is they may feel a tremendous sense of loss from losing their family. Seven interviewees indicated that many children do experience a sense of loss when they are removed from their families, which may cause them to act out. As one psychologist explained, even if children have experienced major abuse, it is common for them to experience a sense of loss and confusion when they are removed from their families because those things which they are familiar with, are no longer there (Psychologist #1). He added that the child may become "a lot more disturbed about not having familiarity and feel a lot more intruded upon and begin to act out, out of their own anger, out of fear" (Psychologist #1).

One quarter of the interviewees asserted that removal will often cause children to experience separation anxiety from their parents and a third of the interviewees noted that children who are removed will miss their family, even though a parent was being abusive towards them. The interviewees discussed that even if a parent is abusive to the child, the child will often still love and miss that parent. One social worker maintained,

> ... there's the whole attachment thing, right? They're gonna be sad and miss their parents because children can have negative attachments or can have complicated attachments to parents but that certainly doesn't mean they don't still love them ... (Social Worker #3).

Similarly, a psychologist contended, "abused children will form attachments; they even form attachments to abuse 'cause that's what they know" (Psychologist #1). Psychologist two noted that children often pine for their parents even if they are being abused because for some children, being abused does not mean that "everything's bad".

Further, if it is a case where only one parent is being abusive, administrator three commented that the child will miss the non-abusive parent:

> ... it's always extremely difficult for children to be removed from the parent that is loving and might have been trying to protect them all of these years. There's a huge loss and that's something that I don't think is ever recuperated or ever made up. And even if a child is returned home, there is that experience of being removed and it can become a pattern.

Two interviewees - a psychologist and an administrator - believed that the child may feel a sense of alienation from the parents even though they have been abused. The administrator remarked:

> I could see there would be ... attacks of feeling like they're not wanted, feeling like they don't belong, being in another home, missing their own family, right, even though the person might be an abuser, they are still going to love that person, probably, other extended family and siblings, being away from them and the effects of that (Administrator #1).

Psychologist two addressed issues of family separation:

> Now the down side is, of course, the separation issues. With children, you know, the bond can be ruptured or can be damaged, the children can develop, sort of emotional reactions to the separation, some of that may be just separation anxiety in the future, some of it may be feelings of abandonment. Sometimes they develop anger and it depends on what kind of contact they will subsequently have.

Eight of the twelve interviewees argued that the removal of children is extremely disruptive on family attachment and that it may actually "sever attachments if they're gone for long periods of time" (Social Worker #3). Moreover, it was discussed that attachment bonds are often broken as a result of being removed from their families, which can set a child back tremendously. Discussions also emerged around the negative effects that removal can have on a child's relationship with their siblings:

> I think that removal has an effect on attachments because the siblings, for example, get used to having that person away and they go through their own grieving of anger and depression and then when they get to the stage of acceptance, they are largely less attached to their sibling. So, by

> being out of the home, people adjust and become less attached (Psychologist #3).

Furthermore, three interviewees, all social workers, indicated that removal does not provide the kind of stability a child requires in their life. One social worker, in discussing a child's need for stability, pointed out that:

> Children need stability, they need predictability and often what happens with removal is they don't have that. And that just does, has tremendous impact on their development, their brain development, their verbal, their motor skills, all of those things, their relationship capacity are all diminished because of that. Children are resilient but you can only do this so many times to them before it starts having serious damage (Social Worker #2).

She added that removal does not foster the formation of attachments because the child is often bounced from one home to another (Social Worker #2). Another social worker, discussing the transient, "back and forth" nature of being involved in the Ministry's care and the damage this can cause for children, stated, "[c]ontinuing disruptions, e.g., moving a child back and forth from home to placement or from one placement to another, increases the risk of emotional insecurity which can, in turn, put other areas of development at risk" (Social Worker #1). Social worker three affirmed that the move from group home to group home, from group home to home can be very detrimental to a child as well:

> ... it's a lot more detrimental to remove a child and put them back before their parents are ready and take 'em out and put 'em back, take 'em out and put 'em back. So that going back and forth, because every time the child leaves, they feel a sense of personal failure and children take it on as a failure so we really have to turn it around - that it's not about their fault - and do work with the family before we get them back in. So that's one of the biggest things.

## Contributing Factors to the Effects of Removal

All interviewees indicated that the effects of removal will vary from one child to the next, as they are inextricably linked to other factors such as the age of the child, their

developmental stage, their personality, as well as extent and severity of the abuse. One psychologist, in discussing age as an intervening variable stated, "in terms of age, I think it's basically on the level of understanding that the children have of what's happening and I suppose, their awareness of alternatives to their particular experience" (Psychologist #2). An administrator shared her thoughts on the removal of children where the abuse is sporadic and an irregular event:

> ... if it's an isolated incident of abuse, as opposed to longstanding, many years of abuse, you're going to have different reactions in children ... I think with a situation that's sort of new, first time around or second time around, it's much harder on a child, there's much more to lose. It's not a pattern of living that they are familiar with, so to be removed from a familiar situation, I think for all children, is really difficult but for kids who are experiencing something new, new abuse, I think that would be even more difficult, more traumatic (Administrator #3).

A child's prior attachment to their parents, siblings or extended family was also considered an important intervening variable. One psychologist indicated:

> Those that have a poor relationship with their parents over a long period of consistent abuse are actually relieved to be removed. Some children who have enjoyed, largely, a good relationship with their parents, except that they have the incidents that occur, let's say, once every six months, where one of the parents loses their temper and slaps them, I think it's traumatic for them because they still have a fairly good relationship and it's not something that's been ongoing. So, for that person it's much harder because they're not relieved, they actually would prefer to stay home (Psychologist #3).

The child's culture was also seen as an important contributing factor. Psychologist three revealed that, "in some communities where the children are raised, not only by two sets of parents, but by other uncles and aunts and grandparents and there's a lot of change, then the removal is really not as dramatic as where you have children who only have been raised by one set of parents". A third of the interviewees claimed that the effects will vary depending on how long the separation lasts, the reasons for the removal, where the child is placed after the removal, if the child has been removed before and how many

times they have been removed. In general, the interviewees thought that the effects of removal did not vary depending on gender; however, one administrator noted:

> ... my only experience with that or my only comment would be ... I would say boys are more expressive, it comes out more in sort of violent, regressive behaviour and girls have a tendency to internalize and assume a lot of guilt about situations. And that, I'm not sure if that would cross age groups, I'm thinking more of youth (Administrator #3).

Psychologist one also articulated that boys tend to have more behavioural problems while girls tend to turn inwards as they get older and become less of a problem.

Seven interviewees claimed that the effects of removal on family attachment are also dependant on a combination of factors. Administrator three discussed that it depends on the child's age, whether they were the only child being abused, the child's relationship with their parents and siblings, the circumstances, and the size of the family. A third of the interviewees mentioned that the nature of the bond to the family, as well as how active the parents were in parenting, are also important intervening variables. Four interviewees explained that the amount of contact the child has with their family after they have been removed, will also influence the effects of removal on family attachment. To demonstrate this, one administrator commented:

> It also is going to make a difference whether there has been contact between the child and the family during that time so if they have been encouraged, for example, to stay in touch with the non-abusive parent, to have frequent visits, to be going home on the weekends, then the impact is going to be minimized. But for a child that might have been cut off totally and all of the work has gone on, let's say, between the parent and the social worker, then it's going to be difficult. It's going to be harder on a child to reintegrate and harder for a child to feel safe again, I would imagine, in the home, especially if the abuser is still there (Administrator #3).

Discussing the effects of removal on a child's attachment with their siblings, one social worker claimed that, "[t]he strength of attachments with [siblings] after placement depends on the nature of the attachment prior to placement and whether they were kept

together afterwards" (Social Worker #1). More importantly, he explained that attachments may weaken over time if they are not maintained during the separation.

## Current Practices of Child Protection Workers

### *Perspectives on Currently Available Options*

This section will discuss the interviewees' perceptions on the options that are currently available to child protection workers. All the practitioners who were interviewed were knowledgeable about the current practices of child protection workers and were aware of the options that are currently available to them, including the offering of support services, supervision orders and child removal.

One quarter of the interviewees were satisfied with the options currently available to child protection social workers, noting that the options are very reasonable. One interviewee expressed her satisfaction with the available options, which she saw as "... very comprehensive. And I think they allow for a lot of options, a lot of flexibility for social workers to investigate several possibilities and what might be appropriate for any particular individual child" (Administrator #3). A psychologist also demonstrated his contentment with the currently available options; however, he went on to note that child protection workers are not adequately exercising all the options:

> I think that the options that are available are reasonable options, but that too often, the most severe alternative is gone to first, which is the removal and putting [into] foster care without considering the other options. So it's relatively easy to remove the child and put them in a foster home compared to trying to put the resources in place to see if you can keep the child in the home, whether the non-offending parent is capable of ensuring the child's safety. So, what I think is that the most severe option of the three is the one that is jumped on first and the other options are not explored well enough; therefore, the child is removed and put in foster care (Psychologist #3).

In contrast, another psychologist demonstrated his discontentment with the currently available options, maintaining that "it would be better for the social workers to have a broader range of options than are probably currently available ..." (Psychologist #2).

### *Lack of Support Services to Families*

Seven of the twelve interviewees reported that there is currently a lack of supports being put into families, some making reference to the recent cutbacks made by the Ministry of Children and Family Development. One administrator explained, "... certainly, in the last couple of years, with the decrease in funding and the reorganization and all of that ... we haven't done a good job of keeping supports in place. We haven't done a good job of prevention; we haven't stepped in when those children were young, and that, that's really where we're at fault" (Administrator #2). A social worker also noted,

> Well, I would rather see more children left in the home with proper family support than having them removed but I think realistically, given the sort of practice on the ground, I don't think we have enough resources to do that. You need resources and here in British Columbia, the cutbacks are massive. How do you do that? How do you ensure that a child is safe in their home if you don't have the resources to do that ...? (Social Worker #2)

Consistent with this, an administrator articulated her dissatisfaction with the lack of supports being provided to families and questioned the allocation of funds by the Ministry:

> ... why are we giving a foster family, they get a fair bit of money for, per child as a foster family, but the mother who is struggling on income assistance, if she had that amount of money she can care better for the child ... [S]o, the question that some policy people have raised is, why are we doing that? Why aren't we supporting families and I think that that's a really, I think that's a key policy piece here for you is that we need to be looking at supporting existing families ... (Administrator #4).

The lack of resources provided to child protection workers will undoubtedly have an adverse effect on children and their families. One administrator communicated her concerns about the *quality* of protection children are receiving, as a result of the recent cutbacks:

> I know that support services have been cut back and also, I know that the social workers are increasingly working ... so their ability to actually supervise is probably less as well. So, what my concern would be is what protection is out there for the children? There doesn't seem to be that; in all areas it's been cut back. Had there been a reduction in numbers, with an increase in supervision and an increase in support services, I would feel better about it, but there hasn't been that. It doesn't seem like there's that balance with the cut backs; generally a withdrawal of government from its responsibilities to the families and children (Administrator #1).

Clearly, the interviewees believe that there are not enough supports being provided to families. While acknowledging that social workers are not directly responsible for this, they did attribute it to the lack of resources offered to social workers.

Five interviewees indicated that a lack of resources is one of the many obstacles encountered by social workers, making it difficult for them to make decisions, exercise their best judgements and ultimately, do their jobs. They recognize that social workers' hands are often "tied" because they do not have the resources to adequately do their jobs. One administrator commented:

> ... policy is like ... we can have lights in this office right now, right? They're there, they exist, but you need somebody to flick the switch and that's what's missing in the policy bit and we need some mechanism to flick the switch and ... frankly, I think, again, it should be situated with the social workers ... they should be given a bigger breadth of support and ability to do their work ... But what social workers fall up against all the time is the inability to turn the switch on because the resources aren't there, the time's not there ... (Administrator #4).

Similarly, a psychologist explained that it is often difficult for social workers to get a clear picture of the families they manage because they are working under tight constraints, in

terms of high caseloads and few resources. He noted that high caseloads render it difficult for social workers to spend adequate time with each family in their caseload:

> ... like a typical caseload would be, let's say, 50 families ... not all of those are high need families but you know, if you take 35 hours a week, 50 families, you know, how much time can you spend with each family in a week? That's an hour at most and so if one family takes up a whole day for you, then you're dealing with 49 families in 25 hours and so on (Psychologist #2).

An administrator, emphasizing that good social work cannot be done in the absence of relationships, stated, "[i]f you have enough social workers who can manage their caseload and can actually get out to the resources and see them, and make sure they're safe and can actually meet with the clients and develop a relationship with them, it's basic, good quality social work. You have to do the work; you have to know your clients" (Administrator #4).

Another concern expressed by three of the interviewees was the lack of follow-up in cases due to the shortage of resources. One administrator contended,

> ... there has to be the resources in place for following up after the decision's made, either to leave the child or to remove the child. What resources, what supports are going to be in place to change the situation so that, either the child can return or if the child stays, that the child is going to be safe. That's where they are falling down so badly (Administrator #2).

Another administrator, also expressing her concern with this matter argued that, "it [the family] should be measured and monitored, right, so that we can see success, so that we see the family is better and that these incidences are stopping. So, it's a matter of measuring that and that's where it falls down because social workers are too busy" (Administrator #4). Furthermore, one psychologist discussed the social workers' inability to conduct assessments on children and families due to a lack of resources. He stated, "[w]hat they used to do much more is refer families for assessments, for example. They

don't have the budget to do that as much. The same thing with returning the children, they don't have the budget for assessments" (Psychologist #2).

An additional obstacle faced by social workers, as articulated by two interviewees, is that they are often in the limelight of the media. As one psychologist noted, social workers are put in difficult situations but if they make a mistake, it is all over the newspapers. Furthermore, one administrator recalled, "I can remember a lot of media around removing children that shouldn't have been removed; the media likes that angle, the government came in and took this child ... and that may happen, I don't doubt that because these are, again, stressed-out social workers trying to do their best" (Administrator #4).

Overall, the interviewees demonstrated concerns that child protection social workers are providing inadequate services to vulnerable children and families due to the lack of resources available to them.

### *Removal of Children and Placing with Extended Family*

*"I think that it's really important to try and consider out-of-home placements that are with family and extended family. I think it's really important to keep the child in their community and their school and the things that they know and make them feel comfortable" (Social Worker #3).*

As mentioned earlier, with the introduction of Bill C-17, a child's extended family, friends of the family and other community members who have a significant bond to the child, can now be considered as potential guardians if a child is in need of an out-of-home placement. Two social workers indicated that sections 35 2(d) and 41 1(b) of the *Child, Family and Community Service Act* are used quite often when working with children who are in need of protection (Social Worker #3 & #4). Interestingly, another interviewee suggested that this was an option well before Bill C-17 and that it was

always included among the considered options when a child needed an out-of-home placement (Social Worker #1). Speaking of his experience, he commented:

> An arrangement I used more often, since many of these families were also poor, was to open the relative's home as a restricted foster home (for this child only) and then they could be given foster care rates to make it possible for them to provide for the child. I always preferred to keep children with relatives or others they knew and felt safe with if possible. I often asked children their preference (Social Worker #1).

Six of the twelve interviewees articulated their fondness for the alternative, noting that the removal of children and placement with extended family or friends of the family, not only reduces the amount of trauma that is suffered by children, but that it is also a lot less intrusive for a child. One psychologist maintained that it is often "more comfortable for the child and less alienating [for the child] to be placed in the home of a relative than it is to be placed in the home of a stranger" (Psychologist #2). Also voicing her fondness for this option, one social worker stated:

> I think it's great. And again, I think the Act specifies that a child's kinship ties must be respected. So if one has to remove, and particularly in Aboriginal families, in families of different culture, kinship ties are vital and so I am all for this. I think if you're removing a child because you have to, in order to protect them, if you can place them with family or with their own band, or you know, people that they know, then you should try to do that. It makes sense from the child's, if you look at things from the child's point of view; through the lens of the child, you won't go wrong (Social Worker #2).

On the other hand, five interviewees expressed their concerns with the alternative of placing children with extended family. One concern surrounded the fact that extended family members may, without wanting to, feel obligated to care for the child because they are a relative. As one psychologist noted, "you kind of think, oh well, if it's family, you're supposed to want to take care of your family ..." (Psychologist #4). She added: "having the blood ties, [you] may feel more responsible for taking care of a child. You know, there may be more moral obligations" (Psychologist #4). One

psychologist expressed concern that family members are often more vulnerable to each other and noted that, "family members have a hard time resisting other family members if they want to see their children, so you know, there's that kind of an issue. It's a little bit harder to protect the child under that circumstance ..." (Psychologist #2).

Another concern that was raised by the interviewees was the importance of assessing the relationship between the extended family and the parent from which the child is being removed. One psychologist conveyed that "[i]n too many cases the children are just returned to their parent who is abusive because of the pressures within the family structure. So you have to be sure that the extended family is assessed as being able to maintain their own integrity, per se" (Psychologist #1). Another concern surrounded the notion of intergenerational abuse and the fact that placing a child in the home of extended family, may be putting the child at risk for further abuse. In explaining this, psychologist four stated:

> ... if there has been abuse on both sides of the family, wouldn't that put the child at risk for intergenerational problems because if a parent is abusing, the chances are that that parent was also abused, so why is that keeping the child any safer, unless the grandparents have grown out of that phase of their life ...

An additional concern surrounded the fact that extended family members are often given insufficient funding when a child is removed and placed in their care:

> I think that it makes good sense that sometimes there is extended family and your grandmother can take over. What I know though, about some of those options and what I've heard, is that they're not given the funding that a foster parent is given to care for the child and it is, you know, it's just not recognized that there is a financial cost to raising children (Administrator #1).

Similarly, a social worker, speaking to the use of kith and kin placements, where parents select those with whom the children will stay with, noted: "[t]hese caregivers are not

given the same rate as foster parents because it is thought that this is their duty to care for their kin" (Social Worker #1).

### *Removal: The Most Frequently Used Option in Child Protection Cases*

*"I was just at a workshop on a ... session on Chinese immigrant parents who have children with disabilities and their fears around their children being taken away just seem to be very, very high ... they seem to have this perception that Canada is a place where children are taken away, where we do this as a matter of practice, so boy, they'd better be careful, you know ..." (Administrator #1).*

This next section will discuss the interviewees' perceptions on which available option they believe to be the most frequently used by social workers. Six interviewees were of the impression that removal is the most frequently used option by social workers, while others thought that children are being under-removed. One administrator, in sharing her thoughts that removal is the most commonly used option by social workers, stated:

> I think certainly, in this province and other provinces as well, but in this province in particular, we've been very rapid about breaking up the family unit and assuming that an alternate family, a foster family, adoptive family, is maybe a better location for a child when we haven't put as much into a family as we could have (Administrator #3).

Four of the six interviewees, while asserting that the most commonly used option is removal, indicated their thoughts that there is currently more of an emphasis on removing children and placing them with extended family. One psychologist noted, "I think that what's happening now is that the social workers are removing, but they are removing and putting with family" (Psychologist #3). In contrast, three interviewees felt that children are being under-removed. A psychologist, speaking to whether children are removed too frequently or not frequently enough expressed, "I think the pendulum swings back and forth; I think probably at present that children are probably under-

removed simply because the resources aren't available there" (Psychologist #2). Consistent with this, one administrator commented:

> ... it's been my experience that more children remain in very unsafe situations, than are removed because there just aren't the resources in place. And I'm not suggesting it's a good thing to remove them into existing foster care systems ... but you know, it's a very unsupported system in and of its own; unmonitored, unsupported (Administrator #4).

While agreeing that there is currently less emphasis on removal, one administrator expressed her uncertainty about which option is being used the most. She discussed, "if you go by the media right now, I guess the whole focus is on reducing numbers, so my sense is that right now what's happened, is that there is less of an emphasis on removal ... but I don't know where the other emphases are because I know that support services have been cut back" (Administrator #1).

The majority of interviewees also felt that child removal was the most frequently used option among social workers before the introduction of Bill C-17. One administrator reported, "[c]ertainly, in my experience, it's always been removal and certainly, there was a mind-set that safety could only be guaranteed outside of the abusive situation" (Administrator #3). Furthermore, a social worker articulated, "I think that children were being removed and put into paid foster homes and the availability of family wasn't being canvassed as much as it is now" (Social Worker #2). In commenting on why removals were the most frequently used option, two interviewees, both psychologists, referred to the Gove Inquiry. Psychologist four contended,

> I think the child would be removed more often than not and maybe that is because of the past circumstances ... when we have the publicity of the children that have not been removed and with Thomas Gove, or the Gove Commission, that whole thing, I think that that probably made people more apt to remove than not remove or that influenced the removal and that's because of public opinion, as opposed to fact, which once again, you know, are we looking at the facts or are we looking at the opinion?

A quarter of the interviewees expressed their belief that removals were carried out more because of the lack of available options in the past. Psychologist three contested that removals were frequently carried out because of the lack of knowledge social workers possessed regarding the harms removal can cause children. He pointed out that "social workers were not aware that removing children from their families and putting them in foster homes has an associated harm with it. And all they were seeing was that they had to remove the child from an abusive situation and they never looked at the other side of the coin, which was that harm could be caused through the removal" (Psychologist #3). Another psychologist explained that, "removal was always there, even when, at times, it wasn't working. It was the safest one and people have to be concerned and the Ministry is concerned, as psychologists are, about their own liability. And you are a lot less liable if you are taking all the action you can to decrease the problem" (Psychologist #1).

It is clear that removal, whether it is placing children in foster homes, group homes or with their extended family, is thought to be the most frequently used option by social workers.

***Least Intrusive Measures***

Throughout the interviews, five interviewees made reference to the "least detrimental alternative", also referred to as the "least drastic measure" or "least intrusive measure". In describing this, one psychologist stated, "there is sort of a principle of the least drastic measure, so to speak ... You do what is the least required and so, if the social worker is confident that just supervising the child in the home will be enough, you know, then that's what they would do" (Psychologist #2). Furthermore, a social worker, making reference to the least intrusive measure, discussed:

> All possibilities are considered as alternatives to supporting the child and family together. Each is considered in order of preference from least intrusive (family support) to kith and kin, to foster or group care, through to permanency planning (adoption) depending on the needs of the child, the family's response to service, and their assessed probability of meeting the child's needs safely within a time frame that respects a child's need for permanence and security (Social Worker #1).

One social worker noted that the Ministry of Children and Family Development is increasingly using least intrusive measures, "trying to involve informal helpers or to build capacity in families to care for children ..." (Social Worker #3).

Social worker three went to great lengths to describe what is referred to, as the "least intrusive checklist[39]". The purpose of this checklist is to indicate to the Director, that all the "least intrusive" alternatives were considered before resorting to removal. The checklist requires social workers to indicate which "least intrusive" measures were/were not attempted and to explain why each alternative was not adequate for the protection of the child. She explained that this checklist must be completed by every social worker and submitted to the Director *prior* to a planned removal.

The social worker also explained that the options on the checklist are not listed or considered in any particular order. Rather, she explained that some of the options on the checklist are more intrusive than others; the "kith and kin and others' agreement" being the most intrusive. The options listed on the checklist include support services agreement with the parents (s. 5); a youth agreement (s. 12.2); mediation (s. 22), which involves gathering the family together to settle their problems with the help of a mediator; a protective intervention order (s. 28); a restraining order (s. 98); supervision order without removal (s. 29.1); and family group conference (s. 20), which involves gathering the whole family together to find their own solution. She went on to explain this process:

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[39] The social worker indicated that this checklist is regional, thus it is specific to the Vancouver Coastal region.

> ... if we think there's a child protection thing, right, we want to get the whole family to try and find their own solution. So we send it to a family group conference co-coordinator and they pull in members from the family from all over and we can teleconference, we can even fly people in. We have a big conference and, in fact, the child protection social worker will tell the conference person what their issues are but the child protection social worker doesn't go to the conference. It's totally led by the family[40]. The conference co-coordinator even gets out of the room and says to the family, "this is the issue, this needs to be solved, figure out a solution". And lots of times people will figure out a solution – the child can stay with this family, they can stay with that family, we need a little bit of money for this ... (Social Worker #3).

Finally, the checklist has the option of a kith and kin agreement (s. 8), where social workers can place the child with their extended family or someone with a significant relationship to the child, on the agreement of the parent. With a kith and kin agreement, the parent still has custody of the child and therefore, has the option of taking the child back. However, if the social worker feels the parent is not in agreement but that the child should be removed and placed with an extended family member, they can remove the child under section 35 2(d) of the Act, which gives the Ministry custody of the child.

### *Section 28: Protective Intervention Order*

Although only the social workers and psychologists spoke to section 28 of the *Child, Family and Community Service Act*, it is an important sub theme to discuss because it was noted that this section of the Act can be used to keep an abusive parent away from a child. The three social workers and three psychologists, who discussed section 28 of the Act, however, displayed some confusion regarding its implementation. Two social workers indicated that section 28 could not be used towards a parent and that it could only be used to keep away individuals like pimps, pedophiles, or somebody

[40] Having a family lead their own conference to find a solution for their problems is questionable. The absence of a conference coordinator to moderate the conference may present problems, considering the possibility of existing power differences between the family members. However, this topic will not be discussed further as it does not fall within the parameters of the research.

that a parent has brought into the home. One social worker explained: "... we have a protective intervention order to keep somebody else away from the child, like a pimp or a pedophile or somebody that the parent has brought into the home; we can use a protective intervention order through our Act to keep that person away" (Social Worker #3). Another practicing social worker also indicated that judges feel that section 28 is more for street kids, to keep away pimps rather than parents (Social Worker #4). However, the same two social workers revealed that section 28 can be used to keep the abusive parent away from the non-abusing parent and the child(ren). While social worker three indicated that section 28 can, in fact, be used to keep an abusive parent away from a child, she indicated that it is not used as much as it could be for various reasons:

> We can use protective intervention orders against parents. The reason why we wouldn't or the reason why we don't as much as we could, are things like, if the parent owns the home, right, the parents' right, the parent has rights to be in that home[41] ... But in cases of violence, they just come back anyway because it's their home and they want to and that's where we really have to assess the parent who's at home's ability to protect. If the parent has the ability to protect, we can and we have used protective intervention orders (Social Worker #3).

She also maintained that another difficulty with using the protective intervention order is that the onus is on the individual who the order is against. Thus, in a situation where one parent is abusing the child, it would be the abusive parents' onus not to show up at the house; the onus of keeping the abuser away is not on the parent who is protecting the child. Interestingly, she also expressed her wonderment as to whether Ministry workers should be using this section more than they currently are.

There was also inconsistency in the interviewees' responses about when section 28 would be implemented. One reason cited for the use of protective intervention orders

[41] This begs the question of whether the protective intervention order is, or would be, implemented more for families who don't "own" homes (i.e., they rent or live in government housing), resulting in socioeconomic discrimination.

was to protect a child when contact may cause them harm. One social worker noted that "[i]t is unusual but it is invoked where it is clear that contact would not be in the child's best interests, e.g., where the child's mental health would be imperilled by continuing contact" (Social Worker #1). Psychologist two maintained, "it's probably there for the protection of the child ... there's sometimes no contact if the child is physically at risk in any level of contact or emotionally at risk". He went further to indicate that these may include situations where the parent has been abusive to the point where the child is at risk of death or severe injury and/or if the child was extremely traumatized by the situation. One social worker asserted that the protective intervention order is used to protect a child from a party or a person, who may be the perpetrator or the abusive parent, when they are in the Ministry's care (Social Worker #4).

Psychologist three indicated that section 28 can be used when a parent is not co-operating with the social workers, while another psychologist discussed that protective intervention orders may be used in situations where a child is being sexually abused by one of their parents (Psychologist #1). Clearly, there is some ambiguity regarding the use of section 28 of the Act. What is more disconcerting is that while most of the interviewees did not know how often section 28 is implemented, there seemed to be a consensus that it is not used very often.

## Removal of the Abusive Parent

Interestingly, five interviewees made reference to the alternative of removing the abusive parent, rather than the child from the home in situations where a child is being physically abused by one of their parents. One psychologist discussed:

> ... in some cases, it may be necessary to remove the abuser from the home rather than the child, you know. But often what happens, I think, is that the child is removed as the first step, but ultimately, the child is to be returned. It may be that somebody else will have to be removed in order

> for the child to return. Like, if the abuser is the father, the father would have to leave the home and the child be returned to the mother (Psychologist #2).

Similarly, an administrator expressed, "if it is a case of one parent being abusive, then I think that we need to consider it [removing the abusive parent]" (Administrator #2). Three interviewees - two social workers and one psychologist - indicated that there have been situations where the abusive parent, as opposed to the child, has been removed from the home. One psychologist commented: "I think that that's been done all along. I think that in many cases, that the person who is an abuser is removed from the situation" (Psychologist #3).

Four interviewees reacted favourably to the alternative of removing the abusive parent, while others were quite sceptical. Two interviewees, both administrators, suggested that removing the abusive parent, rather than the child, would be preferable because the child would not be the one feeling unwelcome in the home or that they have done something wrong. One administrator explained, "I think it gives the abuser the signal that their behaviour isn't welcome in the home, as opposed to the child feeling that they weren't welcome in the home for some reason" (Administrator #1). On the other hand, three interviewees argued that removing the abusive parent may actually be more harmful to the child. One social worker believed this alternative may actually make the child feel guilty and result in the parent becoming resentful towards the child:

> I mean, it is an interesting concept and it's something to think about certainly, but it might come back to the child in other ways, like the parent being resentful. Now you've made the child be responsible for the fact that daddy's not in the picture, right? As opposed to daddy being responsible for his behaviour and fix it so the child can come back. You know what I mean? I understand the process but I think that [you have] to look at it holistically, the whole package right? (Social Worker #3)

Similarly, one psychologist expressed, "[t]he other side of that is the child may feel very guilty having the parent removed. And the parent that is left ... may feel a lot more

responsibility, uh, guilty and not have any supports and so in turn, be abusive to the child, psychologically, as opposed to physically or sexually or emotionally" (Psychologist #4).

***Factors to Consider***

Although some interviewees preferred the alternative of removing the abusive parent, rather than the child from the home, they explained that a variety of factors must be taken into consideration before it can be successfully implemented. Five interviewees indicated that it is imperative to assess the non-abusing parent's ability and willingness to protect the child and consider why the child was not protected in the first place. As one psychologist remarked, if the abusive parent is to be removed:

> ... the social worker would have to be convinced that a) the parent who stays in the house was not complicit in turning a blind eye to what was going on; b) that they, themselves, were not part of the abuse; and c) that they could protect the child from the abuser if the abuser is out of the house and the child is in the house. So, very often those criteria are not met and so that risk was not taken of removing the abuser and leaving the child in the house (Psychologist #3).

Half the interviewees questioned the viability of implementing this alternative, stating that it would be difficult because of financial issues. In particular, the interviewees indicated that the alternative would be a challenge to implement if the abusing parent is the primary source of income and the one who provides the family with financial stability. One administrator expressed:

> So, most often it's a male offender and often they're a key contributor to the financial and getting money out of these guys is very, very difficult. So, it throws that family into a great deal of instability, financial and often women, you know, get back together with abusive partners because financially, it's just so hard to not have an income and it's purely an income-based issue and then what they try to do is just keep the kid safe and so forth (Administrator #4).

Three interviewees argued that removing the abusive parent, who is the principle source of income, may put further stress on the remaining parent. One administrator expressed, "if it's the father and the father is the breadwinner, if it's a low-income family, is that going to put the family in a place of such potential breakdown, is the mother going to blame the child for the father's removal, is the child then going to suffer more? I mean, all those pieces have to be considered" (Administrator #2).

Another concern that emerged was that of housing the abusive parent. As one social worker maintained, "how do you propose to pay for the accommodation of the offending party out of the home? We don't have foster care for adults. Bear in mind that many of these people will be poor" (Social Worker #1). Another issue that was brought forth by both a social worker and an administrator was that of parent vulnerability. Social worker three explained that "people need their partners for a whole lot of reasons, right? They need their partners for financial reasons, they need their partners for supportive reasons to help with the other kids and stuff so that [removal of the abuser] sometimes isn't feasible".

Six interviewees also had concerns regarding the enforcement of such an alternative. One social worker insisted that although there is the possibility of making the abusive parent move out of the home, there are no laws that can do this (Social Worker #3). She indicated that social workers only have the power to remove a child to keep them safe and protected; they do not have the power to keep a parent away from the child. One administrator commented:

> ... it would not be something that a social worker has, or even a Ministry like this, would have the authority to do; it would be, that would end up being a police action. Because, certainly, our responsibility is the protection of the child and I think that could be considered within that definition, but I can't see a social worker having the authority to say to an adult, "you're out of here". So, it would have to be a collaborative action for sure and probably outside of the responsibility or the legal parameters

> of a social worker. So I think it's actually, outside of that I think it's an excellent idea (Administrator #3).

Four of the twelve interviewees felt that removal of the abusive parent from the home would require police action. As one social worker claimed, "[w]ithout the *Criminal Code* involvement, it is difficult, if not impossible, to maintain a restraining order to keep the offending party away from the child" (Social Worker #1). Similarly, a psychologist asserted that it is easier to remove the child if they are being physically abused because of the difficulties associated with enforcing a parent to leave their home:

> ... often, by removing the abuser, that had to be by consent because if somebody refuses to be removed from their own home, that they are paying rent or mortgage for, short of the police getting involved and creating an ugly situation, you can't really get somebody to be removed unless they consent to be removed. You can't legally get somebody out of their house who wants to be there. So the easiest way around that is to remove the child (Psychologist #3).

Indeed, another concern that emerged from the interviewees was how one would know if the abusive parent is actually staying away from the child. One psychologist argued that, just because the parent is not in the home, it does not necessarily mean that the child is protected. Speaking from his experience, he explained:

> And even when there's an order that the person should not be in the house, I've seen situations where the person has then gone and they have an RV parked in the driveway, they move into the RV in the driveway – "I'm not in the house". And the next day his mom has to go out to work, to a doctor's appointment and where's the kid? The kid's in the RV. Parents should not be allowed in the house with the child – "I'm not in the house" (Psychologist #1).

A third of the interviewees claimed that the alternative to remove the abusive parent could be very effective and sometimes preferred in cases of sexual abuse. One social worker insisted that "it is easier to remove the abuser in cases of sexual abuse or family violence where you have the involvement of the police since both child protection and criminal code statutes can be invoked" (Social Worker #1). Consistent with this,

another social worker claimed that enforcing the abusive parent out of the home "tend[s] to work better in cases of sexual abuse because there's a whole thing about the parent not wanting the community to know, so that parent's willing to go out of the home and willing to keep a distance because they don't want anybody to know about it" (Social Worker #3).

One third of the interviewees pointed out that the alternative to remove the abuser has been looked at in instances of domestic violence. Interestingly, one of the psychologists mentioned that this alternative may work better in Asian communities. She noted:

> I think in the Asian community, the families, you have a much more extended family living under the same roof and so the possibility of the offender being removed from that environment, I don't know, but it seems to me that would be more likely because you've got lots of people in that household. The grandparents, and so on, and siblings and that may be more conducive to helping out and taking care of the child (Psychologist #4).

# Chapter 5 Discussion

The findings from chapter four enabled us to look at the perceptions of social workers, psychologists and administrators regarding the best interests of the child, child removal, the effects of removal and removal of the abusive parent. In this chapter, I relate these findings to the key themes discussed in the literature and the policy discussion and then consider how the findings relate to those themes.

## Best Interests of the Child

The present study clearly demonstrates that the process of determining the "best interests" for a child is not an easy task; rather, numerous factors must be taken into consideration for each individual child. Consistent with the literature, my research revealed that deciding what is in a child's "best interest" will vary from one case to the next; however, it is evident that there are common factors that are considered in every case (Banach 1998). Notwithstanding the different theoretical perspectives that inform the different practitioners in the child protection field (i.e., social workers, administrators and psychologists), all the interviewees in my research exhibited the same basic beliefs concerning what factors should be considered in determining the "best interests" of a child. In addition, chapter four illustrates that the criteria for determining what is in a child's best interest, as identified by the respondents, were consistent with the criteria set out in the *Child, Family and Community Service Act*. Finally, my findings demonstrate that the criteria used to determine the "best interests" for a child who is being physically abused are essentially the same as the factors that are considered in determining the "best interests" for a child, in general.

Unfortunately, there is little available literature that looks at the best interests of the child standard outside the context of child custody and access. Since the majority of literature surrounding the best interests of the child does not address the issue of children of physical abuse, this makes it difficult to compare the subset of my findings, which looks specifically at the standard as it applies to children of physical abuse. The only available source of comparison is the *Child, Family and Community Service Act* and its delineation of the best interests of the child standard[42]. The "best interests" standard in the Act encompasses children of abuse and neglect, as well as those children who are deemed to be in need of protection.

Chapter four demonstrates that factors such as the child's age, the child's physical, psychological and emotional needs, the child's culture, and the child's attachment to their parents are essential when deciding what is in the "best interests" for a child in general, as well as, a child who is being physically abused. These are, indeed, consistent with the "best interest" criteria set out in the *Child, Family and Community Service Act*. With specific reference to children of physical abuse, the interviewees were undivided about the fact that the safety and protection of the child *must* be a primary consideration when determining the best interests of a child. In addition, for a child protection worker to fully comprehend the nature of the abuse, the interviewees stressed the importance of examining the totality of the situation, including the family, when there has been an allegation of physical abuse. Therefore, as chapter four illustrates, taking into consideration information about the nature and level of the abuse, as well as the child's attachment to their parent(s), are fundamental when determining a child's best interests. In addition, consistent with Banach's findings (1998), the respondents in my

[42] These factors include the child's safety, the child's physical and emotional needs, the importance of continuity in the child's care, the quality of the child's relationship to the parent, the child's cultural heritage, the child's views, and the effects of delayed decision-making on the child (Province of British Columbia 2004: section 4).

research viewed an assessment of the non-abusing parent's ability to protect the child as an important factor to consider when determining the best interests for a child who is being physically abused.

My research also informed the literature, revealing that there are difficulties with employing the best interests of the child standard. In particular, it is apparent that there is a degree of uncertainty regarding which "best interests" factor should be given more weight when making a decision (Bailey & Giroux 1998; Mnookin 1975 as cited in Bala 2000). While the interviewees identified an array of factors that should be considered when making a determination about a child's best interests, none of the respondents assigned a ranking, indicating which factor(s) should be given more weight. Rather, consistent with the literature, my research shows that there is a lack of direction in determining which factor(s) should be given priority in any given case. One administrator discussed a child placement case where the child's cultural heritage and the child's need to be with their siblings, both factors that should be considered in determining the child's best interests, were being weighed against each other. There was some debate about which factor should prevail and ultimately, although the child in question expressed his/her desire to stay with their siblings, it was decided that the child's need to be based in a community of their cultural heritage overruled the child's need to be with their siblings. This decision appears inconsistent with the *Child, Family and Community Service Act's* emphasis of maintaining the family unit and also, minimizes the child's views. This underscores how the lack of guidelines, based on that policy, stating which factor(s) should be paramount in deciding a child's "best interests" can be problematic when determining the fate of children.

Two administrators questioned whether decisions are actually made in the "best interests" of the child. There seemed to be some unease that decisions are, at the

expense of the child, made in the best interests of the adult(s) or parent(s) in question. As one administrator articulated, what is sometimes discussed is the rights of two groups with regard to a particular child. Thus, whether the dispute is between two parents and a child, or the state, the parents and the child, the administrator noted that, often, the argument is about "your right and my right to that child; it's not that child's right to us" (Administrator #4). This is problematic as it illustrates that the best interests of the child may, at times, be threatened. This suggests the need to implement measures that ensure that it is the *child's* best interests, which are the focus of all decisions and that the child's interests are not made subordinate to the adults' interests (Goldstein et al. 1973).

Although my research reveals that a variety of factors should be considered when making a decision regarding the "best interests" of a child, overall, the respondents articulated that the safety and protection of the child is *paramount* in cases where children are being physically abused. Despite the uncertainty surrounding which criteria should be given more weight when determining a child's best interests, my findings revealed that the respondents were unanimous in stating that the child's safety precedes all other criteria in priority when the decision involves children of physical abuse.

## Child Removal

In speaking about child removal, all the interviewees expressed the difficulties associated with making the decision to remove children from their families. My research clearly illustrates that the decision to remove a child from their family is not easy, but rather, as complex as the individuals and families involved. Consistent with the literature on child removal, my findings reveal that a key challenge for child protection workers is deciding when a child should be left in the home and when they should be removed (Canadian Coalition for the Rights of Children 1999; Arad & Wozner 2001). The findings

in chapter four suggest that making the decision to remove a child from their family is, indeed, a balancing act. Assessing whether a child should be removed from their family involves, among many other things, a delicate weighing of the impact that removal may have on the child and the impact of remaining in the home.

My findings demonstrate that the ideologies surrounding whether it is in a child's "best interest" to be removed or kept in the home when they are, or are at risk of, being physically abused, can be diametrically opposed. Nevertheless, there was an overwhelming consensus that removal is *not* in the best interest of children, although the respondents did assert that removal may be necessary *if* the child cannot be made safe in their family environment. While removing children from their homes is not considered being in their best interests, there is an obvious preference for keeping children within their family unit. This reflects the literature, which recognizes that removal is harmful to a child, therefore, maintaining that removal should *only* occur when the child cannot be protected within the home and all other alternatives have been tried and found inadequate (Steinhauer 1991; Weisz 1995). Congruent with the literature, the necessity of canvassing all available alternatives, both in-home and out-of-home alternatives, before removing a child, was also highlighted in my findings (Arad & Wozner 2001).

Chapter four demonstrates that child protection workers must take into consideration a variety of factors when deciding whether or not to remove a child who is being physically abused (Thompson 1981; Weisz 1995). Consistent with the literature, theoretical notions about child development and attachment were implied in many of the factors described by the respondents (Goldstein et al. 1973; Banach 1998; Walter et al. 1995). For example, reflecting the literature, there was an emphasis on maintaining the family unit, as the interviewees felt that children need to be in an environment that will foster growth and development (Weisz 1995; Banach 1998). In addition to considering

the harms that may be caused by removing a child, the interviewees indicated that factors such as the severity and nature of the abuse, the circumstances surrounding the family that may have precipitated the abuse, the child's attachment to their parent(s), and the probable duration of the separation must all be taken into consideration when contemplating whether or not to remove a child from their family (Weisz 1995; Thompson 1981).

In line with the literature, the respondents viewed the child's need for stability as being essential when determining a child's best interest in placement decisions (Goldstein et al. 1973; Banach 1998). The research also exemplified that the safety and psychological well-being of children must be taken into consideration when projecting what is in a child's best interest. Consistent with the *UN Convention on the Rights of the Child* and the literature (Goldstein et al. 1973; Banach 1998), some interviewees pointed out the importance of taking into consideration the child's view when determining their best interests.

Five respondents discussed the importance of choosing the alternative that would be the "least detrimental" to the child. This reflects Goldstein and colleagues' proposal that the standard of the "least detrimental alternative" should guide child placement decisions. As one social worker described, the decisions made by social workers are "always decisions made within a range of probability for error. Rarely are the decisions and the plans they produce perfect. At best they attempt to arrive at the least detrimental alternative" (Social Worker #1). This also supports Arad and Wozner's (2001) findings that child protection workers, when making the decision to remove a child, would select the alternative deemed less damaging for the child. Interestingly, the respondents in my research described the least detrimental alternative as being *in* the best interests of the child, which is inconsistent with Goldstein and colleagues'

contention that the least detrimental alternative should *replace* the best interests of the child standard. Notwithstanding this discrepancy, there is no doubt that the notion of the least detrimental alternative, as suggested in the literature and in my research, is child-centred (Miller 1993).

Interestingly, none of the interviewees discussed the need to determine whether there is co-occurring abuse in the family, although the literature indicates that it is now well known that "... there is substantial overlap among the prevalence of all forms of family maltreatment, and that if one type exists in the home, it is likely that other types also may be present" (Geffner 1997: 14). Although the respondents in Banach's (1998) research considered the possibility of domestic violence when determining the best interests for a child in child placement decisions, the interviewees in my research did not speak to this.

Research evidence suggests strong links between child abuse and wife abuse; not only do the majority of children living in situations of domestic violence witness incidents of violence, but they also become much more vulnerable to being either indirectly or directly physically abused. Consequently, researchers suggest that the best way to preserve a child's well-being is to ensure that the mother is safe. Thus, although it is imperative for child protection workers to consider whether domestic violence is present in the house, my findings indicate that this was not a consideration articulated when the interviewees were asked about factors employed in determining whether a child should be removed from their family. Child protection workers ought to make inquiries about whether wife abuse and child abuse are co-occurring, so that maximum safety is ensured to all family members.

In Alberta, New Brunswick, Nova Scotia, Newfoundland, Saskatchewan and Prince Edward Island, child protection legislation specifically refers to domestic violence

as a factor in determining whether a child is in need of protection (Bala et al. 1998). For example, s. 31(1) (f) of the New Brunswick *Family Services Act*, states that "the security or development of a child may be in danger when ... the child is living in a situation where there is domestic violence" (*Family Services Act* 1980). Similarly, incorporating spousal violence/domestic violence as a criterion under section 13 of B.C.'s *Child, Family and Community Service Act*[43], may prove to be extremely beneficial for the well-being of vulnerable children. More importantly, it may prevent the removal of children from their families in situations where there is co-occurring abuse. The removal of children from homes where wife abuse and child abuse may co-exist appears to be problematic because it fails to protect the non-abusive parent, and more importantly, because it often results in the unnecessary separation of children from their non-abusive parent.

The majority of interviewees (ten out of twelve), illustrated a lack of knowledge regarding statistics on the number of children who are, or are at risk of, being physically abused. In addition, only two of the twelve interviewees were able to give an estimate on the number of children currently in the Ministry's care. Evidently, these professionals in the field are not up-to-date on the statistics and appear to be unaware of this reality. When social workers, for example, were asked whether they were aware of the total number of children who are being physically abused, all the social workers indicated that they did not know[44]. The fact that this was coming from individuals who are directly involved in investigating reports of physical abuse, deciding whether or not to remove children, as well as removing them, may be problematic. The lack of knowledge that the

[43] Section 13 of the *Child, Family and Community Service Act* sets out criteria that must be considered when determining whether a child is in need of protection.
[44] Three of the four social workers directed me to possible sources where I could find these statistics. While statistics on the number of children in care and those who are being physically abused are available, it seems that social workers are uninformed because they are not seeking out this information.

social workers, psychologists and administrators demonstrated with respect to awareness about the prevalence of abuse, may indeed, affect their decision-making.

The interviewees were, however, knowledgeable about the average length of time a child is removed, noting that the time varies with each case. Three interviewees explained that children are removed for periods of between six months to one year, while four interviewees stipulated that children are removed for anytime between one and two years. If this is true, it is quite troubling, as Goldstein and colleagues (1973) contend that one to two years is a long time in accordance with a child's sense of time. This clearly indicates that placement decisions are not reflective of a child's sense of time, which is detrimental for children because it fails to provide continuity, jeopardizing their best interests.

In this regard, my findings demonstrate that there is a perception that children are often removed for long periods of time. One psychologist, in particular, noted that "there's a tendency to keep, rather than return, simply because the process takes so long and that's nothing to do with the case itself, it's simply the process" (Psychologist #2). He explained that, often, the length of stay in out-of-home care will depend, not so much on the needs of the child, but by factors completely outside the needs of the child. This is counterproductive to achieving the best interests of the child because the more time the child spends away from their parent(s) and family, the greater the chance the child will experience instability as well as discontinuity. In addition, the transient nature of being in the Ministry's care and the frequent moves from group home to group home and from group home to home, do not provide children with the needed stability, as suggested by the Canadian Coalition for the Rights of Children (1999). Although the interviewees and the literature (Banach 1998) both suggest that children should be

returned home as quickly as possible to preserve attachments and provide continuity, my findings reveal that, in practice, according to the participants, this is not the case.

The interviewees also emphasized the importance of considering all possible alternatives to removing the child, before making a final decision (Steinhauer 1991). Consistent with Banach's (1998) findings, the interviewees in my research demonstrated a general preference to keep children in their family environment to preserve the family, as well as any attachments that a child may have (see also McInnes 2003; Weisz 1995). However, although the interviewees noted that family preservation is a significant factor to consider when determining whether a child should be removed, it was apparent that, if it came at the expense of the child's safety, removal was favoured. As one social worker asserted, "[w]e really want to build family capacity, we really want to support family integrity and stuff, *but* the bottom line is the best interests of the child. If the child's being hurt we have to do whatever we need to do, you know, to protect the child" (Social Worker #3). Clearly, the child's safety precedes preservation of family, which is in the child's best interests. Notwithstanding the fact that family preservation is considered secondary to the child's safety, my findings support Weisz's (1995) contention that it is imperative for child protection workers, before removing a child, to consider whether services can be provided to the family, thereby, eliminating the need to remove the child from the home.

My findings unveil the reality that support services, which are necessary to adequately meet the best interests of children, are not always sufficiently provided to families in need. As illustrated in chapter four, the interviewees all noted that there is currently a lack of support services being provided to families in B.C. This is consistent with both the 1999 and 2001 Annual Report by the Office of the Child, Youth and Family Advocate, reporting that children and families are often denied existing services due to a

lack of resources. Consequently, as one administrator noted, it seems that social workers are increasingly there to evaluate whether or not a child will be taken into care:

> So, when you're cutting back on your workforce, when you're cutting back on your community resources, when you're changing the way in which a social worker moves, the limits, the parameters of what kind of social work a social worker can do because, social workers used to do social work and now what they're doing is evaluating whether they take you into care or not. That's what they have offered, more and more, that's all they have to offer (Administrator #4).

Contrary to the best interests of the child, what frequently happens in child protection cases is that children are removed because of a lack of resources to keep them within their family unit. This supports Bala's (2000) contention that constraints in resources play a significant role when agencies are involved in making decisions about children; evidently, agencies are not solely motivated by the promotion of the best interests of the child when making decisions about them. Although in policy it is emphasized that children should be maintained in their family unit, in practice, the resources to provide families with the supports that are needed to attain this goal are unavailable (Weisz 1995). Even though providing adequate family support services can better satisfy the best interests of a child and contribute to a reduction in the number of children coming into the Ministry's care, the scarcity of resources renders it very difficult to achieve these goals. It is important to note that, rather than holding the child protection workers responsible for the inadequate provision of family support services, the interviewees attributed this deficit to cutbacks that were recently made to the Ministry of Children and Family Development[45].

My findings also demonstrate that this recent slew of cutbacks has further restricted social workers in that they are required to manage more cases with fewer

[45] The Ministry of Children and Family Development is planning to reduce the child and family development budget from $724 million in 2003/2004 to $666 million in 2004/2005 (MCFD 2004c).

resources and within tighter time constraints (Weisz 1995). This is consistent with the Special Joint Committee on Child Custody and Access report, which concluded that "a universal feature of child protection systems ... is the overwhelming caseloads of child protection workers because of insufficient resources" (1998: 65). The respondents demonstrated the belief that social workers often do not have enough time to spend with the families, which is extremely detrimental for children. Not only are the social workers unable to provide children and families with the quality of care that is needed, but more importantly, the best interests of the child are often compromised due to these constraints; many children may be neglected or children may end up remaining in care longer than necessary. The findings suggest that meeting legislated budget targets while providing services to vulnerable children and their families may be somewhat of a daunting task for the Ministry. It is clear that while our current policy purports to see child welfare services as a *support to* the task of raising children primarily in families, our public service programs and funding levels currently do not accommodate a more general family support role.

The lack of resources available to social workers and the inadequate support services provided to children and families, as articulated by the interviewees in chapter four, are also consistent with neo-liberal principles. A key aspect of neo-liberalism is the implementation of cutbacks in social services and social welfare (Martinez & Garcia 2001 as cited in Burtch 2003). The recent cutbacks to the Ministry of Children and Family Development and the resulting shortfalls in services provided to children and families in need of protection are reflective of this ideology. Martinez and Garcia (1997) observe that neo-liberalism is being imposed all over the world. In the United States, neo-liberalism is destroying welfare programs and cutting back on social programs (Martinez & Garcia 1997). Not surprisingly, there is much opposition to neo-liberal policy

as it affects the provision of many services, including legal aid and social services for women and children. The findings from chapter four, however, illustrate that the B.C. government may be espousing neo-liberal principles[46].

My findings also reveal that there is currently an increased emphasis on the alternative of placing children with extended family or family friends in child removal cases. This reflects Walter and colleagues' (1995) contention that efforts should be made to identify placements that are close to the child's home and with whom the child already enjoys a comfortable relationship, such as the extended family. Indeed, the interviewees in my research articulated that this alternative is being used more often in child removal cases. Many respondents in my research supported this option, as they felt that this alternative keeps children within their family environment, is less alienating and more comfortable for a child. This coincides with the literature, which suggests that children are better off in the care of their immediate family or extended family, rather than in the care of the state (McInnes 2003). Further, it supports the Ministry's assertion that "[b]etter outcomes may be achieved by placements with extended family, long-term family friends or families in the same community" (MCFD 2001c).

While the interviewees maintained that this alternative is less damaging for children, they seemed to downplay the fact that placing children with their extended family is undeniably, still an instance of removal. Although this alternative satisfies the *Child, Family and Community Service Act* in that the child is, theoretically, maintained within the family unit, the child is still taken out of their home and placed in a foreign environment. Although the child who is placed with an extended family member may not experience the damaging effects of removal to the same extent as a child who is placed

[46] This topic will not be discussed further in the thesis. For more details on neo-liberalism, please refer to Martinez, E., & Garcia, A. (1997). *What is Neo-liberalism: A Brief Definition for Activists.* Available: http://www.corpwatch.org/article.php?id=376.

in the home of a complete stranger or in a group home environment, it will inevitably affect the child. Quite interestingly however, only two interviewees acknowledged that placing a child with extended family is removal. One administrator, in particular, remarked: "there's no question that you're not going to convince the child otherwise, that they are not being removed and you know, they are going to be living with somebody else, in somebody else's home" (Administrator #1).

Not only does the literature suggest that removal should be used only *after* all alternatives have been adequately tried (Steinhauer 1991; Weisz 1995), but the Ministry of Children and Family Development also claims that removal of children from their families is the last resort. Consequently, one would think that removals do not happen very often; however, the responses provided by the interviewees suggest otherwise. What happens in practice does not necessarily coincide with what should happen in theory, as the respondents indicated that removals are the most frequently used option. Often, the lives of children are imperilled by the child protection worker's decision to remove; a decision that is often made before fully canvassing the range of alternatives available to them.

A former social worker, now an administrator, shared her experience where removal was used as a first resort. The case involved a single father of five children, four sons and a daughter, who was accused of sexually abusing his daughter. The administrator indicated that, in this case, all five children were immediately removed from the father, who then committed suicide later that night. No efforts had been made to determine the circumstances surrounding the abuse and whether it was a single incident; rather, she noted that the only factor that was considered in this case was the children's safety. Furthermore, the only alternative that was considered before removing the children was the availability of other family members in the community who would be

able to care for the children (Administrator #3). Thus, no efforts were made to determine, for example, whether family support services would have aided the situation, which would be in the best interests of the child (Weisz 1995). Certainly, there is no doubt that the child's safety should be paramount in cases involving abuse, however, in practice, the way that this safety is achieved is counterproductive to achieving the child's best interests.

The findings therefore indicate an unsettling disjuncture between the policy and practice surrounding child removal. While the majority of literature in the area of child removal asserts that removal should be considered as a last resort due to the risks involved, the respondents illustrated that, in practice, removal is often used as a first resort (Weisz 1995). It is interesting to note that the respondents in my research tended to contradict themselves in that they would assert that removal should be used as last resort; however, when speaking of their experiences, it was clear that removal was not used as a last resort. Whether it was removing children and placing them in foster homes, group homes or in the home of their extended family or friends of the family, the findings clearly indicate that removal is the most frequently used option. It is essential for the safety and well-being of children that no precipitous action is taken when they are seen to be in need of protection; this would be in their best interest. Unfortunately, however, the desire to achieve safety for children may blind the child protection worker, who turns to removal first, before any other option.

The dramatic increase in the number of children, who have come into the Ministry's care in B.C. throughout the 1990s then, can perhaps be attributed to the provinces focus on the *safety* of children, with less consideration for their *well-being*. As Agathonos-Georgopoulous contends, "[a]gainst a background of multiple social changes resulting in the increase of individualism and the gradual erosion of the community, child

protection has taken on a meaning of protecting from harm rather than of promoting children's wellbeing" (1998: 241); the results from my interviews support this statement.

There is no question that the intent of the policy that guides child protection workers - that family is the preferred environment for the care and upbringing of a child, *as long as* the child's safety and well-being are not at risk - is an appropriate measure of the worth and value of the policy. Hence, the policy intent is fine; what is problematic are the procedures in place to meet this mandate. As one administrator articulated, "if you're looking at just [the] policy, it's a smokescreen because the policy can be just fine, it's not the policy that you need to look at, it's application ..." (Administrator #4). Clearly, the option to remove children from their families does not satisfy the mandate and in addition, it is being used much too frequently, despite the emphasis that it should *only* be used as a last resort.

## Effects of Removal

Chapter four demonstrates that removing children from their homes can be both beneficial and detrimental, not only for the child in question, but for the family. Consistent with the literature, the respondents indicated that removal is beneficial because, first and foremost, it provides the child with immediate safety in that the abuse the child was experiencing is discontinued (Stein & Rzepnicki 1983 as cited in Weisz 1995; Wasserman & Rosenfeld 1986). Therefore, the protection aspect that removal provides a child is unquestionably very positive. In addition, depending on the severity of the abuse and the child's relationship with their parent(s), it was noted that removal will provide the child with a sense of relief. Thus, if the abuse was long-standing and the child had a poor relationship with their parent(s), the interviewees asserted that it may be positive for a child to be removed from their home. This supports Drach and Devoe's (2000) contention that, where there are no secure attachments within the family and

where the primary attachment figure is the abuser, it may be in the best interest of the child to be removed. On the other hand, consistent with the literature on the negative aspects of removal, my findings demonstrate the respondents belief that removal can pose a risk for negative psychosocial consequences for children, which can be attributed to the disruption that children experience in their attachments and routines (Drach & Devoe 2000). The interviewees in my research think that removing children from their families can, among other things, cause them to experience insecurity, attachment issues, a sense of loss and grief, depression and anxiety.

Another positive aspect of removal, which arose from my research and reflects the existing literature, is that removal can, in some cases, strengthen the existing attachments a child has with their family (McMahon & Clay-Warner 2002). The interviewees in my research indicated that removing a child from their home would provide the family with a form of respite, allowing them time to heal and sort out their problems (Wasserman & Rosenfeld 1986). The interviewees maintained that this would, indeed, help strengthen family attachments.

Conversely, my findings indicate that removal can be detrimental to family attachments because often, depending on the length of time the child is away from their family, attachment bonds are broken. Interestingly, although researchers contend that parental contact should be maintained after a child is removed, in order to maintain existing attachments, none of the respondents made mention of the necessity of maintaining this type of meaningful contact (Weisz 1995; Goldstein et al. 1996). Unfortunately, without contact between the child and the family, there is a disruption in the continuity of existing ties and the possibility of maintaining existing attachments are diminished; consequently, the child's best interests are made vulnerable. Furthermore, reflecting the literature, my findings indicate that, depending on the relationship the child

has with the abusing parent, the child will not only feel a great sense of loss from losing their family, but also, experience separation anxiety. If the non-abusing parent and the child has a good relationship, removal would be extremely harmful to the child, as the child will undoubtedly miss both the abusive and non-abusive parent (Drach & Devoe 2000). One interviewee noted that even if a parent is abusive to the child, it certainly does not mean that the child does not love them and yearn for them. Overall, my findings reveal that the removal of children will have a negative impact on family attachments, not only with the parents, but with their siblings.

The chapter four findings also support the notion that removal does not provide children with the sort of stability and continuity in relationships that is required for a child's healthy development. The act of removal itself, as well as the transient nature of being in the Ministry's care, will shatter any existing attachments the child may have and provide discontinuity for the child. Congruent with the literature, many interviewees indicated that children are often subject to multiple placements. This does not allow the child to form any real relationships and attachments, ultimately, destroying a child's ability to form trusting relationships (Weisz 1995). Thus, while the literature suggests that continuity is imperative for a child's healthy development, it is evident that removal compromises this essential need, thereby, jeopardizing the child's best interests (Goldstein et al. 1973). Furthermore, this damaging effect of removal does not comply with the *UN Convention on the Rights of the Child*, which, in article 20, states that decisions about alternative placements should take into account the "desirability of continuity in a child's upbringing" (UNICEF 2004).

Overall and again consistent with the literature, respondents in my study expressed the belief that the effects of removal are more damaging to children than they are beneficial. Against the standard of the best interests of the child, the findings reveal

that removal is *not* usually in a child's best interest. Nevertheless, the participants in my study revealed that removal is the most frequently used option by child protection workers. Procedures and interventions intended to protect the child should not, in themselves, be abusive by causing further damage or distress; yet, the harms associated with removal clearly outweigh the benefits of removal, often compromising the best interests of the child. Consequently, it may be beneficial to make the consideration of the harms associated with removal mandatory when determining what is in a child's best interest in child removal cases. Ontario's *Child and Family Services Act* requires that the court consider the risks a child may experience as a result of being removed from parental care, when determining the best interests of a child in a child protection case (see Appendix F). It may be valuable to implement a similar statement in B.C.'s *Child, Family and Community Service Act* to help ensure that the child's best interests are at the heart of every decision.

## Removal of the Abusive Parent

One of the most interesting and surprising findings from the interviews was that removal of the abuser, rather than the child, is not only considered in certain cases, but also implemented. Consistent with Drach and Devoe's contention (2000) that a child should be kept in the home in certain situations, all the interviewees suggested that in some situations, removal of the abuser does happen, although they did express that it does not occur very often. The interviewees who spoke to this alternative noted that removal of the abusive parent can be enforced using section 28 of the *Child, Family and Community Service Act*. Section 28, which is a protective intervention order, states that "[i]f there are reasonable grounds to believe that contact between a child and another person would cause the child to need protection under section 13(1) (a) to (e) or (i), a director may apply to the court for a protective intervention order" (Province of British

Columbia 2004: section 28). This order essentially prohibits the person who is harming the child, for a period of up to 6 months, "from contacting or interfering with or trying to contact or interfere with the child or from entering any premises or vehicle or boarding any vessel the child attends" (Province of British Columbia 2004: section 28; see Appendix G for entire section).

There are no statistics currently available regarding the use of section 28 in B.C.; however, from the communication with the interviewees, it appears that it is not being used nearly enough, if at all. The interviewees in chapter four revealed that, for a variety of reasons, section 28 is not implemented very often and that there is some uncertainty surrounding the use of protective intervention orders. It is unfortunate that this section is not implemented more often, as the alternative of keeping the abusive parent away from the child through the use of a protective intervention order, can, in many cases, better satisfy the best interests of the child. My findings support Ruebssat's (2000) contention that "there is some question as to whether these orders are actually used but they may be very useful in [situations] where the victim and child can remain in the home while the perpetrator is removed" (as cited in Buchwitz 2001: 96).

While four interviewees expressed the belief that removal of the abusive parent could be better for a child, three interviewees noted that this alternative may be more harmful than good. More importantly, however, the interviewees all noted that a variety of factors must be considered before implementing this alternative. One of the most popular concerns was the non-abusing parents' ability and willingness to protect the child. As the interviewees pointed out, parent vulnerability is often an issue, as most parents need the other parent for a variety of reasons (i.e., financial, emotional). Therefore, they explained that there is a tendency for the non-abusing parent to want to stay with the abusive parent. Thus, whether the non-abusive parent can, indeed, keep

the child safe was a major concern among the interviewees. Certainly, if the non-abusing parent is incapable of protecting the child, then the alternative would not be viable; however, in cases where the non-abusing parent is assessed as being willing and capable, it definitely is an option that should be used, as it would better satisfy the best interests of the child.

Half the interviewees expressed concerns about enforcing a parent to leave their home, noting that it is difficult to require someone, who is paying rent or a mortgage, to vacate "their" home. Thus, as indicated in chapter four, the interviewees contended that removal of the child is often the "easier" route to take. However, this is problematic as it demonstrates that the child's best interests are not priority and that it is compromised at the expense of the adult(s) or parent(s). One of the interviewees also expressed their concern about how one would go about ensuring that the abusive parent is, in fact, staying away from the child. To address this concern, section 28 does provide recourse if there is non-compliance with the order (see Appendix G).

Six interviewees believed that this alternative would prove difficult to implement because of financial reasons. In particular, there was some hesitation about the viability of implementing this alternative *if* the abusive parent is the principle income provider for the family. However, if this is the case, it can certainly be remedied by making it mandatory that the abusive parent provide child support. Some interviewees did convey that this is often a challenge; however, in cases where the abusive parent does not fulfil their responsibility to pay the child support, the matter will then become of legal concern. In addition to the child support being provided to the non-abusing parent and the child, the Ministry can also provide family support funding to the family.

As aforementioned, in order to meet the mandate of the *Child, Family and Community Service Act*, the Ministry offers a range of family support services under the

broad categories of services for children and youth, counselling, in-home support, respite care, parenting programs and services to children who witness family violence. Family support services are designed to prevent children from coming into care, to facilitate the return of children who are in care, and to provide support and supervision after children are returned home (MCF 1996). Whatever the case may be, the Ministry has a wide range of family support programs that are not being sought or used. The most recent internal audit report indicates that 35% of children in temporary care, or their families, received no funding under these programs (MCF 1997: 3). From 1997 to 1999, the Ministry increased the amount of money put into family support services; however, from 2000 onwards, there has been a decrease in resources allocated to this area. Buchwitz contends that currently, "the ministry expends more funds on both administration and children in care than it does on support services" (2001: 78).

Clearly, there is a need for the Ministry to reallocate its funds and place more emphasis on family supports while decreasing the number of children in care and the resources spent in this area. In fact, increasing the budget for family supports is currently the goal of the Ministry, as former Minister Hogg stated, "[s]o our resources - if we're going to keep more children in the immediate family - have to go to support those families in providing the appropriate environment for the children" (MCFD 2002d). More recently, in the 2003/2004 MCFD Annual Service Plan Report, it was stated that "Ministry resources must be *reallocated* to maximize opportunities for supporting families and individuals and assisting them to meet their goals" (MCFD 2004a: 28; emphasis added).

An additional concern expressed by the interviewees was that of housing the abusive parent, as section 28 of the *Child, Family and Community Service Act* essentially involves ordering the perpetrator of the abuse out of the home. However, the

interviewees concern about housing the abuser begs the question of *why* the responsibility of housing the abuser should fall on the shoulders of the child protection workers. For example, it is not mandatory that housing be provided for individuals who have a restraining order against them; similarly, with the use of section 28, the abusive parent should be mandated to acquire their own accommodations. Alternately, with a reallocation of funds by the Ministry of Children and Family Development, housing for the abusive parent could be provided.

As mentioned, the Ministry concentrates a substantial proportion of its resources on children in care. The latest internal audit on residential services for children in care indicated that the Ministry had not developed standard rates for residential and other program costs (MCF 1997). Hence, a contract for a five-bed group home ranged in cost from $7,250 per month to $28,700 per month (MCF 1997: 24-25). In addition, former Minister Hogg asserted that it costs about $40,000 a year per child who is taken into care (MCFD 2002d). Thus, it is quite evident that many resources are being put into the cost of group homes and children in care. With the suggested alternative, a decrease in the number of children in care and therefore, the number of group homes needed, will enable the Ministry to reallocate its resources. For example, with the suggested alternative, instead of using $40,000 on 5,000 children in care (which amounts to $200 million), the Ministry will be using $40,000 on 2,000 children in care (which amounts to $80 million). Therefore, with the resources saved on children in care, combined with the resources saved from contracting group homes, the Ministry will be able to subsidize government housing for the abusive parent. The funding needed to place abusers in anger management programs or parenting skills programs can be subsidized by family support funding.

For this particular alternative, funding reallocation is indeed, the key. It is evident that removing the abusive parent from the home will not consume any more of the Ministry's resources; rather, it is a simple matter of reallocating funds. This alternative may prove to be much more cost-effective than removing children, as adults are independent and do not require caretakers. Further, if there is more than one child being abused in the family, this will end up being the more cost-effective route to take because it will involve removing one person, i.e., the abusive parent, rather than two or three children. The use of section 28 of the *Child, Family and Community Service Act* will allow the child to maintain their relationship and proximity to any brothers or sisters, as well as the non-abusive parent, while the abusive parent is temporarily removed from the house. This alternative, unlike the option of removing the child, will clearly satisfy the mandate of keeping families together and it will not have the detrimental effects that accompany removal, thus being in the child's best interests. Finally, the suggested alternative will not only achieve the Ministry's goal of protection, but it will also reduce the number of children being removed from their families. Why it is, then, that child protection workers are not using section 28 is indeed, puzzling.

Lakomski asserts that "[a]mong the many problems still awaiting solutions, none is more persistent than that of rationally selecting 'best policy' under conditions of imperfect knowledge and uncertainty" (1992: 537). Indeed, this statement can be applied when selecting the 'best procedure' as well. Whether the alternate procedure of removing the abusive parent from the family is the "best" procedure to solve the identified problem may be questionable. However, it would seem that in most cases, removal of the abuser would be more appropriate than removing the child, as it would be in the child's best interest.

This chapter has shown how the key themes and ideas that emerged from my research relate to the literature in this area. The *UN Convention on the Rights of the Child* states that the best interests of the child should be a primary consideration in all actions concerning children. My research clearly illustrates that decisions about children in need of protection do, indeed, try to satisfy the best interests of the child standard, although it is evident that, at times, the decisions may fail to meet that standard because of resource and political constraints. Thus, although the Ministry claims that child removal is the ultimate last resort, it appears that the "easier" route of removing the child is the path that is often taken. Unless justified on the best interests of the child standard, however, such a process is in direct contradiction to the *UN Convention on the Rights of the Child*. In order to assure that the child's best interests are secured, the practices surrounding child removal from the home in these situations must be consistent with the *Child, Family and Community Service Act* criteria, as well as, the *UN Convention* criteria for the best interests of the child standard.

# Chapter 6 Conclusion

This research focused on understanding what constitutes the "best interests" for children who are deemed to be in need of protection. The specific research objectives were to determine whether it is in children's "best interests" to be removed from their families to unfamiliar environments, specifically in instances where they are, or are at risk of, being physically abused; and to find out the perceptions held by professionals in the child protection field regarding an alternative to removing the child from the family – removing the abusive parent from the family. These two objectives were achieved by analyzing relevant policies and reviewing the literature, as they spoke to my objectives, with the results of face-to-face, semi-structured interviews with twelve professionals involved directly or indirectly in the child protection field, including four social workers, four psychologists and four administrators. The third objective was to make meaning of the analyses achieved from meeting the first two objectives in terms of outcomes and recommendations. This final chapter examines the main implications and contributions of my research, and presents some direction for future research in this area.

Perhaps one of the most important implications of this research is that, although achieving safety for a child is of utmost importance in child protection cases, it is imperative that all actions be governed in accordance with the *Child, Family and Community Service Act's* standard of the "best interests of the child", as well as that of the *UN Convention on the Rights of the Child*. The "best interests of the child" standard encompasses, among many other factors, the child's need to be protected, as well as the preference to keep them within their family unit. My research, however,

demonstrates that the sole desire to achieve safety for children may blind the child protection worker, who turns to removal first, before any other option. Needless to say, this focus on children's safety alone cannot persist, as the research suggests that it fails to adequately serve the best interests of children and their families. Rather, in cases where a child is being physically abused by one of their parents, removal of the abusive parent may be preferred as it keeps the child safe and maintains the family unit, which is in the child's "best interests".

Lemmon asserts that "many solutions particularly those driven by political expediency, social dogma, or fiscal conservatism result in more serious consequences by either failing to address the problems or by actively exacerbating them" (1996: 4). Indeed, this research revealed that although decisions about children in need of protection try to satisfy the best interests of the child standard, at times, the decisions may fail to meet that standard because of resource and political constraints. Thus, another implication of this research is that the best interests of children must inform all child protection policy development and be considered when making budget allocations, especially in times of budget cuts (Angus 1998). Finally, the "best interests of the child" principle should inform the process of measuring the impacts that decisions have on children (Angus 1998).

This analysis of B.C.'s child protection system is a contribution to the fields of criminology and social work. Having identified the lack of research on the best interests of the child standard in relation to child protection and more specifically, child removal, this study is only a minute contribution to an understanding of this area. This research not only has policy implications for children who are deemed to be in need of protection, but their families. Striking that perfect balance between ensuring the protection and well-being of children and preserving the family unit is undoubtedly very difficult; at

times, they may even represent conflicting ideologies that may, ultimately, be irreconcilable. However, if and where there is any conflict between these two objectives, there is no doubt that the child's best interests must *always* come first.

Protecting children from abuse is an ongoing challenge in Canada. Although inquiries and reviews have led to hundreds of recommendations for improvements, which have resulted in various child welfare reforms, there is still more work to be done. Consequently, this thesis is far from being exhaustive, leaving much room for future research in this area. Many themes were identified in this study, which were either beyond the scope of the current discussion or were only discussed briefly but warrant further consideration.

Considering the importance of the "best interests of the child" standard in child protection cases, there is a pressing need for further research on the standard in relation to child protection proceedings. In addition, consistent with the literature, my research demonstrated that there is an absence of clear guidelines regarding what factors should be given the most weight when applying the best interests of the child standard in child protection cases. Although the respondents indicated that child protection cases are decided on a case-by-case basis, with different factors being accorded different weight depending on the case, it would be interesting to see if certain factors are regularly weighted more heavily than others and whether the type of case influences the importance of certain variables.

Hirschi's social bond theory emerged as being consistent with what the interviewees in my research articulated as important and what the relevant child protection policy itself suggests. According to Hirschi's social bond theory, four control variables, each which represent a social bond, promote socialization and conformity: attachment, commitment, involvement and belief (Lilly, Cullen & Ball 2002; DeMelo

1999). Hirschi claimed that the stronger these four bonds, the less likely one would become delinquent (DeMelo 1999). Further, he believed that the family and school were the two conventional systems through which adolescents could be expected to form the key bonds with society (Lilly, Cullen & Ball 2002). Consequently, social bond theory would contend that the bond of attachment to parents would reduce delinquency (Lilly, Cullen & Ball 2002). However, my research demonstrates that the removal of children from their families disrupts the continuity of existing ties with the family and that the possibility of maintaining existing attachments is often diminished or broken. Accordingly, future research could include a systematic analysis of child removal in the context of a criminological theory, such as Hirschi's social bond theory.

Future research endeavours can also include making comparisons across provinces to uncover why it is that British Columbia, the Northwest Territories, Quebec and Saskatchewan have the highest rates of children in care. As referenced earlier, the Canadian child welfare system is not consistent across provinces; rather, it consists of separate child welfare legislation for each of the 10 provinces and 3 territories (Buchwitz 2001). As a result of the distinct provincial/territorial responsibilities, the child care system is fragmented and the quality and availability of service vary (Baker 1995 as cited in Peters et al. 2001). Thus, it would be interesting to see what accounts for the differences in the rates of children in care across provinces. The comparisons may involve looking at the respective province's policies surrounding child protection to assess how they are different or similar from the other provinces and territories.

Furthermore, comparisons can be made internationally to assess why certain countries may have higher or lower rates of children in care than B.C., or Canada in general (this would be a suggestion for a PhD dissertation). Future research can also look beyond the immediate effects of removal on children to determine what happens to

youth after they leave the Ministry's care. The McCreary Centre Society (2001) conducted a study on all of B.C.'s nine youth custody centres and found that close to a quarter of the youth in the centres (22%) lived with a non-related adult, which may include a foster parent or group home parent, in the year before entering custody. More interestingly, the study revealed that nearly three quarters (72%) of the girls and 60% of the boys in the custody survey indicated that they had been in care of the government at some time[47]. Therefore, a longitudinal study, which tracks the lives of children and youth after they leave the Ministry's care, may prove invaluable to further understanding what is in a child's "best interest".

Despite increasing evidence of the overlap between the abuse of children and the abuse of women (see Ross 1996; Straus & Smith 1990; Tajima 2002; Pulido & Gupta 1995; Jaffe, Wolfe & Wilson 1990), this fundamental connection is consistently overlooked in a large portion of child protection cases. Clearly, when one becomes concerned about the presence of child abuse, it is important to consider the safety of other family members, namely, siblings and the mother[48]. Researchers suggest that the best way to preserve a child's well-being is to ensure that the mother is safe; yet, child protection workers seldom have the resources and knowledge to provide systematic help to the battered mothers in their caseloads. Existing interventions aimed at children of abuse may be inefficient or even ineffective in protecting children, if other forms of family violence are not understood and addressed. Therefore, future research may want to examine how often domestic violence is considered in child protection cases and how often domestic violence services and child protection services collaborate to provide maximum safety to children and families in need of protection.

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[47] "In care" includes foster homes, group homes, or other residential programs (The McCreary Center Society 2001).

[48] Or the father, in instances where the male guardian may be at risk of being abused.

May 30/99

*Hi, since the last time I wrote in here I've moved back home. I'm happier. I'm the happiest I've been in 2 years.*

Diary entry of Sam upon return home

# Appendices

## Appendix A: Section 13(1) Child, Family and Community Service Act[49]

### When Protection is Needed

S. 13 (1) A child needs protection in the following circumstances:

a) if the child has been, or is likely to be, physically harmed by the child's parent;

b) if the child has been, or is likely to be, sexually abused or exploited by the child's parent;

c) if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child;

d) if the child has been, or is likely to be, physically harmed because of neglect by the child's parent;

e) if the child is emotionally harmed by the parent's conduct;

f) if the child is deprived of necessary health care;

g) if the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment;

h) if the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care;

i) if the child is or has been absent from home in circumstances that endanger the child's safety or well-being;

j) if the child's parent is dead and adequate provision has not been made for the child's care;

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[49] Source: Province of British Columbia. (2004). The Revised Statutes and Consolidated Regulations of British Columbia. *Child, Family and Community Service Act [RSBC 1996]*: part 13. Copyright © 2005 Province of British Columbia. All rights reserved. Reprinted with permission of the Province of British Columbia. www.ipp.gov.bc.ca. Available: http://www.qp.gov.bc.ca/statreg/stat/C/96046_01.htm.

k) if the child has been abandoned and adequate provision has not been made for the child's care;

l) if the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force"

## Appendix B: Section 4 Child, Family and Community Service Act[50]

**Best Interests of Child**

4 (1) Where there is a reference in this Act to the best interests of a child, all relevant factors must be considered in determining the child's best interests, including for example:

(a) the child's safety;

(b) the child's physical and emotional needs and level of development;

(c) the importance of continuity in the child's care;

(d) the quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship;

(e) the child's cultural, racial, linguistic and religious heritage;

(f) the child's views;

(g) the effect on the child if there is delay in making a decision.

(2) If the child is an aboriginal child, the importance of preserving the child's cultural identity must be considered in determining the child's best interests.

[50] Source: Province of British Columbia. (2004). The Revised Statutes and Consolidated Regulations of British Columbia. *Child, Family and Community Service Act [RSBC 1996]*: part 4. Copyright © 2005 Province of British Columbia. All rights reserved. Reprinted with permission of the Province of British Columbia. www.ipp.gov.bc.ca. Available: http://www.qp.gov.bc.ca/statreg/stat/C/96046_01.htm.

## Appendix C: Interview Questions

*Mental Health Professionals & Administrators*

1) How do you generally define "best interests of the child"; that is, what factors need to be considered?

2) What do you consider to be in the "best interests" for a child, in the specific case of one who is being abused by a parent within their family?

3) What is your perspective on the removal of children from their families in instances where they are, or are at risk of being physically abused by one of their parents?

4) Currently, upon investigating whether or not a child is being abused, neglected or in need of protection, social workers are given the option of:

   a) providing or arranging the provision of support services to the family;
   b) supervising the child's care in the home; or
   c) protecting the child through removal from the family and placement with relatives, a foster family or specialized residential resources (i.e., group homes);

Further, Bill C-17 now allows for the child's extended family, friends of the family and other community members who have a significant bond to the child to be considered as potential guardians.

   d) What is your perspective on the options that are currently available?
   e) Before Bill C-17, which of these options do you think was carried out the most? Why?
   f) After Bill C-17, which of these options do you think was carried out the most? Why?

5) What do you think about implementing an alternative course of action?

6) What do you think about the alternative of removing the abuser rather than the child from the family?

7) What is the total number of children who are being physically abused, or are at risk of being physically abused, within their families?

8) What percentage of this total do you think are in out-of-home placements (i.e., group homes)?

9) What are the effects of removal:

   a) on children, in general;

   b) on behaviour;

   c) on family attachment; and

d) on mental health?

10) Do the effects differ within different:

a) age groups?

b) ethnic groups?

c) gender?

11) What criteria would you want to consider when deciding whether or not to remove a child who is being, or is at risk of being physically abused in their family?

12) How important do you think the preservation of family is, when considering whether or not to remove a child?

13) In instances where psychological abuse is identified, at what point do you think it is decided that a child must be removed?

14) What do you think is the preferred rate of removal, in comparison with the preferred rate of leaving the child in the home?

15) On average, how long do you think the children who are taken into care; end up saying at the out-of-home placement (in total...after considering all the moves from group home to group home)?

a) What additional impact does this have on a child (the transitions)?

16) In general, what type of families do the children who are removed, come from (i.e., does the family have a history of abuse, was it a one time event that was serious enough for removal, do they have close attachment with their siblings and/or older brothers/sisters, is it a single-parent or two-parent household)?

17) How often do you think s. 28 of the *Child, Family and Community Service Act* (protective intervention order) is implemented?

a) In what circumstances do you think it is implemented? Why?

18) Could you pick out one of the more difficult cases you've dealt with, which involved making the decision to remove a child? What factors made it a difficult case? What kinds of alternatives were considered?

*Social Workers*

1) How do you generally define "best interests of the child"; that is, what factors need to be considered?

2) What do you consider to be in the "best interests" for a child, in the specific case of one who is being abused by a parent within their family?

3) What is your perspective on the removal of children from their families in instances where they are, or are at risk of being physically abused by one of their parents?

4) Currently, upon investigating whether or not a child is being abused, neglected or in need of protection, social workers are given the option of:

    a) providing or arranging the provision of support services to the family;
    b) supervising the child's care in the home; or
    c) protecting the child through removal from the family and placement with relatives, a foster family or specialized residential resources (i.e., group homes);

Further, Bill C-17 now allows for the child's extended family, friends of the family and other community members who have a significant bond to the child to be considered as potential guardians.

    d) What is your perspective on the options that are currently available?
    e) Before Bill C-17, which of these options did you carry out the most? Why?
    f) After Bill C-17, which of these options did you carry out the most? Why?

5) What do you think about implementing an alternative course of action?

6) What do you think about the alternative of removing the abuser rather than the child from the family?

7) What is the total number of children who are being physically abused, or are at risk of being physically abused, within their families?

8) What percentage of this total do you think are in out-of-home placements (i.e., group homes)?

9) What are the effects of removal:

    a) on children, in general;

    b) on behaviour;

    c) on family attachment; and

    d) on mental health?

10) Do the effects differ within different:

    a) age groups?

b) ethnic groups?

c) gender?

11) What criteria do you follow when deciding whether or not to remove a child who is being, or is at risk of being physically abused in their family?

12) How important is the preservation of family when considering whether or not to remove a child?

13) In instances where psychological abuse is identified, at what point do you decide that a child must be removed?

14) What do you think is the preferred rate of removal, in comparison with the preferred rate of leaving the child in the home?

15) On average, how long do the children who are taken into care; end up staying at the out-of-home placement (in total...after considering all the moves from group home to group home)?

a) What additional impact does this have on a child (the transitions)?

16) In general, what type of families do the children who are removed, come from (i.e., does the family have a history of abuse, was it a one time event that was serious enough for removal, do they have close attachment with their siblings and/or older brothers/sisters, is it a single-parent or two-parent household)?

17) How often is s. 28 of the *Child, Family and Community Service Act* (protective intervention order) implemented?

a) In what circumstances is it implemented? Why?

18) Could you pick out one of the more difficult cases you've had, where you struggled in making the decision to remove a child? What factors were considered in the decision making process? What kinds of alternatives were considered?

## Appendix D: Informed Consent Form

**SIMON FRASER UNIVERSITY**
**Informed Consent by Participants in a Research Study**

The University and those conducting this research study subscribe to the ethical conduct of research and to the protection at all times of the interests, comfort, and safety of participants. This research is being conducted under permission of the Simon Fraser Research Ethics Board. The chief concern of the Board is for the health, safety and psychological well-being of research participants.

Should you wish to obtain information about your rights as a participant in research, or about the responsibilities of researchers, or if you have any questions, concerns or complaints about the manner in which you were treated in this study, please contact the Director, Office of Research Ethics by email at hweinber@sfu.ca or phone at 604-268-6593.

Your signature on this form will signify that you have received a document which describes the procedures, possible risks, and benefits of this research study, that you have received an adequate opportunity to consider the information in the documents describing the study, and that you voluntarily agree to participate in the study.

Any information that is obtained during this study will be kept confidential to the full extent permitted by professional ethics. Knowledge of your identity is not required. You will not be required to write your name or any other identifying information on research materials. Materials will be maintained in a secure location. Any specific Professional Ethics that are used are described in the study information document (Form 5).

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Title: **No Place Called Home: Removal of Abused Children from their Families**
Investigator Name: **Susan Kim**
Investigator Department: **Criminology**

---

Having been asked to participate in the research study named above, I certify that I have read the procedures specified in the Study Information Document describing the study. I understand the procedures to be used in this study and the personal risks to me in taking part in the study as described below:

Risks to the participant, third parties or society:
**There are no foreseeable risks at this point in time.**

Benefits of study to the development of new knowledge:
**This research will give child protection workers and the Ministry of Children and Family Development the knowledge that there are other available means to keep children safe within their families, such as removing the abusive parent from the**

**family. The option of removing the abusive parent from the family is one which has been overlooked by many researchers and the Ministry itself.**

**There are possible policy implications of this research as well. The alternative of removing the abusive parent from the home, rather than the child, will help preserve the non-abusing parent and child unit. Furthermore, it will keep both the child and the mother safe in families where there is co-occurring wife abuse and child abuse. This alternative will also meet the Ministry of Children and Family Development's mandate of protecting children while keeping families together, which will ultimately reduce the number of children going into the Ministry's care. In addition, this alternative will give child protection workers (social workers) more discretion when it comes time to decide which protective measure they should take when they feel a child is in need of protection.**

Procedures:
**Interviews will be conducted with professionals who work directly or indirectly in the area of child protection: 4 social workers, 4 psychologists, and 4 caregivers. The participants will be required to answer open-ended questions based on their experiences with child removal and children who have been removed from their families.**

**For the purposes of this interview, I have not approached or received approval from the institution with which I am employed.**

I understand that I may withdraw my participation at any time. I also understand that I may register any complaint with the Director of the Office of Research Ethics or the researcher named above or with the Chair, Director or Dean of the Department, School or Faculty as shown below.

Department, School or Faculty: Chair, Director or Dean:
**Criminology** **Paul Brantingham**

8888 University Way,
Simon Fraser University,
Burnaby, British Columbia, V5A 1S6, Canada

I may obtain copies of the results of this study, upon its completion by contacting:
**Margaret Jackson (Senior Supervisor)**
**margarej@sfu.ca**

**Susan Kim (Researcher)**
**skimc@sfu.ca**
**604-780-8798**

I have been informed that the research will be confidential.

I understand that my supervisor or employer may require me to obtain his or her permission prior to my participation in a study of this kind.

I understand the risks and contributions of my participation in this study and agree to participate:

The participant and witness shall fill in this area. Please print legibly

Participant Last Name: Participant First Name:

Participant Contact Information:

Participant Signature: Witness (if required by the Office of Research Ethics):

Date (use format MM/DD/YYYY):

# Appendix E: Sections 35 and 41.1 Child, Family and Community Service Act[51]

### Presentation hearing and orders

35 (1) At a presentation hearing relating to the removal of a child under section 30, the director must present to the court a written report that includes

(a) the circumstances that caused the director to remove the child,

(b) an interim plan of care for the child, including, in the case of an aboriginal child, the steps to be taken to preserve the child's aboriginal identity, and

(c) information about any less disruptive measures considered by the director before removing the child.

(2) At the conclusion of the hearing, the court must make

(a) an interim order that the child be in the custody of the director,

(b) an interim order that the child be returned to or remain with the parent apparently entitled to custody, under the supervision of the director,

(c) an order that the child be returned to or remain with the parent apparently entitled to custody, or

(d) an interim order that the child be placed in the custody of a person other than a parent with the consent of the other person and under the director's supervision.

### Content of supervision orders

41.1 The court may attach to a supervision order terms and conditions recommended by the director to implement the plan of care, including

(a) services for the child's parent or another person in the child's home,

(b) daycare or respite care,

(c) the director's right to visit the child, and

(d) the requirement that the director remove the child if a person does not comply with one or more specified terms or conditions of the order.

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[51] Source: Province of British Columbia. (2004). The Revised Statutes and Consolidated Regulations of British Columbia. *Child, Family and Community Service Act [RSBC 1996]*: part 35 & 41.1. Copyright © 2005 Province of British Columbia. All rights reserved. Reprinted with permission of the Province of British Columbia. www.ipp.gov.bc.ca. Available: http://www.qp.gov.bc.ca/statreg/stat/C/96046_01.htm.

# Appendix F: Section 37(3) Ontario Child and Family Services Act[52]

**Best interests of child**

37 (3) Where a person is directed in this Part to make an order or determination in the best interests of a child, the person shall take into consideration those of the following circumstances of the case that he or she considers relevant:

1. The child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs.

2. The child's physical, mental and emotional level of development.

3. The child's cultural background.

4. The religious faith, if any, in which the child is being raised.

5. The importance for the child's development of a positive relationship with a parent and a secure place as a member of a family.

6. The child's relationships by blood or through an adoption order.

7. The importance of continuity in the child's care and the possible effect on the child of disruption of that continuity.

8. The merits of a plan for the child's care proposed by a society, including a proposal that the child be placed for adoption or adopted, compared with the merits of the child remaining with or returning to a parent.

9. The child's views and wishes, if they can be reasonably ascertained.

10. The effects on the child of delay in the disposition of the case.

11. *The risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent.*

12. The degree of risk, if any, that justified the finding that the child is in need of protection.

13. Any other relevant circumstance.

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[52] Source: © Queen's Printer for Ontario, 2004. *Child and Family Services Act* (R.S.O. 1990, CHAPTER C.11): section 37(3). This is an unofficial version of Government of Ontario legal materials. Available: http://www.canlii.org/on/laws/sta/c-11/20041104/whole.html#BK52.

# Appendix G: Section 28 Child, Family and Community Service Act

## Protective Intervention Order[53]

### Child who needs to be protected from contact with someone

S. 28 (1) If there are reasonable grounds to believe that contact between a child and another person would cause the child to need protection under section 13 (1) (a) to (e) or (i), a director may apply to the court for a protective intervention order.

(3) If satisfied that there are reasonable grounds to believe that contact between the child and another person would cause the child to need protection under section 13 (1) (a) to (e) or (i), the court may, in the child's best interests, do one or more of the following:

(a) prohibit the other person for a period of up to 6 months from contacting or interfering with or trying to contact or interfere with the child or from entering any premises or vehicle or boarding any vessel the child attends;

(b) prohibit the other person for a period of up to 6 months from residing with the child or from entering any premises or vehicle, or boarding any vessel, where the child resides, including any premises, vehicle or vessel that the other person owns or has a right to occupy;

(c) if the court thinks the other person may not comply with an order under paragraph (a) or (b), order that person to

(i) enter into a recognizance, with or without sureties, in an amount the court thinks necessary and reasonable,

(ii) report to the court, or to a person named by the court, for the period of time and at the times and places the court thinks necessary and reasonable, or

(iii) produce to the court, or to a person named by the court, any documents the court thinks fit;

(d) include any terms necessary to implement an order under paragraph (a), (b) or (c).

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[53] Source: Province of British Columbia. (2004). The Revised Statutes and Consolidated Regulations of British Columbia. *Child, Family and Community Service Act [RSBC 1996]*: part 28. Copyright © 2005 Province of British Columbia. All rights reserved. Reprinted with permission of the Province of British Columbia. www.ipp.gov.bc.ca. Available: http://www.qp.gov.bc.ca/statreg/stat/C/96046_01.htm. This is not section 28 in its entirety; only the relevant subsections have been included.

(3.1) In a protective intervention order, the court may include an order authorizing a police officer to arrest, without a warrant, the person against whom the protective intervention order is made if the police officer has reasonable grounds to believe that the person has contravened or is contravening the protective intervention order.

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