Child Welfare Practices and Policies in Canada

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PAN-CANADIAN CHILD WELFARE POLICIES AND PRACTICES

Purpose and Scope

Child welfare and intimate partner violence (IPV) supports should go hand in hand, yet these two systems and sets of services have historically had a tense and even antagonistic relationship. This environmental scan looks at how violence against women (VAW) shelters/transition houses (TH) have engaged with child welfare services across Canada, the barriers and challenges they have experienced, as well as emerging best practices.

The objective of this work was to strategically evaluate and identify where there is potential for change to current child welfare current practices that will lead to better outcomes for women fleeing violence, as well as their children. The goal of this scan was to develop a collective advocacy strategy to address challenges related to how women's shelters work with child welfare and how child welfare engaged with women and their children experiencing IPV.

This report summarizes the key findings from a survey of our members, which identified challenges arising for VAW shelters/THs in their interactions with child welfare systems and caseworkers. In addition to the survey data, provincial/territorial legislation including changes and modernizations and a small body of supporting literature were examined. Included throughout the analysis are responses from the focus group, which filled in gaps in the research, as well as a growing list of resources and best practices. The report concludes with promising practices and aligned policies that support improvements to child welfare as they pertain to IPV.

Methodology

A small working group of two Advisory Council members and the researcher guided this work. To better understand the experience of VAW shelters across Canada, a national survey was completed with each of the provinces and territories. We received responses for nine provinces and one territory from 11 possible respondents. Where information could be supplemented through scans of provincial or territorial ministries or departments, it has been obtained, but some gaps remain for regions.

In May 2022, a focus group was hosted with representatives present from 10 provincial/territorial associations. These participants represented eight provinces, including Alberta, British Columbia, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Quebec, and Saskatchewan. The goals of the focus group were to fill in gaps in information that remained after completion of the literature review and survey, and establish next steps. This session included four questions, which were largely designed to generate discussion about promising practices and needed improvements, as the challenges were well established through prior research.

Limitations

Child welfare policies and practices are complex and intersect with multiple jurisdictions. Some of the AC members could not answer some of the survey questions because the policy was unknown, undeveloped, or difficult to find. As well, some of the questions would have been more appropriate or easier for VAW shelters to answer.

BACKGROUND/OVERVIEW CHILD WELFARE SERVICES

Child welfare services are overseen provincially/territorially, which means that while there are similarities across the country, each province has unique policies, models for operating, and sets of relationships. The common purpose across these departments or agencies is that they support children, and their families, who are experiencing neglect, abuse, or legal issues. Child welfare services provide out of home care for children removed from their families, as well as supports to both children and their families who may experience challenges with care provision.

The following table includes the acts relating to child welfare for each province/territory. While each act is distinct, essentially, they all provide the ability to intervene when there are issues of child welfare, including apprehension of children. The Canadian Child Protection Responses to Intimate Partner Violence study (University of Manitoba) has created a National Policy Scan that includes child welfare legislation, standards, training, services, and other related information. The National Scan provides additional regional child welfare details.

Table 1: Child Welfare Acts in Canada

	Name of Framework/Initiative	Ministry/Department Responsible
Alberta	Child, Youth and Family Enhancement Act	Ministry of Children's Services
British	Child, Family and Community Service Act	Ministry of Children and Family
Columbia		Development
Manitoba	The Child and Family Services Act	Department of Families
New Brunswick	Family Services Act	Department of Social
		Development
Newfoundland	Children, Youth and Families Act	Children, Seniors and Social
and Labrador		Development
Northwest	Child and Family Services Act	Department of Health and
Territories		Social Services
Nova Scotia	Children and Family Service Act	Department of Community
		Services
Nunavut	Child and Family Services Act	Department of Family Services
Ontario	Child, Youth and Family Services Act	Ministry of Children,
		Community and Social Services
Prince Edward	Child Protection Act	Department of Social
Island		Development and Housing
Québec	Youth Protection Act	Ministère de la Santé et
		Services Sociaux
Saskatchewan	The Child and Family Services Act	Ministry of Social Services
Yukon	Child and Family Services Act	Department of Health and
		Social Services

Many cases of suspected child endangerment are cases of IPV (Alaggia et al., 2015; Black et al., 2008; Gonzalez et al., 2020; Mandel & Wright, 2019). Overwhelmingly these are cases of male perpetrators with female victims, and while women can certainly be violent this is a much smaller percentage of overall cases, therefore the focus will be on VAW and children.

Duty to Report

Many cases where child welfare becomes involved with a family are due to children witnessing violence, rather than the experience of direct physical harm. Despite this, substantial research has shown that witnessing family violence can lead to emotional and behavioural trauma for children (Black et al., 2008; Gonzalez et al., 2020; Mandel & Wright, 2019). While not the explicit harm that is often considered in cases of family violence, many provinces do consider exposure to domestic violence as creating emotional injury and requiring intervention or protection. This is known as "duty to report," which is the requirement of anyone with reasonable grounds of suspecting harm to a child needing to report this to child welfare services or other authorities (e.g., police).

The following table shows how this has been implemented across the country, with regard to a requirement to report even if there is no evidence of physical harm to a child.

Table 2: Legislation on Duty to Report in Canada

	Legislation on Duty to Report (Information from Legislative Acts Listed Above)	Text of Duty to Report
Alberta	Yes	A child is in need of intervention if there are reasonable and probable grounds to believe that the safety, security, or development of the child is endangered because of any of the following: (A.1.C) exposure to family violence or severe domestic disharmony.
British Columbia	Yes	A child needs protection in the following circumstances: (e) If the child is emotionally harmed by (ii) living in a situation where there is domestic violence by or towards a person with whom the child resides.
Manitoba	Yes	A child is in need of protection where the child: (e) Is likely to suffer harm or injury due to the behaviour, condition, domestic environment, or associations of the child or of a person having care, custody, control, or charge of the child.
New Brunswick	Yes	The security or development of a child may be in danger when: (f) The child is living in a situation where there is domestic violence.
Newfoundland and Labrador	Yes	A child is in need of protective intervention where the child: (3) For the purposes of paragraph (1)(c), parental conduct or living situations that may lead to emotional harm or risk of emotional harm to the child may include: (h) living in a situation where there is violence.
Northwest Territories	Yes	A child needs protection where: (j) The child has been exposed to domestic violence by or towards a parent of the child, the child has suffered physical or emotional harm from that exposure and the child's parent fails or refuses to obtain services, treatment, or healing processes to remedy or alleviate the harm.

Nova Scotia	Yes	A child is in need of protective services where: The condition; (i) the child has been exposed to, or has been made aware of, violence by or towards: (i) A parent or guardian, or (ii) another person residing with the child, and the parent or guardian fails or refuses to obtain services or treatment, or to take other measures, to remedy or alleviate the violence.
Nunavut	Yes	A child needs protection where: (p) The child is repeatedly exposed to family violence and the child's parent is unwilling or unable to stop such exposure.
Ontario	Yes, but unlike the other provincial acts there is not explicit mention of family violence, but rather only on potential for emotional harm. Alternatively, the Ontario Association of Children's Aid Societies, explicitly lists domestic violence as a form of emotional abuse.	If a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall immediately report the suspicion and the information on which it is based to a society: There is a risk that the child is likely to suffer emotional harm resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
Prince Edward Island	Yes	A child is in need of protection where: (n) The child is at substantial risk of suffering physical or emotional harm caused by being exposed to domestic violence by or towards a parent.
Québec	Yes	The security or development of a child is considered to be in danger if the child is abandoned, neglected, subjected to psychological ill-treatment, or sexual or physical abuse, or if the child has serious behavioural disturbances. (c) "psychological ill-treatment" refers to a situation in which a child is seriously or repeatedly subjected to behaviour on the part of the child's parents or another person that could cause harm to the child, and the child's parents fail to take the necessary steps to put an end to the situation. Such behaviour includes in particular indifference, denigration, emotional rejection, excessive control, isolation, threats, a exploitation, particularly if the child is forced to do work disproportionate to the child's capacity, and exposure to conjugal or domestic violence.
Saskatchewan	Yes	A child is in need of protection where: (a) As a result of action or omission by the child's parent: (vi) The child has been exposed to domestic violence or severe domestic disharmony that is likely to result in physical or emotional harm to the child.
Yukon	No. There is no explicit reference to family	A child is in need of protective intervention if the child: For the purpose of paragraphs (1)(c) and (f), but without

violence, although mentioned in the act is the likelihood of emotional harm, which could include exposure to family violence. limiting the meaning of "emotionally harmed," a child has been, or is likely to be, emotionally harmed by the conduct of a parent or other person if the parent or other person demonstrates a pattern of behaviour that is detrimental to the child's emotional or psychological well-being.

Training Gaps

Duty to report is an important step for addressing abuse against children, but it has created tensions when combined with situations of IPV. Among the challenges is the training on and understanding of IPV by child and youth caseworkers. Given the focus of these individuals on child protection, there has historically been less training on issues that affect the family more broadly, like IPV. For caseworkers, if there is no evidence of physical harm to a child, there is a greater likelihood that a case will be closed (Black et al., 2008; Gonzalez et al., 2020) and the IPV ignored (Moles, 2008). Gonzalez et al. (2020) found that historically child welfare staff struggled with whether they should intervene in situations where IPV was present and how they should respond. Workers were not equipped with training or guidelines to follow in these cases (Gonzalez et al., 2020; Olszowy et al., 2020). Workers were further challenged in these situations due to fear and mistrust towards child welfare by families, large worker caseloads, which limit engagement with families, and even fear for personal safety of perpetrating parents (Olszowy et al., 2020). There is a shift across child welfare practices, with greater efforts to implement cross-training and a variety of new models targeted at better understanding child welfare and IPV (MacPherson, 2010; Mandel & Wright, 2019; Moles, 2008; Olszowy et al., 2020), but these have been slow to roll out and not consistent across jurisdictions.

Gendered Policies and Practices

The duty to report can fall to mothers who are being victimized, which puts the accountability on them rather than on perpetrators, even though the mothers are not responsible for causing harm (Arnull & Stewart, 2021; Mandel & Wright, 2019). Among the most obvious examples of this, is the opening of case files in the mother's name, rather than the perpetrator's (Olszowy et al., 2020). Further, mothers in these circumstances can be punished by having their children removed from their care (Alaggia et al., 2015; Arnull & Stewart, 2021). While it has been found that children exposed to violence but not experiencing physical harm are rarely apprehended (Gonzalez et al., 2020), there is fear among mothers that this could occur (Black et al., 2008). This fear results in avoiding seeking help due to a potential that children may be removed (MacPherson, 2010; Moles, 2008). Anti-violence and VAW organizations may also be disinclined to follow duty to report protocols because they do not want to see women punished or scrutinized when they are seeking help (Banks et al., 2009; MacPherson, 2010).

This focus on mothers has long historical roots in shaping the conception of motherhood and, in turn, he role of fathers. Child welfare policies are inherently gendered, with Arnull and Stewart (2021) suggesting that the focus on mothers is "linked to our patriarchal, historical, legal and cultural understanding of 'motherhood' and 'mother'" (p. 115). This includes the focus on mothers as contributing to child welfare, without acknowledging the role of fathers (Arnull & Stewart, 2021; Mandel & Wright, 2019; Olszowy et al., 2020). This can put the onus of violence experienced on the victim, and lead to a revictimization of mothers (Alaggia et al., 2015; Arnull & Stewart, 2021; Mandel & Wright, 2019). Mothers are expected to take action to protect their children, with leaving a violent situation often

believed to be the best option by those in child welfare. This expectation can both ignore the challenges and risks of leaving, as well as make invisible the efforts to safeguard children from violence that occurs in the home (Alaggia et al., 2015; Mandel & Wright, 2019). This stigmatization of mothers can be further exacerbated by such intersections as race, class, and ability.

While mothers are often held accountable for child welfare, fathers have been neglected in being seen in the role of carer (Mandel & Wright, 2019). Fathers are less likely to be engaged in services and programming by child welfare, with far fewer programs in existence, while mothers received the bulk of referrals (Alaggia et al., 2015; MacPherson, 2010). With so much focus on mothers, perpetrators of violence often are not held accountable for creating potentially harmful environments for children. With child welfare not adequately being able to support issues related to IPV, perpetrators are often dealt with through the criminal justice system, rather than through social services (Alaggia et al., 2015; Moles, 2008).

Collaboration Across Sectors

While there have been long-standing tensions between child welfare and anti-violence organizations, there have been substantial efforts to increase collaboration and establish best practices for situations where IPV and child welfare concerns intersect. Among the models which have emerged more recently is differential response. This model includes triaging families being investigated for IPV by level of risk and moving low-risk families out of traditional child welfare services and into community/social services (Alaggia et al., 2015; Jenney et al., 2006).

Mandel and Wright (2019) noted that efforts had been made to move practice towards a more father-focused framework, with the goal of keeping children with non-offending parents. Among the most common suggestions for improved practice is to have collaboration between child welfare and anti-violence groups. In particular, cross-training has been found to have good results, particularly for building trust between the two areas (Banks et al., 2009; MacPherson, 2010; Olszowy et al., 2020). In addition to cross-training, collaboration which includes strong communication, clear accountability, and well-defined roles can build greater trust between these sectors. While there are many potential improvements, both anti-violence organizations and child welfare institutions share the challenge of a lack of funding and resources to implement these improvements consistently across jurisdictions.

SURVEY AND FOCUS GROUP RESULTS

Role of VAW Shelters in Child Welfare

Given the fear of child welfare services by women fleeing violence, VAW shelters have an important role to play. Shelters can act as a go-between and advocate for families. But while shelters often have experience working with children, this is not their expertise or the main focus of their work.

Engaging with the child welfare system requires additional training for staff. Training on child welfare is not consistent across the country, with some provinces or territories reporting a lot of training and others none at all. A similar picture of inconsistency emerges for training more specifically on duty to report. In both cases it was reported that at least 50% of provinces/territories had at least moderate training. This inconsistency may speak to a lack of resources or capacity for such training or may be due to a negative relationship with child welfare agencies.



Figure 1

Figure 2
Shelter Staff Training on Duty to Report (n=9)

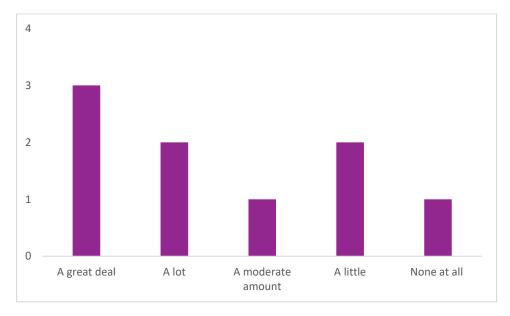
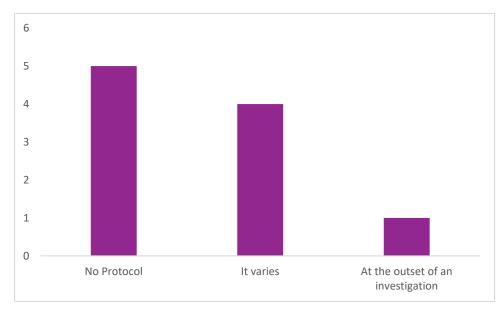


Figure 3
Protocol or Policy that Mandates When Child Welfare Engages with VAW Shelters (n=10)



While protocol or policy mandating when child welfare engages with VAW shelters across the country is not consistent (shown above), shelters have shown how important it is for them to be involved in child welfare cases where there is IPV. Many of the responses about how engagement with VAW shelters was helpful for preventing situations from getting worse for women and children were focused on the direct benefits to families. Benefits included:

Building trust with women and their children

- Learning important information about women's situations, including abusive parent's behavioural patterns
- Providing information, supports, and referrals to women and advocating for them, as well as supporting them in defending their rights
- Creating positive outcomes through early interventions because women who stay in shelters are less likely to return to violent partners
- Protecting children through shelters that provide a defence against abusive partners, which should mean that children are no longer at risk of apprehension if they are no longer facing the potential of violence

A few of the responses focused on how the shelters could also support families by better supporting the work of child welfare. This included the provision of training for child welfare staff on the impact of family violence, both while it is occurring and post-separation. Shelters can support understanding a more holistic conception of IPV, so that child well-being can be secured. For example, a child welfare worker's focus on the child may mean that a father is perceived to be adequate in that role, without seeing the broader problematic nature of family violence in the home.

Child Welfare Policies and Procedures

Child welfare may be the first to intervene in a situation of family violence. While their focus is on the experience and well-being of children, caseworkers have the opportunity to influence how women seek help and engage with other services. Throughout the survey, respondents indicated how important it was that child welfare worked with shelters and ensured that women were referred to the services of shelters, so it is important here to see that child welfare are reaching out in some jurisdictions to engage in safety planning. Table 3 shows the various ways that safety planning is conducted among the four respondents who indicated that child welfare conducts safety planning.

Table 3: Safety Planning Conducted by Child Welfare

Ways Safety Planning is Conducted	Province
They work in collaboration with VAW shelters on safety planning	Alberta, Ontario, Prince Edward Island
They defer the safety planning work to VAW shelters	Ontario, Prince Edward Island
They do it independently but use the same risk assessments/tools	Alberta, Ontario, Prince Edward Island
They do it independently, but their risk assessments/tools are not the same as the VAW shelter	Ontario, Prince Edward Island, Yukon

Respondents suggest that there is movement towards greater accountability of offending partners, yet largely the focus continues to be on women. This continued focus on women has the potential to lead to mother-blaming and revictimization, as discussed above. Figures 4 and 5 demonstrate that there is not yet a significant shift away from mothers to focusing on perpetrators.

Figure 4
Recognition in Policy and Practice on the Dynamics of Gender-Based Violence and Abusive
Behaviour of Offending Partners by Child Welfare (n=9)

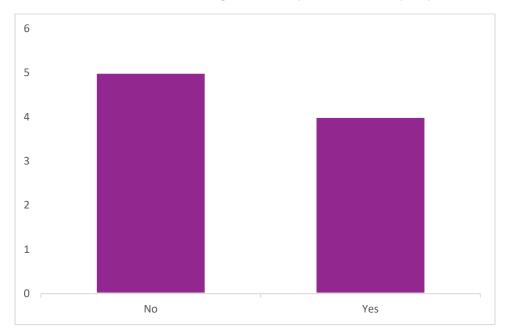
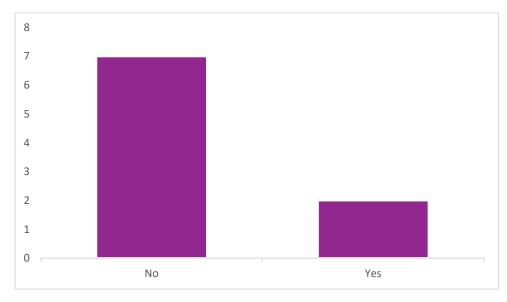


Figure 5
Steps to Hold the Abusive Partner Accountable in Child-Welfare Agency Practices (n=9)



For example, in Saskatchewan, there is recognition in policy and practice of the dynamics of gender-based violence (GBV), yet child welfare continues to focus on mothers. Caseworkers assume that the outcome will be the relationship ending, therefore they continue to focus on the mother alone. Similarly in British Columbia, while there are policies in place that would stress that well-being of children is

dependent on safety of the non-offending mother and services should be offered to her, these practices do not necessarily extend to caseworkers on the ground. In reality, child welfare in many cases continues to be overly punitive and judgemental, and does not hold the offending parent accountable.

Child welfare agencies do request personal information from shelters on clients. When this occurs the shelters often decline these requests. There are two main reasons given for denying such requests. First, to protect the relationship of trust shelters hold with the women accessing their services. Further to this, in many cases women have not authorized a transfer of information from the shelter to child welfare. One focus group respondent noted that some shelters in their jurisdiction would not even interact with child welfare on the phone, but rather only in writing, as there had been problems in the past. Second, women who are accessing services have already reached out for support, making it less likely that children will face violent circumstances. Shelters do not want women to feel punished for reaching out for support. Unless there were concerns about a mother's ability to parent or issues that arose while a mother was in the shelter, contacting child welfare had the potential to punish women who sought support.

These concerns speak to a communication issue between these two sectors. It was posited in the focus group that having designated resource staff to facilitate communication and sharing of expertise may lead to better recognition of the mandates of both child welfare and shelters. More clarity is needed to reduce issues and tensions, and improve communication and the overall relationship.

Child Welfare Impact on Survivors Reaching Out

Survey respondents were asked about child welfare involvement impacting women's help-seeking behaviour. Of the 10 organizations responding, seven indicated that women feared that if they were to come to a shelter, they would have their children taken away or child welfare services would be called. One respondent also indicated that women would minimize the impact of the violence against themselves and their children in order to avoid interactions with child welfare. While respondents indicated that they would only call child welfare if they saw abuse perpetrated towards a child by a mother, fear of child welfare does reduce the likelihood of reaching out for support.

For women who are Indigenous, immigrants, or refugees, or have mental health or substance use challenges, the reticence to reach out for support is even higher. For Indigenous mothers there is an expectation that child welfare will treat them unfairly, which is rooted in past personal experiences, a history of systemic racism and ongoing colonialism in the child welfare system, and much higher than average numbers of Indigenous children in care (Indigenous Services Canada, 2022; OHRC, 2018).

The well documented fear that women have towards child welfare can also be used against them by the perpetrator, a trend noted by Mandel and Wright (2019). Abusers can use the fear of child welfare to threaten and coerce women, which can create an environment where women are even less likely to seek help.

While some women may be fearful to seek help, others will seek support from VAW shelters under the assumption that this will automatically lead to apprehended children being returned. While child welfare often does see shelter engagement as a positive action towards regaining safety and stability, it does not necessarily lead to a child being returned. This false assumption has the potential to lead to a tense relationship between women and shelter staff, as these frontline staff have limited ability to influence child welfare. In addition, some child welfare workers will mandate that women have to go to

shelters, while this can ignore the many challenges of leaving an abusive relationship; it also leads to shelter engagement being non-voluntary, which can once again create tensions for shelter staff and replicate abusive situations for women.

Relationship Between Child Welfare and Women's Shelters

The relationship between women's shelters and child welfare has historically been tense, as shown above, but our respondents demonstrate that this continues to be a reality for them. As Figure 6 demonstrates, a number of shelter respondents (56%) do not believe that child welfare understands the work that they do.

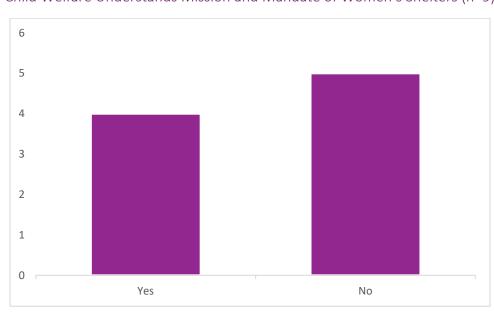


Figure 6
Child Welfare Understands Mission and Mandate of Women's Shelters (n=9)

Lack of Understanding and Recognition

For those who responded negatively, there were a number of indicators that child welfare did not understand the VAW shelter sector. Among the major reasons for this lack of understanding is a broader lack of knowledge about IPV. This is reflected in how mothers can be revictimized in the process of engagement with child welfare services, as there is limited understanding about the challenges of leaving and how mothers may be protecting their children in invisible ways. Common definitions of IPV and post-separation domestic violence are important to establish in child welfare agencies, yet currently these remain unclear.

This lack of understanding can result in child welfare caseworkers, or other social service agencies, bringing women to shelters/THs for resources that they do not provide or are not readily available in the community. It was identified in the focus group that shelters/THs become default organizations for a lot of work, rather than sectors like police, social services, or child welfare taking ownership of their own role in supporting and protecting women and children.

In addition, there is a perception that child welfare does not value the expertise and work that is done in shelters. More than one respondent indicated that staff felt that their knowledge was not recognized, and in some cases child welfare caseworkers were condescending, dismissive, and rude, which can mean that caseworkers are less likely to refer to shelters. The work of shelters is often seen as only supporting mothers or women, which negates the experience that these organizations have in working with families.

This was further discussed in the focus group, where participants indicated that there were issues of turnover among child welfare staff. High turnover means that even if there is training done or relationships established, staff are taking this knowledge with them when they leave their positions, which makes it challenging to both maintain relationships and ensure that the goals and work of shelters is understood.

Four survey respondents did respond positively that their mission or mandate was understood, which creates greater possibly for referrals, partnerships, and collaboration in these jurisdictions.

Funding Child Welfare and VAW Shelters

Only two out of the 10 provincial/territorial shelter associations who responded reported that their member shelters receive funding from their provincial or territorial child welfare agency. Among those that do, British Columbia indicated that funds were provided for certain activities that are part of shelter work like supervised visitation and childcare. The employees who have these jobs are contractors of the child welfare ministry working in nonprofit organizations. Per the contractor guidelines, the records generated by these jobs are the ministry's records and if subpoenaed or requested the ministry responds to the records request. No other information was provided on funding to the shelters, and therefore it is unclear if such arrangements exist elsewhere.

Child Welfare and VAW Mandates

Among the provincial/territorial shelter associations, five of the 11 respondents indicated that there was a mandate for shelters and child welfare to meet. The reasons for the sectors coming together ranged from child fatalities to a survivor reaching out to a shelter or child welfare office (see Table 4).

Table 4: Reasons Shelters and Child Welfare Come Together

Reasons Shelters and Child Welfare Come Together	Province
Child fatality	Alberta, Quebec
High risk	New Brunswick, Prince Edward Island, Quebec
Child welfare working to investigate a case of potential child exposure to IPV	Alberta, Prince Edward Island, Quebec
When a woman presents at the shelter and states her partner has been abusive to her and although the kids were not present, she is worried about their well-being	Prince Edward Island, Quebec
When a woman calls the shelter or child welfare office for advice (for example, separation due to violence)	Prince Edward Island, Quebec
Apprehension of children by child welfare	Prince Edward Island, Quebec
Other	British Columbia, Manitoba; Ontario, Yukon

Table 5 provides an overview of the working relationship between VAW shelters and child welfare. We asked if there is a relationship at all, what that relationship consisted of, if there are any collaborations, and how effective the relationships are. While the majority of respondents (seven) indicated that they had a working relationship with child welfare, there was no consistency with the type of relationship. Two indicated that they had a relationship that was a combination of formal and informal depending on the case, but the remainder of responses were distinct.

While many jurisdictions may have tables that bring together child welfare and shelters, it was raised by those in the focus group that many of the child welfare staff participating at these tables are young and have limited experience. It was suggested that domestic violence tables could be spaces to build better relationships and increase cross-sector discussions, but if child welfare staff are junior in their positions with limited decision-making ability these spaces will have limited outcomes.

While clearly, there may be disconnects between shelters and child welfare, and in some instances even problematic working relationships, respondents indicated that it is individual relationships that matter. There are a lot of individual relationships between centres and local child welfare offices, or even between individual shelter staff and caseworkers. Even when the policy is complicated or seems counter to the best interests of women and their children, these relationships can provide supportive and seamless service delivery between shelters and child welfare. While this is positive, these individualized relationships also mean that there continues to be inconsistencies in how shelters and child welfare interact across larger regions and across the country.

Table 5: Working Relationship Between VAW Shelters and Child Welfare

	Working Relationship Between VAW Shelters and Child Welfare				
Province	Relationship (Y/N)	Description of Relationship	What Collaborations Involve	Effectiveness of Relationships	
Alberta	Y	Other	Referrals, investigations	Not effective at all	
British Columbia	Y	Provincial policy and practice table for VAW providers, Child Welfare, Housing and Public Safety meets quarterly. Ad hoc local regional committees that are part of the Violence against Women In Relationships table that meets infrequently	Provincial policy and practice issues, regional/local issues	Varies—depends on individuals involved and willingness to engage	
Manitoba	N	-	-	-	
New	Y	Working group	VAW service plans,	Moderately effective	
Brunswick		where VAW and	transitional support		

		Child-welfare		
		service providers		
		meet to work		
		together for case		
		conferencing		
Newfoundland	Υ	Other	-	Slightly effective
and Labrador				
Ontario	Υ	Formal protocols and agreement in writing	Built into case management procedures, screenings, referrals, investigations, VAW service plans, transitional support, review of policy and practice, discussion of issues when conflicts arise, cross-training	Moderately effective
Prince Edward Island	Y	A combination of formal and informal coming together	Built into case management procedures, referrals, investigations, VAW	Moderately effective
		depending on cases	service plans, transitional support	
Québec	Y/N	A combination of formal and informal coming together depending on cases	Built into case management procedures, referrals, investigations, VAW service plans, transitional support, review of policy and practice, discussion of issues when conflicts arise, cross-training	Moderately effective
Saskatchewan	and the second s			
Saskateriewari	N/A	-	-	-

Policy and Legislation

Indigenous Child Welfare Policy and Reconciliation Efforts

The child welfare system in Canada historically has seen Indigenous children removed from their families and communities. First, Indigenous children were removed to residential schools, and later they were adopted away from their families through the Sixties Scoop. But for Indigenous communities the rates of children removed from their families were not reduced when these policies changed. According to the 2016 census, 52.2% of children in care are Indigenous, yet account for only 7.7% of the child population in Canada (Indigenous Services Canada, 2022).

In both the release of the Truth and Reconciliation Commission (TRC) report and the report by the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) calls to action were put forward to overhaul the child welfare system. The TRC calls to action on child welfare are:

- 1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care.
- 2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.
- 3. We call upon all levels of government to fully implement Jordan's Principle.
- 4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases.
- 5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families (Government of Canada, 2022).

The MMIWG calls to justice include 15 items to transform the child welfare system.¹

Table 6 provides details for each province and territory's actions and commitments to reconciliation with regard to the child welfare system. Almost all provinces and territories have made public statements about their commitment to improving the child welfare system, particularly to move away from systems that do not acknowledge the impact of colonialism and generational trauma on children's security and ability to thrive. Many provinces have also begun to implement changes to child welfare systems that provide more oversight by Indigenous communities, more awareness of Indigenous and colonial history, and how that history has contributed to the current state of Indigenous child wellbeing.

Table 6: Indigenous Child Welfare Policies in Canada

Indigenous Child Welfare Policy				
	Child Welfare Ministries/Departments Work Implementing Bill C-92	MMIWG Calls to Justice on Child Welfare Response	TRC Calls to Action on Child Welfare Response (1–3 & 5 are Provincial in Scope)	
Alberta	In progress—Shifting the over-representation of Indigenous children in child intervention	Provincial working group on MMIWG, report finalized and in review	Child welfare— implemented Jordan's Principle & working on respecting and reflecting the culture, language, and spirituality of those served	

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¹ https://www.mmiwg-ffada.ca/final-report/

British	Policy on working with	Priorities and strategies	Recognition and
Columbia	Policy on working with Indigenous children,		Recognition and Reconciliation Protocol
Columbia	youth, families, and	for responding to the calls to action	on First Nations Children,
		<u>cans to action</u>	
	<u>communities</u>		Youth, and Families—
	Ladra a Children		between the province
	Indigenous Child and		and First Nations
	Family Development—Bill		Leadership Council
	26: 2018, Child Family		
	and Community Service		Details of access to
	Amendment Act		<u>Jordan's Principle</u>
			supports in British
	<u>As of January 2021,</u> 148		<u>Columbia</u>
	First Nations in British		
	Columbia are represented		
	by agencies that either		
	have, or are actively		
	planning towards,		
	delegation agreements to		
	manage their own child		
	and family services		
Manitoba	Manitoba conducted a	Birth alerts ended and	Collection of data on
	comparison review with	improving family services	youth in care
	existing legislation to		
	identify areas requiring	Acknowledgement in the	Implementation of
	alignment	provincial framework on	Jordan's Principle
		GBV of calls specific to	
		child welfare	
New Brunswick	Supporting action on C-92	One reference to child	Progress to date on calls
		welfare in plan to address	to action
		violence against	33.33.3
		Indigenous women and	
		girls	
		<u> </u>	
		Mention of addressing	
		calls to action, but	
		nothing specific	
		Ending of birth alerts	
Newfoundland	C-92 implemented,	Mention of the calls and	Working to track
and Labrador	enacted if requested by	planned work, but no	outcomes
	Indigenous governments	specific actions listed	
	or organizations	Specific desiration forced	Tripartite table working
	<u>0. 018011120110113</u>	Ended birth alerts	with areas of government
	Amendment to foster	Linded birtir dierts	including Child, Youth and
	parent definitions		Family Services—Innu
	parent definitions		Strategy for Change
	Province committed to		Strategy for Change
	the act		

Northwest	Practice standards,	Actions focused on child	Progress on calls to action
Territories	regarding Indigenous	welfare	Flogress off calls to action
remitories		wellare	
	children and youth		
	<u>Territorial actions</u>		
Nova Scotia	N/A	Ended birth alerts	A commitment to the
			calls to action, but not
			able to find actions
			undertaken
Nunavut	N/A	N/A	N/A
Ontario	Nine reconciliation	Ended birth alerts	Ontario commitment to
	commitments for child		reconciliation with First
	welfare and progress	Systems-wide	Nations, Inuit, and Métis
	<u></u>	transformation informed	people
	Indigenous Children and	by Indigenous	people
	Youth Strategy	perspectives in priority	
	Touth Strategy	areas including justice,	
		·	
		policing, and child	
5. 5.		<u>welfare</u>	0 1:
Prince Edward	Child protection act	Section on child	Responding to calls to
Island	review looks at ways to	protection changes in	<u>action</u>
	align with C-92	response to the calls to	
		justice, including the end	Update on how the
	Child, Youth and Family	of birth alerts	province is responding to
	Enhancement Act		the calls to action
	alignment with C-92	Responding to calls to	
		<u>justice</u>	
Québec	The province went to	Very vague, some	N/A—Given the
	court deeming that this	discussion of changes to	constitutional challenge,
	act was unconstitutional	social services	there is little evidence
	due to jurisdictional		that Quebec is moving
	concerns (a couple of		forward in responding to
	sections were deemed		the TRC calls to action.
	unconstitutional), overall		the five early to detroin
	though it is considered		
	constitutional as of Feb.		
	2022. There is an appeal		
	in this case which will		
6.1.1.1	likely be heard late 2022.	C	
Saskatchewan	<u>Updated language to</u>	Government response	Changing child welfare in
	align with the act	includes a focus on child	response to the calls to
		<u>protection</u>	<u>action</u>
Yukon	Mention of it here, but in	Mention of work on child	Mention of it here, but in
	early 2022, so limited	welfare and keeping	early 2022, so limited
	<u>details</u>	<u>families together</u>	<u>details</u>

While it is clear that work is happening to improve child welfare systems, for many provinces and territories finding this information is not always easily done. When surveyed, respondents often indicated that they did not know of actions happening by their government or they did not believe that any action was being taken.

The following table shows responses to questions about work on child welfare regarding reconciliation policies. Finding this information for each region took significant time and was not readily available; rather, it was often buried in reports, press releases, or legislation. This points to a lack of transparency and accountability around these policies. This may in turn indicate that the commitment to responding to the calls to justice is merely lip service, rather than an attempt at transforming these colonial systems. British Columbia, for example, noted that while birth alerts officially ended in 2019, they continue to take place in hospitals.

Table 7: Child Welfare Reconciliation Policies

Child Welfare Ministries/Departments Work Implementing Bill C-92	MMIWG Calls to Justice on Child-Welfare Response	TRC Calls to Action on Child Welfare Response (1-3 & 5 are Provincial in Scope)
63% Yes	33% Yes	44% Yes
9% No	33% No	11% No
27% I Don't Know	33% I Don't Know	44% I Don't Know

CHALLENGES

Many of the significant challenges have been addressed in this report, including the relationship between shelters and child welfare, the lack of focus on perpetrators and potential to punish victims, and a lack of understanding of family violence by child welfare.

In addition to these challenges, other challenges were raised through the survey and focus group:

1. Best practices are not translating into on-the-ground practice

Progressive policies and procedures have been adopted by child welfare in some places. Yet having these practices on paper does not necessarily mean that they are applied by all caseworkers. Caseworkers often have heavy caseloads, which can result in them falling back to comfortable practices. Further, breaking down long held ideas of motherhood and who is responsible for protecting children is a long process. British Columbia has a very strong, feminist set of best practices for child protection and IPV. Despite this, practices are not being implemented.

2. Inconsistencies across regions and slow pace of change

There are many new models being adopted across the country, and many regions are looking to update or modernize their child welfare system, but this is work that will take time. The change in child welfare is not only the addition of new training and new models, but also attempting to reimagine how mothers are framed, addressing systemic racism, and dismantling colonial legacies that are embedded in the institution of child welfare. Given all of this, it is understandable that there are inconsistencies in how policy and practice is rolling out across jurisdictions. The positive in this challenge is that respondents are identifying allies in this work and those who are working to shift their practice.

MOVING FORWARD

While there are significant challenges in the child welfare system and its practices, particularly in how the system engages with IPV and related services, there are models that have proven to be effective and are best practices for collaborating.

Potential New Models

Some of the models that have been put forward include:

- a) Protection des enfants en contexte de violence conjugale (PEVC). PEVC provides tools to support the intervention process from beginning to end for those working with children in the context of family violence. It provides a deep understanding of domestic violence, including post-separation violence. It also includes concrete exercises for integrating this model into onthe-ground practice.
- b) <u>The Caring Dads Program</u>. This intervention program is designed for men who have been abusive or have exposed their children to violence. Rather than the criminal justice system being the primary way that violent fathers are engaged around child welfare, this program includes fathers in family safety and well-being.
- c) **Differential Response Model**. As discussed above, this model includes triaging families being investigated for IPV by level of risk and moving low-risk families out of traditional child welfare services and into community/social services (Alaggia et al., 2015; Jenney et al., 2006).
- d) Safe and Together Institute. This model includes a set of tools and interventions focused on supporting child welfare agencies and staff to become better informed about domestic violence. This model recognizes the potential for child welfare workers to blame those experiencing violence, while ignoring the perpetrators of abuse, and provides tools to change this dynamic. Through their website, several resources are available including videos, articles, and a podcast. In Manitoba, the General Child and Family Services Authority purchased this training and invited shelter staff to participate alongside child welfare caseworkers. The training was thought to be beneficial and led to positive changes in practices, like opening case files in the abuser's name. Unfortunately, it was not adopted by the remaining provincial authorities.
- e) **Supportive Mothering.** This program, unlike many of the resources listed, is designed for mothers who have experienced abuse. In this program, mothers have the opportunity to reflect on the impact of violence on their lives and how this has affected their relationships with their children.
- f) LES ESSENTIELS en matière de violence conjugale et de violence conjugale postséparation. This document is shared with those at CCSMTL (Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal) who have participated in training on domestic violence. It provides common definitions, an explanation of the cycle of violence and progression of violence, and procedures for engaging with women and their children. The document contains questions that can be asked of women, as well as information on the impact of violence on children.
- g) <u>Womenatthecentre</u>. This organization offers workshops and training that centre the voice of survivors of violence. They offer EmPACT (Employer Prevention of Abuse through Certification and Training), which is corporate training designed to better recognize and support colleagues who may be experiencing IPV.

- h) <u>PEACE Program</u>. This psycho-educational program was designed to provide counselling supports to children who have witnessed or experienced abuse. This training provides participants with the resources to work with young people and their caregivers.
- i) <u>Her Brain Chose For Her</u>. This is a training tool designed for service providers to better understand the neurobiology of trauma and violence. This is an interactive, arts-based learning tool.

Emerging Best Practices

Beyond new models for operating, there are many examples of best practices that emerged from respondents. These can be grouped into four categories:

- 1. Training
- 2. Collaboration
- 3. Coordinated responses
- 4. Shifting accountability

Training

Training is needed for both child welfare and VAW shelters on their respective systems and challenges and how these intersect. The shelter sector can, and has, provided training with groups of social workers and their supervisors to share their knowledge and practice. This is not only an opportunity to share knowledge but to grow partnerships and reduce some of the friction that continues to exist between shelters and child welfare. This training needs to be more than one-off sessions, but rather become a regular practice. When such training is done regionally, this presents the opportunity for local relationships between shelters and child-welfare staff to grow.

While training, particularly cross-sectoral training, can be an important step in growing knowledge, understanding, and relationships, it is costly and must be funded. Where training has been undertaken by shelters, but funding was lost, these initiatives did not continue. Funding is required not only for those organizations delivering such training, but also to develop and enable people to access training.

Focus group participants identified several areas of training that are lacking. These include:

- Knowledge of trauma-informed approaches, including those that provide a mixture of theory and practical tools.
- Understanding of IPV, post-separation domestic violence, and how the impact of violence on women and children can explicitly reduce the potential for victim-blaming.
- Concrete tools, in addition to theory. There is a lot of good theoretical training already available, but there can be a disconnect in how to apply this on the ground.
- Training that is developed in collaboration with other sectors, such as training developed between shelters and child welfare so that both areas are included in the final product.
- Training is needed with other sectors that are peripheral to child welfare but also engage with it. These include the legal system, police, and health care.

Collaboration

Increased collaboration between shelters and child welfare is needed. In particular, collaborations are needed that respect each other's expertise and experience and have common frameworks of safety. In some cases, a more formal relationship, including agreements like a memorandum of understanding,

can help when issues arise. Although one respondent indicated that even with formal protocols in place, it was a strong relationship that led to the best working experience. Among individualized relationships, a focus group participant shared that former shelter staff have been among those child welfare workers who have been the best advocates for women and had the strongest ties to shelters. Individuals who have developed, or maintained, strong ties to shelters could be champions in building more formal relationships between shelters and child welfare agencies. It was also proposed that, to increase the number of these champions, job shadowing and shelter tours could be introduced, which could grow skills and knowledge while also strengthening relationships.

In New Brunswick, since the beginning of the COVID-19 pandemic, there has been greater communication between the government department that oversees both child welfare and shelters. It has been positive to have this more regular communication, but this has not been the case across the country, with Quebec specifically indicating that they do not have such a relationship amid limited communication. Despite increases in communication in some areas, this has not necessarily led to greater connection with all organizations that work with victims of violence, which would be beneficial.

Whether formal or informal, strengthened collaborations have been indicated in the literature and among survey respondents and focus group participants as an important step towards better supports for women and their children. With greater opportunities for dialogue, there is hope that both sides can better understand each other's work and what improvements are needed.

Coordinated Responses

Beyond collaboration, several respondents pointed to the success of coordinated responses. Such coordination, which includes child welfare and shelters, should include a range of supports like mental health care, culturally appropriate services, and other community supports. This means that when a plan is put in place, duplication is avoided, particularly in the number of referrals. One respondent specifically put forward a coordinated response called "Case Conferring Circles." This was proposed by an area that serves a large First Nations clientele and therefore not only includes streamlined referrals but is also focused on being culturally safe and inclusive. This approach includes bringing together supports like the shelter, community agencies, and an Elder alongside the client and their partner, in a space where everyone has an equal voice.

While these more collaborative responses have many names, including joint-response or clinical consultation, it was indicated in the focus group that implementing these early in a case led to better outcomes. These coordinated responses have the potential to streamline processes for clients engaging with a range of services including child welfare and shelters, as well as streamlining the work of all agencies that are supporting women and their children.

Shifting Accountability

Finally, accountability for child welfare needs to focus less exclusively on mothers. Unfortunately, fathers are not seen as responsible for child welfare outside of the criminal justice system, yet as shown with the Caring Dads program and Safe and Together model, there are increasing efforts to engage fathers early as a form of prevention and intervention. In Manitoba, where Safe and Together training was undertaken, there has been an attempt to address the accountability imbalance by opening case files in the name of the perpetrator, rather than the mother, which takes the pressure off the mother. Another change that was proposed in the focus group was implementing the practice of opening files in

children's names, which not only would reduce victim-blaming, but also encourage a more support-based approach.

A change in the name on file may also shift perceptions of mothers when they engage with family courts and how the courts engage with them. With this changing narrative, it may be possible to see the efforts that women take to protect their children that may otherwise seem invisible, like sending children to a neighbour or accessing a shelter.

While a shift in file names could have a huge impact on accountability, there was also a recognition in the focus group that mothers are often the most accessible to child welfare workers, which means that even if policy around this practice were to change, it could be slow to be adopted in practice.

Beyond file names, it was proposed that shifting how financial support was collected could reduce the pressure on women. As women are often so much poorer upon leaving an abusive relationship, they can be seen to be failing to provide the necessities of life to their children, and therefore children are at greater risk of apprehension. If the government were responsible for collecting financial support from perpetrators, rather than women doing this themselves, this has the potential to create greater financial security for women, and therefore less perception that women are unable to adequately provide for their children. As an automatic government payment, rather than waiting for a perpetrator to pay, women could receive income and have distance from their abuser.

Such changes are important for reframing how mothers are perceived, reducing the narrative of victimblaming and instead seeing these women as victims themselves. This can all decrease the likelihood of revictimizing women experiencing violence, moving accountability to the perpetrator, and keeping nonoffending parents together with their children.

Fit with the National Action Plan (NAP) Recommendations

The NAP includes several recommendations for improving child welfare systems, including the specific recommendation for a "38P – [r]eview and overhaul of youth apprehension systems and child protective services" (Dale et al., 2021, p. 61). Additional relevant recommendations include:

- "39P—Create a child sexual violence and abuse action plan" (Dale et al., 2021, p. 61).
- "1L—To ensure equitable access to justice for survivors of VAW/GBV, we recommend ongoing, mandatory education and training for all legal and justice actors who work or could work with VAW/GBV survivors in their respective roles" (Dale et al., 2021, p. 63). This recommendation includes reference to individuals who would have a role in child welfare including officers and public facing workers engaging with child protection legislation, and legal representatives engaging with family law.

In addition to these specific recommendations that would create a modernized child welfare system, the NAP also is aligned with the TRC's Calls to Action and the MMIWG's Calls for Justice, both of which specifically address elements of child welfare, as discussed above.

Given the work that went into the creation of the NAP Roadmap and these recommendations, the focus group participants indicated that advancing advocacy federally in these areas would be the most valuable in terms of potential next steps.

Aligned Policy Changes

In March 2021 the changes to the Divorce Act were brought into effect. These changes include court decisions to be made in the best interest of the child, including the child's views and preferences and acknowledgement of family violence. Other changes include a broad definition of family violence with the court needing to consider, frequency and seriousness of family violence, patterns of coercive or controlling behaviours, and efforts the violent person has taken to stop the violence or improve their ability to parent. There are also changes to timing and notification for relocating a child, which includes the potential to refuse this, if there has been a history of violence (Department of Justice, 2022). These changes bring greater knowledge of the impact of family violence and post-separation violence to family courts. While not directly child welfare agencies, family courts are often part of the child welfare process, and improvements to the knowledge among those working in these spaces is important for women and children.

In line with the above changes, British Columbia recently granted a mother the ability to relocate their children, despite the father's opposition. The court noted the father had a history of physical and emotional abuse toward the mother. This sets an important precedent for the province, recognizing the potential for future violence and harm to children in such cases (Koshan, 2022; West Coast Leaf, 2021).

While these have been welcome changes, they are only valuable if there is a strong understanding of family violence in its many forms, including coercive control and post-separation violence. Without education for judges, lawyers, and others engaging with family courts, this will not be fully effective. Bill C-233 proposes to require judicial education on the issues of family violence, which as of May 2022 has passed a second reading (Murray, 2022). This not only would address concerns that were raised through the focus group, but also fulfills recommendations that were put forward in the NAP Roadmap.

There is much more work to be done, but there are a wealth of resources and models available, and evidence that policy is changing. While all of this change is slow and best practices at the top do not always make it into each caseworker's individual practice, there are signs that the child welfare system is shifting.

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