



Child Custody / Access Disputes in Child Maltreatment-Related Investigations in Ontario in 2008

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Introduction

The Ontario Incidence Study of Reported Child Abuse and Neglect, 2008 (OIS-2008)¹ is the fourth provincial study to examine the incidence of reported child maltreatment and the characteristics of children and families investigated by child welfare authorities in Ontario. This information sheet examines custody/access disputes in maltreatment-related investigations in Ontario in 2008.

Child custody disputes within the context of child protection investigations can pose unique challenges for child protection workers due to repeated allegations made by the parents, the heightened risk of violence, and an increased risk to the safety of the children caught between their parents' disputes.²

Findings

In an estimated 17,190 maltreatment-related investigations³ in Ontario in 2008, the investigating worker identified an ongoing child custody/access dispute. This represents 13% of all maltreatment-related investigations in Ontario in 2008. In the majority (85%, $n = 109,235$) of maltreatment-related investigations, a child custody/access dispute was not identified. Please see Figure 1 for these findings.

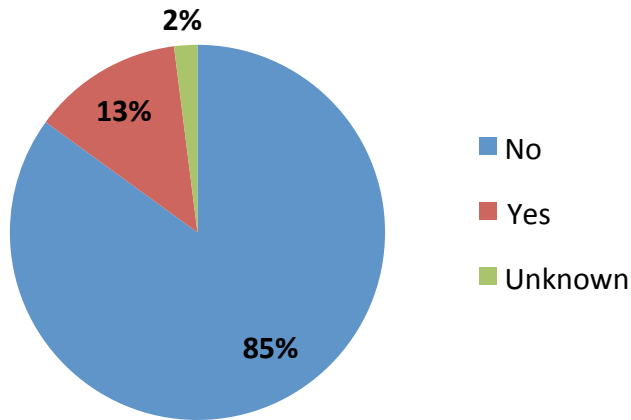
¹ Please see Fallon, B., Trocmé, N., MacLaurin, B., Sinha, V., Black, T., Felstiner, C., et al. (2010). *Ontario incidence study of reported child abuse and neglect 2008 (OIS-2008): Major findings*. Toronto, Ontario: Child Welfare Research Portal.

² For more information on this topic, please see: "Saini, M., Black, T., Fallon, B., & Marshall, A. (in press). Child custody disputes within the context of child protection investigations: Secondary analysis of the Canadian Incidence Study of Reported Child Abuse and Neglect. *Child Welfare*" and "Trocmé, N., & Bala, N. (2005). False allegations of abuse when parents separate: Canadian Incidence Study of Reported Child Abuse and Neglect, 1998. *Child Abuse & Neglect*, 29(12), 1333-1345."

³ A "maltreatment-related investigations" refers to both maltreatment and risk investigations of all substantiation levels.

Figure 1.

Child custody/access disputes in maltreatment-related investigations in Ontario in 2008



Of the 17,190 maltreatment-related investigations in which a child custody/access dispute was identified, an estimated 5,135 investigations involved children who were four to seven years old (30%) and approximately 5,084 involved children who were eight to 11 years old (30%). This is compared to maltreatment-related investigations that did not involve a child custody/access dispute, of which 23% involved children who were four to seven years old and 25% involved children who were eight to 11 years old. In maltreatment-related investigations that involved a child custody/access dispute, children were less likely to be under one year of age (4% vs. 8%) and 12 to 15 years old (19% vs. 27%). Please see Table 1 for these findings.

Table 1.

Child age in maltreatment-related investigations involving a custody/access dispute in Ontario in 2008[^]

	Child Custody Dispute						Total	
	No		Yes		Unknown			
Child Age	#	%	#	%	#	%	#	%
Less than 1 year of age	8,454	8%	726	4%	107	5%	9,287	7%
1-3 years of age	18,808	17%	2,910	17%	482	21%	22,200	17%
4-7 years of age	25,447	23%	5,135	30%	634	28%	31,216	24%
8-11 years of age	27,308	25%	5,084	30%	519	23%	32,911	26%
12-15 years of age	29,218	27%	3,335	19%	544	24%	33,097	26%
Total	109,235	100%	17,190	100%	2,286	100%	128,711	100%

[^]Based on a sample of 7,466 child maltreatment-related investigations with information about child age and child custody disputes. Percentages are column percentages, and may not add to 100% because of rounding.

Table 2 displays the primary alleged concern in maltreatment-related investigations involving a child custody/access dispute, in Ontario in 2008. Please note that this is the primary alleged concern, or the focus of the investigation, and therefore this Table includes all cases regardless of

substantiation level. Ongoing custody/access disputes were most often noted in maltreatment-related investigations for emotional maltreatment, exposure to intimate partner violence (IPV) and assessing the risk of future maltreatment.

Table 2.

Primary category of maltreatment in maltreatment-related investigations by cases involving a child custody dispute in Ontario in 2008[^]

	Child Custody Dispute						Total	
	No		Yes		Unknown			
Primary Category of Maltreatment	#	%	#	%	#	%	#	%
Physical abuse	20,530	89%	2,267	10%	260	1%	23,057	100%
Sexual abuse	3,949	85%	625	13%	-	-	4,644	100%
Neglect	24,915	86%	3,491	12%	486	2%	28,892	100%
Emotional maltreatment	6,477	81%	1,389	17%	173	2%	8,039	100%
Exposure to IPV	18,236	82%	3,776	17%	361	2%	22,373	100%
Risk	35,129	84%	5,642	14%	937	2%	41,708	100%
Total	109,236	85%	17,190	13%	2,287	2%	128,713	100%

[^]Based on a sample of 7,466 child maltreatment-related investigations with information about primary category of maltreatment and child custody disputes. Percentages are row percentages, and may not add to 100% because of rounding.

- Estimates under 100 are not reported as they are unreliable; however, they are included in the total.

Table 3 outlines malicious reports of maltreatment in child maltreatment investigations among cases involving a child custody/access dispute. Information about malicious referrals was not collected for risk-only investigations. A malicious referral was made in 10% (n=1,152) of maltreatment investigations involving a child custody/access dispute compared to only 6% of maltreatment investigations that did not involve a child custody/ access dispute.

Table 3.

Substantiation and malicious reports of maltreatment in maltreatment investigations by cases involving a child custody dispute in Ontario in 2008[^]

	Child Custody Dispute					
	No		Yes		Unknown	
Substantiation and Malicious Reports	#	%	#	%	#	%
Substantiated maltreatment	32,654	44%	5,281	46%	635	47%
Suspected maltreatment	7,131	10%	1,412	12%	-	-
Unfounded maltreatment, non-malicious	25,657	35%	2,484	22%	403	30%
Unfounded maltreatment, malicious	4,431	6%	1,152	10%	-	-
Unfounded maltreatment, unknown malicious intent	4,176	6%	1,218	11%	137	10%
Total	74,049	100%	11,547	100%	1,349	100%

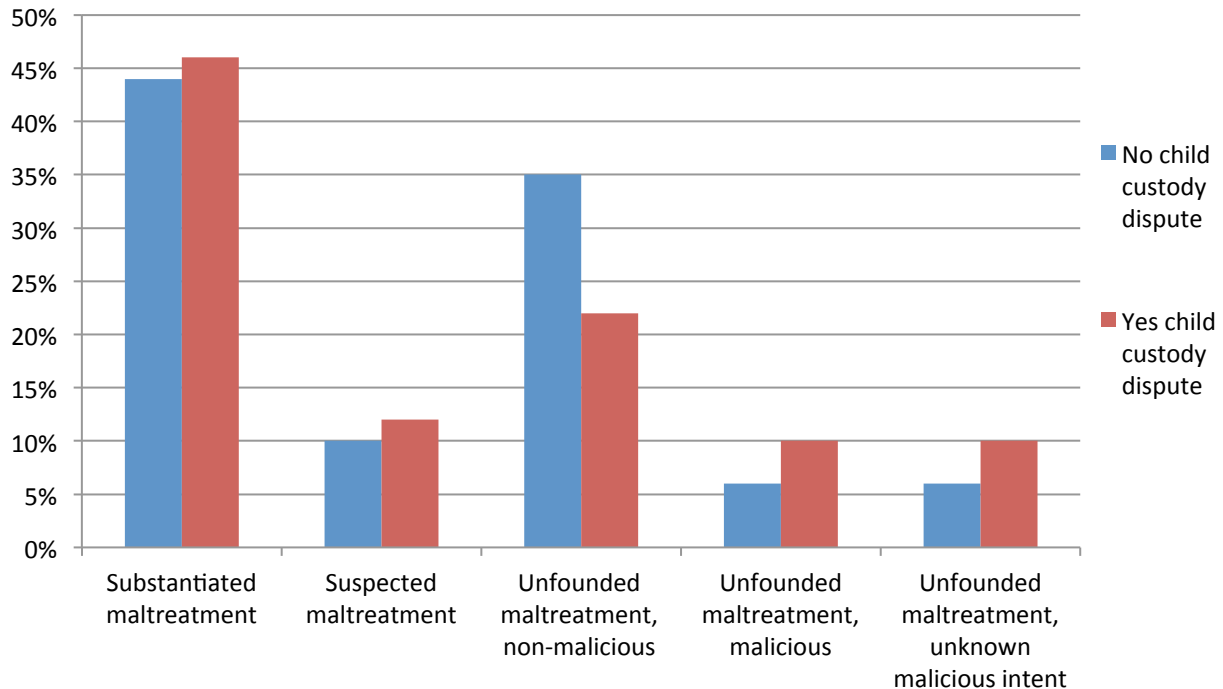
[^]Based on a sample of 5,047 child maltreatment investigations with information about malicious referrals and child custody disputes. Percentages are column percentages, and may not add to 100% because of rounding.

- Estimates under 100 are not reported as they are unreliable; however, they are included in the total.

Please see Figure 2 for a visual representation of the findings in Table 3.

Figure 2.

Substantiation and malicious reports of maltreatment in maltreatment investigations by cases involving a child custody dispute in Ontario in 2008



Background

Due to changes in investigation mandates and practices over the last 10 years, the OIS-2008 differed from previous cycles in that it tracked both risk-only investigations and maltreatment investigations. Risk-only investigations were those in which a specific past incident of maltreatment was not suspected or alleged to have occurred, but rather a constellation of factors lead to concerns that a child may be maltreated in the future (e.g., caregiver with a substance abuse issue).

Methodology

The OIS-2008 used a multi-stage sampling design to select a representative sample of 23 child welfare agencies in Ontario and then to select a sample of cases within these agencies. Information was collected directly from child protection workers on a representative sample of 7,471 child protection investigations conducted during a three-month sampling period in 2008. This sample was weighted to reflect provincial annual estimates. After two weighting procedures were applied to the data, the estimated number of maltreatment-related investigations (i.e., maltreatment and risk-only investigations) conducted in Ontario in 2008 was 128,748.

Workers were asked to provide information about whether there was an ongoing child custody/access dispute at the time of the initial child welfare investigation. This only included custody/access disputes in which a court application had been made or was pending. Workers could choose “yes”, there was a custody/access dispute, “no”, there was not a custody/access dispute, or “unknown”, meaning the worker did not know whether there was a custody/access dispute.

For maltreatment investigations, information was collected regarding the primary form of maltreatment investigated as well as the level of substantiation for that maltreatment (substantiated, suspected, or unfounded). Thirty-two forms of maltreatment were listed on the data collection instrument, and these were collapsed into five broad categories: physical abuse (e.g., hit with hand), sexual abuse (e.g., exploitation), neglect (e.g., educational neglect), emotional maltreatment (e.g., verbal abuse or belittling), and exposure to intimate partner violence (IPV; e.g., direct witness to physical violence). Workers listed the primary concern for the investigation, and could also list secondary and tertiary concerns.

For each risk investigation, workers determined whether the child was at risk of future maltreatment. The worker could decide that the child was at risk of future maltreatment (confirmed risk), that the child was not at risk of future maltreatment (unfounded risk), or that the future risk of maltreatment was unknown.

Workers were asked to provide information on various other aspects of their investigation, including the characteristics of the household, caregivers, and child subject of the investigation, the history of previous child welfare case openings, and the short-term child welfare service dispositions.

Limitations

The OIS collects information directly from child welfare workers at the point when they completed their initial investigation of a report of possible child abuse or neglect, or risk of future maltreatment. Therefore, the scope of the study is limited to the type of information available to them at that point. The OIS does not include information about unreported maltreatment nor about cases that were investigated only by the police. Also, reports that were made to child welfare authorities but were screened out (not opened for investigation) were not included. Similarly, reports on cases currently open at the time of case selection were not included. The study did not track longer-term service events that occurred beyond the initial investigation.

Three limitations to estimation method used to derive annual estimates should also be noted. The agency size correction uses child population as a proxy for agency size; this does not account for variations in per capita investigation rates across agencies in the same strata. The annualization weight corrects for seasonal fluctuation in the volume of investigations, but it does not correct for seasonal variations in types of investigations conducted. Finally, the annualization weight includes cases that were investigated more than once in the year as a result of the case being reopened following a first investigation completed earlier in the same year. Accordingly, the

weighted annual estimates represent the child maltreatment-related investigations, rather than investigated children.

Comparisons across OIS reports must be made with caution. The forms of maltreatment tracked by each cycle were modified to take into account changes in investigation mandates and practices. Comparisons across cycles must in particular take into consideration the fact that the OIS-2008 was the first to explicitly track risk-only investigations.

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