



Child Custody/Access Disputes in Child Maltreatment-Related Investigations in Ontario in 2013

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Introduction

The Ontario Incidence Study of Reported Child Abuse and Neglect, 2013 (OIS-2013)¹ is the fifth 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 the intersection of child maltreatment investigations and child custody/access disputes in Ontario in 2013.

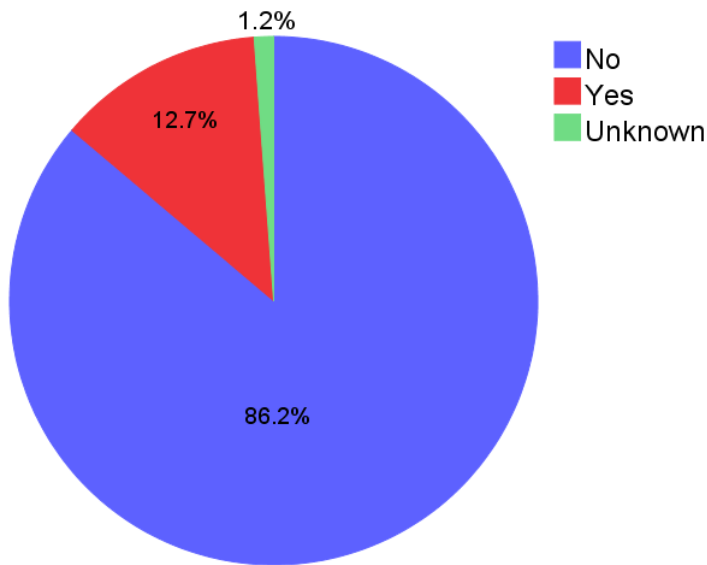
Findings

Of the 125,281 child maltreatment-related investigations in Ontario in 2013, an estimated 15,582 (12.7%) were identified as involving an ongoing child custody/access dispute (Figure 1). These estimates are very similar to the OIS-2008, where 13% of all maltreatment-related investigations involved child custody/access disputes (Theoduloz, Lefebvre, Saini, & Trocmé, 2014).

¹ Fallon, B., Van Wert, M., Trocmé, N., MacLaurin, B., Sinha, V., Lefebvre, R., et al. (2015). *Ontario Incidence Study of Reported Child Abuse and Neglect-2013 (OIS-2013)*. Toronto, ON: Child Welfare Research Portal.

Figure 1.

Child custody/access disputes in child maltreatment-related investigations in Ontario in 2013



Of the 15,582 maltreatment-related investigations that involved a child custody/access dispute, an estimated 5,263 investigations (34%) involved children who were four to seven years old and approximately 4,114 (26%) involved children who were eight to 11 years old. Approximately 3% involved children who were under one year of age and 19% involved children who were 12 to 15 years old (Table 1). In comparison, in maltreatment-related investigations that did not involve a child custody/access dispute, children were less likely to be four to seven years old (29%) and eight to 11 years old (24%). Conversely, they were more likely to be under one year of age (7%) and 12 to 15 years old (24%), compared to investigations involving child custody/access disputes.

Similar results were seen in OIS-2008, where most children involved in child maltreatment investigations and child custody/access disputes were four to seven years old and eight to 11 years old (30% each). Also similar is in the finding that the least proportion of children were less than 1 year of age, both among children involved and not involved in child custody/access disputes (4% and 8%, respectively) in Ontario in 2008 (Theoduloz, Lefebvre, Saini, & Trocmé, 2014).

Table 1.

Child age in maltreatment-related investigations involving an ongoing custody/access dispute in Ontario in 2013

	Child Custody Disputes		
	No	Yes	Unknown
Child age	# (%)	# (%)	# (%)
Less than 1 year of age	7,491 (7%)	412 (3%)	-
1-3 years of age	18,111 (17%)	2,898 (19%)	203 (14%)
4-7 years of age	30,419 (29%)	5,263 (34%)	466 (32%)
8-11 years of age	25,031 (24%)	4,114 (26%)	365 (25%)
12-15 years of age	25,073 (24%)	2,895 (19%)	410 (28%)
Total	106,124 (100%)	15,582 (100%)	1,456 (100%)

[^] Based on a sample of 5,265 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.

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

Table 2 displays the primary alleged concern of maltreatment-related investigations, regardless of substantiation level. The most notable differences lie in physical abuse and exposure to IPV. Approximately 11% of maltreatment-related investigations involving child custody/access disputes involved physical abuse, a much lower proportion than that of investigations not involving child custody/access disputes (21%). However, a greater proportion of investigations involving a child custody/access dispute involved exposure to IPV (34%) when compared to 24% of investigations not involving a custody/access dispute.

The OIS-2008 yielded similar results but the differences were not as notable. Of all maltreatment investigations that involved child custody/access disputes, 13% involved physical abuse (compared to 18% among investigations not involving custody/access disputes) and 22% involved exposure to IPV (compared to 17% among investigations not involving such disputes) (Theoduloz, Lefebvre, Saini, & Trocmé, 2014).

One prominent difference between the OIS-2008 and OIS-2013 is in the number of risk-only investigations. In the OIS-2008, risk-only investigations accounted for an estimated 32% of maltreatment investigations not involving child custody/access disputes and 33% of investigations involving child custody/access disputes (Theoduloz, Lefebvre, Saini, & Trocmé, 2014). In the OIS-2013, these estimates are much lower (23% and 19%, respectively).

Table 2.

Primary category of maltreatment in maltreatment-related investigations by cases involving a child custody dispute in Ontario in 2013

	Child Custody Disputes		
	No	Yes	Unknown
Primary category of maltreatment	# (%)	# (%)	# (%)
Physical abuse	22,054 (21%)	1,680 (11%)	147 (10%)
Sexual abuse	3,469 (3%)	524 (3%)	-
Neglect	22,127 (21%)	3,527 (23%)	426 (29%)
Emotional maltreatment	8,880 (8%)	1,579 (10%)	-
Exposure to IPV	25,472 (24%)	5,355 (34%)	473 (32%)
Risk	24,122 (23%)	2,917 (19%)	292 (20%)
Total	106,124 (100%)	15,582 (100%)	1,456 (100%)

[^] Based on a sample of 5,265 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.

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

As outlined in Table 3, maltreatment investigations involving a child custody/access dispute involved a greater proportion of maltreatment reports that were malicious (14%) and a greater proportion of investigations that were substantiated (69%). This is in comparison to investigations not involving child custody/access disputes (4% and 43%, respectively). These differences are visually represented in Figure 2. Information about malicious referrals was not collected for risk-only investigations.

In comparison to OIS-2008 estimates, a greater proportion of child maltreatment reports involving child custody/access disputes were substantiated in the OIS-2013 (69% vs. 46%). However, a much smaller proportion of reports were unfounded and non-malicious (less than 1%), when compared with the OIS-2008 (22%) (Theoduloz, Lefebvre, Saini, & Trocmé, 2014).

Table 3.

Substantiation and malicious reports of maltreatment in maltreatment investigations by cases involving a child custody dispute in Ontario in 2013

	Child Custody Disputes		
	No	Yes	Unknown
Substantiation and malicious reports	# (%)	# (%)	# (%)
Substantiated maltreatment	35,642 (43%)	6,388 (69%)	429 (37%)
Suspected maltreatment	4,673 (6%)	1,037 (11%)	192 (17%)
Unfounded maltreatment, non-malicious	36,974 (45%)	-	399 (34%)
Unfounded maltreatment, malicious	2,888 (4%)	1,320 (14%)	-
Unfounded maltreatment, unknown malicious intent	1,766 (2%)	501 (5%)	145 (12%)
Total	81,943 (100%)	9,263 (100%)	1,165 (100%)

^ Based on a sample of 5,265 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.

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

Background

Due to changes in investigation mandates and practices over the last 15 years, the OIS-2008 and OIS-2013 differed from previous cycles in that they 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-2013 used a multi-stage sampling design to select a representative sample of 17 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 5,265 child protection investigations conducted during a three-month sampling period in 2013. 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 2013 was 125,281.

At the time of the initial child welfare investigation, workers were required to specify whether or not there was an ongoing child custody/access dispute (indicated by “yes” or “no” or “unknown”). Cases were considered to involve child custody/access disputes if a court application had been made or was pending.

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 re-opened 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.

References

Theoduloz, R., Lefebvre, R., Saini, M., & Trocmé, N. (2014). Child custody / access disputes in child maltreatment-related investigations in Ontario in 2008. CWRP Information Sheet #125E. Toronto, ON: Faculty of Social Work, University of Toronto.

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