



Child Custody / Access Disputes in Child Maltreatment-Related Investigations in Ontario in 2018

Tara Black, Barbara Fallon, Nikki Joh-Carnella, and Kate Allan
May 2023

Introduction

The Ontario Incidence Study of Reported Child Abuse and Neglect, 2018 (OIS-2018)¹ is the sixth 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 2018.

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 19,859 maltreatment-related investigations³ in Ontario in 2018, the investigating worker identified an ongoing child custody/access dispute. This represents 13% of all maltreatment-related investigations in Ontario in 2018. This is the same proportion of maltreatment-related investigations that were identified as involving an ongoing child custody/access dispute in the OIS-2013 (Deljavan, Black, Saini, & Fallon, 2016). In the majority

¹ Fallon, B., Filippelli, J., Lefebvre, R., Joh-Carnella, N., Trocmé, N., Black, T., ... Stoddart, J. (2020). Ontario Incidence Study of Reported Child Abuse and Neglect-2018 (OIS-2018). Toronto, ON: Child Welfare Research Portal.

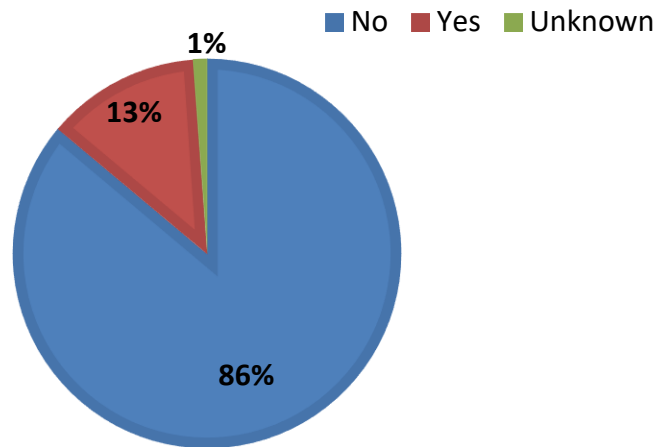
² For more information on this topic, please see: "Saini, M., Black, T., Fallon, B., & Marshall, A. (in press). Child custody disputes within the context of child protection investigations: Secondary analysis of the Canadian Incidence Study of Reported Child Abuse and Neglect. *Child Welfare*" and "Trocmé, 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.

(86%, $n = 134,013$) of maltreatment-related investigations, a child custody/access dispute was not identified. Please see Figure 1 for a visual representation of these findings.

Figure 1.

Child custody/access disputes in maltreatment-related investigations in Ontario in 2018



Of the 19,859 maltreatment-related investigations in which a child custody/access dispute was identified, an estimated 6,012 investigations involved children who were four to seven years old (30%) and approximately 5,628 involved children who were eight to 11 years old (28%). This is compared to maltreatment-related investigations that did not involve a child custody/access dispute, of which 26% involved children who were four to seven years old and 26% 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 old (4% vs. 6%), 12 to 15 years old (20% vs 23%), and 16 to 17 years old (3% vs. 7%). Please see Table 1 for these findings.

Table 1.

Child age in maltreatment-related investigations involving a custody/access dispute in Ontario in 2018

	Child Custody Dispute						Total	
	No		Yes		Unknown			
Child Age	#	%	#	%	#	%	#	%
Under 1 year	7,640	6%	704	4%	144	8%	8,488	6%
1 to 3 years old	18,897	14%	2,940	15%	473	27%	22,310	14%
4-7 years old	34,257	26%	6,012	30%	390	22%	40,659	26%
8-11 years old	34,362	26%	5,628	28%	463	26%	40,453	26%
12-15 years old	30,144	23%	3,907	20%	270	15%	34,321	22%
16-17 years old	8,712	7%	668	3%	-	-	9,417	6%
Total	134,012	100%	19,859	100%	1,777	100%	155,648	100%

^Based on a sample of 7,462 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 in maltreatment-related investigations involving a child custody/access dispute, in Ontario in 2018. 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 more often noted in maltreatment-related investigations for emotional maltreatment, exposure to intimate partner violence (IPV), physical abuse, and assessing the risk of future maltreatment. This is different than in 2013 when child custody disputes were most often noted when the primary concern was neglect (Deljavan et al., 2016).

Table 2.

Primary Category of maltreatment in maltreatment-related investigations by cases involving a child custody dispute in Ontario in 2018

	Child Custody Dispute						Total	
	No		Yes		Unknown			
Primary Category of Maltreatment	#	%	#	%	#	%	#	%
Physical Abuse	26,972	88%	3,279	11%	274	1%	30,525	100%
Sexual Abuse	3,688	91%	370	9%	-	-	4,058	100%
Neglect	21,266	90%	2,188	9%	210	1%	23,664	100%
Emotional maltreatment	7,489	73%	2,695	26%	-	-	10,232	100%
Exposure to IPV	23,820	81%	5,028	17%	493	2%	29,341	100%
Risk	50,778	88%	6,300	11%	751	1%	57,829	100%
Total	134,012	86%	19,859	13%	1,777	1%	155,648	100%

^Based on a sample of 7,462 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.

- Estimates do not include investigations involving community caregivers

Table 3 outlines fabricated reports of maltreatment in child maltreatment investigations among cases involving a child custody/access dispute. Information about fabricated referrals was not collected for risk-only investigations. A fabricated referral was made in 4% ($n = 506$) of maltreatment investigations involving a child custody/access dispute compared to 5% ($n = 3,869$) of maltreatment investigations that did not involve a child custody/access dispute. The worker did not know whether the report was fabricated in 9% of maltreatment investigations involving a child custody/access dispute compared to only 4% of maltreatment investigations that did not involve a child custody/access dispute. This is quite different from 2013 when a malicious referral was made in 14% ($n = 1320$) (Deljavan et al., 2016).

Table 3.

Substantiation and fabricated reports of maltreatment in maltreatment investigations by cases involving a child custody dispute in Ontario in 2018

	Child Custody Dispute					
	No		Yes		Unknown	
Substantiation and Fabricated Reports	#	%	#	%	#	%

Substantiated maltreatment	32,257	39%	6,953	52%	428	43%
Suspected Maltreatment	5,228	6%	1,127	8%	188	18%
Unfounded maltreatment, non-fabricated	37,741	46%	3,608	27%	215	55%
Unfounded maltreatment, fabricated	3,869	5%	506	4%	-	-
Unfounded maltreatment, unknown fabrication	3,643	4%	1,241	9%	179	45%
Total	82,738	100%	13,436	100%	1,010	100%

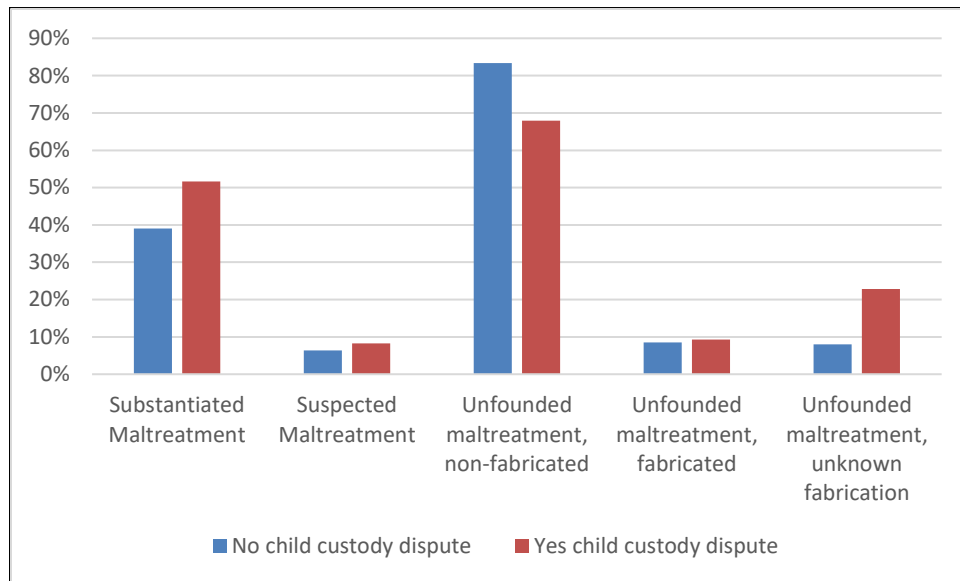
^Based on a sample of 7,462 child maltreatment-related investigations with information about child age and child custody disputes. Percentages are column percentages, and may not add to 100% because of rounding.

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

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

Figure 2.

Substantiation and fabricated reports of maltreatment in maltreatment investigations by cases involving a child custody dispute in Ontario in 2018



Methodology

The OIS-2018 used a multi-stage sampling design to select a representative sample of 18 child welfare agencies across Ontario and then to sample cases within these agencies. Information was collected directly from child protection workers on a representative sample of 7,590 child protection investigations conducted during a three-month sampling period in 2018. 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 2018 was 158,476.

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-three 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

Black, T., Fallon, B., Joh-Carnella, N., & Allan, K. (2023). Child Custody / Access Disputes in Child Maltreatment-Related Investigations in Ontario in 2018. CWRP Information Sheet #243E. Toronto, ON: Canadian Child Welfare Research Portal.