

COMMON QUESTIONS FROM PARTICIPANTS

During training sessions, several issues typically arise surrounding custody, possible substance use, pick-up of children, speaking to a child protection worker or police officer, and the release of files. Through consultation with child protection, police and legal staff, a list of responses has been developed, which are outlined below.

It is recommended that facilitators consult with local authorities (i.e., child protection and/or police) to determine the recommended policies and procedures in the jurisdiction where training is taking place. Ensure that the information that is relevant to the program/agency is included in the policies and procedures. In addition, program information given to parents should include the information that staff feel is relevant.

CUSTODY ISSUES

What if a parent asks/tells a staff member/caregiver not to release the child to the other parent?

- A staff member/caregiver **cannot** withhold a child from a parent based solely on parental request. The parent should be asked if there is a custody or court order that specifies custody/access. A complete copy of the current custody/court order should be kept on file at the agency. (Any court orders should be stamped by the court, so that it is legally valid and enforceable).
- The first court order may have a clause that specifies that the police can enforce the access order. However, if custody/access orders are changed by the court, there is **no** guarantee that the order on file at the agency is the most up-to-date document.
- If there is no custody/access order, advise the parent to keep his/her child at home until legal access papers are complete. Tell the parent that you cannot legally withhold a child from another parent unless there is legal documentation to that effect.
- If a parent does not have legal documentation, and says that s/he does not want the other parent to have access to the child because of abuse, tell the parent that s/he should speak with someone at a child protection agency (and offer him/her the number). After the parent leaves, immediately consult with the local child protection agency.
- In some cases, parents separate and work out interim drop-off and pick-up arrangements until legal documentation is in place. If this is the case, ask both parents (if possible) to provide something in writing with respect to the agreed upon arrangements in order to avoid confusion until legal papers are in order.
- It is recommended that the agency specify in the program information given to parents that it is the responsibility of parents to notify staff in a timely fashion of any change in the enrolment form, including drop-off and pick-up arrangements.

What if a parent actively tries to take a child from care and it is questionable if that parent should have access?

- Under normal circumstances, the parent who enrolled the child in care should be the one who changes any instructions regarding the access to or release of the child. The staff member/caregiver should calmly tell the parent who is trying to take the child, that the other parent will be contacted first to confirm that it is okay to release the child.
- If the parent seeking to take the child persists or is uncooperative, and there is legal documentation on file with respect to the custody/access/release of the child, then the police can be called for assistance in this situation. However, other than the initial documentation, it may not be known for sure which custody order is the most recent one, and therefore police basically act as a mediator between the parents in this type of situation.
- When a parent enrolls a child in a program, enrolment forms are usually completed. If a parent does not fill out any information for the other parent, then ask why the section is incomplete. It may be possible to determine the family situation, if there is any legal documentation regarding custody/access, and to engage in a discussion in the hope of avoiding any problems (e.g., a parent who is not on the form, but comes to see or pick-up the child).
- Sometimes, when there is legal documentation regarding custody/access, the parents may inform the staff/caregiver that they are changing the arrangement for a particular day(s). Unless the order specifies that the parents can agree on alternate arrangements, staff/caregivers must abide by the court order. This may put staff/caregivers in a difficult or uncomfortable situation with parents – explain calmly that you have no choice; you have to follow a court order, and they will have to bring you new legal documentation for any changes.
- A parent may call to inform a staff member/caregiver that someone else will be picking up the child. It is important to have a record of the parent's request – as long as the request does not contravene a court order, make sure to ask the parent to either call back and leave a message as to who will be picking up the child, or alternatively, send an email or fax with the information. Be sure to remind parents that photo ID is required before the child will be released to anyone other than the “regular” pick-up people.

POSSIBLE SUBSTANCE USE

What if the person picking up the child appears to be under the influence of alcohol or drugs?

- A staff member/caregiver cannot withhold a child from a parent, however there are clear steps to follow to try to ensure the safety of the child.

- Try to separate the child and the person who is picking up the child, using whatever delay tactics are possible (e.g., Say, “Let’s go get that nice picture you made for mommy” or “You forgot to wash your hands before leaving, let’s do that now”).
- If the person is driving, offer to call a cab, or someone else who can come for the child.
- If the person refuses or should they succeed in taking the child, call 911.
- Take down the licence plate number and call 911 – explain the situation, give the licence plate number and the likely destination (i.e., child’s home).
- If the person picking up the child is walking home, your main concerns are: if they can get home safely; and if there is someone else in the home who can adequately supervise the child. If you are worried, offer to call someone else to go home with them, and consult with a child protection agency.

Never put yourself or others in jeopardy by provoking the person or withholding the child.

PICK-UP OF CHILDREN

What if no one comes to pick up a child?

- If it is closing time and no one has arrived or called to say s/he will be late, wait 15 minutes.
- After 15 minutes, call the individuals on the enrolment form who are listed as “emergency contacts” – be sure to leave messages asking that your call be returned, even if the person cannot pick up the child.
- If, after 1 hour of waiting, no one has come or called to say that s/he is on the way, call a child protection agency.
- Stay on the premises with the child at all times.
- If the child is scheduled to be picked up earlier in the day and no one arrives, do not wait until closing time – begin this process within a reasonable amount of time.
- Make every effort to schedule staff so that no one is on the premises alone with a child. It is suggested that two staff are scheduled daily for “after-hours” just in case a child is not picked up.

SPEAKING TO A CHILD PROTECTION WORKER/POLICE OFFICER

If a child protection worker/police officer comes to an agency or to a caregiver's home, does the staff person/caregiver have to talk to him/her at that time? Can a person refuse to talk to child protection worker/police officer, or ask for the interview to occur at another time with others present? Can parents refuse to talk to a child protection worker/police officer?

- Anyone can refuse to talk to a child protection worker or police officer, however, the authorities strongly encourage an individual to talk to them if the individual is **not** the accused (to help with the investigation). If an individual suspects child abuse, s/he has a legal duty to report to child protection authorities.
- Investigators could assist by facilitating the person to speak to his/her lawyer or a Legal Aid lawyer for immediate advice. Alternatively, a person can ask to book an interview at another time, so that his/her lawyer may be contacted.

RELEASE OF FILES

Is the agency obligated to turn over a child's/family's file in the course of an investigation?

- An individual should access his/her documentation with respect to suspicions of abuse if interviewed by a child protection worker/police officer. The documentation is meant to assist with remembering the specifics of a situation.
- However, a warrant (including a telephone warrant) or subpoena must be presented before any documentation is copied and/or turned over to police, a child protection agency, or the court. If a lawyer requests documentation, consult with legal counsel before releasing anything.

It is recommended that any incident or uncommon inquiry be documented, and stored in a safe location (e.g., locked, fireproof filing cabinet) in the event that the staff/caregiver involved is asked at a later date to recall the specifics of a particular situation.

CORPORAL PUNISHMENT

During the course of training, the question of corporal punishment continually arises, including the cultural and religious contexts associated with disciplining children. We endeavor to provide positive strategies for guiding children's behaviour. If a facilitator or representative from a child protection agency, police service or other organization believes that the use of physical punishment, including spanking, under certain circumstances is appropriate, we ask that s/he refrain from expressing this personal opinion as it undermines the message the training is trying to convey.