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Barbara Kay: The problem with Children's Aid Societies



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The problem with Children's Aid Societies

A young friend of mine took her bruised toddler to the hospital as a precaution after a fall down some stairs. All was well, but she nervously joked, "I was afraid the doctor might call the CAS (Children's Aid Society)." This shocked me. Decades ago, I took my kids to the hospital on more than one similar occasion, but I never entertained such a misgiving.

My friend's fears are not unfounded. Had the doctor felt suspicious, she might have called the CAS, which would then make inquiries and checked the parents' records. In extreme situations, the CAS could theoretically seize the child, forcing the parents into costly litigation to get back access to their child.

In fact, the CAS has more powers than virtually any other government agency. A CAS worker (who may or may not be a registered social worker; many allegedly are not) can enter a home without a warrant in some circumstances; apprehend a child or children without what most Canadians would consider due process; interview a child with no advocate present under some circumstances; ask police to enforce apprehensions against their own judgment; order a child to be medicated over the wishes of parents; and punish parents who resist by denying access or, in some cases, permanent custody.

Canadian CAS workers intervene in about 200,000 kids' lives a year. And it isn't just the poor and marginalized who become CAS "clients." A few years ago, for example, an Ontario maid service worker felt an upscale client's house didn't meet her standard of house pride; shortly after, a CAS worker showed up.

Children have been seized from Christian parents who don't spare "the rod" in disciplining (one family had seven children removed), or whom the parents persisted in homeschooling in a manner that CAS officials declared unacceptable.

In other cases, demonstrably maltreated children are inexplicably left with parents or foster parents known to be dangerous, and sometimes end up injured or even dead. In these latter cases, we read their horror stories with incredulity in Christie Blatchford's columns.

In a *National Post* feature article in June 2009, Kevin Libin portrayed an industry in which abuses are all too common. One source, a professor of social work, claims that a shocking 15%-20% of children under CAS oversight suffer injury or neglect. Several CAS insiders whom Libin interviewed regard the situation as systemically hopeless. A clinical psychologist with decades of experience advocating for children said, "I would love to just demolish the system and start from scratch again."

There are four general reasons that the system arguably does deserve to be "demolished" — unaccountability, secrecy, money and a lack of political will:

1. With virtually no checks and balances, case workers have "as much power as God," in the words of one former social worker. And they use it according to their diverse subjective impulses;
2. Children in care have little voice. CAS actions often are shrouded in secrecy, and media investigations are chilled by CAS lawyers, who claim to be protecting the privacy rights of all involved. Children in foster and group care typically do not have adequate access to the Office of the Children's Lawyer. Too often, "confidentiality" protects the powerful, not the vulnerable.
3. CASs are funded per capita. This creates a financial incentive for taking children into care. CASs receive extra funding for children diagnosed with conditions requiring medication — a fact that creates other unhealthy incentives.

4. CAS workers typically cannot be sued if they have acted in “good faith.” But bad faith is notoriously difficult to prove. Ombudsmen have the power to look at secret files, but in Ontario the ombudsman can only recommend changes, not actively intervene. Two recent attempts by NDP provincial legislators to pass a bill giving the ombudsman oversight teeth have failed: one voted down by Ontario’s then-majority Liberals, one dying in a prorogued parliament.

What is to be done?

Next week, I will review a 2011 documentary film on this subject, made by a former foster parent. *Powerful as God* is a movie that Ontario family-service agencies would prefer you don’t see, but robust attempts to shut it down have failed.

Powerful as God can be found at blakout.ca. Featured in the film is a proposal for an alternative system of child protection that I find both sensible and viable. It is proposed by Canadians whose tragic history has rendered them all too familiar with the iniquities associated with what they regard as state-sanctioned child “kidnapping.”

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