

## ***A Voice Unheard: Brandon's Story***

### **Backgrounder – Key dates and facts**

#### **Brandon's story: Key dates**

**April 2008** – Brandon is born in Toronto

**August 2008** – First temporary supervision order by a court places four-month-old Brandon in care of his paternal grandmother in Brampton

**April 2011** – Second temporary supervision order places Brandon in care of his great-uncle Frank in Toronto on weekdays and the grandmother on weekends

**September 2011** – A court finalizes this arrangement, with Brandon's mother having access to him at Frank's discretion

**2014** – First CAS investigation launched (and closed) after reports about Brandon's behaviour and living conditions

**2015** – Second CAS investigation launched (and closed) after reports about Brandon's hygiene, behaviour and concerns about him being spanked

- CAS received more than two dozen reports about the family during these two years (para 60)

**January 2016** – Third CAS investigation launched (and closed) after Toronto police respond to a call about a disturbance at his mother's apartment on December 30, 2015, and report concerns about Brandon being there

**June 2016** – Fourth CAS investigation launched (closed 110 days later, contrary to the provincial standard) after reports about Brandon's hygiene, behaviour, urinary issues, nutrition and poor school attendance

- CAS worker does not meet with Brandon until 75 days after the initial report (para 224)

**September 2016** – Brandon moves in full-time with Frank after his grandmother dies

**October 2016** – Fifth investigation launched after reports about Brandon's hygiene, nutrition, behaviour and well-being; assigned worker has no contact with Brandon or family for several weeks

- Investigation is open 150+ days, more than twice the time permitted by provincial standards and five times that of the existing CAS policy (para 108)

**March-December 2017** – Brandon is assessed as high risk, CAS obtains temporary supervision order placing conditions on Frank; the order is repeatedly extended

**January-July 2018** – Court issues final supervision order, placing conditions on Frank regarding Brandon’s school attendance, hygiene and regular CAS visits

**July 2018** – Public health officials report concerns about bedbugs and filthy conditions of Frank’s apartment

- CAS completely neglects home visits between July and October (para 260)

**October 22, 2018** –Brandon’s CAS worker and principal call emergency services finding him in a “catatonic” state in the filthy apartment; Brandon is taken to hospital, then – after the CAS opts not to apprehend him – he is formally apprehended by police and placed in a foster home

**November 18, 2020** – A court order places Brandon in the extended care of the CAS; he remains with his foster parents and his mother and great-uncle have access rights

### **Ontario Protection Standards (paras 35-44)**

These eight standards create a mandatory framework for service delivery and establish performance expectations for child protection workers, supervisors and children’s aid societies. Among those relevant to Brandon’s case:

- **Standard 1** requires a CAS to respond between 12 hours and seven days (depending on the severity of the threat) after receiving a report that a child may be in need of protection
- **Standard 2** requires CAS investigations to include face-to-face contact with the child and private individual interviews with family members
- **Standard 7** requires a family receiving ongoing services have a visit from a worker at least once a month. The worker must meet privately with the child, in the child’s home or another setting

### **Ombudsman’s investigation**

**October 26, 2018:** Four days after Brandon’s apprehension, Toronto police officers report their concerns to the former Provincial Advocate for Children and Youth (Child Advocate)

**October 31, 2018:** Child Advocate launches investigation covering the period from December 30, 2015 through October 26, 2018

**December 6, 2018:** Ontario government passes legislation transferring the Child Advocate’s investigative responsibilities to the Ombudsman, effective May 1, 2019

**May 1, 2019:** Ombudsman establishes dedicated Children and Youth Unit

**December 19, 2022:** Ombudsman’s final report released

- Investigators conducted 21 interviews, including with CAS workers and supervisors, police, and Brandon's teachers, principals, medical professionals and foster parents – and reviewed numerous documents related to his involvement with the CAS and other agencies
- CAS accepts all 18 of the Ombudsman's recommendations

### **Ombudsman's key findings**

The CAS repeatedly failed to comply with Ontario Child Protection Standards and its own policies:

- Multiple, successive CAS workers failed to meet with Brandon in private
- Supervisors routinely approved departures from the standards for reasons of personal convenience rather than Brandon's best interests
- Required timelines for investigations, reviews and home visits were frequently missed

### **Ombudsman's key recommendations (full list – pages 62-65)**

The CAS should direct its staff to:

- Comply with Ontario's Child Protection Standards, regulations and its own policies, including those regarding:
  - The timing and completion of investigations, safety assessments, referral assessments, service plans and visits with families
  - Interviewing family members in private
  - Requiring workers to meet with children
- Plan and strategize for situations when a child is reluctant to participate in an interview
- Document in detail their attempts to meet privately with children
- Justify all departures from the Child Protection Standards based on the best interests of the child
- Consider interviewing family members, particularly children, outside the home
- Promote approaches to encourage children to communicate with workers in private)
- Use Brandon's story as a training tool to reinforce the need to keep the best interests of the child central to its service provision