



FAMILY LAW SEMINAR: CHILDREN

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**CHILD PROTECTION
INFORMATION SHEETS**

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NATIONAL JUDICIAL INSTITUTE

What events led to the Turner Review?

INFORMATION SHEET: TURNER REVIEW AND INVESTIGATION (NEWFOUNDLAND, 2006)

Who conducted the Review?

What events led to the Turner Review?

What was involved in the Turner Review?

On August 13, 2003, Dr. Shirley Turner committed suicide and murdered her 13-month old son, Zachary. Shirley Turner jumped into Conception Bay outside of St. John's with her son clutched to her body, and both drowned. At the time of these deaths, Shirley Turner was the subject of a legal proceeding in Newfoundland Supreme Court to extradite her to Pennsylvania to stand trial on criminal charges. She was accused of murdering Zachary's father, Dr. Andrew Bagby, by shooting him five times in a Pennsylvania parking lot on November 5, 2001. Shirley Turner had obtained bail from the Newfoundland Supreme Court, and gave birth to Zachary in Newfoundland while fighting extradition to the United States. Concerns about the risk to Zachary had been reported to child welfare authorities, but he was left in her care despite the fact that there was substantial evidence that she had murdered his father and was mentally unstable.

What recommendations resulted from the Turner Review?

Who conducted the Review?

What was the Newfoundland Government's response to the Turner Review?

The Office of the Child and Youth Advocate, Government of Newfoundland and Labrador, appointed Peter H. Markesteyn, M.D., F.C.A.P., as its Delegate on May 17, 2005 to conduct the Review and Investigation. Dr. Markesteyn's duties as Advocate's Delegate were performed in partnership with his legal counsel, David C. Day, Q.C., of St. John's.

References

What was involved in the Turner Review?

Resources

The Review was conducted to: (1) determine the facts of, and surrounding, the death of Zachary Turner; and (2) determine whether, from the perspectives of justice, community, health and financial services, Zachary's death was preventable. The Review included an examination of approximately 100,000 pages of documents and reference materials, and about 150 interviews.

What recommendations resulted from the Turner Review?

The findings of the Review were published in a three-volume set in September 2006. In short, Zachary Turner's death was preventable, and "Zachary was in the care of his mother when he should not have been" (*Turner Review*, p. iv). The 29 recommendations made address changes to Newfoundland legislation, policy, standards and practices, and cover delivery of child welfare, justice, community, health and financial services. Recommendations relating to child welfare as stated in the *Turner Review* are reproduced below:

- THAT Section 14 of the *Child, Youth and Family Services Act* be amended, in order to ensure better protection of the child, by providing:
A child is in need of protective intervention where the child is, or is at risk of being
...
 - (j) exposed to domestic or other violence; or,
 - (k) where the child
 - (i) has been left without adequate supervision appropriate to the child's developmental level; or
 - (ii) has allegedly, or whose parent has allegedly, killed or seriously injured another person or has caused serious damage to another person's property; or
 - (iii) on more than one occasion caused, or whose parent has caused, injury to another person or other living thing or threatened, either with or without weapons, to cause injury to another person or other living thing;

- (l) the child is living in circumstances in which the child's safety, health or well-being otherwise is, or is at risk of, being endangered.
- THAT Section 15(4) be amended to add "to suspect or believe that a child is, or may be, in need of protective intervention."
 - THAT where the Advocate's Office is contacted by someone already receiving services under the *Child, Youth and Family Services Act*, the Advocate shall consider initiating a case conference with those mandated under the *Act*.
 - THAT the policy manual be amended to include clear directions with respect to interpretation of "least intrusion" within the context that the best interests of the child are the paramount consideration under the *Act*. The amendments must provide clarification as to when the practice becomes a form of negligence and contributes to a child being "in need of protective intervention."
 - THAT policy with respect to Section 10 Family Services be drafted and disseminated through in-service training to all personnel.
 - THAT the Province develop and deliver mandatory, multi-disciplinary education and training (including but not limited to) from police, health care professionals, educators, lawyers and caregivers, the focus of which is investigation and assessment of the need for protective intervention on behalf of the child or children.
 - THAT the investigation and assessment of the need for protective intervention, at all times, only be carried out by someone who has successfully completed the education and training proposed in Recommendation 7.6 [immediately above].
 - THAT the definition of parental social history be expanded and the collection of a full social history, as outlined above, be mandatory not only for all child protection investigations and assessments, but also in long-term family services cases.
 - THAT whenever a child comes to the attention of CYFS, if and when it is discovered that the child and/or family are involved with more than one professional or agency, a case conference involving all parties be a regular part of policy.
 - THAT Social Work education and in-service training include coverage of the ability to override confidentiality, where a child's safety is at issue.
 - THAT the Director in Region of Child, Youth and Family Services be responsible for both line and legislated authorities, to ensure effective and efficient formal lines of accountability and communication.
 - THAT where there is an open file related to a matter under the *Child, Youth and Family Services Act*, all activities and/or discussions pertaining to it shall be recorded on that file, no matter at which level they occur.
 - THAT when a child comes to the attention of CYFS as possibly in need of protection, the responsible worker be proactive in thoroughly and expeditiously seeking out and documenting all relevant sources of information.
 - THAT policy be clearly established that part of the manager/supervisor's mandate and responsibility is to assist the worker carrying a file to establish long-term as well as short-term goals. The goals must be translated into specific tasks, with projected time lines attached, to enable periodic reviews of outcomes.
 - THAT when a worker responsible for a child entitled to any service under the *Child, Youth and Family Services Act* is on leave, or absent for whatever reason, another worker must be assigned and the persons responsible for the child's care be informed of the name of that person to ensure constant monitoring of the child's safety and security.

- THAT mandatory in-service training which incorporates skills in caseload management and time management be developed and delivered to supervisory and direct service personnel.
- THAT all assessment workers be provided with ongoing and regularly scheduled in-service training on the meaning, the importance and the implementation of Policy Reference No. 02-02-03 (Coordinated Response).
- THAT all prior records of child abuse and neglect, currently held on card indexes, be transferred to CRMS as soon as possible and be easily accessible to all CYFS staff.
- THAT all child abuse and neglect records include sufficient identifying information such that a name change will not result in their being overlooked.
- THAT all reports be founded on fact to promote evidence-based practice.
- THAT a multi-disciplinary committee be struck...to consult with the Memorial University School of Social Work (within three months of the release of these Findings) to investigate the feasibility of establishing a postgraduate diploma in child welfare and child protection.
- THAT the Memorial University School of Social Work give a seat on its Academic Council to the Province.
- THAT caseload management and time management be included in course work at the Memorial University School of Social Work.
- THAT training on legislation, policy and procedures, and other appropriate in-servicing be updated semi-annually, and be the responsibility of the Provincial Director to ensure province-wide equity of opportunity.
- THAT regular performance evaluations be provided to all personnel using child-centred criteria to fit with the monitoring duties of the Provincial Director....
- THAT record keeping, beyond what may already be required by law or policy, be a fundamental obligation at all levels....
- THAT mandatory in-service training be developed in the theory and practice of documentation and record keeping.
- THAT there be group supervision as well as individual supervision beyond what is already required by law or policy.
- THAT the *Child, Youth and Family Services Act* be amended to authorize the Supreme Court of Newfoundland and the Provincial Court of Newfoundland to receive, hear, decide and make orders resulting from applications for psychological and psychiatric assessments, and for health care treatment of persons having, or being considered by CYFS or the Court to have, custody of or access to children, as well as children themselves, where established to be relevant from the perspective of a child's best interests in either a CYFS investigation or in a proceeding under the *Act*.
- THAT reports of the course and results of assessment or treatment be provided to CYFS, the ordering Court and the persons assessed or treated, or their caregivers.

What was the Newfoundland Government's response to the Turner Review?

The Government of Newfoundland and Labrador issued a news release immediately on release of the Turner Review and Investigation Report outlining a multi-faceted approach to strengthen the province's child protection system. The Honourable Tom Osborne, Minister of Health and Community Services, stated that the "Government takes very seriously the recommendations outlined by Dr. Markesteyn in his report. We acknowledge that improvements can and should be made to the Child, Youth and Family Services system throughout the province. We will work in

partnership with the regional health authorities, experts and stakeholders to ensure that necessary changes occur to strengthen the province's child protection system."

Minister Osborne announced an action plan in response to the report that includes:

- a thorough assessment of the findings and recommendations of the report to determine which ones can be implemented immediately;
- consultation with and seek advice from key stakeholders through a minister's roundtable session scheduled for October 25, 2006;
- the engagement of experts affiliated with the Centre of Excellence for Child Welfare, University of Toronto, to provide expert knowledge in the area of child protection research, evaluation and best practice. This will assist the department in reviewing its legislation, policy, collaborative practice and standards;
- completion of an external evaluation of the Family Services Program to enhance policies and standards for this program. The department will issue a Request for Proposals in November to begin this process; and
- completion of an operational and organizational analysis by an independent consulting firm of the delivery of Child, Youth and Family Services in the province.

Minister Osborne stated that immediate action would take place regarding two areas identified in the report. Policy would be developed specific to children whose parents are charged with a violent crime, and training would be implemented for social workers to address Dr. Markesteyn's concerns.

References

Government of Newfoundland and Labrador. (2006). Government Outlines Response to Turner Review and Investigation Report. *News Releases, Government of Newfoundland and Labrador*, October 4, 2006.

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Resources

Centre of Excellence for Child Welfare. www.cecw-cepb.ca

This information sheet was prepared by the Canadian Research Institute for Law and the Family. www.ucalgary.ca/~crilf