



Preventing Allegations

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AGENDA ON HOW TO

Safeguard yourself, your family, and Other caregivers involved with your foster child.

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Preventing Allegations

The first step to prevent allegations is to prevent maltreatment from happening

Participate in any training that is available on working with children and youth who have been physically, emotionally or sexually abused. It is important that both Foster Parents participate in the training.

Because of the complex, and personal nature of foster care, it is important that the Foster Parents develop strong communication and documentation skills to protect themselves, their families, and the children for whom they are caring.

There is no guarantee your family will NOT face allegations. No one is protected from this reality in the high risk profession of caring for other people's children.

- Take the time to minimize your risk
- Be the best parent you can be
- Think of your own family first
- Protect and keep your family (spouse, bio and adopted children) healthy
- Avoid overloading your home
- Don't be afraid to say no to placements that will put you at risk
- Understand normal child development
- Develop family policies, or house rules and follow them
- Conduct safety checks, make sure hazardous materials are securely put away (i.e. a locked cupboard)
- Never use physical punishment

Preplacement Information

Waiting for a call about a foster child needing a home can be unsettling, whether you are a veteran foster parent or a new one. What will the worker be able to tell you about the child? There may be times when the worker calling you will not even know the child's name. Other times the information may be completely wrong.

Questions to ask

Get as much information about the child as possible before you accept a placement, write it down or get it in writing. Keep a separate notebook for each child. A bound notebook is good because pages cannot be torn out without upsetting the sequence of events.

Don't use your computer because changes are too easily made. Invest the time to handwrite.

1. Age and Grade of the Child

The age and grade of the child will dictate what other resources you will need to parent the child.

2. Reason for coming into care

The child(ren) could be a victim(s) of physical abuse, sexual abuse, truancy, lack of supervision, lack of food, or lack of appropriate medical care. Consider also the needs of the other children in your home. Try not to set the children up to fail.

3. Placed from Where

Is the child coming into foster care from the birth home, a group home or another foster home? This answer will lead to more questions, such as, why is the child being moved at this time?

4. Disruption

There is a big difference between a child needing a new placement due to the foster parents moving and the child disrupting the home. If you decide to take the child, ask to have the previous foster home to give you a call.

5. Number of Moves

How many foster homes has the child been in? A child that has many disruptions is a child with a lot of needs. This child may also have attachment issues. Also, a child who has been in foster care before may be a sign of a birth parent with a lot of needs.

6. Cultural Needs

Many families are willing to foster a child of a race other than their own, and help the child to maintain their cultural and religious needs. That is wonderful as there is a need for foster homes that are open to a wide variety of needs.

7. Special Needs

Does the child have glasses, medication, allergies or other physical needs?

8. Siblings

Can you provide a home for the entire sibling set? If not, asking about siblings is just a good idea so that you know who the child is talking about.

9. Known Behaviors

Children express feelings through behaviors. For example: does this child hit when angry? Ask the worker what behaviors the child has; they may know especially if the child is coming to you from another foster home and why.

10. School Needs

Does the child have an Individualized Education Plan? How about speech therapy? Is the child struggling in school? Has the child been held back? These are good questions to ask if the child is coming from a foster home. The worker will probably not know these things, about a child who is coming into foster care for the first time.

Most importantly for you as a foster parent, you need to ask the child's worker **has the child has ever made false abuse allegations and insist on a written response.**

If a child has a history of false allegations, ask the child's worker to write a letter stating the allegations, circumstances, and how the allegations proved to be unfounded.

Keep this letter in a safe place in case you should ever need it to show that the child has a pattern of disrupting placements through such allegations.

Safeguarding yourself and family

Act in a way that you would be comfortable with everyone knowing about.

Remember these children frequently come from family and cultural backgrounds that often have very different standards about such things as nudity, bathroom jokes, or suggestive behavior. Err on the side of caution. If you have any questions or concerns, have a conversation with other adults involved and agree about what the boundaries will be.

Think first before you choose to be alone with a child.

Children thrive on one-on-one relationships with caring adults. Remember that maintenance of a high level of visibility can help to protect you from being accused of abuse. If possible, consider not driving alone with a child, not being in an isolated room while you interact, leaving doors open, or having another adult present as a witness.

Respect children's boundaries about touch and other kinds of connection.

Like all of us, children have different ways of connecting and different kinds of needs about touch. Comfort levels around touch, attention, and other interactions often change depending on the child's age or mood, and the other person and the situation.

Make eye contact with and smile at the child and speak softly who is more reserved physically. Pay particular attention to body language. Whether a child leans towards you or away from you is a great indicator about feelings and touch with you.

Acknowledge a child's right to dislike and feel unhappy about something you do

Most of us feel sad or angry when someone instructs us to do something against our wishes. Why should children be any different? Tell children that, "some things are not your choice". Being required to use a seatbelt or car seat is not a choice. Having to wait your turn or to accept losing a game is not a choice.

Suppose a child is shouting insults because she is upset with not getting her way. You can say firmly and kindly, "No name calling! Instead you can tell me you feel upset about the decision made. I am sorry that you are unhappy, maybe we can talk about it later with your parents so that they know too."

Model and uphold clear boundaries about sexual or suggestive behavior.

It is normal for children to be interested in their bodies and each other's bodies, and some children push these boundaries, as they do with other things – showing off their body parts, teasing other children about their bodies, or pulling someone's pants down as a joke.

Set clear, firm boundaries. That this kind of play, teasing, and jokes is not appropriate. Speaking up about small incidents may help prevent bigger incidents. Step in to stop inappropriate behavior.

Make sure you are setting a good example. Don't make sexual jokes around children or laugh at sexual jokes if children tell them in your presence. Be really careful how everyone, children and adults, talks or acts about clothing, bodies, and relationships.

If a child accuses you of being abusive, use this as a teaching moment.

Instead of trying to deny, ignore, or suppress this accusation, acknowledge the feeling under this statement and be clear that you and the child will talk to others for help. You might say in a calm and positive voice, "I understand that this is what you think happened, that is not what I meant to say, or not what I think I said or did. We are going to talk this over with your worker".

Suppose you made a mistake and accidentally touched a child in a way that was embarrassing or hurtful. Model how to take responsibility and you might say, "I'm sorry I bumped into you like that. It was an accident. I'll be careful not to do it again. I'll talk to your worker and parents about what happened.

Document! Document! Document!

Don't trust your memory. Keep a record of situations, reactions and behaviors. Keep logs/notebooks on each child to document visitation, school progress or problems, medical appointments, medical needs, behavioral patterns, or changes and efforts to teach acceptable behavior.

ONLY document the facts, what you can see and hear, **NOT** what you think.

Always document any serious conflicts with parents, children, social workers, teachers etc. Identify conflicts that arise because of value differences.

Document any changes in behavior in children including severity and length of these changes, especially prior to or after visitation or any changes at school. Include any action taken to deal with inappropriate behavior.

Also document any unusual behavior that the child has regarding social workers, police, school staff or medical personnel.

How to Survive Allegations of Child Abuse

What should you do if you are accused of abusing a child in your care? What should you do when CAS decide to conduct an investigation because of alleged abuse? What do you do if your child has an accidental injury such as a spiral bone fracture that arouses the suspicions of hospital staffers?

When your child has been injured, always take them immediately for medical care.

You must do so, especially if the injury is serious or if the child is in a lot of pain. Quite often accusations of being abusive occur when the injury was not being taken seriously and waited too long before taking the child for medical care.

If possible, without risking further injury to your child, try to present them with clean hands and face, combed hair, and in clean clothes.

Be aware of the “red flags” hospital staff and social workers use to identify abuse or suspicion of abuse.

These can include, but are not limited to:

- Unkempt personal appearance.
- Being hostile and defensive when questioned.
- Refusing to provide information.
- Negative comments about the child.
- Being evasive.

Specific Medical Conditions

If the child has a medical condition with symptoms that can easily be mistaken for abuse, have the child’s medical records readily available, and provide the workers name and contact information

When giving details to hospital personnel on how the child was injured, give a specific, detailed account of what happened.

If possible, have a witness available that can also give specific, detailed account of what happened.

When dealing with a legal case with an allegation of child abuse, never accept a plea deal.

A plea deal is an admission of guilt. Depending on the type of accusation, accepting a plea deal may also require you to register on the sex offender database for life, which will severely damage your reputation and drastically affect your life.

Do everything you can to prove yourself innocent.

Do not talk to police without first getting advice from a lawyer

You have the right to remain silent....use it. The police cannot arrest you for refusing to answer their questions.

The next chapter is a document entitled: "What to do when the dreaded call from the police comes". This document was written by Mr. Ian Carter, a lawyer who is on retainer by the United Foster Parents of Canada Corporation (UFPC).

PROTECTING YOURSELF FROM ALLEGATIONS: WHAT TO DO WHEN THE DREADED CALL FROM THE POLICE COMES¹

INTRODUCTION

Most people who become foster parents have never had any dealings with the police. They are upstanding citizens; individuals who are used to helping, not hurting, others. But dealing with children from difficult backgrounds can place a foster parent at risk. Allegations of inappropriate behaviour are easy to make and, once made, the police will almost certainly become involved. That involvement usually starts with a visit or phone call from a police officer. This can be a very traumatic experience for a foster parent and it may seem as if their entire world has been turned upside down.

An understanding of your basic legal rights can help you navigate through this difficult time without placing yourself in greater risk. Here are some things you need to know about dealing with a police investigation...

YOU HAVE THE RIGHT TO REMAIN SILENT ... USE IT

You've probably heard the expression, "you have the right to remain silent", whether from U.S. T.V. shows or movies. That right exists in Canada too. What it means is that you don't have to answer any questions from police investigators if you don't want to.

- The police can't arrest you for refusing to answer their questions.
- If you are approached by a police officer, it is best not to answer any questions until you have spoken to a lawyer.
- If you are asked to attend the police detachment, do not go until you have received advice from a lawyer who specializes in criminal law. A lawyer will be able to advise you as to whether you should attend or not and what to do if you are required to attend.
- ¹ By Ian Carter, partner at Bayne Sellar Boxall

- Where possible, do not attend on a Friday night. If you are arrested it may take longer to process and release you. A lawyer can assist in arranging a convenient time for you to attend the detachment if this is required.

UFPC EMERGENCY LAWYER REFERRAL: 1-855-273-0944

The United Foster Parents of Canada provides both advice and financial support for foster parents who are being investigated for committing criminal offences. If you are approached by the police about an investigation into your conduct, you can call the Emergency Lawyer Referral line at 1-855-273-0944 and the UFPC will immediately put you in touch with a criminal lawyer in your area with experience in these kinds of cases.

YOU HAVE THE RIGHT TO CALL A LAWYER AFTER ARREST

In some cases, a police officer will simply show up at your home or workplace and arrest you. You will not always be notified in advance that there is a warrant for your arrest. The police are given considerable leeway in how they conduct their investigation. However, if you are arrested the police are required to read you “your rights”, which is normally done from a standard issue card all officers are given. One of the “rights” that will be read to you is the right for you to call a lawyer. After reading you this “right”, the officer will then ask you if you wish to call a lawyer. It is best to tell the officer that you do wish to speak to a lawyer. At this point, the officer is supposed to stop asking you any further questions until you have had a chance to speak to a lawyer. If, for some reason, the officer continues to ask questions even though you have said you wish to speak to a lawyer, you should not answer them.

After you have been arrested, you will normally be put into a police cruiser and taken to the local detachment. Once there you will be placed into a private room where you will be given the opportunity to call a lawyer. If you know the name of a lawyer you wish to call, let the police know and they will find the phone number for you. You can also call the Emergency Lawyer Referral Number if you have not already done so. If you do not know a lawyer and can't remember the Emergency

Referral number, many local detachments have lists of local lawyers who practice criminal law. You can choose a lawyer from that list if you wish. Finally, the police will give you a number for “duty counsel”, a free service that you can use. You can obtain immediate legal advice through any of these options. You do not need to stick with the lawyer who gives you advice after you are arrested if you do not want to.

WHAT TO DO DURING THE POLICE INTERVIEW AFTER ARREST

Once you have spoken to a lawyer and received legal advice, the police can start asking you questions again. Any answers you give can be used against you because you have had the chance to speak with a lawyer. In most cases, the lawyer will advise you not to answer any police questions at this point. Remember, you have the right to remain silent. You have the legal right not to answer any of the police questions if that’s what you choose to do. Often this is the best option until more is known about the investigation.

Unlike U.S. T.V. shows, however, your lawyer does not have the right to be present during the police interview (unless you are 17 years old or younger). You will be on your own, armed only with the legal advice your lawyer gave you. This is usually the most difficult and stressful period. Police officers are professionals trained to ask probing questions. They are even entitled to give you false information in an effort to get you to talk. It is during this time that it is critical you follow the advice of your lawyer. The lawyer will have considerable experience in criminal investigations and you should follow their advice, despite the temptation to do whatever the investigator tells you to do.

MOVING FORWARD AFTER ARREST

Individuals can be initially detained by the police for up to 24 hours. If you are formally charged with a criminal offence, the police can either release you from the police station on certain conditions and with a future court date or bring you before a justice to determine if you should remain in custody or be released while you wait to deal with your charges. In most cases, you will be released from the police station. You should arrange a meeting with a lawyer (it does not need to

be the one you spoke with when arrested) to discuss the next steps to take in dealing with the charges. You can call the Emergency Lawyer Referral for assistance in finding a lawyer who has experience in dealing with foster parents' cases if you have not already done so. If you are not released from the police station, you should make arrangements with the lawyer you were dealing with to contact family members to help put together a "bail plan" to present in court.

In most cases, if you do not have a criminal record, you will be released on a recognizance.

CONCLUSION

When facing a police investigation into criminal allegations, it is helpful to remember three of your principal rights:

- You have a right to remain silent;
- You have a right to call a lawyer before the police ask you any questions;
and
- You have a right to be released or brought before a justice within 24 hours after your arrest.

Knowing your basic rights and using the assistance of an experienced criminal lawyer can help you get through this very stressful and confusing time.

IAN CARTER is a partner at the law firm of Bayne Sellar Boxall in Ottawa. The firm was established in 1972 and the lawyers have well over 130 years of combined experience in criminal defence. Mr. Carter has been practicing since 2003 and has particular expertise in defending individuals being investigated for or charged with sexual offences.

Some Do's and Don'ts

Do talk with a Lawyer before taking part in a Police Interview.

Do attempt to prevent the possibility of false allegations by avoiding being with children without another adult present. This is generally for the daycare workers, coaches, and others who could be the target of false allegations. Foster Parents should follow this rule when dealing with children who have experienced any sort of abuse.

Do notify CAS of any injuries **or** incidents that may raise cause for concern by the Ministry.

Do avoid engaging in any conduct that could be deemed inappropriate when dealing with children.

Do appreciate that allegations of child abuse must be taken seriously and investigated. Even though you know that in your case the accusations are groundless, in the interests of all children further investigation is necessary.

Do get all the education and training you can, and share this with your support group. Foster parenting cannot be done in isolation.

Do be polite, cooperative, and willing to comply with social services and other agencies. If you have any difficulties with any of them let your lawyer be aware.

Do not put yourself in any unnecessary situations that could give rise to suspicion, such as by accompanying children to the bathroom, helping them change their clothes, or bathing them. (Age appropriate)

Do not participate in a CAS investigation without the use of an Advocate.

Do not admit to anything you did not do, even if it may seem simpler to do so. A conviction for child abuse has long-lasting, far-reaching implications. Criminal Record, Child Abuse Registry, Sex Offender Registry, being unable to travel in the US due to any of the preceding consequences.

Do not admit that something is possible (i.e. is it possible you rubbed up against the child.)

Do not lose your temper with the authorities involved in your case. As angry as the situation may make you, losing control could be used as evidence to support the allegation.

Do not be passive if false accusations are raised. Take immediate action to protect you and your family.

Do not give up. It may be the ugliest battle of your life, but overcoming and disproving false allegations of child abuse is without a doubt worth the effort.

Notes