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Working Report #3: Use of Legal Measures and Formal Authority (Service Provider Perspectives)

Lirondel Hazineh
Wilfrid Laurier University

Gary Cameron
Wilfrid Laurier University, camerongary@wlu.ca

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PROJECT:

Transforming Front-Line Child Welfare Practice: The Impacts of Institutional Settings on Services, Employment Environments, Children, and Families

WORKING REPORT 3:

**Use of Legal Measures and Formal Authority
(Service Provider Perspectives)**

AUTHORS:

Lirondel Hazineh

Gary Cameron

Partnerships for Children and Families Project

Faculty of Social Work

Wilfrid Laurier University

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PREFACE

This report serves as a working document to inform the main *synthesis report* which summarizes overall research results from the **Transforming Front Line Child Welfare Practice Project**. The focus of this and other working reports is on the inclusion of all information relevant to the specific topic of investigation. The intent of working reports is to inform the synthesis report and include more information than what appears in the synthesis report. Less emphasis, however, is placed in the working reports on style and efficiency of presentation than on inclusion of information. The main *synthesis report* and other working reports are available through the Partnerships for Children & Families Project web site (www.wlu.ca/pcfproject).

Executive Summary

The focus of this report is, across service delivery models, how front-line protection workers viewed their formal authority role and the extent to which they relied on legal measures in order to achieve protection goals. The analysis is guided by several overarching questions including (1) how does each model view the use of legal measures and formal authority? (2) How does each model impact service providers’ actual use of legal measures? (3) What value do workers place on the authority figure role? And (4) how effective is the use of formal authority in reaching child protection goals? The following table summarizes several key elements to understanding the nature of formal authority and use of legal measures across service delivery models.

Nature of Formal Authority and Use of Legal Measures

	Agency Based Programs (Including integrated services model)	Accessible Programs (Community and school based models)
Attitudes Toward Use of Legal Measures	<p>The use of legal interventions can be favourable to achieving protection goals effectively.</p> <p>Some variance in attitudes toward the use of legal measures at agency based sites.</p>	<p>Court and legal measures are used as “a last resort”.</p> <p>Less discussion of legal measures than at agency based sites.</p>
Identification with the Authoritarian Role	<p>Greater identification with the authority figure role in many of these settings than accessible program sites.</p>	<p>Workers attempt to distance themselves from the authority inherent in their role.</p>
Other Themes	<p>Strong partnerships with police and legal authorities were present at several sites.</p>	<p>Time and creativity were seen as key to generating alternatives to coercive measures.</p>

Type of program model and setting can impact the use of legal measures in a number of ways including fundamental beliefs about the effectiveness of cooperative vs. legal measures, supervisory guidance, the presence or absence of legal apparatus, and the access, time and

support to seek creative alternatives to legal measures. Across all community based and school based models there seemed to be an expressed desire to avoid legal and authoritative measures and authoritarian approaches. Agency based sites did not have the same homogeneity and in *some* sites there was strong support for use of legal and authoritative measures. There also appeared to be a stronger identification with the authoritarian role in the discourse of workers. One cannot conclusively say that authoritative and legal approaches are more prevalent in one type of model than in another but one can surmise from the data that community based and school based programs are strongly in favour of alternatives to these measures.

Introduction to the Transforming Front-Line Child Welfare Practice Project

In 2006, the Ontario government launched an ambitious and multi-faceted Transformation Agenda for child welfare services. Among this Agenda's objectives was the development of more cooperative helping relationships in child welfare, reducing the system's reliance on legal authority to engage families, creating community and service partnerships and increasing child welfare capacity to respond differentially to families. Within this shifting child welfare context, the *Transforming Front-line Child Welfare Practice Project* research's main purpose was to understand how centrally located service delivery settings and service delivery settings that were more accessible to families affected front-line child protection practice. A second encompassing objective was to examine how partnerships with other service organizations and neighbourhood associations affected front line child welfare practice. This Transforming Front-line Child Welfare Practice research examined eleven separate accessible and central child welfare service delivery sites at six child welfare agencies in Ontario. These sites were selected to vary on these two dimensions of accessibility and partnerships. These two dimensions have also been identified in the literature as contributing to child welfare capacity to respond differentially or flexibly to families (Cameron, Freymond, & Roy, 2003; Schene, 2001, 2005).

With one exception, accessible service delivery models in this research embedded front-line child protection service providers in neighbourhoods or schools so that service providers would be more familiar and accessible to families.¹ The philosophies of accessible programs emphasized collaboration with other community service providers, local community building and prevention. Central models located child protection service providers in agency premises that generally were not physically close to most of the families served. This was the more common service delivery setting for child protection services in the participating agencies and in other Children's Aid Societies in Ontario.

Earlier exploratory research through the Partnerships for Children and Families program

¹ At one accessible site, the child welfare agency supplied community development workers to support neighbourhood development associations and, while front line child protection service providers' offices were not located in these neighbourhoods, they cooperated with the community development workers and were familiar with the neighbourhood association's resources.

of research (Frensch, Cameron, & Hazineh, 2005) at Wilfrid Laurier University found that different child protection service delivery settings had notable impacts on child protection service delivery including: (1) service provider accessibility to children and families, (2) the development of cooperative helping relationships with children and families, (3) the development of partnerships with other service organizations, (4) the development of partnerships with neighbourhood associations, (5) the levels and types of assistance provided to children and families, and (6) client and community image the child welfare agency.

This more extensive research built upon this earlier exploratory research. More specifically, this multi-faceted longitudinal research incorporated:

- An assessment of the impacts of accessible and central service delivery models on family functioning indicators and child protection system indicators (e.g. formal court applications, out-of-home placements of children, etc.).
- An exploration of how these different child welfare service delivery settings affected front-line child protection service providers' satisfaction with their work with children and families.
- An exploration of how these different child welfare service delivery settings affected parents' satisfaction with their child welfare service involvements.
- An examination of how these different child welfare service delivery settings influenced the services and supports available to families.
- An assessment of the impacts of accessible and central service delivery settings on front-line helping relationships in child welfare.
- An exploration of how accessible and central service delivery settings affected employment satisfaction and sustainability.

This research also discusses the development requirements of the accessible service delivery models and what practical lessons can be gleaned from these experiences. Finally, it looks at broader implications for how we understand and organize our efforts to keep children safe and help families.

Study Design

This research utilized a multiple qualitative and quantitative methods and a quasi-experimental outcome design. Design elements included the following:

- 261 parents were surveyed using a set of standardized outcome measures to assess parent, child, and family functioning at the time their case was opened to ongoing services
- 188 parents participated in a follow up interview occurring approximately 8-10 months after the initial survey
- 73 parents participated in a semi-structured qualitative interview about their service experiences and satisfaction with either accessible or central service delivery settings
- 115 front-line service providers completed a survey of employee experiences in child welfare including job satisfaction and burnout
- 18 focus groups involving approximately 150 participants were conducted with teams of front-line service providers about their experiences as employees in either accessible or central service delivery settings
- 17 individual interviews were completed with child welfare supervisors and administrators about their experiences of differing service delivery settings
- 201 agency files were reviewed to gather data on selected system indicators including frequency of child placement and use of legal authority

All research participants were recruited through the partnering organizations. Parents who received ongoing child protection services from either the accessible program sites or central sites during the recruitment year of 2007 were invited to participate in the study. Parents were contacted via telephone by an agency employee working in a support position (non-direct service work) using a standardized telephone script and asked for permission to release their name to researchers. Researchers then placed a follow up telephone call to parents who expressed an initial interest in participating in the study to arrange an interview. Interviews were conducted primarily in people's homes, although some participants chose to be interviewed elsewhere (such as the local library or at the university). All participants gave

their written informed consent. Interviews were approximately 1 ½ hours in duration and all parents received \$25 for their participation. At the interview, parents were asked for their consent to allow researchers to view their child welfare agency file. Additionally, parents were asked to indicate if they were interested in participating in a follow up interview approximately 8 months later.

Researchers maintained contact with parents by mailing letters twice over the 8 months. Parents were then contacted via telephone by researchers to arrange a follow up interview. At the follow up interview, parents could choose to participate in an additional 30 minute qualitative interview about their perceptions of child welfare services. These qualitative interviews were recorded and transcribed. All parents who participated in a follow up interview received \$25 and parents who participated in the qualitative interview component received an additional \$15 stipend. All participants gave their written informed consent.

A survey questionnaire was sent to all direct service providers working in the agency programs of interest. Service providers who chose to participate returned their completed surveys through the mail directly to researchers at the university. All service providers who were sent a survey were eligible to enter their name into a random draw for a prize consisting of a \$100 gift certificate to a spa in their city.

Focus groups with direct service providers and individual interviews with supervisors and managers were arranged with researchers directly. Each focus group was comprised of members of a service delivery team. In several cases two teams were combined for an interview. Teams were coworkers who shared the same supervisor and worked together in delivering child welfare services. These focus groups and interviews occurred at each of the participating organization's offices. All participants gave their written informed consent. Focus groups and interviews were recorded and transcribed.

Research Sites

Data were collected from parents, service providers, and agency files at 11 accessible and central service delivery settings at six child welfare agencies in Ontario. For purposes of analyses, research sites were broadly organized into two groups, accessible and central models. Descriptions of the research sites at the time of data collection are included below.

Children's Aid Society of Brant

Central Site

The Children's Aid Society of Brant is a medium sized child protection agency in southwestern Ontario serving Brant County which includes the City of Brantford, the town of Paris, and the surrounding rural area including the Six Nations and Credit reserves. The main agency building is located in downtown Brantford. Eight teams of protection workers, including three aboriginal units are housed at this location. At the time of data collection, agency based teams were divided into intake and ongoing services. Protection workers were assigned to certain geographic areas or special populations.

Accessible Community Sites

The *Stepping Stones Resource Centre* is located in a 50-unit geared-to-income townhouse complex. The community based protection program and child development program worker serve families within the complex and work cooperatively with various service providers close to the townhouse complex, in particular with personnel at two elementary schools.

Slovak Village is a 150 unit geared to income apartment complex that also provides work space for a community based protection team and a part-time nurse practitioner. Service

providers work with families in the apartment building, as well as families in a nearby geared-to-income housing complex and three local schools.

Grey Street is a storefront office in a densely populated downtown core community. Community based program workers serve families in the neighbourhood. There are several large housing complexes in the vicinity and most service recipients are within walking distance.

Paris Willet Hospital is a small community hospital in the town of Paris, population 11,000. Community based program workers serve the town and nearby rural residents.

Accessible School Sites

Four *School based programs* were operational at the time of data collection. One school has a specialized program for children with behavioural challenges and the worker is heavily involved in the classroom. At the other three schools, workers have a mix of child protection responsibilities and school social work responsibilities such as being involved in group work with students. The school based workers have offices in the schools but are supervised in mixed teams with community based program workers.

Family and Children's Services of Guelph and Wellington

Central Site

Family and Children's Services of Guelph and Wellington County's main office is located in the downtown of the city of Guelph. Teams serving the east half of Guelph work from the main office. Family service workers carry both intake (investigative) and ongoing cases. The agency also employs family support staff to provide additional support to families receiving ongoing services.

Accessible Community Sites

The *Shelldale Centre* is a collaborative, integrated service center situated in the Onward Willow neighbourhood, a 1km square area of Guelph that has a high rate of poverty and families facing a variety of challenges. The Shelldale Centre houses two child protection teams responsible for cases from both Onward Willow and the rest of West Guelph. At the time of data collection 13 social service agencies and community organizations were partners at Shelldale.

The *Neighbourhood Group* model is part of a continuum of services that address community prevention and support, early intervention as well as provide ongoing support for families. The four community development workers serving six selected neighbourhoods have an informal working relationship with child protection workers and they may refer families as protection cases or provide support to families who already have open cases.

Children's Aid Society of Halton

Central Site

Halton Children's Aid Society's serves the Halton Region which includes the urban centres of Oakville, Burlington, Halton Hills, Acton and Georgetown. The Society's main office is located in Burlington, Ontario and there is a smaller North office located in Milton. Central teams are divided into intake and ongoing protection teams.

Accessible School Sites

At the time of data collection, there were 9 established *school based sites* and 4 service hubs located next to schools that were in the process of opening. Only one hub was operational at the time of data collection. There were two teams of school based protection

workers either located in the school or in a building attached to the school where other community services were also co-located (part of Our Kids Network). Child welfare workers accept service referrals from school personnel and work with these students and their families to improve general well being and school performance.

The Children's Aid Society of Hamilton

Central Site

The Children's Aid Society of Hamilton serves the primarily urban Hamilton-Wentworth Region. The main agency building is located in east Hamilton. All protection workers are housed at this location. There are separate intake and ongoing services departments with 6 intake teams and 9 family service teams. The agency has a number of specialized departments including a pediatric/medical team.

Catholic Children's Aid Society of Hamilton

Accessible School Site

The *School based team* is comprised of four child welfare workers based in 12 elementary schools throughout Hamilton. Each worker is responsible for three schools and divides their time between locations. School based workers complete initial investigations and provide ongoing services. This community based program was designed to foster a stronger working relationship between schools and the Society, to allow for the early identification of at-risk children, and to provide immediate support to school personnel in response to child protection concerns.

Chatham-Kent Integrated Services

Central Integrated Site

Chatham-Kent Children's Services is a multi-service agency providing child protection, children's mental health, and children's developmental services to families in a mainly rural municipality in southern Ontario with 23 different communities including the First Nation Reserve of Moraviantown. There are 4 family service teams and 2 intake teams that provide child protection services mainly from a central agency site in Chatham.

Research Products and Reports

Research results from The Transforming Front-line Child Welfare Practice Project offer information relevant to parents, service providers, child welfare management, and policy makers. A series of reports are available covering issues central to understanding the impacts of institutional setting on the delivery of child welfare services, child and family outcomes, and the experiences of service providers working in the child welfare system. Appendix A contains a list of research reports available and provides a brief overview for each report.

Use of Legal Measures and Formal Authority

The underlying structure of the child welfare system comprises a duality whereby child welfare workers are compelled to assume a position of helper and coercive agent in responding to families where child maltreatment is suspected (Primus, Haskins, Guerra, Anderson, & Blum, 2002; Pelton, 1989). In the role of helper, child welfare workers may seek to build supportive relationships with children and families, provide preventative interventions and maintain children within their families. In the role of coercive agent, child welfare workers investigate complaints of child maltreatment and may use their authority to impose court ordered conditions on parents (supervision order), apprehend children and suspend parental rights. In the most extreme situations, children may become crown wards where parental custodial rights have been permanently terminated. The following report focuses on how front-line protection workers across different settings viewed their formal authority role and the extent to which they perceived that they relied on legal measures in order to achieve protection goals.

The following analysis examines what front-line workers from the various settings in our study said about the role of legal measures and the use of authority in the delivery of front-line child welfare services. An analysis of the data indicates that the ways in which child welfare workers viewed their authority and the use of legal measures varied from program to program. Broadly speaking, welfare workers who were positioned in accessible settings downplayed the formal use of authority and placed very little emphasis on the role of authoritative agent. The agency based settings differed considerably from one another with workers in some settings placing a strong emphasis on the need for legal measures while in other settings workers talked about minimal use of legal measures. There seemed to be considerable variance among service providers within agency based models, while the more accessible settings service providers seem to have very similar views to each other. The pertinent questions that we attempt to answer through this analysis are:

- What are some of the views regarding legal measures and formal authority in the different settings?
- How might a setting impact on a service provider's use of legal measures?

- What value do workers see in the authority figure role? How effective do they find the use of formal authority in reaching child protection goals?

The persona of authoritarian figure can be an inherent part of child welfare work. However, the ways in which service providers talked about this role and the degree to which they identified with it varied across different sites. One cannot make sweeping generalizations about different models because there was so much variance from agency to agency; however, there were some interesting trends around how the role of authority figure was perceived and how much emphasis it received. Table 1 provides an overview of differences in the use of legal measures and formal authority across agency based programs and accessible programs. Data suggested that there may be some institutionalized reasons why certain sites may rely more heavily on legal measures such as the agency’s relationship with legal systems and agency wide management philosophy. Certainly worker perspectives on engaging clients through legal vs. cooperative measures varied from setting to setting and certain programs and agencies had strong philosophical leanings toward promoting cooperation and using legal authority only as a last resort. The purpose of the following analysis is not to draw conclusions about the *use* formal and legal measures in service delivery but to examine differing *perspectives* on the use of formal authority and legal measures.

Table 1: Nature of Formal Authority and Use of Legal Measures

	Agency Based Programs (Including integrated services model)	Accessible Programs (Community and school based models)
Attitudes Toward Use of Legal Measures	<p>The use of legal interventions can be favourable to achieving protection goals effectively.</p> <p>Some variance in attitudes toward the use of legal measures at agency based sites.</p>	<p>Court and legal measures are used as “a last resort”.</p> <p>Less discussion of legal measures than at agency based sites.</p>

Identification with the Authoritarian Role	Greater identification with the authority figure role in many of these settings than accessible program sites.	Workers attempt to distance themselves from the authority inherent in their role.
Other Themes	Strong partnerships with police and legal authorities were present at several sites.	Time and creativity were seen as key to generating alternatives to coercive measures.

In the agency based discussion, there are data from 5 different agency based programs which includes the integrated services agency program. The data in the accessible models discussion come from 2 different community based programs and 2 different school based programs. The two other accessible models in this study are not included due to the fact that workers had roles in multiple settings and could not speak purely from the perspective of the accessible settings. It should also be noted that when a “site” or “setting” is referenced it does not necessarily refer to one physical site but an entire service delivery model or program. In many cases there are multiple locations and multiple teams involved in a research “site”.

Use of Legal Measures in Agency Based Settings

Workers in the five agency based sites (including the integrated service model) talked about the use of legal measures and legal authority as one set of tools for achieving child protection goals. Workers applied legal measures to accomplish particular goals in their work with some parents. Close working relationships with police, lawyers and courthouses were prevalent features at some agency based sites and not at others. There was considerable variance from agency to agency regarding what workers said about the use of legal measures in their front line practice. It was clear that there was not one typical attitude toward legal measures in the agency based models but variety, based on a number of factors.

Legal Measures as a Tool

There were agency based settings where court authority and the use of apprehensions were described as helpful tools in child welfare practice. In the following examples, management emphasized legal measures as crucial to achieving child safety when dealing with a lot of families:

... so obviously this role often brings us into situations where we have to think about children's safety, immediate safety, so we do look at apprehending children, and taking the matter before court. Because we are dealing with a lot of families where there's been long term problems, unresolved issues, sometimes we see that that is required in order to get some change implemented during a crisis.

[Agency based site 1: supervisor]

So there's things besides the 'I want to work with you voluntarily', there's 'what's the best thing to do for the family' and it may not be working with them voluntarily, it may be turning the heat up on day one – saying, 'You've got a cocaine problem? That's pretty serious. You're not going to get your kid back if you don't really get working on that.'

[Agency based site 5: manager]

One of the primary reasons given for using legal measures with parents was to motivate them to cooperate with changes that were deemed to be necessary by child welfare workers:

P3: Right, so we always try to work with our clients on a voluntary basis to rectify the protection concerns; when it becomes evident that there's protection concerns ... that maybe parents aren't working towards rectifying the protection concerns then you might take the matter to court for a Supervision Order.

P2: – like with the court people, do they like me less? I mean, I think at first it's a shocker and they're upset, but once that initial goes through they finally see that this is what they need to do and it is an eye opener for them.

P1: We have some clients that if you are working voluntarily they're going to tell you to blow off the minute you step on their doorstep; then you've got the Court Order that - that once you've got that Court Order they're only working with you because that Court Order is in place – that Supervision Order is in place that requires that they continue to work with the agency. Once that Court Order is lifted those clients – you're never going to hear from them again, you're never going to be allowed in their home again.

[Agency based site 5: front-line workers]

Yeah, I think they do, because we're talking about families where it's, they don't recognize the risks, so we're often looking at those families who, especially around neglect cases ... there's just no way sometimes families will see that until they either go through the court process and undergo some kind of parenting capacity assessment, which highlights where the deficits might be in the family and what they need to do to overcome that...

People seem to also really like the court involvement, [SIC] even though it's long-winded, it's out of our control a lot of the issues that happen with the timetable, they seem to like that piece because sometimes they find that's the only way to get results with families, is to be very adversarial, unfortunately. It moves people when you're involved in the court process... It also, I think, it kind of sorts out those people who really have a commitment to want to parent, they will really fight all the way, right up to going to trial, and I think for me, that tells me, you know, these are people who want to ... they want to have a go, and they should be given a chance. So that's why it works...

[Agency based site 1: supervisors]

P3: It's like when you meet with clients here (in main CAS building), with my experience, it's like upping the ante, there's got to be something big to discuss if you're asking for a meeting here...

P2: But I know that in certain circumstances, I know that we do – I admit I do, use that sort of factor to impress upon certain families and certain situations the seriousness of an issue...

[Agency based site 1: front-line workers]

At some agency based settings service providers talked less favourably about legal measures. They suggested that legal measures were discouraged in their settings:

P1:...part of [our] culture is that we tend to be less intrusive and we tend to stay out of court, we really try to rely on less intrusive measures, whether they're Voluntary Service Agreements or they're now focusing on Differential Response (DR), trying to be collaborative overall...

P4: ... I've never once had to use the word 'we may need to go to court', never, so it's all in the way you present, you know, the issue at hand to the client and try to work together. I've never once had to use the word, 'we may have to go to court' and if people are using that then yes, there will be some conflict and then that will destroy the, you know, the connection you make with your client.

[Agency based site 2: front-line workers]

...between 70-75% of the people we work with are voluntary, so when I was saying litigious I don't mean we're in court a lot, we're not, we're just not, in fact, I think we've been challenged a few times and maybe rightly challenged, that we try to, you know, maybe we should be going to court more. A few cases that I've reviewed, you wonder at times, right, but that's not our service delivery, it's a voluntary service delivery philosophy.

[Agency based site 2: manager]

... when I compare my experiences here with the other agency that I worked at, I'm a lot less intrusive, the direction I'm given is extremely different here than what I would have gotten in another environment, so as a whole, I think the agency is a little bit more aware of what you were saying about diversity and working with the clients and really getting the big picture and trying to keep things voluntary and all that piece of it – the community aspect of it – I think as a whole the agency has that perspective.

[Agency based site 4: front-line worker]

We do not use court in the way that Children's Aids do, so that less than 10% of our families ever go to court. Um, we don't have a lawyer on staff....

[Agency based site 4: manager]

Across all settings, management's philosophy and type of service model seemed to influence decisions about the use of legal authority and legal measures. What was clear is that conflict exists within models around the degree to which legal measures should be employed.

Relationships with Legal Apparatus

Within some agency based settings, workers had ready access to a legal department, police services and the court house. Workers who said they were more comfortable with high levels of coercion, also worked in settings with high levels of accessibility to legal services, as illustrated at this site:

...but when I started here, which, now quite a while ago, we didn't have an in house agency lawyer, we had a court worker. And on the rare occasions you went to trial, or you needed some type of hearing that involved—needed a lawyer, we had a firm that we contracted with. We now have 29 people in legal now—legal—10 full-time legal staff and, I mean, they're swamped. And you think, what is this about? Now we have more cases than we had then, but

proportionally, it feels like, as you develop, as the system grows and develops, that all the other systems become more sophisticated along with it.

[Agency based site 1: manager]

Well, and a big piece of the legal piece is we're so close to the court house too... And other thing that's unique is that we have the police housed in here; we have an abuse team that's housed in our agency. They're police, but they are part of the abuse team for Children's Aid [...] There's two under that, [name] – is youth, yeah, and that was just because he had a desk that was close here, not by the Children's Aid, really – but yeah, we have two full-time police officers that are housed here, that are part of the sexual or physical abuse team for investigations.

P3:... apprehension, a joint investigation, they'll do peace keeping for us if we have to take a mom to get her things from a domestic violent relationship, and she wants to get her things, they'll assist us that way.

P1: Or if parents are out of control here, like peace keeping.

P3: Lots of informal consultants happen with them as well. ...So it's handy to have them for the forensic part of it, that they can look at it and perhaps suspect what's happened or help us identify a little more clearly ...

[Agency based site 5: front-line workers]

In the case where there are on site police services, policing staff appeared to be involved in numerous roles including attending investigations, assisting with interviews, conducting police record checks, performing peace keeping functions in situations of domestic violence and providing informal consultations to augment the forensic component of the child welfare assessment.

Data from an agency based setting where legal support was not readily available suggested that not having access to legal services may have decreased the reliance on these measures in service delivery:

I think one of the positive things about not having a lawyer on staff, because there's lots of negatives – talk to any worker who's had to write an Affidavit and any one of us that's had to edit it, it's hard work – but not having a lawyer on staff we've moved to Voluntary Service Agreements, creative solutions with families outside of court, but keeping children safe and this is in the nine years I've been here. I've never had that freedom to do that in other agencies, it's either court or not.

[Agency bases Site 2: manager]

... we have two judges for, you know, in [name] court for the region, I mean, if we actually were more intrusive and put more cases in court, as Participant 2 mentioned, the resources just aren't there to deal with it; so, I mean, in some ways I think that's an adaptation to lack of resources, but it's also come out in a strength based way as well.

[Agency based site 2: front-line worker]

At another agency based setting, service providers expressed the belief that they would use the court system more regularly, if legal services were more efficient and workers could apprehend children with less obstruction:

Yes. Yes. So that probably has also helped dictate for us, some sort of case and legal management decisions about not going that route because it really does take a long time. So yeah, no, I think we're pretty good around trying to avoid court.

[Agency based site 4: manager]

We're often working up against the court system and often well, there's times we don't bring a child into care because we think, 'oh this isn't going to fly in the courts, the courts will just send the child home' and there's times when the child's already in care and the court has sent the child home despite us saying, 'not safe, not a good plan, it's not good for the child'. They don't often actually, lately things have been a lot better; but, often it's like we're banging heads with the courts.

[Agency based site 4: front-line worker]

Strong legal and policing partnerships were described as key features in some agency based settings while at others service providers indicated that a lack of access to these tools meant they used them less. This raised the question of whether the absence of legal and policing professionals in the service model allowed for the development of alternatives embracing lower levels of legal measures in approaches to working with families and children.

Authority Inherent in the Role

In many agency based settings, there was an identification with and acceptance of the authority figure role as part of the job:

P4: It's a mandatory service. I mean, it's not mandatory, but I mean it's the government's delegated service that we don't really have a choice about. It's the

different than community work, it's just different, there's a lot of power indicative in that position and you know, you can dance and not break down, but the bottom line is that you've got the power at the end of the day, you do. ...

P3: We can never remove the hat that we have the ability to remove their child and what sometimes I do, I bring it out and I'm like, 'look, I always have this authority, I'm always assessing, but you know what, I'm going to be direct with you, I'm going to very clear with you, you know, there's no hidden agenda', so sometimes bringing it out on the table kind of reduces the anxiety, but it's something that I think is always in the back of their mind.

[Agency based site 2: front-line workers]

Yeah, I find for this setting it's more involuntary than voluntary, I think, so from that sense, from this point of view as a child protection worker where we're an authoritarian figure than – well, we try not to be but – it's more, you know, we're mandated by certain standards and laws to do a specific job, so in that respect it's more involuntary than voluntary working with clients.

[Agency based site 3: front-line worker]

In these examples, there seemed to be an awareness of a child protection mandate that often required workers to be an authoritative agent working on behalf of the province. The centrality of this role was not similarly acknowledged in any of the community and school based interviews.

There appeared to be variance across agency based settings in how legal measures and formal authority were viewed. Legal measures as a means to achieving safety for children were viewed as valuable tools at some settings, and as tools to be used with great caution at others. However, the use of authority seemed to be acknowledged as a key part of the child protection worker role even in agency based settings where legal measures were minimized. It would seem that there was a tension in many of these child welfare settings around how much to employ the legal agent role and tools.

Use of Legal Measures in Accessible Settings

Perspectives on the use of legal measures and authority were more unified and similar across accessible settings than the views shared across agency based settings. In general, workers within the community and school based settings talked little about legal measures; but when they did, the general sentiment was that these types of measures were not the best way to achieve child protection goals and were often regarded as a last resort. Service providers in both community and school based settings, while they recognized a need for legal measures in some cases, talked a great deal about alternatives to legal measures and strongly emphasized relying on other tools such as voluntary agreements, creative supports and collaboration with community partners to achieve child protection goals.

Use of Legal Measures

In keeping with the philosophical underpinnings of community and school based approaches to child welfare, service providers in these settings expressed a strong desire to use formal authority and legal measures only as a last resort in their relationships with families and children:

...we like to, we really like to keep cases out of court because I don't find that, I find that usually court isn't very successful unless you know that there's no other option – I don't have much faith in supervision orders and so, we usually aren't in court unless it's kind of our last, final attempt
[Community based site 1: supervisor]

I always feel like we have the opportunity to spend a little more time with our clients to work through issues that, you know, might lead us going to court. Or, instead of, you know, apprehending children and having to go to court, looking to the family more to, you know, provide a placement until things can get straightened out.
[Community based site 1: front-line worker]

There is more emphasis on building that co-operative relationship with the client. Getting them on board, accessing other services, accessing kin and family. There's a, there's a, it's a top down belief that kind of spreads out and infects you. So that's kinda where I feel work philosophy comes from.

[Community based site 2: front-line worker]

P2: I always feel like we have the opportunity to spend a little more time with our clients to work through issues that, you know, might lead us going to court. Or, instead of, you know, apprehending children and having to go to court, looking to the family more to, you know, provide a placement until things can get straightened out.

[Community based site 2: front-line worker]

Sometimes you have to you know, and pick and choose and what we might not see again as the perfect life... we really have to weigh out if we remove this child.

[School based site 1: front-line worker]

...we're given—and we always have been given—the opportunity to work creatively and less intrusively, if possible.

[School based site 1: front-line worker]

We do not want to bring kids into care. We very rarely bring children into care, which I think most people do not believe... when kids are coming into care it is hard, it is very hard on us when that is the only solution available to us.

[School based site 2: supervisor]

Well I think you're a lot more hands on and more preventative versus reactive but definitely you get to know your families and service providers on a little more personal level versus kind of... regular agency I guess. And with that...then you're able to kind of prevent, er, try to develop a better preventative plan versus you know, coming in reactive and saying okay we have to remove the children

[School based site 2: front-line worker]

Several of the workers and supervisors in the community and school based programs had at one time worked in an agency based setting. The following workers made quantitative comparisons between their estimates of court involvements and apprehensions in agency based and accessible settings:

P2: Right now I have one.

Interviewer: Out of?

P2: I'm not sure, um, 12 or 13.

Interviewer: How many for you?

P4: One, out of 14-15.

P2: When I worked over at the main office I could have 12 or 15 cases in court out of 25.

[Community based site 1: front-line worker]

We do a lot fewer. [...] I do notice that we aren't doing as many apprehensions as we would... as we had been in traditional.

[School based site 1: supervisor]

Supervisors from one school based program talked about how being in schools afforded more information on which to base decisions of whether or not to apprehend a child from parental care and further suggested this knowledge led to fewer apprehensions:

S1: And I think when we apprehend we know this is an absolute necessity, we have to apprehend. We're not going in, apprehending and then asking the questions, we're really like... today we may be apprehending and that's few and far between especially for the worker that I'm talking about and I know that she has this amount of concern that she's actually speaking about apprehending then yeah, you know what, it's very serious. You know? So I think that's the difference where before we didn't know the families, we didn't really know anything about them and had to sort of err on the side of caution and apprehend children and then, you know, within the five days maybe we'd find out that no, we didn't need to and the child can be returned. But now we have that... I keep saying preventative but it is...

S2: Because we see things beforehand. It's not just sudden, unexpected... this is the house, this is what happened and this is where you're going. Have never seen that community before, don't know anything about it and then you're walking into a situation where you know if something happens it's going to come back on you so you have to be very careful about the decisions that you make. Whereas with the community everyone's been watching, everyone has a little story to tell you about that family and then you kind of make your assessment based on all of that information.

[School based site 1: supervisors]

The increased proximity to children and knowledge about families were regarded as key factors in reducing the use of intrusive interventions.

Creativity

Many of the previous comments from service providers about alternatives to legal measures alluded that these alternatives required creativity, time, and resources such as strong community partnerships. Creativity was highlighted as a critical component to alternative interventions. By employing family and community resources, a plan of care could be unique to each family:

Yes. I think we look at... and then the service plans and safety plans that would normally happen, the assessment, all that is exactly the same, so I think where we shift is that sometimes, then, we're able to just know a little bit extra about the situation and so... and we make safety plans. Our interventions might look a little bit different, so if... if the neighbour across the road said I'm going to use so-and-so as a neighbour for respite, we would say, okay, well, that's... y'know, Kathy or whatever, that's great, I know Kathy and that's super. You wouldn't be allowed, not allowed, but you wouldn't—it wouldn't be so easy to be able to do that because if you didn't live across the road, then how do you know who Kathy is? What Kathy's been doing in the community and who Kathy is to the neighbours or whatever. So I think we get—we're... we're able to be more creative that way.
[Community based site 1: frontline worker]

I've always looked to the family when it comes to, you know, that decision about putting the kids in care ... always trying to seek out family, even before it's what we focused on – it was just, you had to creatively find a way to do it so that it met the standards.
[Community based site 2: front-line worker]

...we are given the opportunity to work creatively with families and we only do that with having good partnerships with the school board, with other community supporters and with the families. I think that's what's really unique for me, is that we're not in here, you know, flashing our badges and, you know, storming into houses, we're given—and we always have been given—the opportunity to work creatively and less intrusively, if possible....
[School based site 1: front-line worker]

In these situations, workers needed to be receptive to any possibilities that may have been appropriate in a particular family situation. Also important to the development of creative interventions were partnerships and knowledge of the community. Creative interventions also required time which can be a scarce resource within child welfare.

The data presented underline the importance of not only a philosophy that embraces alternative solutions but the resources to actually implement these alternatives to legal measures.

A Distancing from the Authoritative Role

We heard consistently from workers in community based settings that at the heart of keeping families from exposure to judiciary processes was a philosophical commitment to interactions characterized by low levels of intrusion and high levels of cooperation and support. Workers spoke about the importance of shared values that trickle from the top down and a lived philosophy espoused in daily interactions and decision making.

It was suggested that for workers that have trained and conducted child welfare from other settings where legal interventions were the norm, there may be a process of adjustment vis-a-vis the use of power that accompanied a shift to community based child welfare work. A manager described her supervision with a front line worker coming from an agency based setting where high levels of coercion were commonplace:

I had a worker who came to the other team when I was there, from [other region], and he was just so, so determined to get the dirt, get the dirt and see if we can make a case and we talked one day and I said so what if you tried for a year to get the dirt and you never got the dirt enough to go to court or whatever? I said so you've just wasted a year, what have you done for that family to, you know, help them see that yes they can parent better, and yes they can do this on their own, and yes they do have strengths.

[Community based site 1: supervisor]

Another supervisor talked about how the community based approach uses more open and honest communication in contrast to the "charms" she learned to use with her clients in her past experience in another setting:

Yes. We're honest, we're open, we don't... I remember walking in my first time into child welfare and the charms that we used and language and it was a totally different world.

[School based site 1: supervisor]

Service providers in community and school based programs spoke about the care that they took to be least intrusive and to avoid displays of power:

P2: I also think that our team – like our team doesn't work in a power over approach and in this type of work you can kind of get caught up in that...
[Community based site 2: front-line worker]

...try to be as least intrusive as possible in looking at strengths, looking at other measures before having to be more intrusive. And I think that gets spread around again kinda within the community ...

It's really easy to go in and say, you know, 'Here's what's been happening, we've been trying to work with you and you're not being cooperative ... and sorry, but this is something we have to do, take your kid'. We can have, not saying that the workers at other sites or at the main aren't trying to talk to their clients about working cooperatively and instead of going to court doing things through a TCA, right, signing that so it's a voluntary agreement. They do that too, but I think that we have the luxury of the time to work with the families and try to get them to see it that way, to do it voluntarily, as opposed to us telling them.
[Community based site 1: front-line workers]

And it's a non-threatening... it's... they just, I think they have a lot of... I'm not getting the right words but they're non-judgmental and they're walking in and they're... they're not being authoritarian and they're just trying to find out what's going on and I think there's a... I think they all have it.
[School based site 1: supervisor]

It would seem that workers in these school and community based programs were aware their power existed, however, they appeared to be very thoughtful about power and aware that its misuse undermined their core approach to working with families.

Conclusion

It appears that program model and setting can impact the use of legal measures in a number of ways including fundamental beliefs about the effectiveness of cooperative vs. legal measures, supervisory guidance, the presence or absence of legal apparatus, and the access, time and support to seek creative alternatives to legal measures. The discourse of workers who spoke more favourably of legal measures suggests that they are burdened with the

responsibility of child safety and not confident that there are other options or supports in their programs to inspire changes in many families. The most obvious alternative to using legal measures is to build positive working relationships with families and children. Workers who relied on the relationship with the family, child, school or community reported that they felt more confident in their knowledge of families and could more accurately assess family strengths and vulnerabilities (see also Working Report #2- Community and Client Relations for more information). These workers also required time, supervisory guidance and ability to provide other sorts of supports to be successful. Across all community based and school based models there seemed to be an expressed desire to avoid legal and authoritative measures and authoritarian approaches. Agency based sites did not have the same homogeneity and in some sites there was strong support for use of legal and authoritative measures. There also appeared to be a stronger identification with the authoritarian role in the discourse of workers. One cannot conclusively say that authoritative and legal approaches are more prevalent in one type of model than in another but one can surmise from the data that community based and school based programs are strongly in favour of alternatives to these measures.

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**Appendix A: Research Reports from the Transforming Front Line
Child Welfare Practice Project**

Report #	
1	Service Model Accessibility (Service Provider Perspectives)
	This report examines the differences in service accessibility across central, integrated, and school/community based sites including geographic proximity to families, acceptability of the setting to families, and accessibility expectations of service providers.
2	Client and Community Relations (Service Provider Perspectives)
	This report addresses two important questions: within each service model, how much emphasis is placed on building positive relationships with families and communities? And, how successful is each model at building relationships, minimizing stigma for families, and improving the image of child welfare in the community?
3	Use of Legal Measures and Formal Authority (Service Provider Perspectives)
	The focus of this report is, across service models, how front line protection workers view their formal authority role and the extent to which they relied on legal measures in order to achieve protection goals.
4	Range of Services (Service Provider Perspectives)
	This report examines the differences in range of services across central, integrated, and school/community based sites including referrals to other services, direct support, advocacy, and collaborative efforts to provide services to families.
5	Child Welfare Jobs (Service Provider Perspectives)
	This report compares how service providers experience their employment realities across central, integrated, and accessible service models. Differences in job satisfaction, worker retention, and feelings about the work itself are examined.
6	Values in Child Welfare Work: Perspectives of Child Welfare Service Providers in Central and Accessible Service Delivery Models (Service Provider Perspectives)
	This report identifies what service providers across institutional settings say about the values that guide the work that they do with families and children, as well as their perspectives on professional identities and roles in the day to day delivery of child welfare services.
7	Helping Relationships (Parent Perspectives)
	This report examines the nature of first contacts in child welfare, the level of contact between families and service providers, and the quality of relationships over time across central, integrated, and accessible service delivery models.

8	Services and Supports (Parent Perspectives)
	This report compares the types and diversity of services and supports offered to families, number of service connections, and parents' overall satisfaction with services across central, integrated, and accessible service models.
9	Overall Child Welfare Outcomes: Family Functioning, System Indicators, and Community Attitudes
	Outcomes of accessible and central service models are assessed in this report using three criteria: (1) impacts on parent, child and family functioning; (2) impacts on system functioning (e.g. child placements, court involvements); and (3) impacts on parent and community attitudes towards child protection organizations.