

# NATIONAL POST

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## False alarm bells sounded

**A review of Winnipeg's Child and Family Services after untrue allegations of sexual molestation were facilitated by a social worker resulted in wholesale changes in the way child-abuse cases are investigated**

Donna Laframboise

National Post

When Manitoba judge Laurie Allen awarded custody of a seven-year-old girl to her father in May, 1999, four years after he was falsely accused of sexually molesting her, the judge did more than orchestrate a father and child reunion. Her scathing 46-page ruling sparked an independent review of Winnipeg's Child and Family Services, the equivalent of the Children's Aid Society elsewhere.

Completed in March, 2000, the contents of that review remained secret until the Manitoba ombudsman's office wrote an eight-page letter last month to the father. That was the first time the report's recommendations have been disclosed.

Obtained by the National Post, the letter, written by Cheryl Ritlbauer, a senior investigator for the provincial ombudsman, reveals that the manner in which child abuse is investigated in Manitoba has undergone a revolution.

Guidelines on how to handle allegations that arise during child custody disputes, job descriptions delineating appropriate social worker behaviour and standards on the proper way to interview children have been established. There is also a new policy mandating that accused persons must be interviewed by social workers rather than presumed guilty.



John Lehmann, National Post

**Louise Malenfant, a Winnipeg social activist, says changes in the way Manitoba investigates allegations of child abuse will reduce the chance of wrongful accusations.**

In her ruling, Judge Allen was highly critical of Winnipeg's Family Services for treating the allegation against Mr. A. (to protect his daughter's privacy, he cannot be identified) as run-of-the-mill, even though it surfaced during a bitter child-custody battle.

"I find the fact that these allegations of abuse arose during the context of a separation to be very significant. I am surprised that Child and Family Services did not consider this context at all."

Judge Allen expressed grave concern that Catherine Hudek, a social worker who held the position of director of abuse services, became an advocate for Ms. T., Mr. A.'s former common-law wife, as opposed to keeping a professional distance from the case.

Ms. Hudek personally provided counselling to Ms. T. and came to believe it was her job to "be on her 'side,' " wrote the judge. She also submitted documents supporting Ms. T. in the custody battle and continued to accompany her to custody hearings even after taking a leave of absence from Family Services.

"Ms. Hudek certainly was not able to see the shades of grey in this situation. She was determined to stop [Mr. A. from seeing his daughter] and it appeared that she would go to any length to see this occur," wrote the judge.

"Ms. Hudek's actions appear to me as if she wanted to be judge, jury and executioner of the relationship between [Mr. A. and his daughter]... Her analysis of the facts of this case demonstrates a form of tunnel vision which does not reflect well on the Agency and its reputation. I place no reliance on any of her evidence."

The ombudsman's letter assures Mr. A. that, in recent months, Family Services has profoundly revamped its policies. Every employee now has a clear job description "that should mitigate against confusion or blurring of roles," the letter reads.

In what Louise Malenfant, a community activist who specializes in cases of false allegations of child abuse and has advocated on Mr. A.'s behalf since 1997, calls a "fabulous development," a team of specially trained social workers will now be responsible for investigating abuse allegations. Ms. Malenfant says this will reduce the possibility that individual social workers -- who may be inexperienced in proper interviewing techniques or untrained in recognizing a false allegation -- will make the wrong call.

Announcing another change, the ombudsman's letter says, "It is now the Agency's practice to interview the alleged abuser as part of the abuse investigation." Ms. Malenfant says Mr. A. was never given a chance to tell his side of the story after the accusations were levelled against him.

Without ever talking to him, government social workers decided Mr. A. was a child molester, referred his name to the provincial Child Abuse Registry, temporarily stopped him from seeing his daughter and insisted he should only be allowed to resume contact with her under the supervision of a third party whose fees amounted to \$100 for every hour father and daughter spent together.

Later, when it became clear Ms. T.'s fragile mental health rendered her incapable of caring for her daughter, the social workers attempted to have the child declared a permanent ward of the state -- although her father was fighting for custody of her, had never been charged by police and had been declared no danger to his child by a psychologist.

The policy of interviewing accused persons is one "every father and grandparent who has ever been accused has prayed for," says Ms. Malenfant. "These changes are fantastic. I used to be the most vocal critic of Winnipeg's child welfare system, but I believe it's the best in the country right now. And Judge Allen has done a lot to make that happen."

At the time of the 1999 ruling, Regan Thatcher, Mr. A.'s lawyer, also praised Judge Allen. "It's not uncommon in a trial to see a judge upset with one of the parties," he said. "But it's not often you find a judge, in their reasons, say that one witness is not credible. Usually they say, 'I accept this evidence over that evidence.' But in this case the judge went one extra step."

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