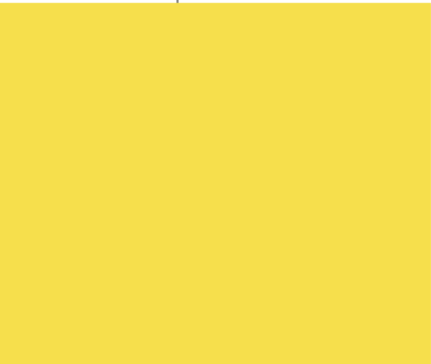
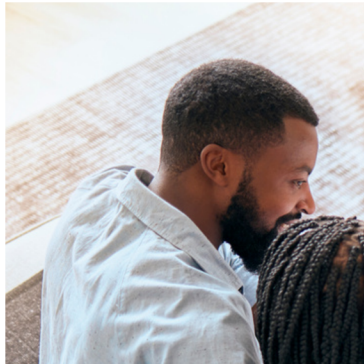


MAPPING DISPARITIES FOR BLACK FAMILIES PROJECT

# FINDINGS RELATED TO THE ELIGIBILITY SPECTRUM





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**Suggested Citation:** King, B., Edwards, T., Laylor, A., Chowdhury, R., Facey, K. & Patrick-Drakes, V. (2025). *Mapping Disparities for Black Families Project: Findings related to the Eligibility Spectrum*. One Vision One Voice: Toronto, ON.

## Purpose of the Project

The overall purpose of the Mapping Disparities for Black Families (MDBF) Project is to understand how anti-Black racism manifests within the child welfare system and to identify key areas where disparities emerge, are maintained, and can be meaningfully addressed with substantive policy, organizational, or practice change. This work is done through a partnership between One Vision One Voice and researchers at the Youth Wellness Lab, which is housed at the Factor-Inwentash Faculty of Social Work, University of Toronto.

## Methods

Individual and focus group interviews were conducted with 79 participants working within the Ontario child welfare system, focusing on decision-making across the continuum of child welfare involvement. Participants had generally been working in child welfare for many years (the average was just over 14 years of service) and 70% were social workers. Their roles fell into six major categories: intake/screening (8%), investigations (14%), ongoing services (28%), out of home care (14%), equity, diversity, and inclusion (20%), and leadership or other specialized roles (16%). Most identified as cis-gendered female (87%), and 67% identified as Black, followed by another 27% who identified as white. Just over half had been born in Canada (54%), with another 33% reporting that they immigrated to Canada from African or Caribbean countries.

The research team used Interpretive Phenomenology to understand how participants experienced working with Black families and what influenced their decision-making (Smith & Eatough, 2007). More specifically, we asked participants about their overall experience in their work; their specific experiences and observed patterns working with Black families; decision-making for Black families based on their role in the continuum; and the impacts of policies, protection and compliance standards, supervision, training, agency culture, and family/community culture on decision-making. The major themes that were identified in the preliminary analysis loosely aligned with the structure of the interviews, but future analyses will continue to deepen these themes to identify key mechanisms that contribute to disparities for Black families.



The research team and OVOV prioritized several areas for further analysis and consultation with community-based representatives and experts in the field. The intent of the consultations was to refine the analyses and the interpretation of findings, as well as generate potential implications of the findings and recommendations for addressing the identified concerns. As previously described, the goal of this work was to both map the areas of practice and decision-making that create, sustain, or exacerbate disparities and to identify potential opportunities to interrupt these patterns and contribute to safety and well-being for Black children, youth, and families.

For more details about the study design and methods, please see the MDBF Technical Report (King et al., 2025).

## Why the Eligibility Spectrum?

One critical area that has been consistently implicated in the overrepresentation of Black children, youth, and families in the child welfare system in Ontario has been the policies and practices that determine eligibility for a child welfare investigation coupled with an expansive duty to report (Antwi-Boasiako et al., 2020, 2021; Edwards et al., 2023; Mohamud et al., 2021). The Eligibility Spectrum (ES) was developed beginning in 1991 and implemented across the province by 1998 as a component of the Ontario Risk Assessment Model (ORAM). The ES interpreted new standards in the Child and Family Services Act (CFSA) that expanded the definition of a child in need of protection as having been harmed by the actions or inactions of their caregivers as well as being at risk of such harm (Ontario Association of Children's Aid Societies, 2024). Since its earliest iteration, the ES operationalized the risk definition to include circumstances and conditions that could present risk to a child's future safety and well-being, including any potential threat of abuse, exposure to intimate partner violence, child and caregiver conflict, and caregiver risks such as mental health and substance misuse. Research has documented that after these key shifts in policy and procedures in this period, the rate of investigations involving Black children quadrupled, leading to the first documented disparities in investigation rates between Black and white children in 2003 (Antwi-Boasiako et al., 2020). Despite concerns raised in the evaluation of ORAM in 1999 and a subsequent shift to a new risk assessment model, the ES was codified into the CFSA in 2000 and has



continued to be the primary method for defining the issues that should be the subject of a referral to a Children's Aid Society (CAS) and assessing whether a referral should be investigated (Child, Youth and Family Services Act, S.O. 2017; Ministry of Children and Youth Services, 2016; Parada, 2004; Trocme et al., 1999).

The ES is a two-dimensional matrix that delineates a typology for protection concerns across five major sections (physical or sexual harm by commission, harm by omission, emotional harm, separation from parent/caregiver, and caregiver capacity) and the severity of those concerns (extremely severe, moderately severe, minimally severe, and not severe). There are additional reasons for service from a CAS that are outlined in the ES, but these are not operationalized under the definition of a child in need of protection. From these dimensions, an alphanumeric code is assigned that reflects a combination of the reason for investigation (both as a section and scale within each section) and severity. Anything that is considered moderately or extremely severe is above the "intervention line" and requires an investigation. Based on the reported concern, screening workers assign one or more eligibility codes, which determine the need and the urgency of an investigative response. For example, an allegation of physical abuse by a caregiver that resulted in a documented injury would be assigned a code of 1.1.A. Another allegation in which the primary caregiver has a mental health issue that threatens their ability to provide consistent care for their children, could lead to physical or emotional harm, and is currently being treated would be assigned an eligibility code of 5.3.B. In both of these examples, an investigation would be initiated.



Now integrated into the Ontario Child Protection Standards, the ES is embedded in both policy and practice in this province. The disparity in investigation rates has persisted since 2003, and in 2018, Black children in Ontario were more than twice as likely to be investigated as white children (Bonnie et al., 2022). This ongoing disparity at the “front door” of the child welfare system must be better understood, particularly in the ways that the ES influences practice with Black families from the perspective of the people who use it to make key decisions about who should be investigated, how those investigations are conducted, and how these families are served by CASs across the province.

## What did we find?

Participants in the study had a range of responses to the question of how they thought the Eligibility Spectrum influenced their practice and decision-making with Black families. The findings document participants' understanding of the ES as driving their practice, the inherent tension between standardization and discretion, and the limitations of the ES, which contributed to its negative and disproportional impact on Black families and communities. Participants also described how they circumvent the ES to buffer those impacts and emphasized the need for revision and/or eradication. These findings have coalesced into three major themes, which are described in the following sections.

### Theme 1: A Standard that Drives Everything We Do, But It's Still Subjective

Many participants described how the ES shaped practice and decision-making in their work more generally, with one participant reporting that “it's like a Bible.” They relayed how ES codes tell you whether to respond and informs how quickly you respond. Relatedly, others described that the ES provides guidance for identifying the family's needs. And still others underscored the idea that the ES is fundamental to determining who is reported and investigated and how they are served by the agency.

**“I think it's helpful to me, personally, because even on the road, it helps you work better with that family if you understand literally the reason why you are there.”**

Sasha, Intake/Screening Worker, Black

Several participants described the history and importance of the Eligibility Spectrum in terms of needing standard definitions across the province. These standards were also implemented to reduce subjectivity in decision-making, such that responses to similar concerns would be more consistent and less dependent on the agency or worker tasked with receiving reports from the community.

**"The eligibility spectrum itself was brought in to bring in some consistency [in] '96 or something, to give some consistency to...if you're in North Bay and I'm in Toronto, you and I both have some general understanding."**

Gretchen, Leadership/Specialized, white

Despite the effort at consistency, participants discussed the ways that the use of the tool still reflects the risk tolerance of the individual worker and their supervisor, despite attempts at standardization. They emphasized that the tool itself is not neutral or objective, and many argued that the circumstances and conditions that have been codified by the ES as presenting risk of harm to children are based on a Eurocentric framework for understanding family well-being and child needs. Participants' accounts reveal how the standardization that was intended by the tool could also be undermined by the pressure of making decisions in a high-stakes environment characterized by strict timelines and concerns about liability.

**"I think that it's still very subjective. I think that you can't get away from that, right? I think that sometimes people are forced to make decisions about numbers really quickly. I think that we always need to think about what drove the writing of the Eligibility Spectrum. I think we need to consider white supremacy and colonialism and its desire to tell people how to do it and decide what's right and decide what's wrong."**

Sankofa, Ongoing Services Worker, Black

Another commonality in participants' experience with the ES was that often there weren't codes that accurately reflected the reported concerns. Workers often had to "hunt" for codes that "fit" the circumstances rather than determining the report was not actually a protection concern.

**"I do feel that at times...it is harmful, because some codes just don't fit with what's happening and you're really struggling to find a code for the allegation. It's just not always clear-cut black and white. Sometimes there's gray and sometimes things end up in codes that really shouldn't be there."**

Helen, Intake/Screening Worker, Black

A related concern raised by participants was the way in which the codes themselves shape a narrative about the family. This can be especially problematic if situations have been assigned a code that doesn't "fit" or if there are repeated allegations with the same or similar codes. Even if eligibility codes aren't investigated or verified (a determination that the reported and investigated child protection concerns were more likely to be true than not), participants argued that the codes themselves create a narrative about Black families. Importantly, while individual codes were designed to be objective assessments, participants argued that those narratives are open to interpretation and bias, which may affect decision-making and responses to those families.

**"...you get a call in from a community member but there isn't necessarily a disclosure from a child, but this person is just saying, "I believe that this is happening," and we code it as let's say, physical [harm]. They believe the child is being hit or whatever...and we code it as a 1.1.F [physical force has been used and there is a risk that a child is likely to be harmed]. We code like three to four or five 1.1.Fs, all of a sudden, even if we haven't verified any of these, there's a story being told about this family that physical discipline is an issue in the home."**

Opal, Family Services Supervisor, Black

## Theme 2: The ES is a Narrow Lens that Dehumanizes Black Families

Participants identified how the Eligibility Spectrum takes a fairly narrow and deficit-focused view of Black families. They described what the ES doesn't include in its design and implementation, which contributes to a more judgmental and punishing response to Black families who have been reported for protection concerns or are experiencing vulnerability. Despite an increasing push to integrate culture and identity in decision-making, the ES does not explicitly consider culture or experiences of marginalization and oppression more broadly. Specifically, as it relates to Black families, the ES does not speak to the impact of anti-Black racism (ABR) on how the family came to the attention of CAS, the fear that CAS contact generates in the Black community, or how the agency responds to those concerns. Importantly, participants argued that the way the ES is currently used does not separate concerning circumstances or conditions from their potential impact on children and does not explicitly account for family strengths, the family's protective behaviors and resources, or their efforts to keep their children safe.

**"Those tools are meant to be like a guide, but it's about that conversation you're having with the family and with your team lead in terms of like, "Well, is the family doing what they need to do?" Because they could have a substance abuse problem, but they could still have a plan around how to keep their kids safe."**

Bea, Ongoing Services Worker, white

Moreover, participants described how in addition to assigning codes that don't align with the presenting concerns, additional ES coding issues occur in screening and investigation procedures involving Black families. Many participants highlighted what they described as "over-coding," which involved assigning multiple codes for any and all issues presented in the report to a CAS, even when they are not a primary or serious concern. They also described how, during an investigation, workers may encounter additional concerns and complexity that leads to more codes being added. Both of these processes contribute to a perception that Black children are at greater risk, participants argued, because these practices occur more often in investigations involving

Black families than those involving white families. Lastly, workers described how Black families are assigned higher severity ratings than other families reported for the same circumstances, which may push a reported concern over the intervention line, which would trigger an investigation.

**“We got a file once from another CAS after hours. I think they put four codes, and we were like, ‘What the heck?’ We don't over-code. We'll code for the primary problem and then we'll document what the other concerns are and then expect that the worker will follow up. Especially with I think all families but mostly Black families, we see that over-coding. They code every single thing.”**

Joanne, Investigations Supervisor, Black

Ultimately, participants reflected on how the ES codes and the process for assigning them simplify complex problems and problematize them further. The lack of context in the ES results in a limited focus on the family's pathology. They argued that Black families are reduced to their codes and that these codes persist across time and even generations. This process is exacerbated by over-coding and additive codes, which are disproportionately applied in investigations involving Black families, ensuring that a pathologized narrative informs decision-making throughout the child welfare continuum.

**“You would often hear people say – this is lingo around here – [are] there any previous openings? The person will respond, ‘Yes – 2018, a 5.3.B not verified; 2017, a 6.6.4-3 whatever, not verified; 2010, a 10.1.K verified.’ Do you know what I mean? You now reduce the family through all their complexities, all the safety, everything to just two digits and a [letter].”**

Mike, Screening/Intake Worker, Black

### Theme 3: Circumvent, Revise, or Eradicate? Efforts to Address the Impact of the ES

The final theme focused on potential responses to the pervasive impact of the ES in shaping practice and decision-making for Black families who come to the attention of the child welfare system. Participants described the strategies that are being implemented to circumvent the harmful impact of the ES on Black families. Often these interruptions to standard practice occur in the context of consultations with Equity, Diversity, and Inclusion (EDI) or ABR leads or in agencies that have adopted practice and service models that are specifically focused on working with Black families.

The strategies to circumvent respond to concerns identified in the previous themes. Participants described recoding inappropriately severe ratings in the initial screening codes to move the investigation concerns below the intervention line, which allows workers to connect families to support services through a community link. They also explained the process for reducing over-coding by really focusing on the needs of the family and the nature of the concern. Based on this assessment, they assign one code that is representative of the primary concern and note any additional needs or context.



It's so subjective and we really have to be creative with it in ABR consults, because the codes are harsh and things fit here, fit there, but they don't fit for racialized families because families operate differently...we struggle with it a lot because it's so, like, things fit in the 5.4s, but then we don't want to call it caregiver capacity because it's not about capacity. Then we're buying into all the stereotypes and all the biases, saying that Black folks can't raise their children properly. We really have to be careful, and we won't over-code...because everything is connected. We'll code for the most important thing."

This focus allowed investigation workers to really plan their approach to the investigation in a more responsive and holistic way by being attentive to the impact of the concern on children, the cultural needs of the family, the overall context of the concern (including the ways that racism and social determinants may have influenced the report to CAS), family strengths, and the efforts of caregivers to ensure their children's safety and well-being. In short, participants talked about focusing on the family and not on the codes. Importantly, participants also described how they are paying attention to the narratives generated by current and historic ES codes and working to re-story those narratives, thereby reducing intrusive and dehumanizing responses.

Despite these strategies to circumvent the ES, several participants argued for substantial revisions or even the eradication of the tool. They believed that the problem with the tool was in its rigid categories, its Eurocentric origins, and its implementation by agencies and workers. From the definitions of risk and harm to the assessment of severity, they understood the ES as a key driver of disparate involvement and treatment of Black families.



They're pretty rigid tools that are very clearly built around a certain type of family. It's really inflexible to try to work [with]...We have this box in child welfare, and we can't really think outside the box. We don't really have the ability to do that because you've been given the box, so you try to push the side, to lift the flap when and where you can. The spectrum, in particular, we just need to blow it up and start again. It's just not a helpful tool. It is just laden with judgment and situations that don't really fit, and that we're trying to – it just doesn't work. I think that the spectrum is the biggest priority, from my perspective, that just needs to be started all over again."

Brittany, EDI Supervisor, white

## What are the Solutions?

In October 2023, the MDBF team held two consultations with community-based representatives about preliminary findings related to the impact of the Eligibility Spectrum on practice and decision-making with Black families. The goal of these sessions was to discuss the findings in more detail, collectively contextualize those findings for further dissemination, and integrate participants' perspectives and recommendations for potential policy and practice solutions. Participants in these sessions had substantial interest and experience working with the ES as workers, supervisors, managers, and/or ABR and EDI leads. Their responses validated the data and our analysis, as well as highlighting aspects of the themes that were present in the data but hadn't been emphasized in our original presentation. Their critical feedback has been integrated into the findings presented above. Consultants also raised concerns and additional ideas about the impact of the ES on practice and decision-making that weren't present in the data, and several of those are integrated into the implications and recommendations from this analysis.

In the context of the discussion on the findings and from specific questions to community-based representatives about potential solutions to the issues raised by the findings, recommendations about practice, policy, and future research emerged.

### **Recommendation 1: Reduce the Power of the ES in Practice with Black Families**

Given the findings and the expertise of the community-based representatives in these consultations, many emphasized the idea that the ES is only one part of the screening process and should not have the power to shape a narrative about a family or to solely determine the way that the system responds. Efforts to address racial disparities for Black families should be attentive to the role of the ES in creating and sustaining those disparities and should seek to reduce the influence of this tool and its codes in decision-making across the continuum. Importantly, there should be greater consideration of the way that historical codes and over-coding shape problematic narratives that can bias decision-making. This is especially important when previous concerns have not been verified, but even when they have, practice and agency policy should avoid reducing Black children, youth, and families to their ES codes.

## Recommendation 2: Stop Making Allegations Fit into the ES

As with the participants in the study, community-based representatives argued that the guidelines of the ES are clear about the nature and severity of concerns that require an investigation. There were several concerns raised about what the ES misses and what it pathologizes, but both the participants and consultants emphasized that if a reported event or circumstance does not fit the codes as they are currently written, it is not a protection concern and does not warrant an investigation. They pointed to other non-protection options available within the ES and in policy, including requests for services and community links. This work can happen at the screening or intake point, and consultants emphasized the importance of intake staff and supervisors in delineating whether reported concerns are truly protection concerns.



## Recommendation 3: Consider Context when Assigning ES Codes

Community-based representatives highlighted other components of the ES and the Children, Youth and Family Service Act that allow workers to consider child, family, and identity-based or cultural factors to assign ratings. This could be helpful when determining the family's protective capacities and resources, as well as the role of social factors (e.g., social determinants of health, anti-Black racism from school personnel and police) in instigating the referral. Decisions based on the ES, especially where there are allegations that reflect risk of harm (rather than a child experiencing harm), should be contextualized. Importantly, informed by the findings of this study and additional consultations with community and the field, OACAS updated the Eligibility Spectrum in April 2024. The revisions acknowledge the impact of systemic racism and encourage identity-based considerations in the screening and assessment process. This equity-focused approach to the ES is a key step in realizing this recommendation.

## **Recommendation 4: Consider the Impact on Children when Assigning and Investigating ES Codes**

Both the findings and the discussion during the consultations made clear that there is often little distinction between the events or circumstances involved in a report to a CAS and their negative impacts on children. Assessments that evaluate caregiver behavior or their current circumstances without determining the impact on children can lead to unnecessary and inappropriate intervention, particularly for Black families. Questions should be asked during screening and investigation that consider how the alleged event or circumstance is affecting child safety and well-being. For example, is a parent's substance misuse leading to the potential neglect of the child's needs? Were children present and aware of the argument between their parents? Do children experience their caregivers as threatening? Ultimately, screening and investigation procedures need to determine not just whether an event occurred or a circumstance is present, but also whether harm has occurred or is imminent (as defined by the CYFSA).

## **Recommendation 5: Reduce Problematic Coding Practices**

Related to the first four recommendations, the findings and consultations clearly identified the need to address problematic coding practices that disproportionately affect Black families. In particular, the practice of adding multiple codes to the same set of circumstances or events contributes to a narrative of greater risk requiring greater intervention. Community-based representatives identified how much more careful staff are when coding allegations involving community caregivers (teachers, babysitters, etc.), and they argued that coding can be similarly conservative with family-based allegations and investigations. Both participants and consultants highlighted the importance of thinking carefully about the code that represents the most serious concern and limiting the practice of over-coding.

Additionally, there were several suggestions about ES codes that could lead to pathologizing and biased treatment of Black families. Participants and consultants expressed concern about the more inclusive ES codes that focused on exposure to partner violence (section 3, scale 3) and caregiver with a problem (section 5, scale 3) and emphasized the need to carefully assign these codes or to remove them altogether, given their potential contribution to high-risk narratives about Black families.

## **Recommendation 6: Consider Ways to Better Use the ES to Address the Needs of Black Families**

While not present in the interview and focus group data, community-based representatives raised the idea that the current version of the ES is not responding to critical issues impacting Black families, and these issues are emerging in the contexts of calls to CASs. First, there was a consistent theme during the consultations that Black children and youth experience emotional harm as a result of disproportionate surveillance and punishment in schools and in encounters with police. They argued that this is racial trauma, and it can lead to substantial emotional harm with long-term consequences for health and well-being. Second, consultants identified that they are seeing an increasing number of Black families in which caregivers are struggling to manage emotional and behavioral issues associated with children on the Autism Spectrum. Services to these families are limited because access and funding are limited, there are substantial wait lists, and the programs and services are not culturally responsive. There was a push from consultants to consider ways to leverage the ES to address these critical issues.

## **Recommendation 7: Better Understand the Impact of the ES on Black Families**

While community-based representatives validated these findings and reported that many of their experiences with the ES were reflected in the data, they also highlighted areas for additional exploration. One example was a request to explicitly measure how ES codes are applied differentially based on race and ethnicity, both to better understand these differences and to supplement the findings of this qualitative study. Importantly, other consultants underscored how the ES has been embedded into business practices (e.g., within the provincial case management system), provincial policy (e.g., response times for investigations), and agency policy and practices (e.g., when to contact police), and that a fuller understanding of all the implications of the ES is warranted before there are significant revisions or changes. Without such an assessment, changes to the ES may not result in immediate changes to practice, since all of the implications of the ES in decision-making are not well-understood.

## **Recommendation 8: Consider Alternatives to the ES**

Although many participants urged substantial revision to the ES, most community-based representatives had difficulty considering alternatives to the existing tool and model for determining the circumstances that require child protection investigation. Participants and consultants did identify several ideas that should be part of the discussion. They emphasized that any consideration of changes should include the communities that have been disproportionately impacted by the current model (i.e., Black, First Nations, Métis, and Inuit, other racialized communities, including those with precarious immigration status). As the findings have demonstrated, the ES determines whether a reported protection concern is investigated but also informs how families are treated and their potential child welfare service trajectories. Revising or eradicating the ES could lead to significant and far-reaching changes to the current child welfare system in Ontario, and meaningful engagement with Black community members will be essential for ensuring that those changes have the intended impact of shifting disparities in involvement, treatment, and outcomes.

Community-based representatives stressed that any changes or alternatives to the ES should not be defined by the struggles of Black families. Research has documented that these vulnerabilities are created and sustained by interlocking systems of oppression and that using these circumstances as reasons for intrusive child protection investigations perpetuates anti-Black racism and the problematic practices described in the findings. There is a need for a tool that clearly identifies the events and behaviors that cause harm to children (i.e., maltreatment) and to ensure that there is a protective and coordinated response that restores safety and ensures well-being. Consultants argued that more acute or urgent protection concerns should be distinguished from events or circumstances that present risk of harm, and the response to risky circumstances should be more focused on supporting families rather than pathologizing and punishing them. Revisions to the ES should focus on the fundamental questions of what constitutes a child protection concern vs. an overall child welfare concern and how we should respond.

## Conclusion

The findings of this study document the role of Ontario's Eligibility Spectrum in practice and decision-making with Black families, as understood by the people who use it in their everyday practice. Participants described the power of the ES and its definitions in shaping problematic narratives and informing key decisions that contribute to racial disparities and can have significant consequences for Black children, youth, and families. Study participants and consultants in our community consultations identified policy and practice solutions that can interrupt these patterns, but future work to understand the implications of changing the ES and to engage Black community in considering alternatives is necessary.

## Acknowledgements

The authors and the MDBF team would like to express their gratitude for the generosity of our participants, who so openly shared their experience of their practice and decision-making in what is a very challenging work environment. We also want to thank the community-based representatives in our consultations, whose wisdom and critical eye helped us refine our analysis and develop potential solutions. Across all our interviews and consultations, it was clear that the people who dedicate themselves to working in child welfare are deeply committed to the safety and protection of children and youth, as well as their families and communities. Despite the concerns raised about the scope of child welfare intervention and the critique of policies and procedures that define practice, we honour their service.



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