

CORONER'S INQUEST

CAS failed to answer mother's cry for help

Months before the fire that killed two of her five children, Diane Anderson gave signs that she was losing her ability to care for them



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The Children's Aid Society of Toronto received a reliable report that Diane Anderson was depressed, even suicidal, but the case was "lost" and "didn't get assigned to anyone."

The stunning revelation on Wednesday was more shocking because it came in the middle of a dry slide presentation at the coroner's inquest now probing the Dec. 22, 2007, fire deaths of Ms. Anderson and two of her five children.

David Fleming, the agency's intake and emergency after-hours director, was being questioned by coroner's counsel Rebecca Edward about CAS involvement with the struggling family.

Mr. Fleming acknowledged the agency didn't discover the error until 2009, when the coroner's investigation into the fire began.

It was on the night of April 13, 2006, or about nine months after Ms. Anderson had suffered a double blow — her fiancé Leroy Whittaker was shot to death in the presence of her 10-year-old son, and the couple's baby, named Beautiful, was delivered stillborn on the day of Mr. Whittaker's funeral — that the 35-year-old single mom phoned Toronto police.

She told a police dispatcher she was having trouble coping,

couldn't stop thinking of her twin losses, and was referred to victim services. Ms. Anderson said she didn't need an ambulance because she didn't want to leave her children alone.

The same night, victim services made the formal referral to the Toronto CAS, where the call was assessed as not needing urgent action, but as one that nonetheless should be followed up within a week.

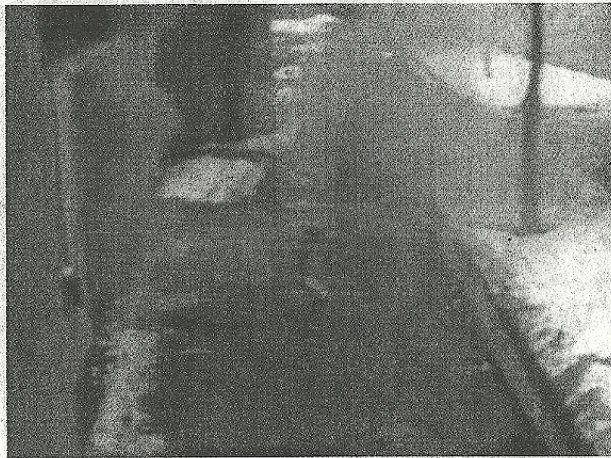
What was supposed to happen the next day, Mr. Fleming told the jurors, was that a supervisor would print off the referral and assign it to a child protection worker.

"This referral either was never printed or never assigned," Mr. Fleming said. "It should have been investigated within seven days, but it wasn't because of human error."

The lost referral was significant for a couple of reasons, first because the family already had a history with the CAS, and Ms. Anderson's desperate reaching out that night appeared to be an escalation and might have raised alarm bells that she was having real trouble managing.

The jurors have heard that in two earlier instances — one an occasion where Ms. Anderson begged a neighbour to call police during an argument with Mr. Whittaker, the other a case where an injury to one of her boys saw his school call the CAS — the agency had reason to suspect that she was overwhelmed.

This third call, with Ms. Anderson admitting she was feeling desperate and suicidal, could have sparked official recognition



Diane Anderson's daughter, Iesha Simpson, is seen on security video fleeing the fire that killed her mother and two siblings.

that she was in dire straits and needed help — and, more important for the agency whose mandate is to protect children, that perhaps her youngsters were at risk because their mother was losing her ability as a parent.

It was two of Ms. Anderson's three boys who, on the night of the fire, were playing with her lighter, set papers alight and accidentally started the blaze which within minutes "flashed over" and engulfed the small townhouse on Grandravine Drive in the Jane Street-Finch Avenue West part of Toronto.

That a single mother of five could be by her own admission depressed and thinking of suicide and the call wouldn't be deemed as requiring fast action prompted Suzan Fraser, lawyer

for Ontario's provincial advocate for children and youth, to ask Mr. Fleming if that was an "appropriate" response.

Because victim services "had spoken directly with her" and she didn't want to leave her kids alone suggested, he said, that an immediate "call from CAS might not be something she'd welcome."

But on a whole other level, the fact that Ms. Anderson, a fiercely proud and private woman, phoned the police to ask for help is also at odds with the portrait that lawyers for some of the agencies represented at the inquest appear to be trying to paint.

The jurors have heard from witnesses from the Toronto Community Housing Corporation,

which owns the townhouse complex where the family lives, and have been given documents that suggest Ms. Anderson was repeatedly offered help but either refused it or screwed things up.

She was desperate, her sister Sophia Anderson and daughter Iesha Simpson have testified, to get out of her cockroach-infested, too-small and decaying townhouse.

Yet documents introduced through Steve Floros, a housing director with TCHC, show that Ms. Anderson was quickly approved for a transfer to a bigger unit out of the Jane-Finch area, but that some offers fell through because she was behind in her rent, and arrears disqualify tenants from being moved.

Ms. Anderson didn't reply to one offer, and failed to show up for an appointment to see a second unit.

Other records show that after complaining about the cockroaches in her townhouse, when pest-control people showed up to spray the house, Ms. Anderson hadn't managed to "prepare the unit" by emptying cupboards and moving furniture.

Yet that woman's hands weren't full, but overflowing: She had one toddler, another child with behavioural difficulties, a teenage daughter and two other youngsters to manage, as well as a dead fiancé, a lost baby and a growing drinking problem.

By the time she called the police that April night, life had almost completely knocked the stuffing out of her. Yet still, she called, and still, she was thinking about her kids.