

Secrecy and uncertainty surround unlicensed home daycare ^[1]

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EXCERPTS

Baby Elinor was supposed to start daycare at the end of January.

But when her parents, Erin Styles and Alexander Moore, saw on social media in November that the unlicensed home daycare operator they had chosen was under investigation for possible child abuse, their hearts sank.

“When we called her, she told us children’s aid was investigating the parent of a child in her care and that she was co-operating by closing for a couple of weeks,” Styles said.

Facebook posts claiming that the daycare had been shut down by CAS were “lies” written by a parent who was trying to “blackmail” her, the woman assured them.

But by this time, Styles had already connected through social media with parents whose children were attending Emily Nikolic’s Golden Apple Waldorf Daycare in a one-bedroom apartment near Dupont St. and Lansdowne Ave. They told a very different story.

According to the parents, during a routine “well-baby visit” in October, a doctor found unexplained bruising on a child in Nikolic’s care and called children’s aid.

Although the investigation started with the child’s parents, the children’s aid worker assigned to the case expressed “serious concerns” about Nikolic, especially since the caregiver had been investigated for similar concerns in Kitchener, the parents told Styles.

“Nobody seemed to know (Nikolic’s) real name,” Styles said. “She seemed to be using all of these aliases and her website and online ads had disappeared. It was really troubling.”

Styles tried to piece together the facts, but there was no authoritative information.

The caregiver denies she was the focus of a CAS investigation or that any children were injured in her home. A spokeswoman for Toronto police said its investigation found “no grounds for criminal charges.”

There is no suggestion Nikolic has ever been charged with child abuse.

However, a criminal records inquiry through the attorney general’s office found Nikolic had pleaded guilty in September 2015 to using a forged police record check at an unlicensed home daycare she ran in Kitchener. She was ordered to perform community service and received 12 months probation and a conditional discharge. During the court hearing, the judge noted that letters of support from parents in Kitchener were submitted on her behalf.

Back in Toronto, Styles and the other parents say they have learned the local children’s aid has closed its case on Nikolic. But since provincial child protection legislation prohibits the agency from discussing the results or even acknowledging an investigation took place, the parents are in the dark over what, if anything, happened.

Meanwhile, Nikolic and other unlicensed home daycare operators who have been investigated by CAS and whose cases have been closed, are hard-pressed to clear their names. And parents have no way of knowing if the unlicensed home daycare operator they are considering has ever been investigated for possible child abuse.

Home daycares in Ontario can be licensed through agencies that support caregivers and ensure the premises meet provincial health and safety standards though most operate legally without a licence.

When a home daycare is unlicensed, however, it means no one is actively monitoring what goes on, notes Rob Thompson, a spokesman for the Children’s Aid Society of Toronto.

“It is one of the grey areas, that, frankly, causes CAS concerns,” he said.

Children’s aid investigates any report of a child being harmed or injured. Police are often called during the investigation, but if there are no

witnesses and no evidence, they cannot lay charges, he said.

From the CAS perspective, when a case closes, “it could be closed with no worries, nothing found. It could be closed with huge worries, lots found,” Thompson said.

But whatever the outcome, the results are kept secret.

With the abysmal shortage of licensed child care in Toronto — there are licensed spots for barely 28 per cent of kids under age 4 — and costs often topping \$2,000 a month, parents like Styles and Moore are scrambling for quality care in a fiercely tight market.

They say parents shouldn’t have to rely on unlicensed daycare because they can’t find or afford licensed care.

“It should be a public system with a licensed spot available for every child that needs care at a price parents can afford,” said Dana Suvagau-Greenlaw, a legal aid lawyer whose son Oliver, 22 months, attended Nikolic’s daycare two days a week last fall.

The Star interviewed six parents whose babies and toddlers were either in Nikolic’s care at the time of the CAS investigation or who have visited the caregiver as part of their search for child care. At the time, she was charging parents between \$85 and \$90 a day.

Three of the parents were interviewed by children’s aid as part of the investigation. The others called CAS to share their experiences and confirm what the other parents had told them.

Although children’s aid would not discuss the case with the Star, one parent shared a voice message the investigator left on Nov. 16 indicating “some serious concerns about children that have been in (Nikolic’s) care.”

In the message, the investigator said Nikolic was told she was “not allowed to do any more babysitting or daycare . . . until further notice.” The investigator apologized to the parent for the inconvenience but went on to say “we do have to . . . think of the safety of the children.”

Nikolic, 26, did not respond to emails or a hand-delivered letter requesting an interview for this story. In a brief conversation in the doorway of her apartment on Dupont St., she said last fall’s children’s aid investigation was focused on a family whose child was in her care — not on her — and that she was never forced to close.

“Children’s aid can say what they like, but they have no legal right to shut me down,” she said.

Nikolic says she has been the victim of online bullying by area parents, that her reputation has been destroyed and that she has contacted police.

“When I or others go on Facebook groups to talk about what has been done to me, I am blocked and deleted. So I am not allowed to tell my side of the story,” she said.

She said the children’s aid investigation in Kitchener was the result of a disgruntled parent who didn’t like a clause in her daycare contract that said deposits would not be refunded if she terminated care of a child who was not fitting in.

Under provincial legislation that came into force in August 2015 after a rash of baby deaths in unlicensed home daycares, regulations were tightened, penalties for violations were increased and the Ministry of Education created a dedicated enforcement unit.

Inspectors regularly respond to parent complaints about unlicensed daycares and conduct proactive inspections if they suspect the operator is violating Ontario’s Child Care and Early Years Act, says Lucas Malinowski, a spokesman for Indira Naidoo-Harris, the province’s minister responsible for early years and child care.

Violations are listed on the education ministry website, searchable by the caregiver’s name or address.

Because unlicensed home daycares are not actively monitored, the province knows about problems only if someone complains, Malinowski said. They are required only to limit the number of children in their care; to inform parents in writing they are unlicensed; and to operate out of only one location.

As with both licensed and unlicensed operations, parents must be allowed to enter the daycare during operating hours.

Although Malinowski is barred from discussing any possible children’s aid involvement with Nikolic, he said the ministry and CAS regularly share information regarding daycare investigations.

Ministry inspectors visited Nikolic’s apartment Nov. 10 after a parent complained about not being permitted to enter during daycare hours, he said.

Inspectors were not able to substantiate that complaint, but they found Nikolic had no record she had disclosed her unlicensed status to parents and issued a compliance order on Nov. 17. She complied the following day.

Provincial inspectors visited Nikolic again on Jan. 17 after a parent complained she had reopened her unlicensed daycare under a new name with a new address and was planning to care for more than two children under age 2, he said. Investigators found no evidence Nikolic was operating a daycare at either address, Malinowski said.

(Unlicensed daycare operators are permitted to care for a maximum of five children under age 13, including no more than two under age 2.)

In her brief conversation with the Star, Nikolic denied parents’ allegations that she changed her daycare name and used another address and phone number in her online ads so new clients wouldn’t connect her to warnings on social media.

“I have always been Golden Apple. I am a Waldorf daycare,” she added, pointing to a wooden toy in the hallway.

However, a spokeswoman for the Waldorf Early Childhood Association of North America said Nikolic is not registered with the organization, which promotes the creative play and hands-on learning espoused by Austrian philosopher Rudolf Steiner. Laura Mason told the Star she asked Nikolic last August to stop using the Waldorf name and logo.

The province is aware of the child-care “challenges” that families face and is working to ensure parents have access to a range of high-quality programs that meet their needs at a reasonable cost, Malinowski said.

Last fall’s commitment to create 100,000 new licensed child-care spaces for children under age 4 over the next five years “will help more working families find high-quality, affordable care,” he adds.

As soon as Styles learned she was pregnant in the summer of 2015, she put her name on wait-lists for more than half a dozen licensed child-care centres in her west Toronto neighbourhood and downtown where her husband works.

A year later, with baby Elinor almost 6 months old and no offers of care, Styles began scouring online community boards and parent Facebook groups for alternatives. When she came across an ad for the Golden Apple Waldorf Daycare, she was hopeful.

The home-based program for babies between the ages of 12 months and 4 years boasted two “qualified” early childhood education staff, one with Montessori training and the other a Waldorf teacher. The program offered French, sign language, yoga and music classes and promised organic meals and “authentic Waldorf toys made from natural products (no plastic.)”

Styles and her husband set up an interview with a woman named Emily, who said she had a list of families she was considering. Since the woman signed her Facebook messages as “Emily Wonder,” the couple thought that was her name.

The caregiver’s apartment was clean and tidy and baby Elinor seemed very comfortable. But Nikolic said they would have to act quickly if they hoped to secure a spot for the end of January, recalls Styles, a recent PhD graduate in genetics.

Styles said she was relieved when the woman called the next day to say Elinor could have the spot.

“It’s crazy to think of this now, but we felt lucky. It seemed as good as it was going to get,” said Styles who emailed a \$900 deposit to Nikolic that evening to hold the space.

For now, the couple is making due by juggling work schedules and relying on family to help out.

“We have been told we might have more luck with licensed care in a daycare centre when Elinor is 18 months,” Styles said.

For first-time parents who are sleep-deprived, anxious about returning to work after maternity leave and financially squeezed by Toronto’s high housing costs, the task of finding child care they trust and can afford is daunting, says parent Sara Fung, whose son James, 2, attended Nikolic’s daycare for 21/2 months last fall.

“Parents are desperate. They need to go back to work and they need care,” she said. “So when you see a place that looks clean and a caregiver who seems to know what she is talking about, you don’t want to ask too many questions for fear that she won’t choose you.”

Two of the parents interviewed for this story found Nikolic after bad experiences with other unlicensed home daycares.

“After our first experience, we thought she was really great. Everybody tells you to go with your gut. But when your gut is so miserably wrong it is very unsettling,” said one mother who was rattled to hear about the CAS investigation.

That mother, who did not want her name published, figures she lost almost \$2,000 in deposits for both daycares. For her part, Nikolic said she owes no one any money because the daycare contract stipulates parents are required to give four weeks’ notice.

As a result of the many unanswered questions raised by the investigation, the mother and her partner have rearranged their work schedules and asked a grandparent to pitch in so they don’t have to rely on child care.

Carolyn Ferns of the Ontario Coalition for Better Child Care applauded the province for beefing up compliance orders and fines for unlicensed home daycares and for promising to add more licensed spots. But affordability is key.

“Affordability has to be more than just a goal. We have to have a real plan to make that happen,” she said. “Will the province commit to an affordable fee scale so that high quality child care is affordable for every family?”

“We need them to be clear about it and we need them to start working on it now.”

-reprinted from Toronto Star

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