

# Mississauga daycare operator facing manslaughter trial <sup>[1]</sup>

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## EXCERPTS:

Three Toronto-area children have died in unregulated home daycares in less than three years, and the public is still in the dark about why.

Charges were upgraded to manslaughter Monday against the operator of an unregulated Mississauga home daycare where a 14-month-old baby was fatally injured in January 2011.

Police have refused to say why Duy-An Nguyen died, although at the time, family members said the baby suffered "severe head trauma."

April Luckese, whose charges in the case were changed from criminal negligence causing death and failure to provide the necessities of life, appeared briefly before in court in Brampton Monday. Her next court date is Oct. 25. The case is expected to go to trial next year.

A publication ban prevents reporting the judge's reasons for the manslaughter charge.

Two more toddlers have died in unregulated home daycares in the Toronto area since Duy-An's death.

On July 4 this year, 2-year-old Allison Tucker drowned in a bathtub in a North York condo where she had been receiving care for the past year.

Less than a week later, on July 8, Eva Ravikovich, also 2, died at an illegal Vaughan home daycare where at least 35 children were registered for care.

The coroner has not yet determined a cause of death in either case. But under the Coroner's Act, results of coroner's reports go to police investigators only and are never shared with the public, a spokesperson for the Ontario coroner's office said.

But the lack of information amid a rising death toll in unregulated daycare homes is raising red flags with advocates, lawyers and other child-care operators.

"This is very unsettling for parents who are placing their children in unregulated care," said Andrea Calver, of the Ontario Coalition for Better Child Care.

"And as advocates, it's much harder for us to hold the government to account when we don't know what happened," she said.

Joan Arruda, who runs Family Day Care Services, the largest non-profit licensed home child-care agency in Greater Toronto, said continued uncertainty around the deaths is "very troubling."

"It concerns me, because how can we fix problems if we don't know what the specific issues are?" she said.

Arruda's agency oversees the care of about 800 children in 285 regulated home daycare settings and conducts monthly visits to ensure caregivers are following health and safety standards and to provide programming support.

"We're not free of potential issues," she said. "Despite the fact that we are licensed and operators comply with the Day Nurseries Act, anything could happen at any time . . . If there is something that the provider could have done to prevent this, then that might be helpful for us to learn as well."

Lawyer Mary Birdsell, executive director of Justice for Children and Youth, said the situation is "alarming."

"It screams out, in my view, for the need for more licensing . . . and highlights the vulnerability of children out there," said Birdsell, whose legal aid clinic specializes in protecting the rights of young people.

"How are we to deal with solutions when we don't know why (these deaths) are happening," she added.

The Toronto-area deaths, along with the 2010 drowning of 2-year-old Jeremie Audette in a pool at an unregulated home daycare in Ottawa, have prompted child-care advocates to urge Queen's Park to ensure all home daycare businesses become regulated by licensed home daycare agencies.

"We recognize this may be problematic on a lot of levels," said Arruda, a board member of the Home Child Care Association of Ontario, which represents 70 organizations that run licensed home child-care agencies.

"But the government made a decision to fund full-day kindergarten," she noted. "Other areas have been legislated and licensed such as restaurants, security guards. This is really no different."

A spokesperson for Education Minister Liz Sandals said the government recognizes that, along with legislative changes, it needs to "consider how we increase public awareness around the child-care options that are available."

The ministry is also working on greater integration and cooperation between other ministries and agencies, said spokesperson Lauren Ramey.

Since 2003, provincial funding for child care has increased from \$532.4 million to close to \$1 billion, a 90-per-cent increase, she noted.

In Brampton on Monday, Luckese's lawyer, Bruce Daley, said his client is "holding up as well as can be expected for someone facing such a serious charge."

Duy-An was rushed to hospital on Jan. 5, 2011, after reportedly failing to wake up after a nap. She was taken off life support two days later. The baby had been at the daycare for just two days.

The day Duy-An was fatally injured was supposed to be her last day in Luckese's care, as the family had made other arrangements.

-reprinted from the Toronto Star

**Region:** Ontario <sup>[2]</sup>

**Tags:** unregulated <sup>[3]</sup>

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