

Review Committee on Indian and Metis
Adoptions and Placements

Final Report
to
The Honourable Muriel Smith
Minister of Community Services

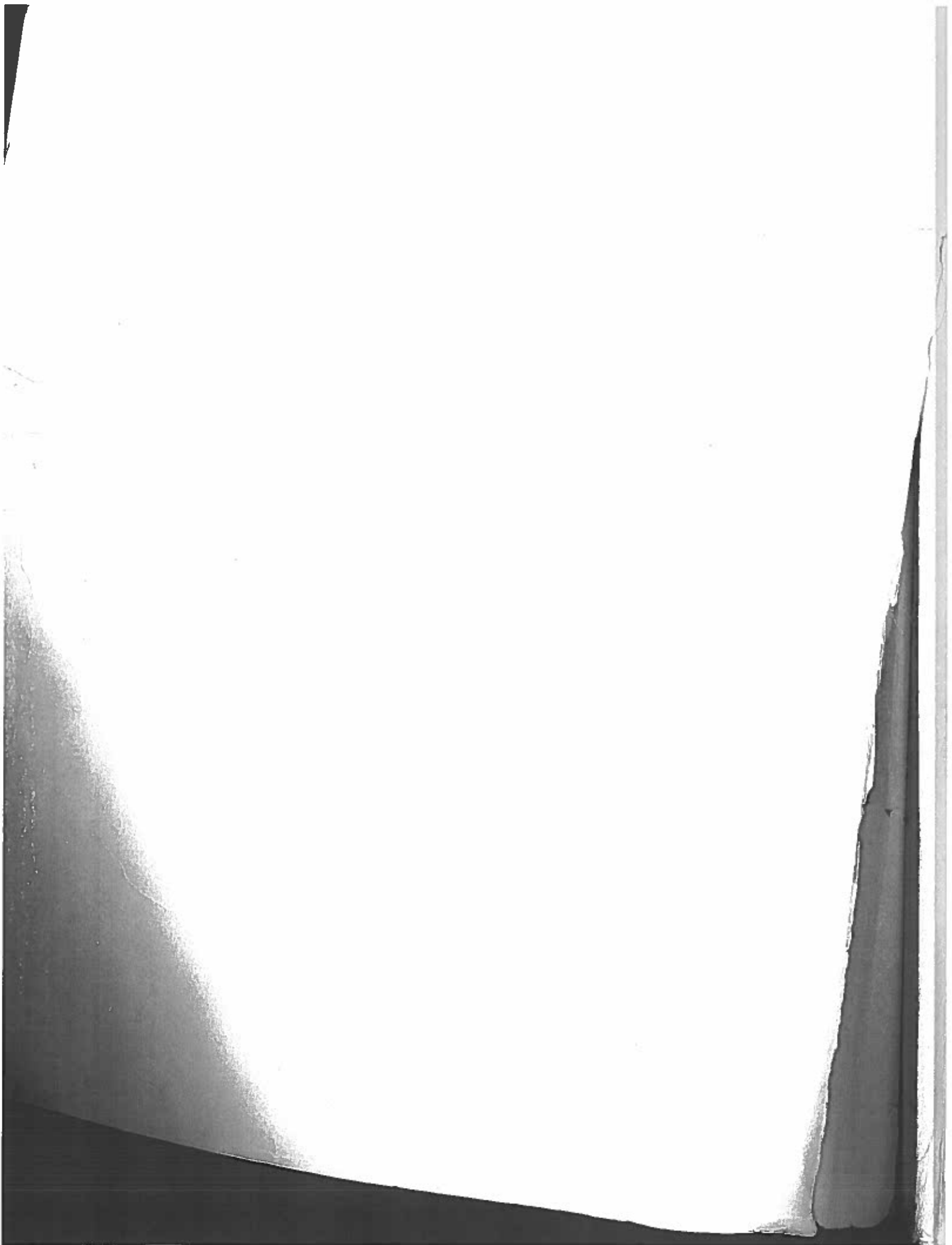
NO QUIET PLACE

Associate Chief Judge Edwin C. Kimelman
Chairman

1985

Manitoba
Community
Services





There is no quiet place in the white man's cities.....like a man dying for many days, he is numb to the stench.

Sealth, A Dumamish Chief, 1865

ACKNOWLEDGEMENTS

This Report deals with child welfare matters that have been the subject of only casual enquiries. There is a paucity of published material on these sensitive issues. What follows is an attempt to show many of the problems that existed between diverse cultures in the Province of Manitoba.

Initially I acknowledge the works of the numerous authors of Indian studies and Native issues, and the Report leans heavily at times on findings made or problem areas discovered in these studies. It becomes difficult at times to distinguish between perceptions unconsciously recalled from those studies and the final thoughts of the author that may appear as recommendations.

Appreciation is extended to clerical staff and in particular Joanne, who patiently typed the numerous drafts and revisions.

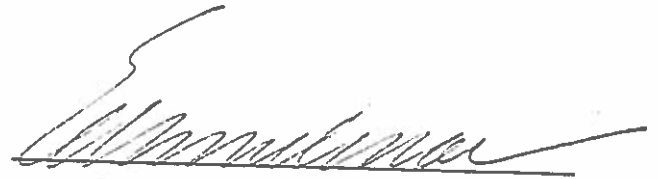
Credit is extended to those members of the advisory committee who assisted in the task that was at the best of times arduous and consuming.

Credit is also extended to Victor Toews, who as counsel assisted and advised in numerous key areas in his usual keen and efficient manner.

Finally and most importantly my sincere heartfelt thanks and gratitude to Norma Dietz, my assistant. While the chairman may have contributed some of the ideas and recommendations contained in the Report, it is the work of Norma that deserves any credit that is given. She was responsible for the administration of the study, the compilation of the material, the writing of the Report, and had the onerous task of keeping the chairman to his appointed

role. Whenever your chairman was inclined to deviate and explore yet another facet of the child welfare system or the Indian culture, it was Norma who soon had me back on track again. My thanks and appreciation go out to her. My only regret is that this Report (should it find some favor), will be referred to as the Kimelman Report, when more aptly it should be referred to as her Report.

Any errors or omissions are my sole responsibility.

A handwritten signature in cursive script, appearing to read 'E.C. Kimelman', written over a horizontal line.

E.C. Kimelman, Chairman

I N D E X

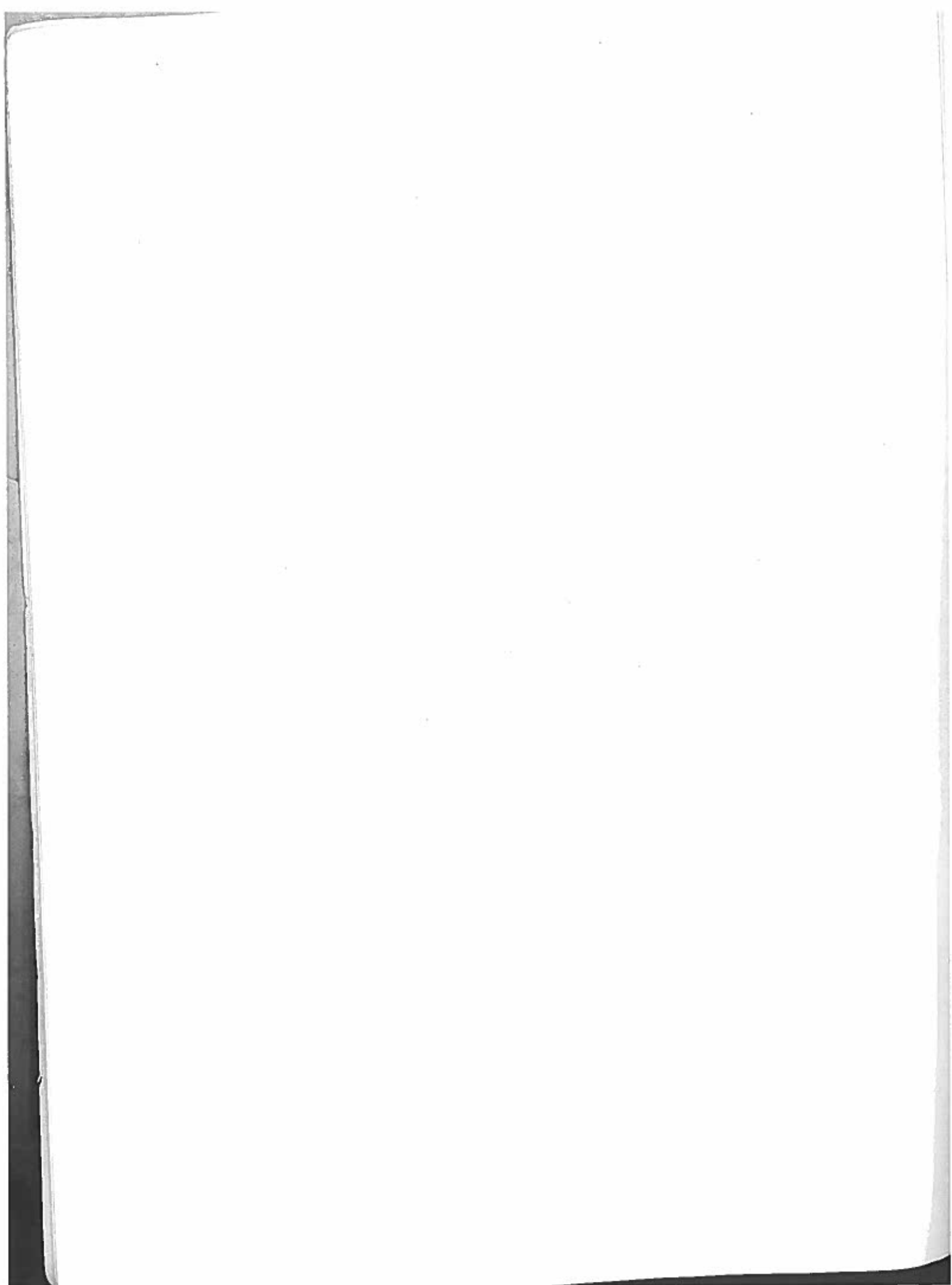
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REVIEW COMMITTEE ON INDIAN AND METIS
ADOPTIONS AND PLACEMENTS

EXECUTIVE SUMMARY

In early 1982, the Native* community of Manitoba objected strenuously to the fact that children of Native ancestry were being placed for adoption in non-Native homes in the United States and in other provinces of Canada. Associate Chief Judge E. C. Kimelman was appointed to examine this issue and to recommend action.

A series of reports have previously been submitted to the Minister of Community Services. This report is based on

"It was difficult to decide on terms for this report. Generally accepted definitions are included in Chapter V. There was consideration given to "Treaty Indian/non-Treaty Indian/Metis" but this seemed awkward and stilted. The term "aboriginal" was used until this was objected to by Metis persons who view themselves as neither aboriginal nor European but as a unique cultural group combining characteristics of both. Therefore, for purposes of this report, the term Indian is used when referring to persons who are entitled to be registered as Indians under the Indian Act. The term Metis is used to refer to individuals who have Indian ancestry but are not entitled to be registered as Indians. The term Native is used when referring to Indians, non-status Indians, and Metis persons collectively. The capitalized N is used intentionally to differentiate between persons with Indian ancestry and native Canadians who are persons of any ancestry born in Canada.

information gained from public hearings, special hearings, written submissions, interviews with all child care agencies, examination of adoption files, interviews with selected group homes and organizations, and from examination of the relevant literature.

R E C O M M E N D A T I O N S

RECOMMENDATION 1.
(page 3)

THE CHAIRMAN RECOMMENDS THAT ACCOUNTABILITY BE BUILT INTO THE CHILD WELFARE SYSTEM THROUGH THE PROVISION OF GENERAL AND SPECIFIC TRAINING AND EDUCATION IN THE AREA OF CULTURAL AWARENESS, THROUGH THE INTRODUCTION OF POLICIES AND SERVICES TO GUARANTEE THE PROTECTION OF THE LEGAL RIGHTS OF ALL PARTIES, THROUGH THE DEVELOPMENT OF STRUCTURES WHICH WILL ENSURE THE PARTICIPATION OF CITIZENS, THROUGH THE ESTABLISHMENT OF PROGRAM STANDARDS AND REGULAR PROGRAM EVALUATIONS TO ENSURE THAT CHILD CARE AGENCIES ARE FULFILLING THEIR MANDATED RESPONSIBILITIES, AND THROUGH THE CONDUCT OF APPROPRIATE RESEARCH TO ENSURE SERVICE PATTERNS ARE ADAPTABLE TO CHANGING NEEDS AND THAT PROFESSIONAL INTERVENTION TECHNIQUES ARE EFFECTIVE.

RECOMMENDATION 2.
(page 27)

THE CHAIRMAN RECOMMENDS THAT A CHILD PROTECTOR'S OFFICE BE ESTABLISHED, RESPONSIBLE TO THE LEGISLATURE, TO ENSURE THAT ALL CHILDREN COMING BEFORE THE

COURTS AND THOSE INVOLVED IN THE CHILD CARE SYSTEM HAVE THEIR INTERESTS PROTECTED, TO GUARANTEE THAT ALL PARTICIPANTS IN CHILD WELFARE CASES COMPREHEND THE PROCEEDINGS, TO RECEIVE AND INVESTIGATE COMPLAINTS ABOUT THE CHILD WELFARE SYSTEM, TO ACT AS ARBITRATOR WHEN REQUIRED, AND TO TAKE WHATEVER ACTION MIGHT BE NECESSARY TO PROTECT THE CHILDREN OF THE PROVINCE AND TO PROTECT THE INTERESTS OF SUCH CHILDREN.

RECOMMENDATION 3.
(page 32)

THE CHAIRMAN RECOMMENDS THAT THE LEGISLATIVE DEFINITION OF THE "BEST INTERESTS OF THE CHILD" BE AMENDED TO INCLUDE THE REQUIREMENT THAT A CHILD'S CULTURAL HERITAGE BE CONSIDERED IN THE DETERMINATION OF ANY PLAN FOR THE CHILD.

RECOMMENDATION 4.
(page 33)

THE CHAIRMAN RECOMMENDS THAT THE LEGISLATIVE DEFINITION OF THE "BEST INTERESTS OF THE CHILD" BE AMENDED TO INCLUDE CONSIDERATION OF A CHILD'S RELATIONSHIP TO SIBLINGS.

RECOMMENDATION 5.
(page 34)

THE CHAIRMAN RECOMMENDS THAT THE LEGISLATION RELATED TO THE POST ADOPTION REGISTRY BE AMENDED TO PROVIDE FOR REUNIFICATION OF SIBLINGS.

RECOMMENDATION 6.
(page 38)

THE CHAIRMAN RECOMMENDS THAT THE LEGISLATION BE AMENDED TO REQUIRE THAT THE APPROPRIATE INDIAN CHILD AND FAMILY SERVICES AGENCY BE NOTIFIED OF ANY INDIAN CHILD COMING INTO THE CARE OF ANY CHILD CARE AGENCY AND FURTHER, THAT "PROTOCOLS" BE ESTABLISHED BY REGULATION.

RECOMMENDATION 7.
(page 46)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR BE RESPONSIBLE FOR ENSURING THAT IN EVERY CASE INVOLVING THE CUSTODY OF A CHILD (CHILD WELFARE, CRIMINAL OR DIVORCE) THAT LEGAL COUNSEL IS ASSIGNED TO REPRESENT THE SPECIFIC INTERESTS OF THE CHILD IN THE PROCEEDINGS SUBJECT TO THE LAW RESPECTING APPOINTMENT OF COUNSEL BY GUARDIAN, NEXT FRIEND OR TRUSTEE.

RECOMMENDATION 8.
(page 47)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR INITIATE DISCUSSION BETWEEN THE MANITOBA LAW SCHOOL AND THE MANITOBA

SCHOOL OF SOCIAL WORK TOWARD THE DEVELOPMENT OF A SOCIAL WORK/LAW DEGREE IN CHILD ADVOCACY.

RECOMMENDATION 9.
(page 47)

THE CHAIRMAN RECOMMENDS THAT IN THE INTERIM, THE CHILD PROTECTOR PROMOTE AND INSTITUTE LEGAL TRAINING FOR SOCIAL WORKERS AND SOCIAL WORK TRAINING FOR LAWYERS IN THE AREAS OF CHILD WELFARE AND FAMILY LAW.

RECOMMENDATION 10.
(page 47)

THE CHAIRMAN RECOMMENDS THAT, IN KEEPING WITH THE CHILD ADVOCACY FUNCTION, THE CHILD PROTECTOR ENSURE THAT ALL PARTIES BEFORE THE COURTS IN MATTERS INVOLVING CHILDREN (CHILD WELFARE, CRIMINAL OR DIVORCE) ARE PROVIDED THE SERVICES NECESSARY TO ENSURE AWARENESS OF THE ISSUES BEFORE THE COURT, THE PROCEDURES OF THE COURT, THE IMPLICATIONS OF THE PROCEDURES, AND THE POSSIBLE OUTCOMES OF THE PROCEDURES. THIS SHALL BE ACCOMPLISHED BY THE PROVISION OF INTERPRETERS, COURT COMMUNICATORS, AND PARAPROFESSIONALS.

RECOMMENDATION 11.
(page 51)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR, ON A REGULAR, SYSTEMATIC BASIS NOT LESS FREQUENTLY THAN EVERY SIX MONTHS, EXAMINE THE FILES OF ALL CHILDREN WHO ARE WARDS OF THE CHILD CARE SYSTEM TO ENSURE COMPLIANCE WITH LEGISLATED RESPONSIBILITIES.

RECOMMENDATION 12.
(page 51)

THE CHAIRMAN RECOMMENDS THAT, ON THE BASIS OF THE ABOVE, THE CHILD PROTECTOR IDENTIFY THOSE INDIVIDUAL CASES OR GROUPS OF CASES WHICH REQUIRE REVIEW BY THE COURT AND SHALL CAUSE SUCH CASES TO BE BROUGHT BEFORE THE COURT.

RECOMMENDATION 13.
(page 51)

THE CHAIRMAN RECOMMENDS THAT THE CASES OF ALL PERMANENT WARDS OF CHILD CARE AGENCIES BE BROUGHT BEFORE THE COURT FOR REVIEW AT THE END OF ONE YEAR FROM THE DATE THAT THE CHILD WAS MADE A PERMANENT WARD AND EACH YEAR THEREAFTER UNTIL EITHER THE CHILD REACHES THE AGE OF MAJORITY, IS ADOPTED, OR IS NO LONGER A PERMANENT WARD.

RECOMMENDATION 14.

(page 52)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR MONITOR THE STATISTICAL DATA PREPARED BY THE DIRECTOR OF CHILD WELFARE AND BE MANDATED TO EXAMINE, OR CAUSE TO BE EXAMINED, ANY FACET OF THE SYSTEM AS IS DEEMED TO BE NECESSARY.

RECOMMENDATION 15.

(page 53)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR BE MANDATED TO RECEIVE AND INVESTIGATE ANY COMPLAINT AGAINST ANY INDIVIDUAL OR PROGRAM WITHIN THE CHILD CARE SYSTEM FROM ANY PARTY, INCLUDING CHILDREN.

RECOMMENDATION 16.

(page 54)

THE CHAIRMAN RECOMMENDS THAT UPON COMPLETION OF AN INVESTIGATION INTO A COMPLAINT, THE CHILD PROTECTOR SHALL PRESENT THE FINDINGS AND THE RECOMMENDATIONS FOR CORRECTIVE ACTION TO THE APPROPRIATE AUTHORITY.

RECOMMENDATION 17.

(page 55)

THE CHAIRMAN RECOMMENDS THAT THE FUNCTIONS OF THE CHILD ABUSE COORDINATOR BE TRANSFERRED TO THE OFFICE OF THE CHILD PROTECTOR.

RECOMMENDATION 18.
(page 56)

THE CHAIRMAN RECOMMENDS THAT THE GUIDELINES RELATED TO CHILD ABUSE CASES BE EMBODIED IN THE LEGISLATION AND REGULATIONS.

RECOMMENDATION 19.
(page 57)

THE CHAIRMAN RECOMMENDS THAT ALL CASES OF CHILD ABUSE BE REPORTED TO THE CHILD ABUSE REGISTRY.

RECOMMENDATION 20.
(page 58)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR DEVELOP PROCEDURES TO ENSURE THAT PROGRAMS WHICH EMPLOY STAFF OR RECRUIT VOLUNTEERS TO WORK WITH CHILDREN DO NOT UNWITTINGLY PLACE CHILDREN AT RISK OF ABUSE FROM A PERSON IN WHOSE CARE THEY HAVE BEEN PLACED AND THAT SUCH PROGRAMS BE MONITORED REGULARLY.

RECOMMENDATION 21.
(page 60)

THE CHAIRMAN RECOMMENDS THAT A NATIONAL ABUSE REGISTRY BE ESTABLISHED.

RECOMMENDATION 22.
(page 61)

THE CHAIRMAN RECOMMENDS THAT AUTHORIZED PERSONNEL WHO MIGHT BECOME INVOLVED IN EMERGENCY SITUATIONS OF SUSPECTED CHILD ABUSE HAVE ACCESS ON A 24 HOUR BASIS TO IDENTIFYING DATA FROM THE CHILD ABUSE REGISTRY THROUGH A COMPUTER CONNECTION.

RECOMMENDATION 23.

(page 62)

THE CHAIRMAN RECOMMENDS THAT AN ETHICAL PROTOCOL BE DEVELOPED TO ENSURE THAT THE NAMES OF THOSE NOT FOUND GUILTY OF ABUSE ARE PURGED FROM THE REGISTRY, THAT PERSONS WHOSE NAMES APPEAR ARE NOTIFIED, THAT PERSONS HAVE THE RIGHT TO VIEW THEIR FILE AND SUBMIT INFORMATION FOR INCLUSION ON THE FILE TO PRESENT THEIR POSITION, AND, FURTHER, THAT PERSONS HAVE ACCESS TO LEGAL PROCEDURES TO SEEK REMOVAL OF THEIR NAMES FROM THE REGISTRY.

RECOMMENDATION 24.

(page 66)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR ASSUME LEADERSHIP IN DEVELOPING INTERDISCIPLINARY CHILD ABUSE COMMITTEES AND TREATMENT CENTRES IN EVERY REGION OF THE PROVINCE AND THAT THE EXPERTISE OF THE CHILDREN'S HOSPITAL CHILD PROTECTION CENTRE STAFF BE UTILIZED TO ACHIEVE THIS GOAL.

RECOMMENDATION 25.

(page 67)

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR PROVIDE THE NECESSARY EXPERTISE TO LOCAL CHILD ABUSE COMMITTEES FOR THE DEVELOPMENT OF PROTOCOLS WHICH WILL

REFLECT THE SPECIAL CULTURAL/ETHNIC/
SOCIETAL PATTERNS OF THE REGIONS AND
THE LOCAL COMMUNITIES.

RECOMMENDATION 26.
(page 68)

THE CHAIRMAN RECOMMENDS THAT THE CHILD
PROTECTOR ESTABLISH A SYSTEM FOR MONI-
TORING THE LOCAL RESPONSE SYSTEMS TO
REPORTS OF CHILD ABUSE.

RECOMMENDATION 27.
(page 68)

THE CHAIRMAN RECOMMENDS THAT THE CHILD
PROTECTOR BE EMPOWERED TO DO ANY ACT,
CONDUCT ANY STUDY OR INVESTIGATION,
RECOMMEND TO ANY INDIVIDUAL, ORGANIZA-
TION, GOVERNMENT DEPARTMENT, OR THE
GOVERNMENT ON ANY TOPIC WHICH AFFECTS
THE SAFETY AND SECURITY OF THE CHILDREN
OF THE PROVINCE.

RECOMMENDATION 28.
(page 71)

THE CHAIRMAN RECOMMENDS THAT THE POSI-
TION OF CHILD PROTECTOR BE ESTABLISHED
BY AUTHORITY OF THE LEGISLATURE AND BE
SUBJECT TO, AND ONLY TO, THE WILL OF
THE LEGISLATURE.

RECOMMENDATION 29.
(page 76)

THE CHAIRMAN RECOMMENDS THAT THE AGEN-
CIES BE ENCOURAGED TO SECURE AND USE

AVAILABLE TECHNOLOGICAL EQUIPMENT TO ENABLE WORKERS TO BETTER MONITOR THEIR CASES, PLAN THE USE OF THEIR TIME, AND KEEP THEIR RECORDS CURRENT.

RECOMMENDATION 30.
(page 76)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE WORKERS BE MANDATED TO COMPLETE CASE SUMMARIES AT LEAST EVERY SIX MONTHS AND AT THE TIME A CASE CLOSES. SUCH SUMMARIES SHOULD BE READ, CHECKED AND INITIALED BY THE SUPERVISOR. FAILURE TO COMPLETE SUCH SUMMARIES IN A SATISFACTORY MANNER SHOULD BE GROUNDS FOR TERMINATION OF EMPLOYMENT.

RECOMMENDATION 31.
(page 77)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE WORKERS BE PROVIDED WITH TECHNICAL TRAINING AND ASSISTANCE TO LEARN TO TABULATE AND ANALYZE THEIR CASELOADS ANNUALLY TO ESTABLISH TRENDS, EVALUATE PROFESSIONAL EFFECTIVENESS, AND TO IDENTIFY FORMAL AND INFORMAL TRAINING NEEDS.

RECOMMENDATION 32.
(page 78)

THE CHAIRMAN RECOMMENDS THAT AGENCIES CONSIDER CASELOAD DISTRIBUTION TO TAKE

INTO ACCOUNT EDUCATION AND SKILLS REQUIRED FOR SPECIFIC TASKS AND A BALANCING OF RESPONSIBILITIES TO ENSURE JOB SATISFACTION AND REDUCE STAFF TURNOVER.

RECOMMENDATION 33.
(page 82)

THE CHAIRMAN RECOMMENDS THAT AMONGST THE QUALITIES SOUGHT IN AN AGENCY DIRECTOR BE THE ABILITY TO CREATE AN ATMOSPHERE OF EXPERIMENTATION AND INNOVATION WHILE MAINTAINING SOUND PROFESSIONAL PRACTISES. THE ABILITY TO ASSESS SUCH INNOVATION FOR APPLICATION IN OTHER CASES OR SITUATIONS IS ALSO ESSENTIAL.

RECOMMENDATION 34.
(page 83)

THE CHAIRMAN RECOMMENDS THAT AMONGST THE QUALITIES SOUGHT IN AN AGENCY DIRECTOR BE THE ABILITY TO FORM CONSTRUCTIVE LINKS TO THE COMMUNITY AND TO BUILD MECHANISMS FOR COMMUNITY INPUT INTO AGENCY SERVICES.

RECOMMENDATION 35.
(page 87)

THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE EXERCISE THE AUTHORITY TO ESTABLISH PROGRAM STANDARDS FOR CHILD CARE AGENICES AND TO EVALUATE

AGENCY PERFORMANCE IN RELATION TO THOSE STANDARDS.

RECOMMENDATION 36.

(page 94)

THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE ESTABLISH AN AUTOMATED DATA COLLECTION SYSTEM WHICH WILL ENABLE:

- ERROR FREE INFORMATION ENTRY,
- INTERAGENCY AND INTERPROGRAM DATA COMPARISONS,
- MEASUREMENT OF PROGRAM EFFECTIVENESS, AND
- ACCESSIBILITY OF DATA FOR RESEARCH AND EVALUATION ACTIVITIES.

RECOMMENDATION 37.

(page 96)

THE CHAIRMAN RECOMMENDS THAT A PROGRAM REVIEW AND EVALUATION BRANCH BE ESTABLISHED TO COORDINATE AND DIRECT SECONDED STAFF IN CONDUCTING REVIEWS OF CHILD CARE AGENCIES.

RECOMMENDATION 38.

(page 97)

THE CHAIRMAN RECOMMENDS THAT PROGRAM REVIEWS OF INDIAN CHILD AND FAMILY SERVICES AGENCIES FOCUS ON A DEVELOPMENTAL APPROACH AND THAT SPECIAL ASSISTANCE BE PROVIDED TO THESE AGENCIES IN THE AREAS OF TRAINING AND PROGRAM DEVELOPMENT.

RECOMMENDATION 39.

(page 97)

THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE MAINTAIN THE RESPONSIBILITY FOR IDENTIFYING STAFF TRAINING NEEDS OF ALL CHILD CARE AGENCIES AND FOR PROVIDING EDUCATIONAL OPPORTUNITIES EITHER DIRECTLY OR THROUGH ARRANGEMENTS WITH COMMUNITY EDUCATIONAL RESOURCES.

RECOMMENDATION 40.

(page 98)

THE CHAIRMAN RECOMMENDS THAT ALL STATISTICAL DATA COMPILED BY THE DIRECTOR OF CHILD WELFARE AND THE RESULTS OF ALL RESEARCH CONDUCTED UNDER THE AUSPICES OF OR WITH THE PERMISSION OF THE DIRECTOR BE PUBLISHED.

RECOMMENDATION 41.

(page 98)

THE CHAIRMAN RECOMMENDS THAT THE OFFICE OF THE DIRECTOR OF CHILD WELFARE CONDUCT A REGULAR ONGOING REVIEW OF LITERATURE IN THE FIELD OF CHILD WELFARE AND THAT SUMMARIES OF SUCH LITERATURE BE PUBLISHED.

RECOMMENDATION 42.

(page 99)

THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE ASSUME THE RESPONSIBILITY FOR IDENTIFYING AREAS REQUIRING

BASIC RESEARCH AND FOR ENLISTING THE APPROPRIATE UNIVERSITY RESOURCES TO CONDUCT SUCH RESEARCH.

RECOMMENDATION 43.
(page 100)

THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT COST SHARE (50%) ALL RESEARCH PROJECTS RELATED TO CHILD WELFARE AND WHERE SUCH RESEARCH DEALS SPECIFICALLY WITH TREATY INDIANS, THAT THE FEDERAL GOVERNMENT PAY THE TOTAL COST.

RECOMMENDATION 44.
(page 123)

THE CHAIRMAN RECOMMENDS THAT THE PROVINCE ASSIST THE INDIAN CHILD AND FAMILY SERVICES AGENCIES IN THEIR ENDEAVOURS TO SECURE FEDERAL FUNDING FOR THE PROVISION OF MANDATED SERVICES OFF-RESERVE FOR TREATY INDIANS.

RECOMMENDATION 45.
(page 127)

THE CHAIRMAN RECOMMENDS THAT THE EFFECTIVENESS OF THE NATIVE RESOURCE CENTRE BE MONITORED AND EVALUATED FOR APPLICABILITY TO OTHER CULTURAL/ETHNIC GROUPS.

RECOMMENDATION 46.
(page 127)

THE CHAIRMAN RECOMMENDS THAT PRIVATE CHILD CARE AGENCIES BE MANDATED TO HAVE BOARDS OF DIRECTORS WHICH ARE COMPOSED

OF INDIVIDUALS REPRESENTATIVE OF THE GEOGRAPHIC AREA SERVED AND THE CULTURAL/ETHNIC PATTERNS OF THE POPULATION SERVED AND THAT THERE BE PROVISION FOR MEMBERSHIP TURNOVER ON A REGULAR SYSTEMATIC BASIS.

RECOMMENDATION 47.

(page 128)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE PROGRAMS OPERATED BY REGIONAL OFFICES ESTABLISH REGIONAL ADVISORY BOARDS COMPOSED OF INDIVIDUALS REPRESENTATIVE OF THE GEOGRAPHIC AREA SERVED AND THE CULTURAL/ETHNIC PATTERNS OF THE POPULATION SERVED AND THAT THERE BE PROVISION FOR MEMBERSHIP TURNOVER ON A REGULAR SYSTEMATIC BASIS.

RECOMMENDATION 48.

(page 128)

THE CHAIRMAN RECOMMENDS THAT WHERE SUFFICIENT POPULATION CONCENTRATIONS EXIST WITHIN THE GEOGRAPHIC AREA SERVED BY PRIVATE AGENCIES, THAT LOCAL RESOURCE CENTRES BE ESTABLISHED GOVERNED BY A BOARD COMPOSED OF RESIDENTS OF THAT AREA. THE DIRECTOR OF CHILD WELFARE WILL DETERMINE WHERE 'SUFFICIENT POPULATION CONCENTRATIONS' EXIST.

RECOMMENDATION 49.

(page 129)

THE CHAIRMAN RECOMMENDS THAT WHERE A SUFFICIENT POPULATION CONCENTRATION EXISTS WITHIN THE GEOGRAPHIC AREA SERVED BY REGIONAL OFFICES, THAT LOCAL CHILD CARE COMMITTEES BE ESTABLISHED COMPOSED OF RESIDENTS OF THAT AREA.

Note: The difference in the recommendations related to private agencies and regional offices results from the variance in the population distribution of the areas served as well as the fact that regional offices are, in effect, Resource Centres.

RECOMMENDATION 50.

(page 129)

THE CHAIRMAN RECOMMENDS THAT THE DUTIES OF BOARDS, ADVISORY COMMITTEES, AND CHILD CARE COMMITTEES BE DEFINED TO INCLUDE THE DEVELOPMENT OF LOCAL RESOURCES FOR CHILDREN (FOSTER AND ADOPTION HOMES), THE DEVELOPMENT OF LOCAL TREATMENT RESOURCES (GROUP HOMES, THERAPEUTIC SPECIALISTS), THE DEVELOPMENT OF POLICY FOR SERVICE NOT INCONSISTENT WITH PROGRAM STANDARDS DEVELOPED BY THE DIRECTOR OF CHILD WELFARE, AND THE DEVELOPMENT OF SPECIFIC SERVICE PLANS FOR INDIVIDUAL CHILDREN.

RECOMMENDATION 51.

(page 129)

THE CHAIRMAN RECOMMENDS THAT PRIVATE AGENCIES AND INDIAN CHILD AND FAMILY SERVICES AGENCIES FORMALIZE THEIR RELATIONSHIPS WITH OTHER COMMUNITY SERVICES SO THAT ALL POSSIBLE RESOURCES CAN BE MOBILIZED FOR CHILDREN AND THEIR FAMILIES.

RECOMMENDATION 52.

(page 157)

THE CHAIRMAN RECOMMENDS THAT WHEN IT IS NECESSARY THAT A NATIVE CHILD BE PLACED IN A NON-NATIVE FAMILY THAT THE ASSESSMENT OF THAT FAMILY INCLUDE CONSIDERATION OF ATTITUDES TOWARDS NATIVE PEOPLE, CAPACITY TO INVOLVE THEMSELVES IN NATIVE CULTURE, ABILITY TO FORM RELATIONSHIPS WITH PERSONS OF NATIVE DESCENT, AND UNDERSTANDING OF THE NEED TO ASSIST THE CHILD DEVELOP KNOWLEDGE OF AND PRIDE IN CULTURAL HERITAGE.

RECOMMENDATION 53.

(page 159)

THE CHAIRMAN RECOMMENDS THAT CHILD PLACING AGENCIES ACCEPT THE REALITY THAT SPECIAL PROBLEMS MAY BE EXPERIENCED BY CHILDREN OF ONE ETHNIC/CULTURAL GROUP WHEN PLACED IN HOMES OF ANOTHER ETHNIC/CULTURAL BACKGROUND AND THAT CHILDREN

AND ADOPTIVE PARENTS BE OFFERED CULTURALLY SENSITIVE COUNSELLING TO PREVENT OR TREAT SUCH PROBLEMS.

RECOMMENDATION 54.
(page 169)

THE CHAIRMAN RECOMMENDS THAT ASSOCIATIONS OF PRACTITIONERS IN THE FIELDS OF LAW, HEALTH CARE, AND SOCIAL SERVICES ARRANGE FOR TRAINING OPPORTUNITIES IN THE AREA OF CULTURAL AWARENESS AND THAT PARTICIPATION IN SUCH TRAINING BE A REQUIREMENT FOR THOSE WHOSE CLIENTELE INCLUDE MEMBERS OF CULTURAL/ETHNIC MINORITIES.

RECOMMENDATION 55.
(page 172)

THE CHAIRMAN RECOMMENDS THAT EFFORTS TO PROVIDE TRAINING FOR MEMBERS OF CULTURAL MINORITIES BE EXTENDED TO ENSURE THE AVAILABILITY OF QUALIFIED PERSONNEL FOR HUMAN SERVICE AGENCIES WHO ARE MEMBERS OF THE SAME ETHNIC/CULTURAL GROUPS AS THE CLIENTS. SUCH TRAINING SHOULD BE EQUIVALENT TO THAT IN TRADITIONAL TRAINING INSTITUTIONS, SHOULD BE LINKED TO REALISTIC EMPLOYMENT OPPORTUNITIES, SHOULD INCLUDE FINANCIAL AND SUPPORT SERVICES TO MAXIMIZE SUCCESSFUL COM-

PLETION, AND SHOULD LEAD TO CAREER
ADVANCEMENT THROUGH TRAINING AND/OR
EXPERIENCE.

RECOMMENDATION 56.
(page 174)

THE CHAIRMAN RECOMMENDS THAT POST GRADU-
ATE PROFESSIONAL SCHOOLS INCORPORATE
INTO THEIR CURRICULUM MATERIAL DESIGNED
TO INCREASE AWARENESS AND APPRECIATION
OF CULTURAL PATTERNS OF GROUPS WITH
WHICH GRADUATES ARE LIKELY TO COME IN
CONTACT.

RECOMMENDATION 57.
(page 174)

THE CHAIRMAN RECOMMENDS THAT HIGH
SCHOOLS INCORPORATE INTO THE CURRICULUM
CONSIDERATION OF A VARIETY OF CULTURAL
PATTERNS WITH A VIEW TO DEVELOPING
SENSITIVITY TO, AND UNDERSTANDING OF,
CULTURAL DIFFERENCES.

RECOMMENDATION 58.
(page 175)

THE CHAIRMAN RECOMMENDS THAT ETHNIC/
CULTURAL GROUPS IN THE COMMUNITY CON-
TRIBUTE FINANCIAL AND HUMAN RESOURCES
TO THE FIELD OF CHILD CARE THROUGH:

- THE ESTABLISHMENT OF EMERGENCY
SHELTERS FOR PARENTS AND CHILDREN,
- THE ESTABLISHMENT OF DAY CARE
CENTRES,

- THE PROVISION OF SCHOLARSHIPS TO ENABLE MEMBERS OF THEIR GROUPS TO UNDERTAKE PROFESSIONAL TRAINING IN THE HUMAN SERVICES.
- THE ADOPTION OF A FAMILY.
- ACTING AS RECRUITERS FOR FOSTER AND ADOPTIVE HOMES.
- TRAINING MEMBERS OF THEIR GROUPS FOR EFFECTIVE PARTICIPATION ON BOARDS AND LOCAL COMMITTEES OF CHILD AND FAMILY SERVICES AGENCIES.
- PROVIDING RESOURCE PERSONS TO TEACH ETHNIC VALUES TO STUDENTS, AGENCY STAFF, COURT PERSONNEL, PROFESSORS AND EDUCATORS.
- PROVIDING OPPORTUNITIES FOR INVOLVEMENT IN ETHNIC/CULTURAL ACTIVITIES FOR RESIDENTS OF GROUP HOMES AND INSTITUTIONS, AND
- PROVIDING VOLUNTEERS AS BIG SISTERS AND BIG BROTHERS FOR CHILDREN OF THEIR OWN ETHNIC/CULTURAL GROUPS.

RECOMMENDATION 59.

(page 188)

THE CHAIRMAN RECOMMENDS THAT THERE BE A PROVINCIAL COURT JUDGE APPOINTED TO BE LOCATED IN THE NORTH TO PROVIDE SERVICE

TO REMOTE COMMUNITIES ON A MORE REGULAR BASIS, AND BY SPECIAL ARRANGEMENT AS NEEDED, TO ENSURE THAT RESIDENTS OF NORTHERN COMMUNITIES RECEIVE THE SAME LEVEL OF SERVICE AS SOUTHERN URBAN CENTRES.

RECOMMENDATION 60.

(page 188)

THE CHAIRMAN RECOMMENDS THAT THE OFFICE OF THE CHILD PROTECTOR PAY PARTICULAR ATTENTION TO CASES OF CHILDREN UNDER APPREHENSION IN NORTHERN MANITOBA TO ENSURE THAT CASES ARE DEALT WITH BY THE CHILD WELFARE SYSTEM AND THE COURTS EXPEDITIOUSLY AND IN ACCORDANCE WITH THE PROVISIONS OF THE CHILD WELFARE ACT.

RECOMMENDATION 61.

(page 189)

THE CHAIRMAN RECOMMENDS THAT THE OFFICE OF THE CHILD PROTECTOR MONITOR CASES OF CUSTODY BY CONSENT TO ENSURE THAT PARENTS HAVE BEEN FULLY INFORMED OF, AND COMPREHEND, THE IMPLICATIONS OF THEIR VOLUNTARY ACTION AND ARE AWARE OF STEPS THAT CAN BE TAKEN TO WITHDRAW SUCH CONSENT.

RECOMMENDATION 62.

(page 194)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE AGENCIES BE REQUIRED TO REPORT TO THE

CHILD PROTECTOR INFORMATION ABOUT CHILDREN TAKEN INTO CUSTODY FOR LESS THAN 4 JURIDICAL DAYS INCLUDING DOCUMENTATION OF THE CIRCUMSTANCES OF APPREHENSION, A DESCRIPTION OF THE ACTION TAKEN BY THE AGENCY, AND THE FINAL DISPOSITION OF THE CASE. AS APPROPRIATE, THE CHILD PROTECTOR SHALL BE MANDATED TO BRING FORWARD CASES FOR THE REVIEW OF THE COURT.

RECOMMENDATION 63.
(page 203)

THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT BE REQUIRED TO REPORT TO THE DIRECTOR OF CHILD WELFARE ON A MONTHLY BASIS THE STATISTICS OF INDIAN CHILDREN MAINTAINED IN HOMES OTHER THAN THEIR OWN AND FUNDED BY VARIOUS FEDERAL PROGRAMS.

RECOMMENDATION 64.
(page 205)

THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE EXAMINE THE CASES OF THE CHILDREN PREVIOUSLY UNDER THE FEDERAL GUARDIAN SOCIAL ALLOWANCE PROGRAM TO ENSURE THAT THESE CASES ARE BEING SUPERVISED BY THE APPROPRIATE CHILD AND FAMILY SERVICES AGENCY AND THAT PAYMENTS BEING MADE BY THE FEDERAL GOVERNMENT FOR

THE CHILDRENS' MAINTENANCE IS EQUAL TO PAYMENTS ESTABLISHED BY THE PROVINCE FOR FOSTER CARE.

RECOMMENDATION 65.

(page 206)

THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE EXPEDITE THE TRANSFER OF THE CHILDREN REMAINING ON THE "PAY LIST" TO THE APPROPRIATE CHILD AND FAMILY SERVICES AGENCY FOR SUPERVISION AND THAT PAYMENTS MADE BY THE FEDERAL GOVERNMENT FOR THE MAINTENANCE OF THESE CHILDREN BE EQUAL TO PAYMENTS ESTABLISHED BY THE PROVINCE FOR FOSTER CARE.

RECOMMENDATION 66.

(page 206)

THE CHAIRMAN RECOMMENDS THAT IMPLEMENTATION OF THE PREVIOUS TWO RECOMMENDATIONS BE CONTINGENT ON THE GUARANTEE OF THE FEDERAL GOVERNMENT THAT THE COST OF SUPPORT OF TREATY INDIAN CHILDREN IN HOMES OTHER THAN THEIR OWN WILL BE BORNE BY THE FEDERAL GOVERNMENT WHETHER SUCH FOSTER HOMES ARE ON A RESERVE OR OFF THE RESERVE.

RECOMMENDATION 67.

(page 209)

THE CHAIRMAN RECOMMENDS THAT FEDERAL MEDICAL SERVICES CONTINUE THEIR EFFORTS TO PROVIDE THE NECESSARY DIAGNOSTIC AND TREATMENT SERVICES ON RESERVES SO THAT REMOVAL OF CHILDREN FOR MEDICAL CARE WILL NOT BE NECESSARY.

RECOMMENDATION 68.

(page 209)

THE CHAIRMAN RECOMMENDS THAT WHEN IT IS NECESSARY TO SEPARATE AN INDIAN CHILD FROM ITS OWN FAMILY FOR MEDICAL CARE, THAT THE INVOLVEMENT OF THE APPROPRIATE INDIAN CHILD AND FAMILY SERVICES AGENCY BE MANDATED FOR PURPOSES OF SUPERVISION OF THE CHILD, PLANNING FOR THE FUTURE AND FACILITATING CONTINUED CONTACT BETWEEN THE CHILD AND NATURAL FAMILY.

RECOMMENDATION 69.

(page 210)

THE CHAIRMAN RECOMMENDS THAT FEDERAL MEDICAL SERVICES AND THE APPROPRIATE INDIAN CHILD AND FAMILY SERVICES AGENCY CO-OPERATE IN DEVELOPING TECHNIQUES FOR FACILITATING THE CONTINUATION OF A POSITIVE RELATIONSHIP BETWEEN CHILD AND FAMILY. IN ADDITION TO REGULAR VISITS, THERE SHOULD BE A ROUTINE EXCHANGE OF LETTERS, PHOTOGRAPHS, TAPES, AND VIDEO-

TAPES. CONFERENCE TELEPHONE CALLS SHOULD BE USED TO DISCUSS THE PLANS FOR THE CHILD INVOLVING PARENTS, CHILD CARE WORKER, RESERVE NURSE, PHYSICIAN, HEALTH SERVICES SOCIAL WORKER, BOARDING HOME PARENTS, AND OTHER PERSONS AS MAY BE NECESSARY.

RECOMMENDATION 70.
(page 211)

THE CHAIRMAN RECOMMENDS THAT THE LEGISLATION BE AMENDED TO PERMIT PARENTS OR GUARDIANS TO ENTER INTO AN AGREEMENT WITH THE APPROPRIATE CHILD AND FAMILY SERVICES AGENCY WHEN A CHILD MUST BE PLACED AWAY FROM HOME FOR PURPOSES OF MEDICAL CARE.

RECOMMENDATION 71.
(page 211)

THE CHAIRMAN RECOMMENDS THAT HOMES USED FOR THE PROVISION OF CARE TO ALL CHILDREN WHO MUST BE AWAY FROM HOME FOR PURPOSES OF MEDICAL CARE BE LICENSED UNDER LEGISLATIVE PROVISIONS RELATED TO FOSTER HOMES AND SUPERVISED BY THE APPROPRIATE CHILD AND FAMILY SERVICES AGENCY.

RECOMMENDATION 72.
(page 212)

THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT BE REQUIRED TO CONTINUE THE

FINANCIAL SUPPORT OF TREATY INDIAN CHILDREN WHO MUST BE AWAY FROM THEIR OWN HOMES FOR PURPOSES OF MEDICAL DIAGNOSIS OR CARE.

RECOMMENDATION 73.
(page 212)

THE CHAIRMAN RECOMMENDS THAT PAYMENT FOR THE CARE OF INDIAN AND NON-INDIAN CHILDREN WHO ARE AWAY FROM HOME FOR MEDICAL DIAGNOSIS OR TREATMENT BE AT THE SAME RATE AS IS PROVIDED FOR FOSTER CARE, WITH SUPPLEMENTARY PAYMENTS MADE WHEN THE NATURE OF THE HEALTH PROBLEM REQUIRES SPECIAL SKILLS AND ATTENTION FROM FOSTER PARENTS.

RECOMMENDATION 74.
(page 215)

THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT ACCELERATE EFFORTS TO TRANSFER FUNDS AND RESPONSIBILITIES FOR EDUCATION TO BANDS AND TRIBAL COUNCILS.

RECOMMENDATION 75.
(page 215)

THE CHAIRMAN RECOMMENDS THAT HOMES USED FOR INDIAN CHILDREN FOR EDUCATIONAL PURPOSES BE SUBJECT TO THE SAME STANDARDS AS HOMES USED TO PROVIDE FOSTER CARE, AND THAT CULTURAL SENSITIVITY BE A MAJOR FACTOR IN THE APPROVAL OF SUCH HOMES.

RECOMMENDATION 76.
(page 216)

THE CHAIRMAN RECOMMENDS THAT RESEARCH BE CONDUCTED TO DETERMINE THE IMPACT ON CHILDREN OF BEING AWAY FROM HOME FOR EDUCATION PURPOSES COMPARED WITH THOSE CHILDREN WHO COMPLETE THEIR EDUCATION WITHIN THEIR OWN TRIBAL AREA.

RECOMMENDATION 77.
(page 216)

THE CHAIRMAN RECOMMENDS THAT, WHEN INDIAN CHILDREN MUST MOVE FROM THEIR OWN HOMES FOR PURPOSES OF EDUCATION, INFORMATION AND ASSISTANCE BE PROVIDED TO THE APPROPRIATE STAFF OF THE RECEIVING SCHOOL DIVISIONS TO MINIMIZE ANY PROBLEMS THE CHILDREN MIGHT ENCOUNTER IN ADAPTING TO THE SCHOOL.

RECOMMENDATION 78.
(page 216)

THE CHAIRMAN RECOMMENDS THAT RATES PAID BY THE FEDERAL GOVERNMENT ON BEHALF OF INDIAN CHILDREN IN BOARDING HOMES FOR PURPOSES OF EDUCATION BE AT THE SAME RATE AS THAT PAID IN OTHER PROGRAMS.

RECOMMENDATION 79.
(page 225)

THE CHAIRMAN RECOMMENDS THAT EACH YEAR THE DIRECTOR OF CHILD WELFARE CONTRACT WITH A PROFESSIONAL PUBLIC RELATIONS FIRM TO CONDUCT A PROVINCE-WIDE CAMPAIGN

ON BEHALF OF ALL CHILD CARE AGENCIES. THE FOCUS OF THE CAMPAIGN SHOULD BE ON RECRUITING FOSTER AND ADOPTIVE HOMES, AND SHOULD ALSO SERVE TO BRING POSITIVE RECOGNITION TO THOSE FAMILIES CURRENTLY FOSTERING AND ADOPTING.

RECOMMENDATION 80.
(page 227)

THE CHAIRMAN RECOMMENDS THAT ALL CHILD CARE AGENCIES BEGIN WITH THE NEEDS OF A SPECIFIC CHILD WHEN SEEKING FOSTER AND ADOPTIVE HOMES, AND THAT THEY USE ALL AVAILABLE RESOURCES TO IDENTIFY POTENTIAL HOMES IN THE LOCAL COMMUNITY.

RECOMMENDATION 81.
(page 230)

THE CHAIRMAN RECOMMENDS THAT THE CRITERIA BY WHICH FOSTER AND ADOPTIVE FAMILIES WILL BE EVALUATED BE WRITTEN, BE CONSISTENT THROUGHOUT THE PROVINCE, BE PUBLICLY AVAILABLE, AND GIVEN TO ALL WHO INDICATE AN INTEREST IN FOSTERING OR ADOPTING.

RECOMMENDATION 82.
(page 232)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE AGENCIES PREPARE INFORMATION SHEETS WITH PICTURES OF CHILDREN ACTUALLY AVAILABLE FOR ADOPTION, AND THAT THESE BE SHOWN TO PROSPECTIVE ADOPTION FAMILIES.

RECOMMENDATION 83.

(page 234)

THE CHAIRMAN RECOMMENDS THAT NEW GUIDELINES FOR THE EVALUATION OF FOSTER AND ADOPTIVE HOMES NOT ONLY CONTAIN THE FACTORS WHICH MUST BE CONSIDERED, BUT ALSO PROVIDE DIRECTION ON HOW EACH FACTOR SHOULD BE RATED AND WEIGHTED IN THE ASSESSMENT OF HOMES.

RECOMMENDATION 84.

(page 235)

THE CHAIRMAN RECOMMENDS THAT, UPON RECEIPT OF A SIGNED APPLICATION FROM PROSPECTIVE FOSTER AND ADOPTIVE FAMILIES, THERE BE AN AUTOMATIC CHECK WITH THE ABUSE REGISTRY AND WITH THE POLICE TO ENSURE THAT NO CHILD IS PLACED IN A SITUATION THAT HAS THE POTENTIAL TO BE DANGEROUS.

RECOMMENDATION 85.

(page 236)

THE CHAIRMAN RECOMMENDS THAT AGENCIES BE REQUIRED TO MAKE CONTACT WITH THE PERSONS LISTED AS REFERENCES BY FOSTER AND ADOPTIVE APPLICANTS TO SECURE THEIR VIEWS ON THE ABILITY OF THE APPLICANTS TO PROVIDE A SAFE, SECURE, AND LOVING HOME FOR CHILDREN.

RECOMMENDATION 86.

(page 238)

THE CHAIRMAN RECOMMENDS THAT SIBLING GROUPS NOT BE SEPARATED FOR PURPOSES OF

ADOPTION. PLACEMENT OF SIBLING GROUPS WITH A PERMANENT FOSTER FAMILY OR WITH EMPLOYED HOUSE PARENTS IS FREQUENTLY PREFERABLE TO SEPARATION.

RECOMMENDATION 87.
(page 239)

THE CHAIRMAN RECOMMENDS THAT THE NEW GUIDELINES CONTAIN DISCUSSION OF THE ASSESSMENT OF APPLICATIONS FROM SINGLE APPLICANTS.

RECOMMENDATION 88.
(page 239)

THE CHAIRMAN RECOMMENDS THAT NO CHILD BE PLACED FOR ADOPTION IN A FAMILY WHOSE ETHNIC/CULTURAL BACKGROUND IS DIFFERENT THAN ITS OWN UNTIL EVERY POSSIBLE EFFORT HAS BEEN MADE TO FIND A HOME THAT IS ETHNICALLY/CULTURALLY COMPATIBLE WITH THE BACKGROUND OF THE CHILD.

RECOMMENDATION 89.
(page 240)

THE CHAIRMAN RECOMMENDS THAT PROSPECTIVE FOSTER AND ADOPTIVE FAMILIES BE ASSESSED IN RELATION TO THEIR ABILITY TO APPRECIATE AND ENHANCE A CHILD'S SENSE OF IDENTITY WITH ITS OWN ETHNIC/CULTURAL BACKGROUND.

RECOMMENDATION 90.
(page 241)

THE CHAIRMAN RECOMMENDS THAT THE PROCESS OF ASSESSMENT OF ADOPTION APPLICANTS

INCLUDE DISCUSSION OF HOW A CHILD'S SEARCH FOR PERSONAL IDENTITY WILL BE HANDLED, AND THAT PLACING AGENCIES BE AVAILABLE TO ASSIST ADOPTIVE PARENTS WHEN THIS SITUATION ARISES.

RECOMMENDATION 91.
(page 244)

THE CHAIRMAN RECOMMENDS THAT, UPON RECEIPT OF A REQUEST FROM AN ADULT ADOPTEE FOR INFORMATION ABOUT, OR CONTACT WITH, BIRTH PARENTS, AN ACTIVE ROLE BE TAKEN BY THE POST ADOPTION REGISTRY STAFF IN LOCATING PARENTS, AND, IF CONSENTING, EXPEDITING CONTACT.

RECOMMENDATION 92.
(page 244)

THE CHAIRMAN RECOMMENDS THAT STAFF RESOURCES CONTINUE TO BE AVAILABLE TO COORDINATE AND EXPEDITE THE REPATRIATION OF NATIVE CHILDREN WHO WERE PLACED OUT OF PROVINCE IN THE PAST.

RECOMMENDATION 93.
(page 245)

THE CHAIRMAN RECOMMENDS THAT THE DEVELOPMENT OF A PLAN FOR EACH INDIVIDUAL CHILD WHO IS A PERMANENT WARD OF AN AGENCY BE DONE BY ALL SENIOR PROGRAM STAFF WITH THE FULL PARTICIPATION OF THE STAFF MEMBER DIRECTLY RESPONSIBLE FOR THE CHILD.

RECOMMENDATION 94.

(page 248)

THE CHAIRMAN RECOMMENDS THAT THE FOSTER HOME PROGRAM OF MANITOBA BE EVALUATED TO ENSURE THAT APPLICANTS ARE SCREENED PRIOR TO THE PLACEMENT OF A CHILD, THAT TRAINING IS AVAILABLE FOR FOSTER PARENTS AND PARTICIPATION REQUIRED, AND THAT FOSTER HOME PLACEMENTS ARE MONITORED ON A FREQUENT BASIS BY THE CHILD CARE AGENCY.

RECOMMENDATION 95.

(page 250)

THE CHAIRMAN RECOMMENDS THAT THERE BE RESEARCH IN THE AREA OF ADOPTION AND FOSTER HOMES IN AN ATTEMPT TO IDENTIFY THE ELEMENTS WHICH MAKE IT POSSIBLE FOR CHILDREN AND SURROGATE PARENTS TO FORM A POSITIVE RELATIONSHIP.

RECOMMENDATION 96.

(page 251)

THE CHAIRMAN RECOMMENDS THAT THERE BE RESEARCH IN THE AREA OF GROUP HOMES IN AN ATTEMPT TO IDENTIFY THE TYPES OF CHILDREN WHO BEST BENEFIT FROM A GROUP HOME PLACEMENT.

RECOMMENDATION 97.

(page 252)

THE CHAIRMAN RECOMMENDS THAT PROGRAM REVIEWS OF GROUP HOMES BE CONDUCTED ON A REGULAR BASIS, AND AT LEAST ONCE A

YEAR, AND THAT LICENSES BE WITHHELD FROM ANY HOME WHICH DOES NOT MEET ESTABLISHED EXPECTATIONS FOR THE CARE OF CHILDREN.

RECOMMENDATION 98.
(page 254)

THE CHAIRMAN RECOMMENDS THAT RESOURCES BE MADE AVAILABLE FOR THE PROVISION OF FACILITIES FOR GROUP HOMES ON RESERVES AND IN METIS COMMUNITIES, AS APPROPRIATE, FOR THE CARE OF TEENAGE CHILDREN IN NEED OF SUCH A RESIDENTIAL SETTING.

RECOMMENDATION 99.
(page 255)

THE CHAIRMAN RECOMMENDS THAT APPROPRIATE GROUP HOMES BE ESTABLISHED TO PROVIDE CARE FOR CHILDREN FROM REMOTE AREAS WHO MUST REMAIN IN WINNIPEG PENDING DISPOSITION OF THEIR CASES UNDER THE YOUNG OFFENDERS ACT.

RECOMMENDATION 100.
(page 256)

THE CHAIRMAN RECOMMENDS THAT THE NAMES OF ALL APPLICANTS FOR POSITIONS IN GROUP HOMES AND CHILD CARE INSTITUTIONS BE CHECKED WITH THE POLICE TO ENSURE NO CRIMINAL RECORD EXISTS WHICH WOULD INDICATE THAT EMPLOYMENT OF AN INDIVIDUAL MIGHT PLACE CHILDREN IN JEOPARDY.

RECOMMENDATION 101. THE CHAIRMAN RECOMMENDS THAT A STRUCTURED TRAINING PROGRAM BE AVAILABLE FOR STAFF OF GROUP HOMES TO PERMIT IMPROVEMENT OF SKILLS AND ABILITY TO ASSUME HIGHER LEVELS OF RESPONSIBILITY.

RECOMMENDATION 102. THE CHAIRMAN RECOMMENDS THAT GROUP HOMES AND CHILD CARE INSTITUTIONS DIRECT ATTENTION TO ASSISTING CHILDREN DEVELOP PRIDE IN THEIR CULTURAL HERITAGE THROUGH EMPLOYMENT OF STAFF OF SIMILAR BACKGROUND AS THE CHILDREN, PROVISION OF SPECIAL PROGRAMS AND ACTIVITIES, AND THE ESTABLISHMENT OF CONTACT WITH INDIVIDUALS AND ORGANIZATIONS WHO CAN ASSIST IN THIS PROCESS.

RECOMMENDATION 103. THE CHAIRMAN RECOMMENDS THAT ADDITIONAL LEVEL IV SPACES BE ESTABLISHED AS A TEMPORARY MEASURE PENDING FURTHER EVALUATION.

RECOMMENDATION 104. THE CHAIRMAN RECOMMENDS THAT THERE BE RESEARCH CONDUCTED ON THE HISTORY OF THE CHILDREN RESIDENT IN LEVEL IV FACILITIES TO DETERMINE WHAT ALTERNATE FORMS OF

CARE AVAILABLE AT SPECIFIC PERIODS OF THE CHILDREN'S LIVES MIGHT HAVE PREVENTED THE DEVELOPMENT OF BEHAVIOUR PATTERNS WHICH LED TO THE ADMISSION TO THE FACILITY.

RECOMMENDATION 105.

(page 260)

THE CHAIRMAN RECOMMENDS THAT THERE BE A STUDY OF CASES APPROVED BY THE DIRECTOR OF CHILD WELFARE FOR SPECIAL FUNDING OVER THE PAST FEW YEARS TO IDENTIFY WHETHER THERE ARE ANY PATTERNS WHICH MIGHT BE GENERALLY APPLIED TO BETTER PROVIDE FOR CHILDREN.

RECOMMENDATION 106.

(page 261)

THE CHAIRMAN RECOMMENDS THAT CHILD CARE AGENCIES EXPAND THEIR USE OF HOMEMAKERS TO PROVIDE RESPITE FOR PARENTS AT TIMES OF STRESS TO REDUCE THE POSSIBILITY OF PROBLEMS REACHING A LEVEL OF SEVERITY WHICH MIGHT REQUIRE THE APPREHENSION OF CHILDREN.

RECOMMENDATION 107.

(page 262)

THE CHAIRMAN RECOMMENDS THAT THE CHILD WELFARE SYSTEM INCREASE ITS AWARENESS AND USE OF THE DAY CARE PROGRAM AS A FORM OF RESPITE FOR PARENTS IN TIMES OF

STRESS TO REDUCE THE POSSIBILITY OF PROBLEMS REACHING A LEVEL OF SEVERITY WHICH MIGHT REQUIRE THE APPREHENSION OF CHILDREN.

RECOMMENDATION 108.
(page 267)

THE CHAIRMAN RECOMMENDS THAT A SURVEY BE CONDUCTED BY A QUALIFIED RESEARCH FIRM TO DETERMINE WHAT PERCENTAGE OF THE MANITOBA POPULATION HAS EVER BEEN IN THE CARE OF THE CHILD WELFARE SYSTEM, WHAT THEIR EXPERIENCES HAVE BEEN, WHAT IMPACT THEY PERCEIVE THE SYSTEM TO HAVE HAD ON THEIR LIVES, AND WHAT CHANGES THEY WOULD SUGGEST TAKE PLACE.

RECOMMENDATION 109.
(page 269)

THE CHAIRMAN RECOMMENDS THAT THERE BE ROUTINE FOLLOW-UP OF CLIENTS OF CHILD CARE AGENCIES TO SECURE THE INFORMATION NECESSARY TO EVALUATE THE IMPACT OF THE SERVICE THAT WAS GIVEN AND TO PROVIDE THE OPPORTUNITY TO RECEIVE SUGGESTIONS FOR THE IMPROVEMENT OF SERVICES.

ADDENDUM

The Child and Family Services Act introduced to the legislature in 1985 may incorporate some of the recommendations, in whole or in part. This report contains the recommendations as originally drafted.

INTRODUCTION

At a time when our country is struggling to redefine itself, to determine what kind of a future we want for everyone in this land, we must in all fairness pay particular attention to the needs and aspirations of Native people without whose good faith and support we cannot fulfill the promise that is Canada.

*The Hon. John C. Munro, M.P., P.C.
Minister of Indian Affairs
and Northern Development*

*In All Fairness, A Native Claims
Policy, 1981*

The Native people of Manitoba had been aware for some time that substantial numbers of children who had been removed from their families by the provincial or federal authorities were placed outside the Province of Manitoba and adopted by non-Natives.

With charges of "cultural genocide" and the "selling of babies", the Native leadership was successful in early 1982 in having the Province recognize this problem and take action

on it.

Premier Howard Pawley in March, 1982, banned any further adoption placements of Indian and Metis children outside the provincial boundaries. Subsequently, Community Services Minister, Mr. Leonard Evans, announced the appointment of a committee to review the situation and to formulate recommendations related to placement procedures.

Appointed as Chairman was Associate Chief Judge Edwin C. Kimelman of the Provincial Court (Family Division). The Judge was soon made aware that the out-of-province placement of Native children was only a symptom, an abhorrent one to be sure, but only a symptom of problems throughout the child welfare system that affect all children coming into care.

This final report is the product of the information gathered in the course of the activities of the Review Committee and of the Chairman's 35 years of experience as lawyer and judge in the field of family law.

The only limitation to this study is that information

gathering was restricted to the special problems of Natives in the child welfare system as defined in the original mandate. The Chairman, however, feels that the mandate has been fulfilled in the six reports which have been submitted to the Minister. This report takes a broader perspective.

This report will not necessarily repeat recommendations which have been made in previous reports. Where a recommendation is repeated, the rationale and supporting information may be different. What will be consistent are expressions of despair at the lack of reliable statistical data, the paucity of research, and the scarcity of pertinent literature in the field of child welfare.

RECOMMENDATION 1. THE CHAIRMAN RECOMMENDS THAT ACCOUNTABILITY BE BUILT INTO THE CHILD WELFARE SYSTEM THROUGH THE PROVISION OF GENERAL AND SPECIFIC TRAINING AND EDUCATION IN THE AREA OF CULTURAL AWARENESS, THROUGH THE INTRODUCTION OF POLICIES AND SERVICES TO GUARANTEE THE PROTECTION OF THE LEGAL RIGHTS OF ALL PARTIES, THROUGH

THE DEVELOPMENT OF STRUCTURES WHICH WILL ENSURE THE PARTICIPATION OF CITIZENS, THROUGH THE ESTABLISHMENT OF PROGRAM STANDARDS AND REGULAR PROGRAM EVALUATIONS TO ENSURE THAT CHILD CARE AGENCIES ARE FULFILLING THEIR MANDATED RESPONSIBILITIES, AND THROUGH THE CONDUCT OF APPROPRIATE RESEARCH TO ENSURE SERVICE PATTERNS ARE ADAPTABLE TO CHANGING NEEDS AND THAT PROFESSIONAL INTERVENTION TECHNIQUES ARE EFFECTIVE.

CHAPTER I

STUDY PROCESS

When I talk to you, I want you to listen to me. I don't want to be ignored. I don't want to be pushed in the back row or pushed out the door. I don't want to be that way. There is an issue at hand. It has to do with my people and I want to say something about it. I'm not going to send a white person to represent me. I'm going to represent myself because I speak from the heart. If people stand in front of me, if they stand in my way, I will kick their ---. If they walk behind me, I will throw all kinds of ---- on them, but, if they walk beside me I will be their friend. And, as a Native person, I'm not going to sit back any longer and let the world run by me. I'm going to say my speech whether you do anything about it or not. It doesn't bother me because I know I've tried.

Marvin Smoker
at Winnipeg Public
Hearing, September 10, 1982

As originally established, the Review Committee on International Indian Adoptions consisted of the Chairman and representatives of the Children's Aid Society of Western Manitoba, the Children's Aid Society of Winnipeg, The Dakota

Ojibway Child and Family Services, the Four Nations Confederacy, the Manitoba Keewatinowi Okemakanac, Inc., the Manitoba Metis Federation, the Child and Family Services Branch of Indian and Northern Affairs Canada, and the Child and Family Services Branch of the provincial Department of Community Services.

The mandate given the Review Committee was:

- ° to determine problems inherent in current placement procedures for Indian children, with special emphasis on adoption and foster home placement;
- ° to develop guidelines for adoption and foster home placement procedures involving Indian children which can be instituted throughout the child welfare system, and which will recognize the special cultural needs of the Indian community;
- ° to prepare a proposal for the Minister's consideration to promote awareness of the need for Indian adoptive and foster parents, and to encourage Indian families to offer their homes as placement resources.

The Minister indicated that these terms of reference would be subject to change based on the Committee's deliberations and findings.

At the first meeting of the Committee on May 2, 1982, it became immediately clear that the composition of the Committee

would make consensus impossible. Several members held positions so radically opposed to each other, and yet so valid from their own viewpoint, that compromise would be impossible. The possibility of a fair and impartial consideration of the issue was undermined by the Committee's very composition. It was also clear that customary confidentiality was not a standard which the Chairman could demand of members. The issue of Native adoptions had become one of public debate. The media was presenting the political stance of organizations and it was too late to expect this practise to cease.

The Chairman was determined that the structure of the Committee not stand in the way of the production of a meaningful report dealing with substantive issues which could and would be implemented. The need to avoid the possibility of the Committee being used merely to silence the hue and cry raised by the Native organizations was clear. This study was not to be a whitewash of the child welfare system.

At the meeting held in Brandon on May 27, 1982, just prior to the first Public Hearing, the Chairman outlined his concerns to the Committee members. Offering no alternative, the Chairman stated that it was his intention to continue the review as a committee of one and offered the members the opportunity to continue as advisors to him.

The members reluctantly accepted this change in status and all agreed to continue.

A number of subsidiary benefits resulted from this change. The general atmosphere of the meeting improved as members taking opposing positions on certain matters did not feel the pressure to sway other members or the Chairman. The general management of the Committee activities were eased as it was no longer essential that all members be present at all community meetings - although all members were present at all Public Hearings.

The problem of confidentiality continued. While the move from full participating member to advisor allowed individuals

to express their points of view to the media, it had been anticipated that the details of discussions of specific items and cases would be held in confidence. Unfortunately, this was not the case.

After a meeting on July 6, 1982, at which it was agreed that the Chairman would recommend to the Minister that the legislative provision authorizing subsidized adoptions be proclaimed, and at which the Chairman had specifically requested that the members extend the courtesy of permitting the Minister to hear of this recommendation first from the Chairman, two members of the Advisory Committee walked out of the meeting and on the steps of the Town Hall of Beausejour gave interviews to the press and T.V. representatives.

Subsidies urged for adoptive parents

By Tom Goldstein
Winnipeg Free Press

BEAUSEJOUR — The Manitoba government will be asked to provide cash subsidies to families qualified to adopt children, but financially unable to do so.

The recommendation could be implemented simply by enacting legislation passed more than seven years ago.

The request is expected to be made today by senior Family Court Judge Edwin Kimmelman who is conducting a provincial government-sponsored review of practices involved in the adop-

tion of native and Metis children.

The inquiry was commissioned last March after the *Free Press* reported that more than half the Indian children placed for adoption in Manitoba each year were sent to the United States. The practice has been banned pending the outcome of Judge Kimmelman's probe.

Judge Kimmelman confirmed yesterday he would make an interim recommendation to the province concerning subsidies to adoptive parents, but refused to discuss details. He said he owed Community Services Minister

Len Evans the "courtesy" of informing him first.

However, sources said the recommendation has the support of the inquiry's entire eight-member advisory committee.

The sources also said the recommendation could be implemented quickly.

"It could be in effect next month," a source said.

All the provincial cabinet has to do is pass an order-in-council proclaiming Section 104 of the Child Welfare Act, passed in 1974 by the NDP government of the day. The section, entitled Sub-

sidized Adoption, is the only part of the act which has not been proclaimed.

It reads: "Where the minister has reason to believe that the interests of a child may best be served by the granting of a subsidy to the adopting parent, he may authorize payment of such amount and in such form as in his opinion is justified."

Sources said the rationale behind Judge Kimmelman's proposal is to make it easier for more otherwise-qualified See ADOPTION page 4

Adoption subsidy proposed

continued from page 1

subsidies to adoptive parents, but refused to discuss details. He said he owed Community Services Minister Len Evans the "courtesy" of informing him first.

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amount and in such form as in his opinion is justified."

Sources said the rationale behind Judge Kimmelman's proposal is to make it easier for more otherwise-qualified parents to adopt children by providing them with some funding. The amount and length of the subsidy would vary from case to case and could be on a one-shot basis or longer.

The proposed funding would be somewhat less than that received by foster parents, who get roughly between \$170 and \$200 a month for room, board and clothing depending on the age of the child. Other allowances are provided for special needs.

Each subsidized adoption would be subject to periodic review to determine whether funding should continue and to what extent.

Other existing requirements for adoptive parents would remain the same, sources said.

In addition to making more parents available to adopt children, cash subsidies would enable sibling groups to be

kept together and provide for special needs, they said.

The proposal would save taxpayers money in the long run, they said, by reducing the number of foster homes required.

Similar legislation has been in effect in Ontario for a few years.

Sources said the recommendation received approval from the advisory committee members yesterday morning.

Vladimir Hrycky, Community Services Department Eastman Region social worker, told the Kimmelman inquiry he could recall no children from the area being placed for adoption outside the province.

The comment, which was in direct contrast to the allegations which sparked the inquiry, brought forth a stream of questions from advisory committee member Tim Maloney who found it somewhat incredible. Maloney is executive director of the Eastern Onway Child and Family Services, which earlier this year called for a ban on the exporting of native children.

A second infringement of confidentiality occurred after the September 9, 1982 meeting in Winnipeg. A specific case had been discussed with the advisors polled on what position they believed the Chairman should take on the case. Following the meeting, members not only revealed the discussion to the media

but one member, under pressure from the organization represented, changed position from that taken in the closed meeting.

It is obvious that from this point on substantive matters were not discussed with the Advisory Committee and active participation of the advisors was not vigorously encouraged. The advisors did not openly question these procedures.

Another change occurred following the first Public Hearing in Brandon. A presentation of the Manitoba Metis Federation persuaded the Chairman that the parameters of the Committee should be expanded to include consideration of the special problems related to Metis children within the child welfare system. As a result the name of the Committee was changed to Review Committee on Indian and Metis Adoptions and Placements.

It should also be noted that the original Committee had not included representation of the Metis community. The Minister agreed, after considerable pressure was exerted, to include the Manitoba Metis Federation. The change of name of

the Committee represented the second confirmation of belief in the premise put forward that the Metis community had unique problems which needed to be examined as distinct and separate from the problems of the Treaty Indian people and non-Natives.

The repeated promise of active participation and of a contribution to the Chairman's deliberations were not fulfilled by the Metis community of Manitoba.

It is felt that the difference in response to the review by the Treaty Indian community and the Metis community resulted from different processes that had taken place in the immediate past.

The problems of child welfare as they related to Treaty Indians had long been recognized by the local Reserve communities. The official recognition of the problems by the tribal Indian organizations resulted from the pressure of local groups. There had also been extensive experience by the leadership of the Treaty Indian communities in dealing with political structures and the civil service. Thus the Treaty communities were

able to organize well-attended Special Hearings in communities, had experience in preparing and presenting briefs which outlined their problems in a concise and imaginative manner reflecting Indian style and imagery, and finally, were at ease in dealing with representatives of the public media and with the format of Public Hearings.

The articulation of a Metis policy on child welfare issues, on the other hand, apparently resulted from the expressed concern of the Metis leadership, not the local communities.

Briefs were presented by the Metis organizations at the Public Hearings. But requests to the Chairman to meet in Metis communities were not forthcoming. After considerable prodding by the Chairman, a request was received to meet with one community but after numerous attempts and making every effort to accommodate, no meeting was held. The Chairman regrets not having been given the opportunity to meet with the leaders and local residents of Metis communities. The Chairman, therefore,

received only information that reflected the official position of the provincial organization.

Several meetings with Metis organizations were attended by the Chairman but they cannot be described as "Hearings". Thus, the Chairman did not receive the information that was necessary to support the oft-heard claim that the Metis were different from other Native people and needed to be dealt with in a special way.

Giving consideration to this matter led the Chairman to conclude that there were many cultural groups within the Manitoba community which needed to be considered as having a unique and special interest in the child care system, whose cultural patterns as they related to child rearing must be recognized, and which must assume certain responsibilities with regard to their own children. The Metis contributed significantly to the Chairman's full appreciation of this cultural reality.

WINNIPEG SCHOOL DIVISION NO. 1
POPULATION IN FAMILIES
WITH SCHOOL AGE CHILDREN (0 - 15)
BY LANGUAGE SPOKEN IN HOMES
(1981 CENSUS)

Total all Languages		84,695
English	71,550	
Portuguese	2,975	
Philippino	1,865	
Italian	1,150	
Chinese	1,030	
French	525	
Polish	445	
German	445	
Vietnamese	425	
Ukrainian	420	
Cree	185	
Ojibway	135	
All others	3,545	

The Public Hearings of the Review Committee were held in the major population centres of the province from May through September, 1982. These Public Hearings were advertised in the press, on T.V. and radio with particular attention to publications and radio programs directed to Native communities. Special mailings were sent to Reserves and to local officials of the Manitoba Metis Federation. Members of the Advisory

Committee notified their counterparts of Hearings to be held in the various regions. In addition, direct contact was made with persons and organizations believed to have a contribution to make to this issue.

PUBLIC HEARINGS

Brandon	May 27 and 28, 1982
The Pas	June 21, 1982
Beausejour	July 6, 1982
Thompson	August 12, 1982
Dauphin	August 25, 1982
Winnipeg	September 9, 10 and 16, 1982

The Chairman made it known through public statements and direct mailings to Reserves and to regional officers of the Manitoba Metis Federation that he would welcome invitations to meet in local communities and would attend to hear directly from the people what they perceived to be the problems in child welfare and how they saw the problems being resolved.

The Special Hearings that were arranged were well-attended and provided an intensity of information which had not been possible in the Public Hearings. At the Special Hearings the Chairman heard stories from parents and grandparents who had

lost children. There was the opportunity to hear formally and informally from children who had personally experienced the child welfare system. The discussions over sandwiches and tea proved valuable.

As was pointed out, the Metis communities did not come forward as had been anticipated. A member of the Advisory Committee did arrange for one meeting with local Metis people in Brandon which, although informative, did not provide the information essential to have impact on the direction of the Chairman's thinking. Only one meeting was requested by a Metis community but could not be scheduled.

SPECIAL HEARINGS

The Pas Reserve	October 20, 1982
Brokenhead Reserve	October 26, 1982
Peguis Reserve	November 5, 1982
Sandy Bay Reserve	November 22, 1982
Roseau River Reserve	November 25, 1982
Long Plain Reserve	January 4, 1983
Berens River Reserve	January 5, 1983
Churchill	February 10, 1983
Brandon	November 8, 1983

The Hearings at Berens River Reserve and Brokenhead Reserve were organized by Southeast Child and Family Services. The Reserves in the northern half of their region were all represented at Berens River and all the Reserves in the southern half of the region were represented at Brokenhead. A special effort was made by the organizers to have former foster children, foster parents, and children make presentations.

Similarly, the Dakota Ojibway Child and Family Services participated with the bands in organizing the Hearings at Long Plain and Roseau River. At these Hearings, presentations were made by children who had been placed elsewhere in foster and adoptive homes and were now back on the Reserve, by parents who had had children removed from them, and by foster parents.

The Peguis Reserve Hearing also involved representatives of other Reserves in the Interlake region.

The Chairman received 17 additional briefs.

The verbatim transcripts of the Public Hearings and all other written briefs received have been printed and distributed

to a number of libraries. The content of all the presentations has been compiled in a report called the Issues Report which was submitted to the Minister of Community Services in September of 1984. (See Appendix)

In the course of the Public and Special Hearings many allegations were made or implied about the placement procedures of child care agencies. It was important that the Chairman understand what the agencies were actually doing and what those agencies perceived to be the ways in which changes could be made to adapt procedures to be more sensitive to Native concerns. It should be noted that all child care agencies were aware, or should have been, of the statements being made at the Hearings. The press and T.V. coverage had been thorough and, in fact, one station had filmed the Winnipeg Public Hearing in its entirety.

All child care agencies in the province were interviewed.

Appointments with the agencies were made in advance. Each

Executive Director was free to decide which persons would be present at these interviews. The participation in these interviews varied from only the Director, the Director and senior staff, to the Director and a cross section of agency personnel. It is interesting in retrospect to note that at not a single meeting with the private agencies was a member of the board of directors invited to participate by the Executive Director.

In each interview exactly the same questions were asked. Although these questions were not sent out, it can be assumed that the agencies interviewed later were able to have their responses prepared in advance.

It had been initially hoped to conduct all the interviews within a short time span. This plan was altered when it was realized that three of the Indian agencies were not yet at a stage of development to have the experience necessary to respond to the questions.

AGENCY INTERVIEWS

Children's Aid Society of Eastern Manitoba -
September 22, 1982

Interlake Region - September 23, 1982

Jewish Child and Family Services -
September 24, 1982

Southeast Child and Family Services -
September 28, 1982

Eastman Region - September 28, 1982

Children's Aid Society of Central Manitoba -
September 29, 1982

Dauphin Region - October 5, 1982

Dakota Ojibway Child and Family Services -
October 6, 1982

Children's Aid Society of Western Manitoba -
October 6, 1982

Winnipeg Region - October 15, 1982

Children's Aid Society of Winnipeg -
October 18, 1982

Thompson Region - October 19, 1982

The Pas Region - October 20, 1982

Sagkeeng Child and Family Services -
November 10, 1982

Churchill Health Centre - February 10, 1983

Awasis Child and Family Services -
October 12, 1983

Anishinaabe Child and Family Services -
February 6, 1984

West Region Child and Family Services -
February 22, 1984

The results of these interviews were compiled with 18 specific recommendations and submitted to the Minister of Community Services in July of 1984. (See Appendix)

The process of the review was interrupted in May of 1983 when the Minister of Community Services asked the Chairman to undertake a study of the group homes in the province funded through the child welfare system. This provided an opportunity for the Chairman to examine one segment of the system in considerable detail.

At the time the study was conducted, 77 group home facilities were operating in Manitoba. The Chairman undertook to visit 25 homes selected as being representative in terms of location, service level, age group served, and auspices. In addition, over 30 persons were interviewed to assist in the identification of the specific issues which required examination. The study included examination of all available operating manuals to identify cultural/ethnic/religious references.

The report of the Group Home Review was presented to the Minister and made public in October of 1983. (See Appendix) As the Chairman's informants were guaranteed anonymity, the dates and names of the group homes visited are not included here nor in the Group Home Report.

It was the publicly stated position of the child care agencies that placement of children out of province had provided a rarely used, but valuable, placement resource for certain children - sibling groups, older children and children defined by the agencies as "hard to place". The Chairman viewed an examination of the files of the children so placed to be essential to his study.

It was established that in 1981 a total of 108 children were placed out of province, 51 in Canada and 57 in the United States. Of these children, 93 were of Native descent (52 Treaty Indians, 4 non-Treaty Indians and 37 Metis). The Chairman personally examined the files (both the "adoption"

file and the "family" file) of those 93 children.

The results of that examination were compiled in the File Review Report, presented to the Minister and made public in April, 1984. (See Appendix)

At the urging of the members of the Advisory Committee and based on material prepared by three of those members, the Chairman examined the issue of Post Legal Adoption Services. The results were submitted to the Minister in June, 1984. (See Appendix)

In addition, there were over 30 interviews and meetings with Native groups, educational institutions, religious leaders and foster parent organizations. Contacts have been made across Canada and in the United States. Over 100 books and articles have been studied.

This final report then is a culmination of over 2 years of study and reflects the recommendations of the Chairman based on:

- what the child care agencies said they were doing,
- what the community believed the child care agencies were doing,

- what the Chairman perceived to be the actual practises and procedures of the child care agencies, and
- what the literature revealed.

Based on information gathered through a wide variety of activities, this report does not necessarily repeat the findings and recommendations made in the six preliminary reports submitted. For those details, the earlier reports should be examined.

CHAPTER II

CHILD PROTECTOR'S OFFICE

Children's dependency renders them uniquely vulnerable to becoming the invisible casualties of institutions and systems which assume that by responding to the needs and demands of adults, they simultaneously and adequately address the needs of the children who depend on adults. On those adult intermediaries falls the responsibility to mediate between the child and the institutions of the larger society. And these intermediaries - however enlightened and energetic - face an almost impossible task in wresting services for children from institutions who systematically ignore children and in no way recognize children as individuals.

Admittance Restricted,
The Task Force on the Child
as Citizen,
Canadian Council on Children
and Youth, 1975

In the course of the Chairman's investigations, presentations were made arguing the specific and special rights of the participants of the child welfare system.

While some potential conflicts in these rights were recognized, no suggestion was made as to how such conflicts

might be resolved.

RECOMMENDATION 2.

THE CHAIRMAN RECOMMENDS THAT A CHILD PROTECTOR'S OFFICE BE ESTABLISHED, RESPONSIBLE TO THE LEGISLATURE, TO ENSURE THAT ALL CHILDREN COMING BEFORE THE COURTS AND THOSE INVOLVED IN THE CHILD CARE SYSTEM HAVE THEIR INTERESTS PROTECTED, TO GUARANTEE THAT ALL PARTICIPANTS IN CHILD WELFARE CASES COMPREHEND THE PROCEEDINGS, TO RECEIVE AND INVESTIGATE COMPLAINTS ABOUT THE CHILD WELFARE SYSTEM, TO ACT AS ARBITRATOR WHEN REQUIRED, AND TO TAKE WHATEVER ACTION MIGHT BE NECESSARY TO PROTECT THE CHILDREN OF THE PROVINCE AND TO PROTECT THE INTERESTS OF SUCH CHILDREN.

Before discussing the role of the Child Protector, it is necessary to consider the rights of children as contained in the provisions of The Child Welfare Act and how those rights might be redefined.

The Child Welfare Act in effect in June, 1985, defined the "best interests of the child" as follows:

"best interests of the child" means the best interests of the child in the circumstances having regard, in addition to all other relevant considerations to

- (i) the mental, emotional and physical needs of the child and the appropriate care or treatment, or both, to meet such needs,
- (ii) the child's opportunity to have a parent-child relationship as a wanted and needed member within a family structure,
- (iii) the child's mental, emotional and physical stages of development,
- (iv) the effect upon the child of any disruption of the child's sense of continuity and need for permanency,
- (v) the merits and the risk of any plan proposed by the agency that would be caring for the child compared with the merits and the risk of the child returning to or remaining with his or her parents,
- (vi) the views and preferences of the child where such views and preferences are appropriate and can reasonably be ascertained, and
- (vii) the effect upon the child of any delay in the final disposition in the proceedings.

This definition implies that children have certain rights - the right to an environment for healthy growth, the right to a family, the right to expeditious procedures, and the right to express an opinion. All these factors are subject to interpretation by individual workers, by agency policy, and ultimately by the court. Over time what constitutes a "family" has

changed. The elements believed to constitute a healthy environment for emotional growth have changed.

In the presentations made to the Chairman, the Native people of Manitoba have charged that the interpretation of the term "best interests of the child" has been wrought with cultural bias in a system dominated by white, middle class workers, boards of directors, administrators, lawyers, and judges. They also alleged that in the application of the legislation, there are many factors which are crucially important to the Native people which have been ignored, misinterpreted, or simply not recognized by the child welfare system.

Many of these criticisms are valid. The Native people have challenged some of the cherished assumptions of the system - a system which sincerely believed that it was functioning to provide the very best for the children of the province.

The suggestions of the Native people were presented in their own self-interest, a fact that they recognized, verbalized and publicly proclaimed. What the Native people did not

fully appreciate was that what they suggested as appropriate for Native people was equally appropriate for children and families of non-Native descent.

The Native people believe that there are certain moral rights which, while not embodied in current law, are equally important and which must be respected. The Treaty Indian presenters made the argument that Treaty Indian children who were adopted by non-Treaty families had a basic right to know that they were Treaty Indians and to understand the special privileges available as a result of their status. This basic right is now accepted by practise. Treaty Indian children do not lose their Treaty rights upon adoption and adopting parents are to be so informed at the time of the adoption. The child may secure detailed information when the age of majority is reached.

To ensure that Treaty Indian children placed in the past are also made aware of their legal rights under the Treaties, the federal government has cooperated with the provincial

government and the private agencies to attempt to inform those children of their Treaty status.

It is the Chairman's opinion that the Indian people are correct in their desire to have their children, who in the past were placed away from their own family and communities, informed of their cultural background so that those children can make an informed choice as to whether or not they wish to reestablish contact with their cultural community.

This same principle applies to all children entering the child welfare system and placed away from immediate family. Where a child has a different ethnic or cultural background than the family in which it has been placed, that child has a right to knowledge of its own genetic roots. Adoptive families, foster families, group homes, and institutions have a responsibility to provide the child with information and experiences which will foster personal pride.

More than the above, every child entering the child welfare system has a right to expect that its ethnic and cultural back-

ground will be given full consideration in the plans made for care. The child has the right to expect the agency will make every effort to place it in an ethnically/culturally appropriate environment. The child has the right to expect that the ethnic/cultural community into which it was born will assume responsibility to make the necessary resources available.

RECOMMENDATION 3.

THE CHAIRMAN RECOMMENDS THAT THE LEGISLATIVE DEFINITION OF THE "BEST INTERESTS OF THE CHILD" BE AMENDED TO INCLUDE THE REQUIREMENT THAT A CHILD'S CULTURAL HERITAGE BE CONSIDERED IN THE DETERMINATION OF ANY PLAN FOR THE CHILD.

It should be noted that the Child and Family Services Act passed in the 1985 session of the Manitoba legislature does include provision for consideration of the child's "cultural and linguistic heritage".

For the child who enters the system when it is old enough to have memories of its own family, the child has the right to maintain those memories without any feelings of disloyalty to

the family in which it has been placed. This right places responsibilities on the placing agency to secure information about the child's birth family and to make that information available to the adoptive or foster family. The agency further has the responsibility to assist the new family interpret that information for the child.

The right of a child to remain within its own sibling group must be recognized by the child care system and new methods of providing for such groups must be developed. The review of the files revealed that far too little attention has been paid to the relationships children have to their siblings. Statistically children had been listed as sole children when, in fact, they had brothers and sisters who were often placed elsewhere singly. The trauma caused to children who are simultaneously severed from contact with parents, siblings, relatives, friends, and community must be painful beyond endurance.

RECOMMENDATION 4.

THE CHAIRMAN RECOMMENDS THAT THE LEGISLATIVE DEFINITION OF THE "BEST INTERESTS

OF THE CHILD" BE AMENDED TO INCLUDE CONSIDERATION OF A CHILD'S RELATIONSHIP TO SIBLINGS.

For children that have been separated in the past, steps must be taken to enable contact to be reestablished if that is the wish of the siblings. The Adoption Registry is one mechanism that can be used.

RECOMMENDATION 5. THE CHAIRMAN RECOMMENDS THAT THE LEGISLATION RELATED TO THE POST ADOPTION REGISTRY BE AMENDED TO PROVIDE FOR REUNIFICATION OF SIBLINGS.

There are a number of rights of parents which need to be clarified and articulated in law and reinforced by agency procedures.

At the present time when custody of a child is permanently removed from a parent, that parent loses all rights to the child as well as all responsibility.

The child welfare system is not consistent in its treatment toward the parent who has lost custody. When a

parent voluntarily relinquishes an infant with the plan that the infant be placed for adoption, parental preference is considered with regard to the religion of the adoptive home although there is no such support for that action in law.

On the other hand, an older child may be removed from parents by the court, placed for adoption and the parents are treated as if they no longer exist. Such practise denies memory and the need of the older child to maintain a realistic concept of natural family as a base for developing a positive self-image.

The first right of a parent in coming in contact with the child welfare system is to be informed of the procedures which will effect whether they retain or lose custody of their child. Parents have the right to be spoken to in a language and in a manner that is comprehensible to them. They have the right to be informed how what they say and what they do can be used in the courts. They have a right to know what is likely

to happen to their children if the children become wards of the child welfare system.

The Native people speak of "custom adoption" and wish this shared child rearing practise to be recognized in law. Essentially a custom adoption reflects the communal responsibility for raising a child. Custody of a Native child in a traditional community may be given by, or taken from, natural parents for a wide variety of reasons. Where custom adoption differs from the broader community's child welfare system is essentially the continued contact that the birth parents have with the child and the new parents and the lack of "confidentiality", as that term is used by child care professionals.

The evidence is growing that the claim of Native people about the ability of a child to relate to a number of adults in a child/parent role is healthy for development. It is particularly recognized that when custody of a child is transferred to another when the child is older, continued contact with the birth parent is not only desirable but should be required.

The Native people also argue that the right of a parent to continued contact with a child should be permitted to extended family members as well. The law today reflects the concept of a society composed of only nuclear or two generation families. This is no longer the Canadian reality. Many cultural groups in Canada have three, and even four, generation families with siblings or cousins assuming responsibility for raising each other's children.

The Indian community presents the proposition that it has a claim to any child born to any of its members in that the child represents the future of the Indian people as a distinct cultural group. That basic right of the Indian community has been recognized by the federal government through the provision of funds to tribal organizations for child welfare services. The provincial government has also acknowledged those rights by the development of protocols to insure that the appropriate Indian child and family services agencies are notified of the apprehension of any Treaty Indian child in the province and are

provided with sufficient time to locate placement resources amongst extended family, band members, or in the tribal community.

RECOMMENDATION 6.

THE CHAIRMAN RECOMMENDS THAT THE LEGISLATION BE AMENDED TO REQUIRE THAT THE APPROPRIATE INDIAN CHILD AND FAMILY SERVICES AGENCY BE NOTIFIED OF ANY INDIAN CHILD COMING INTO THE CARE OF ANY CHILD CARE AGENCY AND FURTHER, THAT "PROTOCOLS" BE ESTABLISHED BY REGULATION.

It is evident that the rights of children, of parents, and of the community require further definition and must be incorporated into law to ensure that individual workers, agencies, and the court system will evaluate and weigh these many factors when attempting to define the best interests of a child.

It is equally evident that no matter how well-defined these rights may be, there will be times when the rights of a child may conflict with the rights of the parents or the rights of the parents may conflict with the rights of the cultural

community. Some mechanism must be in place to ensure that the rights of all parties are presented to the court when a decision on a child's destiny must be made by the judge.

The child care agencies have presented the view that separate legal representation for the child is not necessary as they, as the mandated child care services, act as the protector of the child's interests. The evidence indicates that the role of the child care agency is compromised by the conflicting roles that have been thrust upon it by the legislation.

One of the duties of a child caring agency is to provide guidance and counselling to families. The agency is also required to protect children and, in that role, may have to use information gained in counselling sessions as evidence against the parents they were purporting to help. Similarly, as the agency responsible for the placement of children for adoption, recognizing the current overabundance of potential adoptive parents and the shortage of children available for adoption, the agency may not be able to be objective and fair in counselling

an unmarried mother considering the available options for the child.

In essence then, the interests of the child, the parents and the agency may be in conflict.

This discussion leads to the description of the first function of a Child Protector's office - child advocacy.

The Manitoba Court of Appeal gave judgment in a case where a child, being dissatisfied with an order of permanent guardianship, contested that order with counsel acting for the child appointed pursuant to the Child Welfare Act. The Court of Appeal stated that the child had no standing before the courts and that a lawyer could only represent an infant through a next friend, a guardian, or the Public Trustee. The Court added that there is no provision in law for an infant directly instructing counsel. (Monnin, C. J. M., re: Children's Aid Society of Winnipeg v. Martin Cheung and Infant Martin)

In another case before the Court of Appeal, a 14 year old sought interim release pending an appeal. Again, the Court

found that "the infant is not in a position to retain and instruct counsel and to initiate these steps other than with a guardian, guardian ad litem, or through the Public Trustee".

(Huband, J. A., re: Her Majesty the Queen v. Wayne Witney Whincup) The judgment in this case was delivered May 25, 1985.

This may technically be the proper approach. The substantive problem lies in defining when a child ought to be given the right to take part in the legal process of which the child is a party.

Traditionally children's rights have been determined in the context of adversarial proceedings to which the child is not a party. It is expected that the facts necessary to rule on the best interests of the child will be exposed. To date counsel have only been appointed when the court is satisfied that the parties have not adequately put forward relevant information.

What is required is some institutionalization of a system which allows children to make their views known with respect to

the determination of their best interests.

That children need someone to represent their interests in court proceedings has become increasingly recognized over the years. Perhaps what has not been sufficiently recognized is the special nature of advocacy for children and the specialized skills and knowledge necessary to carry out such a task effectively.

Regrettably, to date, representing children in both legal and child welfare matters has been seen as a training ground to gain experience in order to participate in the business of the higher courts. The specialized nature of child advocacy should make it one of the most rewarding fields of law.

It is accepted that a judicial system should protect the weak; then clearly children, who are the most vulnerable members of our society, require the protection of the courts. When children are before a court, for whatever reason, they find themselves in a most complicated situation.

The court must have regard for both justice and the

child's welfare. Justice deals with rules and principles, child welfare deals with individual needs. Justice is decided on past events, child welfare looks to the future. Justice needs to be enforceable, child welfare depends on personal relationships which no court can enforce.

Children find themselves as a bone of contention between parent and parent, or between parent and child welfare agencies. When decisions are made, what seems like justice to adults may not be consistent with a child's welfare. What the court finds to be best for the child's welfare may not appear to be justice to a child. The security of a parent, even an abusive or neglectful parent, may seem better to a child than the unknown.

Clearly a child's view may differ from those of the adults involved. A court may not be able to adhere to a child's views and preferences, but at least a decision of the court may be more acceptable to a child if the child's views have been put forward to the court.

Evidence of a child may not be reliable as a child's

perception of truth varies considerably. Fantasy and reality may be confused in a child's mind. Communication with children may require a variety of techniques such as play, make believe, drawing interpretation, or extensive observation.

In child welfare matters, the child should be represented by counsel with sufficient expertise and training in child psychology and/or social work that the child's position can be clearly presented to the court.

At the present time, in custody cases, it is only when there is a suspicion of violence, ill-treatment, incest, or neglect that a home study is required. Such a report is regarded as being of extreme importance in determining issues of access.

The difficulties encountered in balancing justice and child welfare can be illustrated in the area of juvenile crime. Under the Young Offenders Act, an arbitrary age of 12 has been set. All child offenders under 12 years are regarded as being in need of care and protection rather than punishment. For

children aged 12 to 17, the dichotomy between the concepts of child welfare and justice raises further problems.

Children need protection to ensure that they are not removed from their families without substantial cause. It has been observed that social workers tend to make idealistic judgments about family functioning and may view situations as neglect where no actual harm is likely to occur.

There appears to be a tendency of bureaucratic institutions to protect their own - to act to protect themselves rather than act in the interests of a child. This protectionist pose is understandable given the public's shocked reaction when a child is injured within a family with which an agency has been working. To forestall such situations, and such public criticism, children may be removed from a family on the basis of mere suspicion rather than facts.

Court procedures themselves produce other dilemmas. Justice requires a set of procedures. Difficult questions of

law require careful consideration. Appeal procedures must be available.

Adults waiting for a court decision find the perceived delays difficult. How much more difficult must it be for a child whose future is at stake and to whom the passage of time is exaggerated.

There are then a number of issues related to advocacy for children. There is the need for independent representation for children; there is need to develop a new breed of advocate - part lawyer, part social worker; there is the need to develop court procedures which will be expeditious as well as just.

RECOMMENDATION 7.

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR BE RESPONSIBLE FOR ENSURING THAT IN EVERY CASE INVOLVING THE CUSTODY OF A CHILD (CHILD WELFARE, CRIMINAL OR DIVORCE) THAT LEGAL COUNSEL IS ASSIGNED TO REPRESENT THE SPECIFIC INTERESTS OF THE CHILD IN THE PROCEEDINGS SUBJECT TO THE LAW RESPECTING APPOINTMENT OF COUNSEL BY GUARDIAN, NEXT FRIEND, OR TRUSTEE.

RECOMMENDATION 8.

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR INITIATE DISCUSSION BETWEEN THE MANITOBA LAW SCHOOL AND THE MANITOBA SCHOOL OF SOCIAL WORK TOWARD THE DEVELOPMENT OF A SOCIAL WORK/LAW DEGREE IN CHILD ADVOCACY.

RECOMMENDATION 9.

THE CHAIRMAN RECOMMENDS THAT IN THE INTERIM, THE CHILD PROTECTOR PROMOTE AND INSTITUTE LEGAL TRAINING FOR SOCIAL WORKERS AND SOCIAL WORK TRAINING FOR LAWYERS IN THE AREAS OF CHILD WELFARE AND FAMILY LAW.

RECOMMENDATION 10.

THE CHAIRMAN RECOMMENDS THAT, IN KEEPING WITH THE CHILD ADVOCACY FUNCTION, THE CHILD PROTECTOR ENSURE THAT ALL PARTIES BEFORE THE COURTS IN MATTERS INVOLVING CHILDREN (CHILD WELFARE, CRIMINAL OR DIVORCE) ARE PROVIDED THE SERVICES NECESSARY TO ENSURE AWARENESS OF THE ISSUES BEFORE THE COURT, THE PROCEDURES OF THE COURT, THE IMPLICATIONS OF THE PROCEDURES, AND THE POSSIBLE OUTCOMES OF THE PROCEDURES. THIS SHALL BE ACCOMPLISHED BY THE PROVISION OF INTERPRETERS.

COURT COMMUNICATORS, AND PARAPROFES-
SIONALS.

No matter what safeguards are in place to ensure that children are responsibly dealt with within the child welfare system, situations will arise that require the intervention of an independent authority. The Director of Child Welfare, being responsible for the administration of the child welfare system, cannot stand in judgment of that system. The Director is responsible for the establishment of standards for child care agencies, and thus may reliably be expected to evaluate how well agencies function in accordance with those standards. The appropriateness of the standards themselves are not within the capacity of the Director to evaluate.

The court, on the basis of the evidence presented, may order that a child be returned to the parents. There is nothing to prevent the agency from reapprehending the child the next day. A new hearing would then be held with respect to that apprehension at which time the agency might present new or

different evidence before the court.

When the court has ordered that a child be made a ward of an agency, the agency is free to implement any plan it feels is appropriate whether it is consistent with the information provided to the court or not. There is no obligation on the part of the agency to implement the plan which it presented to the court. Such a situation is an affront to the legal process and an injustice to the children that the child welfare system was established to protect.

Similar concern has been expressed in other jurisdictions. In its review of the child welfare system in Alberta, the Cavanagh Board of Review in its report of October 20, 1983, stated:

"We learned that some children were apprehended and put in temporary placements where they remained for a long time before anything was done to plan their futures, either with a view to restoring them to their families or making plans for them in care. We were told that children who became temporary wards were often placed by a social worker and then forgotten."

A mechanism must exist that holds agencies accountable, in a systematic fashion, for the treatment of their wards so that either plans presented to the courts are implemented or the agency can justify why this has not occurred.

The fact that a new plan may be followed is not necessarily a fault. New facts may render the original plans redundant. New resources may make it possible for a child to be maintained in a less disruptive situation. It may be that anticipated resources were found to be unavailable. The agencies must be held accountable for their actions.

In Ontario, the legislation provides for a review of crown wards. Such reviews are carried out by a team of experienced people who have been front line workers, supervisors, or department heads in child welfare agencies. In such reviews, selected cases are examined and certain conclusions reached regarding the total caseload and the adequacy of the service being given to the children in care.

While the Ontario review system has value, it is not felt to be sufficiently comprehensive to ensure that all children are dealt with in a responsible manner by the child care agencies.

RECOMMENDATION 11. THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR, ON A REGULAR, SYSTEMATIC BASIS, NOT LESS FREQUENTLY THAN EVERY SIX MONTHS, EXAMINE THE FILES OF ALL CHILDREN WHO ARE WARDS OF THE CHILD CARE SYSTEM TO ENSURE COMPLIANCE WITH LEGISLATED RESPONSIBILITIES.

RECOMMENDATION 12. THE CHAIRMAN RECOMMENDS THAT, ON THE BASIS OF THE ABOVE, THE CHILD PROTECTOR IDENTIFY THOSE INDIVIDUAL CASES OR GROUPS OF CASES WHICH REQUIRE REVIEW BY THE COURT AND SHALL CAUSE SUCH CASES TO BE BROUGHT BEFORE THE COURT.

RECOMMENDATION 13. THE CHAIRMAN RECOMMENDS THAT THE CASES OF ALL PERMANENT WARDS OF CHILD CARE AGENCIES BE BROUGHT BEFORE THE COURT FOR REVIEW AT THE END OF ONE YEAR FROM THE DATE THAT THE CHILD WAS MADE A PERMANENT WARD AND EACH YEAR THEREAFTER UNTIL EITHER THE CHILD REACHES THE AGE

OF MAJORITY, IS ADOPTED, OR IS NO LONGER A PERMANENT WARD.

In addition to monitoring the cases of individual children, the Child Protector must ensure that the system itself is functioning responsibly. The Child Protector will have an advantage not possible just a few years ago. As the child welfare system is currently being computerized, the Child Protector will be able to tie into that system. This will enable the securing of necessary case and statistical data without placing an administrative burden upon agency and directorate staff.

RECOMMENDATION 14. THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR MONITOR THE STATISTICAL DATA PREPARED BY THE DIRECTOR OF CHILD WELFARE AND BE MANDATED TO EXAMINE, OR CAUSE TO BE EXAMINED, ANY FACET OF THE SYSTEM AS IS DEEMED TO BE NECESSARY.

The Child Protector's investigative authority should permit examination of the policies and practises of all programs whether such programs are administered by the government, by private agencies, by private profit or non-profit organizations.

or by special contractual arrangements. Out-of-province programs to which Manitoba children might be sent for treatment should also be within the Child Protector's investigative responsibilities.

The range of programs which would be subject to scrutiny by the Child Protector would include foster homes, probationary adoptive homes, group homes, residential centres, institutions, day care centres, and emergency and assessment residential facilities.

RECOMMENDATION 15. THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR BE MANDATED TO RECEIVE AND INVESTIGATE ANY COMPLAINT AGAINST ANY INDIVIDUAL OR PROGRAM WITHIN THE CHILD CARE SYSTEM FROM ANY PARTY, INCLUDING CHILDREN.

Upon completion of an investigation, the Child Protector must take whatever action is necessary to rectify the situation which caused the original complaint should it be found that the complaint was warranted.

If the problem relates to a specific child and a specific program, the Child Protector would report the findings and recommendations to the Director of Child Welfare for appropriate corrective action. If the finding revealed a systemic problem, the report and recommendation might be submitted to the Director of Child Welfare, the Minister of Community Services, and/or the legislature. Under no circumstances must the Child Protector be inhibited from speaking out publicly on any problem or issue as long as the privacy of individuals is ensured.

If, in the course of the investigation of a complaint, the Child Protector has reason to believe that illegal or criminal events have occurred, the matter shall be immediately referred to the police or the Attorney General's Department.

RECOMMENDATION 16. THE CHAIRMAN RECOMMENDS THAT UPON COMPLETION OF AN INVESTIGATION INTO A COMPLAINT, THE CHILD PROTECTOR SHALL PRESENT THE FINDINGS AND THE RECOMMENDATIONS FOR CORRECTIVE ACTION TO THE APPROPRIATE AUTHORITY.

The third major responsibility area of the Child Protector shall be that of child abuse. Currently lodged in the office of the Director of Child Welfare, the functions carried by the Abuse Coordinator would more properly fall within the scope of the Child Protector. This is particularly so because the many disciplines required to detect and treat the victims of child abuse are found within many government and non-government service structures - child welfare, community services, education, law enforcement, health, private medicine, and the public media.

RECOMMENDATION 17. THE CHAIRMAN RECOMMENDS THAT THE FUNCTIONS OF THE CHILD ABUSE COORDINATOR BE TRANSFERRED TO THE OFFICE OF THE CHILD PROTECTOR.

There are three functions related to child abuse:

- maintenance of the child abuse registry,
- development of multidisciplinary teams throughout the province, and
- case monitoring.

The existing Child Welfare Act contains provisions dealing with child abuse. In April of 1984 guidelines on child abuse were released by the Ministers of Community Services, Health, Education, and the Attorney General.

RECOMMENDATION 18. THE CHAIRMAN RECOMMENDS THAT THE GUIDELINES RELATED TO CHILD ABUSE CASES BE EMBODIED IN THE LEGISLATION AND REGULATIONS.

Statistics prepared by the Child Abuse Coordinator based on data secured from the child abuse registry indicate that there were 693 cases of child abuse reported in 1984. Informed sources indicated that this number represents less than 50% of the actual number of cases of child abuse. It is generally agreed that it will be some years before the statistics reliably reflect the actual situation and this will depend to a great extent on the amount of public education on the subject that is conducted.

The 1984 statistics reveal a 222% increase in reported cases since 1979 and a 20% increase over 1983. This increase

is recognized as an indication of greater awareness of the problem and greater willingness to report cases to the local child care agency rather than an actual increase in child abuse.

It must also be noted that the child abuse registry, and thus the statistics, record only intra-familial abuse cases and do not include "third party assaults" which are investigated by child care agencies but are not reported to the registry.

RECOMMENDATION 19. THE CHAIRMAN RECOMMENDS THAT ALL CASES OF CHILD ABUSE BE REPORTED TO THE CHILD ABUSE REGISTRY.

The present limitation of the child abuse registry to family abuse is a reflection of the auspices under which it has been operating - i.e., the Child Welfare Directorate. If it is important for there to be a record of a parent or a stepparent who has abused a child within the family setting, surely it is equally important that the names of non-family members be recorded in the interests of protecting children. While it is possible for a child to experience abuse from a total stranger,

it is more likely that abuse will be perpetuated by someone familiar - a babysitter, a scout leader, an athletic coach, a day care worker, a teacher, a foster parent, a group home worker - someone who has easy and regular access to a child and is in a position to trust.

The recording of the name of a convicted child abuser serves no purpose if it is used merely for statistical purposes. At the present time, only child care agencies have access to the information on the registry. Again, this is a reflection of the auspices under which the register operates.

It would seem that programs which involve children for extended periods of time (day care centres, foster homes, treatment institutions, schools, recreation programs, hospitals) have a legitimate interest in ensuring that they do not employ, or accept as a volunteer, a person who has been recently convicted of a child abuse charge.

RECOMMENDATION 20.

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR DEVELOP PROCEDURES TO ENSURE

THAT PROGRAMS WHICH EMPLOY STAFF OR RECRUIT VOLUNTEERS TO WORK WITH CHILDREN DO NOT UNWITTINGLY PLACE CHILDREN AT RISK OF ABUSE FROM A PERSON IN WHOSE CARE THEY HAVE BEEN PLACED AND THAT SUCH PROGRAMS BE MONITORED REGULARLY.

SING-SING ALONG

W.P. Sun *Dec. 2, 1984*
NEW YORK (UPI) — Nearly half of 82 daycare centre workers screened by the city in the wake of a sex abuse scandal have been convicted of crimes that include arson, robbery, prostitution and possession of guns or drugs, officials said Friday.

"Shocking is the best word to describe it," Mayor Edward Koch said. "It's clearly something we have to be concerned about."

Department of Investigation Commissioner Patrick McGinley also said he was shocked by the results despite the fact they included only a small number of the 8,200 employees working in city-funded daycare centres.

The employees are being fingerprinted by the DOI. The prints are then sent to a criminal justice agency in Albany for a criminal record check.

McGinley said 36 of 82 daycare centre workers — 44 per cent — on which results were so far available had been convicted of crimes that included arson, robbery, prostitution and possession of guns or drugs.

March 4, 1985 Social workers ask for day care probe

VANCOUVER (CP) — The investigation of another day-care centre has prompted a call by the B.C. Association of Social Workers for a complete review of child care in British Columbia. In the most recent incident, the husband of the operator of a centre in suburban Burnaby was charged Friday with sexually assaulting two 4-year-old girls in the centre's care. The Delta Day Care is the fifth operation to be investigated in more than a month, but no charges have been laid in connection with the other centres.

The above newspaper stories indicate that a check of the abuse registry should not substitute for a police check for convictions of other crimes which would indicate that a person should not be put in charge of children.

It cannot be assumed that a provincial abuse registry will protect children from being placed in positions of danger. Canada has become a mobile nation with the population moving from province to province in search of employment opportunities, as a result of early retirement, or returning to a home community in times of economic recession. A foster parent in British Columbia may have been found guilty of child abuse in Ontario. A volunteer baseball coach in Nova Scotia may have abused a child while teaching in Alberta.

RECOMMENDATION 21. THE CHAIRMAN RECOMMENDS THAT A NATIONAL ABUSE REGISTRY BE ESTABLISHED.

Another noted limitation to the present abuse registry is the fact that information is only available during regular working hours. Abuse does not always occur between 9 to 5 on weekdays. It is more likely that child abuse will take place during the evenings or on weekends.

When the police or hospital personnel become involved in after-hour situations, it is essential that, when a child's

injuries appear to be abuse-caused, it can be determined whether the family or the caregiver has a previous history of abusing children. It is not necessary that the hospital or police have access to all the details of previous incidents of abuse but just enough to alert them that sending a child back home may be dangerous.

RECOMMENDATION 22. THE CHAIRMAN RECOMMENDS THAT AUTHORIZED PERSONNEL WHO MIGHT BECOME INVOLVED IN EMERGENCY SITUATIONS OF SUSPECTED CHILD ABUSE HAVE ACCESS ON A 24 HOUR BASIS TO IDENTIFYING DATA FROM THE CHILD ABUSE REGISTRY THROUGH A COMPUTER CONNECTION.

Clearly, if the child abuse registry is to be used to record the names of those involved in confirmed situations of child abuse - child, family of child, and offender - every effort must be made to ensure that the registry itself is not guilty of abuse. Procedures for the ethical operation of the registry must be developed.

Certainly persons who are listed on the registry as an

abuser have a right to be notified that they have been so listed and must be given the opportunity to refute the information listed about them. In cases of dispute between the individual and the administrators of the registry, an individual should have a right to appeal to an independent body or a court for a fair hearing to determine whether the listing is justified or not. There must also be a mechanism and rules for the deletion of names from the registry.

RECOMMENDATION 23. THE CHAIRMAN RECOMMENDS THAT AN ETHICAL PROTOCOL BE DEVELOPED TO ENSURE THAT THE NAMES OF THOSE NOT FOUND GUILTY OF ABUSE ARE PURGED FROM THE REGISTRY, THAT PERSONS WHOSE NAMES APPEAR ARE NOTIFIED, THAT PERSONS HAVE THE RIGHT TO VIEW THEIR FILE AND SUBMIT INFORMATION FOR INCLUSION ON THE FILE TO PRESENT THEIR POSITION, AND, FURTHER, THAT PERSONS HAVE ACCESS TO LEGAL PROCEDURES TO SEEK REMOVAL OF THEIR NAMES FROM THE REGISTRY.

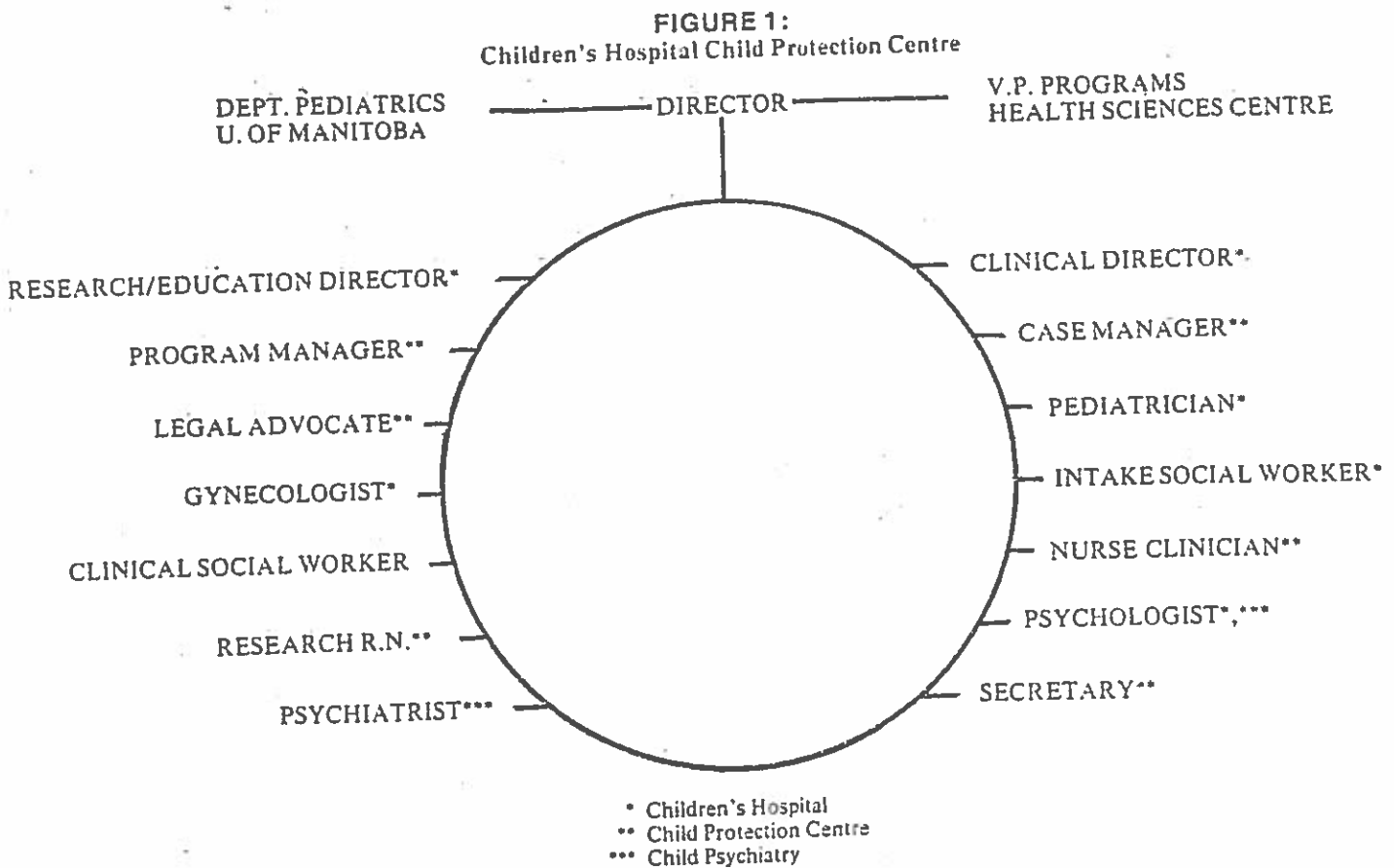
Experience in Manitoba and elsewhere has indicated that

the identification and treatment of children subject to abuse requires a multidisciplinary approach. No single field or profession can supply the range of skills and knowledge necessary to meet the demands of this area of concern.

Further, the making of a decision related to a child in a risk situation is far too important and complex to be left to a single profession or to a single agency. The expertise of the professions of medicine, psychiatry, law, education, nursing, and social work must be utilized.

The Child Protection Centre at the Children's Hospital in Winnipeg was established in 1982. This Centre has developed intervention strategies and treatment techniques for children who have been physically, sexually and emotionally abused, and their families based on a multidisciplinary approach. Research is an integral part of the program so that performance is under constant scrutiny and evaluation aimed at developing and improving treatment techniques.

In the June, 1984, edition of Canada's Mental Health, an article by Mills, Gravenor and McRae illustrates the staff composition of the Child Protection Centre as follows:

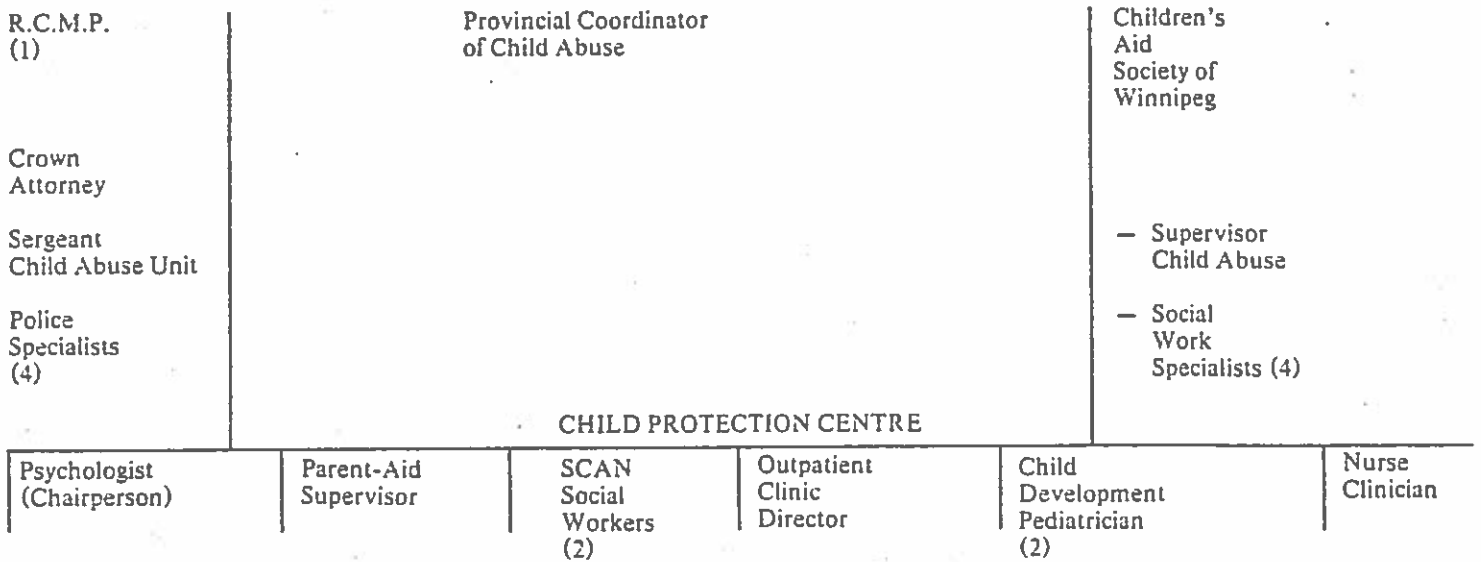


The same article illustrates the committees necessary to deal with cases of abuse and the professional or program specialists who should be involved. The Centre indicates a slight difference in the composition of committees to deal with

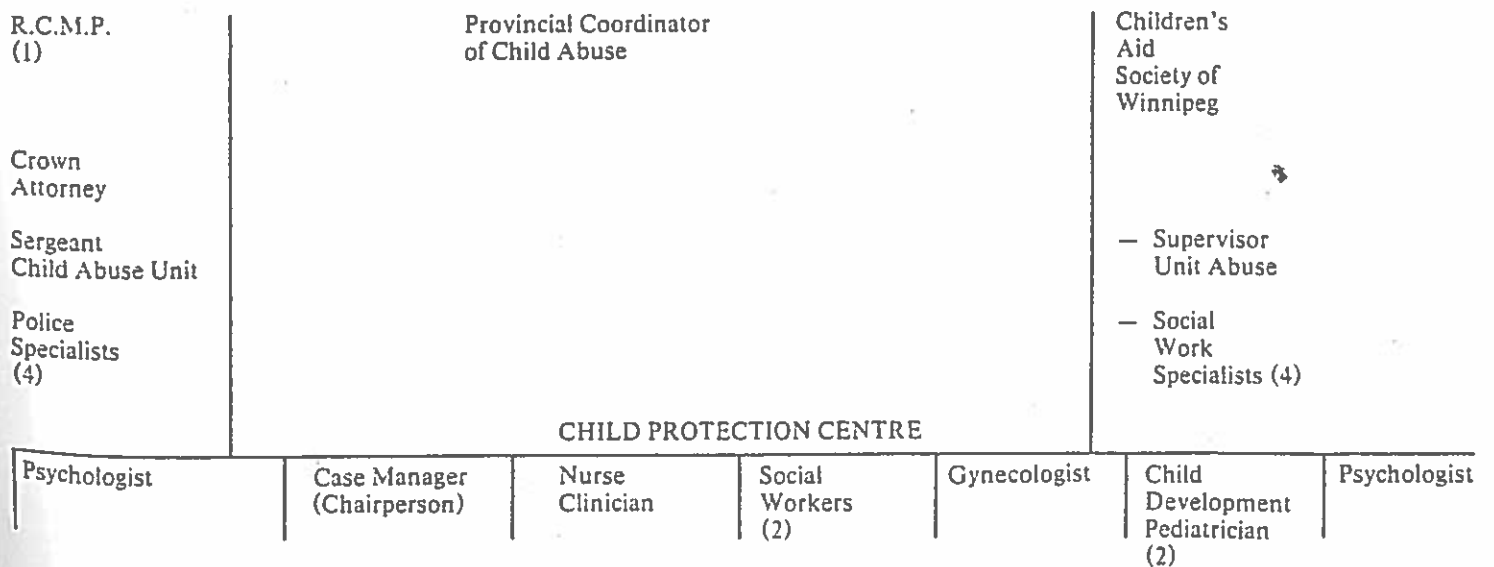
physical abuse and those for sexual abuse cases.

**FIGURE 2:
Team Members**

A) Physical Abuse Committee



B) Sexual Abuse Committee



The above was developed to deal with cases brought to the attention of the Children's Hospital in Winnipeg. The staff of the Child Protection Centre have offered consultation, advice, training, and encouragement towards the development of multi-disciplinary abuse teams outside the Winnipeg area. The resources outside Winnipeg, while improving, have not yet reached the level of expertise available at the Children's Hospital. Steps must be taken to ensure that the children outside the City of Winnipeg have available to them the same resources and skills.

RECOMMENDATION 24.

THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR ASSUME LEADERSHIP IN DEVELOPING INTERDISCIPLINARY CHILD ABUSE COMMITTEES AND TREATMENT CENTRES IN EVERY REGION OF THE PROVINCE AND THAT THE EXPERTISE OF THE CHILDREN'S HOSPITAL CHILD PROTECTION CENTRE STAFF BE UTILIZED TO ACHIEVE THIS GOAL.

The January, 1985, report of the Manitoba Advisory Council on the Status of Women identifies recent developments in this

area. The St. Boniface Hospital is reported to have developed a child abuse committee, but not a special unit for the treatment of victims and their families.

Child abuse committees are known to be established in the Dauphin Region, Thompson Region, and in the Brandon Region. At least one Indian child and family services agency, Awasis, has developed protocols for the handling of child abuse cases. The protocols involve the local child care committees, local police or RCMP, education and health personnel, along with the child care staff for a multidisciplinary/community approach to the issue and the specific cases.

RECOMMENDATION 25. THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR PROVIDE THE NECESSARY EXPERTISE TO LOCAL CHILD ABUSE COMMITTEES FOR THE DEVELOPMENT OF PROTOCOLS WHICH WILL REFLECT THE SPECIAL CULTURAL/ETHNIC/SOCIETAL PATTERNS OF THE REGIONS AND THE LOCAL COMMUNITIES.

The population distribution of the province and the tendency of some professionals to prefer working in the major

population centre will probably mean that service distribution in the province will always be inequitable. Many approaches must be taken to minimize such discrepancies including the provision of travelling teams of experts, special bonuses for service in remote communities, and special training opportunities. In an area as sensitive as the identification and treatment of child abuse, special attention must be paid to ensure that local services are up to standard.

RECOMMENDATION 26. THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR ESTABLISH A SYSTEM FOR MONITORING THE LOCAL RESPONSE SYSTEMS TO REPORTS OF CHILD ABUSE.

The specific tasks which have been outlined for the Child Protector do not exclude the broad responsibilities which such an office shall carry. The Child Protector will be in a unique position to view many segments of the systems which impact on the lives of children.

RECOMMENDATION 27. THE CHAIRMAN RECOMMENDS THAT THE CHILD PROTECTOR BE EMPOWERED TO DO ANY ACT, CONDUCT ANY STUDY OR INVESTIGATION,

RECOMMEND TO ANY INDIVIDUAL, ORGANIZATION, GOVERNMENT DEPARTMENT, OR THE GOVERNMENT ON ANY TOPIC WHICH AFFECTS THE SAFETY AND SECURITY OF THE CHILDREN OF THE PROVINCE.

The above would include authority to examine the procedures of the child welfare system, the court system, the health delivery system, or any system which affects the health, safety, or basic rights of children.

The Child Protector would be expected to examine all legislation which affects children to identify where changes may be necessary. The Child Protector would be expected to identify areas within the child welfare and court systems where staff training is needed and to facilitate the provision of such training. The Child Protector would identify areas in which basic and applied research should be conducted and expedite the conduct of such research. The Child Protector would undertake, or cause to be undertaken, any action which will enhance the lives of the children of the province.

The Child Protector will relate primarily to two government departments - Child Welfare and the Attorney-General's Department. The Child Protector's authority would also extend into the Departments of Health, Education, and any other department or agency having to do with children.

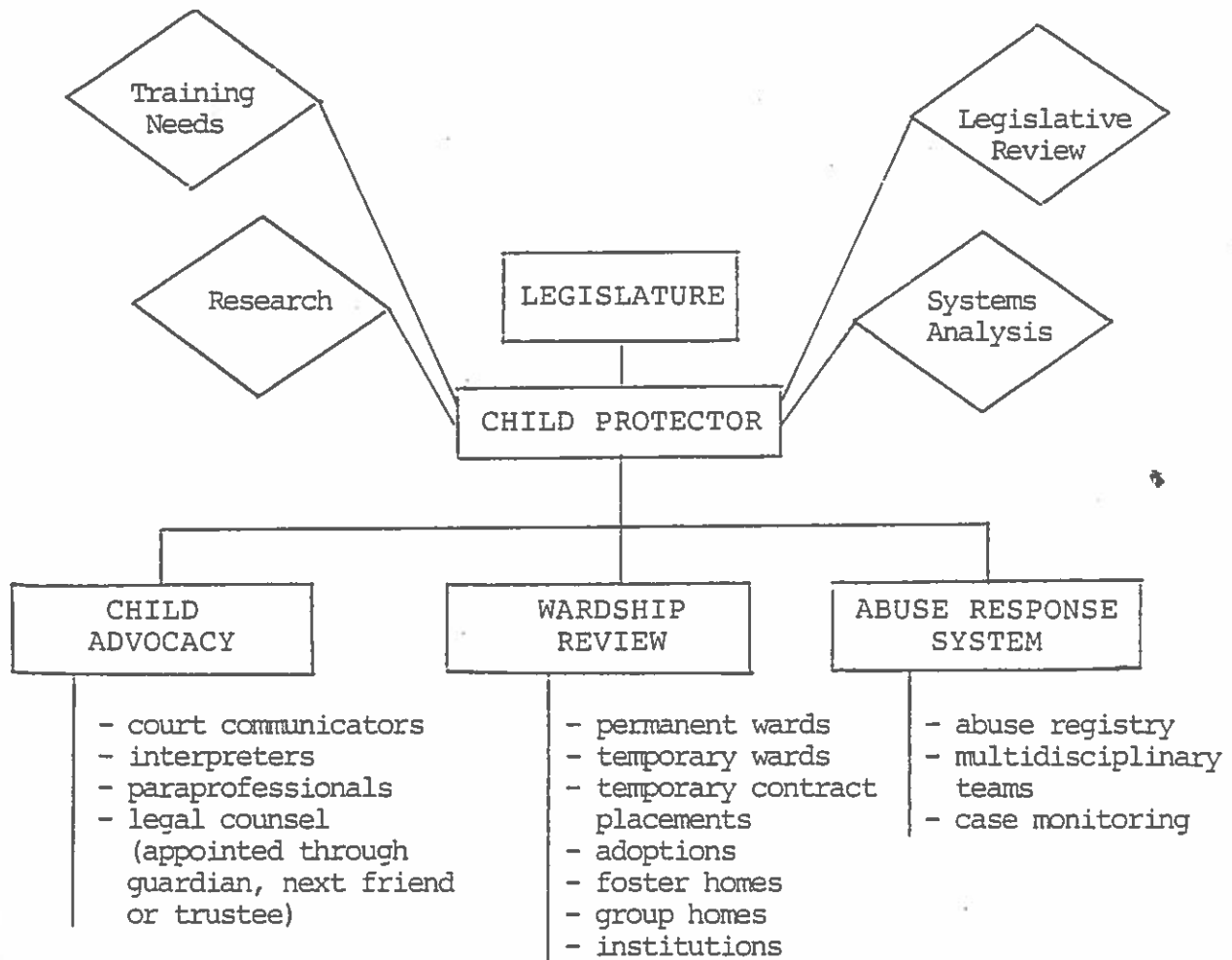
It would, therefore, be inappropriate for the Child Protector's office to be lodged in any department of government.

It is believed that the position of Child Protector recently announced for Alberta will be severely limited in authority as the position will report to the Deputy Minister of Social Services. Such a location will seriously inhibit functioning but, more importantly, the position will be perceived to lack independence.

Consideration was given to the possibility of expanding the Ombudsman's role to incorporate the functions of the Child Protector. This was not seen as an appropriate option. The Child Protector is expected to "perform" certain functions. The Ombudsman's position of authority would be jeopardized by the

responsibility to provide such services. The skills required of the Child Protector are somewhat different than those sought in the Ombudsman.

RECOMMENDATION 28. THE CHAIRMAN RECOMMENDS THAT THE POSITION OF CHILD PROTECTOR BE ESTABLISHED BY AUTHORITY OF THE LEGISLATURE AND BE SUBJECT TO, AND ONLY TO, THE WILL OF THE LEGISLATURE.



CHAPTER III

INTERNAL REVIEW SYSTEM

The challenge of internal administrative case review is the challenge of change from within. External case review systems have the advantage of an outside perspective and public mandate to effect institutional change; however, citizen reviewers may lack the authority to implement recommendations and a firsthand knowledge of the realities facing agency staff. Conversely, internal case review systems have closer connections to those individuals who make and implement policy, but, as critics point out, "social workers talking to social workers" may discourage questioning of present practice and agency assumptions.

Barbara Sparks,
Permanency Report,
Summer, 1983

Throughout this study, it was evident that the child welfare system lacked accountability at every level of operation.

In the course of the review, the following incidents were noted:

- a social worker was able to describe how 4 hours a week were used and said the balance of time was devoted to "administrative detail",

- a program coordinator could provide the capacity of the program but did not know how many children were actually in the program,
- judges were being informed in court that there were no vacancies in group homes when group homes were reporting openings,
- one agency was filling foster homes and group homes beyond the licensed capacity while another agency had vacant, approved homes and the potential for many more,
- the story was told, too often to be ignored, of children taken into temporary custody and parents never again informed of their whereabouts,
- statistics indicated that children being placed for adoption were sole children when, in fact, they were members of sibling groups,
- group homes reported that social workers seldom, if ever, visited the children they had placed in the homes and told of requests for visits which were ignored by workers,
- parents who had had children removed from them and placed in temporary custody reported that the social workers never visited,
- children told of being placed in facilities specializing in the treatment of adult drug addicts,
- a group home which had lost its licence because it did not meet physical standards or program expectations was reported to have been used as a foster home by an agency,
- an agency told of not bothering to check the references provided by potential foster and adoptive parents because of the assumption that only persons who would give positive information would be listed as references,
- a social worker described a telephone conversation with an American agency during which permission was given to place a child in a second adoptive home after the first placement had broken down. There was no notation on the file of this conversation nor was the discussion confirmed in writing,

- a child was found to have been a resident of a receiving home for 2 years subject to rotating staff and rotating peer group.

Whether child care services are provided by the provincial regional offices or by private agencies, the cost of those services is covered by public dollars. The citizens of the province have a right to know that their money is being used wisely and responsibly and that the best value possible is being obtained for the money.

At the present time no such assurance can be given. This is not to imply that money is being wasted. But it certainly means that if the best value for money is being secured, the child welfare system is not able to document that fact. There is no accountability within the system.

As a first step there is the need to build accountability at the worker level. Whether the direct service persons are professionals or paraprofessionals, it should be expected that they be accountable for their time and performance.

A recent study conducted in Jackson County, Missouri, by

David Caplovitz and Louis Genevie involving the examination of files of foster children revealed that within the previous year there was no record of visits with the child in 74% of the cases, no record of visits with the natural parents in 77% of the cases, and in 92% of the cases there was no record of contact with the foster parents.

There is nothing to indicate that an examination of files in Manitoba would give a substantially different picture. In fact, the information available would strongly suggest that workers are not visiting their wards with any degree of regularity.

The technology is available to enhance responsible behaviour. Computers can be used to assist workers schedule their time, to remind them of visits that are due, and to alert worker and supervisor when special attention should be directed to certain cases. There is portable dictating equipment, telephone hookups to in-office dictating machines, pocket pagers, and radio telephones. There is every resource to enable workers to

use their time effectively and efficiently and to keep the files up-to-date and complete.

RECOMMENDATION 29. THE CHAIRMAN RECOMMENDS THAT THE AGENCIES BE ENCOURAGED TO SECURE AND USE AVAILABLE TECHNOLOGICAL EQUIPMENT TO ENABLE WORKERS TO BETTER MONITOR THEIR CASES, PLAN THE USE OF THEIR TIME, AND KEEP THEIR RECORDS CURRENT.

The preparation of case summaries on a regular basis should be a requirement of employment. Such summaries provide the worker with the opportunity to evaluate what has occurred to date in a case, to discuss with the client what would be mutually acceptable goals for the next time span, to secure the assistance and advice of the supervisor, and to form a data base for self-evaluation.

RECOMMENDATION 30. THE CHAIRMAN RECOMMENDS THAT CHILD CARE WORKERS BE MANDATED TO COMPLETE CASE SUMMARIES AT LEAST EVERY SIX MONTHS AND AT THE TIME A CASE CLOSES. SUCH SUMMARIES SHOULD BE READ, CHECKED, AND INITIALED BY THE SUPERVISOR. FAILURE TO

COMPLETE SUCH SUMMARIES IN A SATISFACTORY MANNER SHOULD BE GROUNDS FOR TERMINATION OF EMPLOYMENT.

Either through training or supervision, staff must be encouraged to develop the ability to assess their own performance in an objective manner. Under the present system, workers can provide only subjective information on the nature of their caseloads and the success or failure rate of their activities. An example of inaccurate perception is the tendency to exaggerate the percentage of cases in a caseload which would be described as "multiproblem families". Such families consume a large percentage of a worker's time and thus the worker's estimate of the number of such cases is magnified.

RECOMMENDATION 31.

THE CHAIRMAN RECOMMENDS THAT CHILD CARE WORKERS BE PROVIDED WITH TECHNICAL TRAINING AND ASSISTANCE TO LEARN TO TABULATE AND ANALYZE THEIR CASELOADS ANNUALLY TO ESTABLISH TRENDS, EVALUATE PROFESSIONAL EFFECTIVENESS, AND TO IDENTIFY FORMAL AND INFORMAL TRAINING NEEDS.

In the course of interviews with agencies, the matter of caseload distribution in the larger agencies caused some concern. It appeared that workers assigned to the most difficult cases (child protection) were those with the least professional experience while those with less stressful caseloads (adoption) had the most extensive professional experience.

It is recognized that some workers may have a particular interest and aptitude in certain phases of the child welfare system. The effective use of special talents should always be encouraged. However, attention should be given to the distribution of cases to reduce stress and to provide staff members with a sense of effectiveness and job satisfaction.

RECOMMENDATION 32. THE CHAIRMAN RECOMMENDS THAT AGENCIES CONSIDER CASELOAD DISTRIBUTION TO TAKE INTO ACCOUNT EDUCATION AND SKILLS REQUIRED FOR SPECIFIC TASKS AND A BALANCING OF RESPONSIBILITIES TO ENSURE JOB SATISFACTION AND REDUCE STAFF TURN-OVER.

Only in a positive work environment can staff be expected

to engage in continuous self-evaluation. The most basic ingredient of an accountable system is the line worker who can be self-critical and receptive to examination of work performance by supervisors, administrators, and program evaluators.

It is perceived that there is a tendency among social workers - a tendency which must be overcome - to be "precious" about their own work. Viewing themselves as "professionals", they resist any examination of their work by others, claiming that as professionals they set their own goals, evaluate progress towards those goals, and that they, and they alone, can judge effectiveness.

The position is presented that in the child welfare field (as opposed to private practise) social workers are functionaries of a publicly financed system, paid to perform certain mandated tasks, responsible through the administrative hierarchy to the legislature and to the public and, as such, should be subject to evaluation and expected to maintain defined levels of performance. The only demand that social workers can make

is that the evaluators have the same standards of ethics in maintaining confidentiality and that study results are never presented in a manner which would allow identification of individual clients.

Supervisors have multiple roles to play. (For purposes of this discussion, a supervisor is considered to be at any and all levels between direct service personnel and agency director - the size of the agency would dictate the number of administrative levels this might involve.)

A supervisor should, but often does not, act as educator and trainer for the staff persons supervised. In addition, the supervisor should be held administratively responsible for the quality of service provided.

As well as educating staff in terms of skill development, a supervisor should, but often does not, assist in the enhancement of personal and professional confidence to enable staff to accept and, in fact, welcome constructive criticism.

In the course of this study, two distinct reactions were

secured from supervisors when a statement was construed by them to be a criticism of a staff worker. Either the supervisor staunchly defended the staff worker as if no wrong was possible (and this reaction came before the facts were provided), or the supervisor demanded to know the worker's name and implied that the worker would receive a severe and immediate reprimand for the presumed wrong. Such attitudes are inappropriate, improper, demeaning to staff, and indicative of a lack of insight into the role of professional supervisor.

It might be suspected that this attitude of defensiveness was an aberration resulting from the active and open scrutiny of the child welfare system by the public media at the time that this review was being conducted. Such an argument is vigorously rejected. Rather, it is believed that every level of personnel in the child welfare system had been so free of examination for so long that the least attention was viewed as negative criticism. Staff seemed unable to recognize that public examination of the system was long overdue.

At the level of agency director, accountability functions are, of course, broader. There is the responsibility for carry-
ing out the mandated functions of child welfare as these are defined in the legislation. This requires constant monitoring of internal data systems to ensure that resources are maximized.

It is the responsibility of the director to keep lines of communication open with line staff so that problems in meeting the needs of clients through existing service patterns are quickly recognized. Directors must encourage and enhance attempts at innovation and build mechanisms for monitoring and evaluating such innovations.

RECOMMENDATION 33. THE CHAIRMAN RECOMMENDS THAT AMONGST THE QUALITIES SOUGHT IN AN AGENCY DIRECTOR BE THE ABILITY TO CREATE AN ATMOSPHERE OF EXPERIMENTATION AND INNOVATION WHILE MAINTAINING SOUND PROFESSIONAL PRACTISES. THE ABILITY TO ASSESS SUCH INNOVATION FOR APPLICATION IN OTHER CASES OR SITUATIONS IS ALSO ESSENTIAL.

The director has the duty to share information and the

results of experimental programming with colleagues and for bringing these to the attention of the Child Welfare Director.

Establishing and maintaining relationships to the local community is a responsibility of the agency director. It is essential that the agency remain sensitive to the composition, values, and cultural patterns of the community it is serving. Certain structures can be put into place to make the relationship between agency and community ongoing and considerable time and energy must be invested in this activity by the agency director.

RECOMMENDATION 34. THE CHAIRMAN RECOMMENDS THAT AMONGST THE QUALITIES SOUGHT IN AN AGENCY DIRECTOR BE THE ABILITY TO FORM CONSTRUCTIVE LINKS TO THE COMMUNITY AND TO BUILD MECHANISMS FOR COMMUNITY INPUT INTO AGENCY SERVICES.

The agency director is responsible for setting the administrative "tone" of the agency. A sense of respect for clients, of mutual trust and support amongst staff, and an attitude of

self-awareness and objective program evaluation cannot be guaranteed through an administrative structure but, rather, must be created by the individual chosen to direct the agency.

To perform these functions, the agency director must be provided with the staff, finances, and technical hardware necessary for community development functions, statistical data compilation, and staff training.

The duties of the Director of Child Welfare are defined in the Child Welfare Act. Section 3 (1) provides:

3 (1) For the purposes of this Act, the director has authority to

- (a) advise the minister on matters relating to child welfare;
- (b) ensure the development and maintenance of standards of child welfare in Manitoba and provide for the evaluation of child welfare services provided under this Act;
- (c) ensure that child caring agencies provide services in accordance with the provisions of this Act;
- (d) prepare and submit an annual report to the minister;
- (e) supervise a child declared to be a ward of the director;
- (f) receive and disburse moneys payable for the maintenance of a child declared to be a ward of the director under section 27;

- (g) *ensure the development of appropriate placement resources for children;*
- (h) *perform such other duties as may be prescribed by this Act, by the regulations or as may be required by the minister.*

In the past the Director of Child Welfare has played a relatively passive role with respect to the actual operation of the child welfare system. Generally, the private child care agencies have been permitted to function independently with the Director intervening only in unusual circumstances.

The relationship to regional offices has been more active with program consultation requested and provided on a relatively regular basis.

Intervention into the actual operation of private agencies by the Director of Child Welfare was most frequently in the role of Ombudsman. A direct complaint would lead to an enquiry into the actual circumstances of a case with the Director then advising the agency as to how the situation might be resolved or facilitating constructive communication between client and agency staff. A public confrontation occurred in 1982 when an

agency refused to release certain information to a former client after the Director had specifically approved the release of the information. The agency, after a considerable delay, complied with the Director's instructions. When there has been concern about agency management, the Director has tended to trust in the judgment of the board of directors to resolve the matter.

The Act gives the Director the authority to develop and maintain standards for child welfare services and to ensure the agencies are acting in accordance with those standards.

In fact, the Director has not exercised that authority. There have been "guidelines" developed for the assessment of foster and adoption homes but no evaluation of agencies to determine whether or not those guidelines were being followed. The only "standards" which apply in the child welfare system have been those for judging the physical safety of group facilities and those standards have been established under legislation other than the Child Welfare Act.

It is not clear why the Director of Child Welfare has failed to exercise the legislated authority. It is clear, however, that such supervision of child care agencies is long overdue and must now be put into effect. Agencies should be clear on what standards they are expected to meet. Agencies should be informed on a regular basis as to how adequately they are meeting those standards.

RECOMMENDATION 35. THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE EXERCISE THE AUTHORITY TO ESTABLISH PROGRAM STANDARDS FOR CHILD CARE AGENICES AND TO EVALUATE AGENCY PERFORMANCE IN RELATION TO THOSE STANDARDS.

The Director of Child Welfare requires agencies to submit statistics on a regular basis. The tables are described here in some detail as an indication of the data that is currently available.

Table 1 (a)

Case Movement of Children under Direct Supervision of the Reporting Agency or Region

This table tabulates the number of children in various types of pay care and non-pay care and shows

the number at the beginning of the month, the number of new admissions, readmissions, reclassifications in, and transfers for the total intake for the month. The table shows the number discharged, reclassifications out, and transfers out for the total outgo. The final figure shows the case count for the end of the month.

Table 1 (b)(1)

Families Under the Supervision of the Reporting Agency/Region at Month End

Shown are the number of families, the number of children, and the number of children in care at the beginning of the month, the number opened, the number closed, and the number at the end of the month.

Table 1 (b)(2)

Homemaker Services During the Month

This table shows the number of families served during the month, the number of children supervised, and the number of paid homemaker days during the month.

Table 1 (c)

Services of the Reporting Agency to Unmarried Parents

This table contains 4 tabulations related to unmarried parents.

1. This calculation shows the number of unmarried parent cases at the beginning of the month, the number opened, the number closed, and the number at the end of the month.
2. This illustrates the age of the unmarried parent and the month of pregnancy at the time of referral.
3. This table shows the placement of the child when the case was closed - whether in agency care through a voluntary surrender or court order, with the mother, or in other circumstances.
4. This table gives the number of filiation orders granted and the number of filiation agreements made during the month.

Table 2

Non-Selected Adoptions - Case Movement by Type of Adoption

This table illustrates by type of adoption (private, defacto, or parents own) the cases at the beginning of the month, new cases and cases transferred in, the cases closed by order of adoption, by withdrawal, transfer, or other, and the number of cases at the end of the month.

Table 3 (a)

Adoption Homes: Case Movement of Applications and Approved/Registered Homes not in Use: Number of Approved Homes Available

There are three calculations used in this table.

1. This illustrates the number of adoption applications awaiting approval at the beginning of the month, new applications or applications transferred in, the number of applications approved, withdrawn, transferred out and rejected, and the number awaiting approval at the end of the month.
2. Adoption homes which are approved or registered but not in use are tabulated to show the number of homes at the beginning of the month, the number approved or registered during the month, and the number transferred in. The table shows the number of these homes into which children were placed, the number withdrawn and transferred out, and the resulting total at the end of the month.
3. This calculation shows the number of approved or registered adoption homes in use at the beginning of the month, the number in which children were placed, and the number transferred in from in and out of province. The table shows the number of homes closed as a result of a finalized adoption, the number closed because of adoption breakdown and the number transferred out, both in and out of province, and the final count at the end of the month.

Table 3 (b)

Foster Homes: (Regular and Special Rate) Case
Movement of Applications and Licensed/Approved Homes
Not in Use: Number of Approved Homes Available at
Month End

This table repeats for foster homes the same 3 tabulations given above for adoption homes but there is no "out of province" count for transfers in or out.

There is a fourth calculation on this table for the number of homes licensed/approved for specific child(ren) only.

Table 4 (a)

Reporting Agency/Regions Children in Supervision at
Month End Paid Days Care by Type of Placement
Reported During the Month

This table indicates the placement of children - regular rate foster home, special rate foster home, support home, private group home, agency group home, agency receiving home, emergency facility, other facility or maternity home, and Children's Home, Knowles School, Marymound, Sir Hugh John Memorial Hostel, private institutions in Manitoba or private institutions out of province. This information is cross tabulated by whether the children are wards, under a temporary contract placement, in care as a result of an order under the Juvenile Delinquency Act, in care by reason of an order of supervision signed by the Provincial Psychiatrist, or other. The table also shows whether the child is a Registered Indian or "other" as well as the number of days care provided for Registered Indian children and "other".

Table 4 (b)

Reporting Agency/Regions Children in Supervision at
Month End, Children in Non-Pay Care Supervision by
Type of Placement at Month End

This table is identical to Table 4 (a) except that the non-pay placements are selected adoption probation, Agassiz Centre for Youth, Manitoba School, St. Amant Centre, Manitoba Youth Centre, Doncaster Centre, other public institutions, and other non-pay facilities.

Table 5

Selected Adoption Placements During the Month of Children for Whom the Reporting Agency has Guardianship by Location of Placement and Type of Child

This table indicates whether the child is a Registered Indian, a child identified as a "special needs" child and/or other, and shows whether the child was placed in an agency adoption home, another agency's adoption home, in another province, or in another country.

Table 6 (a)

Children in Supervision of Reporting Agency or Region Admissions by Major Reason, Age at Admission and Sex

The reasons for children being admitted to care are listed on this table as follows:

Protective Guardianship

- a) Abandoned/Deserted
- b) Inadequate Care
- c) Child Endangered by Parent or Guardian
- d) Child Beyond Control of Parents
- e) Child Injurious to Self or Others
- f) Child of Unmarried Parents
- g) Unprovided Health Treatment

Voluntary Surrender of Guardianship

Temporary Contract Placement

Juvenile Delinquent Committal

Mental Retardation Committal Order

Transfer in for purposes other than Adoption Placement from in and out of Province

Transfer in for purposes of Adoption Placement from in and out of Province

Other (Specify)

Table 6 (b)

Children in Supervision of Reporting Agency or Region Discharges from Supervision by Major Reason, Age at Discharge and Sex

The reasons for discharge are identified as returned to parents, order of adoption, age of majority, transferred out within or out of province for purposes other than adoption placement, transferred out to within the province or out of province for

purposes of adoption placement, and other.

Table 7

All Children in Supervision of Reporting Agency or Region by Age and Legal Status

The types of legal status are shown as under apprehension, temporary wards, permanent wards through the courts, permanent wards through voluntary surrender of guardianship, temporary contract placements, children who are non-wards through Juvenile Delinquency Act committal, children who are non-wards through mental retardation committal order, and other.

This table is prepared quarterly rather than monthly.

Table 8

Selected Adoption Process Data by Age Children in the Legal Guardianship of the Reporting Agency/Region

This table is in two parts. The first shows the age at placement, the second, the age at breakdown. The table also shows whether the child is Registered Indian, a special needs child or other.

This table is completed annually.

Table 9

Children Under Apprehension and Legal Guardianship of Reporting Agency or Region

This table shows the number of children who are under apprehension, temporary wards, permanent wards by court order, and permanent wards by voluntary surrender of guardianship and whether they are under the supervision of their own agency or another agency and whether they are in or out of Manitoba.

This table is completed quarterly.

Table 10

Children in the Supervision of Reporting Agency/Region by Type of Placement, Age and Sex
Also: Children in the Supervision of the Reporting Agency/Region Who are Under the Guardianship of Another Agency/Region

This tabulation is done at the end of the fiscal year, March 31, and indicates the placement of children in both pay and non-pay placements.

These statistics do provide the Director of Child Welfare with an indication of trends - for example, given that there has been an articulated policy to reduce the number of children in group homes, these statistics will verify whether or not this policy is being implemented. With the moratorium on out of province adoption placements in effect, the Director of Child Welfare can determine whether or not agencies are conforming with this provincial dictum. The statistics, upon analysis, would indicate trends in the ages of children who form the clientele of the system.

The statistics do not, however, reveal the kind of facts which would provide the base for assessing the effectiveness of the system. The current data system:

- does not reveal the average length of time children are in the system,
- does not show the flow of children from one form of care to another,
- does not indicate what percentage of children leave the system as a result of the positive intervention of program (as opposed to those who leave the system of their own volition or who reach the age of majority), and
- does not provide a mechanism for cross tabulating statistics with those of the juvenile justice system.

The present system is an awkward and antiquated one and of limited value. There also does not appear to have been a systematic analysis of the statistics done by the office of the Director of Child Welfare. It is also not evident whether these statistics have been made available to any other community resource for analysis, nor is there any information available that would indicate that community organizations have requested the opportunity to analyze this available data.

- RECOMMENDATION 36. THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE ESTABLISH AN AUTOMATED DATA COLLECTION SYSTEM WHICH WILL ENABLE:
- ERROR FREE INFORMATION ENTRY,
 - INTERAGENCY AND INTERPROGRAM DATA COMPARISONS,
 - MEASUREMENT OF PROGRAM EFFECTIVENESS,
 - AND
 - ACCESSIBILITY OF DATA FOR RESEARCH AND EVALUATION ACTIVITIES.

Program reviews of child care agencies should be conducted regularly and not less frequently than once every year. The

intent of the reviews would be to measure how well actual programs were conforming with standards set by the Director of Child Welfare. The information sought would be different than that sought by the Child Protector. The program reviewer, however, would be expected to inform the Child Protector of any cases or issues requiring the attention of that office.

It is not necessary that a large program review staff component be established. A core group of two or three professional staff and necessary support staff could coordinate review teams consisting of seconded persons. This system would enable a number of reviews to be conducted simultaneously and would provide an opportunity to train staff in program review techniques. By viewing the child welfare system from other than a direct service perspective, line staff would develop greater appreciation for their own individual role within that system.

The program reviews would:

- ° provide a measure of how a specific child care agency is fulfilling the functions designated by law,
- ° identify areas in which practise might be strengthened

in relation to administration, staff development, community relationships, or any other areas,

- identify cases or issues for referral to the Child Protector,
- establish specific goals to be met within specified time periods,
- identify techniques of problem intervention which have proved successful, and
- identify areas of research which might be undertaken internally or which might be appropriate for external researchers.

RECOMMENDATION 37.

THE CHAIRMAN RECOMMENDS THAT A PROGRAM REVIEW AND EVALUATION BRANCH BE ESTABLISHED TO COORDINATE AND DIRECT SECONDED STAFF IN CONDUCTING REVIEWS OF CHILD CARE AGENCIES.

Indian child and family services agencies are a new development in the province. While primarily funded by the federal government, the provincial government maintains a special responsibility to assist these agencies fulfill their functions under the provincial legislation. Should the Indian organizations be successful in securing federal legislation to govern child welfare activities, this provincial responsibility would be reduced but would not cease.

RECOMMENDATION 38. THE CHAIRMAN RECOMMENDS THAT PROGRAM REVIEWS OF INDIAN CHILD AND FAMILY SERVICES AGENCIES FOCUS ON A DEVELOPMENTAL APPROACH AND THAT SPECIAL ASSISTANCE BE PROVIDED TO THESE AGENCIES IN THE AREAS OF TRAINING AND PROGRAM DEVELOPMENT.

Through program reviews, areas of training needs will be identified. In the interests of developing program standards which are province-wide, training should be available to staff of all child care agencies. The Director of Child Welfare has a special interest in ensuring that training is compatible with provincial statutes and policies.

RECOMMENDATION 39. THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE MAINTAIN THE RESPONSIBILITY FOR IDENTIFYING STAFF TRAINING NEEDS OF ALL CHILD CARE AGENCIES AND FOR PROVIDING EDUCATIONAL OPPORTUNITIES EITHER DIRECTLY OR THROUGH ARRANGEMENTS WITH COMMUNITY EDUCATIONAL RESOURCES.

The Director of Child Welfare carries considerable responsibility for internal research of program effectiveness and

service trends. There is, however, an area of research which has come to be recognized as the function of institutions of higher learning. University facilities and schools (social work, psychology, medicine, law, sociology, urban studies, human ecology, Native studies, education) have a legitimate interest in the child welfare system and should be mandated and obligated to undertake basic research. The results of such research should be made public.

RECOMMENDATION 40.

THE CHAIRMAN RECOMMENDS THAT ALL STATISTICAL DATA COMPILED BY THE DIRECTOR OF CHILD WELFARE AND THE RESULTS OF ALL RESEARCH CONDUCTED UNDER THE AUSPICES OF OR WITH THE PERMISSION OF THE DIRECTOR BE PUBLISHED.

This review has revealed that there has not been a great deal of investment into research in the field of child welfare but what studies have been done would provide information which could be useful.

RECOMMENDATION 41.

THE CHAIRMAN RECOMMENDS THAT THE OFFICE OF THE DIRECTOR OF CHILD WELFARE CONDUCT

A REGULAR ONGOING REVIEW OF LITERATURE IN THE FIELD OF CHILD WELFARE AND THAT SUMMARIES OF SUCH LITERATURE BE PUBLISHED.

Given the dearth of research in the field of child welfare, Manitoba could be in the forefront of a major breakthrough in knowledge by a healthy, cooperative relationship between the child welfare system and the universities. There is no question that researchers who are university-based would have a code of ethics compatible with that of the field of social work and could be expected to maintain the level of confidentiality required.

The Director of Child Welfare should be expected to not only facilitate outside researchers but, with new information systems, should be able to identify areas which lend themselves to research.

RECOMMENDATION 42. THE CHAIRMAN RECOMMENDS THAT THE DIRECTOR OF CHILD WELFARE ASSUME THE RESPONSIBILITY FOR IDENTIFYING AREAS

REQUIRING BASIC RESEARCH AND FOR
ENLISTING THE APPROPRIATE UNIVERSITY
RESOURCES TO CONDUCT SUCH RESEARCH.

It must be noted that the federal government which funds 50% of the child welfare system and studies expenditures with incredible attention to detail, has no requirement for the maintenance of basic statistics, not to mention statistics which would serve as a measure of program effectiveness. In the past, both the provincial and the federal governments were unconcerned with the value secured by the money spent as long as there was a voucher authorizing the expenditure of each dollar.

RECOMMENDATION 43.

THE CHAIRMAN RECOMMENDS THAT THE FEDERAL GOVERNMENT COST SHARE (50%) ALL RESEARCH PROJECTS RELATED TO CHILD WELFARE AND WHERE SUCH RESEARCH DEALS SPECIFICALLY WITH TREATY INDIANS, THAT THE FEDERAL GOVERNMENT PAY THE TOTAL COST.

To summarize, the Director of Child Welfare should be responsible for establishing provincial standards and for measuring how agencies adhere to such standards. Those

standards should be reviewed annually and changed as needed.

Whether the standards set by the Director meet the requirements of the legislation is subject to the review of the Child Protector. The Child Protector will also monitor statistics, program review reports, and research results.

CHAPTER IV

STRUCTURE OF THE CHILD WELFARE SYSTEM

In turbulent times the enterprise has to be kept lean and muscular, capable of taking strain but capable also of moving fast and availing itself of opportunity. This is particularly important if such times follow long years of comparative calm, ease, and predictability. Unless challenged, every organization tends to become slack, easygoing, diffuse. It tends to allocate resources by inertia and tradition rather than by results. Above all, every organization tends to avoid unpleasantness. And nothing is less pleasant and less popular than to concentrate resources on results, because it always means saying "No".

*Peter E. Drucker,
Managing in Turbulent
Times, 1980*

At the time this review was conducted, Manitoba's child welfare system had a mix of public and private service delivery and the federally-funded, tribal-managed Indian child and family services agencies were in the beginning stages of development.

History determined the development of child welfare services in the province. Child welfare originated as a

charitably-motivated community function financed by private volunteer dollars with local municipalities contributing to the support of some children who were legal residents of the municipalities. This limited the development of Children's Aid Societies to the southern, most populated area of the province where incorporated municipalities existed.

The boards of the private agencies were selected to reflect the needs and realities of their historic origins. Board members were chosen from amongst those persons who could influence contributors, were perceived to project a positive public image, were inclined to donate their time and energy, and who required no financial compensation for their participation. In some cases, members of the boards of agencies were nominated by municipal councillors. The boards were self-perpetuating with only a few new members appointed annually. Participation on the board by a large segment of the population of the community - hourly wage earners, young professionals, women with young families, in effect, most middle and lower income persons - was

prevented.

If, at any time, private agencies recognized the need to involve representatives of the client group in policy positions, efforts to secure such involvement were unsuccessful. This may have been due to the lack of commitment to this philosophy by the existing boards and administrators, a lack of competence in involving members of client groups, or an unconscious intimidation of client representatives who might in turn have felt that their participation was mere tokenism.

In any event, the composition of the boards of private agencies fell into a pattern early. The very method of selection of new board members resulted in the selection of persons just like those already participating. Constant cloning.

Repeatedly one is told of community persons who sought to be nominated to a board of one particular agency, and when appointed, found they had little opportunity to influence policy and soon resigned in frustration. Those who continued, one can only assume, secured their satisfaction from the presumed social

status that membership on the board gave them rather than any sense of accomplishment.

There were 4 Children's Aid Societies in the province in 1982.

The Children's Aid Society of Winnipeg was the largest child care agency in the province. The agency served the area that was the original City of Winnipeg and some of the surrounding municipalities which had become incorporated into metropolitan Winnipeg. Serving a population of 485,500, this agency had a board of 20, employed over 300 staff, and functioned out of a single downtown location.

At one time this agency had established branch offices but these were closed when the Executive Director determined that this was not an efficient method of providing service. Information is not available to support or contradict the Director's decision, nor is there information available which would indicate how much emphasis branch staff placed on establishing relationships with local organizations or social agencies.

At the annual meeting of the Children's Aid Society of Winnipeg in May of 1983, the nominating committee presented the names of seven Native persons for membership on the board. This gesture backfired when before the T.V. cameras and the assembled crowd, two of the nominated individuals indicated that they refused to serve "an agency that has contributed to cultural genocide".

Natives withdraw from CAS

By Cecil Rosner

More than 100 native people and their supporters marched into the annual meeting of the Children's Aid Society of Winnipeg yesterday and delivered a stinging condemnation of the organization's structure and policies.

At least five of the newly appointed native members of the CAS board announced they would not take up their positions. They said they were supporting the formation of an entirely new agency which would handle all native family services in the city.

"I can't collaborate with the board of CAS against my own people," said Myrna Whitehawk, a Native Family Services worker who had been appointed to the new board. "I therefore decline my nomination."

Larry Allen, a spokesman for the Winnipeg Coalition on Native Child Welfare, said yesterday's action signalled the end of any attempts to co-operate with the CAS or change the system from within.

'Closing the door'

"Native people of Winnipeg are closing the door on the CAS," Allen said. "We've indicated now that it's over, we don't need the CAS any more. We're going to do it ourselves."

The coalition tried to be conciliatory in negotiating with the CAS and would have been satisfied with a 50-per-cent representation on the board of directors, Allen said. But appointment of seven native people to a 30-member board was nothing more than a token gesture.

The demonstrators marched into the luncheon meeting while several hundred CAS guests were eating their main course. The delegation sat at the back of the room and ate bag lunches, leaving the meeting immediately after their representatives had spoken.

There were uncomfortable looks on the faces of the head table guests as the native spokesmen were invited to the podium to deliver their message.

"We're here to denounce the CAS, we're not here to go and collaborate with them," said Yvonne Howse of Anishinabe Child and Family Services, who declined her appointment to the board of CAS.

She criticized the undemocratic nature of the CAS and called their attempts to appoint seven "token native members" a continuation of their "tactics of genocide."

"Their tactic is to pacify the native community. We can't go along with this system," she said.

Outgoing CAS president Len Vopnfjord expressed dismay following the native representatives' speeches.

"Quite frankly, I think this is a very unfortunate decision," Vopnfjord said immediately after Howse had finished her speech. "I honestly hope that we can still find bridges of communication."

"We've gone on record with the native community that we support their aims," he said. "We intend to see that commitment through, not overnight, but in a responsible way."

Only board members were allowed to vote at yesterday's annual meeting. Although the society's bylaws make provision for general members, until three weeks ago no one had ever applied to be a member, Vopnfjord said.

About 100 applications for membership from the native coalition will be considered at the next board meeting in June, he said. The proposal drew criticism from the coalition, which called the board an undemocratic and self-perpetuating body.

"The board of directors is an elite establishment, operated like a private club, answerable only to itself," the coalition said in a statement.

Despite attack on board

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Not all natives quit CAS

Stories by SHIRLEY MUIR
Sun Staff Writer

Some Winnipeg natives will accept positions on the Children's Aid Society board of directors, despite a public condemnation of the agency by fellow native leaders Friday.

University of Manitoba natives studies specialist Professor Raoul McKay said he will accept the nomination and a seat on the board in an attempt to change the organization from within.

McKay said it would be a disservice to native children to abandon plans to change CAS as proposed by the recently formed Winnipeg Coalition on Native Child Welfare.

Two members of the coalition announced at the CAS annual meeting Friday they would not take up positions offered them on the board as it would be collaborating with an agency that has contributed to cultural genocide.

Coalition members Myrna Whitehawk and Yvonne Howse declined the positions and vowed that the year-old Native Family Services agency would immediately begin assuming all Winnipeg native cases from CAS.

The coalition had asked McKay, other nominees and the three natives already on the board to join them in their protest of CAS and resign.

"From my standpoint, I would serve on the board providing they address the issues raised by the native people," McKay said.

McKay said he supports the efforts by the coalition to establish a separate native

we do a disservice to the native children in CAS care"

Sherry Theobald has been sitting on the board as a native representative for two years and said the board was beginning to recognize the requests by the native community to have more input in the agency

The board had already started a policy of getting more native people on the board. There have been three natives on the

31-member board since February and the five vacancies this spring were expected to be filled by natives, Theobald said.

"The board unanimously backs anything that is reasonable to do with native people," she said. "We're all feeling the system absolutely has to change."

McKay said both groups are working toward the same goal in a democratic society and shouldn't be viewed as opposing forces.

Although a significant portion of the clientele of the Children's Aid Society of Winnipeg was of Native descent, the agency had no formal links to Reserves or to Metis communities.

The Children's Aid Society of Western Manitoba serves a population area of 114,000 in the southwest corner of the province. It has a staff of 120 which includes group home and day care centre staff. The board consists of 40 persons with

the majority representing the rural areas served by the agency. The agency office is located in Brandon and no district offices or rural resource centres have been established to date.

This agency was one of the first to provide service to Indian Reserves located within its geographic area. As early as 1962, this agency attempted to organize child care committees on Reserves to act as local contacts for the agency. The effect of the agency's efforts was to increase the number of Indian children entering the care of the agency but there was no significant development of on-Reserve resources for child care. It is not possible to estimate in retrospect the amount of energy or skill devoted to the development of community participation in child welfare.

The Children's Aid Society of Eastern Manitoba serves a geographic area which includes the original City of St. Boniface and the southeast corner of the province. The population is 110,500. There is a staff of 50 and a board of directors of 20 which includes 6 representatives of regional committees.

This agency is the only Children's Aid Society to actively reach out to local communities and to focus on preventative services. There are six regional committees established and a seventh will be added when this agency assumes responsibility for the St. Vital area of Winnipeg. The main office is located in St. Boniface with Resource Centres located in Beausejour, St. Boniface/Norwood, St. Pierre/St. Jean, Springfield/Tache, Steinbach, Windsor Park, and another will be added in St. Vital.

This agency has been able to demonstrate that the provision of in-home services to families results in the reduction of the number of children coming into care as well as a reduction in the cost of service.

The Children's Aid Society of Central Manitoba serves a population of 88,400 in the south central portion of the province. The main office is located in Portage la Prairie. There is a staff of 40 and a board of 16 persons. The agency maintains sub-offices in Carmen, Amaranth, and Winkler, and has established a Resource Centre in Morden with staff and a local

board of directors. No plans currently exist for additional Resource Centres.

The provincial government had been financially responsible for the cost of child welfare for children lacking legal residency in a municipality and for residents of unorganized territories. As child welfare responsibilities were expanded by legislation, services were provided through the provincial offices in the northern portion of the province. (It is understood that there was once a Children's Aid Society in Dauphin but that it did not last very long.)

In 1982, the regional offices were providing child welfare services to the population within defined geographic areas, except for those persons residing on Reserves, as follows:

<u>REGION</u>	<u>LOCATION</u>	<u>POPULATION SERVED</u>
Parklands	Dauphin and Swan River	48,000
Interlake	Selkirk	55,800
Eastman	Beausejour	10,500
Norman	The Pas and Flin Flon	23,000
Thompson	Thompson	23,600

There was one regional office located in the present City

of Winnipeg. That office provided child welfare services to the former St. James, Tuxedo, and Assiniboia areas which, when separate municipalities, had chosen not to contract with the Children's Aid Society of Winnipeg. That region has a population of 94,000.

In Manitoba, the first indication of a federal commitment to the concept of Indian people providing for their own child welfare services occurred in 1966. At that time, funds were provided for the provision of child care services to Reserves in southwest Manitoba.

Agreements were subsequently signed with individual bands. In 1976, The Pas Reserve was funded for one worker and the Fort Alexander Reserve for a social worker and four band trainees. One worker was funded for the Peguis Band in 1977, and in 1979 funds were available for 2 band workers in the 4 bands of the Island Lake area, and one worker in both Cross Lake and God's Lake.

Two thrusts were occurring simultaneously. A committee,

consisting of representatives of the Manitoba Indian Brotherhood, the province, and the federal government, which was formed in 1977, completed a report in 1980 which established principles for the delivery of child welfare services to Indian people. The report recognized the importance of the preservation of Indian culture, the essential involvement of Indian people in policy and program delivery of child welfare, and the respective responsibilities of the provincial and federal governments.

The Indian community was at the same time experiencing a growth in political sophistication. Tribal councils were formed uniting bands of similar cultural backgrounds. Through the Four Nations Confederacy, a proposal for the development of an Indian child welfare system was developed. This proposal was supported by all Manitoba bands.

In 1981, the Dakota Ojibway Tribal Council established a child and family services agency under a special agreement with the federal government.

The Tripartite Master Agreement was signed in early 1982. This agreement laid the foundation for the establishment of child and family services agencies for all Indian people throughout the province. The same year, subsidiary agreements were signed by the tribal councils in the southeast, west region, and interlake regions of the province. In 1983, Manitoba Keewatinowi Okemakanac signed an agreement for the 25 northern Reserves.

Indian child and family services agencies now provide services on-Reserve through the 5 tribal organizations. These agencies are federally funded and function under provincial legislation. The province provided consultative staff to these agencies during the "phasing-in" period. As full authority is transferred to the agencies for all mandated services, these staff are no longer required.

The agencies and the Reserves included in their areas are as follows:

Dakota Ojibway Child and Family Services
(Brandon) - Band membership 6,800

- Birdtail Sioux
- Long Plain
- Dakota Plains
- Oak Lake
- Roseau River
- Sandy Bay
- Sioux Valley
- Swan Lake

Southeast Child and Family Services
(Winnipeg) - Band membership 4,500

- Berens River
- Bloodvein
- Brokenhead
- Buffalo Point
- Hollow Water
- Little Black River
- Little Grand Rapids
- Poplar River

Anishinaabe Child and Family Services
(Ashern) - Band membership 7,500

- Dauphin River
- Fairford
- Fisher River
- Jackhead
- Lake Manitoba
- Little Saskatchewan
- Lake St. Martin
- Peguis

West Region Child and Family Services
(Dauphin) - Band membership 4,500

- Crane River
- Ebb and Flow
- Gamblers
- Keeseekoowenin
- Pine Creek
- Rolling River
- Valley River
- Waterhen
- Waywayseecappo

Awasis Child and Family Services
(Thompson) - Band membership 23,000

Swampy Cree Tribal Council

- Chemahawin
- Grand Rapids
- Indian Birch
- Mathias Colomb
- Moose Lake
- Swan River
- The Pas

Keewatin Tribal Council

- Barren Lands
- Churchill
- Cross Lake
- Fox Lake
- God's Lake
- God's River
- Nelson House
- Northlands
- Norway House
- Oxford House
- Shamattawa
- Split Lake
- War Lake
- York Factory

Island Lake Tribal Council

- Garden Hill
- Red Sucker Lake
- St. Theresa Point
- Wasagamack

There are four programs operating in Manitoba which are best described as historic anomalies.

Jewish Child and Family Services operates in the City of Winnipeg and serves a population of 16,000. The potential

clientele of this agency is defined ethnically rather than geographically. This is a private agency. The child welfare caseload is small and the agency is reported to have given some thought to terminating its role in the child care field.

Child care services in the Town of Churchill are provided, for the most part, through the Churchill Health Centre. The regional office in Thompson maintains responsibility for some segments of service.

The Fort Alexander Reserve has not joined with a tribal council for purposes of child welfare. This band operates under a special agreement with the Department of Indian Affairs and Northern Development. The agency does not have the authority of a provincial child welfare committee as defined by the Act. Statutory services are provided by the Eastman Regional Office.

The Dakota Tipi Band has a special agreement for the employment of one worker who provides non-statutory service. The Children's Aid Society of Central Manitoba maintains

responsibility for statutory services.

So, in 1982, when this review was initiated, Manitoba had a unique situation. In all other provinces but Ontario and Nova Scotia where Children's Aid Societies existed, child welfare services were provided directly by the provincial government.

In Manitoba, there was one large private agency in the City of Winnipeg providing service to about 48% of the population of the province, 3 other Children's Aid Societies serving 32% of the population, and the remaining 20% of the population served by 6 regional offices, 5 Indian child and family services agencies, and 4 small agencies serving specific populations.

This situation provided a valuable opportunity to examine the agencies and to evaluate, on a purely subjective level, whether the quality of service was affected by auspices, by size, or by the nature of the community served. This evaluation is contained in a report entitled Agency Interview Report which was submitted to the Minister in July, 1984 and is

alluded to in other reports.

The following summarizes the impressions of the system:

- the Children's Aid Societies have boards of volunteers who are alleged to, but do not, represent the community served,
- the regional office staff, through their personal involvement in the local community, are more sensitive to local mores and cultural patterns but such input is casual and by chance,
- the Indian agencies have the structure to ensure input of the local community but to date have not been successful in employing a significant percentage of Native staff but the numbers are increasing,
- the small agencies, under any auspices, place more emphasis and resources on preventive services,
- there is more variation in service standards among private agencies than among regions,
- in smaller agencies, decisions which effect the lives of families and children are more likely to be made with input of all administrative levels and with contributions from other community social service personnel,
- in smaller rural agencies, there is the impression that workers are more likely to depend on, and trust, the opinion of others rather than examine a situation themselves because of the confidence they have built through personal relationships,
- the lives of workers and clients in rural areas are more likely to overlap than in urban areas,
- in urban areas, there is a wider social gap between worker and client and the barriers to be overcome are higher resulting in a "them" and "us" situation,
- in the larger agencies - all private - there is departmentalization of services with resulting fragmented service to the clients,
- the charges of lack of responsible behaviour were more often made against staff of the largest agency than any other,

- it was claimed that the turnover in staff was greater in the larger agencies,
- in the regional offices, the loss of even one staff member can cause a serious curtailment of services (this is further aggravated by staff "freezes" which means vacant positions cannot be filled),
- the larger agencies, contrary to expectations, are more intimidated by directorate guidelines,
- the smaller agencies appear to be more innovative in developing new approaches to problems and further, anticipate correctly that the directorate office will respond positively to their requests for funds for experimental programming,
- the rural regional offices may experience greater difficulty in changing established methods because of the low level of staff turnover,
- none of the agencies - except the Indian ones - showed sufficient sensitivity to the special cultural patterns and characteristics of the people served,
- the smaller agencies had less difficulty finding foster home resources than did the large urban agency,
- the feeling of concern for clients conveyed by staff of smaller agencies was stronger than that projected by the staff of larger agencies, and
- the regional offices have the benefit of other specialties which can be tapped to assist in a family situation.

On the basis of the observations of agencies from the variety of perspectives possible in the course of this review, the following broad conclusions were reached:

- The Children's Aid Society of Winnipeg, the largest private agency, had no positive characteristics that could be identified. There was no evidence of cost efficiency or program effectiveness. Staff tensions were evident and morale low. Relationships with the client and the professional communities had not been

developed or were negative. It was felt that the negative aspects of the program were a function of size rather than auspices.

- The Children's Aid Society of Western Manitoba and the Children's Aid Society of Central Manitoba, while not projecting totally positive impressions, were not found to be hopeless. Both agencies need to strengthen their commitment to the communities they serve by the development of Resource Centres with boards composed of local citizens and programs geared to the specific needs of the local community.
- The Children's Aid Society of Eastern Manitoba has successfully developed its outreach program and demonstrated that emphasis on prevention can be efficient in human terms as well as fiscally. The experience of this agency is transferrable.
- There were not sufficient grounds for recommending the dissolution of all private agencies nor for expanding the private agencies to the areas now served by provincial regional offices.
- The Indian child and family services agencies have been structured to ensure that service is client appropriate. The boards of directors are representative of the communities served, local committees have been established in each community served, and staff have been hired who reside in the local communities. This structure is transferrable to other agencies.
- The regional offices are structured to ensure cooperation with, and input from, other professionals in the human services. This is a factor which can be transferred to other agencies.
- It would appear that the Fort Alexander Reserve and the Dakota Tipi Reserve might be better served if they were to join with the tribal councils for purposes of child welfare. This is not necessarily recommended, however, as there may be historical realities preventing such an association. There is also no evidence that the residents of these Reserves are presently at a disadvantage.

Excerpt from transcript of Winnipeg hearing, September 10, 1982:

Background

Representatives of Native organizations had alleged that the Children's Aid Society of Winnipeg was so compartmentalized that staff were not aware of what other staff were doing and thus service to the child was fragmented and that sometimes staff functioned at cross purposes.

Advisory Committee Member: What is done with the family allowance for the child?

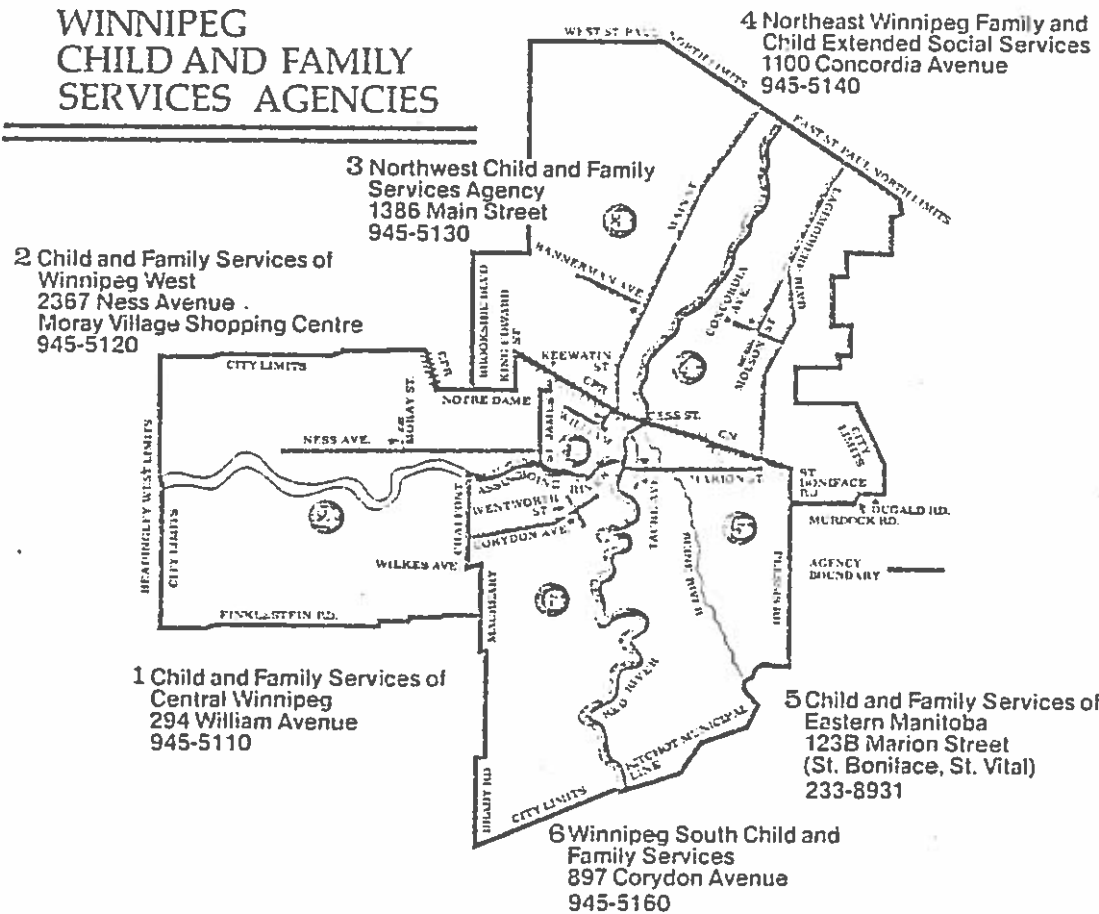
Adoption Supervisor: The family allowance when the child is in care?

Advisory Committee Member: Yes.

Adoption Supervisor: I should let (Director of Children's Services Department) answer that because it is her department....

The transcript does not record the laughter of the audience.

Structural changes to the child welfare system were initiated in October, 1983, when the province dismissed the board of directors of the Children's Aid Society of Winnipeg and established an interim board. The task of that board was to establish 6 community-based agencies to serve the City of Winnipeg. During 1984, boards of directors were elected, executive directors hired, staff was assigned or hired, and on April 1, 1985, the agencies became fully operational.



The Indian child and family services agencies have recognized that providing service to on-Reserve residents only was not satisfactorily meeting the needs of the band members. Many children had previously been placed in off-Reserve foster homes and the parents were now demanding service for their children from their own tribal agency. Reserve families

temporarily or permanently residing in urban centres have sought counselling and service. The agencies themselves recognize that, at times, it might be necessary to place band children in homes located off the Reserve and view it essential that they have the authority to seek and license foster homes off the Reserve.

A proposal has been drafted by the Indian agencies for the establishment of urban based programs staffed by employees of the various Indian child and family services agencies to provide service to off-Reserve Tribal members and to act as liaison with the traditional child care agencies.

This is a logical development to meet the needs of Indian people. The clientele of such a service would be band membership defined and systems of protocol can be developed to avoid conflict or overlap with urban-based child care agencies.

RECOMMENDATION 44. THE CHAIRMAN RECOMMENDS THAT THE PROVINCE ASSIST THE INDIAN CHILD AND FAMILY SERVICES AGENCIES IN THEIR ENDEAVOURS TO SECURE FEDERAL FUNDING FOR THE PROVISION

OF MANDATED SERVICES OFF-RESERVE FOR
TREATY INDIANS.

There has also been a demand from non-Treaty and Metis persons for a culturally based child care agency to perform mandated functions in the City of Winnipeg. This possibility was given much consideration. It can be stated unequivocally that the traditional child care system has not been sensitive to the needs of the Native community. There is only the question of how sensitivity can be best built into the system.

The writings of Dr. Shirley Jenkins of the Columbia School of Social Work were studied. In her book "The Ethnic Dilemma", Dr. Jenkins reviewed the various patterns that had developed in the United States to serve ethnic groups. She identified five structural models:

1. Special Unit - within some service organizations, special units were established employing bilingual and bicultural persons who were able to work effectively with the targetted ethnic community.

This option was considered but rejected. It was felt that such a structure could lead to inequitable service delivery.

2. Ethnic Agency - in response to demands of various ethnic communities, and in recognition of the lack of sensitivity in established agencies to ethnic considerations, separate ethnically-based agencies have been established to provide mandated services with public funds.

This option was considered most seriously as this was the demand being made by the Native community. The more deeply it was considered, the less positive this option appeared. The structure within Manitoba is geographically based and that includes the Indian agencies serving the on-Reserve population. Even the request for an off-Reserve agency for Treaty band members does not violate this basic pattern.

It might be said that the Jewish Child and Family Services is in violation of the provincial pattern and thus should be closed. This agency is an anomaly and is recognized as such. The agency's involvement in child welfare grew out of a specific historical situation and the Jewish community, and that community only, was able to meet the needs of the time. The function continued after the specific need no longer existed. If the Jewish Child and Family Services is to cease providing child care services, that decision must be made by the Jewish community and not imposed upon them.

There is another consideration. The Native community is by no means the largest ethnic minority in the province. There are other cultural groups that have the same special interest in keeping their children within their own cultural sphere. There are many methods by which cultural groups can participate in the child care system.

3. Parallel Legislation - the Indian people in Canada, and in the United States have a special relationship to the federal government. In the United States, separate federal legislation has been enacted to give authority and responsibility to Indian bands for the provision of child care services and this ensures that services will be consistent with the cultural values of the Indian people.

This option is clearly a possibility for Canada and is consistent with the efforts of Indian people to govern themselves. The Assembly of First Nations, under the leadership of David Ahenakew, has initiated negotiations with the federal government for federal child welfare legislation for Treaty Indians and for the establishment of a tribal court system.

When federal legislation is in place, the Manitoba structure will easily phase into operation under such federal law. Manitoba will also have the benefit of established and tested protocols for dealing with other agencies.

4. Separate but Open Services - another model of service was identified which emerged in situations where a particular ethnic group is concentrated in a defined geographic area. In this model the sponsors permit participation of any person within the defined area thus maintaining a geographic, rather than ethnic, service base but such service is, in reality, an ethnic service.

This option is not applicable to the Manitoba scene.

5. Sensitize the System - the final model noted was the adaptation of the existing system to meet the needs of ethnic and cultural groups in the community.

It is this final option which is found to be most acceptable and applicable to Manitoba.

Manitoba prides itself on its cultural mix and its acceptance of new immigrant groups. This acceptance has not yet been reflected in a structured form in the social services although special efforts are taken to "link" new immigrant groups to the existing social service system.

Suggested is a system believed to be sufficiently adaptable that it will remain sensitive to the cultural patterns of residents no matter what population changes may occur.

Consistent with the findings of previous reports, the provincial government has funded MaMawi - Wi - Chi - Itata as a Resource Centre in the inner city of Winnipeg. This program

will provide culturally appropriate non-statutory services to Native families and do resource development. Similar programs might be developed in other urban centres of the province or local Friendship Centres might contract to provide child and family services. Should this service delivery model prove successful, the possibility of similar developments for other ethnic groups should be considered.

RECOMMENDATION 45. THE CHAIRMAN RECOMMENDS THAT THE EFFECTIVENESS OF THE NATIVE RESOURCE CENTRE BE MONITORED AND EVALUATED FOR ITS APPLICABILITY TO OTHER CULTURAL/ETHNIC GROUPS.

This chapter recommends a service structure which is geographically based as the most appropriate for the realities of Manitoba at this time. Such service may be provided under public or private auspices as the local community sees fit.

RECOMMENDATION 46. THE CHAIRMAN RECOMMENDS THAT PRIVATE CHILD CARE AGENCIES BE MANDATED TO HAVE BOARDS OF DIRECTORS WHICH ARE COMPOSED OF INDIVIDUALS REPRESENTATIVE OF THE

GEOGRAPHIC AREA SERVED AND THE CULTURAL/ETHNIC PATTERNS OF THE POPULATION SERVED AND THAT THERE BE PROVISION FOR MEMBERSHIP TURNOVER ON A REGULAR SYSTEMATIC BASIS.

RECOMMENDATION 47.

THE CHAIRMAN RECOMMENDS THAT CHILD CARE PROGRAMS OPERATED BY REGIONAL OFFICES ESTABLISH REGIONAL ADVISORY BOARDS COMPOSED OF INDIVIDUALS REPRESENTATIVE OF THE GEOGRAPHIC AREA SERVED AND THE CULTURAL/ETHNIC PATTERNS OF THE POPULATION SERVED AND THAT THERE BE PROVISION FOR MEMBERSHIP TURNOVER ON A REGULAR SYSTEMATIC BASIS.

RECOMMENDATION 48.

THE CHAIRMAN RECOMMENDS THAT WHERE SUFFICIENT POPULATION CONCENTRATIONS EXIST WITHIN THE GEOGRAPHIC AREA SERVED BY PRIVATE AGENCIES, THAT LOCAL RESOURCE CENTRES BE ESTABLISHED GOVERNED BY A BOARD COMPOSED OF RESIDENTS OF THAT AREA. THE DIRECTOR OF CHILD WELFARE WILL DETERMINE WHERE "SUFFICIENT POPULATION CONCENTRATIONS" EXIST.

RECOMMENDATION 49.

THE CHAIRMAN RECOMMENDS THAT WHERE A SUFFICIENT POPULATION CONCENTRATION EXISTS WITHIN THE GEOGRAPHIC AREA SERVED BY REGIONAL OFFICES, THAT LOCAL CHILD CARE COMMITTEES BE ESTABLISHED COMPOSED OF RESIDENTS OF THAT AREA.

Note: The difference in the recommendations related to private agencies and regional offices results from the variance in the population distribution of the areas served as well as the fact that regional offices are, in effect, Resource Centres.

RECOMMENDATION 50.

THE CHAIRMAN RECOMMENDS THAT THE DUTIES OF BOARDS, ADVISORY COMMITTEES, AND CHILD CARE COMMITTEES BE DEFINED TO INCLUDE THE DEVELOPMENT OF LOCAL RESOURCES FOR CHILDREN (FOSTER AND ADOPTION HOMES), THE DEVELOPMENT OF LOCAL TREATMENT RESOURCES (GROUP HOMES, THERAPEUTIC SPECIALISTS), THE DEVELOPMENT OF POLICY FOR SERVICE NOT INCONSISTENT WITH PROGRAM STANDARDS DEVELOPED BY THE DIRECTOR OF CHILD WELFARE, AND THE DEVELOPMENT OF SPECIFIC SERVICE PLANS FOR INDIVIDUAL CHILDREN.

RECOMMENDATION 51.

THE CHAIRMAN RECOMMENDS THAT PRIVATE

AGENCIES AND INDIAN CHILD AND FAMILY
SERVICES AGENCIES FORMALIZE THEIR
RELATIONSHIPS WITH OTHER COMMUNITY
SERVICES SO THAT ALL POSSIBLE RESOURCES
CAN BE MOBILIZED FOR CHILDREN AND THEIR
FAMILIES.

CHAPTER V

BUILDING CULTURAL SENSITIVITY

..... the retention, the maintenance, and the continuing viability of Italian and Italian culture is not going to depend on the teaching of Italian as a heritage language in Ontario. It depends on the retention of that culture and that language in Italy. The Native language is native to this country. So, therefore, it is important for us to be a part of the retention of that language and that culture in this country. It's not going to be preserved anywhere else.

The Honourable Bette M. Stephenson,
Minister of Education,
Province of Ontario

Native culture is worthy of retention and enhancement. Despite the concerted and continuing efforts of missionaries, Indian agents, and society as a whole to obliterate it, the culture of Canada's Native people has survived and is, in fact, enjoying a recent rejuvenation.

This renewed interest in traditional spirituality, medicine, law, and social customs is resulting in an increased

sense of self-awareness and pride amongst Native people and will be reflected in a strengthening of family and community life.

The charge of the Native organizations that the child welfare system has suffered a cultural bias in dealing with Native people has certainly been validated. In the very structure of the agencies, the selection of the board, the employment patterns, and in the lack of attention to training in cultural awareness, the system has demonstrated its lack of appreciation of the Native culture.

As a result, certain situations have been perceived to be negative by the child welfare agencies which were not so perceived by the Native communities. As a result, more Native children have been removed from their homes and their communities than would be warranted on the basis of confirmed abuse or neglect.

One example of this conflict in perception is the frequent demand that a child care agency will make of a mother of Native

descent that, in order to regain custody of her child, she establish her own independent domicile. This demand goes against the Native patterns of child care. In the Native tradition, the need of a young mother to be mothered herself is recognized. The grandparents and aunts and uncles expect the demands and the rewards of raising the new member of the family. To insist that the mother remove herself from the supports of her family when she needs them most is unrealistic and cruel.

It is essential for persons in the social services and in the justice system to fully appreciate the values of the Native peoples.

In the United States of America, where Native people also have a special relationship to the federal government, the right to be defined as an Indian person (and, thus, the right to certain services) is inherited through the male and the female lines. When a person has a bloodline of less than 1/4 Indian, eligibility for enrollment as an Indian person ceases.

In Canada, the definition of an Indian person has been designated only through the male line. A female Indian who married a non-Indian lost eligibility for registration as an Indian as did the children of that union. This has developed a unique group of people who in Manitoba have defined themselves as Metis.

Definitions which are generally accepted are contained in a publication of Indian Affairs Canada entitled "Adoption and the Indian Child". (underlining ours)

REGISTERED INDIAN (R.I.)

This is a person recorded as an Indian in the Indian Register. Most registered Indians are members of an Indian band, but some who belong to no band, are placed on a General List. Individuals are entitled to be registered Indians by virtue of their descent from registered Indians. Thus an adopted child whose natural mother was entitled to be registered is usually entitled to be registered as an Indian.

STATUS INDIAN

A term which means the same as registered Indian.

NON-STATUS INDIAN

A person of Indian ancestry who is not registered as an Indian. There are various reasons why persons of Indian ancestry may not be registered as Indians. For example, they may be persons or descendants of persons who relinquished their rights to be registered through enfranchisement, or who lost their entitlement through marriage to non-Indians.

TREATY INDIAN

A member of a band of Indians which was a signatory to a Treaty with the Government of Canada. Approximately 50 percent of registered Indians in Canada are Treaty Indians. However, in the prairie provinces, where most come under treaties, the term Treaty Indian is often used instead of registered Indian or status Indian.

NON-TREATY INDIAN

A person who is registered as an Indian on the General List, or as a member of an Indian band that is not a signatory to a Treaty. In the prairie provinces the term is generally used to refer to a person of Indian ancestry who is not entitled to be registered as an Indian under the Indian Act.

ENFRANCHISED INDIAN

A person who has been declared enfranchised by Order in Council and is no longer entitled to be registered as an Indian.

METIS

A person of mixed ancestry, usually French and Indian, who is not entitled to be registered as an Indian under the provisions of the Indian Act. However, the Metis Population Betterment Act of 1940 defined Metis as a person of mixed white and Indian blood and having not less than one-quarter Indian blood. In some instances today it is taken to mean any person of mixed white and Indian ancestry, regardless of blood percentage.

Amendments to the Indian Act were passed on June 28, 1985.

The right to be registered as an Indian will now be extended to some persons previously excluded.

Statistics of the Department of Indian and Northern Affairs Canada in 1981 set the Registered Indian population of Manitoba

at 50,000. The 1981 census places the Registered Indian population of the province at 40,000.

The Department of Indian and Northern Affairs' figures accurately reflect the number of persons registered to bands in Manitoba but not all such persons live within the province.

The count of Statistics Canada is believed to be low and this is attributable to undercounting in remote communities as well as in urban centres. Some Registered Indian persons may not know that they are registered and, hence, would not so designate themselves on the census forms. This latter situation is likely where Indian children have been adopted by non-Indian families.

The establishment of a population figure for the Metis and non-status Indian population of the province is more difficult. Statistics Canada in the 1981 census lists 26,000 persons as Metis and non-status Indians. This would be the number of persons who declared themselves to be within these ethnic/cultural categories when completing the census forms.

This figure is considered to be below the actual count due to the difficulties of securing accurate data in remote communities and in the inner city.

In 1979 and 1980, the Institute of Urban Studies of the University of Winnipeg conducted a study of the Native population in the City of Winnipeg. That study estimated that there were 7,000 Treaty Indians residing in the City and a non-status Native population of 14,000.

Based on the Institute studies and assuming an equitable distribution of Native people throughout the province, it can be estimated that if there are 40,000 to 50,000 Treaty Indians in the province, there are 80,000 to 100,000 persons of Metis or non-status Indian background.

Thus, the Native population of Manitoba may total 66,000 according to the 1981 census or, estimating Metis and non-status at twice the Registered Indian population and using the higher figure of 50,000 for Registered Indians, the Native population might number 150,000.

Rounding the Manitoba population to 1,000,000, the Native people would constitute anywhere from 6.6% to 15% of the population.

<i>MANITOBA NATIVE POPULATION</i>			
<u>SOURCE</u>	<u>TREATY INDIAN</u>	<u>METIS/ NON-STATUS</u>	<u>NATIVE TOTAL</u>
<i>1981 Census</i>	<i>40,000</i>	<i>26,000</i>	<i>66,000</i>
<i>Indian & Northern Affairs</i>	<i>50,000</i>		
<i>Estimates using Institute of Urban Studies Findings</i>		<i>80,000</i>	<i>120,000</i>
		<i>100,000</i>	<i>150,000</i>

It should be noted that there is no existing legal definition of the term Metis. Repeated efforts were made to secure such a definition through the representative of the Manitoba Metis Federation who served on the Advisory Committee. It was suggested to that member that the Federation attorney might seek such a definition through the courts. A definition was not forthcoming. It is not clear why the Metis organization has not pursued this matter, but it is suspected that negotiations

with the federal government for recognition of aboriginal rights under the Charter may be a factor.

The only definition of Metis which could be secured was that used by the Manitoba Metis Federation itself for members - "a person of Native ancestry who perceives him/herself to be Metis or is so perceived by his/her neighbours".

While the 1981 Statistics Canada data is believed to undercount the Native population, there are some pertinent facts which can be identified:

- although 6.6% of the population is identified as Native, 11.3% of the children of the province are Native,
- for the non-Native population 33% are children, but for the Native population, 61% are children.

If all things were equal, it would be expected that the Native population would absorb or use social services in direct proportion to their number. For general services, Natives would be expected to absorb from 6.6% to 15% of service based on population estimates. For children's services, the use of service would be anticipated to be at a level of 11.3%.

This is not the case.

In 1984, Native juveniles constituted 52% of the admissions to probation service.

<i>MANITOBA JUVENILE PROBATION SERVICES ADMISSIONS</i>		
<i>January 1, 1984 to December 31, 1984</i>		
	<u>Number</u>	<u>Percent</u>
<i>Total</i>	969	100
<i>Native Total</i>	504	52
<i>Metis/Non-Status</i>	195	20
<i>Treaty</i>	309	32
<i>Non-Native</i>	465	48

The 1981 Statistics Canada data indicate that 48% of the inmates of provincial correctional institutions and 35% of the population of federal correctional institutions were of Native descent.

On September 10, 1982, the Children's Aid Society of Winnipeg presented a brief to the Review Committee and indicated that of the 1,267 children in the care of the agency, 480 or 38% were of Native descent.

Statistics which are so grossly out of proportion with population distribution may result, to a significant extent, from the social conditions in which most Native families are forced to live.

A publication of Social Planning Council of Winnipeg, entitled "A Review of Changes in the Living Conditions of the Registered Indian Population of Manitoba during the 1970's", reports that the census and other data sources reveal the following indicators of poverty and apparent social dis-organization for the Treaty Indian population of the province:

- the school drop out rate is significantly higher for Indian youths than for the population as a whole,
- the unemployment rate of Indians is substantially higher than that of the population as a whole,
- the housing in which Indians live does not meet the standards enjoyed by the balance of the population.↴
- the mortality rate is higher, particularly for deaths by violence, among the young male Indian population,
- the death rate for infants is 3 times that of the total population,
- over half of Indian families with children in the City of Winnipeg are headed by a single parent, and
- the illegitimacy rate for Indians is substantially higher than for the population as a whole.

In reviewing the above information, it is important to understand some of the realities behind the statements.

The Treaty Indian population does not have the same access to education as the general population. Most Reserves now have schools offering elementary education and a few have high schools. But many children must leave their home Reserve to attend school in urban centres. The children, removed from the stability of parents and community and subject to the lures of the city, find it difficult to maintain an interest in education.

An article by Leslie Gue in the Alberta Journal of Educational Research in March, 1971, identified some causes for the high drop out rates of Native students. Language barrier was identified as a factor, as was lack of motivation. The author does suggest that the values of the teachers and the content of the curriculum may repel an Indian child resulting in loss of interest. He further suggests that individualism as taught by the school system is an alien concept to Indian

students who have been taught by family to have lineal loyalties. The author concludes that if academic success is seen as resulting in intellectual, emotional, and physical separation from family, the Indian child will drop out of school.

The condition of the housing in which Indian people live might be a reflection of low income levels for urban Indians and is also, undoubtedly, the result of the limited funds which have been made available to Indian bands for housing on the Reserves.

The illegitimacy rates may reflect Indian women's response to federal legislation. If an Indian woman wishes to ensure that her children are eligible for Treaty status, she must either be legally married to a Treaty Indian or, if the man with whom she is involved is not a Treaty Indian, she must remain legally single.

The unemployment rates are a reflection, in part, of the lack of employment opportunities on remote Reserves and a lack of training for work of many Indian persons.

Alcohol has been reported to be a major factor in the high rate of death by violence among young male Indians.

In the book, Cultural Awareness in the Human Services, James W. Green discusses theories of alcohol and Indians. He rejects as naive the belief that Indians have an unusual desire for alcohol or that Indians are genetically unable to handle alcohol. Rather, Green believes alcohol is the Indian's way of handling frustration and anger against a social system which offers no opportunities or rewards. His theory would explain why, when under the influence of alcohol, Indians may engage in, or be the victims of, violent behaviour.

A 1979 paper by the National Council of Welfare entitled "in the best interests of the child" presented the position that it is the poor who are clients of the child welfare system. The paper provided two major reasons for this fact. "First, low-income parents run a greater risk of encountering problems that reduce their capacity to provide adequate care for their children. Second, poor families are largely dependent upon a

single, overburdened source of help - the child welfare system - in coping with their problems, whereas more affluent families enjoy access to a broader and superior range of supportive resources."

It is agreed that poverty, and the problems associated with poverty, makes families vulnerable to the intervention of the child welfare system. It is postulated, however, that cultural bias and a lack of understanding of cultural factors also operates to account for the large number of Native children who have been removed from their own families and placed in the care of others.

In the Group Home Review, it was suggested that the child welfare system has operated to create clientele for itself and for other segments of the social services system.

Data on admissions and discharges of group homes indicates that 60% of the children admitted to group homes came from other sectors of the social service system and upon discharge, 43% of the children went to care situations within the system.

*MANITOBA GROUP HOMES
ADMISSIONS AND DISCHARGES*

May 1, 1983 - September 30, 1983

	<u>From</u>	<u>To</u>
<i>Within Social Service System</i>	<i>(194)</i>	<i>(143)</i>
<i>Foster/Group/Receiving Homes</i>	125	95
<i>Adoption Home</i>	5	7
<i>Juvenile Residential Institution</i>	55	34
<i>Hospital</i>	9	7
<i>Outside Social Service System</i>	<i>(79)</i>	<i>(116)</i>
<i>Own/extended family</i>	77	95
<i>Independence</i>	2	21
<i>Away Without Leave</i>	38	53
<i>Other</i>	<u>16</u>	<u>16</u>
<i>TOTAL:</i>	<i>324</i>	<i>328</i>

Joseph Westermeyer, M.D., Ph.D. of Minneapolis has written extensively on the issue of problems of Indians who were foster or adopted children. His studies of patients in psychiatric hospitals indicate that Indian children placed in white homes are likely to experience problems during their teenage years - depression, suicide attempts, and chemical dependency. (It is interesting to note that while all the study subjects were in a

psychiatric hospital, none of them were described by Dr. Westermeyer as exhibiting psychotic symptoms.)

All available information would indicate that the Indian people were correct in their assertions that once their children entered the child care system they were not likely to ever be returned to their own families. The evidence would indicate they were correct in their claim that not only were those children lost to their own communities, the lives of the individual children were seriously and permanently impaired.

The cultural bias in the system for the past 40 years has made Native people victims. That must cease. The Native people have a right to expect that reparation will be made to correct the mistakes of the past. Treaty Indian children who have been placed outside their own communities have a right to be informed, and must be informed, of their Treaty rights and if they wish to reestablish contact with their own families, they have a right to expect that such contact will be expedited. For sibling groups separated for placement purposes, a special

effort at reunification is the least the state can offer.

In 1983, the Province of Manitoba did make an effort to contact Treaty Indian children who had been placed for adoption in the years 1970 to 1982. The purpose was to inform adoptees and adoptive parents of the rights the child had by virtue of being a Registered Indian. A total of 873 children were identified by the Department of Indian and Northern Affairs Canada. The office of the Director of Child Welfare was able to identify through which Manitoba child care agency those children had been placed. The Director of Child Welfare wrote to each placing agency with a draft of a letter for the agencies' use.

At this point the Director of Child Welfare lost control of the process. No mechanism was in place to establish how many Treaty children were actually located. The placing agencies could also change the content of the letters.

The letters sent to adoptive parents by one agency contained the following comments:

"Today the practise of placing Indian children in the United States has been called into question by the Indian communities in Manitoba. They see they have lost a large part of a generation of their children. They hear more frequently about those adoptions that have not been successful than they ever do about those which have gone well."

"I had hoped to have a research questionnaire developed to include in this letter but it isn't ready. As I indicated above, we (and the Indian organizations) hear about the disruptions. We seldom hear about the successes and I theorize they are the majority. I want to test my theory by asking adoptive parents to provide data about their experience."

Such statements cannot be considered unbiased, nor are they likely to elicit balanced responses.

For children that had been placed in other provinces or in the United States, the local agencies wrote to the placing agencies requesting that the information on Treaty rights be forwarded to the children and adoptive families. There was no follow-up to establish whether those out-of-province agencies sent the information on or what percentage of the letters actually reached the designated families.

There is only one fact that can be established. At least 30 letters did reach the families who had adopted Treaty Indian children.

Along with the letters that the agencies sent out went a

letter from the Chairman of the Review Committee asking for information about the adoption experience. Thirty replies were received.

Some of those letters confirmed that the child welfare system lacked sensitivity to cultural factors. This affected the ability of the placing agencies to help adoptive parents understand the special responsibilities of adopting an Indian child.

".....they (adoptive parents) did little to help me identify myself as an Indian person besides tease me about what a nice tan I have."

".....we would feel remiss in our duties as parents if we did not point out the many disadvantages (as we see them) in becoming a Treaty Indian to our son."

".....when A. came to live with me we had two follow-up visits..... A list of relevant literature might have helped....."

"We assume at some point he will want to know more about himself and though we wish it will never happen we are prepared for the day he will want to go back.....to look for his roots."

"B. came with no medical history.....no developmental history, and virtually no data on her parents.....(she) wrote asking for any information on her birth only to be told that all records are destroyed after ten years."

".....at the time of placement we were told she was Indian, but nothing of her tribe."

"I asked about Treaty Rights and was told the children would not maintain their Rights after adoption."

Many of the letters revealed that the adoptive parents had successfully assisted their children develop pride in their Indian heritage. The credit rests with the individual adoptive parents who demonstrate an incredible level of maturity and emotional security - the placing agencies did little, if anything, to facilitate this process.

The fact that cultural bias has operated to effect the lives of Native people means that, unless the system is radically sensitized, it can happen again. Historically Manitoba has been home to a wide variety of ethnic groups. While there may have been periods of estrangement between groups, the provincial community has been partially successful in avoiding open alienation and bigotry.

The patterns of immigration are ever-changing. New residents bring with them cultural patterns far different than those of groups that have established themselves here in the past. The potential for cultural clash exists. The possibility for child rearing practises being viewed by the child

care agency staff as neglect or abuse is there.

The first step in building cultural sensitivity is to acknowledge that there has been bias in the past. The whole process of this study has been a means of bringing that fact to the conscious awareness of the community and to the staff of agencies and institutions which come in contact with children and families.

While the understanding of all cultures represented in a client group is essential, there can be an argument made that the culture of the Indian people should be the vehicle for teaching cultural awareness. It can be theorized that the appreciation of one culture significantly different than one's own makes appreciation of other cultures a relatively straightforward exercise.

The fact that must be accepted is that at the present time it is persons of Native descent that form the primary minority group in child welfare, in the courts and probation services.

in the correctional institutions, and in inner city schools. The appreciation of Native culture is imperative if the negative impact of the current method of service delivery is not neutralized.

In the court system, a translator or interpreter must be provided to any party in the action who does not comprehend the proceedings. It is essential that judges understand how deeply the sense of courtesy is instilled in Indian persons. Indians would not be discourteous enough to say "no" to a person who represents authority. How many judges have failed to secure an interpreter when, in response to the question "Do you understand what these proceedings are about?", the Indian person has said "Yes".

How many teachers have concluded that an Indian child is mentally deficient because the child will not try to do a task it has not yet mastered? The Indian method of learning is described as observing another person perform a task, being

told how that task must be performed, thinking about the task and how it should be done, and eventually performing the task with skill. Indian children do not try to do things they know they cannot do properly.

How many lawyers have believed that a client was lying because eye contact was not maintained without knowing that, to traditional Indians, looking directly at a person, particularly a stranger, is the height of rudeness?

How many social workers have assumed that an Indian child has been abused because the child flinches in the presence of certain people without appreciating that the child's sense of hearing is so acute that a loud, rasping voice creates actual pain for the child?

How many doctors or nurses have judged a mother to be uncaring because she does not visit her child in the hospital without understanding that the mother realizes that her visits are intensifying the child's homesickness?

A study conducted at Regina General Hospital revealed that while hospital staff viewed Native parents of children in hospital as uncaring and uninterested, study results revealed that parents were concerned that visits would make the children more lonely, and many parents lacked the transportation to get to the hospital.

While not extensive, the literature on Native culture is growing and becoming more service specific. There is always a danger when authors begin to reveal details of their own culture, particularly when this touches on matters spiritual, that traditionalists in their own group will object to the public revelation of what they perceive to be religious secrets. However, as long as the writings deal with factors of culture in relation to human services, there should be no objection from within the Native community.

The Province of Manitoba, in 1982, placed a moratorium on the placement of Native children outside the province for purposes of adoption. That moratorium continues to this day. While the placement of Native children in non-Native homes within the provincial borders was never specifically banned, it is clear that such placements should be made as a last resort

only when all attempts to find a Native home have failed. Native children are now growing up in non-Native homes. Some Native children may be placed in non-Native homes in the future. The problems for the children in such placements must be recognized and steps taken to minimize these through foster parent selection, support services, contact with Native groups, and direct culture-oriented service to the child.

Facts on cross-racial adoption

Here are some basic facts on cross-racial adoption, from interviews with experts.

How common is it?

The practice became fairly widespread in the '60s, as white infants disappeared from the adoption market because of abortion and other factors, but most agencies stopped it when the Association of Black Social Workers came out against it in the early '70s?

Why were black social workers opposed?

They said cross-racial adoption robs children of their racial identity and heritage, and that white couples, no matter how well meaning, cannot adequately teach black children to cope in a racist society. Most adoption workers have come to agree.

Are black babies getting adopted?

Agencies say they have no trouble finding black families for black infants. But

black children past the toddler age, or those with mental or physical handicaps frequently are hard to place.

Why are biracial children considered black?

Social workers say biracial children are better accepted and more comfortable in black communities because of the history of racism in this country.

Are there legal precedents?

In some states, couples who were told they could not adopt children of another race successfully challenged the policy; in similar cases in other states, the agencies were upheld.

"This issue is unresolved in the courts and there are no clear guidelines that apply across the country," says Mark Hardin, a child advocacy lawyer with the American Bar Association. "I expect that in the next few years, we will see more court decisions addressing this issue."

— Suzanne Dolezal

Detroit Free Press
December 21, 1984

In a Masters thesis, completed by Kenneth Cornelius Plett, it was reported that, of the couples who had adopted an Indian child, the majority did not take steps to increase their own awareness of Indian culture. A full 25% reported to have never talked to the child about their Indian background. In addition, the study indicated that one quarter of the adoptive parents reported receiving no counselling from the agency after the child was placed with them.

RECOMMENDATION 52.

THE CHAIRMAN RECOMMENDS THAT WHEN IT IS NECESSARY THAT A NATIVE CHILD BE PLACED IN A NON-NATIVE FAMILY THAT THE ASSESSMENT OF THAT FAMILY INCLUDE CONSIDERATION OF ATTITUDES TOWARDS NATIVE PEOPLE, CAPACITY TO INVOLVE THEMSELVES IN NATIVE CULTURE, ABILITY TO FORM RELATIONSHIPS WITH PERSONS OF NATIVE DESCENT, AND UNDERSTANDING OF THE NEED TO ASSIST THE CHILD DEVELOP KNOWLEDGE OF AND PRIDE IN CULTURAL HERITAGE.

The literature indicates that Native children placed in non-Native homes are likely to experience identity problems

during their teenage years and these problems can lead to conflict with peers, with the educational system, and with the law. The letters received from adoptees and adoptive parents would confirm those research findings.

".....her studies were suffering.....her blues got bluer.....there was over \$200 run up on their (phone) calls.....now it was lies and more lies....."

".....the children ran wild.....failed to complete their grades, they hung out with ex-convicts, experimented with illegal substances, hung around bars and liquor outlets, drank, etc....."

"she has had turbulent teen age years.....now has a little girl of her own....."

"She did have problems in her teen years.....She craved popularity (perhaps partly because of being shut out for racial prejudices) but got it by joining the smoking, drinking and drug elements."

"During my teen years I left home.....the kids at school were constantly discriminating against me..... I tried drugs and alcohol.....I'm so confused right now....."

".....(he) is attracted by 'the bad crowd'. He likes to act the tough kid....."

".....(he) had no trouble with teachers until grades 8 or 9....."

".....Psychological counselling ensued over a period of many months until a series of run-aways, school suspensions, thefts, police pick-ups, and disruptive behavior led to the recommendation for inpatient care....."

"At 15.....(she) started to do strange things. She would leave home.....she started to miss class and have problems at school.....attendance problems and problems relating to teachers.....began using alcohol and drugs.....she became self destructive when intoxicated....."

Research conducted by McRoy et al and reported in the November, 1982, edition of Social Work, suggested that children raised in homes which are ethnically or racially different than themselves may develop a secure sense of themselves as individuals, but their racial self-perception will be impaired. The conclusion that writers reach is that adoptive or foster parents of the dominant society simply cannot prepare children for the prejudice that does exist. Adoptive and foster parents who are educated about, and sensitive to, the issues of cross-ethnic/racial adoptions can minimize the problems the children will experience.

RECOMMENDATION 53. THE CHAIRMAN RECOMMENDS THAT CHILD PLACING AGENCIES ACCEPT THE REALITY THAT SPECIAL PROBLEMS MAY BE EXPERIENCED BY CHILDREN OF ONE ETHNIC/CULTURAL GROUP WHEN PLACED IN HOMES OF ANOTHER ETHNIC/CULTURAL BACKGROUND AND THAT CHILDREN AND ADOPTIVE PARENTS BE OFFERED CULTURALLY SENSITIVE COUNSELLING TO PREVENT OR TREAT SUCH PROBLEMS.

The investigations carried out in this review confirmed the allegations of the Indian people that the child care agencies were insensitive to the cultural patterns of Native families.

In the review of the files of Native children placed out of province (virtually all of those children were placed in non-Native homes) there was no evidence that cultural factors were even discussed with the adopting families. In no file was it clear that adopting families were told of a child's Treaty rights or of cultural differences which might emerge.

During the study of group homes, it was found that only in the homes specifically developed for Native children was there any attention given to the development of cultural identity. It must be noted that the group homes serve teenagers almost exclusively, and that an estimated 40% of the residents are of Native descent.

In the interviews with agency personnel, the decided lack

of appreciation of cultural differences was also noted with alarm. At the same time these interviews were conducted, the level of conscious awareness of cultural issues should have been at its most acute stage in light of the publicity that had surrounded the review. Yet staff seemed abysmally uninformed about Native value systems. It appeared that workers through training and employment experience had been programmed to view people as carriers of the symptoms of social pathology rather than as fully rounded human beings with weaknesses and strengths. Workers also seemed unable to view Native persons as part of a family and community network which also had weaknesses and strengths.

For example, a Native mother may leave her infant child with a relative for an extended period of time with the full confidence that the child will have the same care, love, and security that she herself would give it. A worker who did not understand the Indian concept of the child as a member of the total community, rather than as the exclusive property of a

single set of parents, might perceive that child to be abandoned when it is, in fact, residing within its own "family".

Similarly, a Native mother who does not provide constant eyes-on supervision of a child might be viewed by a social worker as negligent. It must be appreciated that Native parents give a child a great deal of independence and freedom. A child is viewed as an equal member of the community capable of making independent decisions. Proper behaviour is not taught by giving orders or direction, but by example. Native children are expected to assume, and are capable of assuming, responsibility for themselves and for others at a much earlier age than children residing in families whose culture is European based.

Adoption is said to be a custom deeply rooted in Indian societies. A child might be given to a family which has no children. A teenager might move in with a grandparent to provide needed services. The band may conclude that a family has too many children to provide proper care and remove some children to be raised by another family.

The major difference between traditional Indian adoptions and the adoption practises of the formal child care system is that the natural parent and the child do not lose contact with each other.

Life for a child on a Reserve or in a Native community is described as one of safety, love, adventure, and freedom. A child feels, and is, welcome in any home and may join any family for a meal. A mother is not concerned if a child does not return home for a meal or even to sleep. The mother knows that some family is willingly providing for the child. This pattern is one that causes Native parents grief when they move into urban centres because the reality is that urban life is different and dangerous. A mother who does not immediately report her child as missing is viewed as neglectful by the urban agencies.

The raising of children is seen as a communal responsibility with the immediate and extended family carrying the primary responsibility for a specific child. In addition to

the input of grandparents, aunts, uncles, and older siblings, the parents, it is understood, may select a specific person to assume a special role in a child's life. This person will oversee the child's development, teach necessary skills, and maintain a lifelong relationship with the child.

Adoption in Native communities does not only apply to children. A family may adopt a grandparent. A child may adopt an uncle or an aunt. A man may adopt another as a brother and each will assume all the rights and responsibilities of a natural brother to each other's wife, children, and relatives.

Grandparents are reported to have a special responsibility to children. It is the grandparents' responsibility to see to the socialization of the child, to see that it grows into a responsible member of the Native community. To this end, a grandparent has the freedom to correct and admonish the child and the parents.

Information available indicates that these characteristics are fairly general amongst Indian people. It would be mis-

leading, however, to suggest that all tribal societies are alike. To the contrary, it is understood that there are greater differences between Indian tribes than there are between Norwegians and Greeks.

In Manitoba, there are Crees, Ojibways, Sioux, and Chippe-
wayans. To the non-Native community they may seem to be very much alike and, indeed, in their efforts to present a unified front in dealing with governments the Indian people have tried to convey an impression of a single culture. There are many differences, however, as well as old enmities which continue to come between the tribes.

There was a story heard in Alberta that members of one tribe may not enter the territory of another because of an event which occurred over 200 years ago. There is a local story of a professional worker of Ojibway descent who refused to accept a client who was from The Pas because he knew a Cree would murder him.

It is wise to add that some of the cultural patterns

previously described are not necessarily exclusively Indian. Many other cultures share the concept of the extended family and expect children to accept responsibilities early.

Material used by the Immigration and Settlement Branch, Department of Employment Services and Economic Security, Province of Manitoba, for the purpose of educating teachers about cultural patterns of new immigrant groups indicates that the definition of a family by East Indians includes grandparents, parents, children, uncles, aunts, and cousins. Locations are described as relying on the network of the extended family for financial, as well as emotional, support. The Vietnamese consider the family to incorporate in-laws and it is not uncommon for children to be raised by someone other than the natural parents. Cambodians, it is reported, expect the older children to take an active role in raising their younger siblings, as do Chileans.

In a recent book entitled Cultural Awareness in the Human Services, James W. Green offers some guidelines for those

working with people of different cultures:

1. Consider all clients as individuals first, as members of minority status, and then as members of a specific ethnic group.
2. Never assume that a person's ethnic identity tells you anything about his or her cultural values or patterns of behaviour.
3. Treat all "facts" you have ever heard or read about cultural values and traits as hypotheses, to be tested anew with each client. Turn facts into questions.
4. Remember that all minority group people in this society are bicultural, at least. The percentage may be 90-10 in either direction, but they still have had the task of integrating two value systems that are often in conflict. The conflicts involved in being bicultural may override any specific cultural concept.
5. Some aspects of a client's cultural history, values, and lifestyle are relevant to your work with the client. Others may be simply interesting to you as a professional. Do not prejudge what areas are relevant.
6. Identify strengths in the client's cultural orientation which can be built upon. Assist the client in identifying areas that create social or psychological conflict related to biculturalism and seek to reduce dissonance in those areas.
7. Know your own attitudes about cultural pluralism, and whether you tend to promote assimilation into the dominant society values or to stress the maintenance of traditional cultural beliefs and practises.
8. Engage your client actively in the process of learning what cultural content should be considered.
9. Keep in mind that there are no substitutes for good clinical skills, empathy, caring and a sense of humour.

As this report is being written the law does not yet require that cultural and linguistic factors be taken into

account when planning for a child. The recommendation that the legislation be amended to incorporate these factors was made in the spring of 1983. The new Child and Family Services Act does contain a definition of "best interests of the child" which includes the requirement that cultural and linguistic heritage be considered.

This report has already discussed how sensitivity to culture can be incorporated into the very structure of the agencies and regional offices which provide child welfare services.

Efforts must be undertaken to provide training in the area of cultural awareness for those already in the human service professions. As far as can be determined, professional associations in the fields of law, health care, and social services have not specifically provided training for practitioners, but cultural issues may be touched upon in the course of discussion of other service delivery matters.

The directorate of the Child and Family Support arranges an annual conference for practitioners in the field of child welfare and Native culture has been included as a workshop topic. It is known that the Canadian Council of Christians and Jews has arranged workshops on the topic of cross-cultural awareness. The International Centre of Winnipeg also offers special workshops for various professional groups to develop sensitivity to cultural behaviour patterns.

RECOMMENDATION 54. THE CHAIRMAN RECOMMENDS THAT ASSOCIATIONS OF PRACTITIONERS IN THE FIELDS OF LAW, HEALTH CARE, AND SOCIAL SERVICES ARRANGE FOR TRAINING OPPORTUNITIES IN THE AREA OF CULTURAL AWARENESS AND THAT PARTICIPATION IN SUCH TRAINING BE A REQUIREMENT FOR THOSE WHOSE CLIENTELE INCLUDE MEMBERS OF CULTURAL/ETHNIC MINORITIES.

It is essential that child care agencies employ members of the cultural/ethnic groups which are represented amongst their clientele. This is equally true for all human services. Such

employment should be accompanied by appropriate training to permit these individuals to gain the knowledge and credentials necessary for continuous employment.

A number of work/training programs have been identified which are directed toward members of minority groups.

The New Careers program, offered by the provincial Department of Employment Services and Economic Security, aims to provide meaningful job opportunities to targetted disadvantaged people - Natives, women, and the handicapped. The program can tailor itself to the specific needs of agencies and has been selected by many of the Indian child and family services agencies as the training resource for staff. The program is able to train about 150 persons at a time and participants are expected to be competent to perform jobs within a specific time frame. A certificate is presented to successful students who are encouraged to move on to formal professional educational programs.

The provincial Department of Education encourages, funds,

and monitors programs which will provide professional training to persons who would normally not have access to such opportunities. The target group is persons of low income who would normally be excluded from post secondary education by virtue of geographic location, lack of formal prerequisites, or cultural, ethnic, family, or linguistic barriers. The program seeks to ensure economic security during the period of training, provide employment opportunities in local communities, and to provide the personal support and counselling necessary to maximize the possibility of success.

Among the ACCESS programs investigated were:

- BUNTEP (Brandon University Northern Teacher Education Project). This is a four year program leading to a fully recognized provincial teaching certificate. Training is provided in local communities with courses offered by travelling professors. Upon completion, students are qualified to teach anywhere in the province, but the hope is that they will accept employment in their local communities. Graduates are encouraged to seek further degrees through regular post graduate programs.
- Winnipeg Education Centre (Education). This 4 year program aims at residents of Winnipeg's inner city and provides a full Bachelor of Education degree upon successful completion. The schedules and support services provided are geared to meet the life realities of the students.

- ° Winnipeg Education Centre (Social Worker). Also aimed at residents of Winnipeg's inner city, this 4 year program provides a Bachelor of Social Work degree upon successful completion. This program offers students more exposure to actual work experience than is offered to students in the regular program and employment in Winnipeg social agencies was anticipated.

Other ACCESS programs provide opportunities for Native persons to undertake training in the areas of nursing, business administration, and medicine.

A program aimed at providing training for members of identified minorities, while at the same time filling the staffing needs of child care institutions, was developed by Marymound School in cooperation with Red River Community College. Upon completion, students receive a certificate and, it is reported, are almost guaranteed employment in group homes or residential institutions throughout the province.

RECOMMENDATION 55. THE CHAIRMAN RECOMMENDS THAT EFFORTS TO PROVIDE TRAINING FOR MEMBERS OF CULTURAL MINORITIES BE EXTENDED TO ENSURE THE AVAILABILITY OF QUALIFIED PERSONNEL FOR HUMAN SERVICE AGENCIES WHO ARE MEMBERS OF THE SAME ETHNIC/CULTURAL GROUPS AS THE CLIENTS. SUCH TRAINING SHOULD BE

EQUIVALENT TO THAT IN TRADITIONAL TRAINING INSTITUTIONS, SHOULD BE LINKED TO REALISTIC EMPLOYMENT OPPORTUNITIES, SHOULD INCLUDE FINANCIAL AND SUPPORT SERVICES TO MAXIMIZE SUCCESSFUL COMPLETION, AND SHOULD LEAD TO CAREER ADVANCEMENT THROUGH TRAINING AND/OR EXPERIENCE.

Cultural awareness courses must also be introduced into professional education programs. A substantial number of students in law, medicine, education, and social work will find themselves working with members of cultural/ethnic groups which have values different than their own. Sensitivity to those differences must be developed so that professional practitioners can effectively serve their clients. This is particularly important when cultural differences are in the areas of family life and child rearing practises.

Both the University of Manitoba and Brandon University offer courses in Native Studies for undergraduates and some courses are provided through the programs of anthropology.

economics, geography, history, and sociology. Only the Faculty of Education offers a course in cross-cultural awareness for their students. In no case is participation in such courses mandatory.

RECOMMENDATION 56. THE CHAIRMAN RECOMMENDS THAT POST GRADUATE PROFESSIONAL SCHOOLS INCORPORATE INTO THEIR CURRICULUM MATERIAL DESIGNED TO INCREASE AWARENESS AND APPRECIATION OF CULTURAL PATTERNS OF GROUPS WITH WHICH GRADUATES ARE LIKELY TO COME IN CONTACT.

It would, of course, be best if acceptance of cultural differences occurred long before individuals entered employment in the human services.

RECOMMENDATION 57. THE CHAIRMAN RECOMMENDS THAT HIGH SCHOOLS INCORPORATE INTO THE CURRICULUM CONSIDERATION OF A VARIETY OF CULTURAL PATTERNS WITH A VIEW TO DEVELOPING SENSITIVITY TO, AND UNDERSTANDING OF, CULTURAL DIFFERENCES.

In the Group Home Review there was criticism that, except

for a few notable exceptions, group home operators paid too little attention to the cultural background of their teenage residents. It was felt that discussion of, and exposure to, the values of the child's natural cultural background would enhance efforts to assist youngsters develop a positive self-image. That report also noted, however, that representatives of cultural/ethnic groups in the community were not coming forward to offer their services to child caring agencies.

RECOMMENDATION 58.

THE CHAIRMAN RECOMMENDS THAT ETHNIC/CULTURAL GROUPS IN THE COMMUNITY CONTRIBUTE FINANCIAL AND HUMAN RESOURCES TO THE FIELD OF CHILD CARE THROUGH:

- THE ESTABLISHMENT OF EMERGENCY SHELTERS FOR PARENTS AND CHILDREN,
- THE ESTABLISHMENT OF DAY CARE CENTRES,
- THE PROVISION OF SCHOLARSHIPS TO ENABLE MEMBERS OF THEIR GROUPS TO UNDERTAKE PROFESSIONAL TRAINING IN THE HUMAN SERVICES.

- THE ADOPTION OF A FAMILY,
- ACTING AS RECRUITERS FOR FOSTER AND ADOPTIVE HOMES,
- TRAINING MEMBERS OF THEIR GROUPS FOR EFFECTIVE PARTICIPATION ON BOARDS AND LOCAL COMMITTEES OF CHILD AND FAMILY SERVICES AGENCIES,
- PROVIDING RESOURCE PERSONS TO TEACH ETHNIC VALUES TO STUDENTS, AGENCY STAFF, COURT PERSONNEL, PROFESSORS AND EDUCATORS,
- PROVIDING OPPORTUNITIES FOR INVOLVEMENT IN ETHNIC/CULTURAL ACTIVITIES FOR RESIDENTS OF GROUP HOMES AND INSTITUTIONS, AND
- PROVIDING VOLUNTEERS AS BIG SISTERS AND BIG BROTHERS FOR CHILDREN OF THEIR OWN ETHNIC/CULTURAL GROUPS.

CHAPTER VI

CHILDREN ENTERING THE CHILD CARE SYSTEM

*"Will you walk into my parlour?" said a Spider to a Fly,
"It is the prettiest parlour that ever you did spy!
You've only to pop your head inside of the door,
You'll see so many curious things you never saw
before."*

*"My fine house is always open," said the Spider to
the Fly,
"I'm glad to have the company of all I see go by,"
"They go in but don't come out again - I've heard of
you before."
"O yes, they do, I always let them out at my back
door....."*

Mary Howitt

The Child Welfare Act provides for five means by which a child may come under the supervision of a child caring agency.

1. TEMPORARY CONTRACT PLACEMENT

Section 13 (1) of The Child Welfare Act provides: