



Alberta's child welfare system¹

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An overview of child welfare in Alberta

The main responsibility for the well-being of children in Canada rests with parents. It is recognized, however, that there are times when others must intervene. Child maltreatment is one such circumstance. The *Constitution Act*² grants provinces and territories the authority to operate child welfare systems to intervene, when necessary, and to set legislation to govern those systems. The purpose of provincial and territorial child welfare systems is to protect the safety and well-being of children.

In Alberta, child protection is referred to as "child intervention." The Ministry of Children's Services oversees the quality and delivery of child intervention services provided by 10 regional Child and Family Service Authorities, which are staffed by provincial caseworkers and directed by community-based boards of directors. Each Authority is managed by a Chief Executive Officer and mandated to provide a range of specialized services to ensure the safety and well-being of young people under the age of 18. In addition to child intervention, the Authorities provide a range of family support services, including adoption arrangements and family support to children with disabilities. They work closely with other community organizations, which may be contracted to provide specific programs and services.

In addition, the Federal Department of Indian and Northern Affairs provides funding for 18 First Nations agencies, delegated by the Province to provide child intervention services to children and families on most reserves in Alberta. First Nations agencies are directed by Tribal Councils and community members and

receive case management support from the Ministry of Children's Services.³

Most municipalities and Métis settlements in Alberta develop and deliver local programs designed to prevent child neglect and abuse in partnership with the province, through the provincial Family and Community Support Services program.

In addition to overseeing service delivery and developing standards, policies and practices, the Ministry funds, monitors and assesses the Authorities and provides administrative, financial management, legal, and information technology services. Each Authority can develop more detailed directives for uniquely regional practices, providing that they complement provincial policy.

The child welfare caseload in Alberta went through a period of rapid growth in the 1990s. However, the Alberta government restructured the delivery system for child intervention in the early years of this century, creating two ways in which child intervention was delivered: a family enhancement stream and a child protection stream. In the wake of restructuring, the number of children receiving services did not decline significantly but the way in which the cases were recorded changed.⁴ The average number of child protection cases declined from 14,857 per month in 2001/2002 to 9,728 in 2005/2006. The average number of family enhancement cases was 3,222 per month in 2005/2006.⁵

What is the definition of child maltreatment?

In Alberta, children and youth up to the age of 18 are in need of intervention if there are reasonable and probable grounds to believe that their survival, security or development is

endangered because of any of the following:

- the child has been abandoned or lost;
- the child's guardian is dead and the child has no other guardian;
- the child is neglected by the guardian, including but not limited to an inability or unwillingness to provide the child with the necessities of life, essential medical or surgical treatment, or adequate care or supervision;
- the child has been or is at substantial risk of being physically injured or sexually abused by the guardian of the child where:
 - physical injury includes, but is not limited to, cuts, bruises or fractures that result from a non-accidental application of force;
 - sexual abuse includes, but is not limited to, inappropriate touching and contact and prostitution related activities;
- the child has been emotionally injured by the guardian, including rejection, neglect, lack of attention, or exposure to domestic violence;
- the guardian is unable or unwilling to protect the child from physical, sexual or emotional abuse, and/or cruel or unusual treatment, including subjecting the child to an individual with substance abuse problems.

What does child welfare legislation in Alberta cover?

Child intervention is governed primarily by the *Child, Youth and Family Enhancement Act*.⁶ Several other laws also exist, that aim to help families and communities provide safe and nurturing environments. These are:

- the *Protection of Children involved in Prostitution Act*,⁷
- the *Child and Family Services Authority Act*,⁸ and
- the *Family Support for Children with Disabilities Act*.⁹

In addition, two new statutes, the *Drug Endangered Children Act*¹⁰ and the *Protection against Family Violence Amendment Act*¹¹ are scheduled for proclamation on November 1, 2006 (see "New legislation in Alberta").

Child, Youth and Family Enhancement Act

The *Child, Youth and Family Enhancement Act* states that "the family is the basic unit of society and its well being should be supported and preserved." Intervention services should preserve and support the family, as far as is consistent with the safety of the child. A child should be removed from his or her family only when risk assessment indicates that other, less disruptive measures are not sufficient to protect the child.

The Act has several central themes:

- All individuals who have reasonable and probable grounds to believe that a child is in need of intervention have a mandatory duty to report this to authorities (e.g., a crisis unit worker or caseworker at a Child and Family Service Authority or a delegated First Nations agency), who will assess the matter to determine whether intervention is necessary. Individuals who report that a child is in need of intervention are protected from legal action against them unless they are acting without reasonable and probable grounds. The only exception to this duty to report involves situations of solicitor-client privilege. Failure to report is punishable by a fine of up to \$2000.00 or imprisonment. Professionals who fail to report can be cited for this failure to the governing body of their profession.
- Children should be provided with continuity and permanency of care. If a permanent placement outside the immediate family is necessary, the first priority is within the extended family, followed by adoption, then private guardianship, or supported independent living for youth. The benefits of staying within the community, as well as the mental,

New legislation in Alberta

Two new pieces of legislation will be proclaimed on November 1, 2006: the *Drug Endangered Children Act* and the *Protection against Family Violence Amendment Act*. The *Drug Endangered Children Act* states that children under 18 who are exposed to drug manufacture and trafficking are victims of abuse and require protection. The *Protection against Family Violence Amendment Act* protects children, seniors and other vulnerable people against abuse by a family member who does not live with them. It adds stalking to the definition of family violence, clarifies the use of emergency protection orders, broadens the definition of a family relationship and specifies that only one parent's consent is needed for a child to receive counselling after experiencing family violence.

emotional and physical needs of the child and the suitability of the placement, should also be considered.

- The focus of the Act is on obtaining permanent care as soon as possible for children, and on addressing the needs of youth for a transition to independency and adulthood.
- The views of the child should be considered when decisions about the child are being made.
- A child's cultural, racial, and linguistic heritage must be respected when making decisions for the well-being of the child, especially for Aboriginal children, who have a unique status.¹²
- The purpose of intervention services is to remedy or alleviate the condition that caused the child to be in need of intervention.

Protection of Children involved in Prostitution Act

The *Protection of Children involved in Prostitution Act* states that a young person under the age of 18 who is involved in prostitution is a victim of sexual abuse and requires protection. A child can be apprehended under the Act and taken to his or her guardian or a protective safe house where emergency care, assessment, and support for exiting prostitution are made available. This Act also provides for a variety of voluntary community support services which are available to youth aged 16 and 17 without parental support.

Child and Family Services Authority Act

The *Child and Family Services Authority Act* gives the Child and Family Service Authorities the responsibility for planning and delivering services to children and families in their region of the province.

The legislation focuses on a number of principles, including protecting the safety and security of children, helping families become self-reliant, and increasing the involvement of the community as well as the involvement of the children and families receiving services. The Act specifies the types of services the Authorities will be responsible for, including:

- child intervention services;
- early intervention programs aimed at preventing family breakdown;
- supports to families of children with disabilities;
- family violence initiatives, including prevention programs and the funding of women's shelters;
- licensing day cares and other residential facilities for children in care;

- providing day care subsidies to low-income families; and
- providing family mediation services.¹³

Family Support for Children with Disabilities Act

The *Family Support for Children with Disabilities Act* outlines a wide range of supports and services for children with disabilities and their families, including provincial programs, community services, and referrals to advocacy groups, disability associations and other resources. This program helps families coordinate supports and services, and assists with some of the extraordinary costs of raising a child with a disability.

What happens after child maltreatment is reported?

When an agency receives a report, a caseworker conducts a series of preliminary assessment activities to determine if the child or youth is in need of intervention. If intervention is needed, a decision is made as to whether the child's needs can be met through the provision of family enhancement services.

If family enhancement services are required, a caseworker will bring together relevant community or neighborhood partners, creating a multidisciplinary team to address the needs of the family. The team could include representatives from a Child and Family Service Authority or a delegated First Nation agency, early intervention services, and other formal services such as the school and the local health authority. In addition, the team would include the referred family, informal supports such as extended family or neighbours, and the child or youth, if he or she is able to participate. The purpose of the team is to help the family to address challenges such as mental health problems, substance abuse, parenting skills, etc., so that children can live in a safe and healthy home environment.

If it appears that the identified needs cannot be satisfied through family enhancement, or if immediate intervention is required, the matter is referred for investigation. A comprehensive assessment process is carried out to develop a child focused, strength-based plan to address identified intervention needs. If it becomes apparent that the child's best interests are not served by continuing to live at home, the child and family service agency works with the multidisciplinary team to identify placement options and begins to develop a permanency plan (also called a "concurrent plan") with the family to find the best possible alternative.¹⁴

Recent legislative changes have established more specific standards for permanency planning than was the case in the past and provide new options, such as private guardianship, to encourage permanent placements. Provincial financial support is available to families who assume private guardianship of a child who is in permanent care. Support and financial assistance to youth can be extended to age 22 in cases where the goals of the current Transition to Independence Plan will not be reached by the youth's 18th birthday, or in situations where the youth is incapable of living independently or there is more to be done to build the youth's support network and future planning.

How does the Alberta child welfare system work for Aboriginal children?

The *Constitution Act*, the *Indian Act* and the *Canadian Charter of Rights and Freedoms* recognize the special legal status and rights of Canada's Aboriginal peoples. Most First Nation families living on reserves in Alberta receive services through delegated First Nations agencies. First Nations people living off reserves receive intervention services through the Child and Family Service Authority in their region, all of which have culturally sensitive practice guidelines to guide them when working with First Nations clients. One of the Child and Family Service Authorities (Region 10) provides services to Métis families who are affiliated with the Métis Settlements in Alberta.

First Nations children living on or off reserves are entitled under some circumstances to have a First Nations person designated by their band involved as a resource in case planning. This provision is also available for Métis people.

In addition, the *Child, Youth and Family Enhancement Act* stipulates that whenever a child is placed outside the family, the placement selection should take into consideration the child's familial, cultural, social and religious heritage, and the person looking after the child is obliged to make the child aware of this heritage. If a status Indian child is adopted, the adoptive parent must take reasonable action to allow the child to exercise his or her rights as an Indian, and must inform the child of his or her status as an Indian as soon as the child is capable of understanding it.

Natural Advocates and the Office of the Child and Youth Advocate

In 2004, the Child and Youth Advocate's Office initiated the Natural Advocates program, whereby a child or youth can identify someone he or she knows

and trusts, other than a parent, to be his or her "natural advocate." These individuals are screened by the Advocate's office and, if approved, enter into a formal agreement with child or youth. This agreement outlines the information that can be shared and what areas of the child or youth's life the natural advocate will be involved in, such as case conferences.

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- 1 This information sheet has been reviewed by child welfare experts. Thanks are extended to the following employees of Alberta Children's Services: Tish Haynes, Manager, Child Intervention and Planning Division, and John McDermott, Director, Child Intervention Planning and Implementation, Program Quality and Standards.
 - 2 *Constitution Act*, 1982, being Schedule B of the Canada Act, 1982 (U.K.), 1982.
 - 3 Gough, P., Blackstock, C., & Bala, N. (2005). *Jurisdiction and funding models for Aboriginal child and family service agencies*. CECW Information Sheet #30E. Toronto, ON, Canada: University of Toronto. Retrieved [date] from <http://www.cecwcepb.ca/DocsEng/JurisdictionandFunding30E.pdf>
 - 4 Alberta Children's Services. (2006). *A new casework practice model*. Retrieved October 18, 2006 from http://www.child.gov.ab.ca/whoweare/pdf/Casework_Practice_Model_2006_05_10_Final%20.pdf#search=%22%22new%20casework%20practice%20model%22%20Alberta%20Children's%20Services%22
 - 5 Personal communication with Tish Haynes, Alberta Children's Services, September 21, 2006.
 - 6 *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c. C-12. Retrieved August 24, 2006 from <http://www.canlii.org/ab/laws/sta/c-12/20060718/whole.html>
 - 7 *Protection of Children involved in Prostitution Act*, R.S.A. 2000, c. P-28. Retrieved August 25, 2006 from <http://www.canlii.org/ab/laws/sta/p-28/20060718/whole.html>
 - 8 *Child and Family Services Authority Act*, R.S.A. 2000, c. C-11. Retrieved August 25, 2006 from <http://www.canlii.org/ab/laws/sta/c-11/20060718/whole.html>
 - 9 *Family Support for Children with Disabilities Act*, S.A.. 2003, c. F-5.3 Retrieved August 25, 2006 from <http://www.canlii.org/ab/laws/sta/f-5.3/20060718/whole.html>
 - 10 *Drug Endangered Children Act*, S.A. 2006, c. D.-17. Retrieved August 25, 2006 from <http://www.canlii.org/ab/laws/sta/d-17/20060718/whole.html>
 - 11 *Protection against Family Violence Act* S.A. 2006, c. 8. Retrieved August 30, 2006 from <http://www.canlii.org/ab/laws/sta/2006c.8/20060718/whole.html>
 - 12 Sinclair, M., Bala, N. Lilles, H. and Blackstock, C. (2004). Aboriginal child welfare. In Bala, N., Zapf, M., Williams, R., Vogl, R. & Hornick, J. (Eds.), *Canadian child welfare law: Children, families and the state*. Toronto: Thompson Educational Publishing.
 - 13 Human Resources and Social Development Canada. (1997). *Federal-provincial working group on child and family services information*. Retrieved August 25, 2006 from <http://www.sdc.gc.ca/en/cs/sp/sdc/socpol/publications/bulletins/1997-000038/page07.shtml>

14 More details on the processes involved in responding to reports for intervention, including the differential response system and the supports for permanence, can be found in: Alberta Children's Services. (2006). *A new casework practice model*. Retrieved October 4, 2006 from http://www.child.gov.ab.ca/whoweare/pdf/Casework_Practice_Model_2006_05_10_Final%20.pdf#search=%22%22new%20casework%20practice%20model%22%20Alberta%20Children's%20Services%22

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