



# Manitoba's Child Welfare System<sup>1</sup>

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## An overview of child welfare in Canada

The main responsibility for the well-being of children in Canada rests with parents and legal guardians. It is recognized, however, that families may need support and help in carrying out this responsibility, and there are circumstances under which others must intervene for the protection and safety of children, such as when a child is at risk of maltreatment. Under the federal *Constitution Act*,<sup>2</sup> provinces are assigned the responsibility for setting legislation and overseeing the systems that govern child welfare services. Provincial and territorial legislation and regulations govern child welfare services, which are provided by local child and family service agencies.

## What do we mean by child maltreatment?

Child maltreatment refers to the abuse (violence, harm, mistreatment) or neglect a child or youth may have experienced, be experiencing, or could be at substantial risk of experiencing, while in the care of someone the child trusts or depends upon, such as a parent, caregiver, teacher or coach. Manitoba's *Child and Family Services Act*<sup>3</sup> and Canada's Criminal code define which kinds of behaviour and conditions are so potentially harmful that it is necessary to have intervention for the well-being of the

child. The *Child and Family Services Act* defines child abuse as an act, or failure to act, by any person, which results in a child experiencing physical injury, emotional disability of a permanent nature, or sexual exploitation.

## Child welfare legislation in Manitoba

Four main provincial statutes govern child welfare in Manitoba. *The Adoption Act*<sup>4</sup> and *The Intercountry Adoption (Hague Convention) Act*,<sup>5</sup> regulate the terms and conditions for the adoption of children. The *Child and Family Services Act* applies to all children and youth under the age of 18, and, as with similar legislation in other provinces,<sup>6</sup> has the following central themes:

- The family is the basic unit of society and its well-being should be supported and preserved.
- Children and families are entitled to be informed of their rights and to participate in decisions affecting those rights.
- A child's cultural and linguistic heritage must be respected when making decisions for the well-being of the child. The Act's Declaration of Principles states that "Indian bands are entitled to the provision of child and family services in a manner which respects their unique status as aboriginal peoples" (see Use of Terms below).

### Use of Terms

"Indian" refers to those persons identified and registered as Indians within the meaning of the federal *Indian Act*. The term "Aboriginal" is broader, and refers to the three groups of Aboriginal peoples (First Nations, Inuit and Métis), who are recognized under the *Constitution Act*, 1982. It includes both people with registered Indian status as well as those with Aboriginal heritage but without registered status under the *Indian Act*. The term "First Nation," widely used in Aboriginal communities, has no legal definition and includes people whose kinship and cultural ties to the communities may fall outside of the boundaries of the *Indian Act*.

## Restructuring of Manitoba's child welfare system

In 1991, the Aboriginal Justice Inquiry of Manitoba.<sup>7</sup> reported that the Aboriginal people and their societies had not been well served by the pre-existing child welfare system and recommended major changes to give Aboriginal people more control over the lives and well-being of children in their communities. In response, the Government of Manitoba formed the Aboriginal Justice Inquiry-Child Welfare Initiative (AJI-CWI),<sup>8</sup> a joint initiative with the Manitoba Métis Federation, the Assembly of Manitoba Chiefs (representing the southern First

Nations) and Manitoba Keewatinowi Okimakanak (representing the northern First Nations). These groups worked together to jointly develop and implement a plan to restructure the child welfare system. Services for First Nations and Métis children and families were transferred from general child and family service agencies to Aboriginal agencies throughout the province. In the case of the First Nations service agencies, existing agencies which had operated on reserves expanded their operations to include off-reserve areas.<sup>9</sup>

The 2003 *Child and Family Services Authorities Act*<sup>10</sup> fundamentally restructured the provincial child welfare system, establishing four child welfare Authorities, three of which are Aboriginal and one general. These Authorities play a key role in coordinating child welfare services province-wide and are the governing bodies overseeing services. The *Child and Family Services Authorities Act* shifted the power to create and mandate child welfare agencies from the province to the four Authorities (see Restructuring of Manitoba's child welfare system above).

### How does the province administer child protection services?

Manitoba's Child and Family Services Division, in the Department of Family Services and Housing, administers child welfare services through the Child Protection Branch. The Executive Director of the Child Protection Branch is the Director of Child and Family Services, and under the *Child and Family Services Act* is responsible for developing the overall policies used by the four child welfare Authorities to provide child welfare services.

The four Authorities responsible for administering provincial child and family services are:

- the First Nations of Northern Manitoba Child and Family Services Authority (the Northern Authority);
- the First Nations of Southern Manitoba Child and Family Services Authority (the Southern Authority);
- the Métis Child and Family Services Authority (the Métis Authority); and
- the General Child and Family Services Authority (the General Authority).

### What is the role of the four Authorities?

The four Authorities supervise the operations of the child and family service agencies under their jurisdiction on a province-wide basis, dispersing funds and ensuring culturally appropriate standards and practices, consistent with provincial legislation. Families can choose the Authority that they prefer through coordinated province-wide intake services. There is one central intake service for Winnipeg, which coordinates intakes on behalf of all four Authorities. Elsewhere in the province, existing child welfare agencies have been designated as intake agencies for specific geographic regions, on behalf of all four Authorities.

The Northern Authority administers the delivery of child and family services at six child and family service agencies, generally located in the northern half of the province. The Southern Authority oversees eight<sup>11</sup> child and family service agencies in the southern half of the province. The Métis Child and Family Services Authority administers one agency, the Métis Child, Family and Community Services Agency, which covers the entire province and is based in Winnipeg. The General Authority administers the delivery of child and family services throughout the province to families not covered by the other three Authorities. It has six regional offices (run by the provincial government) and also oversees three private family service agencies, which are incorporated non-profit organizations. The Northern and Southern Authorities are also responsible for providing services to out-of-province First Nations people living in Manitoba.

### What is the role of the child and family service agencies?

Child and family service agencies are community-based organizations that provide services to families

for the prevention of circumstances requiring the placement of children in protective care or treatment programs. They also investigate allegations of child mistreatment and provide ongoing protection, residential care, adoption services, extended care and maintenance. In addition, child and family service agencies are responsible for licensing, managing and supporting foster homes, which are operated according to province-wide regulations and standards.

### **What happens after a report is made to a child and family service agency?**

Reports of suspected child maltreatment are made to a designated intake agency, operated under one of the Authorities as agreed upon by all four Authorities. The intake agency provides a timely first response and, if the matter is not resolved at the intake level, works with the client to determine which of the four Authorities the file will be referred to, based on the cultural affiliation and choice of the family. After the correct Authority has been determined, the intake agency transfers the case to that Authority's local child welfare agency for ongoing service. A case worker with the agency then assesses the situation and ensures that the child lives in a safe environment while the problem at hand is being addressed. If the child welfare worker determines that a child is in need of protection, the agency first tries to engage the family in voluntary problem-solving. In some cases, other steps may need to be taken to ensure the child's safety, which may include working with the family on a non-voluntary basis by involving the court and obtaining a court order of supervision, or by taking the child into care on a temporary or permanent wardship basis.

### **How do the intake agencies coordinate with the four Authorities?**

Every region in Manitoba has one agency that is assigned the responsibility for intake services and is termed a Designated Intake Agency. That agency acts on behalf of all four Authorities to conduct the Authority Determination Protocol in order to determine which Authority is responsible for ongoing services, if necessary. Designated Intake Agencies also provide regular ongoing child and family services on behalf of the Authority that governs them. In Winnipeg, there is a separate agency that provides intake services only, called the Joint Intake Response Unit.

### **Can a community have multiple child and family service agencies?**

Yes, that is possible. In Winnipeg, all four Authorities have agencies. In other communities, there may be one, two or three Authorities that have agency offices. If a client chooses an Authority that does not operate in that community, the authority of choice (called the Authority of Record) contracts with the Authority that delivers services in the community (called the Authority of Service) to ensure that the family receives appropriate services. The Authority of Record can be involved with case planning and other aspects of service delivery carried out by the Authority of Service. The system is built on the spirit of collaboration and communication.

### **How does the Métis Authority cover the entire province with only one agency?**

The head office of the Métis Authority is in Winnipeg. It has many other service sites, for example in Portage la Prairie, Thompson, Brandon, Dauphin and The Pas.

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- 1 This information sheet was peer reviewed by experts in the field of child welfare.
  - 2 *Constitution Act*, 1982, being Schedule B of the *Canada Act*, 1982 (U.K.), 1982.
  - 3 *Child and Family Services Act*, C.C.S.M. c.C80. Retrieved August 31, 2005 from <http://web2.gov.mb.ca/laws/statutes/ccsm/c080e.php>
  - 4 *The Adoption Act*, C.C.S.M. c. A2. Retrieved August 31, 2005 from <http://www.canlii.org/mb/laws/sta/a-2/20050801/whole.html>
  - 5 *The Intercountry Adoption (Hague Convention) Act*, C.C.S.M. c.A3. Retrieved August 31, 2005 from <http://web2.gov.mb.ca/laws/statutes/ccsm/a003e.php>
  - 6 Bala, N. (2004). Child welfare law in Canada: an introduction. In N. Bala, M. Zapf, R. Williams, R. Vogl, & J. Hornick (Eds.), *Canadian Child Welfare Law: Children, Families and the State*. (pp.1–25). Toronto: Thompson Educational Publishing.
  - 7 Manitoba Public Inquiry into the Administration of Justice and Aboriginal People. (1991). *Report of the Aboriginal Justice Inquiry of Manitoba*. (Vol.1). Winnipeg: Queen's Printer.
  - 8 Manitoba Aboriginal Justice Inquiry – Child Welfare Initiative. (2005). Retrieved August 31, 2005 from <http://www.aji-cwi.mb.ca/eng/index.html>
  - 9 Prior to the AJI-CWI initiative, First Nations child and family service agencies had been operating in Manitoba for over 20 years, but their jurisdictions were restricted to reserves. The AJI-CWI initiative resulted in these agencies having province-wide mandates, on and off reserves. The initiative also gave the Métis people the mandate to provide child welfare services for the first time. Unlike the First Nations, the Métis did not have a prior service system.
  - 10 *The Child and Family Services Authorities Act*, C.C.S.M. c.90. Retrieved August 31, 2005 from <http://web2.gov.mb.ca/laws/statutes/ccsm/c090e.php>
  - 11 There will be a ninth agency very shortly, when the centralized intake agency begins to operate as a separate agency under the Southern Authority. This agency provides intake and after-hours services on behalf of all agencies.

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