



Manitoba's Child Welfare System

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This Canadian Child Welfare Research Portal (CWRP) Information Sheet provides an overview of the child welfare service delivery system in Manitoba. The summary is based on the authors' synthesis of information collected from publicly available documents. The summary presented in this information sheet was prepared by the authors with funding from a Social Sciences and Humanities Research Council Partnership Grant and a gift from the Royal Bank of Canada foundation to support the McGill Centre for Research on Children and Families' Children's Services Research and Training Program.

Background

In Manitoba, the Child and Youth Services (CYS) Division of the Department of Family Services oversees family supports and protection services to children delivered under the mandate of [The Child and Family Services Act](#) (1985), [The Child and Family Services Authorities Act](#) (2003) and [The Adoption Act](#) (1999). Within the CYS division, the Child Protection Branch provides programs and services including Centralized Services, Provincial Investigations, Risk Assessment, Quality Assurance, Intersectoral Activities and Community Supports, Adoption and Post-Adoption Services, Provincial Licensing, and Core Competency-Based and Information System Training.

The current structure of the child welfare system in Manitoba emerged from the *Aboriginal Justice Inquiry* (The Aboriginal Justice Implementation Commission, 1999) and is referred to as the 'devolution' of child welfare within Manitoba. In 2003 *The Child and Family Services Authorities Act* came into force, creating four authorities (First Nations Authority of Northern Manitoba, First Nations Authority of Southern Manitoba, Metis Authority and General Authority). The Authorities oversee services, disperse funds, and ensure that culturally appropriate services are delivered by their respective agencies consistent with *The Child and Family Services Act* (1985) and *The Adoption Act* (1999). The Authorities are empowered to mandate agencies to exercise the powers and duties of *The Child and Family Services* and other Acts.¹ The Authorities have mandated 28 legally distinct agencies, of which 18 are First

¹ Employees of the General Child and Family Services Authority are civil servants, and the General Authority's Board of Directors is appointed by the Minister of Family Services (according to subsection 6(5) of *The Child and Family Services Authorities Act*).

Nations child welfare agencies; eight are non-Indigenous, private child welfare agencies; and two are Métis child welfare agencies (Government of Manitoba, 2022).

Child welfare agencies within 14 regions have been named as Designated Intake Agencies (DIAs), which function as central intake services (Government of Manitoba, n.d.). DIAs conduct initial intakes/brief investigations and then transfer cases that will remain open to receive ongoing services. A unique feature of child and family services (CFS) in Manitoba is that families may decide from which authority they wish to receive services regardless of the region in which they reside, which is intended to ensure that families have access to the programs and services that reflect their values, beliefs, customs, and ethnic, spiritual, linguistic, familial, and cultural factors. Families may also request a change of Authority unless an abuse investigation or adoption is in process.

To determine the most culturally appropriate Authority to provide services to a family, a worker of a DIA and the family complete an Authority Determination Protocol (ADP), which considers whether the family is Indigenous, their Indigenous status and their community of residence. Children over the age of 12 must be consulted by the worker and their views documented. Once a decision has been made about the type of service required and the appropriate Authority, the file is then transferred for ongoing services (Child and Family Services Standing Committee, 2017).

Rural and Northern Child and Family Services (RNCFS)

The RNCFS branch provides a comprehensive continuum of child protection, early intervention and family support services in accordance with *The Child and Family Services Act* and *The Adoption Act* from 15 locations across rural Manitoba (Manitoba Minister of Families, 2022). The branch is the Designated Intake Agency in several areas of the province, providing first point of contact for child and family services matters, including After Hours emergency response. RNCFS provides protection services to children at risk of abuse or neglect and works with community partners to support children remaining safely with their families (Manitoba Minister of Families, 2022).

Services to children in care include reunification supports, kinship care, foster care, and specialized placement services. The branch partners with community groups to provide supports to prevent children coming into care and to assist youth living independently. The branch provides adoption and post-adoption services to children, and guardianship responsibilities to children, youth, and families when reunification is no longer an option (Manitoba Minister of Families, 2022).

Indigenous Child and Family Services

In 2019, Bill C-92 was passed: *An Act respecting First Nations, Inuit, and Métis Children, Youth and Families*, which “affirms the rights of First Nations, Inuit and Métis in relation to child and family services and establishes national principles to help guide the provision of child and family services in relation to Indigenous children” (Government of Canada, 2019). [Peguis Child and Family Services](#) in Winnipeg, Manitoba carries out their inherent right to self-governance as they maintain jurisdiction in relation to child and family services. Several

notices of intention to exercise legislative authority and requests for coordination agreements have been received by the government, the updated list for which can be found [here](#) (Government of Canada; Indigenous Services Canada, 2022). For more information on First Nations child welfare in Manitoba, see the information sheet “[First Nations Child Welfare in Manitoba](#)” (Kozlowski, et al., 2011).

Child in Need of Protection

Child protection services are provided to children 0-17 years of age. According to Section 17 of *The Child and Family Services Act*, a child is considered in need of protection if that child experiences physical injury, emotional disability of a permanent nature, or sexual exploitation because of an action or failure to act by any person. Specifically, a child is considered in need of protection if s/he:

- is without adequate care, supervision or control;
- is beyond the control of a caregiver;
- might be endangered by a caregiver’s conduct;
- has a caregiver who neglects or refuses to provide or obtain proper medical care or treatment;
- is abused or is in danger of being abused;
- is likely to suffer harm or injury due to child pornography;
- is likely to suffer harm or injury due to the behavior, condition, domestic environment or associations of the child;
- is subjected to aggression or sexual harassment;
- is left unattended under the age of 12, without reasonable provision for their supervision and safety;
- is or is about to become the subject of an unlawful adoption under *The Adoption Act* or of a sale under Section 84.

The Child and Family Services Act gives agencies and police broad powers to investigate and intervene in child protection situations. In contrast to many other provinces, the legislation is less specific in reference to intimate partner violence, referring to it only insofar as the child is exposed to the behavior, conditions, or domestic environment of the child. Another unique feature of the legislation is that a child may be considered at risk from caregivers other than parents, whether adult or minor.

Spectrum of Services

The range of services that CFS provides to children aged 0-17 years includes: counselling, guidance, educational support, investigation, emergency shelter services, out-of-home placement, permanency planning, adoption, and post-adoption services. These services are provided either by CFS directly or by community partners/organizations. There is a possibility of extending services for youth between the ages of 18 and 21 who are permanent wards of CFS.

Services are provided within two streams: the family enhancement stream or the child protection stream. Family enhancement services are provided on a voluntary basis with families where there is no imminent risk of harm to children, but where the family needs support to strengthen parenting capacity or to keep children safer at home. The child protection stream pertains to children in care. Services can also be provided based on voluntary requests for service, usually for children who are not in care. Expectant and single parent services (minor parents) may be provided through either voluntary family services or child protection services.

Children in Care in Manitoba

In Manitoba, a child is considered to be in care when removed from their usual residence and placed by child and family services into substitute care. Possible legal statuses for children in care include apprehension, voluntary placement agreement, temporary ward, permanent ward, and voluntary surrender of guardianship (Government of Manitoba, 2021).

Manitoba has the highest percentage of children in foster care in Canada (2%, or quadruple the national average) (Statistics Canada, 2022a), as well as one of the highest rates in the world (Brownell & das McMurtry, 2015; das McMurtry, 2018). The proportion of Indigenous children in care in Manitoba is the highest of the Canadian provinces for which data is available: Of the 9,166 children in care in Manitoba in 2022, 91% of all children in care are Indigenous (Manitoba Minister of Families, 2022).

Table 1 highlights statistics related to Indigenous and non-Indigenous child and family services in Manitoba.

Table 1.

Indigenous and Non-Indigenous Child and Family Service Statistics in Manitoba, 2022[^]

	All	Indigenous	% Indigenous
Investigations of alleged abuse	2,900	-	-
Children in care	9,196	8,368	91
Child population (0-17)	267,150	59, 246*	22*
Investigation rate (per 1,000 children)	10.6/1000	-	-
Rate of children in out-of-home care (per 1,000 children)	34.4/1000	141.2/1000*	-

[^] **Sources:** For all but Indigenous child population statistic: *Manitoba Families 2021/22 Annual Report* (September 2022)) and Statistics Canada Table 39-10-0041-01 (2022). *Indigenous child population statistic was interpolated from Statistics Canada Table 98-10-0264-01 data (2022).

Sexual Victimization

The sexual victimization of children is given great attention in Manitoba's child welfare system. For example, *The Child and Family Services Act* includes a very detailed section on child pornography. In addition, *The Manitoba Strategy Responding to Children and Youth at Risk of, or Survivors of, Sexual Exploitation* was launched in 2002 and further legislation was passed in 2013 entitled *The Child Exploitation and Human Trafficking Act*. In 2008, *Tracia's Trust: Manitoba's Strategy to Prevent Sexual Exploitation and Sex Trafficking* was implemented, which builds on Phase 1 of the *Manitoba Strategy* by placing emphasis on implementing more prevention initiatives, developing a fuller continuum of victim services, increasing public awareness, and increasing offender accountability. *Tracia's Trust* encompasses the coordination of services for all ages, and considers all forms of sexual exploitation, including prostitution, pornography, sex trafficking, sex tourism and Internet luring. The [Collaboration and Best Practices to End Sexual Exploitation and Sex Trafficking in Manitoba](#) research report was released by the Manitoba government in January 2019 which will guide the *Tracia's Trust Strategy* going forward. Funded through *Tracia's Trust*, a novel initiative, *the StreetReach Program*, is dedicated to locating and returning at risk youth to their place of safety, building safe, trusting relationships; identifying high risk areas where children are harbored or placed at direct risk of victimization; and identifying offenders who are luring/grooming youth for sexual exploitation and making referrals for investigation to CFS agencies and law enforcement (Manitoba Minister of Families, 2022).

Additional information about child welfare services in Manitoba is available on the [Manitoba Family Services](#) website, as well as the [Canadian Child Welfare Research Portal](#).

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