



Saskatchewan's child welfare system¹

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An overview of child welfare in Saskatchewan

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 Saskatchewan, the Department of Community Resources' Child and Family Services Division oversees the quality and delivery of child welfare services. The service delivery system consists of five main regions which have offices located in 22 communities, staffed by provincial social workers.

In addition, the federal Department of Indian and Northern Affairs provides funding for 18 First Nations Child and Family Services agencies, delegated by the province to provide child protection services to children and families on reserves. First Nations agencies are overseen by non-profit boards of directors which are made up of community members, First Nations leaders,

or a combination of both.

The number of children and youth in the care of provincial services and First Nations agencies over the last five years is indicated in Table 1.

Child welfare legislation in Saskatchewan

The *Child and Family Services Act*³ is the primary piece of child protection legislation in Saskatchewan. The *Adoption Act*⁴ and *Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*⁵ are also relevant.

The *Child and Family Services Act* has several central themes:

- Services should be designed to maintain, support and preserve the family in the least disruptive manner.
- The plan of care should take into account the best interests of the child, given the importance of continuity in the care of children, and the effect on the child of a delay in making a decision. It should consider the child's wishes, when practicable, having regard for the child's age and level of development, as well as the child's
 - physical, mental and emotional level of development;

Table 1. Number of children and youth in care in Saskatchewan

	2002	2003	2004	2005	2006
Children in care of provincial services	2939	2947	2798	2907	3053
Children in care of First Nations agencies	1042	1082	1133	1099	1123
Total children in care	3981	4029	3931	4006	4176

Source for children in care of provincial services: Saskatchewan Department of Community Resources, September 2006.
Source for children in care of First Nations agencies: Mr. Ken McInnis, Manager, Social Development, Saskatchewan Region, Indian and Northern Affairs Canada, Regina, Saskatchewan, January 2007.

- emotional, cultural, physical, psychological and spiritual needs, and
- home environment.

All individuals who have reasonable grounds to believe that a child is in need of protection have a mandatory duty to report this to a child welfare agency or to the police. Individuals making a report are protected from civil action as long as the report was not made maliciously or without reasonable cause. The only situations in which exceptions are made are those involving lawyer/client privilege or Crown privilege. Failure to report is punishable by a prison term of not more than 24 months, a maximum fine of \$25,000, or both.

In Saskatchewan, a child is defined as an unmarried person “actually or apparently” under 16 years of age, although child welfare services can be extended to 16- and 17- year olds who are unable to protect themselves from dangerous situations or who are being sexually exploited. For children in provincial care, services can be extended until age 18. In certain circumstances, such as to provide services to people with disabilities or to assist with continuing education, support may be extended until age 21. A child or youth can be adopted up to the age of 18.

What do we mean by child maltreatment?

“Child maltreatment” refers to the 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 whom the child trusts or on whom the child depends, such as a parent, caregiver, teacher or coach. A child in Saskatchewan is in need of protection when, as a result of action or omission by the child’s parent:

- the child has suffered or is likely to suffer physical harm;
- the child has suffered or is likely to suffer a serious impairment of mental or emotional functioning;
- the child has been or is likely to be exposed to harmful interaction for a sexual purpose, including involvement in prostitution and conduct that may amount to an offence within the meaning of the *Criminal Code*;
- medical, surgical, or other recognized remedial care or treatment that is considered essential by a medical practitioner has not been or is not likely to be provided to the child;

- the child’s development is likely to be seriously impaired by failure to remedy a mental, emotional, or developmental condition; or
- the child has been exposed to domestic violence or severe domestic disharmony that is likely to result in physical or emotional harm to the child;

and/or:

- there is no adult person who is able and willing to provide for the child’s needs, and physical or emotional harm to the child has occurred or is likely to occur; or
- the child is less than 12 years of age and:
 - there are reasonable and probably grounds to believe that:
 - the child has committed an act that, if the child were 12 years of age or more, would constitute an offence under the *Criminal Code*, the *Narcotic Control Act*, or Part III or Part IV of the *Food and Drug Act*; and
 - family services are necessary to prevent a recurrence; and
 - the child’s parent is unable or unwilling to provide for the child’s needs.

The *Child and Family Services Act* (Section 81) defines abuse as:

- an act or to omission resulting in physical injury to the child;
- an act or to omission resulting in substantial impairment of a child’s mental or emotional functioning as evidenced by a mental or behavioural disorder;
- exploitation or cruel treatment of a child;
- contacting a child for sexual purposes; or
- allowing or encouraging a child to engage in prostitution.

Neglect is informally defined⁶ as occurring “when a parent fails to provide supervision, guidance, medical care, food, clothing or shelter that might reasonably be expected of any parent, and that inadequate provision is associated with:

- unreasonable and unnecessary danger to the child’s safety;
- severe or chronic health problems;
- childhood behaviours that pose a threat to either the safety of the child, or to other persons; and
- social ostracism of the child which is significant because of its severity and duration.”

What is the role of child welfare agencies in Saskatchewan?

The role of Saskatchewan's child welfare workers and First Nations Child and Family Service agencies is to act in the best interests of children by:

- protecting children from harm,
- investigating allegations or evidence that children may be in need of protection,
- providing care for children for whom it is not safe to live at home,
- supervising children assigned to agency supervision under the *Child and Family Services Act*,
- providing comprehensive planning for children in permanent care,
- providing families with supports and services to promote their health and integrity, being mindful of the importance of preserving the cultural, racial, religious, and linguistic heritage of children and their families, and
- providing adoption services and placing children for adoption.

What happens after child maltreatment is reported?

Reports can be made confidentially to a Community Resources office or, in the case of an Aboriginal child, a First Nations Child and Family Service agency, at any time. After a report has been received, a determination is made as to whether it fits within the mandate of the *Children and Family Services Act*, and if it does, a child protection worker responds to it within a specified time period, depending on the nature of the allegation. The child protection worker investigates and assesses the situation to ensure that the child lives in a safe environment while any child protection issue is being solved. If a child protection worker determines that a child is in need of protection, the agency first tries to provide services to the family on voluntary basis. In some cases, the agency must take other steps 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 basis. If it is not safe for the child to remain at home, an extended family member or other person who has a relationship with the child and is willing to provide safe and temporary care for the child is the option of first choice.

The following principles guide case planning:⁷

- children and youth have the right to enduring relationships which promote their safety, security, and sense of identity, preferably within their own families;
- the first and greatest investment of time and resources should be made in the care and treatment of children and youth in their own homes. The foremost obligation of Child and Family Services is to provide for the safety and best interests of children and youth, while providing families with supports and services to strengthen them, if necessary, and prevent out-of-home care;
- if a child or youth is placed in out-of-home care, immediate steps must be taken to facilitate reunification with the family or to develop other permanent plans for a stable home; and
- children need to be connected to their families, extended families, and cultural communities.

How does the Saskatchewan 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 Nations families living on reserves in Saskatchewan receive services through delegated First Nations agencies. First Nations people living off reserves receive intervention services through the provincial Community Resources office in their region, all of which have culturally sensitive practice guidelines for working with First Nations clients. If a child is a status Indian under the *Indian Act*, the band that the child belongs to must be notified and involved in any court procedures.

The *Child and Family Services Act* recognizes the importance of cultural connection for First Nations children. If out-of-home care is necessary, every effort is made to place Aboriginal children with an extended family member, a member of their band or tribe, or another Aboriginal family.

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2 *Constitution Act*, 1982, being Schedule B of the *Canada Act*, 1982 (U.K.), 1982.

- 3 *Child and Family Services Act*, S.S. 1989-90 c. 7.2, as amended by the Statutes of Saskatchewan 1990-91 c.10 and c. C-8.1; 1992, c.21; 1994, c.27 and 35; 1996, c.11; 1999, c.14; 2000, c.6; 2001, c.33; 2004, c.5 and 65; and 2006, c.19. Retrieved October 12, 2006 from <http://www.qp.gov.sk.ca/documents/english/statutes/statutes/C7-2.PDF>
- 4 *Adoption Act*, S.S. 1998 c. A-5.2 as amended by the Statutes of Saskatchewan 2001, c.51; and 2004; c. 4. Retrieved October 12, 2006 from <http://www.qp.gov.sk.ca/index.cfm?fuseaction=publications.details&p=391>
- 5 *Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*, Chapter E-8.2 of the Statutes of Saskatchewan, 2002 (effective October 1, 2002) as amended by the Statutes of Saskatchewan, 2006, c.19. Retrieved October 12, 2006 from <http://www.qp.gov.sk.ca/documents/english/Statutes/Statutes/e8-2.pdf>
- 6 Saskatchewan Community Resources.(2006). *Children's Services Manual*. Retrieved October 12, 2006 from <http://www.dcre.gov.sk.ca/publications/pdfs/ChildrensServicesManual.pdf>
- 7 Ibid.

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