SASKATCHEWAN CHILD WELFARE REVIEW PANEL REPORT

FOR THE GOOD OF OUR CHILDREN AND YOUTH

A NEW VISION, A NEW DIRECTION

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November 2010

The Honourable June Draude
Minister of Social Services

Dear Minister:

On November 9, 2009, former Social Services Minister Donna Harpauer announced the Government's intent to undertake a comprehensive review of the child welfare system in Saskatchewan. A broad review of a province's child welfare system, and the many factors that influence it, is not common in Canada. We were honoured to be asked to lead a review of this kind here in Saskatchewan.

Following our appointment in January 2010, we spent the next eight months conducting this review of the child welfare system by holding meetings and receiving written submissions from stakeholders. Given the diversity of organizations and perspectives that we heard, we were impressed by the strong desire for change, and the extent to which most stakeholders agreed with one another on both the major issues in the system and the way forward.

We are pleased to present you with our final report, "For the Good of Our Children and Youth," and would like to thank you for the opportunity to do this important work. We hope this report will lay the groundwork for significant, lasting change and better outcomes for vulnerable children and families in Saskatchewan.

Respectfully submitted,

Bob Pringle (Chair)

Howard Cameron | April Durocher | Honourable Carol Skelton, PC

ACKNOWLEDGEMENTS FROM THE CHAIR

Dear Friends,

First, I would like to acknowledge my colleagues Howard Cameron, April Durocher and Carol Skelton, who assisted in this review. Each of you provided a unique perspective to the review, and this report benefited significantly from your experience, knowledge, and support.

As a Panel, we extend our profound appreciation to more than 1,200 individuals who participated in the review process. It was evident that a great deal of time and personal effort was devoted to preparing and presenting the submissions to the Panel. Much of the content was personal and often troubling; we admire the courage and strength that was shown by all who participated. All of the individuals and organizations who participated in the meetings were extremely generous in helping us to understand their experiences, their work, their research and their hopes and dreams for a new vision for supporting children, youth and families in Saskatchewan.

We would also like to thank all of those individuals and organizations who supported the Panel on a consultative basis. Your provincial, interprovincial, national, or international experience has been invaluable. Through the compilation of submissions and research from a number of sources and perspectives, the Panel has a more comprehensive knowledge base and a considerable hope that change is achievable.

Many other people contributed to the review in a variety of ways, including sharing research or program materials, providing project management support, providing technical information and support, assisting with Panel orientation and handling the logistics of the stakeholder meetings. Other colleagues helped by reviewing drafts and providing feedback and advice. To all of you, we offer our sincere gratitude.

We extend our thanks to Dave Hedlund, who so ably supported the work of the Panel, to our office manager Joan Hayes, and to our meeting hostess Ernestine Starr. Our work would have been impossible without your many contributions.

We would like to acknowledge the Ministry of Social Services. We appreciated all of your openness and support. The extensive documentation and operational information you provided us upon our request was invaluable to the review.

Finally, we acknowledge the many children, youth and families who have experienced the child welfare system in Saskatchewan. You face each day and you continue on, often against great odds. We dedicate our time and effort in conducting this review to you, and wish for you a future filled with greater hope and promise.

Bob Pringle, Chair

FOR THE GOOD OF OUR CHILDREN AND YOUTH

Over the past eight months, a great deal of important information was shared with us and we have learned so much. We were often overwhelmed by both the interest shown and the effort to which participants went to share their views with us. By doing so, they have contributed to the future direction of child welfare in Saskatchewan, and we are most grateful for each contribution. While we are not able to deal individually with each submission in our report, all of what we heard has informed our recommendations.

In spite of the economic resiliency demonstrated by our province in the wake of the global financial crisis, too many of our citizens are as badly off as ever before. In some cases, the disparity between those who are doing well and those who are not is extreme.[1] We face a serious situation that requires a comprehensive plan, and it will take involvement of a wide range of sectors and organizations to make a plan that works. We hope that a process can be established in Saskatchewan that is strong enough, effective enough, and stays in place long enough to fully address the challenges we face.

We have reached the following set of shared beliefs and observations about both the current state of child welfare in Saskatchewan and the way forward through change:

- **Our child welfare system in Saskatchewan faces many severe challenges.** Caseloads of children in care keep growing, and the outcomes for children and families are not acceptable. Lack of confidence in the system is at a very high level. Child welfare workers are stressed and frustrated, and the foster care system is in crisis. The situation is deteriorating and cannot continue as it exists.

- **First Nations and Métis children, youth and families are over-represented in the child welfare system.** The majority of clients of the child welfare system are Aboriginal – First Nations and Métis. The percentage has been growing over recent decades and seems likely to continue on that path.

- **A significant part of the problem in child welfare has to do with the nature of the system we have and the outcomes a system of this kind typically yields.** Saskatchewan's child welfare response is a classic "threshold"[2] system. While the focus of the system is on protecting children from abuse by caregivers, most child welfare cases are the result of neglect stemming from poverty, substance abuse, mental health problems, and inadequate housing. In addition, the investigation process, which is the first response of our system, actually disqualifies the vast majority of families from receiving any help. In spite of evidence about the value of positive supports, our response continues to be singular and unchanging.

[1] Lemstra M., Neudorf C., (2008). Health Disparity in Saskatoon: Analysis to Intervention. Saskatoon Health Region.

[2] Threshold (child welfare) systems – Systems typical of Anglo-American countries, with the common trait that families must meet minimum levels of "dysfunction" to qualify for family support services. These systems are usually associated with an adversarial legal context and an emphasis on investigation. In Saskatchewan, a child protection officer must have reasonable grounds to believe that a child is in need of protection as defined by *The Child and Family Services Act* in order to initiate a child protection investigation, open a case, and provide service.

"We have made 12 recommendations that, taken together, will serve to guide the way forward. These recommendations are broad, so as to allow government and stakeholders to work together to find ways to make each one a reality."

– Panel

- **Powerful social, economic and cultural factors drive demand for child welfare services.** The drivers of child abuse and neglect are diverse and interconnected. Saskatchewan has high rates of alcohol dependency and abuse, the second largest concentration of youth gang members on a per capita basis, and high rates of child poverty, youth crime, incarceration, disability, family violence, and mental health problems.
- **Changes or improvements to the child welfare system alone will not be enough to make a significant or lasting difference to the current situation.** Poverty and a lack of adequate community supports and services are behind most drivers of child maltreatment. The child welfare response in Saskatchewan as it is currently structured does not include the tools needed to address the issues that are at the root of child maltreatment.
- **A co-ordinated set of plans and strategies to effectively address these factors is not yet in place in Saskatchewan.** The most important drivers of child maltreatment are complex and interconnected. It will require co-operation and collaborative planning to make the links between child welfare and the other systems that serve and support families.

As you read through this report, you will see how the aforementioned ideas provide the backdrop for the recommendations that we are making and the thinking behind them. Our recommendations are organized within the following broad directions for change:

- **That fundamental change be made to the child welfare system – both in the kind of system it is, and who is responsible for operating it.**
- **That the social, economic and cultural factors that drive this system, and other parallel systems, be acknowledged by the Province, its Ministries, First Peoples and the Federal Government, and that an agenda be launched to ensure these factors are addressed.**
- **That the options for immediate and short-term improvements be considered, prioritized, and implemented.**

We have made 12 recommendations that, taken together, will serve to guide the way forward. These recommendations are broad, so as to allow government and stakeholders to work together to find ways to make each one a reality. At the same time, because they are broad, we felt it was important to provide further guidance as to how each particular recommendation can be implemented. In the full report, we have provided "supporting actions" that also reflect what we heard was needed. These actions describe next steps that are critical if the fundamental change we envision is to be achieved.

Our 12 recommendations are as follows:

1. Implement fundamental changes to the child welfare system: create an easily accessible preventive family support stream for all families who need it and a much smaller formal child welfare stream for families where the authority of the courts is required.
2. Make safe, culturally appropriate care for all Aboriginal children and youth a priority through a planned and deliberate transition to First Nations and Métis control of child welfare and preventive family support services.
3. Include concepts contained in the *Child and Youth First Principles* and the *Touchstones of Hope for Indigenous Children, Youth, and Families* in legislation, and use these principles to guide planning and decision-making for children and youth.
4. Develop and implement a *Saskatchewan Child and Youth Agenda* that guarantees children and youth become a high priority in the province and that all children get a good start in life.
5. Acknowledge at all levels of government that poverty-related conditions drive child neglect and other social problems. Make significant improvements to the income support, affordable housing, and disability service systems used by Saskatchewan families.
6. Emphasize collaborative approaches to child welfare and preventive family support services within the Ministry of Social Services, across Ministries, and with community partners. First Nations and Métis governments and their agency leaders must be involved.
7. Establish family violence, mental health, and substance abuse services, available without delay, for families receiving child welfare and preventive family support services.
8. Ensure the court system works better for families: minimize the number of child welfare cases that go before the courts, move cases to resolution more quickly, and ensure that families, children and youth have accessible legal advice.
9. Take special measures to ensure children and youth in foster care and other specialized resources are safe and well cared for.
10. Improve the existing system in areas where there is an urgent need for change.
11. Develop court-recognized custom adoption processes for First Nations and Métis children and youth.
12. Develop and implement a strategy to attract and retain child protection workers to deliver the new vision for child welfare and preventive family support programs.

Children and young people are our most valued and at times most vulnerable citizens. They are our present and our future. By securing their future we assure the future of our province.

– Child Welfare Review Terms of Reference

SECTION 1

MANDATE AND REVIEW PROCESS

1.1 ORIGIN AND MANDATE

In November 2009, the Minister of Social Services announced a broad-based Child Welfare Review in Saskatchewan. As the appointed Panel, our job was to conduct a comprehensive review of the child welfare system. We were to focus on addressing critical issues affecting the system and the development of a renewed vision for supporting children, youth, families and the child welfare system that serves them. Specifically, we were directed to:

- identify and examine current child welfare services (prevention, support and protection) available to children, youth and families;
- identify and address critical issues relevant to the provision of child welfare services in the province;
- examine the significant over-representation of First Nations and Métis children and youth in care and address how this disparity could be overcome; and
- explore options and promising practices to improve outcomes for children, youth and families who are receiving or may receive service from the child welfare system.

In addition to reviewing the system and best practices elsewhere, we were asked to consult directly with First Nations and Métis peoples, and with child welfare stakeholder organizations around the province. In our work, we examined six specific themes:

- **Prevention** – support children, youth and families in their communities with a view to preventing the circumstances that lead to children and youth in care;
- **Protection** – protect children and youth from maltreatment and sexual exploitation;
- **Reunification** – reunify children and youth in care with their families and communities wherever this is in the best interests of the children;
- **Quality of Care** – improve outcomes for children and youth in care;
- **Permanency** – improve permanency planning for children and youth in care; and
- **Youth Transitions** – transition youth in care to independence as young adults.

The scope of our review excluded:

- detailed examination or investigation of the operations of particular programs;
- personnel issues such as individual performance or job descriptions;
- organizational structure of the Ministry of Social Services; and
- specific clients and/or cases within the child welfare system.

Left to right:

Howard Cameron

April Durocher

Bob Pringle

Carol Skelton

1.2 ROLE OF THE PANEL

Our Panel consisted of Chairperson Bob Pringle, a former social worker and Minister of Social Services; Howard Cameron, Ceremonial Keeper, Beardy's and Okemasis First Nation; Honourable Carol Skelton, PC, former Member of Parliament and federal Minister of National Revenue and Western Economic Diversification; and April Durocher, youth representative, former resident of Ile-à-la-Crosse, and former foster child. All of us are parents and some of us are grandparents.

Our role was to engage together in four key phases of work:

- plan the process;
- meet with stakeholders;
- report on an interim and ongoing basis; and
- submit a Final Report to the Minister in the fall of 2010.

1.3 INFORMATION-GATHERING PROCESS

An extensive information-gathering process was conducted between April and July of 2010 with input from approximately 1,200 individuals. We heard presentations and held meetings across the province, and consulted a variety of experts within and outside Saskatchewan. Organizations were also encouraged to provide written submissions, and an e-consultation format was also available to the general public through our website. During this timeframe, the Ministry of Social Services provided extensive documentation and operational information to us as required.

Stakeholder meetings and Panel research support

From April 21 to July 12, 2010, 25 days of meetings were held with 85 stakeholder groups. Sessions were held in Kindersley, Meadow Lake, North Battleford, Prince Albert, Regina, Saskatoon, Stony Rapids, Sturgeon Lake First Nation, Swift Current, Tisdale and Yorkton. Participants in the sessions included 10 groups of First Nations Child and Family Services Agencies and their chiefs, several Métis agencies, and the Métis Nation of Saskatchewan (MNS). Over 400 people attended the Panel sessions.

While we met directly with representatives from most key provincial stakeholder groups, a number of organizations developed their submissions through internal discussions facilitated amongst members prior to meeting with us. These included:

- The Federation of Saskatchewan Indian Nations, which held a number of meetings involving approximately 200 people including Chiefs, Elders, agency staff and those with direct experience with the child welfare system.
- The Métis Nation of Saskatchewan, which organized 13 meetings with Métis locals attended by 154 people.
- Provincial Regional Intersectoral Committees (RICS). A RIC is a formal group of regionally-based human service providers (e.g. health, education, social services and community-based organizations). Approximately 140 people attended nine separate regional meetings.
- The Saskatchewan Foster Families Association, whose Child Welfare Review meeting was attended by the Panel Chair.
- The Saskatchewan Youth in Care and Custody Network (SYICCN), an advocacy group of youth with current or past experience in care.
- Ministry of Social Services staff and supervisors. Ten sessions were held and attended by 244 front-line and 89 in-scope supervisory staff without their managers being present.
- Ministry of Social Services managers. Two half-day sessions were attended by 25 management-level Ministry officials.

During the review, we had many questions. We benefited from the assistance of the Ministry's Child and Family Policy Unit, Strategic Policy Branch throughout the process. We also benefited from contracting a number of independent researchers to provide information on various topics on our behalf. In addition, a number of provincial, national, and international child welfare experts were called upon to share their views with us, as were First Nations people with extensive traditional cultural experience. We learned a great deal through the experience and are grateful to all who shared their perspectives on this important issue.

A complete list of organizations and individuals that met with us over the course of our work, provided advice to us directly, or made written submissions to the review is outlined in Appendix A.

SECTION 2

CHILD WELFARE: BACKGROUND AND CONTEXT

2.1 CHILD WELFARE IN CANADA AND SASKATCHEWAN

History and evolution of child welfare

The child welfare field in Canada has its roots in philanthropic responses to the plight of children in Central Canada suffering from the social consequences of industrialization in the 19th Century. The primary motivation for "rescuing children" was to remove them from the immoral conditions that were seen as the cause of poverty and to bring them into Christian environments. In 1893, the first Children's Aid Society legislation in Ontario[3] gave these societies broad powers to intervene in the lives of children, often with the goal of removing them permanently from their homes.

The evolution of Canadian child welfare laws and programs was influenced by various trends and events. The migration and settling of Europeans in Western provinces, ongoing immigration, two world wars, a growing urban population and many other factors influenced how the mainstream systems and structures, including child welfare, have developed in Canada.

Throughout the same period, First Nations and Métis populations were experiencing a parallel and profoundly powerful set of influences and conditions. Residential school policy was implemented in the 1880s with the intention of assimilating First Nations, Métis and Inuit people by means of immersion in church-run residential school facilities, a policy maintained for many decades without decline until the 1960s.

As residential schools were winding down and closing, the "child saving" child welfare orientation continued with large numbers of Aboriginal children being apprehended and placed for adoption – often with non-Aboriginal families in different provinces or outside of the country.[4] Adoption processes of the time were strongly influenced by the interests of adoptive parents, and were "closed," allowing for only very limited information to be exchanged and no contact between birth families and adoptees.

Contemporary Canadian child welfare

Generally, child welfare services have shifted with the social and cultural beliefs held by society about the role and value of children, families, and the proper place of government in their lives.

For example, it was not until the 1960s that the concept of "the battered child" gained prominence, and the 1980s saw the emergence of child sexual abuse and exploitation as a public issue. Even more recently, family violence has come under the auspices of

[3] Jones, A., and Rutman, (1981). *In the Children's Aid: J. J. Kelso and Child Welfare in Ontario.* Toronto, ON: University of Toronto Press.

[4] Adoption Program – Ministry of Social Services submission to the Panel, (2010). Saskatchewan's program was called "AIM," which stood for the "Adopt Indian Métis" program. It officially operated from 1967 to 1974 and a total of 1,005 Aboriginal children were placed for adoption mostly in Saskatchewan, but also in other parts of Canada and the U.S.

child welfare systems in many jurisdictions. These concepts became additional aspects of a rationale for state intervention in the lives of children and their families, and became part of the modern concept of child abuse.

Powers of government in Canada are shared and clearly delineated between the federal, provincial, and territorial governments. The provision of education, health and social welfare is designated as a provincial responsibility, while the federal government is responsible for Aboriginal lands and affairs. As a result, child welfare in Canada is made up of separate provincial child welfare systems.

In the absence of any federal legislation or national standards for preventing and responding to child maltreatment, the particular approach used differs to some extent from one jurisdiction to another. Many provincial systems have also now seen the evolution of parallel child and family service systems for on-reserve Aboriginal people, operating under provincial legislation and funded federally.

Child welfare in Saskatchewan

Child welfare legislation has existed in Saskatchewan since 1908. Over time, the legislation and services provided as part of the child welfare system have evolved and changed. The current legislative framework governing the child welfare system in Saskatchewan, *The Child and Family Services Act* (CFSA), was enacted more than two decades ago in 1989. The same year, legislation governing adoption services in Saskatchewan was separated from the legislation governing all other child welfare services with the proclamation of *The Adoption Act.* The CFSA refined the definition of a child in need of protection, defined the best interests of the child, emphasized family supports and community, introduced time limited services and established the framework for the creation of the First Nations Child and Family Service Agencies (FNCFSAs) in the province.[5] All these changes and the ones before them have been incremental, within a model that has not seen any fundamental change of orientation since its inception.

In 1994, the Saskatchewan Government established the Children's Advocate Office (CAO). One of the responsibilities of the CAO was to conduct a public review in the event of the death of a child in care. On September 13, 1997, Karen Rose Quill died in foster care in St. Louis, Saskatchewan. Karen, aged 20 months at the time of her death, had been one of seven children in a foster home operated by a lone female foster parent. Earlier in the year before the tragedy, the annual review of that foster home identified overcrowding and recommended that "…no further children be placed in the home." Two weeks later, Karen and her brother were placed in the foster home.

The Children's Advocate completed a child death review. In light of the findings, the Minister of Social Services asked the Advocate to undertake a review of the foster care system in the province. The Children's Advocate released her report in early 2000, entitled *Children and Youth in Care: Listen to Their Voices.* The Karen Quill review and *Listen to Their Voices* both identified a number of concerning trends in the provincial child welfare and foster systems, including foster home overcrowding; rapid growth in out-of-home caseloads; an extreme over-representation of Aboriginal children, youth and families involved in the system; inequality in the Ministry's spending between children in care and children at-risk who remained at home; a disregard for policy, standards and guidelines intended to safeguard children and ensure they receive proper care; as well as a need for other government Ministries and community-based services to provide programs for vulnerable children, youth and families.

The Department of Social Services publicly announced a Child Welfare Redesign initiative in 2001. The new direction for improving child welfare services in Saskatchewan showed much promise. The redesign initiative was developed through extensive research, consultations with child welfare staff across the province, consultations with child welfare lobbying organizations in Canada and the U.S., and discussions with

[5] *The Child and Family Services Act* allowed for delegation of provincial authority to First Nations agencies to provide services under the new Act, with program funding provided by the federal government. First Nations would have preferred to have their own child welfare legislation recognized by the Province.

key provincial partners and stakeholders. Child Welfare Redesign guided the Ministry of Social Services' strategy for three years.

One of the major concerns expressed by the Advocate after the death of Karen Quill was the need to focus more on meeting policy standards set for children found to be in need of protection. Key aspects of the redesign initiative included families who were at risk of being involved in the system being diverted to services and supports outside of the child protection system. As a result of this, family support services provided or funded by the Ministry were reserved for families with substantiated child abuse and neglect. What failed to happen, though, was any real expansion of prevention or early intervention services offered by other government or community-based organizations that could divert vulnerable families. The redesign initiative seems to have stalled before many of the objectives of the framework were realized.

Unfortunately, the redesign initiative now appears to have further solidified a response model where only higher needs families receive child welfare services. Not surprisingly, this period also saw more and more children coming into the system and being placed in out-of-home care. The problematic character of the system itself – one where families were expected to meet a certain threshold of abuse or neglect to qualify for services in child welfare – was actually reinforced as a result of the redesign initiative.

In the fall of 2002, another high profile incident occurred when a 20-month-old boy was seriously abused soon after having been returned home from foster care. Known as the Baby Andy case, the incident highlighted other issues in the provincial child welfare system, this time with a focus on the parallel system of federally-funded on-reserve First Nations Child and Family Service Agencies. Specifically, the reports and reviews stemming from the Baby Andy incident focused on a lack of communication between on-reserve agencies and the Ministry; staff training and turnover issues in the system; further examples of a lack of compliance with policies and procedures in place to safeguard children and youth; a lack of case planning and service provision in the case as per policy; funding discrepancies between the Ministry and on-reserve mandated agencies; and the need for integrated co-ordination of services in the future.

Since 2004, there have been some improvements to child welfare services in the province, such as increased numbers of child protection staff; investments in *KidsFirst*;[6] increased funding for Parent Aides and children in the care of extended family; new training for staff and foster parents; legislative changes to protect sexually exploited children; and a renewed commitment to policy through internal audits. As well, agreements to fund on-reserve family services prevention programs have been negotiated with Indian and Northern Affairs Canada. However, there have been no major changes to the system or legislation for over two decades.

In February 2009, the Children's Advocate released another report critical of the provincial foster care system, focused on foster home

[6] *KidsFirst* is a provincially funded program offering home visiting and other family support services to about 1,100 families with children under five, assessed for eligibility in targeted off-reserve communities throughout the province. Visit **http://www.education.gov.sk.ca/KidsFirst**

"There have been no major changes to the system or legislation for over two decades."

– Panel

overcrowding in the Saskatoon area. Entitled *A Breach of Trust: An Investigation into Foster Home Overcrowding in the Saskatoon Service Centre,* the report's central argument was that review after review of the province's child welfare system had focused on the same issues, yet little had changed as a result.

> *"That a debate has even existed as to whether the foster home overcrowding situation is a 'crisis' is astonishing considering, that the issue has been raised, criticized and condemned by the Provincial Ombudsman, Children's Advocate and Provincial Auditor for over two decades. With each successive child death review, systemic investigation, or audit of the Ministry of Social Services, the same themes have emerged swiftly and clearly time after time, as they do once again in this report… Given that these issues have been identified and known for so long, it is puzzling that children continue to be traumatized by a foster care system where the primary goal is to protect and serve them."*[7]

2.2 SOCIAL AND ECONOMIC DETERMINANTS OF CHILD WELFARE

Commentators and researchers are increasingly clear on the fact that the conditions which contribute most to a child's risk are conditions that the child welfare system itself often does not have the mandate or capacity to directly address. As noted earlier, we use a child welfare solution when the primary drivers are outside the child welfare service mandate.

Child welfare and its determinants cannot be the sole responsibility of the Ministry of Social Services any more than the determinants of crime can be the purview of the police alone, or the determinants of coronary disease can be the responsibility of the health system alone. If causal factors are not effectively addressed, various intervention systems are needed more and more, and society pays a heavy financial price as a result. There is also a human cost for children, families, and their communities. First Nations Agency staff, the Ministry child welfare staff, the Ministry managers, and the majority of presenters referenced this collective responsibility during their presentations. They hoped that we would address this issue in our report.

Over the years, researchers have used a variety of measures and focused on a range of health outcomes that point to the association between socio-economic status and health.[8] In fact, this body of evidence leaves no doubt as to the connection between socio-economic characteristics and impact on health and well-being among particular populations. Often health inequities point to less obvious underlying issues related to poverty, poor access to services, a lack of opportunities at the community and neighbourhood level, and many more indicators of risk which sit outside the health domain.[9]

Despite the fact that Canadians as a whole are among the healthiest and wealthiest people in the world, some groups are poor and unhealthy, with major disparities throughout the country. According to the Public Health Agency of Canada, these disparities are not randomly distributed. Rather, they are differentially distributed among specific groups in the population, such as Aboriginal peoples, people with physical and mental disabilities, the poor, homeless people, children and youth in disadvantaged circumstances, and those lacking literacy skills to participate effectively in the knowledge-based economy. The burden of illness and distress suffered by these subpopulations is greater than that of other residents of Canada.[10] Time and again, it has been noted by researchers that the majority of children in care come from families where one or more of the socio-economic determinants of child welfare are behind their placement in the system.

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[7] Saskatchewan Children's Advocate, (2009). *A Breach of Trust: An Investigation Into Foster Home Overcrowding in the Saskatoon Service Centre,* p. 2.

[8] Humphries, K. and van Doorslaer, E., (2000). "Income-related Health Inequality in Canada", *Social Science & Medicine* 50, p. 663-671.

[9] Adelson, Naomi, (2005). The Embodiment of Inequality: Health Disparities in Aboriginal Canada. *Canadian Journal of Public Health* 96(2), p. 45-61.

[10] Reducing Health Disparities – Roles of the Health Sector: Discussion Paper. Public Health Agency of Canada. **http://www.phac-aspc.gc.ca/ph-sp/disparaties/ddp 2-eng.php** Accessed September 15, 2010.

Investments that address the root causes of poverty and put early childhood development higher up on the agenda for action have long-term, positive impacts, beyond a sharpened, more relevant child welfare response and fewer children coming into care. Society sees economic and social improvements, too, including reduced and contained costs in health and criminal justice systems.

The importance of the socio-economic determinants in effecting a child welfare policy in Saskatchewan cannot and should not be understated. Changing the child welfare system without increasing efforts and commitments to reducing health disparities and undertaking policies to improve socio-economic status for those sections of the population that are falling below the norm is likely to result in more of the same: more children being taken into care. As stated by the World Health Organization in its publication *The Solid Facts, 2003,* people further down the socio-economic ladder are twice as likely to suffer serious illness and premature deaths as those near the top, and a good start in life depends on supporting mothers and young children.[11] The health impact of early development and education lasts a lifetime. Failure to address these facts "…ignores the most powerful determinants of health standards in modern societies, but also one of the most important social justice issues facing modern societies."[12]

2.3 CURRENT CHALLENGES IN SASKATCHEWAN'S CHILD WELFARE SYSTEM

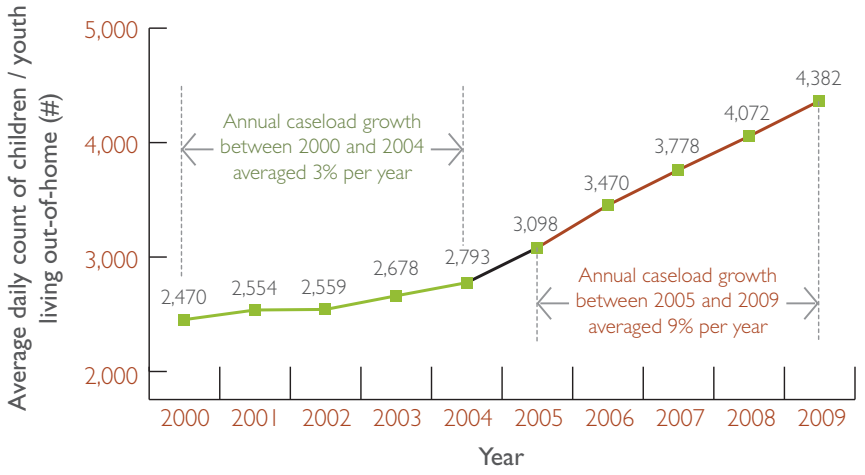
The driving forces and key challenges faced by the child welfare system in Saskatchewan are complicated and interconnected. It is clear to us that these issues have culminated in a need to change what we are doing and how we do it. Multiple, compounded difficulties now exist in the child welfare system – for those who administer it and certainly for those who work on the front line. More importantly, these challenges have created questionable outcomes for the children and families with whom the system interacts, and this is unacceptable.

Increasing numbers of children in care and child protection drivers

In our opinion, statistics on the numbers of children and youth entering the provincial child welfare system and the reasons for their involvement support the need for fundamental change. Furthermore, as most involvements in child welfare now relate to neglect as opposed to other forms of maltreatment, a new approach to child welfare seems not only appropriate, but inevitable.

Like a number of jurisdictions in Canada, the Saskatchewan child welfare system has seen an explosion in the number of children and

Figure 2.1 – Average daily out-of-home caseloads in Saskatchewan, 2000 – 2009[13]



[11] Wilkinson, R. and Marmot, M. (Eds.), (2003). Social Determinants of Health: The Solid Facts. 2nd Edition. World Health Organization.

[12] *Ibid.*

[13] Ministry of Social Services Automated Client Index (ACI) data. These caseload averages do not include numbers of children and youth in care with the First Nations Agencies in the province.

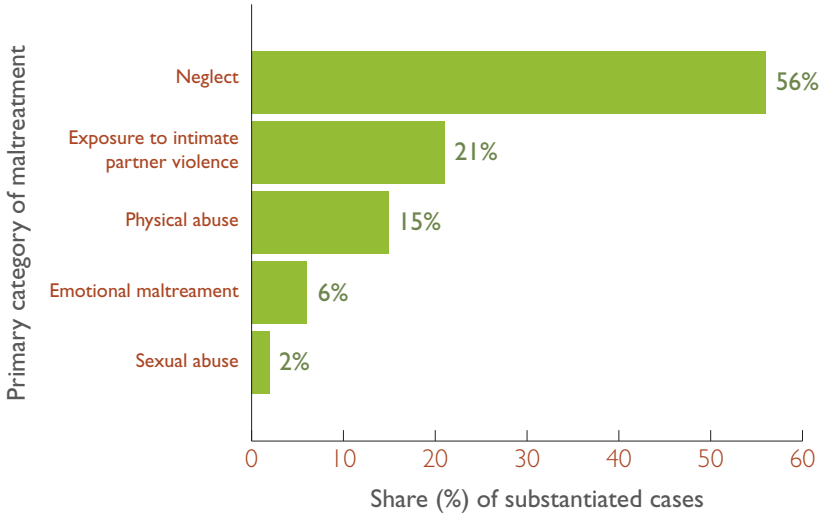
youth entering out-of-home care over the last decade. Data provided by the Ministry for the purpose of this review shows that the average caseload of children and youth living out-of-home because of involvement in the system increased by 77 per cent between 2000 and 2009. Perhaps more disturbing is the fact that this growth is picking up speed. As Figure 2.1 on the previous page makes clear, caseload growth each year between 2005 and 2009 (nine per cent per year) occurred nearly three times more quickly in comparison to annual growth between 2000 and 2004 (three per cent per year).

As part of our information gathering, the preliminary results from the latest Canadian Incidence Study of Reported Child Abuse and Neglect were shared with us by Ministry officials.[14] The study gathered data from provincial and territorial child welfare systems on new child protection cases opened during the last quarter of 2008, including information from First Nations and Ministry child protection workers in Saskatchewan. It showed that the main reason families and children enter our provincial child welfare system is because of neglect. In fact, neglect accounts for nearly six of every 10 new substantiated cases in the province (56 per cent), while physical abuse accounts for less than one-fifth (15 per cent). While stakeholders in this province have known for some time that the role of specific caseload drivers in Saskatchewan differs somewhat in comparison to other parts of the country, the latest incidence study finally quantifies these differences. What is of special concern to us is the fact that, certainly in comparison to Canada as a whole, neglect is much more common and can be fairly described as the main driver of provincial child protection caseloads. Figure 2.2 shows why families and children in Saskatchewan come into the system.

Given that neglect is the main reason families become involved in child protection and that it drives caseloads of children and youth living out-of-home in this province, it is not surprising that large numbers of parents who come to the attention of child protection are struggling with substance abuse or mental health issues, housing problems, inadequate income, or some combination of these. As recent statistics on substantiated maltreatment in the province clearly indicate, many children and youth are coming into the system because their safety and well-being is compromised by these problems and conditions. Saskatchewan data on parent and household characteristics of those who become involved for substantiated maltreatment from the same recent national study show that:

- 85 per cent of families were living in rental or public housing, 69 per cent had moved frequently, and in 31 per cent of cases there were safety hazards noted in the home;[15]

Figure 2.2 – Primary reason for substantiated maltreatment in Saskatchewan



[14] Preliminary data from Canadian Incidence Study 2008 provided to the Panel by Ministry of Social Services officials. See **http://www.cwrp.ca/cis-2008** for more information on the study.

[15] Home safety hazards include evidence of accessible firearms or other weapons; drugs or drug paraphernalia; whether drug trafficking occurred in the home; improper or unsafe storage of chemicals and/or solvents; as well as broken windows or insufficient heating.

- 67 per cent of families had no one with a full-time job in the home, 55 per cent of caregivers had limited social supports, and 51 per cent of families were on social assistance;
- 49 per cent of caregivers had problems with alcohol abuse and 31 per cent had problems with drug/solvent abuse;
- 46 per cent of caregivers had been victims of domestic violence; and
- 27 per cent of caregivers had mental health issues.

If we examine the challenge of increasing numbers of children and youth coming into the system through this lens, it makes sense for us to consider what child welfare in Saskatchewan might look like if the system focused more on getting families the supports they need without requiring them to have an open child protection case. To us, these statistics add more weight to the call for a new way of delivering child protection in Saskatchewan.

The foster care system in Saskatchewan

During the final month of our stakeholder meetings, we were saddened to hear of another death in the provincial foster care system. A 22-month-old First Nations boy living in a foster home in Aberdeen, Saskatchewan died, apparently from drowning. The issues in foster care have been with us for so long that the system itself seems to be in a state of constant crisis. Virtually every group we heard from throughout the review made mention in some way or another of the problems in Saskatchewan's foster care system.

We heard from some stakeholders that failings in the foster care system are related to other issues, especially recruitment, retention, and workload issues at the front lines. Foster parents are not equipped to deal with the types of issues they see, nor are they supported to the extent they need to be by the Ministry.

The Ministry lacks the necessary assessment capacity and professional therapeutic services to properly serve the numbers of children and youth coming into foster care. Furthermore, because of a lack of spaces and too many children and youth in the system, policies, standards and procedures designed to safeguard children and youth in foster care often cannot be applied.

Other stakeholders feel that the foster care model itself is flawed – based on dated assumptions about work, society and the nature of families, a model now widely seen as out of step with today's social and economic realities. For instance, recruitment and retention of foster care providers suffers because the model is based on a concept of family, where one parent stays home to care for children. Rates are structured to reflect the cost of raising children but do not typically include any payment for service.

To some, the system is flawed in that it creates a situation where the biological parents are divested of all responsibilities for their children. In this view, the model itself contributes to parents' difficulties in re-engaging in responsible parental roles at a later time, especially where substance abuse is a factor.

Foster parents also feel increasingly left out of case planning and complain that information-sharing and co-operation are no longer priorities for the Ministry. The word has gotten out about foster parenting in Saskatchewan, and it is no longer seen as an attractive option. Those who have been foster parents and those who would consider it are scared away by a perceived lack of support, overwhelming pressure to take on more than they can handle, and fears of putting their own families at risk.

Over-representation of First Nations and Métis children, youth and families

The terms of reference of the Saskatchewan Child Welfare Review required us to "examine the significant over-representation of First Nations and Métis children and youth in care and address how this disparity could be overcome." All Canadian provinces with large Aboriginal populations have higher than expected percentages of Aboriginal families in their child welfare systems, and even higher percentages of Aboriginal children in care. We heard a great deal during our discussions about the extent of this disparity, the reasons for it, and things people believe should be done to effectively respond.

"Many experts in Canadian child welfare now point to the residential school period as the beginning of an intergenerational cycle of neglect and abuse."

– Panel

Roots of Aboriginal over-representation

A consensus is emerging among researchers and academics that current levels of over-representation of First Nations and Métis children and youth in child welfare systems in Canada owe much to the 19th century colonial period and assimilationist policies that focused on controlling and imposing non-Aboriginal interests on Aboriginal people.

For more than a century, on-reserve Aboriginal children were removed from their families and communities and sent to church-run, government-funded residential schools. In these schools, use of traditional languages was forbidden, contact with parents and other family was infrequent, and the connection children felt to their cultural and spiritual traditions was badly eroded or lost altogether. The conditions in residential schools were often harsh and hostile, and sexual and physical abuse was quite common. In addition, many children died from disease and malnutrition. In 2008, the federal government issued a full public apology on behalf of all Canadians for what it termed a sad chapter in the country's history. The government's apology alluded to one very harmful legacy of the residential school policies – that generations of Aboriginal children never had exposure to healthy parental role models. For many, the outcome of these experiences has been an overall diminished capacity to contribute to their communities and to care for children.

Many experts in Canadian child welfare now point to the residential school period as the beginning of an intergenerational cycle of neglect and abuse. This cycle is seen as one very important contributor to the significant over-representation of First Nations and Métis children and families in child welfare systems in the country today. The last federally-run Indian residential school in the country closed in Saskatchewan in 1996,[16] but because of the enduring impact of this experience, countless numbers of families are still affected. Our communities will be dealing with the fallout from this chapter of our history for some time to come.

As education for on-reserve Aboriginal children shifted away from residential schools, provincial child welfare activity increased in Aboriginal communities. Social welfare policy and practice in a number of provinces resulted in the removal of Aboriginal children from their communities and their adoption into non-Aboriginal families. Such adoptions were commonplace until the 1980s. In Canada, more than 11,000 Aboriginal children with Indian status were adopted and placed outside their cultural communities between 1960 and 1990.[17]

Although many constitutional, political and treaty issues are ongoing, in the past two decades, there has been increasing progress made in many Aboriginal communities towards self-

[16] Retrieved September 15, 2010 from **http://www.rememberingthechildren.ca/history/index.htm**

[17] Gough, P., Trocmé, N., Brown, I., Knoke, D., and Blackstock, C., (2005). Pathways to over-representation of Aboriginal children in care. Center for Excellence for Child Welfare Information Sheet. Available at **http://www.cecw-cepb.ca/sites/default/files/publications/en/AboriginalChildren23E.pdf**

determination and economic self-sufficiency. In the child welfare context, this has been reflected in the development of parallel child welfare systems in a number of provincial jurisdictions. In 1991, a framework allowing First Nations to manage family and children's service agencies according to provincial and territorial child welfare legislation was introduced, resulting in the creation of 108 First Nations family and children's service agencies across Canada.

Many Aboriginal leaders believe that these models of delegated authority for child welfare have proceeded without adequate progress towards true self-governance. Also, in Saskatchewan and elsewhere, these agreements were made without adequate or equitable funding arrangements for First Nations Child and Family Services Agencies. The result has been a lack of capacity on the part of delegated First Nations Child Welfare agencies to deliver appropriate culturally based services that can effectively respond to community needs. Higher numbers of families and children have come into the child welfare system as a result.

Many of the people we spoke to believe that we are repeating the patterns of the past. We often heard that, even though the structures may be different from the residential school and adoption programs, the effects remain the same – the removal of large numbers of Aboriginal children from their communities and families. And the numbers have expanded: now there are three times more Aboriginal children in care than there were in residential schools when attendance was at its highest.[18]

We see an emerging consensus among experts in Canada that the significant over-representation of Aboriginal children, youth and families in the child protection system has been strongly affected by a legacy of assimilation policy. This created conditions of social exclusion, economic marginalization, and cultural dislocation among the nation's Aboriginal people. As is the case with any population experiencing these conditions, these difficulties are reflected in the disproportionate involvement of Aboriginal people and families in health, criminal justice, and social programs, including the child welfare system. For some jurisdictions like Saskatchewan, Aboriginal over-representation is far more marked than it is in other provinces, and has been a feature of the provincial child welfare system for many years. As noted, neglect far outstrips abuse as the primary factor causing concern for the safety of Aboriginal children.

The extent of Aboriginal over-representation in child welfare

Canada does not have a national child welfare data collection system, so analyzing comparative information is a challenge. But from available data, it is clear that Aboriginal children are dramatically over-represented in child welfare across the country. The Auditor General of Canada estimates that First Nations children in the country are six to eight times more likely to be placed in foster care than non-Aboriginal children. Furthermore, First Nations registered Indian children make up the largest proportion of Aboriginal children entering child welfare and are admitted to care at higher rates than Métis children.[19]

In Saskatchewan, the issue of over-representation is more dramatic. While Aboriginal people in the province account for roughly 15 per cent of the population,[20] nearly 80 per cent of children and youth in out-of-home care in the province at the end of the 2008/09 fiscal year were Aboriginal.[21] Aboriginal children and youth between the ages of zero and 19 years were roughly 13 times more likely to be in out-of-home care in comparison to non-Aboriginal people of the same age in 2006. Put another way, at any given time, six per cent of the Aboriginal population in the province between the ages of zero and 19 years will be living in out-of-home care because of child welfare involvement. In comparison, less than 0.5 per cent of the same-aged non-Aboriginal population will be living out-of-home.

[18] Blackstock, C., Personal communication with the Panel, May 10, 2010.

[19] Blackstock, C., Prakash, T., Loxley, J., & Wien, F., (2005). *Wen:de – We are Coming to the Light of Day.* Ottawa: First Nations Child and Family Caring Society of Canada.

[20] *2006 Census of Canada.*

[21] Estimate is based on regional out-of-home caseload data from the Ministry's ACI database and INAC on-reserve caseload numbers as of March 31, 2009.

The way forward on Aboriginal over-representation

The child welfare system in Canada has always been a product of values and principles held by governments and their agents, and applied as policies were set, systems were put in place and programs were designed. As described above, the impact over the past century has been devastating for Aboriginal people. The only effective response today will involve re-examination of the child welfare field's values and principles – past, present and future.

In October 2005, 200 invited leaders attended *Reconciliation: Looking Back, Reaching Forward – Indigenous Peoples and Child Welfare* in Niagara Falls, Ontario. These leaders produced *The Touchstones of Hope for Indigenous Children, Youth and Families. Touchstones* presents four phases of reconciliation and key guiding principles for indigenous child welfare and is intended to serve as a foundational document for community-based action. Since its creation, the *Touchstones* document has become increasingly well known and widely embraced. Many organizations across the country have used the concepts within this document to shape and direct their efforts to develop innovative, culturally sensitive, and effective child welfare responses.[22]

As a Panel, we believe the *Touchstones of Hope* document provides an excellent framework for navigating a way forward that will reduce the extreme over-representation of Aboriginal children, youth and families involved in the child welfare system. These principles must inform research, policy, practice and the creation of relationships in a renewed child welfare system. They have played heavily in our thinking about how our current system works, and how it needs to change.

Issues and challenges related to permanency and adoption

The issues regarding permanency and adoption for children in out-of-home care are not unique to Saskatchewan. Child welfare systems in many North American jurisdictions have become concerned about timely planning for children in care and the high number of children "languishing" in foster care or residential facilities with no "permanent" family or place to call home. In Saskatchewan, the issue of adopting Aboriginal children is of particular concern because so many Aboriginal children are being separated from their parents, their communities and culture. While this is a great concern for the Ministry, First Nations Child and Family Services Agencies and Aboriginal leaders, there is no consensus on what should be done. There is also limited understanding about why the views differ so widely and why feelings about it are so strong.

Some Aboriginal leaders suggest that Aboriginal children should never be adopted into non-Aboriginal homes. They note the high number of cross-cultural adoption breakdowns, especially when adopted Aboriginal children reach adolescence and begin their quest for self identity in communities where strong, negative stereotypes about Aboriginal people predominate. Aboriginal leaders also fear that the children will be lost to their extended family and that heritage and cultural ties will be severed. There is ample evidence from the past and present that this is a very great risk. On the other hand, non-Aboriginal caregivers (foster parents, adoptive applicants), some Ministry staff, and interested external parties (Saskatchewan's Children's Advocate and the Court of Queen's Bench) tend to promote a view that permanent plans, including adoption, should be a "right" for all children in long-term care. These proponents note the high number of children moving in and out of care or moving from placement to placement with no long-term plan or hope for a "forever" family. They fear children will experience poor bonding, decreased resilience and attachment disorder, and will struggle to live independently as adults. Both viewpoints are understandable.

[22] Examples include: Northern British Columbia Touchstones of Hope; Ottawa Children's Aid Society; Yellowhead Family Service Agency, Alberta; West Region Child and Family Services, Manitoba; Lalum'utul'Smun'eem Child and Family Services, Vancouver Island, British Columbia; First Nations Family Helpers, Regina, Saskatchewan; Saskatchewan First Nations Family and Community Institute; Family Group Conferencing Model, Mi'kmaw Family and Children's Services, Nova Scotia.

Aboriginal scholars and researchers have observed that at the heart of this controversy are opposing world views about "family." On the one hand is the Anglo-American view of the nuclear family, which is often associated with strongly held values of independence and individualism. Here the child is seen as a separate and distinct entity whose "best interest" must be preserved above all other considerations. On the other hand is the Indigenous view of family, which sees the child within kinship systems, clan, band and tribal membership. Children are cared for within a cultural community with grandparents, aunties, uncles and older cousins all having key responsibilities in child rearing. In this cultural environment, notions of inter-dependence and communalism are basic to the world view, and are highly valued.

"Our teaching tells us it's the Creator that owns that child. All we're doing is raising that child for the Creator, with the help of my brother, my sister, my uncle, my grandfather, my relatives."

– Howard Cameron

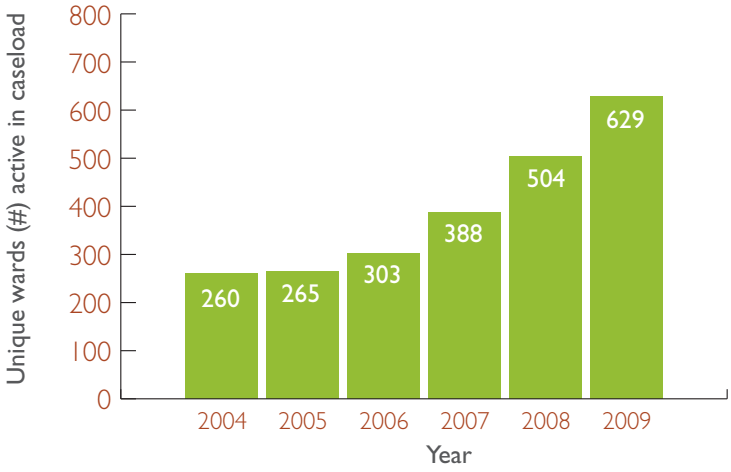
These opposing views collide in the Canadian context of attempted assimilation of Aboriginal people. First Nations and Métis people experienced forcible exposure to western ideas about the nuclear family, Christianity and cultural norms. The result has been intergenerational trauma of a collective and cumulative nature.

In today's context, Anglo-American child protection workers, employed in an adversarial, deficit-oriented system, still tend to assess Aboriginal family life as disorganized and may see traditional parenting by extended family as "inconsistent." Many Aboriginal families feel the mainstream child welfare system is a real and constant threat – to take their children, to put them first in homes that have no connection to the child's community, and to move on to adoption as soon as possible, severing all ties to family and community. Although this is not the Ministry's intent, given our history and the orientation of the child welfare system, it is not surprising that people have these fears and expectations. It is in this environment of fear and mistrust – and, for many, powerful recent experience – that the challenges of adoption and permanency planning must be addressed.

Figure 2.3 shows the growth in permanent wards since 2004. As the figure makes clear, even if a common approach to permanency planning were to be agreed upon in Saskatchewan, the sheer number of children in care now who do not have a long-term plan in place is a challenge.

There are other options for "permanence" for children in care in Saskatchewan. The Ministry has supported a number of different kinds of placements that meet the definition of "permanent" without severing the connection to family or community. This includes placements

Figure 2.3 – Permanent wards aged 0-16 years in Saskatchewan, 2004 through 2009[23]



[23] Ministry of Social Services All Client Index (ACI) data. These do not include wards of First Nations Agencies in the province.

with extended family, known as alternate care and placements with "Persons of Sufficient Interest," where extended family or someone close to the child is granted custody. In recent years, the Ministry appears to have recognized that, for Aboriginal children in care, extended family care is less intrusive and maintains the child's connection to family, community and culture. In 2007, the Ministry increased funding for the basic and special needs of children living with extended family. Currently, over 2,000 Aboriginal children in out-of-home care are living with extended family.

An excellent solution regarding the adoption of Aboriginal children lies in the recognition and promotion of "custom adoption." Custom adoption is a traditional cultural practice whereby a family (and their community), who are not the child's biological parents, take responsibility for raising the child. Arrangements are respectfully made, with all people who are affected supporting the decision and plan. Elders are involved in leading a ceremonial process. The understanding and agreement between parties is not that the child is leaving one set of family connections, but rather it acknowledges that another layer of care and responsibility has been added for this child's benefit. This process has long been part of Aboriginal tradition, with variations on the same approach in Aboriginal communities throughout Canada. Done this way, adoption has none of the negative meaning that "closed" adoptions, out of community, out of culture, and without any involvement or agreement from original family and community, have understandably had.

Formal custom adoption has been supported by child welfare systems in a few First Nations Child and Family Services Agencies in Canada (First Nations in Alberta and British Columbia and one Toronto agency have been pioneers in this).[24] These agencies have accepted delegated authority for adoption services under provincial legislation and have proceeded with many adoptions over the years, all carried out in the traditional context with appropriate ceremonial processes led by Elders. In the event that placements in non-Aboriginal homes are seen as the best option for the child, the notion of adding a layer of care is preserved, and the agreements ensure the child never loses the connection to his or her home community. The success of these programs is without dispute.

2.4 CHILD WELFARE STRUCTURES IN OTHER JURISDICTIONS

As part of our work for this review, we examined the child welfare systems in a number of Canadian and international jurisdictions. Because many of the same basic issues and challenges are common to nearly all child welfare systems, we feel the responses to these common problems provide an excellent basis for making comparisons. It is our hope that these comparisons will provide a template or potential starting point for making the changes that are so desperately needed in Saskatchewan's child welfare system.

In order to reflect our thinking on jurisdictional differences, we decided to look both at other parts of Canada and models in other countries. For Canadian jurisdictions, we focused on overarching policy orientations and certain aspects of how services are configured in child welfare based on our interest in unique or alternative features of the systems or recent changes that have been made. For a sense of what is done in other countries, we examined some high level differences between selected European models of child welfare and the North American "threshold" model.

The comparisons of different systems that exist in other jurisdictions suggests that there is nothing inevitable about how child protection is organized – child welfare systems are not neutral responses to problems, but rather they reflect our values concerning children, family, and community. To us, the continuum of different responses in different jurisdictions reflects the fact that these values can, should and do change.

[24] Open Custom Adoption Program, Yellowhead Tribal Service Agency, Alberta; Lalum'utul'Smun'eem Adoption Program, Cowichan Tribes of Vancouver Island; Adoption Program at Native Child and Family Services of Toronto.

Child welfare policy orientations in Canadian jurisdictions

Although there has been some shifting of emphasis within the child protection system over past decades between supports for families and protecting children, the predominant focus has been on child protection. More often of late there have been efforts in Canada to balance the dual mandates of protecting children from maltreatment, and preventing it from happening in the first place through the provision of supports and services.

One policy orientation common now to a number of Canadian jurisdictions' child welfare systems is the Differential Response (DR) model. This model includes a range of potential response options customized to meet the diverse needs of families reported to child welfare. Differential response typically uses multiple "tracks" or "streams" of service delivery. Generally, DR models include a high-risk track to handle all reports of sexual abuse, serious physical or emotional harm, chronic neglect and cases in which criminal charges may be laid. Less urgent cases are shifted to an alternative "assessment" or "community" track, where the focus of intervention is on brokering and co-ordinating services to address the short and long-term needs of these children and families. Ontario, Alberta, and British Columbia have implemented DR models in their child welfare response, and Manitoba is currently in the process of examining a number of proposed DR models through piloting and testing activities.

In Saskatchewan, while the government partners with community based organizations to provide support to families at risk, there is no differential response model. As a result, prevention and support services are generally reserved for those families who have met a "threshold" for intervention. In other words, families in Saskatchewan are often not able to get help through the child welfare system until issues become crises. While roughly 24,000 referrals are made to child protection intake each year in the province, only 4,000 of these referrals result in the family receiving services from the Ministry.[25] It is evident to us now that many of the 20,000 referrals found not in need of child protection services would benefit from some type of family support.

> ***"Social Services says, "Well you have to sign her over to the system before we will help her." It's an awful dilemma to put a grandmother in or to put an auntie in."***
>
> – Presenter, 2010

Differences in service delivery and governance

While British Columbia, Nova Scotia and Saskatchewan all see the specific services involved in the child welfare function managed directly by the responsible ministries, Alberta, Manitoba, and Ontario have somewhat different governance structures. In Alberta and Manitoba, for instance, management of key service activities falls to Child and Family Service Authorities (CFSAs). In Ontario, a system of Children's Aid Societies is in place. Under that model, each Society has developed a diverse set of services and internal organizational arrangements, although the responsible Ministry has introduced standards for certain key activities to ensure differences between Children's Aid Societies are minimized.[26]

Manitoba's child welfare system has undergone extensive reviews and a number of reconfigurations over the last decade. As a result, the current model in Manitoba's child welfare system is unlike any other in Canada. In Manitoba, service configuration is based on a mixed public-private model consisting of four private agencies: a General Authority; a Métis Authority responsible for securing services to Métis families in the province; a Northern Authority responsible for services through six independent agencies with offices in reserve communities and in Winnipeg; and a Southern Authority that provides child protection services through another 10 mandated agencies.

[25] Statistics provided to the Panel by Saskatchewan Ministry of Social Services officials.

[26] See the Commission to Promote Sustainable Child Welfare's July 2010 *Jurisdictional Comparisons of Child Welfare System Design – Working Paper No. 2* and especially the accompanying appendices for more details on configuration of services in a number of jurisdictions. Available at **http://www.sustainingchildwelfare.ca/assets/jurisdictional-comparisons-child-welfare-system-design-20100721.pdf and http://www.sustainingchildwelfare.ca/assets/appendices-20100721.pdf**

Another unique feature of the Manitoba model is that the Authorities, along with their agencies, have "concurrent jurisdiction." Under the current system, each Aboriginal agency is mandated to provide services for its clients living anywhere in the province. While families are encouraged to choose the most culturally appropriate Authority, they are free to choose a different authority if they wish.

To accommodate this unique structure, all Aboriginal agencies have offices in Winnipeg as well as in their own reserve communities. To realize shared jurisdiction under the model, "…the Authorities have service agreements with each other so that services can be provided to a family even if the family's selected authority does not have a mandated agency in the immediate community."[27]

Like Manitoba, the child welfare system in British Columbia has seen a number of reviews and redesigns since the mid-1990s. Encouragingly, these appear to have led to a renewed approach to child welfare. Beginning in 2008 with an action plan entitled *Strong, Safe and Supported: A Commitment to BC's Children and Youth,* the Ministry of Children and Family Development started on a path that emphasized the need for service integration in order to provide a continuum of child and youth focused services and supports that were seen as vital to an effective child welfare system.

Child welfare in British Columbia is organized around a differential response model known as the Family Development Response (FDR). Like many systems of differential response, the essence of FDR is a conscientious shift towards providing a range of community-based services and supports designed to keep children at home, and a corresponding move away from investigations and apprehensions as a default response.

In addition to the differential response model, British Columbia has also recently adopted a strengths-based approach to child and family development to complement the child welfare function. Known as *Child and Family Support, Assessment, Planning and Practice (CAPP),* the service delivery model is perhaps the first in Canada to envision a holistic service system focused on children, youth and their families:

> *The developmental approach focuses on building relationships, identifying needs, and providing the opportunity, environment and resources for people to meet their needs. CAPP will incorporate all the components that are necessary to support the development of children and families including: child care; early child development; addictions services; services to children with special needs; youth and child mental health services; and youth justice services. Programs will no longer be offered in silos, and their focus will be on providing a combination of supports and interventions to meet the needs of "this child, this family, and this community." Supports and interventions will be drawn from services offered by both the Ministry and through a strong cross-government approach. At its core, the developmental approach underlying CAPP places confidence in professional capacity and decision making, utilizing good supervision, an emphasis on participation of the child and family, and collaborative team work across and between professionals in different disciplines.*[28]

International alternatives to threshold child welfare systems

There are significant differences in the way various developed countries approach child welfare and preventive family support. Each country's practices are intimately connected to political, social and economic contexts and cannot be imported or transplanted in isolation. But we feel it is useful to identify principles and approaches that could be helpful in the development of new child welfare strategies here at home. Other places do have good ideas which Saskatchewan can build on, going forward.

Countries such as Germany, France, and Belgium have systems in place that are holistic and preventive in nature. While critics of preventive systems in child welfare argue they do not do as good a job at protecting children, there is no

[27] The Commission to Promote Sustainable Child Welfare's July 2010 *Jurisdictional Comparisons of Child Welfare System Design – Working Paper No. 2 Appendices*. Available at **http://www.sustainingchildwelfare.ca/assets/appendices-20100721.pdf**, p.17.

[28] The Commission to Promote Sustainable Child Welfare's July 2010 *Jurisdictional Comparisons of Child Welfare System Design – Working Paper No. 2 Appendices*. Available at **http://www.sustainingchildwelfare.ca/assets/appendices-20100721.pdf**, p. 38.

evidence we could find that children and youth in these countries are abused or maltreated any more often than children and youth in Canada.

In Germany, the key feature of the child welfare system is a legal framework for making help available, which is based on "perceived need" and "entitlement to help." While this includes considering the risks to a child or young person, it does not focus on risk as the necessary condition for help, as "threshold" responses do.[29] The support a child or young person receives is determined entirely by the needs of that person.[30]

In France, for example, a family needing help first goes to a social service office in the local area, which has a multi-disciplinary team including child protection workers, psychologists, maternal and child health services and specialist child and family social workers.[31] It is a holistic approach that seeks to join maternal and child health services with those focused on problem-solving interventions. Unlike the Canadian system where there are statutory concerns, the work with families under the French system is done on a voluntary basis.[32]

In France and Germany, while there is a similar duty to intervene if the well-being of a child is in danger, the criteria for being eligible for help are broader and the social work model focuses more on active prevention as opposed to legislative mandates. In short, the system is geared much more towards family support and early intervention with the hope that this will prevent the need for crisis-level interventions.[33]

The country of Belgium offers a model with better outcomes for children and families, and aspects of their child welfare system may be a good fit in Saskatchewan. Central to Belgian child protection law is the notion of "children in danger," defined as "minors whose health, safety or morality are in danger, because of the environment in which they are brought up."[34] Parents and young families in Belgium benefit from a universal home visitation program, where health nurses visit homes during the first three years of the baby's life. In situations where the needs of families are greater, such visits continue until the age of six. Such access to families and children creates an optimum situation for early detection and intervention, preventing maltreatment and neglect.

[29] Baistow, K. and Wilford, G. (2000). Helping Parents, Protecting Children: Ideas from Germany. *Children and Society* 014, p. 343-354.

[30] See Lorenz, W., (1991). The New German Children and Young People Act. *British Journal of Social Work* 21: p. 329-339. Retrieved July 28, 2010 from **http://bjsw.Oxfordjournals.org**

[31] Hetherington, R. and Piquardt, R., (2001). Strategies for Survival: User's Experience of Child Welfare in Three Welfare Regimes. *Child and Family Social Work* 6, p. 239-248.

[32] *Ibid.*

[33] *Ibid,* p. 242.

[34] Marneffe, C., (2002). Voluntary Child Protection Work in Belgium. In *International Perspectives on Child Protection: A Report of a Seminar* held on March 20, 2002. Edited by Hill, M., Stafford, A. and Green Lister, P., University of Glasgow.

Conclusion

In concluding this section, we note that, when looking forward, it is often important to look back. We learned that the current system is the product of more than a century of small, incremental changes to laws and structures – a reflection of the evolution of our society's beliefs about the rightful role of the state in family life and the value we place on children, youth and families.

What is needed now is a fundamental reorientation of our approach. The depth of the changes required today suggests to us that the journey forward in building a better child welfare system in Saskatchewan is a difficult one, and will not happen overnight.

Issues in the foster care system, the extreme over-representation of Aboriginal families and children in child welfare, and the challenges related to the philosophical and cultural divide that separate Aboriginal and non-Aboriginal perspectives on permanency for children and youth who come into care all speak clearly to the need for a fundamental shift in our approach.

We also learned that child welfare systems across the country and around the world are struggling with the same issues that we face in Saskatchewan today. While some may be discouraged by this thought, we found it a source of encouragement. There is strength in numbers. Because we are all looking for solutions together, we see every reason to be optimistic.

While different stakeholders in the province have different priorities and may be focused on different areas of the system, our common agenda is one of change. Most importantly, we clearly heard that the commitment to see these changes through in communities all over the province is solid. We have a responsibility to Saskatchewan children and youth to get this right.

SECTION 3

WHAT WE HEARD: RECOMMENDATIONS AND RATIONALE

In many ways, our province is on an upward track. Not only did our economy in the province weather the recent global financial crisis better than most others, but we appear to be recovering more quickly. For example, unemployment in Saskatchewan was the lowest in Canada in August 2010 and has been the lowest in the country in 17 of the last 20 months since January 2009.[35]

In spite of this economic resilience, some of our citizens are as badly off as they have ever been, and when they look ahead, many do not see a good future for themselves. The disparity between those who are doing well and those who are not is extreme.[36] It creates a serious situation that requires a comprehensive plan, and it will require a wide range of sectors and organizations to make a plan that works. We hope that a strategy can be established in Saskatchewan that is strong enough, effective enough, and stays in place long enough to fully address the challenges we face.

A great deal of important information was shared with us through the review process. Many of the submissions were exceptionally thoughtful and carefully prepared. Some of these were more detailed or specialized than our process allowed for, given our mandate to focus on broad directions. While we are not able to deal individually with each submission in what follows, all of what we heard has informed our recommendations.

The Panel was often overwhelmed by both the interest shown and the effort to which participants went to share their views with us. By doing so, they have contributed to the future direction of child welfare in Saskatchewan, and we are most grateful for each contribution.

We have made 12 recommendations that, taken together, will serve to guide the way forward. These recommendations are broad, to allow government and stakeholders to work together to find ways to make each one a reality. At the same time, because they are broad, we felt it was important to provide further guidance as to how each particular recommendation can be implemented. For that reason, we have also provided "supporting actions" to describe next steps that are critical to achieving the fundamental change we envision.

"We hope that a strategy can be established in Saskatchewan that is strong enough, effective enough, and stays in place long enough to fully address the challenges we face."

– Panel

[35] Statistics Canada. 2010. CANSIM Table 282-0087 Labour force survey estimates (LFS), by sex and age group, seasonally adjusted, monthly.

[36] Lemstra, M., Neudorf, C., (2008). Health Disparity in Saskatoon: Analysis to Intervention. Saskatoon Health Region.

We learned a great deal throughout the review experience and are grateful to all who shared their perspectives on this important issue. We have reached the following set of shared beliefs and observations about both the current state of child welfare in Saskatchewan, and the way forward through change:

- **Our child welfare system in Saskatchewan faces many significant challenges.** Caseloads of children in care keep growing, and the outcomes for children and families are not acceptable. Lack of confidence in the system is at a very high level. Child welfare workers are stressed and frustrated, and the foster care system is in crisis. The situation is deteriorating and cannot continue as it exists.

- **First Nations and Métis children, youth and families are over-represented in the child welfare system.** The majority of clients of the child welfare system are Aboriginal – First Nations and Métis. The percentage has been growing over recent decades and seems likely to continue on that path.

- **A significant part of the problem in child welfare has to do with the nature of the system we have and the outcomes a system of this kind typically yields.** Saskatchewan's child welfare response is a classic "threshold" system. While the focus of the system is on protecting children from abuse by caregivers, most child welfare cases are the result of neglect stemming from poverty, substance abuse, and inadequate housing. In addition, the investigation process, which is the first response of our system, actually disqualifies the vast majority of families from receiving any help. In spite of evidence about the value of positive supports, our response continues to be singular and unchanging.

- **Powerful social, economic and cultural factors drive demand for child welfare services.** The drivers of child abuse and neglect are diverse and interconnected. Saskatchewan has high rates of alcohol dependency and abuse, the second largest concentration of youth gang members on a per capita basis, and high rates of child poverty, youth crime, incarceration, disability, family violence, and mental health problems.

- **Changes or improvements to the child welfare system alone will not be enough to make a significant or lasting difference to the current situation.** Poverty and a lack of adequate community supports and services are behind most drivers of child maltreatment. The child welfare response in Saskatchewan as it is currently structured does not include the tools needed to address the issues that are at the root of child maltreatment.

- **A co-ordinated set of plans and strategies to effectively address these factors is not yet in place in Saskatchewan.** The most important drivers of child maltreatment are complex and interconnected. It will require co-operation and collaborative planning to make the links between child welfare and the other systems that serve and support families.

As you read through this report you will see how the ideas above provide the backdrop for the recommendations that we are making and the thinking behind them. With these things in mind, as the Child Welfare Review Panel, our recommendations are organized within the following broad directions for change:

- **That fundamental change be made to the Child Welfare system – both in the kind of system it is, and who is responsible for operating it.**

- **That the social, economic and cultural factors that drive this system, and other parallel systems, be acknowledged by the Province, its Ministries, First Peoples and the Federal Government, and that an agenda be launched to ensure these factors are addressed.**

- **That the options for immediate and short-term improvements be considered, prioritized, and implemented.**

3.1 FUNDAMENTAL CHANGES

What we heard

We heard unequivocally throughout our meetings that the existing child welfare system is flawed and needs to be strengthened or fundamentally changed on a number of fronts. There are too many children and youth in foster care, and the system is pushed to the limit. Because of the stress on the system, out-of-home care is often not a good option for children and youth – it may be more damaging than remaining at home would have been. As a result, not all children and youth are safe.

It was often stated that out-of-home placements need to be avoided where possible. It is also clear that a strong preventive family support system will not remove the need for all legally enforced, coercive measures to protect children and youth from abusive and exploitive adults. Some special protective measures will always be required, and may need to be strengthened, but these should be a last resort rather than a first response. Stakeholders are united in their belief that we need to get out in front of child protection issues by refocusing the provincial child welfare response around prevention.

Currently, two broad approaches are commonplace in the child welfare responses of western democracies – a child protection approach and a family services approach. Canada's history is one of using a child protection approach. This has resulted in a "threshold" system, where help is not available without becoming a "case" in the system. Stakeholders described a provincial system that is overly adversarial, intimidating, and poorly understood by clients. It is clear to us that our responses have become unnecessarily restricted both in what can be done and what can be envisioned. We tend to set children's rights and interests against the rights and interests of all others in families and communities. Best interests of children are defined by a relatively short-term view of safety and bonding in a stable nuclear family, assuming a good long-term result, and not by successful identification as a member of a culture and a community. For Aboriginal children and families, these opposing perspectives and decision-making frameworks are at the heart of the view that the system is not working for them and needs fundamental change. Some stakeholders said that Saskatchewan should move to a family services orientation for the whole system, including the implementation of a differential response system, where diversion from out-of-home placements is a focus of activity.

> ***"User and provider satisfaction will not increase significantly by refinements to our traditional child-saving paradigm. Our basic challenge is to define a new vision for child and family welfare in Canada."***
>
> – from *Moving Toward Positive Systems of Child and Family Welfare*

We learned that a number of Canadian jurisdictions have adjusted their child welfare orientation by introducing differential response service models to divert families away from the formal child protection system, and avoid out-of-home placements being a default response. These models appear to have been successful in a number of jurisdictions and could be a good fit for Saskatchewan as well.

Where out-of-home placements are necessary, there was strong agreement that we need to ensure children and youth are placed with extended families whenever possible. Extended family caregivers should be supported at the same level as foster parents. The logic of providing more support to complete strangers to care for children and youth, when family is available, is fundamentally flawed.

We often heard about the frustrations with the level of funding INAC has provided to First Nations Child and Family Services Agencies. Per capita child welfare funding on-reserve has fallen far short of per capita funding in the mainstream provincial systems[37] and this issue has become

[37] McKenzie, B. and Wharf, B., (2010). Chapter 10: Policy-Making in Aboriginal Child and Family Services. In McKenzie, B. and Wharf, B. (Eds.), *Connecting Policy to Practice in the Human Services, Third Edition,* p. 202-223. Don Mills, ON: Oxford University Press.

the subject of a human rights complaint.[38] Acknowledgement of the need for preventive family support programming has been slow to come, and long-term commitment remains uncertain.

We learned that many children have developmental or physical disabilities, but there are few supports in communities for families facing these exceptional challenges. Also, children already in the child welfare system have a much higher than average incidence of disabilities, creating greater challenges in parenting and increasing their level of risk. Many of the parents in the child welfare system also have a high incidence of disabilities that temporarily or permanently compromise their parenting capacity. Fetal Alcohol Spectrum Disorder (FASD) is common, affecting parents or children, and in some families both parents and children. The current child welfare system is not set up to assess and respond to the degree and severity of disability experienced by children and youth in care, or their parents. This is particularly true for those with chronic conditions requiring long-term support. There should be more alternatives for families to provide adequate support and, where possible, to maintain full parental rights and responsibilities.

Recommendation #1

Implement fundamental changes to the child welfare system: create an easily accessible preventive family support stream for all families who need it, and a much smaller formal child welfare stream for families where the authority of the courts is required.

This fundamental change will require philosophical, legislative and program changes to move from an adversarial child welfare response to a new approach.

Supporting actions

To achieve this recommendation, we suggest government immediately **establish an inter-ministry steering committee** to initiate and direct the research, design planning and implementation actions required for this transition, and to ensure ambitious time lines and target dates are established, monitored and met.

In defining the Saskatchewan model, **best practice models outside Canada, where legal authority is rarely used to respond to family issues** (e.g. France, Germany, and other continental European countries) should be considered, and exemplary First Nations working policies and programs that focus on preventive support services should be explored. The **Federal Government must be fully engaged as a partner, to ensure that First Nations Child and Family Services on-reserve are adequately funded for preventive family support programming** and can participate in the change.

We also believe this involves review of the differential response legislation, policies, and programs in provinces and other jurisdictions that have implemented this approach. The new model we envision necessitates a fundamental shift in response from focusing on deficits and weakness to be investigated, to one where the emphasis is on identifying capacity and strengths to be built on. In some instances, the Ministry needs to recognize that conditions requiring support are not "temporary" or "fixable" but are permanent features of life for some families. Much can be learned from successes in the disabilities field.

As the new system is designed, **ensure that kinship care programming, with an adequate financial support component, is available** both for children within the formal child welfare stream, and for children within the preventive family support stream.

Fundamental change takes time. However, there are immediate steps that can be taken. These include **expanding the *KidsFirst* program throughout the province, and enhancing the model** as recommended in the *KidsFirst* program evaluation.[39] Also, as part of the preventive family support stream, **expand the Parent Aide and Family Support Worker programs** to all families seeking these supports, and build on other exemplary programs now operating in some Saskatchewan locations.

[38] The Assembly of First Nations and the First Nations Child and Family Caring Society launched a complaint under *The Human Rights Act* about the inequity of funding to reserve-based child and family services agencies in 2007. It was referred to the Canadian Human Rights Tribunal and the case was heard in June of 2010. Judgment has been reserved.

[39] Saskatchewan *KidsFirst* Program Evaluation: Summary of Findings and Recommendations, (2010). Available at **http://www.education.gov.sk.ca/adx/aspx/adxGetMedia.aspx?DocID=1285,214,136,107,81,1,Documents&MediaID=14774&Filename=7+-+Summary+of+Findings+and+Recommendations+-+KidsFirst+Evaluation+2010.pdf**

We further suggest **launching a strong public education effort** that helps the public to move from the current view that asking for and accepting help is humiliating and risky to a new understanding that family support is socially acceptable and desirable.

3.2 ABORIGINAL CONTROL

What we heard

We learned that First Nations and Métis people are vastly over-represented in the child welfare system, and in many other systems including youth and adult corrections, income assistance, and emergency health services.

Because Aboriginal people are more likely to be without work, have inadequate housing, lower education and incomes than the norm, and have a higher rate of long-term, chronic health issues, Aboriginal children and their families come into contact with child welfare and other systems at a higher rate than non-Aboriginal people.

We heard from many Aboriginal clients that the current situation of being served primarily by non-Aboriginal workers can be a threatening and often negative experience. The cultural divide and the differences in lived experience between client families and workers in the child welfare system is seen as a major challenge by both Aboriginal and non-Aboriginal people.

Many Aboriginal people look upon the current child welfare system as an extension of the residential school regime, in that the impact is quite similar – involuntary removal of children from their homes and communities and a loss of family, community and culture. Now, as many as three times more children are involved in the child welfare system as were ever in residential school at one time.[40] In our meetings with First Nations stakeholders, the Cree doctrine of *wahkohtowin*[41] was often referred to in connection with children. The "natural law of all things being related," *wahkohtowin*, is the underpinning of communities, clans, families, children, and their relationship to the earth. The current circumstance in which many hundreds of children are separated from their Aboriginal communities is seen as a violation of powerful principles and rights, and this discord is felt very deeply. Clearly, past residential school and child welfare experiences remain a powerful influence on how Aboriginal clients feel about the system.

We heard unequivocally from First Nations and Métis stakeholders that their communities want a greater role in caring for their children. This was the primary message to us from both the Federation of Saskatchewan Indian Nations and the Métis Nation of Saskatchewan.

Disputes about financial responsibility for First Nations people with complex or urgent needs can occur, especially when families require service and move between reserves and urban settings. We heard that haggling over who will pay sometimes results in tragedy, or ongoing harm to children. Jordan's Principle has been promoted in Canada as a means of resolving jurisdictional disputes between governments regarding the funding of services for First

[40] Blackstock, C. Personal communication with Panel, May 10, 2010.

[41] Howard Cameron, Panel member. Individual comments and personal communication.

"…the system that is there now does not work for us, it never worked for us, and never will work for us. It has to change. It has to complement our community structures."

– First Nations Chief

Nations children. Many stakeholders referred to this document, and urged the Saskatchewan government to fully support it as change and improvement in child welfare is contemplated.[42]

Encouragingly, Saskatchewan First Nations Child and Family Services Agencies have been operating for 10 to 15 years, gaining valuable skills and experience in child welfare administration. Experience shows that establishing Aboriginal leadership and control of child welfare improves trust in the child welfare system.

We also heard that good planning, adequate resources, and realistic time frames will be critical to successful change. While staffing resources are needed for Aboriginal organizations to fully participate as partners in negotiating and developing alternate child welfare responses, there is some capacity in place already.

Recommendation #2

Make safe, culturally appropriate care for all Aboriginal children and youth a priority through a planned and deliberate transition to First Nations and Métis control of child welfare and preventive family support services.

Supporting Actions

We intend this recommendation to result in a careful, deliberate transition plan, not a "quick fix." Any further devolution of child welfare services without the fundamental change identified in our first recommendation being implemented would almost assuredly result in poor outcomes. However, this does not imply a delay in getting started. **Talks should begin immediately with First Nations, Métis, federal, and other community based stakeholders** to initiate the negotiation process to achieve this goal.

It is important to recognize at the outset that transfer of responsibility will proceed differently from region to region, and may require a phased transfer of preventive family support, child protection, foster and kinship care and adoption program elements. **Agreement to an ongoing monitoring process which allows parties to review and adjust funding arrangements as demand and costs change over time will be important to the success of this step.** To be full partners, all levels of government are urged to ensure **First Nations and Métis have the opportunity for full participation in negotiation, policy development and service planning.** Here in Saskatchewan, the First Nations Family and Community Institute,[43] given sufficient funding, is an important resource for some of this work.

Jordan's Principle can be applied to ensure that individual children do not experience delays in getting services they need while the new structures and arrangements are being negotiated and developed.

3.3 GUIDING PRINCIPLES

What we heard

Many groups believe the '*Children and Youth First' Principles* and the *Touchstones of Hope* are important documents for guiding the development of a new approach to child welfare in Saskatchewan. There is broad agreement that principles should be clearly reflected in legislation, and other government planning documents. While most other provinces have a principle statement in their legislation, Saskatchewan legislation only defines considerations for determining the child's best interest.

While the Province has already adopted the '*Children and Youth First' Principles* developed by the Children's Advocate Office, the *Touchstones of Hope* document contains another important set of principles that need to be recognized. In addition, many Aboriginal stakeholders and experts in child welfare see their adoption and recognition as integral to making system improvements that will be effective in addressing Aboriginal over-representation in the system. The '*Children and Youth First' Principles* document includes commitment to the *UN Convention on the Rights of the Child* – which many groups also referenced.

[42] Jordan Anderson was a First Nations child from Norway House Cree Nation, Manitoba who spent all his five years in health care institutions because agreement could not be reached on funding responsibility for community care. In his memory, **Jordan's Principle** was developed. In Saskatchewan, Jordan's Principle has been adopted, but only in application to children with multiple disabilities.

[43] Visit: http://www.firstnationsfamilyinstitute.ca/

'Children and Youth First' Principles

1. That all children and youth in Saskatchewan are entitled to those rights defined by the United Nations Convention on the Rights of the Child.
2. That all children and youth in Saskatchewan are entitled to participate and be heard before any decision affecting them is made.
3. That all children and youth in Saskatchewan are entitled to have their 'best interests' given paramount consideration in any action or decision involving them.
4. That all children and youth in Saskatchewan are entitled to an equal standard of care, protection and services.
5. That all children and youth in Saskatchewan are entitled to the highest standard of health and education possible in order to reach their fullest potential.
6. That all children and youth in Saskatchewan are entitled to safety and protection from all forms of physical, emotional and sexual harm, while in the care of parents, governments, legal guardians or any person.
7. That all children and youth in Saskatchewan are entitled to be treated as the primary client, and at the centre, of all child serving systems.
8. That all children and youth in Saskatchewan are entitled to have consideration given to the importance of their unique life history and spiritual traditions and practices, in accordance with their stated views and preferences.

Touchstones of Hope

The guiding principles of *Touchstones of Hope for Indigenous Children, Youth and Families*[44] are:

Self-determination

- Indigenous peoples are in the best position to make decisions that affect Indigenous children, youth, families and communities.
- Indigenous peoples are in the best position to lead the development of child welfare laws, policies, research, and practice that affects their communities.
- Non-indigenous child welfare workers need the capacity and understanding to work effectively with Indigenous communities, experts, children, youth, and families.
- Only adequate and sustained resources will enable Indigenous communities to implement self-determination in child welfare.
- The role of children and young people in making decisions that affect them must be recognized.

Culture and Language

- Culture is ingrained in all child welfare theory, research, policy, and practice. There is no culturally neutral practice or practitioner.
- Child welfare policy and practice are most effective when they reflect and reinforce the intrinsic and distinct aspects of Indigenous cultures.
- Guidelines and evaluation processes for culturally appropriate child welfare are strongest when established by Indigenous communities, reflecting local culture and context.
- Language is the essence of culture, and child welfare knowledge, policy and practice are most relevant when expressed in the language of the community served.

[44] Available at **http://www.reconciliationmovement.org/docs/Touchstones_of_Hope.pdf**

"A number of family service agencies in Canada and Saskatchewan have moved a good distance toward putting the Touchstones of Hope *into action."*

– Panel

Holistic Approach

- Child welfare approaches that reflect the reality of the whole child preserve the continuity of relationships and recognize the child is shaped by his/her culture (including traditions, spirituality, and social customs), environment, social relationships, and specific abilities and traits.
- Effective child welfare services take a lifelong approach to making decisions, and give due consideration to both short-term and long-term impacts of interventions.
- Relevant child welfare interventions acknowledge that non-Indigenous and Indigenous children and youth are citizens of the world. This means that the child welfare systems must ensure all children and youth in their care have opportunities to understand, interact with, and respect peoples of different cultures.

Structural Interventions

- Protecting the safety of children and youth must include resolving risk at the level of the child, family, and community. Without redress of structural risks, there is little chance that the number of Indigenous children and youth in care will be reduced.
- Consistent with the *United Nations Convention on the Rights of the Child,* child welfare providers should not remove children or youth from their homes due to poverty. Impoverished families must be provided with the economic and social supports necessary to safely care for their children and youth.
- Social workers must learn to differentiate between structural (also known as distal) risks and family risks to a child or youth, and develop meaningful responses to both.
- Substance misuse is a major problem, and child welfare must develop programs to redress neglect arising from parental substance misuse – preferably in tandem with culturally based addictions experts and services – within the context of the economic poverty of many communities.

Non-discrimination

- Indigenous children and youth receiving child welfare services should not receive inferior services because they are Indigenous.
- Indigenous peoples are entitled to equal access to ancillary resources related to child welfare, such as services supported by the voluntary sector, corporate sector, and all levels of government.
- Indigenous ways of knowledge must be given full credence when child welfare work is carried out with Indigenous children, youth, and their families, and Indigenous interventions used as a first priority.

A number of family service agencies in Canada and Saskatchewan have moved a good distance toward putting the *Touchstones of Hope* into action in the form of innovative,

culturally sensitive, and effective child welfare responses. These will be invaluable models for the Ministry and other stakeholders to draw upon in efforts to respond to our recommendations going forward.[45]

Finally, in its submission to us, the Children's Advocate Office recommended a process to address problem terminology in the current legislation, and in the common language of child welfare practice.

Recommendation #3

Include concepts contained in the *'Children and Youth First' Principles* and the *Touchstones of Hope for Indigenous Children, Youth, and Families* in legislation, and use these principles to guide planning and decision-making for children and youth.

Supporting actions

A first step will be for Government to commit to bringing ***'Children and Youth First' Principles* and the *Touchstones of Hope* into statutes that replace the current child and family services legislation.** Both documents are needed to guide implementation of the Child Welfare Review recommendations.

Any **demeaning and limiting language used within the child welfare system needs to be replaced with acceptable terms in legislation and child welfare communication.** For example, stakeholders identified that the exploitation of children and youth in the sex trade is inappropriately referred to as "prostitution." Identifying such language could be done in the way the Children's Advocate suggested in his written submission to the Panel:

> *"…that the Government of Saskatchewan consult with the Saskatchewan Youth in Care and Custody Network (SYICCN), the Federation of Saskatchewan Indian Nations (FSIN), the Métis Nation-Saskatchewan, the Children's Advocate Office, and educational and professional experts to review* The Child and Family Services Act *(or any legislation replacing this Act) to identify and propose alternatives to words that carry the risk of confusing, stigmatizing, dehumanizing and disempowering children and youth who receive services from the child protection system."*

3.4 CHILD AND YOUTH AGENDA

What we heard

We heard time and again how early experiences, good or bad, have life-long impacts. It is clear to us that all of society benefits if children get a good start in life. Policies that support this make good economic sense, as research demonstrates early childhood investments save about six times more in costs to society in later life.[46]

> ***"…to do the best by our children we must provide them with more than physical safety – we must provide nurturing, a sense of belonging and family, a sense of self-worth and pride – a solid foundation so that they can become healthy adults."***
>
> – Presenter, 2010

Stakeholders were disappointed that children and youth have not been a high priority for governments in Canada or the Province. For instance, spending on early childhood programs and supports is much lower in Saskatchewan and Canada compared to many other Organisation for Economic Cooperation and Development (OECD) countries. We see the fact that the child poverty rates in most provinces range from 11 to nearly 19 per cent (Saskatchewan at 16.7 per cent) as an indicator of a lack of priority at all levels of government on children, youth, and their needs.[47]

[45] Examples include: Northern British Columbia Touchstones of Hope; Ottawa Children's Aid Society; Yellowhead Family Service Agency, Alberta; West Region Child and Family Services, Manitoba; Lalum'utul'Smun'eem Child and Family Services, Vancouver Island, British Columbia; First Nations Family Helpers, Regina, Saskatchewan; Saskatchewan First Nations Family and Community Institute; Family Group Conferencing Model, Mi'kmaw Family and Children's Services, Nova Scotia.

[46] Kershaw, P., Anderson, L., Warburton, B., and Hertzman, C., (2009). *15 by 15: A Comprehensive Policy Framework for Early Human Capital Investment in BC,* Human Early Learning Partnership. Vancouver, BC: University of British Columbia. p. 3. Available at **http://www.earlylearning.ubc.ca/wp-uploads/web.help.ubc.ca/2010/01/15by15-Full-Report.pdf**

[47] 2009 Report Card on Child and Family Poverty in Canada: 1989 - 2009. Visit: **http://www.campaign2000.ca/reportCards/national/2009EnglishC2000NationalReportCard.pdf**

Because Social Services is only one of the many Ministries and organizations that would see positive impacts in the lives of their clients and on caseload sizes if children were prioritized, there should be a shared child and youth agenda in Saskatchewan. This agenda and any broad plans should be based on common principles that partners from all sectors can support.

Recommendation #4

Develop and implement a *Saskatchewan Child and Youth Agenda* that guarantees children and youth become a high priority in the province, and that all children get a good start in life.

Supporting actions

We see the need for **immediately establishing a broadly based steering committee and high level inter-ministry steering and working groups to ensure high priority and immediate action** on a *Saskatchewan Child and Youth Agenda*. Examples in other jurisdictions where high profile, high priority and sustained action on a child and youth agenda have been achieved should be considered. We would also suggest considering implementation of Triple P (Positive Parenting Program) and expanding the *KidsFirst* program as part of the agenda.

The Saskatchewan Child and Youth Agenda we envision cannot be accomplished by the Provincial Government alone. Therefore, we urge **collaboration with other governments and a range of community stakeholders** to ensure the agenda becomes relevant in all areas, at all organizational levels, and that the agenda reflects Saskatchewan's values and caring spirit.

3.5 POVERTY-RELATED CONDITIONS

What we heard

Throughout the review, virtually every presenter spoke strongly about the profound effect that poverty-related conditions have on Saskatchewan families and on the child welfare population in Saskatchewan. These conditions are key drivers of child neglect, along with unsafe housing, substance abuse and mental health problems. Without addressing these issues, improvements in the child welfare system itself will have limited results, as the large majority of families in the system face severe economic hardship. We saw the evidence that in Saskatchewan, the frequency of these problems in the child welfare client group is unusually high, compared to the rest of Canada. The presenters we heard from realize that poverty is not a simple matter and that there are many associated issues and complexities which combine to make and keep people poor. Our response must be sophisticated enough to take all factors into account. In the same way that determinants of health and determinants of crime have to be addressed outside the health and justice systems, the determinants of child welfare require co-operation across Ministries, at every level of government and at the community level.

> ***"Poverty is exhausting for those living in it…poverty, poor housing and unemployment are almost always present in families coming to the attention of child welfare."***
>
> – Presenter, 2010

We heard of policy conflicts and contradictions between the Ministry of Social Services' Income Assistance and Child and Family Services programs. Multiple program involvements can be complicated, and various program provisions combine in ways that produce problems for clients. Access to benefits may be delayed during transitional periods and often clients are poorly equipped to manage these challenges. As a result, these programs do not serve some families well.

Stakeholders also made clear to us that a lack of access to affordable housing is a key driver of child neglect, an issue that is tied intimately to low income and poverty.

Recommendation #5

Acknowledge at all levels of government that poverty-related conditions drive child neglect and other social problems. Make significant improvements to the income support, affordable housing, and disability service systems used by Saskatchewan families.

Supporting actions

We note that, as part of her mandate letter from the Premier, the Minister of Social Services has been asked to support "new initiatives and investments reflecting the government's commitment to address and eliminate the conditions that cause poverty."[48] We are pleased to see the commitment behind this expectation, and believe this is fundamental to achieving positive change for children and families. We would like to see **an announcement of a broad, cross-government strategy to address the conditions that result from and cause poverty.**

Clearly, other national and provincial stakeholders have a key interest in poverty, and need to be part of solutions developed. It will be important to **bring major federal, provincial, municipal and Aboriginal governments and community stakeholders together** to develop and implement a viable anti-poverty plan for Saskatchewan. **Provincial government programs and policies should be reviewed** to identify issues which are problematic for clients involved in multiple programs, and identify changes.

We see a need to **make changes to income support programming to provide flexible financial family supports where needed.** These innovative supports could help many families at risk of entering the child welfare system, since low income is the major driver of child neglect. Another **urgently needed change is the timely re-establishment of income support to families who are ready for reunification to occur.**

We must recognize that lack of affordable and safe housing is closely tied to poverty and is a primary driver of child neglect, and that affordable and safe housing is key to family health and well-being. In recognition of education and employment as a way out of impoverished circumstances, **educational partners should be involved in exploring methods of delivering educational services that maximize accessibility and support for families, including child care support.**

Furthermore, we see a need to support approaches that influence children to aspire to trades, professions and other work roles from an early age and provide the educational, life skills and training supports to make successful employment a reality for youth transitioning to adulthood. **Education and training are especially vital to the success of youth transitioning out of the child welfare system.**

[48] Social Services Minister's Mandate Letter excerpt, retrieved September 15, 2010 from **http://www.finance.gov.sk.ca/performance-planning/HonJuneDraudeSocialServicesPSCJune2010.pdf**

"We would like to see an announcement of a broad, cross-government strategy to address the conditions that result from and cause poverty."

– Panel

3.6 COLLABORATION

What we heard

In our discussions, we heard from child welfare stakeholder organizations that leadership and co-operation are not as evident from the Ministry as they used to be and that improvement is needed. In addition, stakeholders said that government Ministries, Aboriginal organizations and community stakeholders need to work together more effectively in planning and decision-making for the well-being of children and communities.

Recommendation #6

Emphasize collaborative approaches to child welfare and preventive family support services within the Ministry of Social Services, across Ministries, and with community partners. First Nations and Métis stakeholders must be involved.

Supporting actions

We need to **renew efforts to co-operate and communicate with partners about case planning, programs, policy issues, common challenges and solutions.** This should involve stakeholders, other Ministries, intersectoral steering committees, and long-term planning coalitions in setting up collaborative structures at the local, regional and provincial level.

"We focus so much on how we can't work together and the children are paying for it. I just want to work together for the children, I really do. We are grown people and the kids are suffering…sitting around a table all together is what we need to do."

– April Durocher

In a number of our recommendations, we suggest committees and working groups to move the recommendation from the idea stage to reality. Here we have identified collaboration to benefit people as a recommendation in and of itself. This is a Saskatchewan tradition, and one that we cannot emphasize strongly enough.

We urge all parties to collaborate on local and provincial strategies to address the range of issues that families face. This should include consistent exchange of information around child abuse reporting and Ministry follow-up on reports, as well as development of privacy and access provisions and protocols to allow more effective client service when multiple agencies are involved.

The Ministry of Social Services can use this as an opportunity to change their reputation in the community of stakeholders: to **become an organization known for collaborative leadership,** which is consistently demonstrated by Ministry staff at all levels.

3.7 MENTAL HEALTH, SUBSTANCE ABUSE, FAMILY VIOLENCE

What we heard

We received considerable data that shows what a powerful impact substance abuse, mental health problems, and family violence have on Saskatchewan families. We have seen that substance abuse is particularly severe in the child welfare population in Saskatchewan, about double that of the average in other Canadian provinces.[49] When families are assessed as neglectful, the majority of the time, substance abuse is an aspect of the assessment.

For these families, effective treatment – for addictions, for mental health problems, for family violence – will be a key part of any plan to ensure the safety of their children.

Families who face many disadvantages need to have these treatment services available in ways which are most suitable for their needs – culturally appropriate, accessible, and with a strong outreach component. Without these services, successful treatment is unlikely.

We heard that in some communities, services are not accessible without a long wait, and in some communities, they are not available at all. Regardless of other efforts, there will not be significant improvement in the lives of many child welfare families unless these issues are effectively addressed in a timely way.

[49] Preliminary data from Canadian Incidence Study, 2008, provided to the Panel by Ministry of Social Services officials. See **http://www.cwrp.ca/cis-2008** for more information on the study.

Recommendation #7

Establish family violence, mental health, and substance abuse services, available without delay, for families receiving child welfare or preventive family support services.

Supporting actions

Achieving this recommendation will require **establishing inter-ministry and community planning groups** to significantly improve client accessibility to substance abuse, mental health, and family violence services, and to increase staff knowledge and expertise in these frequently occurring areas. In moving forward, we would like to see full consideration of options such as **outreach teams** dedicated to child welfare and preventive family support clients. These efforts need to **consider regular in-service training** for child welfare and preventive family support staff, as well as **streamlined referral and priority setting protocols** to ensure that preventive family support clients can access existing services without lengthy waiting periods. In this work, **attention also needs to be paid to in-home services, after-hours support, as well as culturally appropriate providers and programs.**

The Ministry should **support, enhance and make use of public education efforts** led by other agencies, community and Aboriginal organizations to raise awareness of substance abuse, mental health issues and family violence. It will be important to consider policies and methods, which may allow abusers to be removed from the home rather than the victim in cases of family violence.

3.8 COURT SYSTEM

What we heard

Many stakeholders indicated the court system is adversarial, and too many families have to go to court. From the perspective of families in the system, many do not have the resources to be fairly represented when they do become involved in court. Furthermore, many parents do not understand the complexities of the legal process.

Provincial Court Judges and Court of Queen's Bench Judges would prefer to see more options available to resolve situations through pre-court processes. A culturally-supported process can inform or serve as an alternative to formal court proceedings. We learned of positive results being achieved in some Saskatchewan communities, including the excellent example described to us by the Elders of Opikinawasowin where the community is working effectively with the court system to better meet family needs.

A number of submissions we received noted that the current child protection legislation in Saskatchewan fails to stipulate clear authority for independent child representation to be ordered by the court, or to set out any criteria for a court to consider before deciding on independent representation for a child. As a result, *The Child and Family Services Act* does not enable children and youth to obtain full status as parties in child protection proceedings.

Many stakeholders identified lack of adherence to timelines for court related processes, and the serious impact this has on the families in the system. Courts, lawyers, and others involved with the system provided advice to us on positive changes that could be made.

"…an agency is required where people can go for respectful, nonjudgmental, and creative help when they are having any type of problems (e.g. housing, financial, mental health, addictions, etc.). Smaller problems can become bigger problems if they are not dealt with."

– Presenter, 2010

Recommendation #8

Ensure the court system works better for families: minimize the number of child welfare cases that go before the courts, move cases to resolution more quickly, and ensure that families, children and youth have accessible legal advice.

Supporting actions

The court system must work better for families involved with the child welfare system. To achieve this, we urge the Government to build on emerging best practices by **increasing mediation, diversion, use of Elders, and group conferencing mechanisms to resolve family services matters outside court.** An important step will be **establishing an Aboriginal court worker program to enhance legal resources for children, youth, and families.** It will be necessary to **make legislative changes to ensure that children and youth who require legal representation have access to those services.**

"…and when they go to court and stand up and try and speak for themselves they are told it is being adjourned again. Transportation is a real problem. You are told it's being adjourned and you don't get that opportunity to talk. It gets very frustrating."

–Presenter, 2010

Recommendations #9–12

The first eight recommendations deal with fundamental change to the system and a longer-term commitment to addressing child welfare drivers in the province. We intend the following recommendations to be for immediate action by Government.

3.9 SPECIAL MEASURES FOR FOSTER CARE

What we heard

Many of the child welfare stakeholders have lost confidence in the foster care program as a whole. The foster care system is under great strain and is significantly overcrowded, and not all children and youth in care are actually safe. Children and youth are often placed far from home, and too often in different homes from their siblings.

Child deaths as a result of abuse or neglect in foster care are of great concern in Saskatchewan. The Children's Advocate profiled quality of care issues in the *Breach of Trust* document in 2009. Many issues are still outstanding.

Many stakeholders say the foster care system is out of date and no longer viable. We heard that foster parents are not paid enough. Rates are structured to reflect the cost of raising children but usually do not include payment for service. As a result, recruitment and retention of providers suffers. The complexity of needs among foster children has increased and foster parents are not always well equipped to deal with the types of issues they see, nor are they supported to the extent they need to be by the Ministry. Furthermore, many stakeholders spoke of a system where communities both on and off-reserve do not have safe alternatives to apprehension and placement outside the community. One limiting factor, which many people spoke about, is the physical standards policy applied for foster home and extended family placement approval on reserve. Good resources are passed over because their homes do not meet standards, which are unrealistic in many communities. The burdens on the system have created a situation where once children come into care, there are often delays in returning them home. Because of a lack of spaces and too many children and youth in the system, policies, standards and procedures designed to safeguard children and youth in foster care often cannot be met.

…because of a lack of spaces and too many children and youth in the system, policies, standards and procedures designed to safeguard children and youth in foster care often cannot be met.

–Presenter, 2010

Many people talked about "professionalizing" foster care. While this could involve better screening, more training, and more support, it is not clear that doing this would attract and keep enough foster parents to significantly expand capacity or quality.

Rethinking the foster care model as the primary placement option is necessary.

Some foster parents have become dependent on overcrowding, in effect establishing group home operations. As a result, there is some momentum inside the system to maintain the status quo of overcrowded conditions.

Recommendation #9

Take special measures to ensure children and youth in foster care and other specialized resources are safe and well cared for.

Supporting actions

In our first recommendation, we call for a much smaller child welfare stream that significantly reduces the number of children in care. In our view, a redesign of the foster care system is also imperative, utilizing best practices and creative ideas consistent with the goals of the family support oriented child welfare system.

Repeatedly moving children and youth in care causes their schooling to be interrupted and forces them to adjust to a new foster home. These repeated moves must stop. If children cannot remain at home, they should be placed with their extended family whenever this is possible.

The challenges with foster care are apparent in every province. Saskatchewan should call for a national forum to examine issues in foster care and alternatives to the traditional foster model. This will take some time. In the meantime, there are special measures that can be implemented in the foster care system and other specialized resources that should not wait.

The Ministry should develop an immediate action plan to ensure that:

- **contact standards between workers and children and youth, and workers and foster parents, are consistently met;**
- **the Ministry complies with all policy requirements when a child comes into care, such as notification of the child's home reserve First Nations Child and Family Services Agency;**
- **sibling groups are placed together and in their own cultural environment;**
- **visits between children and families are frequently and appropriately facilitated;**
- **funding for children and youth in care be made more flexible so special needs can be met more quickly; and**
- **automated systems are used to track the success of efforts to improve worker contact and family visiting.**

The Ministry should make efforts to involve the Saskatchewan Foster Families Association (SFFA) in developing solutions, and address support issues raised by the SFFA such as more training and better inclusion of providers in planning.

3.10 URGENT CHANGES

What we heard

Public pressure to address major problems in child welfare has been mounting. Most stakeholders said we need immediate improvements in child welfare programs, and they feel the situation is urgent. The Children's Advocate's Office has a number of outstanding concerns about the child welfare system. The Ministry has deferred action on a number of these pending the completion of this Review.

We heard that many youth who "graduate" from the child welfare system have limited skills, few supports, and are poorly prepared for adult life. Too often, they do not know about or ask for the supports they are entitled to. The supports available under a Section 56[50] agreement are too rigid, and end at age 21 – an age no longer in

[50] Section 56 of *The Child and Family Services Act* allows the Ministry to extend support to a permanent or long-term ward who is 18 years of age and wishes to continue education or training, or where a permanent or long-term ward has a mental or physical handicap. The provision allows for shelter, support, education, care, counselling or rehabilitative services until the age of 21.

"Youth who leave care early or abruptly are not accessing Section 56 support. Section 56 supports should also be expanded beyond age 21…and there needs to be increased flexibility in what education programs qualify."

– Presenter, 2010

keeping with community standards for achieving independence. The definition of a child within *The Child and Family Services Act* is inconsistent with provisions in other legislation, and should be increased to 18 to align with other systems, and other jurisdictions. There is a need to better support youth who are aging out of care.

Sexual exploitation of children and youth is an ongoing problem. Reduced street-level exploitation has been accompanied by increasing use of cell phones, the Internet and social media to facilitate sexual exploitation, operated from residences. We heard that some parents and legal guardians market their children for sexual services. Local committees have been effective in partially addressing sexual exploitation issues, supporting each other and exchanging information. A number of initiatives, especially those with a youth housing component, have proven successful in Saskatchewan communities.

Recommendation #10

Improve the existing system in areas where there is an urgent need for change.

Supporting actions

With respect to the legal definition of a child, we urge **making an early legislative amendment to *The Child and Family Services Act*, changing the age from 16 to 18.** With respect to transitions to adulthood, **expand and strengthen options for post-care support for youth transitioning out of care.** Specific actions could include extending financial and other support to youth leaving care beyond the age of 21, and effectively promoting the extended support option to make it accessible to eligible youth. We cannot over-emphasize the value of **involving the Saskatchewan Youth in Care and Custody Network in examining and implementing best practices for Youth Transitions.** Recommendations for legislative change provided by the Children's Advocate to the Child Welfare Review Panel, and to the Government, should also be considered. It is vital, too, that the Ministry **engages in early planning for youth who will transition from care.** Transition planning should begin earlier: for example, when a youth in care turns 14 or 15 years of age, and not left until the transition is imminent.

With respect to sexual exploitation, we urge the use of the existing committees and planning groups to address sexual exploitation of children and youth. We further suggest working with a range of partners in communities, at the provincial level, and at the federal/provincial/territorial level to **assess and develop strategies that address the special challenges of children and youth who experience sexual exploitation.**

3.11 CUSTOM ADOPTION

What we heard

Throughout the review there was no issue that was described with more intensity and feeling than that of adoption and permanency planning. To explore this question further we asked for advice from researchers and called some experts together to talk about their experience with Aboriginal custom adoption programs in other provinces. As we note in Section 2.3, the conflicting views about the primacy of nuclear family versus extended family in healthy bonding and developing self-identity of a child are intensely felt.

Experience of separation and loss – first with the long period of residential school policy, then the closed adoption programs of the 60s and 70s and since then, the increases of Aboriginal children in care – all create a powerful historical and contemporary context for Aboriginal people. The pain that individuals, families, and First Nations feel is very strong, and many people expressed this pain at each stage of the review.

In our research and discussions, we found the information about the extremely high frequency of adoption breakdown of Aboriginal children and youth placed in non-Aboriginal homes particularly troubling. People were clear that keeping a strong cultural connection is absolutely critical for Aboriginal children. An early, strong attachment to a family and continuity of care is frequently not enough to avoid adoption breakdown. Stakeholders indicated that these placements should be made only if a child's First Nation or Métis community is in agreement, and the adoptive family is committed to ongoing involvement with the biological family and/or Aboriginal community.

> ***"They came to Saskatchewan, they came to our reserve. They came to see their grandfather who they had never forgot. It was a blessing to see them, but at the same time, they were so lost, they were so empty and lost. They had a restless spirit, they didn't know if they were coming or going."***
>
> – Presenter, 2010

We also heard from many Aboriginal people who feel that the Ministry is still fast-tracking Aboriginal children for adoption. By transferring adoption authority to First Nation agencies, this perception could be corrected, and the cultural and community connection, when cross-race adoption does occur, could be ensured.

We were very encouraged to learn about the Open Custom Adoption Program at Yellowhead Tribal Service Agency in Alberta, the Adoption Program at Native Child and Family Services of Toronto, and the Lalum'utul'Smun'eem Adoption Program run by Cowichan Tribes of Vancouver Island. As we discussed these developments with those who had a hand in establishing them, we concluded that these programs provide excellent best practice models for culturally based permanency planning options.

Recommendation #11

Develop court-recognized custom adoption processes for First Nations and Métis children and youth.

Supporting actions

The Ministry should work with Aboriginal governments to explore the successful First Nations adoption programs in Canada, with the goal of developing similar programs in Saskatchewan. To achieve this recommendation, Government should **immediately provide financial support for First Nations, the Métis Nation and the Ministry to jointly research best practice custom adoption models in other jurisdictions.** We strongly recommend that the programs at Yellowhead Tribal Service Agency in Alberta, the Adoption Program at Native Child and Family Services of Toronto, and the Lalum'utul'Smun'eem Adoption Program run by Cowichan Tribes of Vancouver Island be visited and explored. It is urgent that progress be made in developing this option for our children in Saskatchewan and there is much to learn from these First Nations innovators.

As this work proceeds, the option of assisted adoption should also be considered as another way to support First Nations in bringing home their children who are currently in care.

In the short term, there is value in **amending the permanent committal provision in *The Child and Family Services Act* to allow adding conditions of contact with birth families and Aboriginal communities.**

In the longer term, details of agency expansion and development of capacity to provide adoption services (e.g. funding, possible exchange arrangements with selected Ministry and agency staff) must be negotiated. A role for the First Nations Family and Community Institute in research, program design and development, and ongoing professional support to agencies should be considered going forward.

3.12 HUMAN RESOURCES

What we heard

It was noted throughout the review that child protection workers are subject to a great deal of stress and are often publicly criticized. There is a general view that child protection is the most difficult and least desirable social work job. When a child goes on to thrive as a result of casework intervention, child protection workers are often unrecognized and unappreciated. It is unfortunate that child welfare workers are not admired for the importance of the work that they do and for the passion and commitment they display for children, youth and families.

The stress of child welfare practice has been well documented in the literature and in our review. This is attributed to a number of factors, including few rewards in the current environment, the complexity of the work, and the size of caseloads. The Children's Advocate has recommended legislated limits to caseload sizes and maximum client to supervisor ratios. Many child protection workers are anxious to find other work and leave if an opportunity arises. Consequently, many of the staff in child protection positions are new, and not familiar with or sensitive enough to cultural issues. Some are not fully aware of the challenges of parenting and other life experiences.

Child welfare outcomes are dependant on the qualities of the professionals who perform the work. High caseloads and worker turnover result in lost continuity in planning, increased time children spend in care, attachment and relationship challenges for children, and increased recruitment and training costs for the Ministry and agencies. Skilled and experienced workers are needed throughout the child welfare system to provide appropriate support and intervention.

Recommendation #12

Develop and implement a strategy to attract and retain child protection workers to deliver the new vision for child welfare and preventive family support programs.

Supporting actions

This is a key recommendation in implementing the new system. As such, **Government is encouraged to develop a response plan and take strong and decisive action in this area.** An effective strategy will require attention to:

- refining selection and matching techniques for child protection staff recruitment;
- strengthening pre-service child protection orientation and developing and implementing comprehensive training and on-site expertise regarding cultural awareness, family violence, and mental health and addictions;
- providing salary incentives and increases to front-line staffing levels;
- ensuring better access among front-line staff to regular supervisory support and mentorship;
- reducing administrative demands on front-line child protection workers, allowing more time for foster family and child-in-care contact. Consider paraprofessional support to assist with administrative work so front-line staff can concentrate on meeting standards of care; as well as
- working with educational partners to ensure that, upon graduation, child protection workers are better equipped to provide services.

"High turnover is disruptive to service and increases human resource burdens…the most experienced staff should be filling intake positions to assess referrals, but these positions are often entry-level and filled by inexperienced workers. High turnover means supervisors spend too much time handling staffing concerns rather than engaging in training and case supervision."

– Presenter, 2010

SECTION 4

CONCLUSION

Throughout the process of this review, we have often felt the weight of our responsibility – responsibility to the Saskatchewan children, youth and families of today, and to those of the future. The personal accounts of the people who presented or wrote to us were often deeply moving, sometimes encouraging, but more often, they were troubling or tragic.

Now, as we conclude our review and pass on our recommendations to the Government, we feel some frustration – frustration that the same issues that were problematic in past reviews are still very much with us, and that some of these issues have become even more intense and serious. We know that most previous reports have not had the impact their authors intended, and people have asked us why this report will be different.

We think that at this point in time, one difference may be that so many other jurisdictions in Canada and so many other countries are now struggling with the very same issues. And conditions in many other places have deteriorated, just as they have here. It appears more people are concluding that fundamental changes must be made and this does create an opportunity for us to look for solutions together. Here in Saskatchewan, it was clear as we spoke to people that the will to effect change and see it through is very strong. Perhaps it has never been stronger or more broadly supported than it is now.

The Minister gave our Panel a broad mandate, which included a review of the entire child welfare system, as well as identification of the root causes that put children, youth, and families at risk in Saskatchewan. There was an understanding that the need for fundamental changes could be identified and recommended. We appreciate that defining the review mandate in this way took courage and involved considerable risk for the Ministry, but we believe it was the right approach. The themes we heard repeatedly were that the child welfare system does need fundamental change, that the powerful forces that bring people into the child welfare system need to be addressed, that the task is far beyond any single Ministry or agency, and that the situation is so urgent, some things have to happen immediately.

"It's been a long, at times very hard, discovery that we've been on. I'm very, very proud of what the Panel has done… I hope and pray that governments take our recommendations to heart and that we can make the necessary changes."

– Carol Skelton

We urge the partners at every level of government, in every child and family serving organization, in every community to accept a share of responsibility for our families, children and youth, and to work with each other to do what is required – to create a new vision, and find a new direction – for the good of our children and youth.

APPENDIX A

STAKEHOLDERS, SUBMISSIONS, ADVISORS, AND PROJECT AND RESEARCH SUPPORT

We sincerely thank these organizations and individuals who supported our work. If there are errors or omissions, please accept our apologies.

Stakeholder Meeting Participants

- Aboriginal Family Service Centre
- Adoption Support Centre of Saskatchewan
- Agency Chiefs – Urban Testimonials
- Ahtahkakoop and Agency Chiefs CFS Agencies
- Athabasca Denesuline CFS Agency
- Athabasca Health Authority
- Battlefords Interval House
- Battlefords Tribal Council, Kanaweyimik, Onion Lake, and Meadow Lake CFS Agencies
- Big Brothers Big Sisters of Saskatoon
- Catholic Family Services/Family Services Saskatchewan
- Central Urban Métis Federation Inc. (CUMFI)
- Child and Youth Services, Heartland Health Region
- Children First Child Care Centre
- Chinook School Division
- City of Regina
- Concern for Youth
- Connaught School
- Court of Queen's Bench Judges
- Cypress Health Region Mental Health Services
- Eagle's Nest Youth Ranch
- Early Childhood Intervention – Kindersley
- Elders of Opikinawasowin (OPIK)
- Faculty of Social Work, University of Regina
- Family Services Regina
- Family Services Saskatoon
- FASD Support Network of Saskatchewan
- File Hills Qu'Appelle Tribal Council
- First Nations Family Helpers
- Fresh Start, East Side Church of God
- FSIN Health and Social Development Secretariat – Summary Report Presentation
- Grandmothers Caring for Grandchildren Support Network
- In Home Support
- Ka-Pe-Chee Training Centre
- KidsFirst Programs, Saskatchewan
- Kookum's Group, Saskatoon
- Lac La Ronge, Montreal Lake, Peter Ballantyne, Wahkotowin and Nechapanuk CFS Agencies
- Legal Aid – Regina, Saskatoon and Prince Albert

- Meadow Lake KidsFirst/Supportive Family Services
- Métis Nation of Saskatchewan – Summary Report Presentation
- Métis Nation of Saskatchewan – Eastern Region II
- Ministry of Social Services Managers – Summary Report Presentation
- Ministry of Social Services Staff and Supervisors – Summary Report Presentation
- Native Co-ordinating Council
- North East Early Childhood Intervention Program
- North West Friendship Centre
- Office of the Treaty Commissioner, Saskatchewan
- Okanese First Nation
- Pamiyisohk Steps to Independent Living (STIL) Inc.
- Parents from West Central Crisis Family Support Centre
- Ranch Ehrlo Society
- RCMP – Northeast Area
- Regina Anti-Gang Strategy
- Regina Children's Justice Centre
- Regina Police Service
- Regina Qu'Appelle Health Region Child and Youth Services
- Regina Transition House/Provincial Association of Transition Houses
- Regional Intersectoral Committees – Summary Report Presentation
- Retired Social Workers, Saskatoon
- Riverside Community School
- Salvation Army, Melfort
- Saskatchewan Aboriginal Affairs Coalition
- Saskatchewan Association of Social Workers
- Saskatchewan Children's Advocate Office
- Saskatchewan Foster Families Association – Summary Report Presentation
- Saskatchewan Partnership for Children and Youth
- Saskatchewan Prevention Institute
- Saskatchewan Youth in Care and Custody Network – Summary Report Presentation
- Saskatoon Crisis Intervention Services
- Saskatoon Downtown Youth Centre Inc. (EGADZ)
- Saskatoon Food Bank Learning Centre
- Saskatoon Police Service
- Saskatoon Society for the Protection of Children
- Saskatoon Tribal Council CFS Agency
- Secure Youth Detoxification Centre
- Society for the Involvement of Good Neighbors
- Southwest Homes for the Handicapped
- Stop Stealing our Children
- Student Support Services, North East School Division
- Sturgeon Lake CFS Agency
- Swift Current City Council/Swift Current and District Ambulance Service Ltd.
- Touchwood, Qu'Appelle, and Yorkton Tribal Council CFS Agencies
- Wahpeton Dakota First Nation
- West Central Crisis and Family Support Centre
- Women's Commission, Federation of Saskatchewan Indian Nations
- YWCA of Prince Albert

Written Submission Participants

- Adoption Program – Ministry of Social Services
- AIDS Saskatoon
- Anonymous Social Work Professional
- Baren, Shelley
- Batton, L. D. Mahoney and Rosemary
- Braaten, Traci
- Braun, Bill and Liz
- Burlando, Carla
- Car, Anthony and Diane
- Children's Program, Wascana Rehabilitation Centre
- Chinook School Division
- Community Impact and Assessments, United Way of Regina
- Cram, Patti
- Creighton Community School
- Critten, Sheila
- Davis, Candice
- Delorme, Steve and Sandra
- Dionne, Charlie
- Dodd, Aric and Karen Anderson
- Dodd, S. Jane
- Dunlop, Judie L.
- Dyer, Lisa
- Eagle Moon Health Office
- Saskatchewan Community Schools Association
- Falcon, Lorraine
- Family Medical Services Team, Pediatric Out-patient Department, Regina Qu'Appelle Health Region
- Family Services, Regina Police Service
- Fisher, Sharon
- Fontana, Sharol
- Foster Family Association – Central Region
- Friesen, Betty and Ed
- Friesen, Emeline
- Friesen, Judy and Terry
- Greater Saskatoon Catholic Schools
- Hnatyshyn Gough Law Firm
- Holy Trinity Catholic School Division
- Holzer, Bernie
- Horizon School Division #205
- Infinity House
- Jakobsen, Rune
- Johnson, Daniel
- Johnston, Hettie
- Jones, Thomas and Eleanor
- Juker, Sarah
- KidsFirst Nipawin
- KidsFirst Prince Albert
- KidsFirst Regina
- KidsFirst Yorkton
- Klassen, Martha
- Komarychka, D.
- Koshinsky, Daune
- Krumenacker, Janice
- Lafayette-Boyd, Carol
- Love, Betty
- MacDermid, Lamarsh
- MacPherson, Lynne
- Martens, Valerie
- Mason, Marina
- McGillvray, Glenda and Dave
- Mercer, Rodney
- Ministry of Justice and Attorney General

- Muzyka, Deb
- Nadeau, Lorraine
- North Battleford KidsFirst Home Visiting Team
- Northern Lights School Division #113
- Northwest Region Wrap-Around Leadership Team, North Battleford
- Otte, Lois
- Outreach, AIDS Saskatoon
- Parent Mentoring Program of Saskatchewan
- Patrick, Kelly
- Pelter, Mantina
- Persons with Disabilities Policy Team, Ministry of Social Services
- Phillips, Llana
- Pleasant Hill School
- Ponath, Heather
- Pre-Cam Community School, La Ronge
- Prince Albert Parkland Health Region
- Provincial Court of Saskatchewan
- Provincial Crisis Coalition
- Saskatoon Crisis Intervention Service
- Quiring, Edna
- Regina Catholic School Division
- Regina Urban Aboriginal Strategy
- Richard Gibbons Law Office
- Riffel, Sarah Lou
- Roy, Sheilah
- Saccucci, Annette
- Saskatchewan Association of Chiefs of Police
- Saskatchewan College of Psychologists
- Saskatchewan Rivers School Division #119
- Saskatchewan Teachers' Federation
- Saskatoon Community Service Village
- Saskatoon Public Schools
- Saskatoon YWCA
- SCEP Centre
- Seargent, Jayne
- Sedlanch, L.A.
- Seemann-Korte, Linda
- Skjeie, Lori
- Sopatyk, Patricia
- South East Cornerstone School Division
- St. Louis Community School
- Stach, Angela
- Steele, David and Dorene
- Strategic Policy Branch, Ministry of Social Services
- Streimer, Bonnie
- Swehla, Marj and Ernest
- Unit P, Ministry of Social Services
- Wall, Kathryn
- Weldner, Todd and Monica
- Westview Community School
- Wiebe, Pat
- Wildman, Audrey
- Williams, Cathryn

External Advisors

- Senator Raynell Andreychuk, Chair of the Senate Standing Committee on Human Rights (2007 report "Children: The Silenced Citizens")
- Dr. Cindy Blackstock, First Nations Family and Caring Society
- Anne Clayton, British Columbia Ministry of Children and Family Development
- Chief Wallace Fox, Janet Fox, and Mathilda Lewis of Onion Lake First Nation
- Saskatchewan First Nations Family and Community Institute Inc.
- Judge Ted Hughes, Chair of the 2006 Child and Youth Review, B.C.
- Carolyn Peacock, Yellowhead Tribal Services Agency, Alberta
- Gordon Phaneuf, Child Welfare League of Canada
- Kenn Richard, Native Child and Family Services, Toronto
- Saskatchewan Partnership for Children and Youth
- Federation of Saskatchewan Indian Nations
- Métis Nation of Saskatchewan
- Marvin Bernstein, Children's Advocate
- Saskatchewan Association of Social Workers

Research and Project Support

- Dr. Carrie Bourassa
- Dr. David Brown
- Valerie Galley
- David Macknak
- Andrea Rounce
- Heidi Smithson
- Janice Stokes
- Ministry of Social Services
- Human Services Integration Forum
- Ministry of Education
- Public Service Commission
- Minister's Addictions Advisory Committee, Saskatchewan Health
- Ministry of Justice and Attorney General
- Ministry of Health

APPENDIX B

GLOSSARY OF TERMS AND ACRONYMS

Terms

Aboriginal – Refers to people of First Nations, Métis and Inuit heritage.

Adoption – Permanent legal transfer of all rights and responsibilities from the original parent or parents to another person. Considered one option of permanency planning.

Child – A child is defined as an unmarried person under the age of 16 in *The Child and Family Services Act.*

Child abuse – Generally refers to physical or sexual abuse of a child by a parent or caregiver.

Child neglect – Generally refers to circumstances where a parent or caregiver fails or refuses to provide basic, necessary care for a child's safety, health or well-being (food, shelter, supervision, medical or psychological care, nurturance, protection, etc.).

Child maltreatment – A term used to include both the above categories — child abuse and child neglect.

Child welfare system – Child welfare system has been narrowly defined for the purposes of this report and pertains mainly to child protection and adoption services provided by the Ministry of Social Services or First Nations Child and Family Services Agencies. Other aspects of the child welfare system, such as health and education, have been mentioned but are not the focus of this review.

'Children and Youth First' Principles (2009) – Set of eight principles focused on children's rights, developed by the Saskatchewan Children's Advocate and aimed at ensuring children are treated in accordance with the *United Nations Convention on the Rights of the Child.* Document focuses on children and youth's right to be heard, to have their best interests considered, to an equal standard of care, to quality health care and education, to protection and safety, to be treated as the primary client, and to have unique history and traditions considered.

Children in care or children in out-of-home care – In Saskatchewan, there are several categories of children in care, defined by the provisions of *The Child and Family Services Act.* Children up to the age of 16 may be in out-of-home care through apprehension; agreement for residential services; temporary wardship order; long-term wardship order; in custody of a person of sufficient interest; permanent wardship order or voluntary committal. Children in out-of-home care may be placed with extended family, persons of sufficient interest, approved foster homes, group homes or residential facilities.

Children's Advocate – In Saskatchewan, the Children's Advocate is an independent officer of the Legislative Assembly and acts pursuant to *The Ombudsman and Children's Advocate Act.*

Custom adoption – Privately arranged adoption between two Aboriginal families, initiated through traditional processes and ceremonies conducted by elders and supported by communities. Considered another option for permanency planning.

Deficit orientated (child welfare) systems – Similar to threshold systems where the emphasis is on identifying family problems, assessing risk or potential risk for child maltreatment and "rescuing" children from their families.

Differential response (alternative response) system – An approach that allows child protective services to respond differently to accepted reports of child abuse and neglect, based on such factors as the type and severity of the alleged maltreatment, number and sources of previous reports, and willingness of the family to participate in services.[51] Generally, low to medium risk reports are streamed to an assessment and family support response. High to very high risk reports receive a child protection investigation and protection response.

Family support services – Currently in Saskatchewan, the Ministry of Social Services must provide family support services where a child has been found to be in need of protection but remains in the family home. Family support services include counseling, life skills training, parent education, etc., and are often provided by home visitors, parent aides or family support workers who make regular home visits.

First Nations Child and Family Services Agencies – There are 18 First Nations Child and Family Services Agencies in Saskatchewan who have delegated authority under *The Child and Family Services Act* to provide child protection services (but not adoption) on-reserve.

Foster care system – Generally refers to system of family-based care for children and youth and does not include other types of residential care for children such as group homes, assessment stabilization or private care facilities.

Jordan's Principle – A child first principle for resolving jurisdictional disputes within, and between governments, regarding payment for government services provided to First Nations children on reserve. Under this principle, where a jurisdictional dispute arises between two government parties, or between two departments or ministries of the same government, regarding payment for services for a Status Indian child which are otherwise available to other Canadian children, the government or ministry/department of first contact must pay for the services without delay or disruption. The paying government party can then refer the matter to jurisdictional dispute mechanisms.

Kinship care and extended family care – People often use the two terms to mean the same thing — a placement of a child outside his or her own home, either temporarily or for the long term, with a relative or "person having a sufficient interest." These placements can be paid for if the child is a ward, but in Saskatchewan the financial support for the basic care of the child is lower than foster care rates. People are calling for a formal kinship care program in which rates and services are more equitable with foster care.

Minister – the Minister of Social Services

Ministry – the Ministry of Social Services

Panel – the Saskatchewan Child Welfare Review Panel

Permanency planning – Systematic case planning efforts made to ensure that children are placed in nurturing family relationships expected to last through to adulthood and beyond.

Preventive (child welfare) systems – Systems typical of Nordic and continental European countries where family support services are made available when requested, based on the principle of general access. Usually associated with infrequent use of legal system, with a non-adversarial approach, and focused on meeting family needs rather than investigation of capacity.

PRIDE (Parent Resources for Information, Development, and Education) – competency-based 14-step program for the recruitment, preparation, assessment, and selection of prospective foster and adoptive parents. Training is being used in Saskatchewan. An Aboriginal version of PRIDE is under development.

[51] American Humane Association: **http://www.americanhumane.org/protecting-children/programs/differential-response/**

Section 10 of *The Child and Family Services Act* – A provision that allows the Ministry to enter an agreement with a 16- or 17-year-old person who has no one willing or able to assume parental responsibility. Section 10 allows the provision of residential services, financial assistance or both to the youth.

Section 56 of *The Child and Family Services Act* – A provision that allows the Ministry to extend support to a permanent or long-term ward who is 18 years of age and wishes to continue education or training, or where a permanent or long-term ward has a mental or physical handicap. The provision allows for shelter, support, education, care, counselling or rehabilitative services up until the age of 21.

Threshold (child welfare) systems – Systems typical of Anglo-American countries with the common trait that families must meet minimum levels of "dysfunction" to qualify for family support services. These systems are usually associated with an adversarial legal context and an emphasis on investigation. In Saskatchewan, a child protection officer must have reasonable grounds to believe that a child is in need of protection as defined by *The Child and Family Services Act* in order to initiate a child protection investigation, open a case, and provide service.

***Touchstones of Hope for Indigenous Children, Youth, and Families* (2006)** – Intended to serve as a foundation for the development of community-based action plans, which improve experience for Indigenous children, youth, and families through the improvement of the system(s) that serve them. Identifies four phases of reconciliation, and five key values to guide the phases: Self-determination, Culture and Language, Holistic Approach, Structural Interventions, and Non-discrimination. Developed by 200 leaders who attended *Reconciliation: Looking Back, Reaching Forward – Indigenous Peoples and Child Welfare (2005).*

Acronyms

ACI – Automated Client Index

CAO – Children's Advocate Office

CFS – Child and Family Services

CWLC – Child Welfare League of Canada

FASD – Fetal Alcohol Spectrum Disorder

FNCFS – First Nations Child and Family Services

FNCFCS – First Nations Child and Family Caring Society

FPT – federal/provincial/territorial

FSIN – Federation of Saskatchewan Indian Nations

INAC – Indian and Northern Affairs Canada

MNS – Métis Nation of Saskatchewan

MSS – Ministry of Social Services

OECD – Organisation for Economic Cooperation and Development

RICs – Regional Intersectoral Committees

SFFA – Saskatchewan Foster Families Association

SYICCN – Saskatchewan Youth in Care and Custody Network