

EDMONTON PUBLIC SCHOOLS

February 12, 2002

TO: Board of Trustees

FROM: A. McBeath, Superintendent of Schools

SUBJECT: Proposed Submission to the Alberta *Child Welfare Act* Review

ORIGINATOR: M. de Man, Department Head

RESOURCE

STAFF: Marcus Busch, Gloria Chalmers, Barry Heffernan, Kate Herbert,  
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RECOMMENDATION

That the proposed submission to the Alberta *Child Welfare Act* Review (Appendix I) be forwarded to the *Child Welfare Act* Review office, Iris Evans, Minister of Children's Services, and the co-chairs of Ma'mowe Capital Region Child and Family Services.

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**Background:** In the fall of 2001, the Minister of Children's Services, Iris Evans, announced the review of the *Child Welfare Act* under the leadership of Harvey Cenaiko, MLA for Calgary Buffalo. As part of the review process, a discussion guide was developed and distributed to help individuals and organizations provide input to what is a complex piece of legislation. However, there is no obligation to limit input to the questions posed in the guide. Input is to be submitted by the end of February 2002. We were advised at the December 2001 Linkages Committee meeting that the input received would be organized and summarized and made available to the public. It is expected that recommendations for changes to the *Child Welfare Act* will be brought before the Alberta legislature in the Spring of 2003.

**District Submission:** The district submission places emphasis on areas that directly or indirectly impact the district in its provision of education. It identifies a link between poverty and protection issues and the need to craft the legislation within a framework of outcomes for Alberta's children. The areas specifically addressed are: values underpinning the *Act*, early intervention and prevention, attendance and referrals, age and transitions, information sharing and mediation and appeals.

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APPENDIX I: Proposed Submission to the Alberta *Child Welfare Act* Review

**EDMONTON PUBLIC SCHOOLS' SUBMISSION TO THE  
ALBERTA CHILD WELFARE ACT REVIEW**

The district appreciates the opportunity to provide input to the review of the Alberta *Child Welfare Act*. We commend the province for seeking broad input and for developing and distributing the *Child Welfare Act Review Discussion Guide 2001*. This guide provides assistance to organizations, citizens and recipients of services or actions based on the *Act* in thinking about the issues embedded in the legislation. Rather than responding to each of the questions included in the guide, we have focused on a limited number of areas that have impact on education and that we see as critical in improving the lives of children and families in this province.

Prior to addressing specific areas, some comments on the relationship between poverty and protection issues is warranted as it is often the context within which the specific problems arise or are incubated. For instance, a district social worker is trying to assist a mother with three young children who is residing in a one-bedroom apartment with an extended family of 5 other people. The mother works full time but cannot afford to move to her own accommodation. Due to the stress of working full time, of single parenting, of overcrowded living conditions and of limited financial resources in spite of working full time, she has little or no energy to focus on the children's educational and other needs as simple survival is her paramount concern. This puts her children at risk of becoming chronic non-attenders, falling behind academically, becoming frustrated, depressed or angry as a result and beginning a cycle that, at best, is costly to the school system but ultimately may be costly to health, social services and justice.

The outcomes or goals for all children identified in *The Alberta Children's Initiative: An Agenda for Joint Action* are commendable. They state that:

- Albert's children will be well cared-for.
- Alberta's children will be safe.
- Alberta's children are successful at learning.
- Alberta's children will be healthy.

Poverty puts all these outcomes or goals at risk. As the social services legislation gets rewritten, we hope that these outcomes will be paramount in the minds of the writers and that they will craft legislation that will support achievement of these outcomes.

**Values and/or Philosophical Underpinnings of the Act**

One of the values that was given primacy in the last revision of the *Act*, was the rights of the family over the rights of the individual child, and the concept of the "least intrusive" intervention in the functioning of the family. Unfortunately, these concepts have been used both to avoid intervention in families where children are at risk and to justify withdrawal from situations where risk may still exist. The review provides an opportunity for a more balanced approach that sets out some inherent rights or guarantees for all Alberta children. There is a need to value the rights of the child to be protected from neglect and harm and to recognize that as a society we have an obligation to ensure these rights. Ensuring these rights would require that responsibility for early intervention and prevention be enshrined in the *Act*.

A matter that is largely ignored in the present *Act* is defining child neglect and, consequently, alleviating situations of child neglect. The long-term, pervasive damage that is done to children who grow up in situations of continual neglect is well documented but currently parents can avoid responsibility for neglectful home environments. This omission of a clear definition also means that the department does not allocate resources to deal with neglect issues in families. Consequently, many children are apprehended and made permanent wards of the government only after they are so damaged that no amount of remedial action will overcome the effects of deprivation.

### **Early Intervention and Prevention**

Early intervention and prevention services have the potential to reduce child welfare involvement, to support families and therefore respect the rights of families, and to ensure that ultimately few children suffer from abuse and neglect at all. However, the retreat of Children's Services to its core business of protection is eroding the breadth of early intervention and prevention activity in our community. It has been suggested by some that early intervention and prevention services can be better delivered by other organizations or departments rather than centralized in the social services department. Such an approach would lead to service segmentation and thus increase barriers to effective intervention. Rather than supporting people to deal with problems before they become critical, energy is expended trying to push the need to other organizations. The argument is that one cannot mix protection and prevention because families will avoid seeking assistance from someone who can apprehend. While this has been true historically, there are services currently demonstrating a different approach that is effective. The focus in these services is on supporting parents to be the best parents they can be. In some cases this means asking someone else to take responsibility for your child. When delivered with understanding and compassion, these services are highly effective.

In addition to the erosion of such services, there are issues related to responsibility for them and the priority placed on them. Because the current *Act* does not clearly mandate preventative services to children and families, these services are often limited, short term, and first eliminated in climates of constraint. To ensure that intervention occurs prior to abuse and neglect, a continuum of well-researched proactive early intervention and prevention services should be guaranteed for children and families and responsibility for such services should be clearly delineated in the *Act*.

### **Attendance and Referrals**

Although all children need an education to grow up healthy and become contributing members of society, there are no sanctions through Child Welfare, and few supports available, for parents who do not ensure that their children attend school. There are many cases of very young children who begin their career of irregular school attendance in kindergarten and continue in this manner until they drop out completely. Schools use the Attendance Board but, in the case of parents who do not respond or are too needy to respond, there is little that can be done. Chronic absenteeism and even chronic tardiness are often the first signs that there is abuse and neglect. Experience has demonstrated to us that these signs are just the tip of the iceberg. Currently, schools reporting chronic absenteeism and tardiness are told that this is insufficient cause for Child Welfare to investigate. If Child Welfare were to become involved in these cases, neglect, abuse and early school leaving might be reduced.

While attendance is a specific area where there is difficulty in reporting, it should also be noted that recently it has become harder for parents and trained staff in other organizations and agencies to make referrals to Child Welfare. The actual provisions in the *Act* for timeliness of investigations are very good but, if staffing is insufficient, both the acceptance of referrals and the timeliness of the response are affected.

### **Age, Emancipation, Transitions**

Applying the act to all youth up to age 18 must be maintained. Having said this, there are two other considerations. First, Children's Services needs to still recognize emancipated youth. Children over 16 without salvageable family relations require assistance to establish independence and a personal support system. Second, the challenge of transitions must be acknowledged and thus the government must ensure continuity of support to adolescents as they move to adulthood. This has been recognized federally with the extension of youth related services up to the age of 29. Within the provincial mandate there is no comparable recognition of young adults needs for special consideration as they assume adult responsibilities. Without such support, these youth drop out of school and many of them then begin a life-time involvement with the justice and social services systems.

Currently, youth as young as 14 are unable to access needed assistance unless they are in the family home and experiencing imminent physical harm from a biological parent. This approach fails to recognize the diversity and complexity of family realities today as well as the economic pressures that force people to remain in unsafe situations.

### **Information Sharing and Clarification of Authority**

Although cooperation between education and social services administrations at the local level is positive and improving, still too often, wards of the minister are placed in district schools without providing staff important information about the child or children in question. There also is no provision for helping children in need in cases where no one authority appears to have the mandate to act or the necessary resources to assist. The revised *Act* should encourage more open sharing of information between child welfare authorities and school jurisdiction staff and it should complement the mandates of other authorities serving children and families.

### **Mediation and Appeals**

In a number of areas, mandating a resolution process might increase involvement of parents and youth in the decision making process as well as reduce the number of cases going to court to get an order to enforce a treatment plan. Currently, parents and youth are not always involved in the process of decisions regarding plans and placements. Sometimes parents and children avoid resolution of problems unless they are taken to court. Through the Children's Advocate, the emphasis is often on advocating for the child rather than taking a more holistic approach involving parents and/or social workers. A mandated resolution process would benefit those youth who are emotionally and behaviourally disturbed and ill-equipped to direct their own treatment planning and place some responsibility for their well-being on those legally responsible to assist. The use of such a process, prior to going to court or with regard to some cases handled by the Children's advocate, could lead to improved involvement of all parties, greater acceptance of a solution and increased likelihood that the solution will be successful. A resolution or mediation type process, which has been used with some success in divorce proceedings, often empowers the participants and this is a side benefit with possible long-term impact.

**Conclusion**

The district is prepared to meet to provide additional information or to discuss further any of the issues raised in this submission. The district would appreciate receiving a summary of the input received by the province in response to the request for input on the review of the *Child Welfare Act*.