



Third Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

Subcommittee of the Standing Committee

on

Privileges and Elections

Chairperson

Mr. Peter Dyck

Constituency of Pembina



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
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LEGISLATIVE ASSEMBLY OF MANITOBA

THE SUBCOMMITTEE OF THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Tuesday, May 20, 1997

TIME – 3 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Peter Dyck (Pembina)

ATTENDANCE - 5

Members of the Committee present:

Messrs. Dyck, Helwer, Kowalski, Martindale, Mr. Tweed

APPEARING:

Ms. Diane McGifford, MLA for Osborne

WITNESSES:

Mr. Reid Hartry, Past Chairperson, Manitoba Coalition on Children's Rights

Ms. Louise Malenfant, Family Advocate of Parents Helping Parents

Mr. Luis Coelho, President, CUPE Local 2153

Mr. Corbin Shangreux, Southern Manitoba First Nations Child and Family Services Agencies

Ms. Glory Lister, Southern Manitoba First Nations Child and Family Services Agencies

MATTERS UNDER DISCUSSION:

The review of the sections of The Child and Family Services Act pertaining to the Office of the Children's Advocate.

Mr. Chairperson: Good afternoon. Will the subcommittee of the Standing Committee on Privileges and Elections please come to order. This afternoon, the subcommittee will be resuming consideration of the review of the sections of The Child and Family Services Act pertaining to the Office of the Children's Advocate.

The subcommittee will be holding hearings in Winnipeg this afternoon and on the afternoon of May 21, commencing at 3 p.m., and on the evening of May 20, starting at 7:30 p.m.

We have had a number of persons registered to speak. I will now read aloud the names of the persons who will be presenting this afternoon. This is the list: Reid Hartry, Louise Malenfant and Tony Barreira, Eva Temchuk, Luis Coelho, and the last presenter will be announced when that person arrives.

I should indicate to the public that it has already been agreed by the subcommittee that no additional registrations will be accepted. In addition, I would like to remind those presenters wishing to hand out written copies of their briefs to the subcommittee that 15 copies are required. If assistance in making the required number of copies is needed, please contact either the Chamber Branch personnel, located at the table at the rear of the room or the Clerk Assistant, and the copies will be made for you.

For the benefit of members, I should point out that the subcommittee has established a time limit on presentations and for questions to be addressed to presenters. The time limit for each presentation is 20 minutes with a maximum of 10 minutes for questions to be addressed to each presenter.

At this point in time, I would like to introduce the members of the subcommittee, and I may as well start with the gentleman who just walked in, Mr. Helwer, he is the MLA for Gimli. Now I will go to the far side here to Mr. Kowalski, the MLA for The Maples; and then Mr. Martindale, the MLA for Burrows; and just coming in right now is Mr. Tweed, the MLA for Turtle Mountain. My name is Peter George Dyck, and I am the MLA for Pembina. Sorry, Ms. McGifford is here as well, joining us this afternoon, and she is the MLA for Osborne. So thank you very much.

I just want to thank you so much for coming this afternoon and taking time to give us your presentation.

We trust that you will feel comfortable as you present and use the podium there. I will call on our first presenter at this time. Mr. Reid Hartry, please.

Mr. Reid Hartry (Past Chairperson, Manitoba Coalition on Children's Rights): Thank you very much, Mr. Chairman and honourable subcommittee members. I would like to introduce myself prior to my presentation, and the role I played as past chairperson of the Manitoba Coalition on Children's Rights.

We are a very grassroots organization which has advocated for young people in Manitoba and basically been involved at the national level with the Canadian Coalition working in issues that we believe are in the best interests of young people and their families across Canada and Manitoba. Our coalition is in kind of a state of hiatus, as a lot of grassroots organizations are, trying to facilitate getting people together to do those things, but because we made a submission when the first legislation was looked at for the current Advocate, I felt as past chair that we needed to present something in relation to where we have come from then and some of the things that we have observed in our context with the Advocate's office over the last number of years. So with that introduction, I will give the presentation.

I would like to thank you for this opportunity to speak regard the review of the Children's Advocate legislation, and the current position as it exists in Manitoba. We are here as the province undertakes a public review of the sections of the child welfare act pertaining to the Office of the Children's Advocate. I am here representing the Manitoba Coalition on Children's Rights. We are a group which made a similar presentation to the government of the day prior to the current Advocate legislation becoming law.

When the position was first discussed, we offered a number of opinions about what we felt the Advocate's role should include. We are here again today to offer some of those again, along with some new ideas about how we might move further with this position within Manitoba. I am here as the past chairperson of the Manitoba Coalition on Children's Rights organization.

* (1510)

We as a group have not been terribly active over the last number of months. However, because we made a

strong initial representation, I felt that we needed to respond at this time. Our group has members from across Manitoba, youth, adults and individuals in youth-serving organizations. We are at best described as a truly grassroots advocacy group which uses the UN Convention on the Rights of the Child for its guiding principles, in turn using it to challenge issues that impact on the children to challenge and speak to issues that impact on the children and youth of Manitoba. As the committee is aware, both Manitoba and Canada have ratified the UN convention. Its articles speak to many of the issues and rights we as advocates believe all of our youth have the right to enjoy. It is for that reason that this past year I felt we had to present our position again at this public forum.

First I would like to begin with a compliment to the government for two things. The first is its establishment of the current Advocate's office, and the current review of that office and the legislation which governs it. We believe, as we did before, that the Advocate's role should be expanded and its reporting mechanism changed, as we believe we need to find ways to expand. As well we believe we need to find ways to hopefully expand the staff available to investigate and hopefully help ensure compliance to changes suggested and recommended by such an office.

Another point I would like to make is to give a strong vote of confidence to our involvement with Mr. Govereau over the last number of years in the role as Advocate within the province. We have seen the Advocate work for children and youth under his legislated responsibility as well as at times speaking on other issues impacting on youth and families in Manitoba. I think it could always be stronger, and one of the things that limits that is the legislation, because we do not have the ability to speak to all the other young people in our province other than those under the jurisdiction of the child welfare act and/or have been involved with the child welfare act. I personally believe he and his staff have provided an excellent service to the province.

We had the pleasure of working with Mr. Govereau together when our organization received a small funding allotment from the federal government. The purpose of that was to hire a staff. All of our people are voluntary, but we did hire a staff to expand

knowledge about the convention across Manitoba. We held hearings in Portage la Prairie, Dauphin and other jurisdictions. A lot of the programs that tend to be available are what I would call perimeter programs, and we really felt that we wanted this to be truly available to all Manitobans. So we tried to do that. Mr. Govereau attended those meetings, passing on information of his office as well as some things that we jointly believe that children and families and young people have a right to within our province. So that was a very positive experience for us.

More specifically, at this time I would like to discuss a number of issues. Prior to the presentation, I reviewed information from our first presentation and current information about other advocates' offices in Canada. The one area I believe we need to explore here is the Advocate's reporting mechanism to the government of the day. This perhaps needs to be looked at as himself or that person, he/she being an independent officer of the Legislative Assembly so that there is that ability not to, basically, potentially bite the hand that feeds you or be involved in that type of situation. To truly have an independent position and an independent vision of that Advocate, I believe that type of situation needs to be looked at.

The other options that are mentioned in other documentations are all-party committees that are made up of members from all of the parties involved in the House of the day, but some way where that neutrality and that independence is seen very clearly. That is not to say that there have been difficulties before, but really what I am saying is that to truly be an independent office that type of reporting mechanism as seen in most jurisdictions is what we need to look at.

The next area is the responsibility of the Advocate's office. Our present Advocate's legislation deals with young people who do or have received service under the power of the child welfare act. I believe personally as a professional social worker that very much limits the service available to some of the people I work with. There are children within other systems that have been impacted on, including child welfare, day care, certainly justice, education, which is the system I come from, and other parts, and I do believe that we need to have the opportunity for people that we interact with, that we are lucky enough to work with, to have an

opportunity to question what we do. As professional social workers we do not have a professional association that holds us accountable, and I truly believe that we need to be held accountable for our behaviour. I think sometimes that the Advocate could play that role, in certain cases if there is the ability, at least, to channel and help a young person who feels that their rights have not been truly given a fair view, to have that ability to advocate on behalf of that child.

Also within my profession all sorts of people have claimed to be social workers, and at times counsellors have made wrong decisions. Our clients deserve the right to challenge this when this occurs. I guess that is, if anything—I truly believe that I should be held accountable for my behaviour, and we have the possibility of major impact on young people, families and the people that we work with. There needs to be some way to have that person feel they have a right to look for some redress if they feel that it has not been fairly looked at. So that is one role I could see perhaps an Advocate playing in a stronger way.

The last point of discussion that I would like to look at is the current legislation and its ability to ensure compliance of changes. In looking at some of the legislation I looked at, there was that ability to ensure compliance of suggested changes as a result of investigations. In the way that I read the legislation, at least in my humble opinion, there does not appear to be that possibility in the current legislation. Perhaps the development of an office similar to the Ombudsman for children would be something that would deal with some of that, because we do need that possibility of challenging it and working toward some solutions if an issue is identified as needing work.

In literature in government documents I have read, another issue that is coming very strongly to the fore is the move toward community involvement and volunteerism. This is appropriate at times, but it can negatively impact our youth at times as well. A lot of the people that I have had the pleasure of working with, some of them are very skilled. Others are still working on their own issues, and there can also be the possibility of that impacting negatively with the families and youth that they serve, and there needs to be, again, a neutral, unbiased party which could perhaps look at those issues.

Again, using the UN Convention and its articles as a guide to service delivery for youth in Manitoba, I believe very strongly in that documentation. Manitoba was one of the signatories of it. It speaks to a lot of the issues impacting young people, and I think it is something that if all provinces in Canada ratified it, we would perhaps see in more case law, but as it has not happened as yet, we are not doing that.

With a provincial move toward a broader Child Advocate's office and perhaps a child ombudsman, along with at the national level a children's rights commissioner, all this would help to ensure that politicians, policymakers and practitioners together take children and their rights and interests seriously. I have been very lucky to be appointed to a federal body recently, and one of the things that we talk about in dealing with the aboriginal and Metis youth that I am lucky enough to represent is that we need somebody to advocate for all children at the national level and for things impacting them.

We submit that the Advocate's office needs to be more of a stand-alone office, and as mentioned earlier, acting as an independent office of the Legislative Assembly perhaps. I reviewed documentation, as I mentioned earlier, on a number of different advocates' offices from across Canada, and I do believe that there is a possibility of facilitating this type of change fairly easily within our province if it was something that was deemed as important and necessary.

In looking at the areas of funding to effect changes to the Advocate's office, some suggestions will be discussed. When we were originally introduced to the Child and Youth Secretariat, it was explained to us that if one of our departments was not perhaps making effective use of resources, that we could look at rechanneling those resources to somewhere else, that that might be something that the Child and Youth Secretariat could look at because our budgets for services to young people are fairly major across the board, but perhaps they need to be moved to where they are best needed, and I wonder whether we might be able to take a look at the possibility of funding positions for a stronger office with that type of examination of the way we each provide service to the people we are meant to serve. I think that, again, holds us accountable for doing what we say we are doing, and

I guess I am a strong believer in accountability and making sure we do what we should do.

* (1520)

Another thing that might be possible is, I was fortunate enough to be involved with the provincial government Employee Assistance Program for a period of time when I worked for the Department of Justice. One of the things that I did in that position is I was seconded from Justice for a period of three years to provide that service, and I still wonder whether certainly in working within the education system, within the Seven Oaks unit, as I do now, of Child Guidance, there is an awful lot of skilled and talented people who have wonderful advocacy skills all through our system, and that is just the Child Guidance Clinic. There are people all through the system who might be able to offer this type of experience on a long-term secondment that would be good both for the individual as well as the organization. I do not think you could do it for a short period of time because you really need to be able to give that opportunity to grow and for you to learn from that experience.

The province would also be well served to have an office which truly would be a provincial service. That might mean offices outside of Winnipeg and staff to meet the cultural diversity of our province. As I mentioned, I am Metis by heritage, and, certainly, I believe this is appropriate for all of our aboriginal communities, but we also need to be sensitive to the varied mosaic of our province. We are lucky enough to have all sorts of people joining us in Manitoba, and I think there needs to be that sensitivity within any type of service provided to the people of Manitoba.

In conclusion, we applaud the government commitment to review this important office and the legislation that governs its day-to-day activities. As well, we wish to challenge you as a committee and the government of the day to hear our comments and address them through changes to the current legislation and the role and responsibility of the Advocate's position. We must appreciate that the rights and interests of our youth must be No. 1. Rights are not a scary thing. With them come responsibilities and, with that, healthy and responsible adults.

I thank you very much.

Mr. Chairperson: Thank you, Mr. Hartry, for giving us your report and for the insights that you have into this department. I will start with questions now, first, Mr. Martindale, and then I will go over to Mr. Kowalski.

Mr. Doug Martindale (Burrows): Thank you, Mr. Hartry, for your presentation. I am sorry to hear that the Manitoba Coalition on Children's Rights is temporarily not meeting. I think there is a need for advocacy groups in the community, not just within the government.

I have some short questions which may elicit short answers to begin with, so just for clarification, you believe that the Children's Advocate should report to the Legislative Assembly rather than to the minister.

Mr. Chairperson: Just for clarification, I am sorry, I omitted this before. For Hansard, we have a question and answer, so I will identify you, and then I will go back again, so, please, Mr. Hartry, if you would give us your response.

Mr. Hartry: Yes, that is what I do believe.

Mr. Martindale: And the main reason for that would be that you believe the Advocate would then be more independent from government?

Mr. Hartry: More independent and truly able to speak to all issues without any fear of, you know, reprisal or reproach.

Mr. Martindale: And you believe that the Children's Advocate legislation should be expanded, so that he or she could examine complaints emanating from children in any government department, not just Child and Family Services?

Mr. Hartry: Yes, I do. Certainly within my own system, a number of parents and young people have approached me because of the impact of things like zero tolerance within schools with no plan for that person to work their way back in.

There are issues that impact young people within my system. There are issues that impact young people in

other systems, and I believe all should have at least the recourse for a neutral party to act on their behalf or investigate it, minimally.

Mr. Martindale: I agree with you that an important role for the Children's Advocate could be to help enforce the United Nations Convention on the Rights of the Child. I am wondering how the Children's Advocate could do that. Do you have any suggestions or ideas on that?

Mr. Hartry: I guess in looking at all the sections of the convention, certainly it fits with any of us who work in the—at least I personally believe it fits with any of us who work within the service and advocacy role, and I think it gives some clarity and also some ability to argue on behalf of young people, taking into account certain articles in the convention. It was something that Mr. Mulroney, the Prime Minister of the day, took a strong initiative to and that the government of the day of Manitoba ratified.

It is something that I believe personally does give some ability to work toward solutions in certain situations.

Mr. Gary Kowalski (The Maples): First of all, I will just do a little correction. It is not the government that is reviewing the Child Advocate's office. It is the Legislative Assembly, and so the congratulations should go to the Legislative Assembly, because it was a review mandated by the legislation. It is the Legislative Assembly that will pass any changes to the legislation and not the government. So the government may be doing some very good things, but in this case, it is the Legislative Assembly that is doing it.

One of the presentations we received was from the Awasis Agency, and one of the points they made was that because of the policing role of the Child Advocate's office to police complaints made by children about child care agencies, that it makes it more difficult for the Child Advocate to fill the other role of working with the child care agencies in a proactive, positive approach to develop systemic changes in the system. According to the presentation from Awasis, there are no changes needed in the legislation, just a change in the emphasis of the Child Advocate.

From your experience, would you support that argument?

Mr. Hartry: I guess, not having a chance to really look at all of that, I personally believe, going back to my original point, we do need to be held accountable for what we do, and sometimes we, as organizations, do make mistakes. We have erred sometimes which causes concern and trauma to the people we work with, and whether we are a child welfare agency, an education system, a justice system, I still believe we need to be held accountable for that.

I mean, I can still act as an advocate for that person, because I can admit to that person that I did make a mistake, and they have a right to recourse and they have a right to look at some other options. I know some people get very guarded, and they get into their little corner and say, no, I could not possibly be wrong. I guess I believe that every one of us can make mistakes, and I think, above all, the people whom we impact need some recourse to do that.

As organizations and as agencies, I think we have a skin that should be able to take that, because we are going to get it positive and negative all the time. I do not know if that answers your question, but it is a belief that I have, that I do not know that we cannot have something looking over us and keeping an eye on us.

Mr. Kowalski: I guess the point Awasis was making was that, yes, there is a need for someone to be policing them, but after an agency is investigated by the Child Advocate's office, then it is hard to sit down the next day, to sit with them and be open as far as where they could improve instead of on a case by case. That was the point that they were making.

The other situation is we have an Ombudsman in Manitoba, and the Ombudsman's office can review complaints from a child about a child care agency that they feel is not handling their case properly. So we seem to have a duplication here. We have the Child Advocate receiving complaints from a child, or the child could go to the Ombudsman.

As far as referring to the minister recommendations for changing the system, we have the director whose job is to review all cases and also be advising the

minister. So, right now, it seems the Child Advocate's office is an umbrella duplicating a number of roles, of the director of Family Services, of the Ombudsman.

What roles should not be duplicated, what roles should be duplicated, and is there a unique role for the Child Advocate?

Mr. Hartry: I guess the role that I see the Advocate playing is truly what it says, as an advocate. When it comes to insurance and when you talk about making sure things are followed through, I would see that more in something like a child ombudsman as opposed to the regular Ombudsman. Certainly, in reviewing some of the literature from B.C., they have a very strong youth service. They have a very strong child ombudsman's role, and in talking to some of my colleagues when I have been fortunate enough to be a part of meetings with them, they felt they had to do that because the interests are so varied and so different.

* (1530)

Above all, sometimes we as adults believe we are doing what is in the "best" interests of a child, and that is not always what that young person is feeling strongly toward, and they do need that voice. I guess a child ombudsman whose area of expertise, area of knowledge, has all to do with young people at their various stages of development and the various things that they are involved with within our community I think would better serve than an already overtaxed ombudsman's office.

We have a very small office here as well, just looking at the number of cases that potentially could be there, and as far as enforcement of suggestions and working toward the power perhaps from that office as opposed to the Advocate's—like, I do not think the Advocate should be the power to institute change as well, because when you talk about the difficulties in setting up that recourse afterwards, right now there is no other option. Perhaps if there was somebody else you could ensure compliance to, then you could maintain your neutrality and your ability to investigate a case and do what is the best for everybody.

I know that all the times some of those cases have been investigated, not always has it been the way the

young person wanted. They have also taken a very strong supportive position in other situations, in reviewing some of the materials that I have done, and although I am not directly involved, I believe that is the role a true advocate needs to have. I need to be able to advocate for all people if I am truly doing my job as the chairperson of the coalition, not just for an area I am comfortable with. If I am not fully knowledgeable in an area, then I call in one of my colleagues from another area to speak to the matter, but we have to be able to advocate for all.

Mr. Edward Helwer (Gimli): Just a short question, you talked about the recording mechanism was not sufficient, in your first remarks there. In what way is the recording mechanism not working, that you are talking about when you first started your remarks there? You talked about the recording mechanism. Was this the Child Advocate or are you talking about Child and Family Services?

Mr. Hartry: I am just trying to remember. I was talking about the reporting mechanism.

Mr. Helwer: Oh, reporting, okay. Not recording.

Mr. Hartry: Yes, certainly, I think we need to have something where we can truly report on all as opposed to this very narrow focused limitation that our current position has. Although we have massive caseloads within the child welfare system, it is a small number compared to all of the young people who are impacted by decisions made by government agencies, organizations.

I guess I have a lot of faith in the young people of today. I guess I believe empowerment is part of the solution, and if we had a true advocate to act on their behalf, then I have every faith that we will turn out okay.

Ms. Diane McGifford (Osborne): Thank you for your presentation, Mr. Hartry.

Am I correct in understanding that what you describe as a true advocate should be able to issue orders and enforce compliance?

Mr. Hartry: I guess what I believe is they should do the investigation, make the recommendations. As I said

later, I think compliance could better be served maybe by something like another office like the Ombudsman who might be able to do that, so that there is still the possibility to advocate on both sides and stay that neutral party.

I think sometimes an advocate, certainly when I have looked at cases and acted as an advocate, sometimes what I say to both parties is not what they want to hear, so there needs to be something to help move from that point, and what I try to do is pass those on to somebody else to help them work through that, because we try to do, taking into account everything we believe is best, but perhaps through a different office where the compliance could be looked at. I know, like, in B.C. that is I think worked through the ombudsman office. I believe also in Quebec legislation there is a different recourse as far as compliance. So I just think we have to look at something different.

Mr. Martindale: Mr. Hartry, you mentioned an all-party committee of the Legislature, and I am wondering if you could expand on that suggestion. It seems to me that one advantage would be that then the all-party committee could ask the minister or any minister or a civil servant to come to the committee and comment on or explain the recommendations that the Children's Advocate or a children's commissioner or children's ombudsman had made and whether or not those recommendations were being implemented. Was that what you had in mind or something else?

Mr. Hartry: I guess I explored two options when I looked at ways it could work. Certainly as an independent office of the Legislative Assembly I would see that as probably the primary way I would go to suggesting. Secondary to that, and ensuring the possibility of no sense of any complicity or anything going on that would warrant anything, an all-party committee could do that, because I guess anytime we are held accountable to more than one we have the opportunity, I think, for things to be dealt with more effectively. It is the same way if my accountability is only to one supervisor, I also am accountable to the people who hired me originally, to the principals in the schools I work in. That multiple accountability helps, I think—well, helps me and encourages me and at times forces me to do a much more effective job. I do not see anything wrong with that.

I guess I look at how can we make this system work so it is the best for the kids in this province. I guess I explored two options, so those are the two that I thought were much more satisfactory than just one minister. That is not saying anything against the department or the minister, but if you have one, there is always the chance for somebody out there to say something that could be interpreted negatively and potentially hurt or affect negatively that young person, and I do not want to see that happen.

Mr. Chairperson: Mr. Hartry, I want to thank you for your presentation. We thank you for taking the time to give it to us, for answering our questions, and wish you well. Thank you very much.

I would now like to call on our next presenters, please, Louise Malenfant and Tony Bareirra.

Ms. Louise Malenfant (Family Advocate of Parents Helping Parents): Well, I would like to begin my comments by thanking the Clerk of the committee for the invaluable work that they did for me to put this package together. I could not have done it without them. Patricia and the staff of the office, thank you very much.

I have timed the—and I apologize in advance, ladies and gentlemen of the committee, for not providing this document to you prior to my words. Unfortunately, it was right to the last minute. I have timed this and it goes to 18 minutes. So with no further ado, I will go ahead if you do not mind.

Mr. Chairperson: Please proceed.

Ms. Malenfant: Mr. Chairman and ladies and gentlemen of the committee, my name is Louise Malenfant, and since November of 1994 I have operated a family advocacy project known as Parents Helping Parents in the province of Manitoba. In brief, the family advocacy project is available to those families in the community who believe they have been wronged by the Child and Family Services system as a result of an ineffective and incomplete investigative process. Parents Helping Parents believes that children who are unnecessarily brought into the foster care system or submitted to a psychological treatment process when no court finding of abuse has been made,

or an ineffective investigation has been conducted, are being abused by the child welfare system.

In the two years of our operation I have accepted advocacy responsibility for 48 cases, 32 of which have been resolved with the outcome of the reunification of children with their families. In two years of operation, I have examined approximately 300 files on the request of the families. Utilizing a knowledge of the modern scientific procedures of investigation and assessment, I identify those cases which I can advocate for, based on an analysis of the psychological and medical body of literature, and how this research reveals investigative abnormalities as conducted by the Child and Family Services.

One investigation takes on average approximately three months, though some have taken as long as eight months, before I determine to my own satisfaction that the clients seeking my help have been falsely accused and that the children, therefore, are being abused by the child welfare system. For those members of the committee who are unfamiliar with my work, I am providing a portfolio of public accounts of my work for your review, attached Appendix A.

The Advocacy process. The reason why I feel so strongly about providing input to this committee reviewing the Children's Advocate is that my project has determined that it is not in the best interest of children and families who seek my help to approach the Children's Advocate office.

* (1540)

Part of the process of PHP advocacy is to identify aspects of the social system which have relevance on particular cases and bring our cases to their attention in order to create a momentum to achieve a positive resolution for children and families. In the course of this work we have accessed the ministries of Family Services, Justice, Health, Education, as well as the Premier's office. We have developed avenues of intervention with the Youth Division of the Winnipeg Police department and the Crown prosecutor's office. Parents Helping Parents has also established a profile with various components of the health care system, including the College of Physicians and Surgeons. In addition, we have established a profile with the

Children and Youth Secretariat and the provincial Ombudsman's office. We, therefore, suggest to the committee that the exclusion of the Children's Advocate from this list of contacts reflects poorly on the reputation and effectiveness of the Office of the Children's Advocate.

It has been our experience that the Children's Advocate relies too heavily on the agency file to analyze a case, and too little on the information received from the families who seek its assistance. Over the past year, through the Civil Justice Review Task Force, The CFS Act review, as well as public statements made by the provincial medical examiner, Peter Markesteyn, it has become very clear that CFS files are incomplete, self serving and inadequate to arrive at an understanding of the investigative process undertaken by the Child and Family Services on particular files. Nevertheless, we have found that Mr. Govereau's office relies solely on the agency file, and he does not question the information or confirm its reliability when he conducts his investigations.

The Case of Melissa B: The first case which Parents Helping Parents brought to the attention of the Children's Advocate is probably the most infamous in Manitoba. I have provided to the committee as Appendix B some of the pertinent case material. The case of Melissa B began in 1992 when the child was four years old. The little girl began telling tales of horror and violence unparalleled in our experience, with scenes of degradation and sexual assault that no small child should ever know. She said that her father had thrust a knife into her buttocks, that he had squeezed her vagina with pliers, that her father held her down while her grandfather sexually assaulted her and her grandmother gave her a bath to wash the blood from her body. She spoke of her father trying to poison her and of his threats with guns, knives and tools of torture which he kept under his bed.

There was only one problem with this child's nightmare: It could not have happened. The child's parents were divorced when she was eight months old, and the mother refused access to the father. When the child was two years old, the father agreed to supervised access by paid professionals and further agreed that the visits would take place in his parents' home, all for the purpose of initiating some form of access. Visits with

the child took place for three hours every other Saturday and continued under these supervised conditions until Melissa was four years old, when the tales of horror began. The case materials in Appendix B will provide a more detailed account of this story. I ask the committee to consider the actions of the Children's Advocate in this matter.

By 1995, the father had essentially been cleared of all allegations. The case was subjected to a full clinical assessment by the Child Protection Centre where it was determined that the father should have access and the mother should receive psychological counselling. Unsatisfied with this finding, the CFS took the case to their favourite psychologist, Dr. E., who maintained that the allegation could still be true in the face of all evidence to the contrary. In spite of the conflict of interest, associates from Dr. E.'s office have been providing this child with counselling ever since and continue to do so to this day, four years later.

This tale of childhood degradation was brought to the attention of the Children's Advocate in January of 1995. Mr. Govereau reviewed the file and accepted the agency's explanation that they were committed to resuming access with this father. Mr. Govereau further encouraged Mr. B. to co-operate with the agency, and he noted that the psychologist would be meeting with the mother, father, legal representatives for them both, as well as representatives from Child and Family Services. Mr. Govereau did not know that the psychologist would soon leave town shortly after this meeting and has not been seen in Manitoba since. The Children's Advocate is unaware of the fact that to this day, Melissa B and her father are no closer to seeing each other than they were four years ago.

Not only did Mr. Govereau move to close his file in this matter within a month of our contacting his office, he also refused to keep track of the child and what was happening to her. The greatest condemnation I can launch at the Children's Advocate is that he came to his hasty conclusions based on information provided solely by Child and Family Services, and he never bothered to meet this child. What was most troubling from our perspective is that by reviewing the agency file and finding no concerns there, Mr. Govereau's intervention served the purpose of legitimizing the agency's actions in this matter, which was a detriment to the cause of

resolving this case. Today, Melissa B continues to bring forth new tales of horror on a regular basis, provided with treatment by the same practitioners who assisted the CFS in denouncing the assessment of the Child Protection Centre. Though the case seems hopeless, I can never forget the plight of Melissa B, and as advocate for this family, I take every opportunity to bring her story to public attention in the hope that some way, someday, someone will do something to protect Melissa from further harm.

Needless to say, we were very cautious about bringing other cases to the Children's Advocate, but this case would not be our last experience with the office of Wayne Govereau.

The Children's Advocate and Other Service Providers: I have noted in comments made by Mr. Govereau to this committee that he claims to be unable to address problems relating to services provided to foster children by departments other than Child and Family Services. We reject his refusal to become involved with services provided by other systems to the children of foster care, especially since it is the case that those services are initiated by Child and Family Services.

We suggest that it is incumbent upon the Office of the Children's Advocate to become involved in the analysis of services provided to the children of foster care, as they are always initiated by CFS. We have found as a significant problem the practice of CFS providing treatment to children where no finding of abuse has been made by the court. The treatment services provided to young children will often have the effect of substantiating false claims of abuse, particularly when those children are submitted to treatment which can go on for years without a trial being held to substantiate the allegations. This is a problem which the Children's Advocate refuses to recognize.

The second and final case brought to the attention of the Children's Advocate was that of Mr. M., a father with three children, ages one, three and six at the time of the case initiation back in 1991. When I met Mr. M., he had not seen his children for nearly two years, as the result of an allegation made by his divorcing wife, which was never corroborated by the testimony of the

children. The children had already been submitted to an investigation by Child and Family Services for nearly three years by the time Mr. M. came to Parents Helping Parents. The children were also being seen by a worker at the Manitoba Adolescent Treatment Centre who was convinced that the children had been ritually abused, a finding she made because the children expressed abject terror of the government.

As the years went by with no disclosure of any kind, the MATC worker never wavered in her belief that the children had been abused by their father. The middle child, Darrell, was the primary focus of the allegation and suffered to the point where, at the age of seven, he expressed suicidal thought to his teacher. The teacher noted the following: Darrell ended up with his school bag over top of his head, and he had zippered it as tight as he could around his neck. I asked him why he was doing this, and he said, well, I do not want to live anymore. I do not want to breath. I am going to keep this bag on my head until I cannot breathe anymore and I die.

The teacher also related the following incident: We finally did get the bag off of his head, and then he just sort of stood up in the middle of the hallway and says, when I grow up I am going into the army, because then I can go to war, and when I go to war the first thing I am going to do is I am going to go out and I am going to stand there like this and they can shoot me, and then I do not have to live anymore.

The words of these children are in the appendices that we have provided you.

* (1550)

The teacher remarked that seven-year-olds normally do not think in terms of trying to kill themselves. Darrell's older brother, Christopher, would ultimately be the impetus for our approach to the Children's Advocate on this case. Chris had always rejected the MATC worker and refused to work with her. On one occasion the MATC worker noted the following comment made by Chris: It does not matter how much you torture me, you can rip out my guts, but you will never get to my brain. These words were coming from a nine-year-old boy.

Within six months of PHP intervention in this matter, the CFS had withdrawn their allegations of abuse against the father and eventually initiated unsupervised access for the father and his children. By this time, the mother had trouble controlling her eldest son who expressed extreme animosity towards her as he blamed her for his inability to see his father over the years. Matters reached the point where the boy, who had always rejected working with the MATC, was committed to the MATC psychiatric facilities, a move supported by the CFS and the boy's mother.

The committee should be aware that the case of Mr. B. noted earlier as well as Mr. M.'s case were cases which originated with the same unit of Child and Family Services. It was at this point, in May of '96, where we attempted to interest the Children's Advocate in this case.

In spite of the disturbing records in this case, a portion of which has been provided to the committee in Appendix C, Mr. Govereau went to the MATC to see the child and closed his file. That would be, his staffperson went there. He ignored our concern that the MATC was in conflict of interest by providing services to the boy when they had been overcommitted to the unsubstantiated allegations made previously against the father. Mr. Govereau noted that it is not within the mandate of this office to review client admissions to the MATC, in spite of the fact that these services were authorized by the Child and Family Services.

We are pleased to advise the committee that today the children have unlimited, unsupervised access with their father, and the children are recovering from their long ordeal. We would like it to be noted that this result has occurred with no thanks owing to the Office of the Children's Advocate who washed their hands of the case almost as soon as it was brought to their attention.

Mr. Govereau's assertion that he cannot become involved with services provided to children under the auspices of the Child and Family Services is, in our view, insupportable. We are providing to the committee a brief on a case investigated by Parents Helping Parents which is a testament to the ability of anyone to access multiple service sectors who have an interest in the well-being of children. That would be Appendix D, the Bear case.

Children's Advocate Experience and Training. Parents Helping Parents has concluded that the Children's Advocate is ineffective for a number of reasons. Perhaps the most significant reason is that Mr. Govereau readily admits that he was a social worker in the field for 15 years and was also trained at the University of Manitoba. I note in his comments to the committee of April 22, 1997, that Mr. Govereau freely admits that the U of M curriculum does not teach effective assessment methods for child welfare work.

For this reason, what the Children's Advocate is able to provide in terms of critical analysis of agency process is that of a U of M trained social worker standing in a critical position to other U of M trained social workers. Mr. Govereau is untrained in the scientific assessment and risk estimation procedures which are necessary to provide a critical analysis of agency work. In those cases which we have brought to the Children's Advocate, we have noted his deficiency in this area.

Another significant reason why we believe that the Children's Advocate has been ineffective is that we have never heard anyone say a kind word of respect towards the Advocate or the process of analysis provided by his office. The most frequent comment we hear is that Children's Advocate did nothing to illuminate or advance their cases. Others have noted the mysterious nature of his process, remarking that they have been unable to determine what, if anything, the Children's Advocate has done other than to review the agency file. In short, Parents Helping Parents has been struck by the absence of any positive remarks made by members of the public with respect to the Children's Advocate office. We have heard that the process provided by the Children's Advocate is useless, that it effects no change in terms of services provided to children and that it has no positive effect on the manner in which Child and Family Services handles a case.

In a similar vein, we note that the Children's Advocate office claims to be involved with approximately 500 cases per year, and we have to wonder why the Children's Advocate has never once been noted for championing a case that he feels passionately about. Where are the cases of the Children's Advocate office? Mr. Govereau's annual

reports are long on rhetoric and short on case study examples of his work and what he has done to assist those who come into his office looking for help. Mr. Govereau has a great deal of power and influence invested in his office, and we find it strange that he has never used these powers to champion any particular case. For those who would point to secrecy laws as a defence, we would say that Parents Helping Parents has championed a great number of cases without publicizing the names of children or their families.

Mr. Govereau believes that the fallout and backlash which his office has received is the result of being both an advocate and an investigative body. Parents Helping Parents suggests that it would be impossible to separate advocacy and investigation into separate roles, as the latter is necessary to conduct the former. We further suggest that the fallout and backlash experienced by the Office of the Children's Advocate is directly related to its ineffectiveness and the perception that the process provided is indistinguishable from that which is provided by a CFS social worker.

Director of Child Welfare and Family Support: Comments made by the Children's Advocate to this honourable committee on April 22, 1997, returned more than once to the theme that the office of the Director of Child Welfare is not adequately doing the job of ensuring standards for Child and Family Services, and he further charges that the director's office is not challenging agencies when decisions were wrong or when there were problems in case planning.

Phil Goodman was named to the post of Director of Child Welfare in February of 1996, and in his brief tenure, Parents Helping Parents has seen revolutionary changes taking place in the director's office. We would have to disagree with the Children's Advocate in his blanket condemnation of the Child Welfare office, for it is our experience that the cases we bring to his attention have regularly received a fair hearing. Far from refusing to ensure acceptable standards of procedure for the operation of CFS, we have found that the director has made this his No. 1 priority. Though we cannot say that every case we have brought to his attention has been resolved to our satisfaction, we also believe that to hold the director to such a high standard would not be fair and just.

In the one and one half years that Mr. Goodman has held the office of director, we have seen significant changes, both in the manner in which complaints are dealt with and in the reduction of serious complaints coming to light. We have also seen changes in the way unit offices of Child and Family Services are conducting investigations, in the manner in which they treat families, in the recognition of the importance of visitation to the well-being of children and in the recognition that the best interests of children are served by strengthening and reunifying families.

Mr. Govereau states that he will provide a report of his findings on specific cases to the Director of Child Welfare, following which, he hears nothing about how the case was resolved. Mr. Govereau states that he cannot follow up. We would ask the Children's Advocate why he is unable to follow up on specific cases.

In our dealings with the director's office, we have not relented until such time as the director and his staff have effectively investigated our concerns and provided us with an indication of what his office intends to do about the identified problem. There are times when we have had to play hardball with the director's office, which often means that in addition to our correspondence with his office, we ensure that the Minister of Family Services, sometimes the Premier or any other ministerial department having an influence on the case, are all kept informed and brought into the loop of communication. This ensures that our cases and the process they are submitted to are met with a rigorous attention to detail. Often, cases are resolved as a result of this multisystem communication process. Attached you will find as Appendix E a case example of this hardball process.

I would like to point out to the committee that the hardball case is with respect to the unit where Mr. M. and Mr. B. both emanate. There was a third Kildonan father, known as Mr. V. So they all come out of that same unit.

While I would not want to leave the committee with the impression that we would not welcome additional changes at the Child Welfare office, we do believe that the pace of change is adequate given the length of tenure Mr. Goodman has held that office. We believe

that Mr. Goodman was an excellent choice for the office he holds and have commended Family Minister Bonnie Mitchelson several times for her decision. Although I have gnashed my teeth more than once for Mr. Goodman, as I am sure he has for me when all is said and done, Mr. Goodman has earned our respect for his willingness to listen to our concerns and for the changes we have seen inaugurated during his brief time in office.

The openness of the Child Welfare office and the transparency of the process provided is in stark contrast to the mysterious process and lack of openness we have observed of the Children's Advocate office. Since taking office, Mr. Goodman has met with representatives of Parents Helping Parents on a regular basis. Sometimes a free-ranging discussion takes place regarding system issues that need to be addressed, and sometimes those meetings are held to discuss specific cases that require his attention.

Mr. Govereau, however, has predetermined without investigation that the work of Parents Helping Parents and our interpretation of child welfare issues is of no interest or concern to the office of the Children's Advocate. During one case-specific meeting which was held with Mr. Govereau in attendance, Mr. Govereau questioned the motives—

Mr. Chairperson: Excuse me. Okay, we are at 20 minutes.

Ms. Malenfant: Oh, are we?

Mr. Chairperson: What I would suggest is that we will make sure that the rest of your presentation is incorporated in Hansard—

Ms. Malenfant: Okay.

Mr. Chairperson: —that it will be submitted and will be a part of it. I assure you that that will happen.

Ms. Malenfant: Okay.

Mr. Chairperson: Is that in agreement with the committee that we proceed that way? I do not want to take away from time for questions, because I am sure there are a number of questions. So is that agreed with

the committee that the information will be put in on Hansard?

An Honourable Member: The brief only.

Mr. Chairperson: The brief only, yes.

Ms. Malenfant: The brief only, yes.

Mr. Chairperson: That is agreed upon? [agreed]

Then I will open it up, but this time for questions, please. Are there any questions from any of our committee members? Oh, there are no questions. Well, then let us proceed, and just go ahead. I did not want to take away from the time for questions. Thank you. Please proceed, Ms. Malenfant.

Ms. Malenfant: During one case-specific meeting which was held with Mr. Govereau in attendance, Mr. Govereau questioned the motives held for the operation of Parents Helping Parents, suggesting that I, as advocate for the organization, was engaged in a process of seeking revenge and displaying personal anger towards the system.

* (1600)

I indicated to Mr. Govereau that Parents Helping Parents was designed to fulfill a need to make the child welfare system more accountable and to educate the public about the problems of operation and the impact that CFS had on the lives of children and families, particularly as these problems are related to the inadequate training and assessment skills of Manitoba social workers.

At that time, I offered to meet on a regular basis with Mr. Govereau, so that we might reach a mutual understanding about our unique perspectives on the child welfare system. I further indicated that the director of child welfare and the assistant deputy minister, Mr. David Langtry, were meeting regularly with Parents Helping Parents in order to acquire an understanding of the family perspective on child welfare issues. Mr. Govereau categorically refused to engage in this type of process, stating: I would not be interested in meeting regularly with you. Needless to say, this comment cut our meeting short, and with some embarrassment we left the Children's Advocate office.

Being well known for my persistence and an inability to remain insulted for long, I once again attempted to initiate a no-agenda meeting to share the perspective of Parents Helping Parents and obtain a better understanding of the operation of the Children's Advocate. As I had recently announced the retirement of the family advocacy project, Mr. Govereau did agree to meet with me as a farewell gesture. When I arrived for our meeting, I was nonplussed to learn that Mr. Govereau was not in his office, had made no effort to cancel our meeting and offered no excuse for his absence or a rescheduling of our meeting. This type of arrogance and petty one-upmanship is what I have come to expect from the Office of the Children's Advocate.

The Public Voice of the Children's Advocate: In January of 1995, Mr. Govereau released the first report of the Children's Advocate office and caused a major sensation in the media on child welfare issues. I still have in my files the exciting news reports of that time, where many problems within the child welfare system were given a good public airing for what was perhaps the first time in Manitoba.

Unfortunately, the public voice of the Children's Advocate has grown progressively weaker over the past three years. Each subsequent annual report has been a rehash of the first, with correlating weakness in public interest as a result.

It is our opinion that in many respects Mr. Govereau was largely absent from the public debate of child welfare issues that have taken place over the past year. Mr. Govereau was notably absent during the round table discussion on child welfare issues undertaken by the Civil Justice Review Task Force and chaired by Mr. David Newman. Mr. Newman was questioned by participants on the Child Advocate's absence, and he advised that Mr. Govereau provided no explanation for his failure to attend the public debate.

Mr. Chairperson: Excuse me, I will just interject here. You have about seven minutes left.

Ms. Malenfant: *It is the opinion of Parents Helping Parents that Mr. Govereau was reluctant to attend out of a fear that he would have been taken to task publicly for the ineffectiveness of the Children's Advocate, a*

fear that was warranted given the attendance of this advocate at that public hearing.

Mr. Govereau is also remembered for his seemingly divisive comments on the issue of child deaths caused by child abuse. Mr. Govereau was invisible during the rousing debate on the issue when Sophia Schmidt and Nadine Beaulieu were killed while under the care and supervision of Child and Family Services. When Meagan Ramsay was killed by a baseball bat, allegedly at the hands of her father, Mr. Govereau spoke publicly about the need to address the problem of child abuse deaths caused by parents. If Mr. Govereau had taken the time to research the issue, he would have found that children die in foster care as often as they do at the hands of parents. We submit that the death of a child is no time to be playing politics by comparing foster care to parental care. Mr. Govereau is well known for preferring system life for children over the care provided by families.

Nowhere was this more evident than when Bonnie Mitchelson announced the new direction of the family ministry to reduce the number of children in foster care on July 26, 1996. I am not sure the government makes the best parents, said Mitchelson. Govereau dismissed the minister's intentions by trying to smear the initiative with the charge that family reunification is a simple cost-cutting measure that endangers children. This remark highlights the significant deficiency in research acumen currently present in the Children's Advocate office. Other jurisdictions have moved toward family unity policies because it has been recognized that state-operated child rearing is not producing healthy citizens; it is producing the next generation of society's alienated misfits. The Children's Advocate should be well aware of the fact that Manitoba has the highest provincial rate of foster care in Canada, 100 percent higher than the next closest province of Saskatchewan. Today, Manitoba takes children into foster care at a rate of 19 children per thousand population. When we compare this to Ontario's rate of 5 children per thousand, a rate which is similar to the national U.S. rate of apprehension, it is hard to see why Mr. Govereau is opposed to reducing the number of children in foster care.

Mr. Govereau is at odds with the government of the day because he continues to hang on to antiquated

ideas which maintain that foster care is better than family care. We suggest that this is reflective of Mr. Govereau's out-of-date training in the ideology of child protection, as there is overwhelming evidence to show that foster care is not good for children and should be used only as a last resort.

Now, Mr. Chairman, I think I will just go to the next section which is Foster Care versus Family Care, the Ideological Divide. One of the most significant reasons why I cannot support the activities of the current Children's Advocate is that Mr. Govereau seems to have blinders on when it comes to recognizing the desperate lives lived by many children in foster care.

The children of foster care are overrepresented in the alienated behaviours of teen crime, teen pregnancy, teen prostitution and the phenomenon of runaways. It is no coincidence that in all of these behavioural indicators, Manitoba has the highest rate of juvenile crime, teen pregnancy and runawayism, corresponding to our high rate of foster care. Mr. Govereau's own annual report notes that 12.3 percent of Manitoba youth in care were on probation under the Young Offenders Act. In one study conducted on the Winnipeg system, it was noted that in the first three months of the study period, there was a 36 percent AWOL rate of foster children out of Level IV group home facilities, such facilities almost exclusively used for adolescents.

One issue of significant concern to Parents Helping Parents emanates from the fact that there are eight group home facilities for adolescents being operated within 10 minutes of the child prostitution tracks of this city. It is said that nearly every home-grown hooker has done a tour in Marymount. Foster care facilities in the heart of prostitution and gang territory should be a significant issue for our Children's Advocate.

Other studies have shown the foster child's greater risk for academic failure, psychiatric problems and isolation from peers. Foster children drop out in Grades 8 or 9 rather than 10 and 11. The number of homes the average foster child is moved to is five in the first year, initiating a pattern of rejection, lack of discipline, noncommitment to the child, which leads to social drift. One Alberta study has noted that regardless of the cause of children coming into care, negative consequences for foster care are frequently

noted. Other studies have shown a link between foster care and unintended pregnancy, academic underachievement, substance abuse, suicide, homelessness, criminality and mental health problems.

Foster children become alienated from the successful means of goal attainment in society precisely because they are dehumanized when all family ties are severed. In Manitoba, when CFS makes an allegation, it often eliminates all visitation to the entire family system of the accused. American research has established the correlation between the well-being of foster children and family visitation. The deprivation of access to the children of foster care is not an issue that concerns our Children's Advocate.

In spite of all of the problems that correlate with foster care, and there has been an attempt to be brief on this point, the Office of the Children's Advocate strenuously denounces the policy of family reunification and the reduction of the number of children in foster care. Mr. Govereau prefers to believe that foster care is somehow better for children than family care. In addition to the inaction and ineffectiveness of the process provided by the Children's Advocate office, another primary reason why we cannot support Mr. Govereau's continued tenure in the Office of the Children's Advocate is his refusal to examine the quality of life provided to the children of foster care.

We submit that foster care should be reserved for the most extreme cases when no family members are available to care for children, or the parents have serious problems which cannot be addressed with therapy and supervision. With a reduction of foster care children, it is contended here that the mental health and justice resources of this province would be more than adequate to take care of those children who have no other option but the foster care system.

I have made some comments on the annual reports. Although the first one was significantly better than the following two, I found that they have had very little in the way of scientific information. All too often, Mr. Govereau states that he has helped a number of families, but we have nothing, we have no case studies to show that Mr. Govereau has, in fact, helped families and exactly what he has done to help those families. In

addition, Mr. Govereau identifies all closed cases as being resolved without consideration of consumer satisfaction. I note in his final report just made recently that there is actually a section done on outcome evaluations, and I thought that was a little bit amusing because the Children's Advocate has a problem in its own right with establishing meaningful measures of case outcomes.

Children's Advocate Annual Reports: Parents Helping Parents has experienced extreme frustration with the annual reports released by the Children's Advocate. There seems to be no effort to provide well-detailed case studies which could convince the reader that the Children's Advocate does have a recognizable process and has had significant impact on the quality of result experienced by the children and families who ask for his help. We are to take his word for it that there are people in the community who have benefited from the operation of this office.

In addition, the scientific calibre expressed in the annual reports is very low rate. For example, Mr. Govereau identifies all closed cases as being resolved without consideration of consumer satisfaction. We have seen many cases where the Children's Advocate has elected to close the file on a complaint even though the person who asked for his services was far from satisfied with the conclusion. It was particularly amusing to see that in the 1995-96 report a brief was prepared on the subject of outcome evaluations in spite of the problem the Children's Advocate has in its own right with establishing meaningful measures of case outcomes.

It is also notable of all three Children's Advocate reports that they are very weak in terms of research on child welfare and foster care issues. It has been our perception that Mr. Govereau does not keep himself up to date on developments in the professional literature in these research areas, and what we are left with is a Children's Advocate who continues to maintain theories and ideologies which have not been current for 20 years, since the time when he was last studying social work in university. We respectfully suggest that no amount of exposure to the system can take the place of maintaining a responsible level of knowledge of professional developments taking place in the field of social work and child welfare policy.

I will just fly over to the Conclusions. Can you tell me how many minutes I have left, Sir?

Mr. Chairperson: You have four minutes left.

Ms. Malenfant: Most people say that they want two things out of their child welfare system, objectivity and responsibility. Friends and critics of the system alike say they want objective investigations conducted by responsible investigators. They want professionals to approach their tasks without bias and to perform them in a manner that elicits the truth without influencing the result. No less important to most people is a desire to see professionals held accountable for their actions.

Accountability and effective procedures cannot take place in Manitoba's child welfare system until we find the courage to recognize our current problems and are ready to import the scientific research established in other child welfare systems who are far ahead of us in evolutionary development. Most child welfare systems in the U.S. recognized 20 years ago that institutional child-rearing practices were a dismal failure. Far from protecting children, the U.S. recognized that the foster care system had the effect of guaranteeing failure for American children.

Manitoba is far behind the learning curve in many respects, but in others we have done so much review and analysis of our child welfare system in the past two years that I am very hopeful and optimistic about the future of our child welfare system in this province. Those who refuse to change and join the tide of revolution sweeping this province must be identified and replaced with new thinkers. Maintaining an ideology which will increase foster care numbers and hold up the belief that the system somehow raises better citizens than the family is a practice which must be eliminated in the province of Manitoba.

Family Minister Bonnie Mitchelson has taken this province from being the worst performing child welfare system to one which is at the vanguard of change in this country. It is my strong belief that the policies and theories which have been inaugurated under her tenure as minister will have long-ranging, positive implications for the children and families of this province.

The child welfare system of Manitoba is no longer recognizable from the system which existed only three years ago when the Advocate's office was established in this province. I am sure that Mr. Govereau worked hard and to the best of his ability to fulfill his duties as Children's Advocate of this province. I am also certain that Mr. Govereau represents a bygone era when foster care was thought of as the most effective method of dealing with family dysfunction and child abuse.

Do I have a minute left, Sir, for my recommendations?

Mr. Chairperson: You have one minute left.

Ms. Malenfant: My recommendations are as follows:

That a new Children's Advocate be named who will have the scientific training and experience required to establish accountability in the delivery of services to foster children. The experience of Mr. Govereau and his staff should be retained, if possible, to provide continuity and maintain the wealth of child welfare knowledge accrued in the past three years.

That a person with American Ph.D training be considered for the position of the Children's Advocate, as they will be knowledgeable about the most up-to-date methods of investigation and risk-estimation procedures. Several Manitobans who would be suitable for this position are as follows: Kaye Dunlop, an attorney; Rosalyn Golfman, a clinical psychologist; Mark Berkowitz and Wayne Ashley, also clinical psychologists.

Number three: That legislation encompassing the philosophy that the best interests of children are served by maintaining and strengthening families be explored for implementation in Manitoba. The Child, Youth and Family Advocacy Act of British Columbia should be given serious consideration, with a view towards examining some of the problems and successes which this advocacy system has had in the province of British Columbia.

On behalf of Parents Helping Parents, I would like to thank the committee for hearing our concerns about the operation of the Children's Advocate in the province of Manitoba.

* (1610)

Mr. Chairperson: Thank you, Ms. Malenfant. You have given us an awful lot of information here, and you have gone through it very rapidly. I want to thank you on behalf of the subcommittee for your report, and seeing as that our time is up, I guess we will leave it at that as far questions are concerned. Thank you again for all the work that you have gone to.

Ms. Malenfant: Thank you very much.

Mr. Chairperson: Then I would next like to call on Eva Temchuk, please. Eva Temchuk, please.

I would suggest then that, if it is the agreement with the committee, we just take a short break, just a short recess. Okay, I guess my question here is with Eva—if she comes within the next minute or two would be my concern. I have no problem, you know, as long as I would be able to contact everyone. I would hate to have her wait. You will be in your office. Could we get in touch with you there? Okay, then we will meet again at 4:30. Thank you.

Committee rise. No, committee does not rise. Recess. Pardon me. Committee recess.

The subcommittee recessed at 4:12 p.m.

After Recess

The subcommittee resumed at 4:35 p.m.

Mr. Chairperson: Order, please. I would like to call the committee back to order. Before we do get going and I ask Mr. Coelho to come and give his presentation, I am going to introduce the subcommittee members here.

I am going to start off to my far left at the end of the table here is Mr. Helwer, the MLA for Gimli, Mr. Tweed, the MLA for Turtle Mountain. Then on this side here, Ms. McGifford, the MLA for Osborne and Mr. Kowalski, the MLA for The Maples. I believe that Mr. Martindale, who is the MLA for Burrows, is just walking in as I speak. He is here as well.

So, Mr. Coelho, I want to thank you for accepting the invitation to come and give a presentation. As I indicated to you before, I will ask you for your presentation first, and then after that I am going to open it up for questions. I will recognize the questioner and then you as the person giving the answer.

Thank you very much. Please proceed, Mr. Coelho.

Mr. Luis Coelho (President, CUPE Local 2153):
Alright. I will just read my presentation to you then.

Good afternoon, Mr. Chairman and committee members. My name is Luis Coelho. Let me begin by thanking you for the opportunity to speak to you about my views on the importance of the Office of the Children's Advocate.

I appear before you as the president of CUPE Local 2153. Our local represents about 450 staff at Winnipeg Child and Family Services. These staff include social workers, clerical, administrative people, and family support workers. I speak to you today on behalf of all of them.

Personally, I have been a social worker in child welfare in Winnipeg for 17 years, so I have seen firsthand the needs of children and families in our communities and how these needs often go unmet.

We know that the deteriorating social conditions in Manitoba are driving more families into crisis. Once in crisis, these families discover that the Child and Family Services agencies only have the resources to provide them with little more than emergency services.

We feel a strong responsibility to inform the public and the government about this crisis in child welfare. In fact, we have been working for some time on a detailed, comprehensive brief which we will soon be presenting to the government and to all MLAs so that decisions made about services to children and families are informed decisions based on information from those of us who work daily to carry out the mandate of The Child and Family Services Act.

Today, however, I will limit my remarks to reasons why we support the Office of the Children's Advocate,

and some thoughts on how the minister may want to improve that office's mandate.

Consider these frightening facts. Number one, from 1985 to the year ending 1995-96, the number of children in care of the child welfare system in Manitoba grew by 62 percent to a total of 5,336 children. This means that Manitoba has the highest proportional number of children in care of any province in Canada.

Number two, during that same period, 1985 to '95-96, there was a 242 percent increase in reports of physical and sexual abuse of children.

These are indeed frightening facts, and very sad facts. These trends will not be reversed in the foreseeable future because the root causes have not been dealt with or sometimes even acknowledged.

An environmental scan, done by Prairie Research here in Winnipeg in 1996, to shed some light on these trends, concluded that poverty, the number of single parent homes, and the large number of minority peoples, mostly aboriginal, are the major causes for the trends that I have outlined here.

Even with only this sketchy background, it becomes clear that the continued need for a Children's Advocate remains as relevant today as it was when the office was formed in May of 1993. In as much as we too advocate on behalf of our clients every day, our ability to do this is constantly compromised by the chronic lack of resources and extreme workloads. For example, as the Children's Advocate has accurately pointed out in his latest report, one example of our inability to advocate for our clients is directly related to the lack of specialized treatment resources for children.

When we look at the number of children needing care, combined with the identified lack of resources present in the child welfare system, we can expect that many children will not receive the quality services they need and deserve. When children are not properly served or are not heard by any government agency, they need to have as many voices as possible to speak on their behalf. Therefore, this is why even if at times it may appear that our own child welfare work is being criticized by the Office of the Children's Advocate, that is okay with us, because the more important overriding

principle is that the child's rights are protected and the child's viewpoints and interests are seriously considered. Furthermore, if our ability to care for children and support families is compromised by deficiencies in the system and the lack of resources, then we welcome the role of the Children's Advocate in identifying these systemic issues and their impact on the quality of services to children and families.

* (1640)

Lastly, as a comparison, the Office of the Ombudsman of Manitoba exists to investigate citizens' complaints against the government of Manitoba. This is a good thing, because every citizen has a right to be treated fairly by their government or any government agency. For children who are powerless and voiceless, their own advocate is extremely more important and even more legitimate.

In the area of how to improve the Office of the Children's Advocate or make it more effective, I have a few thoughts for your consideration: (1) If we accept the role of the Children's Advocate in the same way that we value the Office of the Ombudsman, then the Children's Advocate should report to the Legislature in the same way that the Ombudsman does and not only to the Minister of Family Services. I will add again that because of their lack of power and voice, children's issues are everyone's issues, and as such they should be brought to the Legislature for action and consideration. Also, in this respect, the Office of the Children's Advocate has to be and has to remain totally unpolitical.

It has been our experience in child welfare that this is a very politically charged area which sometimes has been used by politicians for political purposes. For this reason, the Office of the Children's Advocate needs to be responsible to the whole Legislature and not just the one party or one minister. Number two, the children involved in the child welfare system are almost always involved in receiving other government service as well. Therefore, if we accept the legitimacy of the Children's Advocate in assisting children to deal with child welfare issues, and I think that we do, then it should make sense for the Advocate to assist children in any area of concern they may have, be it education, health, mental health or the juvenile justice system.

In short, the guiding principle should be that any child dealing with the government agency should have access to a Children's Advocate if that child is not receiving fair and appropriate treatment and attention. Number three, whereas the role of the Children's Advocate is legitimate, necessary, and can give voice to a child's concerns, and whereas in many cases this is sufficient to ensure that the children's rights are protected and his needs met, there may be times when the Children's Advocate should have some authority to have plans not just devised and agreed upon but actually implemented. This ability of the Children's Advocate to insist on certain actions would give real meaning to the principle that children indeed have rights which we, as a society, agree upon and insist upon.

In conclusion, the need for the Children's Advocate is as necessary now as it ever was, unfortunately. The ability of the Advocate to do his job can and should be enhanced. I therefore encourage you all to use this review as an opportunity to affirm the need for the Children's Advocate and to make the changes necessary so that the Advocate's office can in fact do its job. This concludes my remarks. I will attempt to answer any questions you might have. Thank you.

Mr. Chairperson: Thank you very much, Mr. Coelho, for your report and for the recommendations you have given to us here in this subcommittee. I will open it up now to questions, and Mr. Martindale has something.

Mr. Martindale: Thank you, Mr. Coelho, for an excellent and concise presentation. I want to commend you for supporting the Office of the Children's Advocate even though the Advocate has been very critical of the workers that you represent. So I think that shows that you have objectivity, and I commend you for that.

Do you think it would be better to have the Children's Advocate investigate complaints emanating from any or all government departments or could the current Ombudsman do that?

Mr. Coelho: Yeah, I guess my point was that it should be the Children's Advocate or someone like that—I think we have an Ombudsman to deal with, I guess, adult issues. The Children's Advocate by its definition deals

with children, and I think that if children are not receiving proper education, proper health services, mental health, whatever, they should be dealt with and investigated by the Children's Advocate. That would make sense to me.

Mr. Martindale: One of the issues that a number of briefs have dealt with is the issue of compliance or implementation of the recommendations of the Children's Advocate. I think we are really going to have to wrestle with this when the committee writes its report, because this has been described by one presenter as the police function, and so there are a number of problems that you get into when you try to enforce recommendations. Now I realize that one of the problems we have now is that the Advocate is fairly powerless in that he can investigate and make recommendations but has no power to even influence the implementation of those recommendations.

So I guess the question is: How do you get compliance with the recommendations? What mechanism would we use or what should we write into the legislation? One of the presentations that we heard talked about mediation, conciliation, family group conferencing, healing circles. I am wondering if you believe that those are suitable mechanisms for ensuring compliance or even problem-solving, and if so, should that be written into the legislation?

Mr. Coelho: I think all those suggestions sound like very good ideas. I admit that I am not sure I have a specific sort of meat-on-the-bones idea. I think it is important, if the Advocate is going to advocate for children, that when you have a plan, that somehow there is some expectation that it be carried out, and if it is not carried out, that some other mechanism would kick in making a recommendation that something should happen, and leaving it at that, it is pretty powerless and I guess it does not achieve what it should. I guess I am interested in giving some clout somewhere so that kids rights are protected and, if a child needs a particular something, that that be done.

I do not know how that would work. It could be problematic in some cases, but I think we could start with things like conferences, healing circles and mediation to make sure that what the child needs, he gets. I do not know who would have the authority, but

I think it would be worthwhile thinking about placing some authority like that with the Children's Advocate.

Mr. Kowalski: I would like to echo Mr. Martindale's comments that this is a wonderful brief, and coming from the workers, it does attest to your concern for children first even before some of your own personal concerns. Just to understand with what voice you speak, I am wondering how this brief came to be. As far as once this brief was written or discussed amongst your membership, how wide support is there for the positions put in here? Was it discussed at an annual general meeting or was there a committee? How did this brief come to be?

Mr. Coelho: It was discussed at a general meeting that this opportunity had come up and, as president, I expressed the feeling that we felt we should make a presentation in support of the Child Advocate's office. People generally agreed with that, and I guess that allowed me the opportunity to go ahead and write something that I thought made sense. I have checked with a couple of people and they had no difficulty with the comments here, so I presume that I am speaking on their behalf.

Mr. Kowalski: One other issue that we have discussed before on some of these presentations was about children's knowledge of the Child Advocate's office and children's knowledge of their rights to address their concerns about how they are being treated by child care workers. Do you think it should be a requirement in the legislation, both in The Family Service Services Act and in this legislation, that all children coming into care must be told of their right to complain to the Child Advocate, or are we just looking for more complaints then?

Mr. Coelho: I think the information is out there, but I mean, based on the comments I have made about, I think, the importance of children's rights as opposed to any grief that might come my way because the child is complaining about something or other, I think that a child has a right to appeal to some authority if they even feel that they are not being properly treated. So I would not have any problem with us being more up front with children about the fact that if at any time they feel that they are not being properly treated, they should have a third party to go to, to advocate on their behalf.

I know that I personally have had a couple of those cases where basically there is not a major problem, but I think the Advocate is satisfied that we are doing the best we can at the time. I think kids have the right to do that, and they should, and I think the more information we give them, the more empowerment they feel, and I think that is a good thing.

Ms. McGifford: Thank you very much for your presentation. I always value the input of people who have hands-on experience so I take, and I am sure my colleagues take your presentation extremely seriously. I notice, too, that the first two recommendations that you make are very similar to those made earlier today by Mr. Hartry so there are numbers on your side as well.

The third recommendation is one I am not quite certain about. I do not mean that I am not certain that it is a good recommendation; what I mean is I am not quite sure what it says. You talk about the need to have—the Child Advocate should have authority to have plans, not just devised and agreed upon, but actually implemented. So I am guessing here that what you are asking for is a Children's Advocate who has teeth, who has clout, who can actually have his recommendations implemented.

* (1650)

Mr. Coelho: Yes, I guess, in my rather imperfect way, that is what I am getting at; that somehow rather than just sit down and agree on what should happen to a child and come up with a plan, that somehow there be some accountability for that plan to be implemented and if not, then some repercussion down the road, some other mechanism. So that is what I am getting at and, I guess, talk about the fact that I think if we really are serious about giving children rights, then we have to make sure that those things get carried out as opposed to just having nice sounding words and plans that do not really mean very much.

Ms. McGifford: I did not mean to cast aspersions on the quality of your writing. Do you think this needs to be legislated? This particular power of the Children's Advocate, do you think it needs to be enshrined in legislation?

Mr. Coelho: Why, now you have got me. I would think so. I think that if we are going to give anyone any power, normally it is under some kind of a legislative law so I presume that if we are giving someone some authority to do something, it should be legislated.

Ms. McGifford: So you are looking for amendments to the legislation that would actually give the Office of the Children's Advocate the power to, not merely make recommendations or suggestions, but in fact to issue binding orders.

Mr. Coelho: Yes, I guess I would suggest that, in practicality, if a plan was to be implemented within a certain time frame, if there is a difficulty with that, that it be brought back for discussion as to why that was not done.

So I would rather have a gentle persuasion rather than a heavy hand, but whichever way, if the heavy hand needs to be there, that is fine too.

Mr. Chairperson: Any further questions from the committee?

Mr. Martindale: I noticed with interest, in your brief, the environmental scan since I have also had a chance to read it, and I know that it says that the risk factors for children which result in disproportionate numbers coming into care are living in poverty, living in a single parent home and being aboriginal, so those are the indicators of the children most likely to come into care, which partly explain the very high numbers of children in care in Winnipeg, for example.

The Children's Advocate, when he made a presentation to this committee, recommended that the Advocate have the ability to make recommendations respecting any and all legislation, policy and practices vis-a-vis their impact on children and youth.

I am wondering if you agree with this, and just to use an example, last year we had amendments to regulations and legislation regarding social assistance, and as a result the levels of assistance to families, including families with children, were lowered. Do you think it would be helpful if the Children's Advocate were allowed to comment on legislation and on policies and practices in all government departments?

Mr. Coelho: I had not quite thought about that, but I guess if we follow the principle that I was talking about, that children need to have a voice and someone to represent them because they do not have a voice if they do not have a lot of power, I would agree then that any changes in law that would detrimentally affect children, that they need to have someone to speak on their behalf. If that is what we define the Advocate as being, then it would make sense for the Advocate to have at least the ability to voice concerns about changes that may take place that may impact on children who do not have a voice. So that would make sense.

Mr. Martindale: It has also been recommended by some people that the Advocate have a role in seeing that the government implements the United Nations Convention on the Rights of the Child. Do you think it would be helpful if Manitoba's Children's Advocate took on that role?

Mr. Coelho: Another good idea. Maybe I hint at that in the third recommendation when we talk about, if we really mean what we say then certain actions have to follow. So giving the Advocate the right to insist on certain plans, not just being implemented, but carried out for children goes along with this. I mean, if we really believe that children do have rights, then I think we have to have plans in place and mechanisms in place that ensure those rights are not just words but are actually a reality.

I guess, again, I would agree with that, that I think if we are going to accept the children's rights from the Geneva Convention, then I think the Advocate will speak on behalf of the children when he feels that those rights are being violated.

Mr. Chairperson: I want to thank you very much on behalf of the subcommittee for giving us your report, for coming and taking time to present it to us, and for answering our questions. Thank you very much.

Mr. Coelho: Thank you for your time.

Mr. Chairperson: With, again, the agreement of the committee, I would suggest that we recess until 5:30 when our next presenter will be coming.

Just to report back on Eva Temchuk, she will try to get her report to us but was contacted by our Clerk and she was not able to come this afternoon.

Recess until 5:30 sharp.

The subcommittee recessed at 4:56 p.m.

After Recess

The subcommittee resumed at 5:33 p.m.

Mr. Chairperson: Order, please. I would like to call the committee meeting back to order. I believe that our next presenter has arrived. Our next presenter, the information I have been given, is Mr. Corbin Shangreux, and I want to welcome you here.

Maybe, just before you get started, I am going to introduce the members of our subcommittee here. Sitting on the far right there is Mr. Kowalski, the MLA for The Maples; and Mr. Martindale here, MLA for Burrows; and Mr. Tweed, the MLA for Turtle Mountain. My name is Peter George Dyck; I am the MLA for Pembina.

Before you get started as well, just to indicate to you that we will be hearing your presentation, and then I am going to be opening it up to our committee members for questions. I will identify the committee member, and then I will identify yourself, the presenter. So it will be a back-and-forth dialogue, but I will always be identifying the presenter, okay.

Mr. Corbin Shangreux (Southern Manitoba First Nations Child and Family Services Agencies): Okay.

Mr. Chairperson: So, with that, again, I want to welcome you here. I am certainly pleased that you have consented to come and give us a presentation. With that, I will let you give your presentation to the subcommittee. Thank you.

Mr. Shangreux: Thank you, members of the subcommittee. There are actually three of us here today, Madeleine Michaud and Glory Lister are also here. In particular, when we get into the question-and-

answer pieces, there are pieces that I may ask them to assist me with. We would like to thank the Assembly of Manitoba Chiefs as well for their support and our testimony here today.

I guess, first of all, I would like to begin with the statement that, as First Nations Child and Family Services agencies, we met just last week again to review some of our concerns with the staff from the Children's Advocate's office, and we certainly thank them for the time that they set aside to meet with us and to discuss a lot of our concerns. We came away from that meeting with, I think, an increased understanding between ourselves and their office.

I would also like to say as well that, as professionals working in the area of First Nations Child and Family Services, our first and foremost concern is the protection of children. So in all of my comments here today I do not want it interpreted in any manner that we want to take away any mechanism or weaken any mechanism that serves to protect children. We want only to increase the effectiveness of the Child's Advocate's office, and we want to increase the safety net of protection for First Nations children.

I would like to start, first of all, by stating that one of the major concerns that we have in the field of Child and Family Services as native people is that we have a world view that often is overlooked or is not given the credence of the credibility, the validity that we believe our world view has when it comes to institutionalizing various aspects of service including the Child's Advocate's office.

We are always concerned about The Child and Family Services Act. It is a mandate that we have received from the provincial government and certainly also from the federal government in terms of funding for our agencies. We have this legislative and, I guess, executive mandate to carry out services under The Child and Family Services Act, but we cannot do that unless we also have a mandate from our communities. The only way that we can have the mandate from our communities is if we keep in mind that we are practising child welfare oftentimes from a different world view than from our own communities.

Consequently, when we carry out services under The Child and Family Services Act, we try to work with our

communities and try to put into place certain principles of practice by which we carry out services, things like community-based services, as much as possible, trying to do things in a culturally relevant manner that is respective of the ideals and values of community, at the same time, carrying out that principle that we want to protect children. In doing that, it is always a big challenge to us in the field of Child and Family Services because we work with two different concepts. One, to many of our community members, the whole notion of child protection under The Child and Family Services Act, and, further, when you are reviewing our decisions through the Child Advocate's office and investigating and advocating for children, that all have their roots, I guess, in what many of our community people feel is foreign legislation. It is outside of our traditional practices; it is outside of a lot of our community practices, and many of the decisions that are made sometimes just are—they completely ignore community ways and traditions and those kinds of things. So when we work in this area to try and effectively deliver services, we try to balance the authority that we have under the act and the mandate that we have through legislation, et cetera. We try to balance all of that with the mandate that we have from the community that we are serving, and we feel that over the last 15 years we have learned a great deal about trying to carry out these services and to have the support of a community mandate.

* (1740)

I think in all respects, again, that we are working towards the same goal, and that is increased effectiveness when it comes to protecting children. As agencies, we are not concerned so much about there being a review process that looks at our decision making, that looks at how we carry out services, but we are concerned about the type of review process and who is involved in that. So we have, I guess, some factors that we would like to share with you when it comes to how we do those things.

First of all, you know, there is our world view, and we have included various parts in the paper that you have before you some of the social work principles, core values, kind of things, but I would like to spend just a little bit of time looking at the whole process of

social work and how it is impacted by some of the things that I am alluding to here today.

Different world views and ideologies influence the manner in which we conceptualize our work, and it is so important that people recognize that First Nations people, you know, while we do want a good Child and Family Services system and while we do want a good Child's Advocate system, people have to realize that we want that system and we want that Advocate's office to be reflective of our values as well, to be sensitive and responsive to our needs and our values. We do not always feel that, under the current situation, the services provided by the Child's Advocate office are always—what would I say?—relevant or sensitive to our particular issues. We believe very strongly that advocacy for children has to take on a much larger role than just looking at the individualistic perspective of a particular child. It also has to look strongly at what are community interests, what are extended family interests, and advocacy for children, if it is going to be relevant to First Nations people, has to be more holistic in its perspective. We have tried to point that out in the paper before you. As First Nations people, we believe that the best interests of children cannot be separated from the best interests of community, and it is very important, when we are advocating for the child's best interests, that we keep in mind that it is in their best interests for them to be connected or to remain connected to their community and their culture.

Again, we can all look at some scenarios where, I guess, some of this might be questionable, but, as I stated in the first part of my presentation, you have to understand that in no way are we talking about compromising the safety and protection of children. We are as concerned about protecting our children as much as anybody, if not more.

So the social work process itself has to be more holistic. Then, in terms of defining the problem, it is essential that we understand that oftentimes people will look at a problem that impacts on our communities, and we look at the individual and we say that person is no good or that person is not a fit parent and that person should not have care and control of this child and all of those things. Then we also incorporate this other piece that comes from our system where oftentimes we will set out a contract, you know, you have got to do such

and such and such and such by a certain time or you cannot ever get your kids back. Our legislation and so much of the mainstream of social work practice all lends credence to this thing, and we never question whether it is good or bad.

I think one of the things that people have to recognize, and especially as we are moving toward the whole movement of self-determination and increased self-government for aboriginal people in Manitoba, one of the things that we have to recognize is that we have a history. We have a history where so much of our historical relationship with governments, with the federal government mostly but also with provincial governments, has served to undermine a lot of the traditional institutions, has served to undermine a lot of the wellness of families. I do not want to get into too much of the colonization process or the residential school process, but I do know this, that when you have a large number of families that are impacted by poverty and other really bad socioeconomic conditions, then you are going to have increased family breakdown.

As a child welfare professional who is very committed to the preservation of native families, I do not see the solution as always being the mainstream approach or the typical mainstream approach of going in there, finding great fault with the parents and dismantling that family and dismantling those communities. I think when we go to review case situations that the Child Advocate's office needs to be more in touch with many of the socioeconomic realities that we work under as child welfare professionals in First Nations communities, and that as much as the Advocate's office advocates for the protection of children, the Advocate's office needs to just as much advocate for some changes in the systemic process and in some of the inequality that exists within systems.

We believe very much that many of the families that we work with are just not caught in an individual situation, but they are caught in a collective situation, and at times it is our entire culture that gets caught in the system, and we need to take a more holistic perspective in dealing with this.

Another area that we are quite concerned about is oftentimes when we start analyzing a case and we start analyzing decisions, the Child Advocate's office has

made it a practice, it seems to me, to really look toward expert witnesses. They want assessments. They want case assessments, child assessments, family assessments. When we are always looking to these experts outside the community, it is kind of like, you know, we have this saying, here come the anthros, and it is like our culture has been studied to death by anthropologists. Now, today, it is like the native mind, and the native way is being studied to death by psychologists and all these experts that have all of these theories of human behaviour, and oftentimes, you know, to the point where we forget that our culture has been around here for a long time and we took care of our children for a long time. A lot of the inequities and the imbalance that affects our society today is a result of the collision of our worlds, and we are trying to adjust to that, and we know that larger societies are trying to adjust to that. But in the whole process of reviewing a case, oftentimes, the Advocate's office does not take into consideration the recommendations or the viewpoints of local people, and we feel very strongly from a First Nations' perspective that our elders and our people from the community know as much about children and know more about what our children need than any outside expert does.

* (1750)

I guess another part of that is when we had our meeting with the Child Advocate's office, they talked about, well, do you not want an impartial outsider to come in and review a situation? One of our comments back was, well, how can you say it is impartial? You know, you cannot have an impartial outsider. An outsider, yes, but impartial, hardly; at least, we do not feel that today that the Advocate's office has always been impartial. Most of the time they come in, again, from that mainstream perspective that emphasizes this large role of assessments, and it tends to be problem oriented instead of being problem-solving oriented.

We have concerns about other areas. We look at the issue of permanency planning and when we look at that, oftentimes we feel that the system really advocates for adoption as a way to get children out of the system without really taking into concern what are the long-term aspects of that or what are the long-term impacts of that. Whereas in our communities, we tend to work with children more on a life span and work with

families more on a life span as opposed to just trying to get them in and out of the system as quickly as possible. Oftentimes when the Advocate's office is making recommendations, they tend to focus on a brief period of time or on a specific situation, whereas we are saying a lot of times, you have to look at the whole picture, you have to get the whole picture, and they need to do a better job in that way.

We have different concepts about family. Our concept of family often has to do with the value that children belong not just to their biological parents, but they belong to their extended family, to their clan and to their culture. Oftentimes when a case is being evaluated, too much of the time, the office will evaluate case activities just based on how that child was interacting with one specific family unit and not so much looking at it in terms of there was an extended family here that was caring for these children. We think that there has to be a greater recognition of the role of the extended family when it comes to evaluating cases.

When it comes to reviewing cases, again, the Advocate's office has been very big on looking at files without taking into consideration whether or not those files are actually reflective of the totality of a situation, and we can look at a lot of situations where the file itself is not the best indicator. Again, I think when the Advocate's office is starting to review a situation, they need to get a larger picture and look at more than just the file, but they also need to assess what community people are saying and meet with community people.

Another concern that we have with regard to the Advocate's office—and we are concerned, I guess, at this point with this committee—one of our larger concerns is that our relationship with the Advocate's office has not always been the most co-operative one. I am speaking collectively as First Nations agencies. It is like trying to dance with a ghost or a shadow or something. It has been a really awkward relationship at times. Certainly, there have been areas where we have co-operated, and there have been other areas where we have had some real difficulty.

We have been concerned a great deal because our staff are intimidated by the staff from the Advocate's office, and we are not sure that that is supposed to be.

Our staff, generally speaking, believe that the intimidation either comes through the legislation, or it comes through what we perceive as arrogant legislation, and as native agencies, we are not sure if that arrogance, the arrogance that tends to go with that office, if it is legislative-based, if it is the person or if it is the philosophy behind it. We are not sure. We are concerned that when this review is done—and we are not sure what the future of the Advocate's office is going to look like, but we do know this, that something has to be done about the whole piece of arrogance. I do not think that that kind of, be it the arrogance of a person or of legislation really has a place in the Child and Family Services system in Manitoba.

You know, as it is, we work with our communities, and we try to carry out child protection services, and I think for the most part we do a pretty good job. We have an internal review process and an appeal process and all these things that we do, but for there to be, like, an outsider who can just come in and say, you know, you guys got to do this, this, this and this because a client said, we do not mind that, but oftentimes it is like there was an appeal process.

Mr. Chairperson: Mr. Shangreux, I think what I am going to need to do is interrupt, so that we leave time for questions. I know that there are a number of questions here, if that is all right, and maybe the rest of your presentation will come out through the course of the questions that we have. So I will start with Mr. Martindale, please, then Mr. Kowalski.

Mr. Martindale: Looking at your recommendations, starting on page 18, I think your suggestion of a program review is probably a good one. The problem is that normally that would be an internal government process, unless the Auditor did it, so we would not normally find out the results of a program review unless the minister voluntarily chose to make it public.

Recommendation No. 2, a thorough review of the Children's Advocate office, this is the review of the Children's Advocate office. We are holding public hearings, and we will be writing a report which will go to the Legislature and then it is up to the minister what amendments she brings into that section of The Child and Family Services Act. So we hope that the

amendments reflect the presentations that the public make to us.

A number of people have recommended that the Children's Advocate report to the Legislature rather than to the minister, and you have mentioned that on page 19. A number of people have recommended that there be First Nations people on the staff of the Children's Advocate office, including people with ability in aboriginal languages.

I guess we could do that in two ways. One would be to put it into the legislation. The other would be to expand the budget of the office so that there was the ability to hire new staff. Do you think we need to write it in the legislation?

Mr. Shangreux: Mr. Martindale, yes. Our group has discussed this and we believe very strongly that it needs to be put into legislation.

Mr. Martindale: Another concern that you have is providing the office with a broad range of duties and powers without the provision of an adequate funding base. Now, one of the recommendations that both the Advocate and presenters in rural and northern Manitoba have made is that the staff be expanded so that they actually have a presence in rural and northern Manitoba rather than just flying in and flying out, which a lot of government agencies do, as you know, in the North.

Do you think that there should be suboffices, for example, in Brandon or Dauphin or Thompson, and do you think that would give the kind of coverage for rural and northern Manitoba that is needed?

Mr. Shangreux: Well, I guess, first of all, we believe very strongly that there needs to be a strong First Nations representation in terms of staffing the Advocate's office. Now, that piece, again, I think that has to be responsive to the numbers of First Nations children and clients that are being served in the Child and Family Services system.

Under the current structure, I do believe that if the current structure is continued and there is not a separate First Nations office or parallel one, then, under that current structure, yes, I believe it has to be expanded very much if we are going to have effective advocacy.

* (1800)

Mr. Kowalski: I wanted to thank you very much for your presentation because, as a committee member, I put your presentation together with the one we received from Awasis Agency and they fit very well together. They have made a lot better the understanding of the person who is in the city of Winnipeg what goes on in child care agencies outside the city of Winnipeg, especially for native-run child care agencies.

One of the places where they fit was, you used the expression "world view" and how someone from the Child Advocate's office flying in or over telephone, trying to investigate a case that is happening up in Shamattawa or that. It is a different culture. It is a different understanding in what their standard to what safety would be and what the community standard would be, very different.

Now, as far as additional offices go, what I heard from the presentation from Awasis was, they wanted to go one step further. They said it is still an outsider; whether that outsider comes from Thompson, Manitoba, or Winnipeg, it is still an outsider coming into their community and judging how a child care worker in their community handled a case. Their suggestion was using Section 814 from The Child and Family Services Act that allows, the Child's Advocate may in writing authorize any person to perform any of the duties or exercise any of the powers of the Child Advocate's office. In other words, it becomes community based, the Child Advocate's duties.

Would you support such a movement in the legislation so that the Child Advocate designates his or her powers to the community?

Mr. Shangreux: Okay, I understand your question. I am not sure that, I guess, as First Nations agencies in southern Manitoba, that we really discussed that particular aspect in reviewing our concerns.

Certainly, we feel very strongly that there has to be community involvement, and within most of our agencies and to greater and lesser degrees of effectiveness, we do have existing advocacy structures at the community level. With most of us, it is through a local Child and Family Services committee.

I do think that there is a lot of credence to their suggestion, and I think it certainly bears consideration.

Mr. Martindale: Your recommendation No. 3 is that the concept of a separate and parallel First Nations advocate's office be given due consideration in the process of reviewing legislative options. I hope that this committee will consider that. Certainly, my party, the New Democratic Party, supports aboriginal self-government, and maybe this is another place where we can implement aboriginal self-government. However, if the committee does not come to a consensus on that, since there are three parties represented in the Manitoba Legislature, I am wondering, if, in your view, there were sufficient aboriginal staff in the Children's Advocate office who spoke aboriginal languages, would you consider that this recommendation would not be necessary, that is to have a separate First Nations advocate office?

Mr. Shangreux: That is a hard question. I should ask one of my colleagues if they want to answer that one.

Mr. Chairperson: Ms. Lister, if you would take the podium, please.

Ms. Glory Lister (Southern Manitoba First Nations Child and Family Services Agencies): I guess that sort of stems from the question that was asked previously in terms of delegation of authority. The reason we called for a parallel First Nations advocate's office is because, again, we will become constricted to practising in a way that will be enforced upon us by the administrative control of that office. If we do not have administrative control of that office, we will not be able to practice, and the forced compliance to program standards that we do, but we just do it in a unique way, will not be understood and will not have the effectiveness of a parallel First Nations advocate's office that has administrative control by First Nations people.

Mr. Chairperson: Mr. Martindale, one short question.

Mr. Martindale: Yes, we are very quickly running out of time here, which is too bad because I would like to discuss all of the issues that you presented on, but I do have a general question to conclude on. It is my

impression that, in the last several years, some agencies have not been in the news at all, or very little, for example, Awasis, and West Region, and all I am hearing are success stories. Like, Awasis have published a book. I have almost finished reading their book. West Region, I understand their staff have increased their average level of education about five years in the last eight years, and I am wondering if there is a sharing of success stories amongst the aboriginal agencies that you represent.

Ms. Lister: Well, that is one of the things that, in our collective meeting last week, was announced. I mean, when we deal with the Advocate's office, there is never any recognition for the progress and the phenomenal programs that are going on in native child welfare through West Region or Awasis or any of the other various agencies, and we find that sort of disempowering in terms of just coming in to critique us.

We think that one of the concerns we had—the most strongest concern we had—was broadening any legislative powers of this office. I mean, through the media we have been reading that there has been a quest to either seek that the powers be broadened through an ombudsman's office or through this office, and we have strongly stated that we do not support this as First Nations people without consideration as to the implications for First Nation agencies and the progress that they have made over the recent years. How could an external administrative authority come in and counteract the work that has been done without coming from a world view or a belief system that is aligned with that executive control of First Nation agencies?

That is why I think our recommendation calling for a review of the operations of that office, not the legislation of the office but the operations of the office, to clarify a question earlier was asked, because there are a lot of implications for First Nation workers, for agencies, for people, for communities in terms of an outside protective authority coming into our communities.

We have been there before. We have had outside protective authorities creating legislation on the basis that First Nations people need protecting, and we have seen the consequences of that type of legislation. We are feeling strongly that we can take care of our own children. We have done it for years. The mere existence of our survival pays tribute to that, and we think that it is time that we took over that parallel office which would act in the spirit of the current legislation.

Mr. Chairperson: On behalf of the subcommittee, I wish to thank you, Ms. Lister and Mr. Shangreaux, for your presentations, and thanks for taking time.

Committee Substitution

Mr. Mervin Tweed (Turtle Mountain): Mr. Chairman, do I have leave to make a committee substitution?

Mr. Chairperson: Does Mr. Tweed have leave to do that? [agreed]

Mr. Tweed: I move that, with the leave of the committee, the honourable member for Niakwa (Mr. Reimer) replace the honourable member for Gimli (Mr. Helwer) as a member of the Subcommittee of the Standing Committee on Privileges and Elections for the evening effective 7:30 p.m., May 20, with the understanding that the same substitution will also be moved in the House to be properly recorded in the official records of the House.

Mr. Chairperson: Thank you. That is agreed upon.

The hour being 6:07, what is the will of the committee?

An Honourable Member: Committee rise.

Mr. Chairperson: Committee rise, and we are back at 7:30 tonight. Thank you.

COMMITTEE ROSE AT: 6:09 p.m.