NEW POLICIES IN CHILD WELFARE

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The Ontario Child Welfare Act of 1954 came into effect on January 1, 1955. This is the story of the experience of the Children's Aid Society for the District of Temiskaming in implementing this legislation.

New legislation is a challenging experience. It picks up frustrations and disappointments and instills new hope into the day's work. It was so with the new Ontario Child Welfare Act. The old Aecs which we had administered, concerning the protection of children, the children of unmarried parents, and adoption, had excellent basic qualities, but they had needed overhauling. Now they had been overhauled and we were to try out the new Act.

Much of the old remained in the new, with the three Aecs amalgamated into one. There were many minor alterations to facilitate operation, but we were particularly interested in trying out the major changes.

In the area of child care there were five changes which seemed to be of serious importance to our program. Emotional rejection was added to the kinds of neglect with which the court should be concerned in determining whether children should be removed from their parents; temporary wardships were limited to 24 months; permanent wardships were to terminate at 18 years but could be extended to 21 years on application for specific reasons; non-ward care, at the request of the municipality of residence, was recognized for the purpose of the Provincial rate on maintenance costs; and the residence of children for the purpose of maintenance was redefined.

Actual experience has emphasized the importance of some of these changes in our own area, and minimized others.

Emotional Rejection

The clause regarding emotional rejection requires proof through the evidence of a psychiatrist. Like many other districts and counties in Ontario, we have no resident psychiatrist in our area, the nearest one is 29 miles away and he is too busy with his own area to be able to serve ours, even on an emergency basis. We have had two travelling mental health clinics in seven years, so they can't be very helpful either. We have tried using the written report of the clinic, but found it too general and ambiguous for the satisfaction of the court.

In the only two cases of emotional rejection that we have brought before the court, there has been other evidence of neglect that we were able to use. But this clause is of little value to us except as a recognition that this kind of neglect exists and can be damaging.

Temporary Wardship

We believed that the two-year limit in temporary wardship could make possible permanent plans at an earlier age, hopefully for adoption, of children whose parents were not going to be able to assume responsibility for them. We thought that, in cases of illness or misfortune where the parents were still responsible parents but unable to assume physical care, non-ward care could look after any period of necessary help more than the two-year term, since the cost to the municipality would be the same. We have found we were right. We did not have a large number of children in temporary care, so many of the neglecting families in our area are transient families, who shed their responsibilities and move on, that the kind of children who might, in other areas, have been in this long-term temporary group were already permanent wards of our Society.

The children to whom this limitation was applicable during this past year were children in family groups still closely tied emotionally to parents who could not provide adequate care for all their children. In no cases permanent wardship has been granted and the children will remain in foster care. They gain because some of the uncertainty is removed from their lives, but there can be no possibility of permanent adoption homes for these children—emotionally they still belong to their own families.

Non-Ward Care

In a third case we are trying non-ward care, knowing that we are powerless to prevent interference by the mother, who is on parole from a mental hospital. Yet the father, a responsible parent, cannot face permanent separation from his children. And non-ward care is only possible in this case because residence is in our largest municipality.

In the smaller municipalities with population ranging roughly from 200 to 2000, all of which are independent and individually responsible for Children's Aid maintenance, there is no prospect at all of voluntary payment for non-ward care. And in all the area without municipal organization, in which the Province is directly responsible for maintenance, there is no provision in the Act for non-ward maintenance.

Termination of Permanent Wardship

The termination of wardship at 18, with the provision for extension if needed, is really helpful, particularly in our area. There has been confusion during the year because the Act was not clear about the status of children committed until 21 years under previous legislation. But that is a temporary problem and does not affect the long-term value of the change.

Mrs. Fox, local director of the Children's Aid Society for the huge District of Temiskaming, has set down her observations on a year's working with the new Ontario Child Welfare Act. We expect other CAS workers to contribute their comments in later issues of this magazine.

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People move about so much now in search of satisfactory employment, and in our area this is even more marked than in many places. Many of our young people move out at 16 and 17 years of age for different or greater opportunities. It has been impossible to keep track of them, and our efforts to do so were often irritating to the very people we were seeking to help. This change in the Act recognizes the fact that most young people are independent at 18, and accept counseling only when they seek it.

Definition of Residence

The redefinition of residence which, in effect, established the individual's residence as the municipality in which he had lived for the greatest period of time, consecutive or in-consecutive, during the three years, promised help in difficult situations where there had been a good deal of resentment.

Again, we are in an area where many of the families are transient families. Many move in from other provinces, many more just move, and continue to move, so that in three or five years or longer they have never lived one year in any one place.

Under the old legislation the maintenance and responsibility for these wardships, therefore, would be with the municipality in which apprehension took place, which might be the location of the hospital, the doctor's office, the Children's Aid Society, or even the court house. It is much fairer, if we must have residence requirements, to have responsibility lie with that municipality in which the child or his family did actually live for the longest period of time. Our experience has proved that this is more acceptable, and there is less resentment on the part of the municipalities.

But there has been a development regarding this residence that was entirely unexpected by our Society and our municipalities. Residence under the old legislation (that municipality in which the individual had lived for one year during the past five years) was basically the same as a residence for the purpose of public assistance. The two kinds of help were pretty well tied together so far as municipal responsibility was concerned.

Now requirements are completely different. We have been faced with a situation where an unmarried mother living with relatives in one area, receiving public assistance on a charge-back to her home, area, has established residence for the purpose of wardship for her child in the community in which she slept and are.

Charge-backs on public assistance came into being because municipalities were refusing to accept responsibility for people with whom might become public charges. We know from experience that municipalities still can, and do, use various pressures to keep families out and avoid "being stuck" with charges.

This development, then, raises again the whole problem of the mobility of people and their difficulties in seeking to establish themselves where they might improve their condition.

Putative Fathers' Obligations

There was just one change in the section of the Child Welfare Act dealing with unmarried parents which had seemed likely to have any great effect on our own program. Through this change a putative father against whom an affiliation order had been made for a lump sum payment could be held responsible for further maintenance for the child if it became a ward of a Children's Aid Society. Under the old legislation the payment of an order for a lump sum was full settlement of the putative father's obligations.

However, no situation of this kind has arisen in our District during the past year, so we do not know what the attitude of the Juvenile Court dealing with wardships would be, or how it would affect judgments on applications for affiliation orders.

Adoptions

In the same way, the changes in the Child Welfare Act dealing with adoption were expected to show some effect in our area, and so far have not. The Act requires that all placements for adoption must be registered within 30 days by the person making the placement, and makes it an offence to give or receive money or reward in exchange for children for adoption.

There has never been any question of "black market" in this area where people are scattered and neighbours have a good deal about each others' business. But there have always been private placements made mostly by the mothers themselves. No such placements have been registered.

It seems clear that it will take a long time for individuals of varying degrees of ability and education to become familiar with this kind of law. We have had the Vital Statistics Act for a long time and yet in our area we still find quite a number of children whose births have not yet been registered.

Administration

The most immediate and far reaching impact of the new legislation, of course, was in the area of administration. To begin with we were swamped with new forms which now dealt with individual children where previously a whole family could be included in one notice or commitment order, and the auxiliary forms. When the irritation at all the paper work died down, however, we realized that there was value in dealing with one child at a time, even in legal forms which fill up filing cabinets.

The broadening of ward maintenance to include all children in care, rather than just wards in boarding care, has been of major importance to our program. It has made possible a more effective service to older wards just starting out on their own than we had been able to finance on private funds. But it has been of special importance to the adoption service, to adoption services generally, of course, and to our Society's service in particular. In stock market parlance, "gold is not very active" these days.

We are one of the few areas in the Province showing a reduced population in the last census figures. We have not been able to place as many children for adoption in our own District as we used to. Neither, of course, do we have as many children to place. But still we have had to find a number of adoption homes for our children outside our own area. This has involved extra expense in time and planning and in transportation. Fewer people contribute, and they contribute less, to campaign funds, nor more, and the necessary development in the adoption service could not have been financed through privately subscribed moneys.

At the same time, our municipalities have accepted these additional charges somewhat more readily because the
new legislation sets down, through regulations, the formula for establishing the rate of maintenance. The old system was a source of irritation to the court and to the municipalities. There was no guide to what charges could be included in the maintenance rate, just a kind of tradition which always seemed suspect. The Child Welfare Act passed down in black and white. The municipalities pay more, but they know where it goes.

Areas Without Municipal Organization

The other change in the legislation regarding money that has contributed a good deal to our Society's program is the provision for a Provincial grant to help finance protection services in the territories without municipal organization. The actual amount of money coming to our Society is not large, but the principle has been very helpful.

These territories are large in area and sparsely populated. Services to the families living there are costly in time and money, and yet are particularly necessary because of the presently lack of resources in isolated settlements for maintaining and building good standards of family life.

Because our District is merely a geographical division of a territory which includes a number of independent municipalities without any over-all organization, there is none of the feeling of corporate responsibility that might be expected in a county set-up. It was a matter of real resentment that campaign funds, raised within the dozen largest of our 35 to 40 municipalities, were being used to finance these expensive services to the unorganized areas. The actual grant has helped improve these services.

Representative

The last change in the legislation, but by no means the least, that has had meaning in our area, is the requirement that all Children's Aid Societies have at least one municipal representative upon the Board of Directors and one on an Executive Committee which would act on behalf of the Board when needed.

Our Society had had two municipal representatives on a Board of 18 members. But on the insistence of the municipalities themselves these representatives were observers only. There was fear that votes on specific issues might be construed as committing the municipal councils. These municipal representatives are now, by law, full voting members of the Board of Directors. They and the Board and their municipalities have accepted the fact that they vote as individuals and do not commit their councils. Experience has proven that as full members they have keener interest and participate more freely in the exchange of ideas than they could comfortably do as observers with no share in the Board responsibility. This is a healthier situation, which must inevitably improve the Society-municipal relationship.

This is, of course, only a selection from the changes the Child Welfare Act has made in the legislation regarding the welfare of children in Ontario and the organization of Children's Aid Societies to serve that welfare. But it covers the major changes that have affected the Temiskaming Children's Aid Society and the services we offer to the children.

This is the February Resources.