



The Child & Family Services Act – Part I

by Doug Paterson, Q.C.

Our Western cultures often profess in broad, sweeping statements that children are our most precious asset, to be protected fully and at all costs.

Just read a few days of headlines and news stories. It will be clear after seeing tales of child sexual abuse, chronic poverty and physical neglect, that we (as a society) are a long ways from properly caring for all children.

Child welfare is largely a provincial duty. The Child and Family Services Act controls child welfare in Manitoba and mandates that Child and Family Service agencies fulfill the aims of the Act along with the Provincial Authorities.

The real guideline that must be followed: the best interests of the child. Some signposts in the Act: opportunity for a parent/child relationship as a wanted family member; proper care to meet all needs; to give a sense of continuity and stability; the risks of an Agency being guardian compared to the risks of the child's family having the child; the preferences of the child; the effect of any delay in

deciding where a child should be raised; and the child's culture, language, race and religious aspects.

If a child is 12 years or more, the child must be aware of any proceedings and be allowed to state her/his preferences to the Court. If a child under 12 years understands, the Court can consider the child's views.

An Agency has certain fundamental duties, including minimizing community risks to children and families, provide counselling to avoid the need for child protection; investigate allegations of child abuse, train families in childcare, provide adoption services, report to the Provincial Authority and follow directives.

The Child Advocate is an office established under the Act to ensure children's rights, interests and views are made known in proceedings under the Act. To do this, the Child Advocate may investigate, hold hearings, inspect homes, meet with the child, and assist the child in proceedings. The Child Advocate must follow strict

rules of secrecy in performing her/his role.

Family members who feel the need for help, especially minor parents, may seek an Agency's resources and guidance.

These would include counseling, family training, and emergency financial and material assistance to prevent disruption or restore family functioning. Even community groups can see an Agency to help solve general concerns. Services include: volunteer programs, daycare placements, homemakers, and parent aides.

The Act also contains processes for guardianship of children by the Agency or by other significant individuals.