

Aboriginal Justice Inquiry –
Child Welfare Initiative



Promise of Hope: Commitment to Change

Child and Family Services
in Manitoba

August 2001



Vision Statement

A child and family service system that recognizes and supports the rights of children to develop within safe and healthy families and communities, and recognizes that First Nations and Metis peoples have unique authority, rights and responsibilities to honour and care for their children.

Mission Statement

To have a jointly coordinated child and family services system that recognizes the distinct rights and authorities of First Nations and Metis peoples and the general population to control and deliver their own child and family services province-wide; that is community-based; and reflects and incorporates the cultures of First Nations, Metis and the general population respectively.

Members of Joint Management Committee for the Aboriginal Justice Inquiry - Child Welfare Initiative are:

Representing the Manitoba Metis Federation

Frances Chartrand, Metis Women

Stephanie Courchene,
Manitoba Metis Federation

Josie Hill, Manitoba Metis Federation

Representing First Nations

Chief David Crate, Portfolio Chief of
Assembly of Manitoba Chiefs

Elsie Flette, Assembly of Manitoba Chiefs

Vice Chief Sydney Garrioch,
Manitoba Keewatinowi Okimakanak

Representing the Government of Manitoba

Jean Altemeyer, Winnipeg Child
and Family Services

Peter Dubiensi, Family Services
and Housing

Brian Gudmundson, Aboriginal
and Northern Affairs

Promise of Hope: Commitment to Change



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A Message from the Executive Committee of the Aboriginal Justice Inquiry - Child Welfare Initiative

In August 2000, the Manitoba Metis Federation, Assembly of Manitoba Chiefs, Manitoba Keewatinowi Okimakanak and the Province of Manitoba began working together on a plan to restructure the child and family services system. It was agreed to collaborate in developing a plan based on the common acknowledgement that:

- The First Nations and Metis peoples have a right to control the delivery of child and family services province-wide for their respective community members;
- Child and family services for First Nations and Metis peoples within Manitoba must occur in a manner which respects their unique status, as well as their culture and linguistic heritage;
- The family is sacred and the first resource for the well-being of children; and
- Solutions developed locally with respect to both the delivery of child and family services, as well as adoption services, are the most effective and practical approach towards ensuring self-determination and healthy communities.

The Executive Committee is pleased to present **“Promise of Hope: Commitment to Change”**. Prepared jointly by our representatives, this document describes our vision for a new and very different child and family services system.

We would like to acknowledge the major contributions made by the many agencies and individuals throughout the province who share the commitment to the well-being of children, families and communities. Their knowledge and dedication will help shape the future of child and family services in Manitoba.

The Executive Committee encourages all Manitobans to participate in a public review of **“Promise of Hope: Commitment to Change”**. Together, we will develop a system that is more responsive to the needs of children, families and communities throughout the province.



Minister Tim Sale
Family Services and Housing



Minister Eric Robinson
Aboriginal and Northern Affairs



President David Chartrand
Manitoba Metis Federation



Lisa Bone
Manitoba Metis Federation



Grand Chief Dennis White Bird
Assembly of Manitoba Chiefs



Grand Chief Francis Flett
Manitoba Keewatinowi
Okimakanak

Introduction

A New Vision for Child and Family Services in Manitoba

Over the past year, representatives from the Manitoba Metis Federation, Assembly of Manitoba Chiefs, Manitoba Keewatinowi Okimakanak, the Province and the existing Aboriginal and Non-Aboriginal child and family services agencies have worked closely together to examine ways to improve Manitoba's child and family services system.

Our focus has been to develop a plan for a restructured child and family services system that recognizes and respects the cultural diversity of the province's citizens, and returns to First Nations and Metis peoples the right to develop and control the delivery of their own child and family services.

As a result of this collaboration, fundamental changes to the governance system are being proposed. The most fundamental of the changes will see the Province delegate responsibility for the delivery of child and family services to four new Child and Family Services Authorities* three of which will serve the Aboriginal communities.

These four Authorities will be:

- A First Nations of Northern Manitoba Child and Family Services Authority;
- A First Nations of Southern Manitoba Child and Family Services Authority;
- A Metis Child and Family Services Authority; and
- A General Child and Family Services Authority (for all other families).

The proposed change signals a fundamental shift in government policy, unprecedented in Manitoba and Canadian history, toward involving and empowering Aboriginal peoples throughout the system.

* "Authorities" is a working term to be reviewed in Phase 3.

The New Vision



The Manitoba Metis Federation, Assembly of Manitoba Chiefs, Manitoba Keewatinowi Okimakanak and the Province of Manitoba have worked together to find ways to improve Manitoba's child and family services system. It was agreed that the new system will recognize cultural differences and Aboriginal peoples will provide child and family services to their people throughout the province. Manitoba is the first province to give Aboriginal peoples province-wide responsibility for child and family services.

What do you think?

This booklet outlines the proposed changes that will make this new system possible. We want to know what people think about the changes so a series of public meetings will be held where people can talk about these changes.

The proposed changes will enable all parties to take a new approach to serving children, families and communities. All Manitobans will benefit from this new approach which emphasizes the value of culturally appropriate services.

The purpose of this document is to explain the plan for the new system and what it means for children and families, the staff who work in the current child and family services system, and the other agencies in the province that serve children and families.



Public Feedback Process

The Executive Committee wants to hear what the people of Manitoba have to say about our vision for the future.

This document was prepared to give people the chance to review the proposed changes as part of an extensive public feedback process taking place through to the end of September 2001. The public feedback will be used in the further development of this plan.

There are many ways to learn more about the proposal and to provide feedback. Turn to page 30 to find out how you can participate.

How Will the New System Affect You?

Aboriginal Families

The new system will mean that Aboriginal children and families, no matter where they live in the province, will receive child and family services from Aboriginal agencies/offices* . These agencies will be supported by one of the three new Aboriginal Child and Family Services Authorities.

The services delivered by the Aboriginal agencies and Authorities will be:

- culturally appropriate; and
- based on an understanding of Aboriginal families and communities.

Non-Aboriginal Families

Child and family services for non-Aboriginal families will continue to be delivered throughout Manitoba using a variety of service delivery structures.

All Families

Throughout the new system, services will strive to keep children within their families and their communities. As well, greater emphasis will be placed on delivering a more holistic range of services, with more of a focus on preventive programming.

* In the remainder of this document, "agency" will be used as an inclusive term to refer to both an agency and an office.

Children in Care

As part of the transition, children currently in care will be transferred to the appropriate Authority. Aboriginal children and youth will have the opportunity to receive services from an Aboriginal agency. Other children and youth will continue to be served by an existing agency. The Office of the Children's Advocate will continue to assist all children and youth in ensuring their voices are heard.

Foster Parents

Foster parents will continue to be essential resources in the new system. While changes will occur, foster parents will be given the opportunity to participate in planning for the children in their homes, and to participate in discussions regarding the licensing arrangements with agencies.

It is hoped that the changes proposed to the child and family services system will encourage a greater number of Aboriginal parents to become foster parents and work with the new Aboriginal Authorities.

Other Service Providers

Coordination will be a primary feature of the new system. Coordination will ensure that child and family services are available when and where they are needed. Coordination will also make it easier for service providers to work with the new system.

For example, one single Child and Family Services phone number will be established across the province as the primary first point of contact with the new system. Additionally, a committee, with senior representation from each of the Authorities, will foster system-wide cooperation and collaboration with other service systems. The members of this committee will be in a position to develop joint approaches in working with these other systems, as well as to ensure that protocols and procedures are adhered to by their respective Authorities and service agencies.

The New System



Under the new system, Aboriginal children and families will receive child and family services from Aboriginal agencies, no matter where they live in Manitoba. These agencies will now be able to provide services that better reflect the cultural needs of children and families.

Helping to solve problems before they start will be the main focus throughout the new system. Services will be provided to help keep children within their families and communities.

Foster parents will still play an important role in the new system. More Aboriginal families are encouraged to work with the new system as foster parents.



Background

The Critical Role of the Child and Family Services System

The child and family services system plays a critical role in Manitoba. The system is responsible for protecting children at risk of abuse or neglect. As well, the system is responsible for supporting and strengthening the well-being of families, particularly those experiencing difficulty in caring for their children.

Currently, the responsibilities of the child and family services system are set out in two provincial Acts: The Child and Family Services Act and The Adoption Act. Under these Acts, the child and family services system is mandated to:

- Work with other human service systems to resolve problems in the social and community environments likely to place children and families at risk;
- Provide family counselling, guidance and other prevention services in order to prevent children coming into care or needing treatment programs;
- Provide parenting education and other support services to young parents with a view to ensuring a stable and workable plan for them and their families;
- Protect children;
- Investigate allegations of child abuse;
- Develop and provide services to assist families in re-establishing their ability to care for their children;
- Provide alternative care, including foster and residential care;
- Develop permanency plans for all children in care with a view to establishing a nurturing family life for these children; and
- Provide adoption and post-adoption services.



Why the Change?

Protecting children and supporting families may be the most important responsibility of society. Meeting this responsibility is extremely difficult and we must continually make improvements so that we are more effective.

It is widely recognized that Aboriginal peoples in Manitoba have not been well served by the mainstream child and family services system. As a result of past government policies, Aboriginal families continue to face a wide range of social problems. Mainstream child and family services interventions over the past few decades have frequently been unsuccessful in helping Aboriginal families overcome these problems, and in some cases, the interventions may have made the problems worse.

While significant reforms have been introduced in recent years, high numbers of Aboriginal children and families continue to be involved in the child and family services system. Currently, Aboriginal children make up about 21% of Manitoba's population under the age of 15*, but they account for 78% of children currently in care of the overall child and family services system**.

Child Welfare and the Aboriginal Justice Inquiry

The recognition of the need for major changes to the child and family services system is not new. In Manitoba, the 1991 report of the Aboriginal Justice Inquiry documented many serious problems in the system.

The Aboriginal Justice Inquiry had been commissioned in 1988 to examine the relationship between the Aboriginal peoples of Manitoba and the justice system. The Aboriginal Justice Inquiry included an examination of the historical treatment of Aboriginal people by the child and family services system.

* Source: *The 1996 Census of Canada*

** Source: *Data for the year 2000 from Manitoba Family Services and Housing*

Background



The child and family services system is very important in Manitoba. Its job is to protect children at risk of abuse or neglect. It also helps families, especially those having trouble taking care of their children.

In 1988, the Aboriginal Justice Inquiry (AJI) started to look at the relationship between the Aboriginal peoples of Manitoba and the justice system. Part of the AJI looked at how Aboriginal people were treated by the child and family services system over the years.

The AJI said good work was being done in serving the child and family service needs of people living in on-reserve communities. The work was being done by on-reserve First Nations agencies but these agencies were not allowed to serve people off-reserve. Aboriginal children and families living off-reserve received services from the non-Aboriginal child and family services agencies.

The Aboriginal Justice Inquiry also reported that “tremendous advances” had been made in the delivery of child and family services for Aboriginal families living in on-reserve communities. These advances were initiated by First Nations in the early 1980s through the establishment of their own child and family services agencies. These agencies, however, only had jurisdiction on-reserve. Aboriginal children and families living off-reserve continued to be served by mainstream child and family services agencies.

In the 1991 report, the Aboriginal Justice Inquiry concluded that the mainstream system did not serve Aboriginal peoples well, and recommended a number of changes:

- Establish the office of Child Protector, to protect the interests of children, to investigate any complaint into the practices of any child welfare agency and to be responsible to the Legislature*;
- Provide Aboriginal and non-Aboriginal child and family services agencies with sufficient resources to enable them to provide a full range of direct and preventive services mandated by The Child and Family Services Act;
- Ensure that the federal and provincial governments provide resources to Aboriginal agencies to develop policies, standards, protocols and procedures, and to develop computer systems that will permit them to communicate effectively, track cases and share information;
- Amend Principle 11 of The Child and Family Services Act to read: “Aboriginal people are entitled to the provision of child and family services in a manner which respects their unique status, and their cultural and linguistic heritage”;
- Establish a mandated province-wide Metis agency;
- Expand the authority of existing Indian agencies to enable them to offer services to band members living off-reserve;
- Establish an Aboriginal child and family services agency in the city of Winnipeg to handle all Aboriginal cases.

* The Office of the Children’s Advocate was established in 1992 and made responsible to the Legislature in 1998.



Acting on the Aboriginal Justice Inquiry Recommendations

In 1999, the Province of Manitoba announced a commitment to address the inquiry's recommendations and consequently established the Aboriginal Justice Implementation Commission. The Aboriginal Justice Implementation Commission was to review the Aboriginal Justice Inquiry report, identify priority areas for government action, and advise the government on methods of implementing the Aboriginal Justice Inquiry's recommendations.

In its first report to the Province, the Commission made four major recommendations, including one on child and family services:

“The Government of Manitoba seek to enter into agreement with the Assembly of Manitoba Chiefs and the Manitoba Metis Federation to develop a plan that will result in First Nations and Metis communities developing and delivering Aboriginal child welfare services. . . .”

By August 2000, the Province, the Manitoba Metis Federation, the Assembly of Manitoba Chiefs and Manitoba Keewatinowi Okimakanak had signed agreements establishing a joint initiative to develop a plan to:

- Recognize a province-wide First Nations right and authority by extending and expanding off-reserve jurisdiction for First Nations;
- Recognize a province-wide Metis right and authority; and
- Restructure the existing child and family services system through legislative and other changes.

Child Welfare



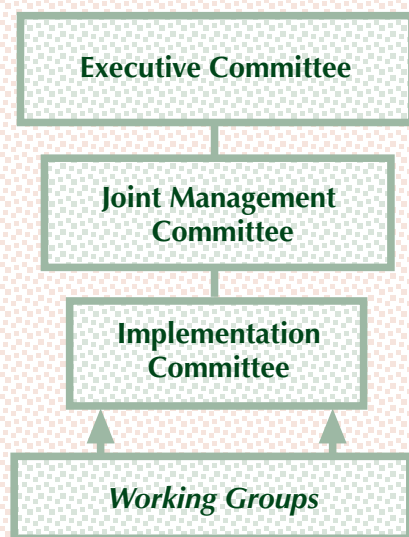
The AJI report of 1991 said the non-Aboriginal system did not serve Aboriginal peoples well. It recommended that some changes be made:

- Open the Office of the Child Protector to make sure children's best interests are always put first.
- Give Aboriginal and non-Aboriginal child and family services agencies enough resources to provide a full range of services under The Child and Family Services Act.
- Make sure that the federal and provincial governments give enough resources to Aboriginal agencies to help them serve Aboriginal peoples well.
- Change laws to officially establish the new system.
- Set up a mandated province-wide Metis agency.
- Enable existing on-reserve agencies to serve First Nation peoples living off-reserve.
- Set up an Aboriginal child and family services agency in Winnipeg to serve Aboriginal children and families.

The Aboriginal Justice Inquiry – Child Welfare Initiative

In signing the agreements, the Province and the First Nations and Metis leaders established the Aboriginal Justice Inquiry – Child Welfare Initiative, the process through which they would work together to develop and subsequently implement a plan to restructure the child and family services system in Manitoba.

Aboriginal Justice Inquiry Child Welfare Initiative Committee Structure



The Aboriginal Justice Inquiry – Child Welfare Initiative has established several committees to carry out the work. These include:

Executive Committee - The most senior of these committees, made up of political leaders representing each of the signatories, is responsible for final decisions in the Aboriginal Justice Inquiry – Child Welfare Initiative process.

Joint Management Committee - Reporting to the Executive Committee, this committee is responsible for overseeing all aspects of the plan's development and implementation.

Implementation Committee - This committee provides ongoing technical support to the Joint Management Committee.

All the committees have representation from each signatory, with a majority coming from the Aboriginal parties.

The following vision and mission statements were adopted to guide the Aboriginal Justice Inquiry – Child Welfare Initiative.

Vision Statement

A child and family service system that recognizes and supports the rights of children to develop within safe and healthy families and communities, and recognizes that First Nations and Metis peoples have unique authority, rights and responsibilities to honour and care for their children.

Mission Statement

To have a jointly coordinated child and family services system that recognizes the distinct rights and authorities of First Nations and Metis peoples and the general population to control and deliver their own child and family services province-wide; that is community-based; and reflects and incorporates the cultures of First Nations, Metis and the general population respectively.

The Joint Management Committee also established time lines for the Aboriginal Justice Inquiry– Child Welfare Initiative based on five separate phases of work. These timelines have been revised and updated and are shown below.

Phase 1: September 2000 to December 2000 - Working Groups developed proposals and recommendations for the draft plan.

Phase 2: January 2001 to July 2001 - Implementation Committee prepared consolidated conceptual plan based on the Working Groups' proposals for submission to the Executive Committee.

Phase 3: August 2001 to December 2001 – Following public feedback, a detailed implementation plan will be developed, and initial changes can begin.

Phase 4: January 2002 to March 2003 - Plan substantially implemented.

Phase 5: April 2003 to October 2003 - Stabilization of changes implemented.

The Process to Date

Phase 1

The Joint Management Committee established seven Working Groups to examine different features of the child and family services system. Each of the Working Groups was also asked to develop recommendations for restructuring the system to achieve the Aboriginal Justice Inquiry – Child Welfare Initiative's vision and mission statements.

The Working Groups gathered input from a wide range of agencies, individuals and service users from the child welfare, health, justice and education sectors.

The Working Groups submitted their reports to the Joint Management Committee at the end of December 2000.

Acting On AJI Recommendations

In 1999 the provincial government introduced the Aboriginal Justice Implementation Commission (AJIC).

It recommended that the provincial government sign an agreement with the First Nations and Metis political leadership to develop a plan for Aboriginal agencies to serve Aboriginal peoples.

The AJI-CWI Process

The Province, the First Nations and Metis leaders signed agreements which led to the creation of the Aboriginal Justice Inquiry - Child Welfare Initiative (AJI-CWI).

The AJI-CWI set up committees to develop a plan to change the child and family services system in Manitoba. The committees have members representing the provincial government, the Assembly of Manitoba Chiefs, the Manitoba Metis Federation and the Manitoba Keewatinowi Okimakanak.

The process has five phases. Phase 1 and 2 are completed. In Phase 3, following public feedback, a more detailed plan will be developed. During Phases 4 & 5, beginning in January 2002, changes will be implemented. All phases will be finished by October 2003.



Phase 2

The Implementation Committee was responsible for examining over 250 recommendations made in the Working Group reports. Based on the recommendations, the Committee developed a consolidated conceptual plan for the review of the Joint Management Committee.

The Implementation Committee was also responsible for preparing a plan for a feedback process through which the general public and interested groups could comment on the restructuring plan.

The Joint Management Committee and the Executive Committee completed their reviews of the proposed plan for restructuring the child and family services system in July 2001. Both of these committees also approved the plan for public feedback.

This document is based on the more detailed Conceptual Plan developed in Phase 2.

Design Principles

The following principles were used to guide the development of the Conceptual Plan:

- There will be a common process to develop the implementation plan to restructure the system;
- The distinct rights and authorities of First Nations and Metis peoples and the general population will be province-wide;
- Each Authority requires a skilled and appropriate workforce; and each has the right to define 'skilled', 'appropriate' and the criteria through which the workforce is hired*;
- Services, administrative and financial resources in the child and family service system will be distributed in a way that achieves equitable funding and parity of service throughout the province;
- There shall be a method for determining which Authority or agency can provide the most culturally appropriate services for a child and/or a family;
- Intake services will be coordinated; there will be timely first response; and the intake system will ensure that no child is at risk because of gaps between the mandates or operations of agencies/offices;
- Each Authority will provide the full range of services and functions as outlined in [The Child and Family Services Act](#) and [The Adoption Act](#);
- Child and family services records and processes need to be computerized; and there will be common registries for the whole system; and



* The province will work cooperatively with the Authorities to develop a competent workforce and maintains the capacity to ensure standards in this regard.

- The system of services delivered by mandated child and family services agencies shall protect and honour children by building and empowering community, family and personal capacity through the delivery of holistic, restorative, integrated, preventive, supportive and protective services.

Restructuring of the system will occur within existing provincial Child and Family Services resources, although additional resources will be required for the transitional period.

A New Way to Provide Child and Family Services

The new proposed child and family service system fundamentally changes the relationship between the provincial government and Aboriginal peoples in terms of the delivery of child and family services.

The fundamental change is for the delivery of child and family services to become much more of a shared responsibility between the Province and Aboriginal peoples. The Minister of Family Services and Housing will delegate responsibility for the management of service to First Nations (on- and off-reserve) and Metis children and families to the new Aboriginal Child and Family Services Authorities. The responsibility for management of service to other children and families will be delegated to a General Child and Family Services Authority.

The new Authorities will be:

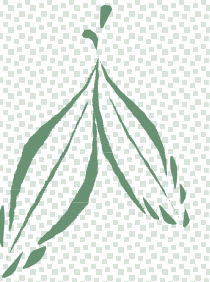
- A First Nations of Northern Manitoba Child and Family Services Authority;
- A First Nations of Southern Manitoba Child and Family Services Authority;
- A Metis Child and Family Services Authority; and
- A General Child and Family Services Authority (for all other families).

Design Principles

A number of principles were set out to guide what the new system would look like.



A New Way



The new child and family services system will change the way the provincial government and Aboriginal peoples work together in providing child and family services. There will be more sharing of duties in this important service area.

The Minister of Family Services and Housing will give responsibility for the management of service to First Nations (on- and off-reserve) and Metis children and families to the four new Authorities.

The Authorities will mandate and fund child and family services agencies.

As in the current system, the Province will maintain ultimate responsibility for the safety and protection of children in Manitoba, and for the overall child and family services system. However, in the proposed system, each Authority will have significant rights and responsibilities granted by the Minister and recognized in new child and family services legislation. Each Authority will also receive funding approved by the Province to meet its delegated responsibilities.

To encourage community involvement, responsibility for service development and provision will rest with agencies. The Authorities will mandate and fund child and family services agencies to meet this responsibility (this power currently is held exclusively by the Province). The Authorities can set their own service standards to supplement provincial standards. Authorities will be the primary liaison between agencies and the Province. Agencies will be directly accountable to the Authorities, which act on behalf of their peoples, as well as to the Minister.

Discussions are underway with the Office of the Children's Advocate about how it can best fulfill its role in the new system.

Proposed Areas of Responsibilities in the New Child and Family Services System

Responsibilities of the Province

- To administer and oversee the legislation related to child and family services;
- To establish provincial policy and service standards;
- To ensure compliance to standards;
- To approve and distribute funding to the four Authorities;
- To operate centralized functions as required;
- To act as a final level of appeal in certain matters; and
- To promote collaboration and cooperation.

Responsibilities of the Authorities

- To delegate a mandate for service delivery to agencies or offices;
- To allocate funding for child and family services programming based on needs and opportunities of the communities they serve;
- To promote collaboration and cooperation;
- To be responsible and accountable for designing and managing delivery of statutory, voluntary and preventive child and family services on a province-wide basis. This responsibility includes:
 - Delivery of culturally appropriate services;
 - Capacity to deliver programs directly through the Authority;
 - Service standards to supplement provincial standards;
 - Entering into agreements with other Authorities/organizations regarding service

- Monitoring agencies to ensure service quality and compliance with standards;
- Ensuring services are delivered by a competent workforce;
- Providing advice and consultation to agencies; and
- Providing reports to the Minister consistent with standards.

Responsibilities of the Agencies

- To develop, deliver and manage programs and services (see page 16 for a list of types of services) based on community needs and opportunities, in accordance with established standards; and
- To promote collaboration and cooperation.

Service Objectives of the New System

The following objectives have been established to guide the development and delivery of services in the new system:

- To protect children and ensure their well-being;
- To build family capacity, based on the belief that children are best protected in their families;
- To build community capacity, based on the belief that healthy communities will support families and maintain safe and healthy environments for children;
- To provide services that support families at risk and that seek to work with families in protecting children;
- To take a holistic approach toward child protection;
- To establish a service delivery system that is primarily non-adversarial in its approach;
- To provide services that are responsive to unique community needs;
- To develop and deliver services from a community based perspective;

Responsibilities

Under the new system, the Province of Manitoba will be responsible for setting laws, policies and standards for the new system. The Province will work together with the new system in providing services. The Province will also approve and provide funding to the Authorities and will serve as the final level of appeal in certain matters.

Under the new system, the Authorities will design and manage the delivery of child and family services throughout the province, assist in setting standards and provide funding to agencies which qualify to deliver services.

Under the new system, the Agencies will work together with the Authorities and the Province of Manitoba in delivering child and family services.

Objectives

The main objectives of the new system are to protect children, ensure their well being and strengthen families and communities through culturally appropriate supports and services.



- To provide culturally appropriate services;
- To establish services throughout the province that strive to provide for parity of access to services regardless of residence, to the greatest extent possible;
- To develop a child and family service system that is built on a best practices approach; and
- To work with children, families and communities, and develop and deliver appropriate services, using a model that focuses on the strengths of families and communities.

Range of Services to be Delivered by Agencies

Agencies will continue to have the primary responsibility for the design and delivery of the following services and programs*:

Alternative programs for children and families at risk

Programs targeted specifically for families and children at risk which are designed to prevent children from needing to come into care. This will include programs that build community capacity, prevention and early intervention programs, information and public education, referral and linkage to other community resources;

Voluntary services to families

Services such as homemaker and respite provided to families at risk that seek these services on a voluntary basis. This includes alternative programs offered by agencies, as well as other measures (e.g., Voluntary Placement Agreements);

Statutory protective services

Services to children and families at risk (where such services are not sought voluntarily) as set out in legislation. The legislation will provide for a range of interventions, including homemaker, parent aide, and respite services. This may include mandatory participation by a family in the alternative programs that are offered. While respecting provincial standards, Authorities and agencies/offices will determine the nature and type of protection services;

Abuse investigations / services

Investigation of child abuse allegations in a manner consistent with the legislation. Due to the multi-disciplinary approach required in abuse investigations, the Authorities will work with the Province, the police and medical staff to develop protocols for use in all investigations. Authorities may establish joint investigative teams, particularly in Winnipeg; and

Services to children in care

Services to children in care as set out in legislation and in a manner considered appropriate by the Authorities and their agencies. These services include foster homes and out-of-home residential care and treatment programs, as well as adoption and permanency planning.

* In consultation with agencies, Authorities also will have the ability to develop and deliver services, where this is appropriate.

System Coordination

The new system addresses many limitations of the current child and family services system, but it also creates a new set of challenges.

The challenges relate to the fact that the new proposed system is based on “concurrent jurisdiction”. Concurrent jurisdiction means that all four Authorities, and the many agencies operating through them, will have responsibility over the same geographical area (the entire province) at the same time. This will be a major change from the current system of geographic jurisdiction in which only one child and family services agency has responsibility in any given location in the province.

For example, under the current system, Winnipeg Child and Family Services is responsible for providing services to all children and families living in Winnipeg. Under the new system, any of the Authorities and their agencies could be responsible for providing service in Winnipeg depending on the cultural background of the child and family requiring assistance.

The primary challenge of concurrent jurisdiction is to coordinate service delivery among the four Authorities. It is essential that all people receive services in a timely and effective way and that no child is left at risk.

A number of new structures and arrangements will provide for coordination across the system:



- Joint Intake Response Unit;
- A Process for Authority Determination;
- Centralized Supports;
- A Standing Committee; and
- A Leadership Council.

Range of Services

The agencies will be responsible for the design and delivery of services that support families and communities and protect children.

System Coordination

All four Authorities and their agencies will be serving the needs of people across the province at the same time. The system must work together to make sure people receive service in a timely and efficient way, leaving no child at risk.

Joint Intake Response Unit:

Where do I go for services?

A cooperatively managed Joint Intake Response Unit will be established as the primary first point of contact with the child and family services system. The Joint Intake Response Unit will operate a common Child and Family Services phone number across the whole province, taking calls 24 hours a day, seven days a week. Anyone who needs to call child and family services will simply call that one number. All calls to the Joint Intake Response Unit will be answered by highly qualified staff.

The Joint Intake Response Unit will provide a 24-hour intake service that will connect people with appropriate services, with a focus on strengthening families and finding alternatives to child apprehension. The unit will conduct initial assessments and support families in securing the most appropriate service available (both child and family services and other community resources). For non-emergency calls, Joint Intake Response Unit staff will help callers with their inquiry directly, or refer them to an appropriate agency or service (either a Child and Family Services Authority, or other community services and resources).

The Joint Intake Response Unit will also respond to emergency situations. For emergency calls from Winnipeg, Joint Intake Response Unit staff will provide an immediate response. For emergency calls outside Winnipeg, Joint Intake Response Unit staff will immediately send staff from a designated agency in the caller's area to respond to the emergency.



People already familiar with an agency or service could still call the agency or service directly. To avoid confusion, however, only the common Child and Family Service phone number will be advertised to the general public.

Prior to new cases being assigned, Joint Intake Response Unit or agencies contacted directly will be responsible for Authority determination (see next page).

The four Authorities will jointly manage the Joint Intake Response Unit, but one mutually determined Authority will be contracted to be the employer and day-to-day administrator of the service. The funding for the Joint Intake Response Unit will be based on an annual plan and approved budget. The four Authorities will share the costs for these services equitably.

Process for Authority Determination:

Who is responsible for services?

A central objective of the new system is to ensure that people receive services through the most culturally appropriate Authority.

To provide for this, all families and children involved with child and family services for the first time will be guided through a common Authority determination process that will stream them to the appropriate Authority. The "streaming process" is based on the belief that, in general, families will want to receive services through the Authority with which they most closely identify.

The streaming process will be based on asking people a series of questions. First Nations persons registered as an "Indian" within the meaning of the Indian Act will be streamed to the appropriate First Nations Child and Family Services Authority. Metis persons and Inuit persons will be streamed to the Metis Authority. Non-Status persons will also be streamed to the Metis Authority with some exceptions. The exceptions are:

- persons entitled to be registered as an "Indian" within the meaning of the Indian Act and who declare community connectedness to a First Nation; and
- persons who have lost their status due to the legal implications of section 6 (2) of the Indian Act, but who readily identify with First Nations culture and who declare community connectedness to a First Nation.

How these persons will be identified and what questions will be asked is a Phase 3 task.

Other persons will be streamed to the General Child and Family Services Authority. Within the General Child and Family Services Authority, Jewish people will be streamed to Jewish Child and Family Services.

Who do I call for service?



People in need of child and family services will call a toll-free number.

The new system will ensure no child is left at risk.

Who will provide services ?

People needing child and family services will be directed to the Authority with which they most closely identify, based on their culture.



The process will be respectful and simple and could be completed in a few minutes. The same process will be used throughout the new service system. In a crisis or emergency, the streaming process will be used only after immediate needs are met and the safety of the child is ensured.

The streaming process to be developed will also be able to respond to situations when family members identify with cultures served by different Authorities, or, when information is unavailable on the cultural background of the family and/or child.



Early after initial intake, families and/or children can choose to be served by an Authority other than the one to which they would otherwise be streamed. Choice will be exercised through an established process involving the relevant Authorities and the family and/or child. The new system will also respect a family's and/or child's choice to be served by a different agency within one of the Authorities.

Families and/or children will be able to request a change in either agency or Authority even after they have been involved in the child and family services system for some time. In this case, however, families will be responsible for demonstrating why a change will be in the best interest of the child or children involved.

Since decisions related to the child and family services system need to be based on the best interest of children, supports will be provided to families and/or children wishing to exercise choice to enable them to make informed decisions.

Finally, the new system will have safeguards to ensure that children remain connected to their culture when a family and/or child chooses to be served by a different Authority.

Centralized Supports

Along with the Joint Intake Response Unit, which provides coordinated joint intake and assessment, there are other important centralized supports proposed for the new system. Once again, these supports will be put in place to coordinate the system and to ensure that people receive timely and effective service.

Executive Support Unit

An Executive Support Unit will be established to act on behalf of the Province of Manitoba in meeting its responsibilities. The Executive Support Unit will oversee the establishment of system-wide standards and ensure compliance with these standards. The Executive Support Unit will also work with and provide supports to each of the Authorities.

Management Information Systems

Management information systems will be implemented to allow all Authorities and child and family services agencies to make use of the recent advances in electronic communications and information exchange. The Authorities and agencies will require access to technology to be able to communicate and exchange information through linked computer-based record-keeping systems.

For example, management information systems will enable staff to check whether a family or child has had previous involvement with the child and family services system, and will facilitate the transfer of cases after initial intake.

Confidentiality and security issues will be of primary concern for the design of the system. To protect sensitive and confidential information, the systems will ensure access only to authorized users.

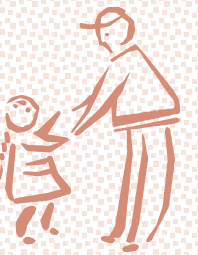
Joint Registries

An essential feature of the systems will be a set of common registries. These will include:

- Child in Care Registry;
- Prior Contact Registry;
- Child Abuse Registry;
- Adoption Registry; and
- Post-Adoption Registry.

Identification of additional registries will be required and ongoing.

Supporting the New System



Centralized Supports will help the system work smoothly and efficiently. These include:

- Executive Support Unit staff will make sure the Province of Manitoba's role is fulfilled in the new system. It will ensure that standards are followed throughout the new system.
- Computer systems will be put in place to make sure the Authorities and the agencies can share information and communicate. The systems used will ensure confidentiality.
- One of the key parts of the new system is common registries of information about children in care, prior contact, child abuse, adoption and post-adoption.



Standing Committee

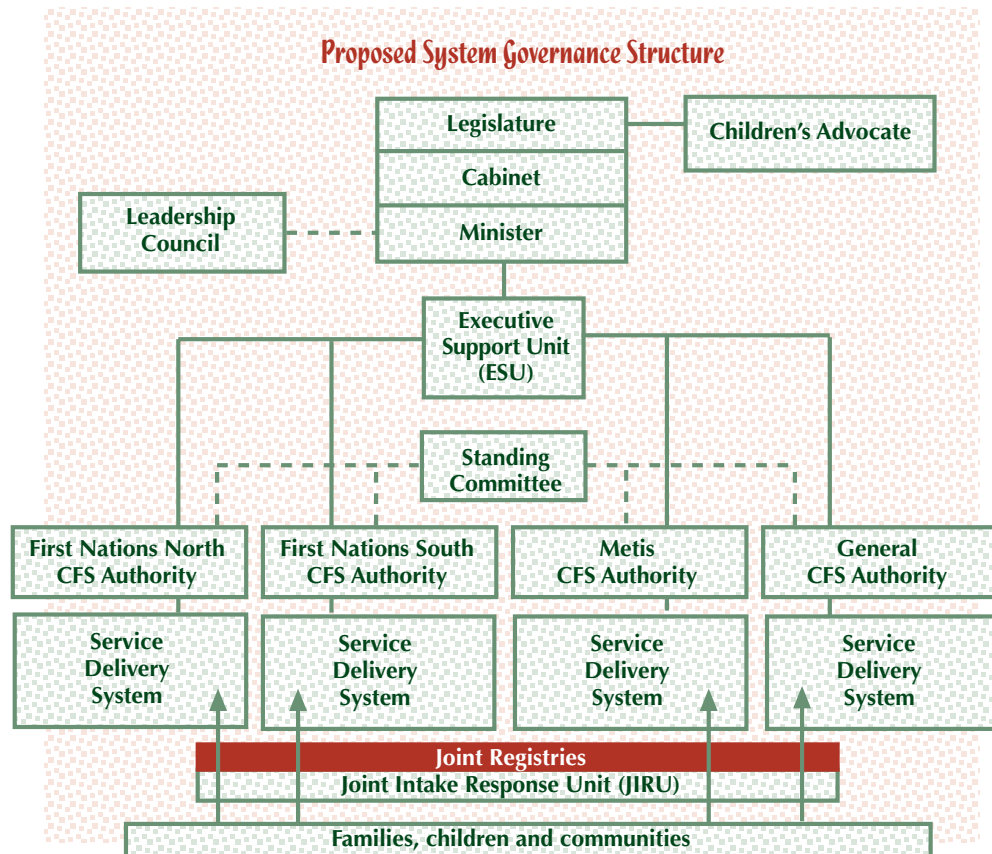
The Standing Committee will facilitate collaboration and cooperation at the executive level of the new Child and Family Services Authorities.

The membership of the Standing Committee will be comprised of:

- Senior executive officer of the Northern First Nations Child and Family Services Authority;
- Senior executive officer of the Southern First Nations Child and Family Services Authority;
- Senior executive officer of the Metis Child and Family Services Authority;
- A second representative from the Metis Child and Family Services Authority;
- Senior executive officer of the General Child and Family Services Authority; and
- Senior executive officer of the Executive Support Unit.

The purpose of the Committee will be to provide a forum for ongoing communication at the most senior staff level among the Authorities and the Province (represented by the Executive Support Unit). Committee members will meet to address system-wide issues.

The Standing Committee will also be pivotal in promoting cooperation and collaboration with other governmental systems, working in such areas as education, justice, health and housing. The members of the Standing Committee will be in a position to develop joint approaches in working with these other systems. They will ensure that jointly developed protocols and procedures are adhered to by their respective Authority and service agencies.



Leadership Council

The Leadership Council will facilitate ongoing and effective collaboration among the Province and Aboriginal leaders.

The Leadership Council will be comprised of political leaders from the First Nations, Metis, and the Provincial Government. The Council will provide a forum for “government-to-government” discussions surrounding child and family services issues. Aboriginal leadership will provide advice to the Provincial Government or the Minister may seek direction and input from them.

The purpose and principles of this body are to be included in the new child and family services legislation.

Transition to the New System

The changes proposed will require a careful and planned process to establish the new system as described in the preceding pages. Some of the major tasks will include:

- Drafting of new or amended legislation for consideration by the Legislative Assembly;
- Transferring responsibility for services to Aboriginal children and families to the new Aboriginal Authorities and their agencies in a manner least disruptive to those currently receiving services;
- Developing the human resources required by the new Aboriginal Authorities and their agencies while respecting the collective agreements of the current workforce;
- Redistributing funding and other resources among the new Authorities and their agencies; and
- Reviewing arrangements with external agencies that provide residential care – for example, Knowles Centre Inc., MacDonald Youth Services, Marymount Inc., and New Directions for Children Youth and Families Inc.

Standing Committee



The Standing Committee, with members from the Authorities and the Province, will help all parts of the system to work together for the benefit of Manitoba children and families.

Leadership Council

The Leadership Council will provide a place for political leaders from First Nations, Metis and the Provincial Government to discuss issues.

Transition

The change from the old system to the new system will need careful planning to ensure that it is as smooth as possible.

Enabling Legislation

The current child and family services system is governed by The Child and Family Services Act and The Adoption Act. Changes to these Acts or new enabling legislation will need to be drafted to govern the new system.

The amended or new legislation to be drafted and considered by the Legislative Assembly will include the following related changes in the administration and governance of the child and family services system:

- Powers and duties of the Minister;
- Powers and duties of the four Authorities;
- Relationship between the Minister and the Authorities;
- Duties of the agencies;
- Establishment of the Standing Committee; and
- Establishment of the Leadership Council.

Work on these and other legislative changes will begin in Phase 3.

Transferring Responsibility for Services

While the new system will not be fully implemented until October 2003, the transfer of responsibility for services will begin much earlier. Current timelines may see transfers begin as early as January 2002, after the completion of the public feedback process and detailed planning activities in Phase 3.

Responsibility for services to children and families already receiving services through the child and family services system will be assigned based on the same “streaming process” to be used for those becoming involved in the system for the first time (see page 19). Families and/or children will also have the option of choosing to be served by an Authority other than the one to which otherwise they would have been streamed.

However, the actual transfer of responsibility of these services will proceed according to the ability of newly created Authorities and/or their agencies to take over this responsibility. The transfer of funding and human resources will be critical to the readiness of the newly created Authorities and/or their agencies (see next three pages). Until the receiving Authority and/or its agencies are ready, services will continue to be provided by the existing service provider.

A key concern in the transfer of responsibility for services will be to ensure that it is done in a way that is least disruptive to children and families who are involved in the child and family services system and ensures the safety of children at all times.

Detailed planning for the transfer of service will occur in Phase 3. Planning will also include focus on the transfer of three other types of services:

Abuse – Abuse investigations will not be transferred while they are in progress. They will be completed by the agency already involved.

Post Adoption Registry – These services will continue to be provided by the Province until Authorities indicate a readiness to assume responsibility.

Foster Care Resources – Following the completion of an inventory of foster and residential resources during Phase 3, protocols will need to be developed that deal with the sharing of homes and with the issue of more than one agency licensing a foster home. Agreement will also be required on the protocols and procedures to be used in transferring resources from one agency to another. Foster parents will be included, whenever possible, in this developmental process.

Implementing a Human Resources Strategy

The new system will require a transition towards a culturally competent workforce. This transition will create the need to train and hire more Aboriginal people to work in the child and family services system.

A preliminary plan has been developed to provide for this transition respecting:

- The need to maintain quality and continuity in service delivery and the continued safety and protection of children;
- Each Authority’s right to define skilled, appropriate and the criteria through which the workforce is hired; and
- The available child and family services funding.

Legislation

The current system is governed by The Child and Family Services Act and The Adoption Act. These laws will be changed to reflect the new system.

Transferring Services

The change from the old system to the new system will be done in stages as agencies become ready. Transfers will begin in January 2002 and be completed by October 2003.

Workforce

The new system will mean changes to the present workforce. At first, to assist with case transfers, employees from the non-Aboriginal child and family services system will be loaned to the Aboriginal agencies. As more Aboriginal people are trained and ready to be hired, the loaned employees will be offered reasonable employment in other areas.



A workforce adjustment strategy is an important part of this plan. The strategy will see experienced and skilled workers in the mainstream child and family services system seconded to the three Aboriginal Child and Family Services Authorities and their affiliated agencies until a greater number of qualified Aboriginal people are ready to fill these positions.

In order to respect the collective agreements of the existing workforce, the Province has made the commitment to assume full responsibility for ensuring reasonable employment offers are made to existing regular child and family services employees who are affected by transition to the new child and family services system. Under the proposed plan, First Nations and Metis Authorities will have the option to offer permanent employment to seconded employees but will be under no obligation to do so. Those employees returning from secondments with the Aboriginal Authorities will be employed with the General Authority, within the provincial civil service, or with other employers.

Under the plan, an inventory of existing human resources available to the child and family services system will be developed along with detailed workforce projections by each of the Authorities. This information will be used as the basis to develop and implement new and expanded training programs with various educational institutions. These programs will place an emphasis on:

- Meeting future workforce requirements;
- Meeting skills and qualifications for workers set by each Authority;
- Recognition of previous work and experience as well as other indicators; and
- Accessibility to candidates in all regions of Manitoba, including those living in remote regions.

Funding the Transition and the New System

New funding arrangements will be required to support the new child and family services system. The new funding arrangements will be designed to achieve the following goals:

- Support the least intrusive child and family services interventions appropriate to meet needs;
- Be needs-based and flexible enough to respond to operational needs;
- Provide longer-term predictability by incorporating multi-year allocations;
- Provide fair and equitable distribution of funding;
- Encourage best practices;
- Be province-wide in its application;
- Provide for a continuum of services/resources;
- Identify workforce requirements;
- Recognize caseload/work demand;

- Recognize unique needs, regional disparities, cultural differences and community-based service delivery;
- Encourage cost-effectiveness;
- Be understandable and easily administered; and
- Include an evaluation and review process.

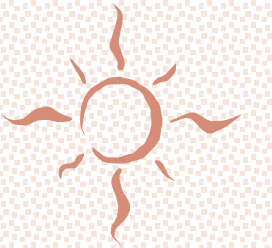
The development of these new funding arrangements will require careful consideration and will be established by October 2003. During the transitional period, the reallocation of resources will be proportional to the work (e.g., number of cases) being transferred. Key features of the transition will include:

- Transferred resources to incorporate all direct and indirect costs;
- Resource transfers do not jeopardize the ability of the sending or receiving Authority to fulfill its responsibilities; and
- Authorities work together to develop mutually agreeable plans for transfers of work and resources.

Additional one-time only funding will be required to cover a variety of developmental and transitional costs. These could include such things as training and other human resource initiatives, transfer of case loads, and a range of administrative costs.

All parties to the Aboriginal Justice Inquiry – Child Welfare Initiative have also made a commitment to a joint examination of the continued suitability of current resources available to support the child and family services system.

Funding the New System



The new system will have a different way of funding which will be in place by October 2003.

The existing funds and resources will be transferred to the new Authorities. In turn, the Authorities will give funding and resources to the agencies.

Start up funding will be required.



Reviewing Arrangements with External Agencies Providing Residential Care

The Aboriginal Justice Inquiry – Child Welfare Initiative deals with the full range of services provided under the Acts. Programs and services that are currently being managed and provided by the existing child and family services agencies and the Province’s regional offices, including the level of provincial funding support, are the principle focus of the Province’s commitment to restructuring the system.

However, it is acknowledged that there is a broader array of programs and services that are of great importance and are of particular significance to Aboriginal children and families but fall outside the current responsibility and management of child and family services agencies.

Following agreement on the detailed implementation plan for the restructured system (to be developed in Phase 3), the Province will begin discussions with the Authorities in regard to residential resources operated by external agencies to support children who are not living with their families. Children are placed in the resources because they are experiencing serious psychological, emotional and behavioral difficulties.

Currently, the Department of Family Services and Housing manages decisions and the considerable financial resources required to place children in these residential care facilities. Aboriginal peoples have consistently expressed their concerns regarding the continuing relevance, cultural appropriateness and cost-effectiveness of these services, and have recommended that major structural changes be made to these programs.



The Province, First Nations and Metis are committed to working together by engaging in timely discussions with service providers once the implementation process is well underway. It is reasonable to expect that these discussions will lead, in all likelihood, to new organizational and funding relationships, which more closely reflect the cultural priorities and service objectives of the proposed new Authorities.

Phases and Timelines



Phase 1: September 2000 to December 2000 - Working Groups developed proposals and recommendations for the draft plan.

Phase 2: January 2001 to July 2001 - Implementation Committee prepares consolidated draft conceptual plan based on Working Groups’ proposals and recommendations to be submitted to the Executive Committee.

Phase 3: August 2001 to December 2001 - Following public feedback, a detailed implementation plan will be developed, and initial changes can begin.

Phase 4: January 2002 to March 2003 - Plan substantially implemented.

Phase 5: April 2003 to October 2003 - Stabilization of changes implemented.

Residential Care



As the changes are being implemented, the Province, First Nations and Metis will develop new ways of working together with residential care providers.

How You Can Participate

Want to Provide Feedback?

1. Attend a Town Hall Meeting

Come to one of the town hall meetings being held throughout the province. Each meeting will include a presentation on the Aboriginal Justice Inquiry – Child Welfare Initiative. Individuals and groups can make presentations at the town halls. Pre-registration is not required, but is recommended to ensure that time is available for each presentation. Each town hall will include a question and answer period, as well as an “open floor” for anyone interested in providing additional feedback.

*Watch for dates and times to be advertised, or call 945-1183.
Outside Winnipeg 1-800-300-7503.*

Please call 945-1183 (1-866-300-7503 toll-free) at least five days before the meeting you plan to attend if you want to:

- make a presentation
- find out about possible child care and interpreter assistance

2. Send in a Written Submission

Provide your feedback in a letter or a written submission. Send your written feedback to:

Aboriginal Justice Inquiry – Child Welfare Initiative
c/o 216 – 114 Garry Street
Winnipeg, MB R3C 4V4

All written submissions should be received by September 30, 2001.

3. E-mail your comments

Send your feedback by e-mail to the following address: ajicwi@gov.mb.ca

All e-mail submissions should be received by September 30, 2001.

Want More Information?

1. Visit the Aboriginal Justice Inquiry – Child Welfare Initiative Web Site

Visit our web site to view more information on the Aboriginal Justice Inquiry – Child Welfare Initiative and the public feedback process. Please go to:
<http://www.aji-cwi.mb.ca>

2. Call our Central Information Line

Got a question? Want more information? Please call our Central Information Line.

In Winnipeg call: 945-1183
Outside Winnipeg call toll-free: 1-866-300-7503

3. Call One of the Parties to the Aboriginal Justice Inquiry – Child Welfare Initiative:

Want to speak with any of the parties involved in the Aboriginal Justice Inquiry – Child Welfare Initiative? Please call them directly.

Assembly of Manitoba Chiefs

Trudy Lavallee
(204) 956-0610

Manitoba Metis Federation

Cynthia Kolada
(204) 586-8474

Manitoba Keewatinowi Okimakanak

Winnipeg Sub-Office
Colin Kinsella or Inez Vystrcil
(204) 927-7500

Province of Manitoba

Family Services and Housing
Patrick Falconer
(204) 945-6731



Glossary of Key Terms

Agencies/offices – Refers to a child and family services delivery vehicle; “agency” refers to an incorporated body with its own Board of Directors; “office” means an operational service site of an Authority.

Assembly of Manitoba Chiefs (AMC) – A political organization representing the First Nations of Manitoba; in this initiative, AMC represents the thirty-six southern First Nations.

Authority – The corporate body, proposed to be constituted under provincial legislation, that receives the authority to administer the duties and obligations as defined by relevant legislation for a defined group of people (Southern First Nations; Northern First Nations; Metis; General Population) throughout the province of Manitoba, and assigns duties and obligations to child and family service agencies/offices.

Authority Determination – The standardized process to identify the Authority that has jurisdiction for a family and/or child based on established criteria.

Child and Family Services Act, Adoption Act – Existing provincial legislation governing the provision of child welfare services and adoption services respectively in the Province of Manitoba.

Common registry/registries – Systems of information that are established and maintained province-wide. May include prior contact registry, child abuse registry, adoption registry, post-adoption registry, child in care registry, etc.

Executive Committee – A committee comprised of the leadership of the four parties (MMF, MKO, AMC, and the Province), which is responsible for overseeing and directing the Aboriginal Justice Inquiry – Child Welfare Initiative as a whole.

Executive Support Unit – The Branch of the Department of Family Services and Housing that deals with the administration of the relevant child and services legislation.

Implementation Committee – A committee comprised of six representatives: two representing the MMF; two representing First Nations (MKO and AMC); and two representing the Province; it is a sub-committee of the Joint Management Committee responsible for assisting in the development and implementation of the plan to restructure the child and family services system.

Intakz – Refers to the process by which a family/child/individual makes initial and/or subsequent contact with the child and family service system.

Joint Management Committee – A committee consisting of nine representatives: three representing First Nations (MKO and AMC); three representing the MMF; and three representing the Province; it is responsible for overseeing the development and implementation of the plan to restructure the child and family service system.

Leadership Council – A council comprised of political leaders from the First Nations, Metis, and the Provincial Government.

Manitoba Keewatinowi Okimakanak (MKO) – A political organization representing twenty-seven northern First Nations in Manitoba.

Manitoba Metis Federation (MMF) – The political organization which represents and serves the needs of the Metis people of Manitoba.

Streaming – A standardized process for referring persons coming into contact with child and family services to a designated Authority (agency/office) based on established criteria for the purpose of receiving services.

