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Children's Act needs work 📰



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If my e-mail inbox is any indication, there are plenty of Nova Scotians who have serious concerns with this province's Children's and Family Services Act.

Back in 2004, there was a dramatic three-day standoff between a Halifax police SWAT team and parents Carline VandenElsen and Larry Finck over the Children's Aid Society's decision to seize their infant daughter.

Troubled by what I believed were too many questions about that incident, I joined an ad hoc group that lobbied, unsuccessfully, for a public inquiry into what led up to the siege.

Probably because of that, I still frequently get letters and e-mails from people who believe they and their children, or their grandchildren, have been ill-used by the system, especially provisions of the act that allow social workers to seize children they believe need protection.

Some of their stories are heart-wrenching, and frustrating, too, because there often seems little anyone can do to challenge what's happened.

They're not the only ones with concerns about this province's child-services system.

Last fall, a Halifax judge publicly threatened to haul Community Services Minister Judy Streach into court to explain what her department was doing to help a troubled 16-year-old girl in provincial care. The judge backed off, but the problem hasn't gone away.

Competing interests

There are no easy answers when you're trying to find the appropriate balance among the act's three, sometimes competing, purposes: "protect children from harm, promote the integrity of the family and assure the best interests of children."

For every tale of the seemingly arbitrary snatching of a child - like the Finck-VandenElsen case - there are equally troubling stories of children who should have been taken from their parents, and weren't.

And then, too, there are the horror stories of children abused in the very foster care that was supposed to protect them.

Which is one reason our Children's and Family Services Act includes a specific provision requiring the minister to appoint an advisory committee of people actually involved in the system - including "two persons whose children have been, are, or may be in need of, protective services" - to review the act each year, recommend changes and report back to the minister.

Everything you need to know about this government's lack of interest in child welfare is in the unhappy history of this committee.

There wasn't even a committee - let alone an annual review of the department's most important piece of legislation - between 1999 and 2005.

That only finally, sort of, changed after Marilyn Dey and Linda Youngson - two women with unhappy personal experiences of the system - took the government to court in June 2005 to embarrass it into doing what its own legislation says it must do.

Unfortunately, this government doesn't embarrass easily. Supreme Court Justice Hilary Nathanson finally ordered the department to appoint the committee in December 2005.

The department then did its best to sabotage the process. It appointed Children's Aid Society staff members to community positions reserved for francophone and minority groups, and named a friend of the then-minister to fill one of the parent positions. (Dey and Youngson applied; the government ignored them.)

The committee didn't get working until April last year.

Though it held hearings last fall, during which more than 30 groups made presentations, the committee eventually collapsed when three of its seven designated members resigned or reached the end of their terms, and were not replaced. (One of the problems with the act is that committee members are only appointed for one-year terms.)

The committee had to cancel one scheduled meeting in January and was forced to turn its February session into an informal discussion because only two advisory committee members were present.

"Am I frustrated?" asks Cheryl Harawitz, the veteran social worker and child-welfare advocate who chairs the advisory committee. "I guess I'm so used to working with bureaucracies that I don't let myself get frustrated."

This week, she finally got word from the minister that two of the committee vacancies are being filled, enough to allow the committee to at least meet. "We'll get things rolling again," Harawitz says.

October report?

So when will the committee report? Well, of course, it will take time for the new members to get up to speed and digest the reports and presentations already made.

By the end of October, Harawitz hopes.

And that, of course, is for the report that was supposed to be filed by the end of last year.

And so it goes.

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