



Manitoba's Child Welfare System

Lise Milne, Anna Kozlowski & Vandna Sinha
July, 2014

This Canadian Child Welfare Research Portal (CWRP) Information Sheet provides an overview of the child welfare service delivery system in Manitoba. The summary is based on the authors' synthesis of information collected from publicly available documents. The summary presented in this information sheet were prepared by the authors with funding from a Social Sciences and Humanities Research Council Partnership Grant and a gift from the Royal Bank of Canada foundation to support the McGill Centre for Research on Children and Families' Children's Services Research and Training Program.

Background

In Manitoba, the Child and Family Services (CFS) Division of the Department of Family Services oversees family supports and protection services to children delivered under the mandate of [The Child and Family Services Act](#) (1985). Within the CFS division, the Child Protection Branch provides programs and services including: Centralized Services, Provincial Investigations, Risk Assessment, Quality Assurance, Intersectoral Activities and Community Supports, Adoption and Post-Adoption Services, Provincial Licensing, and Core Competency-Based and Information System Training.

[The Child and Family Services Authorities Act](#) (2003) created four authorities (First Nations Authority of Northern Manitoba, First Nations Authority of Southern Manitoba, Metis Authority and General Authority) that oversee services, disperse funds and ensure that culturally appropriate services are delivered by their respective agencies consistent with [The Child and Family Services Act](#) and [The Adoption Act](#) (1999). The Authorities are empowered by [The Child and Family Services Authorities Act](#) to mandate agencies to exercise the powers and duties of [The Child and Family Services Act](#) and other Acts.¹

The Authorities have mandated 23 legally distinct agencies, of which 17 are First Nations child welfare agencies; three are non-Aboriginal, private child welfare agencies; two are Metis child welfare agencies; and one is the Department of Family Services (of which there are multiple offices in five areas of the province).

¹ Employees of the General Child and Family Services Authority are civil servants, and the General Authority's Board of Directors is appointed by the Minister of Family Services (according to subsection 6(5) of [The Child and Family Services Authorities Act](#)).

Fourteen child welfare agencies have also been named as Designated Intake Agencies (DIAs) which function as central intake services in various geographic regions of the province (Manitoba Family Services, 2014). DIAs conduct initial intakes/brief investigations and then transfer cases that will remain open to receive ongoing services to an agency of the authority of the family's choosing. A unique feature of CFS in Manitoba is that families may decide from which authority they wish to receive services regardless of the region in which they reside. According to *The Child and Family Services Authorities Act*, the establishment of three Aboriginal Authorities, as well as the right of families to choose the Authority that will provide services through a mandated agency, were intended to ensure that families have access to the programs and services that reflect their values, beliefs, customs and ethnic, spiritual, linguistic, familial and cultural factors. Families may also request a change of Authority unless an abuse investigation or adoption is in process.

The current CFS structure was developed through the [Aboriginal Justice Inquiry-Child Welfare Initiative](#) (AJI-CWI, 2000), which supports the right of First Nations and Metis people to deliver child and family services for their families and communities. In 2006, the death of Phoenix Sinclair and public concern about the overall safety of children involved with CFS led the Government of Manitoba to commission two external reviews (titled "[Strengthen the Commitment](#)" and "[Honouring Their Spirits](#)") to evaluate child welfare case management practices across the province. In response to reviews as well as separate reports by the Office of the Auditor General and the Office of the Children's Advocate, a total of 295 recommendations were included in the "Changes for Children: Strengthening the Commitment to Child Welfare" action plan that was accepted by the Manitoba government. An initial investment of \$42 million over three years was dedicated to priority child protection service areas such as workload relief, training and prevention (Manitoba Minister of Family Services and Labour, 2013). One of the main prevention recommendations included the adoption of a differential response model, which was fully implemented across Manitoba in 2011 (McKenzie, 2011). The intent of differential response services is to support families early in their involvement with child welfare agencies and prevent future need for more intrusive child protection interventions (General Child and Family Services Authority, 2012). The final reports from the Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair (released in 2013) found that the systems-level improvements in child welfare services in Manitoba were significant, but that the challenging socioeconomic circumstances that contribute to many children's involvement in child protective services require further efforts by the province and are "beyond the scope of the child welfare system" (Hughes, 2013, p. 19).

These legislative changes and investments in CFS service delivery are crucial in light of the fact that Aboriginal peoples in Manitoba continue to be overrepresented in both the lowest socioeconomic strata of Canada and in the Canadian child welfare system (Hardy, Schibler & Hamilton, 2006). The proportion of Aboriginal children in care in Manitoba is the highest of Canadian provinces for which data is available: 87% of all children in care are Aboriginal.

Recently, the Government of Manitoba has worked with Aboriginal Affairs and Northern Development Canada and First Nations CFS Authorities on the implementation of an on-reserve prevention framework, which will complement Differential Response (also known as Family Enhancement) initiatives (Manitoba Minister of Family Services and Labour, 2013). For more

information on First Nations child welfare in Manitoba, see the information sheet “[First Nations Child Welfare in Manitoba](#)” (Kozlowski, et al., 2011). Table 1 highlights statistics related to Aboriginal and non-Aboriginal child and family services in Manitoba.

Table 1.
Aboriginal and Non-Aboriginal Child and Family Service Statistics in Manitoba, 2012/13[^]

	All	Aboriginal	% Aboriginal
Investigations of alleged abuse	2,938	-	-
Families receiving services	10,117	6,521	64.5
Children in care	9,940	8,633	86.9
Child population (0-17)	287,608	75,780	26
Investigation rate (per 1,000 children)	10.2/1000	-	-
Rate of children in out-of-home care (per 1,000 children)	34.6/1000	86.9/1000	-

[^] **Sources:** For all but Aboriginal child population statistic: *Manitoba Family Services and Labor 2012/13 Annual Report* (dated March 31, 2013) and Statistics Canada (2012). Aboriginal child population statistic based on 2011 Aboriginal child population detailed in the *National Health Survey: Aboriginal Population Profile* (2011).

Child in Need of Protection

Child protection services are provided to children 0-17 years of age. According to Section 17 of *The Child and Family Services Act*, a child is considered in need of protection if that child experiences physical injury, emotional disability of a permanent nature or sexual exploitation because of an action or failure to act by any person. Specifically, a child is considered in need of protection if s/he:

- is without adequate care, supervision or control;
- is beyond the control of a caregiver;
- might be endangered by a caregiver’s conduct;
- has a caregiver who neglects or refuses to provide or obtain proper medical care or treatment;
- is abused or is in danger of being abused;
- is likely to suffer harm or injury due to child pornography;

- is likely to suffer harm or injury due to the behavior, condition, domestic environment or associations of the child;
- is subjected to aggression or sexual harassment;
- is left unattended under the age of 12, without reasonable provision for their supervision and safety;
- is or is about to become the subject of an unlawful adoption under *The Adoption Act* or of a sale under Section 84.

The Child and Family Services Act gives agencies and police broad powers to investigate and intervene in child protection situations. In contrast to many other provinces, the legislation is less specific in reference to intimate partner violence, referring to it only insofar as the child is exposed to the behavior, conditions or domestic environment of the child. Another unique feature of the legislation is that a child may be considered at risk from caregivers other than parents, whether adult or minor.

The sexual victimization of children is given great attention in Manitoba's child welfare system. For example, *The Child and Family Services Act* includes a very detailed section on child pornography. In addition, *The Manitoba Strategy Responding to Children and Youth at Risk of, or Survivors of, Sexual Exploitation* was launched in 2002. In 2008, *Tracia's Trust* was implemented, which builds on Phase 1 of the *Manitoba Strategy* by placing emphasis on implementing more prevention initiatives, developing a fuller continuum of victim services, increasing public awareness, and increasing offender accountability. *Tracia's Trust* encompasses the coordination of services for all ages, and considers all forms of sexual exploitation, including prostitution, pornography, sex trafficking, sex tourism and Internet luring. Further, legislation was passed in 2013 entitled *The Child Exploitation and Human Trafficking Act*. Finally, in January 2013, the Winnipeg Child Advocacy Centre opened, which takes a multi-systemic, multi-disciplinary approach to child abuse investigation, providing coordinated, child-focused and community-based services (Manitoba Minister of Family Services and Labour, 2013).

Spectrum of Services

The range of services that CFS provides to children aged 0-17 years includes: counselling, guidance, educational support, investigation, emergency shelter services, out-of-home placement, permanency planning, adoption and post-adoption services. These services are provided either by CFS directly or by community partners/organizations. There is a possibility of extending services for youth between the ages of 18 and 21 who are permanent wards of CFS.

Services are provided within two streams: the family enhancement stream or the child protection stream. Family enhancement services are provided on a voluntary basis with families where there is no imminent risk of harm to children, but who need supports to strengthen parenting capacity or to keep children safer at home.

The child protection stream pertains to children in care through voluntary placement, voluntary surrender of guardianship, apprehension or order of guardianship. Services can also be provided based on voluntary requests for service, usually for children who are not in care. Expectant and

single parent services (minor parents) may be provided through either voluntary family services or child protection services.

In order to determine the most culturally appropriate Authority to provide services to the family, a worker of a DIA and the family complete an Authority Determination Protocol (ADP), which considers whether or not the family is Aboriginal, their Aboriginal status and their community of residence. Parents and expectant minor parents have the right to choose the Authority from which they wish to receive services. Children over the age of 12 years must be consulted by the worker and their views documented. A family or expectant minor parent may choose a culturally appropriate Authority or any other Authority. Once a decision has been made as to the type of service required and the appropriate Authority, the file is then transferred for ongoing services.

Additional information about child welfare services in Manitoba is available on the [Manitoba Family Services](#) website, as well as the [Canadian Child Welfare Research Portal](#).

About the authors: Lise Milne and Anna Kozlowski are doctoral candidates at the McGill University School of Social Work. Vandna Sinha is an assistant professor at the McGill University School of Social Work.

Suggested citation: Milne, L., Kozlowski, A. & Sinha, V. (2014). Manitoba's Child Welfare System. CWRP Information Sheet #126E. Montreal, QC: McGill University, Centre for Research on Children and Families.

References

- The Child and Family Services Act*, C.C.S.M., 1985, c. C80.
- The Child and Family Services Authorities Act*, C.C.S.M., 2008, c. C90.
- General Child and Family Services Authority (2012). Retrieved from http://www.generalauthority.ca/family_enhancement.php
- Hardy, M., Schibler, B., & Hamilton, I. (2006). *Strengthen the Commitment: An External Review of the Child and Family Services System*. Winnipeg, MB: Manitoba Minister of Family Services and Housing. Retrieved from http://www.gov.mb.ca/fs/childfam/pubs/strengthen_the_commitment.pdf
- Hughes, T. (2013). *The legacy of Phoenix Sinclair: Achieving the best for all our children*. Winnipeg, MB: The Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair. Retrieved from http://www.phoenixsinclairinquiry.ca/rulings/ps_volume1.pdf
- Kozlowski, A., Sinha, V., Petti, T., & Flette, E. (2012). First Nations Child Welfare in Manitoba. CWRP Information Sheet #97E. (2012). Montreal, QC: McGill University, Centre for

- Research on Children and Families. Retrieved from <http://cwrp.ca/infosheets/first-nations-child-welfare-manitoba>
- Manitoba Family Services (2014). Child and Family Services: Child Protection – Designated Intake Agencies (DIAs). Retrieved from http://www.gov.mb.ca/fs/childfam/dia_intake.html
- Manitoba Minister of Family Services and Labour (2012). *Manitoba Family Services and Labour: Annual Report (2011-12)*, Retrieved from http://www.gov.mb.ca/fs/about/annual_reports/2011-12/fsl_ar_2011_12.pdf
- Manitoba Minister of Family Services and Labour (2013). *Manitoba Family Services and Labour: Annual Report (2012-13)*, Retrieved from http://www.gov.mb.ca/fs/about/annual_reports/2012-13/fsl_ar_2012_13.pdf
- Manitoba Family Services and Labour (2013). *Child and Family Services Standards Manual*. Retrieved from <http://www.gov.mb.ca/fs/cfsmanual/index.html>.
- McKenzie, B. (2011). *Evaluation of the General Child and Family Services Authority's Differential Response/Family Enhancement pilot project*. Winnipeg, MB: Faculty of Social Work, University of Manitoba. Retrieved from <http://www.generalauthority.ca/docs/Evaluation%20of%20Differential%20Response%20Report%20Executive%20Summary.pdf>
- Schibler, B., & Newton, J. H. (2006). Honouring their Spirits, The Child Death Review: A Report to the Ministry of Family Services & Housing. Manitoba Office of the Children's Advocate, 125 pp.
- Statistics Canada. (2012). Table 051-0001. Estimates of population, by age group and sex for July 1, Canada, provinces and territories Retrieved from <http://www5.statcan.gc.ca/cansim/a47> (accessed June 7, 2014)
- Statistics Canada. (2011). National Household Survey Aboriginal Population Profile, Manitoba, 2011. Retrieved from <https://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/aprof/details/Page.cfm?Lang=E&Geo1=PR&Code1=46&Data=Count&SearchText=Manitoba&SearchType=Begins&SearchPR=01&A1=All&B1=All&GeoLevel=PR&GeoCode=46>