

# Extending Aboriginal Control Over Child Welfare Services

## The Manitoba Child Welfare Initiative

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Among the recommendations of the 1991 Aboriginal Justice Inquiry in Manitoba were two that called for the expansion of authority for First Nations Child and Family Service (CFS) agencies to enable them to provide child welfare services off-reserve and the establishment of a province-wide mandated Métis Child Welfare agency. No action was taken on these recommendations until the election of the NDP government in 1999; shortly after this, a process was initiated to act on these recommendations. This article outlines the policy context leading to the initiative, summarizes the policy development process, including key elements of the new policy, and identifies a number of issues that may affect both policy implementation and service delivery.<sup>1</sup>

### Background

The marginalization of Aboriginal people has been well documented (see Assembly of First Nations, 2000; Canada, 1995; Drost, Crowley and Schwindt, 1995; Indian and Northern Affairs Canada, 1995; Lee, 2000). Indeed, Fleras and Elliott note that Canada has been ranked at or near the top by the United Nations as the best place to live in the world, yet Aboriginal people on reserves are ranked 63<sup>rd</sup> on a human development index (Fleras and Elliott, 1999). Despite these realities, social policy initiatives for Aboriginal children and families have remained modest and primarily reactive. The most significant change occurred in the 1980s when evidence of the over-representation of Aboriginal children in care (Hepworth, 1980; Johnston, 1983; Timpson, 1993 ), recognition of the failure of conventional child welfare approaches (Hudson and McKenzie; 1981) and advocacy by First

Nations helped pave the way for First Nations control of child and family services on reserves.

The devolution of child welfare services to First Nations has produced a number of benefits, including new, more culturally appropriate resources for children (McKenzie, 1995), better quality services, including more prevention and resource development initiatives (McKenzie & Flette, in press 2003) and healing programs based on a circle of caring philosophy and medicine wheel teachings (Aboriginal Corrections Policy Unit). Nevertheless, serious limitations and difficulties remain. First, on reserve, child welfare services are offered through a delegated authority model where services are delivered by First Nations authorities but must conform to provincial legislation and standards (see Taylor-Henley and Hudson, 1992). Most often, these standards give inadequate attention to both cultural relevancy and the socioeconomic circumstances in First Nations communities. The delegated authority model is also resisted by many First Nations because it is inconsistent with principles of self-government that imply greater autonomy over legislation and standards emanating from their special relationship with the federal government. Although delegated authority for child welfare services from provincial governments has been accepted in many cases because it provides opportunities for increased control over local services, it is most often identified as an interim measure that will eventually give way to separate First Nations legislation and standards. Indeed, agreements regarding the funding and delegation of child welfare services to First Nations authorities commonly include clauses that indicate that First Nations' members have special status and treaty rights and that nothing in these agreements shall be construed to prejudice respective treaty rights or the obligations of the federal government to First Nations. Second, jurisdictional responsibility for off-reserve services has never been fully resolved, and First Nations assert the right to provide child and family services to their members whether they live on *or* off-reserve. Finally, the respective rights of Métis and non-status Aboriginal people to receive services provided by agencies specifically accountable to these populations have received very little attention.

An additional issue is the continuing over-representation of Aboriginal children in care. For example, it is estimated that even though Aboriginal children make up about 21 per cent of Manitoba's population under the age of 15, they account for 78 per cent of the children in care in the province of Manitoba (Manitoba Family Services and Housing qtd. in Joint Management Committee, 2001b, p. 7). Moreover, First Nations Child and Family Services agencies have a relatively high rate of children in care, despite efforts to provide a more family and community centred model of service. These trends in First Nations agencies should not be surprising in that the effects of colonization, including underlying socioeconomic issues as well as family breakdown and parenting problems, are not erased

simply by the creation of community-based child and family services agencies. However, improved funding, legislation and inter-sectoral linkages can help to address some of these issues on reserves, and these issues are currently being addressed by a National Joint Policy Review that includes the Assembly of First Nations and the Department of Indian Affairs and Northern Development. This collaborative policy making process is encouraging; however, to date, it has not resulted in a major expansion in resources for First Nations agencies, and in any event, it will not address funding for off-reserve services.

The welfare reform era of the '90s has been marked by cutbacks in social service funding by both federal and provincial governments as manifested by changes to the Canada Health and Social Transfer, Employment Insurance and cuts to welfare rates. Child welfare expenditures have been somewhat immune to these trends because of increased funding requirements for children in care. For example, between 1993 and 1999 there was a 49 per cent increase in the number of federally funded First Nations children in care and an increase of 31 per cent in the number of children in care within provincial and territorial child welfare agencies (excluding Quebec) (McKenzie, 2002, p. 21).<sup>2</sup> As well, per diem costs for children have increased due to higher needs and related requirements for special services. This has led to increased concerns about costs among both federal and provincial governments and the inherent risks of expanding child welfare services in ways that might exacerbate these trends (McKenzie, 2002). When assessed in relation to these trends, Manitoba's new initiative to extend Aboriginal jurisdiction for child and family services to people living off-reserve appears quite innovative. After restructuring, new Aboriginal child and family service authorities could assume responsibility for approximately two-thirds of the approximately 3,500 children in provincial care, in addition to the 2000 children already in the care of existing First Nations agencies. Results from the Manitoba experiment are likely to be watched closely by other provinces, particularly those with a relatively high ratio of Aboriginal children in care.

#### **Policy Initiation**

Commitments were made by the NDP during the 1999 election campaign to act on recommendations from the *Report of the Aboriginal Justice Inquiry* (Manitoba, 1991), even though this was not a major election promise. The Aboriginal Justice Inquiry (AJI) led to a number of far reaching recommendations, particularly in relation to the authority and provision of criminal justice services. Even though child welfare had been accorded only one chapter in the AJI, the government felt it was of particular significance, partly because of the belief that it would allow for earlier intervention with individuals who might ultimately become involved with the judicial system. Thus, it was identified as a place to begin and an

Aboriginal Justice Implementation Commission was convened to advise government on priorities. As expected, this Commission recommended that child welfare services be delegated to Aboriginal authorities who would have major responsibility for the design and delivery of services to Aboriginal people living off-reserve. An additional factor supporting policy initiation on a child welfare agenda was the new Minister of Family Services and Housing. He had been involved in the development of community-based child and family services in Winnipeg in the early 1980s, and had a strong philosophical commitment to social reform in this field.

The first step involved negotiations between the province and First Nations and Métis representatives. This led to the signing of three separate Memorandums of Understanding (MOU) with the Manitoba Métis Federation (MMF), the Assembly of Manitoba Chiefs (AMC) representing southern First Nations, and Manitoba Keewatinowi Okimakanak (MKO) representing northern First Nations. Subsequently, all four parties signed a *Service Protocol Agreement* that identified a framework and structure for the planning process. An inclusive planning process that would involve representatives from the four key stakeholder groups was outlined. The structure included an Executive Committee, a Joint Management Committee, an Implementation Committee, and Working Groups. Each committee had representatives from the four signatories to the *Protocol Agreement*, and in all cases, representatives from government were in the minority. This dynamic produced some interesting policy debates. For example, the Minister had outlined three key principles to guide planning. The reforms were to be cost-neutral, new services would be offered under a delegated authority model (i.e., services would adhere to provincial legislation and standards, as amended) and service users would have a choice about which Authority to access for services: a General Authority (non-Aboriginal), Métis, First Nations North or First Nations South. While the principle of delegated authority has been accepted, modifications have been made to the other two principles because of Aboriginal objections to these. For example, the province agreed to provide resources for the planning process and additional funding for transitional costs. As well, some modifications to the principle of choice, as outlined later, have been made.

The Joint Management Committee is generally responsible for the initiative, but the Implementation Committee was responsible for the detailed coordination of the planning process and the development of the planning document. This committee established a set of strategic design principles to guide the work phase, and formed seven working committees to review and make recommendations on topics such as legislative changes, financing, and service delivery models. Reports from these Working Committees were then consolidated as one document, and this is referred to as *Conceptual Plan* (see Joint Management Committee, 2001a). A summary of this document was released to the public in August 2001 (Joint

Management Committee, 2001b), and public consultations occurred in early fall. Now finalized, the new policy is to be phased in over the next two years.

The public consultation process that occurred in fall, 2001 was somewhat limited. First, the time period between release of the consultation document and 'town hall meetings', as they were called, was very short and publicity regarding these meetings was limited. Second, only 12 town hall meetings were held throughout the province although the process was supplemented by 15 focus groups conducted with stakeholder groups such as teens in care, families of children in care, foster families and women's organizations at selected sites throughout the province. Third, information was provided on the web and written submissions were invited; however, only 11 written submissions with substantive feedback were received.

Child welfare services mandated under the Child and Family Services Act in Manitoba are currently provided by agencies located both in the government and voluntary service sector. For example, three major agencies and two smaller ones are non-government agencies, and First Nations child and family services are organized in a similar fashion, each with their own board of directors. However, government also provides some of the services in the rural and northern regions of the province. The largest agency is Winnipeg Child and Family Services, and in November, 2001 the government took full control of this agency by appointing a board composed primarily of senior civil servants. This move, prompted by government allegations of agency over-expenditures, permits more direct control of the major child welfare agency in the province during the reorganization phase. From the perspective of some of the key stakeholders, however, this move has complicated the change process. For example, Aboriginal stakeholders are concerned that the primary motivation is to reduce current expenditures, which will affect future allocations to be transferred to Aboriginal authorities as the new system is established. Staff morale in Winnipeg Child and Family Services has suffered, and there is a great deal of concern that more innovative services, such as community and early intervention services, will be discarded. Of general concern is the number of changes that are occurring, and the difficulties in effectively managing services within such a turbulent environment.

A more recent government initiative, still largely in the conceptual stage, is the promotion of single unit delivery systems that will involve inter-sectoral linkages between health and social service providers, including child welfare services. While the government will have significant influence over service providers within the General Authority serving non-Aboriginal people, there are no immediate plans to require Aboriginal child welfare authorities to become partners in this initiative. Without their participation, most child welfare services in the province will continue to be provided through agencies which are not formally linked to other service sectors.

### The New Policy

In spring 2002, *The Child and Family Services Authorities Act* was passed. This legislation, developed in consultation with Aboriginal partners in the policy process, creates the organizational framework for the new policy. Among the duties of Authorities is the responsibility to ensure that culturally appropriate standards for services, practices and procedures are developed. Four parallel child and family services authorities are in the process of being established. These include a General Authority (non-Aboriginal), and Métis, First Nations North and First Nations South Authorities. These authorities will be responsible for the full range of services outlined in the *Child and Family Services Act*, including policy development, setting and monitoring standards, providing support services, funding community-based agencies and service coordination. The board of each Authority is to be non-political; however each will be appointed by the respective political body representing the continuency to be served. Thus the AMC will appoint the board of the First Nations South Authority. Legislative amendments have been initiated, and an Executive Support Unit is to be created to ensure coordination between the different authorities, to distribute funding to the four authorities, to administer and oversee legislation, and to ensure general compliance to provincial standards.

A complicated process of intake that is based on the principle of *concurrent jurisdiction* is proposed. The principle of concurrent jurisdiction is closely related to the concept of *Authority of Record*. An Authority of Record is to be determined for each family and/or child referred for service based on status or cultural identification. While people may select a particular authority for service, there are some restrictions that will apply, and the Authority of Record will be identified as an “interested party.” Thus, it will have residual rights, such as the right to inquire as to service, even if services are being provided through a different authority. In addition, the emphasis is placed on “streaming” referrals to the appropriate authority based on status or cultural identification. Thus, individuals who are identified as members of First Nations would normally be referred to the appropriate First Nations authority for service. Concurrent jurisdiction refers to the rights of families and/or children to receive service from their Authority of Record regardless of where they live in the province. For example, a member of a northern First Nation living in southern Manitoba will be eligible to receive service through the First Nations North Authority even if that service may need to be contracted to a service provider associated with another authority in some circumstances.

The proposed model of intake services includes a Joint Intake Response Unit as a separate agency in Winnipeg, and delegation of those responsibilities to particular agencies outside of Winnipeg. The intent of the intake process will be to provide emergency services, identify the Authority of Record and refer clients

for continuing services. There is an assumption that members of First Nations, persons identifying as Métis and the general population, will want to be served by their respective authorities, and there is some restrictions on one's ability to choose or change authorities. For example, changes in authorities may be agreed to; however, if there is no agreement the matter may be referred to an appeal mechanism that will be established.

Common registries for abuse and information sharing are proposed. The current strategy does not include any proposed changes to the way third party providers, such as group homes and institutions, operate, although this is recognized as an issue that must be addressed later. There is a commitment to transitional funding but no firm commitment for new funding for ongoing services. Thus existing resources are to be transferred to new authorities and the present service delivery system (i.e., what will become the General Authority) will be downsized as services now being provided to Aboriginal families and children are transferred to the new authorities. Detailed guidelines to establish the Authority of Record for existing service users have been established and the file review process has commenced.

### **Discussion**

The nature and scope of this policy change in Canadian child welfare is significant. First, it affects off-reserve services for well over half of the families and children currently receiving provincially funded child welfare services in the province. Second, it reflects a major jurisdictional shift by creating Aboriginal authorities to oversee policy and service development for Aboriginal people living off reserves. Third, it empowers Aboriginal stakeholders to develop service delivery systems that can incorporate programs and services reflecting the needs of those service users, including cultural rights and traditions. While the extension of First Nations jurisdiction for off-reserve is a major change in policy, the extension of the mandate to the Métis Nation is even more significant. The Métis Nation also faces the largest challenge in that the organization has no history of providing mandated child welfare services. By comparison, mandated First Nations CFS agencies have been in place in the province for the past two decades.

The intent of the policy change enjoys widespread support. This was reflected in the feedback provided during the public consultation phase, and stakeholder groups, including current service providers, are quick to qualify any criticism by noting their principled commitment to the changes.

The "promise of hope" (part of the title of the consultation document) is indeed there, yet there are several issues that have require further attention. Unless these are adequately addressed in the implementation phase, anticipated outcomes may be in jeopardy. Five of those issues are discussed next: evaluation, fiscal

resources, human resources, the self-government agenda and the development of a new service paradigm.

### **Evaluation**

The Conceptual Plan omits any reference to the need for monitoring the effects of this policy change, yet during the public consultation phase focus groups held for women called for the development of a comprehensive performance measurement system that can “tell the story of how well the system is responding to needs and the degree it is able to meet its (service) objectives” (Joint Management Committee, 2002, p. 22). This lack of attention to evaluation is not entirely surprising in that the transfer of greater jurisdictional control to Aboriginal people reflects long standing Aboriginal aspirations for greater self-determination as a political objective. As such, it reflects a policy direction consistent with participatory democracy, social justice and the goals of a civil society that should not solely be determined by conventional evaluation criteria such as benefit-cost considerations. However, Aboriginal aspirations for self-government and control over services for Aboriginal people are also informed by service objectives, not the least of which is the development of services to counteract the legacy of colonization. The child welfare system, particularly during the '60s and '70s, played an important role in this process, and the development of anti-oppressive practices is dependent on the development of culturally and community-based services. But how is one to know whether these objectives are being achieved if more attention is not given to whether the changes make a difference to those who are receiving services? The development of baseline information, and methods of evaluating service quality and effectiveness require increased attention. Although the development of culturally appropriate models of service evaluation is a challenge, these are in the process of being developed elsewhere. For example, the First Nations Child and Family Caring Society is beginning to develop its own evaluation and research capacity, and could be an important resource in service monitoring and evaluation. As well, efforts need to be made in building an internal capacity for service evaluation in new agencies.

Another level of evaluation involves the policy implementation process itself. As documented in this article, many implementation issues remain unresolved. Ongoing monitoring and feedback can be of assistance in promoting an adaptive approach to policy implementation.

### **Fiscal resources**

Financing the new policy initiative has been a contentious issue, and much of the debate has centred around whether new resources will be provided for the delivery of services after restructuring. This issue has been made more difficult by the province's fiscal situation, complicated by its unwavering commitment to tax

cuts. Provincial funding for the new policy has particular implications for the services that can be provided after restructuring, and this is discussed later in more detail.

A second issue concerns the role of the federal government. Each First Nations agency receives reimbursement from the Province for children in their care deemed to be a provincial responsibility (i.e., when the child's parents reside off-reserve at the time of apprehension), but the federal government continues to be the major funder of the existing First Nations agencies. However, neither the Province nor First Nations representatives attempted to involve the federal government in this new initiative. The exclusion of the federal government from the table makes it unlikely that it will respond favourably to any provincial request to share costs, even though there is a strong constitutional, legal and moral case to be made for federal fiduciary responsibility in the case of Registered Indians regardless of residence.

With respect to Métis people, existing federal policy allows for some funding for "organizational capacity building," but no resources are provided for service provision such as child and family services, despite the fact that the Métis are recognized in the constitution as having special rights and status, and could also make a case for expanded federal funding for service provision. As with the First Nations parties, the failure to involve the federal government in any meaningful way, makes the possibility of federal financial contributions towards the operation of the proposed Métis Authority unlikely. In both cases the federal government is off the hook, when its potential contribution to the restructured system might be the difference between a bare-bones service and one with enriched possibilities.

A third consideration is the method to be used in funding agencies that will be created under the new Authorities. The Financial Working Group proposed a new formula based partially on needs in the population to be served, rather than children in care. This proposal, like many others developed by the working groups, lacks detail and does not serve as a very informative guide to implementation. There has been only limited attention to block funding. While an interim decision has apparently been made to fund services for children on a cost recovery basis both a long term funding formula and the amount of resources to be allocated are issues that yet remain unresolved. Yet these are the very issues that will play a major role in the outcomes that follow from this policy reform initiative.

### **Human resources**

Agencies currently providing child welfare services will be downsized dramatically as service delivery is gradually transferred to new Aboriginal Authorities. Winnipeg Child and Family Services (CFS), with more than 500 employees and 60 per cent of the provincial caseload, will face a significant reduction in the size of its operations. Paradoxically, new or expanded Aboriginal agencies will face

serious staff shortages. One solution to this problem would be to transfer existing child and family service staff to the new agencies. However, this solution is opposed by Aboriginal stakeholders who want to exercise their own discretion in staff selection. Their position is understandable in that they want to ensure that new staff reflects a philosophy and approach to service that is consistent with the service model established under the new authorities. At the same time seniority provisions and associated rights to job security within current Collective Agreements need to be considered. In addition, there is the risk of applying generalized stereotypes to staff within mainstream agencies, many of whom reflect a commitment to the ideals associated with the reform initiative and who possess the knowledge, skills and experience required in providing quality cross-cultural child welfare services.

Transitional solutions have been developed. First, Aboriginal staff in the current system will be extended the right to transfer to new agencies governed by Aboriginal authorities. Second, staff from the existing system will be seconded to new agencies during a transition period; and third, a labour adjustment strategy is to be established to locate alternate employment for displaced staff or staff that complete the secondment term and wish to return to their former agency or the provincial government. With respect to the first strategy, there are only a limited number of Aboriginal staff working in the existing system, some may not wish to transfer, and it is unclear whether succession rights, including current salary and seniority provisions, will prevail. The secondment strategy is acceptable to Aboriginal stakeholders if they are able to exercise some control over the process. The proposed labour force adjustment solution, which contains a promise to locate alternate employment for affected staff, does not solve the future staff shortages for new Aboriginal agencies.

A longer-term response to the need for new Aboriginal staff involves training and education, and short-term certificate programs have been initiated as one strategy. As well, the Faculty of Social Work has a distance education option within its B.S.W. program, and this program is accessible at a number of sites throughout the province. A specialization in child and family services at the undergraduate level is under consideration, and the province has offered a competency-based educational program in child welfare for several years. Even though social work education has become more respectful of diversity, some Aboriginal stakeholders are concerned that existing educational programs do not incorporate sufficient content on Aboriginal cultures and community-based services approaches. One example of the latter concern is the reduction in courses and content addressing community work approaches.

There is also ambivalence on the part of some Aboriginal stakeholders who, on the one hand, support the above proposals, and on the other question the value of professional training and qualifications. In part, this reflects historical (and some contemporary) experiences with professional social workers as agents of coloniza-

tion, particularly in relation to child welfare, and the desire to incorporate cultural background and knowledge as primary credentials. This sentiment is reflected in the following strategic design principle: "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" (Joint Management Committee, 2001b, p. 12). This is elaborated by a recommendation of the Human Resources Working Group that states "First Nations/Métis agencies recognize the importance of life experience and competency *as opposed to academic credentials*" (emphasis ours). This statement has given rise to concerns about deskilling and deprofessionalization in child welfare, and it is important to recognize that a combination of life experience, competency *and* professional education are important in the provision of quality child welfare services. If these qualities are not all found within the same individual at a particular point in time they need to be reflected in the general workforce of an agency. And while it may be important to re-examine the competencies and qualifications individuals require in order to provide culturally appropriate child welfare services in an Aboriginal context, the knowledge and skills acquired through relevant training and professional education are important elements in ensuring the development of 'best practices' in child welfare in any context.

### **Self-government**

First Nations have always resisted the requirement to receive delegated authority for the delivery of child welfare services from the province, since they regard the province's right to exercise such power over First Nations as inconsistent with the inherent right to self-government. It would therefore have been expected that this issue would be front and centre at the negotiating table. These issues were raised by Aboriginal stakeholders, but surprisingly the MOU signed with the MMF and the Assembly of Manitoba Chiefs contained the words: "The parties acknowledge that they are governed by the *Child and Family Services Act* and the *Adoption Act* in the delivery of child and family services in Manitoba...." This is qualified somewhat by a later clause noting that "First Nations (and Métis) people have a right to control the delivery of child and family services and programs." The degree of control is not specified, although the earlier clause acknowledging provincial authority would appear to clarify that issue. The province was quite clear from the beginning that they would not give up their constitutional right and responsibility for child welfare, and that discussions would not proceed unless the principle of delegated authority was accepted. As in the early 1980s with the First Nations, Aboriginal stakeholders signed the agreements because they believe that service changes are possible under a delegated authority model with the province even though they object to the principle of provincial authority. Having compromised by agreeing to proceed with an administrative, as opposed to the constitutional,

route to control over child welfare, the issue re-emerged later in different forms. One example was the MMF's strong argument that funding for its service agencies should flow through the political organization. While the province recognized some legitimacy to the stance of the MMF, the belief in an "arm's length" agency for child welfare services as a way of both reducing political interference and protecting resources allocated for child welfare is now generally recognized by service providers. Most members of the MMF, who were consulted in a pre-implementation review, also expressed the view that many would be distrustful of services if these were directly controlled by the political arm of the MMF (Hudson, 2000). Faced with strong provincial opposition, the MMF acquiesced, and agreed that a separate administrative structure for child welfare services would receive funding directly from the government.

A second contentious issue involved the Minister's initial position that any user of child welfare services was entitled to freely choose their particular service provider. Some Aboriginal stakeholders objected to this principle on the grounds that having been complicit in stripping people of their identity as Aboriginal people, the Province was now compounding this by not allowing the Aboriginal authorities the right to reclaim their members by becoming the service providers of first resort. Thus, there is a commitment that intake procedures will identify an Authority of Record for families and children based on identified status (i.e., First Nations North, First Nations South, Métis or other). While the right to exercise some choice in selecting a service provider has been accepted, the Authority of Record maintains some rights as an "interested party" when a different service provider is selected. The acceptance of the principle of an Authority of Record is a departure from the initial position of the Province and provides some limited recognition of cultural rights and obligations. There are also a number of service issues that arise in relation to intake, including problems when families are composed of members belonging to different authorities, and service coordination issues that are likely to arise during the service implementation phase. In addition, there are questions about how the right to choose a service provider will work in practice if it threatens larger issues of jurisdictional rights which are deemed to be a focal point of this policy initiative.

A third self-government issue is the tendency of First Nations to understand sovereignty as residing with the local community or First Nation. In many cases, this has led particular communities to develop their own, separately incorporated child and family service agency, rather than participate in a regional service structure based on membership in a Tribal Council. Even with the development of Aboriginal Authorities, it is likely that local agencies will continue to demand greater autonomy in local policy-making than government or its designated Authorities may be willing to entertain and new tensions around compliance issues are likely to emerge. A related issue is the problem of service coordination that may

flow from the principle of concurrent jurisdiction. Efficiency and economies of scale will prevent all Authorities from operating agencies in all regions of the province, and contracts between the Authority of Record and other service providers will be required. While the related service coordination problems between Authorities promises to be a challenge, it is magnified when one considers the respective aspirations of the variety of First Nations and Métis agencies across the province who may wish to be directly involved in providing service to members from their own community living elsewhere in the province. Comments received during the community consultation phase reflected these concerns. For example, while there was general support for the change in governance, there were repeated concerns about how this might work in practice, and the risks associated with service gaps and duplication that may arise. More significant was the question of how cooperation in service provision was to be achieved in a system that has been built on a foundation of competition for resources and authority (Joint Management Committee, 2002, p. 20).

### **An Ambiguous Vision**

The original intent of the new policy was to shift a large proportion of existing resources dedicated to child and family services, from existing non-Aboriginal agencies to expanded or new Aboriginal agencies. Later in the planning process, however, the possibility of a new service paradigm surfaced—one which would shift resources from the investigative and protective functions to a service model oriented much more to early intervention and community development.

There are three aspects of this ambiguity that must be appreciated. First, the original objective, which focused only on a change in jurisdiction, dictated a policy design process that involved only provincial and Aboriginal representatives. The latter were in the majority on all committees, and the current non-Aboriginal agencies were not involved. One consequence of this was that as the possibility of a major second objective—a paradigm shift in service delivery—emerged, the analysis of the shortcomings of the present paradigm focused primarily on issues of race and culture. The analysis is accurate but limited, since it fails to give adequate attention to the gender and class biases which also affect the present delivery of child welfare services. As well, building community capacity is not only a product of how issues of culture and race are addressed; measures to address poverty and gender inequality must also be included. In addition, a new, more capacity-building service model is not only *culturally appropriate* for Aboriginal communities, it is also more desirable than the present residual model for all communities.

Some feedback received during the community consultation phase reflected this concern. For example, the following observations regarding structural issues were noted in these meetings (Joint Management Committee, 2002, p. 16). First,

while political and organizational change objectives are reflected in the policy, there is no identification of the need for more radical changes to the delivery of child welfare services. Second, proposed changes fail to address the underlying conditions contributing to child abuse and neglect. Third, goals are limited to the restructuring of child welfare services, and there is inadequate attention to the need for inter-sectoral approaches. Finally, participants in women's focus groups expressed the view that the design of the system needs to acknowledge the primary role of women by measures such as the equal representation of women within various governance structures.

A second problem pertains to the difficulties associated with shifting to an early intervention paradigm and shortcomings in the state of the art. The documentation from the Working Groups that call for a community-based, community development service model is rather cryptic. There is the occasional reference to removing the abuser as opposed to the abused, and a heavy reliance on mediation and the use of Family Group Conferences as an alternative to court action. Beyond these references, there is no elaboration of any particular service model, why it is an appropriate response to child protection issues, how it is to be carried out, and what organizational structures would support it. There is no general recognition that some agencies in the mainstream system have been embracing the ideal of prevention for many years, and that this ideal was also asserted by First Nations CFS agencies when they first took control of on-reserve services. While this ideal has led to some notable innovations, it has not transformed the practice of child welfare in Manitoba. In general, both Aboriginal and non-Aboriginal agencies devote proportionately more resources to the investigative functions of child welfare and the maintenance of children in care today than they did a decade ago. This conundrum was not examined by the Working Groups in any detail, and in the absence of this, recommendations suggesting alternative service approaches may be somewhat rhetorical. The ideal of a new service paradigm is not flawed, but there are inherent difficulties in implementing it that are not yet reflected in current policy proposals.

Finally, the movement to the new paradigm is not just a matter of shifting resources from one service modality to another. On balance, it is doubtful that any cost savings will be realized, and the 'least intrusive' method of family preservation may, in fact, be more expensive. For example, the use of in-home support staff may be more costly than alternative care even if it is the intervention of choice in many cases. Mediation services and family group conferences will also require new money, and these costs may not be immediately offset by savings. Moreover, past experience with the devolution of child welfare services to First Nations CFS agencies and the decentralization of child welfare services in the city of Winnipeg (McKenzie, 1991) indicates that a more community-based service model is quite likely to result in increased referrals and upward pressures on costs. The Financial

and Service Delivery Working Groups have noted that new funding for preventive and community capacity building services are required as an *add-on* to existing funding. It is equally clear that while the government has retreated somewhat from the position that the new service delivery system will be cost-neutral in acknowledging the need for transitional funding, the current political stance is that the new system will not cost more to operate (Fallding, 2001). While the Province recognizes a funding imbalance in that a relatively small number of high-needs families and children absorb the lion's share of budget allocations, it is counting on the Authorities and agencies in the restructured system to find their own ways of shifting resources from protection and child maintenance to community building without significant increases in funding. Perhaps this should be regarded as encouraging in that at least the restructuring model is not being pursued as a cost-saving strategy as is the case in British Columbia. Yet the funding dilemma is a key issue that will determine whether there will be a meaningful shift from child protection to family support and early intervention.

The problem with cost containment strategies in child welfare is that these costs are driven by much more than a conscious choice in service design. Factors such as poverty, inadequate housing and related social problems have a major impact (see Trocmé and Wolfe, 2001, p. 30). In the recent federal budget there have been significant cutbacks in health, education and other forms of social welfare services in the past decade, and these policy choices make it more difficult in a field like child welfare to shift its service paradigm from protection to prevention and community building. Faced with more restrictive funding for public services and the continuing demand for child protection services, the new system is likely to find it difficult to make a major investment in prevention without either new resources or a significant retreat from services designed to protect the immediate safety and well-being of children. This issue is a continuing source of tension among stakeholders involved in the reform initiative, and it is likely to become even more contentious as the implementation phase unfolds.

### **Conclusion**

The Manitoba Government's Aboriginal Justice Inquiry-Child Welfare Initiative is, arguably, the most significant policy initiative in Aboriginal child welfare in Canada in two decades. Aboriginal stakeholders were involved as full partners in the policy design phase, and the jurisdictional changes that are promised provide a framework for the development of more culturally appropriate services. However, whether the vision of more relevant child and family services will be realized yet remains an open question. This might have been more likely if the process had included a broader commitment to social inclusion. For example, while senior Aboriginal stakeholders were involved in policy design the primary focus was on

jurisdictional questions, not new models of service delivery. Existing service providers were largely excluded from the policymaking process, and there was no broad consultation process designed to examine potential solutions to many of the more fundamental problems that confound the delivery of child welfare services, including its preoccupation with “search and rescue” functions, the lack of inter-sectoral linkages, and the design of appropriate mechanisms for accountability.

Some of these issues could yet be addressed by an adaptive approach to implementation. As documented in this article, there are also a number of strategic issues that will require continuing attention. These include issues pertaining to governance and service coordination, human resources and the evaluation of service quality and outcomes. However, the critical issue is funding. There is an expectation among service providers that new funding will be needed in order to enable more than a tokenistic gesture towards the development of a new service paradigm for child and family services. At present, the Province expects such a shift in services to occur through the reallocation of existing resources. The difficulties of establishing new jurisdictional Authorities, implementing a substantially altered service delivery system and establishing a new service model for child welfare in the province are not likely to be overcome without new and ongoing funding commitments. Only with these commitments and a willingness to adapt the policy implementation phase to cope with issues and problems that will emerge will the ‘promise of hope’ articulated in the Vision Document be realized.

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#### **Notes**

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1. Data gathered for this article is based on three primary sources: document analysis, as cited; the authors own knowledge of developments; and interviews and discussions with representatives from key stakeholder groups, including a number of those

directly involved in the planning process. Confidentiality requirements prevent identifying these individuals by name or position. The policy process is evolving and this article reflects developments to March, 2003.

2. Comparative data for Quebec for 1993 and 1999 was not available.

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