

HISTORY OF CHILD WELFARE IN ONTARIO

A historical perspective on child welfare services

To understand the functioning and services of this Agency, it is necessary to view it within an historical perspective. The following is an historical synopsis of the evolution of child welfare services in Ontario with a brief history of this Agency itself. It is hoped that the descriptions of the various aspects of the organization will thus be more meaningful.

Apprenticeship the initial model

Child Welfare Services in Ontario were non-existent in the 18th and 19th century. From the passage of The Orphan's Act, 1799 to the enactment of The Apprentices and Minors Act, 1851, apprenticeship was the only provision made for orphaned or deserted children. Reflecting the prevailing emphasis on the work ethic and laissez-faire philosophy, only children bound into apprenticeship were offered any form of legal recognition and only in exchange for their labour.

Dependence on local initiative

During that time, no provisions existed for non-apprenticed children despite The Municipal Act, 1849 which created local governments and permitted relief given by local authorities. Few efforts were made to care for non-apprenticed children because, while provincial money was provided for adult offenders and the institutionalized mentally ill, measures for children depended upon local initiative and financing.

The emergence of adoptional and institutional care

Over the next 25 years, adoption and institutional care began to emerge as alternatives to apprenticeship for children and charitable societies were given the legal authority to intervene to prevent the maltreatment of apprentices. The Charity Aid Act, 1874 regulated public aid to charitable organizations and allowed for government supervision of institutions.

Emergence of the concept of shared public/private responsibility

In 1884, an amendment to The Industrial Schools Act, 1874 allowed local school trustees to delegate responsibility for the establishment of residential training schools for children under age 14 to any incorporated philanthropic society, subject to Provincial approval of the society's by-laws. This development marked the emergence of shared public/private responsibility which was to become a feature of the Children's Aid Societies of the future.

The Children's Aid Protection Act of 1888

Courts were allowed to make children wards of institutions and charitable organizations through the provisions of The Children's Protection Act of 1888. Public responsibility for the care of children was established by the requirement that local governments assume the maintenance costs of wards.

The use of foster homes

This legislation also facilitated the use of foster homes as alternatives to institutions and, because of the increasingly popular belief that environment determined a child's future, charitable institutions felt justified in removing children from unsatisfactory homes.

Founding of the first CAS 1891

The late 1800's marked a turning point in the development of child welfare efforts with the founding of the Toronto Children's Aid Society in 1891 by a group of citizens headed by J. J. Kelso. It was largely through their efforts that The Children's Protection Act, 1893 was passed.

The development of the CAS as a semi-public agency

Although The Children's Protection Act contained no provisions regarding the organization, membership, or management of a Children's Aid Society (CAS), a CAS was given wide powers including apprehension of children, their "supervision and management" in municipal shelters, and the status and prerogatives of legal guardians. In addition, a CAS was empowered to collect a "reasonable sum" from the municipality for the maintenance of wards. With this legislation, the CAS became a semi-public agency with a legal mandate and private Board of Directors.

Municipal funding for Children's Aid Societies

The Toronto CAS received its first City grant of \$2,000.00 in 1894. This sum was negotiated in lieu of per ward maintenance at the request of the CAS which feared greater government involvement. Later, in 1906, the CAS refused a Provincial offer of a per diem rate for wards. The Board of the CAS declined, fearing government interference and speculating that the public would deter private donations. No provincial money was accepted by the Toronto CAS until 1925.

The proliferation of Children's Aid Societies

In 1900, a Toronto by-law established that a city representative sit on the CAS Board. The by-law was passed annually until provincial legislation in 1954 provided for a minimum of one municipal representative on all CAS Boards. By 1907, more than 60 CASs were operating in Ontario and others had been founded in Winnipeg, Vancouver and Victoria.

The founding of the Associated Children's Aid Societies of Ontario

In 1912, The Associated Children's Aid Societies of Ontario, which later became The Ontario Association of Children's Aid Societies (OACAS), was founded. This Association requested and received the courtesy of viewing all child welfare legislation before its introduction to the legislature.

"Collective action uniformity of standards"

The OACAS was established to promote the welfare of children and to coordinate the work of all the Societies. The OACAS aims to facilitate and enhance the work of Societies through collective action, public relations, dissemination of information, uniformity of standards, and assistance to individual Societies.

Re-organization of the Toronto CAS

Until approximately 1920, The Toronto CAS Board of Directors functioned as an autonomous body, responsible only to itself, and heavily involved in fund-raising and direct service provision. The Board's lack of accountability to the community was challenged when, in 1916, public criticism regarding the quality-of-care children were receiving from the CAS led the province to ask the Mayor of Toronto to reorganize the CAS. The CAS was absolved by a provincial Grand Jury investigation which praised CAS work and recommended increased public assistance.

The evolving role of CAS Board

At this time, the role of the Board began to change because of two developments. In 1919 a group of citizens, still concerned about the quality of care offered by the CAS, decided to organize to vote out the old Board of Directors. In the following years, an increasing number of individuals with training and expertise related to children joined the Board. This development led to the appointment of R.E. Mills in 1923 as the first Director of the CAS.

The power shift from Boards to Directors

As Mills began to reorganize the CAS, develop professional staff, and improve the financial situation, there was a notable shift in power from the Board to the Director. The Board reluctantly agreed to join the Federation for Community Services, the forerunner to United Way, to alleviate the CAS' financial problems. The federation assumed the cost of non-ward care while the CAS renegotiated with the city and began to receive per Ward, per diem payments for Wards, thus ending lump sum grants which had failed to increase sufficiently over the years to cover costs.

Institution of a provincial grants system based on merit

These developments helped the CAS to increase the use of foster care in response to increasing public criticism of the apparent over-emphasis on institutionalization of children. In 1925, the province instituted a grants system with amounts determined by each CAS's graded efficiency and amount of responsibility assumed in the community. The Toronto CAS despite its earlier reluctance to submit to further interference, used this money to expand its foster care program.

Problems with Municipal and CAS relationships

Despite Toronto CAS's noted efforts to improve its relationship with the city and respond to public concerns, similar problems were developing elsewhere. In 1937, the Peterborough Municipal Council asked the province to enact legislation enabling the Council to appoint the CAS Board. The Toronto CAS wrote to the province expressing its concern that such a move would cause the CAS to become simply another administrative department.

Full provincial acceptance of responsibility for child welfare

The 1954 Child Welfare Act and its subsequent Regulations and Amendments marked the province's acceptance of responsibility and accountability for CAS's. The Act, while reaffirming the principle of delegation to private agencies, required officers of the CAS, minimum municipal representation on Boards, and described minimum qualifications for CAS Local Directors.

New provincial grants system

A new provincial grants system replaced the merit system and allocated funds based on the proportion of CAS workers working with children in their own homes. In addition, the province increased its reimbursements to municipalities for Ward maintenance from 25% to 40%. Public responsibility was thus strengthened for children in care and, for the first time, established for children in their own homes. This marked the beginning of public recognition of the importance of the prevention of circumstances leading to the necessity of apprehension.

The evolution of CAS's to "quasi-public" agencies

The Provincial Director of Child Welfare assumed responsibility of enforcement of The Child Welfare Act and was given authority to "advise, inspect, and supervise" children's aid societies, in 1957. Thus, over the course of nearly seventy years, CASs evolved from totally privately funded agencies with legal authority and voluntary accountability to quasi-public agencies with private Boards, increasing public financing, a legal mandate and accountability through mandatory reporting and provincial supervision. By 1960, the percentage of voluntary dollars in Ontario CAS budgets had dropped to a low of 10% with municipal and provincial contributions accounting for 53% and 37% respectively.

The Child Welfare Act of 1965

In 1965, a new Child Welfare Act was enacted which remains in effect today. Most significantly, it provided for mandatory financing of children's aid societies for increased statutory services including preventive services. The Act also increased mandated municipal representation on CAS Boards from one to four councillors. The new financing scheme required the province to pay 60% and the municipality 40% of each CAS's approved operating costs. In 1970, the scheme changed to 80% provincial and 20% municipal.

Observations on the historical development of child welfare structures in Ontario

In reviewing the historical development of child welfare structures and relationship in Ontario, several general observations may be made.

From private charity to publicly funded corporations

Although CAS's have maintained their private Board of Directors throughout the years, the nature of Boards has been significantly affected by changes in legislation, government intervention and financing, the professionalization of social work, and public expectations. What began as a movement of private citizens armed with contribution boxes and good intentions has become a multi-million-dollar network of private corporations funded by public money and administered by thousands of professional staff members. Ontario is the only province in Canada with children's aid societies in place to cover every territory and jurisdiction. In fact, the quasi-public system in Ontario appears to be unique in the world.

The link between funding and accountability

Also apparent is the fact that whichever body funds, child welfare service holds the power and determines the direction and focus of services. Thus, in Toronto, the Board of the CAS operated as a private body, raised its own funds, and was accountable to itself until the 1920's when financial difficulties and demands for accountability to the community forced the Board to accept increased public funding and open its doors to Board members from diverse backgrounds. Gradually, the visibility of the Board decreased as it relinquished its fund-raising role to government and its service-providing role to professional staff.

Gradual but definite shifts in responsibility

Over the years, there have been gradual but definite shifts in responsibility for child welfare services, although CAS's have remained responsible for direct delivery. The Children's Protection Act, 1880 required municipalities to pay the costs of all Court Wards, including those

committed to the care of CAS's. CAS's, however, were not accountable to the municipalities although, in 1900, the City of Toronto required one municipal representative on The CAS Board.

The evolution from the private realm to provincial authority

Not until 1956 were CASs required to report to the province and made subject to inspection and supervision. Accountability thus became incorporated into law as public monies became a larger part of CAS budgets due to increasing demands for services. Thus, over the years, responsibility for child welfare evolved from the private realm through municipal involvement to provincial legislation and authority. In 1978, the province appeared to be in the process of shifting responsibility back to the local level. The significance of this intended move has yet to be determined.

The CAS - a constant factor in the evolution of Child Welfare Services

Children's Aid Societies have been the only constant factor in the evolution of child welfare services and their ultimate acceptance as a public responsibility. Having weathered the shifts in political priorities and responsibilities, CASs remain the target of public speculation and scrutiny. Some say that the functions and role of the CAS Boards have been eroded and that they are no longer viable bodies in which the authority for the welfare of children should be vested. Others claim that the CAS structure is sound and that to alter or abolish it would be to weaken the traditions and expertise of a century of voluntary efforts.

Recent reports on child welfare services in Ontario

In the mid 1960's and 1970's, several reports were commissioned by the Provincial government that reviewed the effectiveness of child welfare services in Ontario. Notable among these were: The Garber Report on Child Abuse; Child Welfare in Ontario - Past, Present and Future; and The Judicial Inquiry, conducted by Judge Allen.

The formation of the Ministry of Community and Social Services

In response to these recommendations, the Children's Services Division of the Ministry of Community and Social Services (MCSS) was formed. Its purposes have been to reform the legislation, to integrate services and restructure the funding system.

The Child and Family Services Act, 1984

The proclamation of The Child and Family Services Act, November 1985, with the complementary regulation service standards and administrative policies have radically increased Child Welfare Boards' responsibility and their accountability to the Minister.

The Child Mortality Task Force

Towards the end of the 1990's, six highly publicized inquests into several child deaths, resulted in over 400 recommendations for change. The Report of the Child Mortality Task Force and a series of reviews commissioned by the Ministry of Community and Social Services on legislative reform, accountability, and child protection standards, led to major changes.

Child Welfare Reform in Ontario

The Ontario Child Mortality Task Force, 1997 and The Child Welfare Accountability Review, 1998, resulted in the development of a multi-year program to reform the child protection system.

Reform initiatives include:

- Amendments to The Child and Family Services Act
- A rational and equitable funding framework
- Contributions and assumption by the province of 100 per cent of the funding for CAS's
- A standardized approach to Risk Assessment
- Improved standards for the management of child protection cases
- Improved monitoring of case management practices
- Revitalization of foster care
- New technologies including an integrated provincial welfare computer data base
- Enhanced training for CAS staff, foster parents, Boards and Ministry staff
- Improved accountability throughout the system, focused on consistency, performance, financial management, service quality and client outcomes