

THE RETURN OF GUARDIANSHIP TO NATURAL PARENTS

An Exploratory Study of a Sample Group of Children  
Apprehended Under the Protection of Children Act in  
a Rural Area in British Columbia, in the Decade  
1950 - 1960.

by

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## ABSTRACT

The Protection of Children Act in British Columbia makes provision for the removal and the restoration of guardianship to natural parents. This process, which is designed to safeguard the rights of both parents and children, involves the two disciplines of social work and the law. The social worker is directly concerned with the decision to apprehend a child and, subject to the decision of the court, separate him from neglectful parents. He is also concerned with enabling the parents to ameliorate the circumstances of neglect, and to assist them to apply to the court for the restoration of parental rights. The social work process thus goes on before the apprehension, during the court hearing, and after the committal of the child. The final disposition in both the removal and the restoration of guardianship is made by the judge of the juvenile court. This study is undertaken to illuminate the elements involved in social work responsibility in this area of child welfare practice.

A sample group of families was selected, and their experience assessed for analytical and illustrative purposes. The study concentrates on two sets of factors: (1) those present at the time of removal of guardianship, and (2) the circumstances which enabled the restoration of parental rights. The data are evaluated on the basis of (a) parental strengths, (b) the nature of community concern and action, (c) the role of the social agency, (d) the nature of the client-social worker relationship, and (e) the part played by the juvenile court. Parental strengths are rated on the basis of objective and subjective criteria, developed from concepts pertinent to social diagnosis.

The study brings out the need for definitive criteria on which to rate parental adequacy, in order that the grave decision to separate the child from his parents may be made with the greatest possible accuracy in diagnosis. There is responsibility for social workers to define the type of neglect which embraces psychological as well as physical factors, and to interpret this definition to the larger community for incorporation into legislation. Changing trends in child protection theories should be made known to the judges of the juvenile court in order that the socio-legal process is conducted to the best advantage of both parents and children. The social agency must maintain contact with natural parents after the removal of their children, as it has been shown that change can take place in parental capacity, or parental circumstances such as remarriage. This is an area clearly worthy of further research.

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THE RETURN OF GUARDIANSHIP TO NATURAL PARENTS

## CHAPTER I

### THE CONCEPT OF GUARDIANSHIP IN CHILD PROTECTION

One basic premise in child protection work today is that the child has a right to his own parents, and that these parents have a right to assistance from the larger community if they cannot for any reason meet the needs of the child. Legislation has been devised to safeguard the child from parental abuse, at the same time protecting the guardianship of parents by allowing them due hearing under the law and providing a recourse for the legal return of guardianship under improved circumstances. A major research project on child protection in Canada describes the intent of the legislation as follows:

It denies parental rights only when all efforts to salvage the family as a unit have failed, and it respects the inherent dignity and worth of the parent as a person before, during and after removing guardianship.<sup>1</sup>

The implications for social work in preserving the rights of

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<sup>1</sup> Canadian Welfare Council, Child Protection in Canada, Ottawa 1954, Reprinted 1958, p. 31.



parents and children are manifold. The basic principles of social work enunciate the belief in the worth of the individual, his ability to change and grow in maturity, and his right to be helped by the larger community to achieve his potential. The preservation of the family unit as the medium for the psychosocial development of the child is an integral casework function. Some of the issues revolve around the length of time a child should remain in a situation which may be physically and emotionally damaging, even though the parents may show some potential for change. Conflict may exist between the rights of children, the rights of their parents and the rights of the community in which they live, and social work responsibility is one of keeping these in balance and perspective.

### The Rights of Parents

Parents throughout the ages have been considered the natural guardians of the children born to them. The concept of guardianship has evolved through the centuries, keeping pace with societal modification in values and attitudes concerning the needs of children.

Under the English Common Law, from which Canadian and American present-day legislation is patterned, the father had complete custody and control over his children, while the mother could claim no rights on their behalf. This Law deemed that the father must give his children some measure of

protection and training, but until the Poor Law was passed in the early seventeenth century, he was not liable for their support. When these Laws were brought over to North America by the early settlers, the power of the father was still absolute. Gradually, due to the motility of the pioneers, and the more predominant role the women and mothers had to assume in assisting to carve out a living in the new land, a note of partnership began to creep into the idea of child care and control. Legislation has reflected these changing attitudes. Within this twentieth century, in both the United States and Canada, statutes have been passed which give parents joint guardianship of their minor children.

Within the last three decades, a major trend in thought has further influenced the concept of parental rights. The use of the psychoanalytical approach, which has had a profound impact on the formulation of social work principles in child care, emphasizes the effect of early experiences on the developing personality. Studies conducted by the World Health Organization since the last World War have pointed out the dangers to physical and mental health when the infant or young child is deprived of a consistent and loving mother figure.<sup>2</sup> The sociological concept of role performance as a means of analysis of societal functioning, purports that roles

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2 Bowlby, John, Maternal Care and Mental Health, Palais des Nations, Geneva, World Health Organization Monograph Series, 1952.

must be first learned by close association with and observation of one trusted figure. These theories and studies stress the mother-role as the predominant one in child-rearing. The father is said to assume a secondary position in the early life of his children, providing economic and emotional support to the mother, so that she may better fulfil the primary obligation.<sup>3</sup> Social and economic necessities and the structure of community life keep the father away from the home and out of contact with his children for the greater part of the day. These gradual and subtle changes are again reflected in the tendency of the courts of law to award custody to the mother in cases of dispute, unless she has been guilty of a serious violation of the moral code. In all cases, the welfare of the child is the prime consideration.

In a democratic society, the concept of rights carries the reciprocal responsibility of duties. The two basic and joint rights of parents are those of "custody" and "control" of their children. In return, they are morally and legally bound to protect, maintain and educate them. To do this, they must apply a degree of discipline and correction, commensurate to the needs of the child and to the values of the larger community. If parents are unable to exercise these duties for any reason, either environmental or psychological,

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<sup>3</sup> Ribble, Margaret A., M.D., The Rights of Infants, Columbia University Press, New York, 1953, p. 101.

they have a right, through the democratic ideal, to be provided with a measure of assistance from the state. This principle is the basis of family-centred casework.

The state does not tamper with the rights of parents, except when the welfare of the child is seriously threatened and when all professional efforts to keep the family together have failed. Removal of guardianship can only take place through due process of law.

### The Rights of Children

The consideration of the child as an individual is a recent concept. The Declaration of the Rights of the Child was drawn up in 1924 and adopted by the League of Nations as a universal ideal -- to meet the basic needs of a child, regardless of race, nationality or creed, and to protect the child from exploitation. In North America, the rights of the child were first defined as such in the Children's Charter, drawn up in the United States White House Conference of 1930.<sup>4</sup> Canadian trends in child care have largely patterned themselves on those of the United States. Delegates from both countries attend the nation-wide conferences on children, and most of the literature used setting out the principles of good child care for our Canadian agencies originates from the United

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<sup>4</sup> White House Conference on Child Health and Protection, called in 1930 by President Hoover, The Century Co., New York, 1931.

States, although many Canadian authors contribute.

The twentieth century has seen major changes in all aspects of child care, with a recent trend towards specialization and individualized treatment. The universal philosophy underlying the rights of children has been built on both emotional and rational principles. The humanitarian impulse is one of the protection of the weak and helpless. The rational approach presents an awareness that, for self-perpetuation, society must depend on the calibre of its progeny. Opportunities must be created for the children to grow and develop to the fullest potential, in order that they may take their places as future responsible citizens to carry on the institutions of society. From this philosophy stems the doctrine of "parens patriae" which recognizes the superiority of the state over the rights of parents.

The First White House Conference on children was called by President Theodore Roosevelt in 1909. The concern at that time was with the dependent child. The most striking recommendation made was that the child was not to be removed from his own home for reasons of poverty alone, and that a Children's Bureau should be set up under Federal Government auspices to study the dependency problems of children.<sup>5</sup> There was also a beginning recognition that foster homes

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<sup>5</sup> Proceedings of the Midcentury White House Conference on Children and Youth, Health Publications Institute, Raleigh, N.C., 1951.

should be used in place of the institution or orphanage.

The second White House Conference took place at the request of President Woodrow Wilson in 1919, following the First World War. The scope was a broader one, taking in the specific problems of child health and labour, the health of mothers, standardization of laws pertaining to children throughout the various states, and a concern with standards of child welfare generally.<sup>6</sup> As the Children's Bureau had been in operation for seven years, this conference was enabled to be more specific in theme through the representation from all the States of delegates who were also members of the Bureau, and in close contact with the problems involved.

The Conference of 1930, this time under President Herbert Hoover, was much more general in scope. The theme was enlarged to include all children, not merely the ones in need of protection, or of special care. Dr. Ray Lyman Wilbur, in his capacity as chairman of the conference, described the intent as follows: "to get a composite picture of this complex American child, to find out how he rates physically, mentally, morally, what our rapidly changing civilization is doing to make or mar him, to determine where our social, educational, and governmental machinery is at fault in training him to his utmost capacities, and where it may be

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6 Proceedings of the Midcentury White House Conference on Children and Youth.

strengthened, was a challenging task".<sup>7</sup> The challenge was one of study and research, and the inference was one of state responsibility for the task. However, these were the times of depression, and pressing and immediate problems of economy and war occupied the energies of the government for the next two decades.

In 1950, President Truman called the fourth White House Conference on Children and Youth. In his opening address, he expressed the rational intent: "we must bend every effort toward producing in future generations more individuals with the maturity and stability it takes to meet and deal with difficult situations, and with new and perplexing problems."<sup>8</sup> This meeting brought together professional people connected with every phase of child care. The central theme was the individualization of the child, and the vital part the family plays in his healthy personality development. Community planning and services to assist the family in this task were discussed in at least three of the major papers. In the "Pledge to Children"<sup>9</sup> the conference delegates re-affirmed in different wording and expanded content, the rights as set down in the Charter of 1930. Basically, each child "regardless

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<sup>7</sup> Wilbur, Ray Lyman, Foreword, The White House Conference 1930.

<sup>8</sup> Truman, Harry S., Opening Address, Proceedings of the Midcentury White House Conference on Children and Youth 1950.

<sup>9</sup> Pledge of Children, ibid., p. 28.

of race, or color, or situation"<sup>10</sup> has a right to protection from danger, physical and moral. He has a right to spiritual, moral and academic training, and the opportunity for achievement according to his individual abilities. He has a right to good health, beginning with pre-natal care, and to a secure home with a good standard of living. He has a right to community interest and action in his welfare. Above all, he has a right to a family -- two parents who will love, guide and discipline him, and help him to become a responsible adult with a sense of personal worth. If his natural family cannot for any reason provide for his needs, his larger community must step in, either to provide the family with resources which will enable them to function as a unit once more, or to recognize professionally that a separation must take place. Even though guardianship has been removed from his parents, the child has a right to have community services provided to them, to build on any strengths that may again result in a re-united family.

The concept of guardianship therefore, implies parental rights and duties, so far as these are used beneficially to meet the needs of their children. Hasseltine Byrd Taylor points out that "throughout the history of guardianship, the welfare of the child has been more and more

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<sup>10</sup> The Children's Charter, White House Conference 1930, p. 45.



clearly perceived to be the paramount issue. While the law has enlarged the mother's rights, the rights of both parents are subordinate to the best interest of the child. The authority of the state now overshadows the natural rights of the parents, and the duty of the state becomes more evident in law and social practice".<sup>11</sup>

### The Family and the Development of Identity

The family is the milieu in which the needs of children are met and the rights of parents are maintained. This small group consisting of parents and children, which has been termed by North American sociologists the nuclear family, performs many functions, among them protection, teaching and emotional fulfilment. Psychologically, the family provides the secure base from which the child can develop a growing awareness of himself as an individual. The newborn infant has no conception of self, aside from primitive sensations of pleasure or discomfort. As sensory perception develops along with the maturing neurological system, the infant develops a body ego, or a realization of the confines of his body. Modern theories of personality development state that the type of handling the child receives at this stage will influence his feelings about himself. As he grows older, if he is allowed to explore and make mistakes

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<sup>11</sup> Taylor, Hasseltine Byrd, Law of Guardian and Ward, University of Chicago Press, Chicago, 1935, pp. 25-26.

with the support of loving, guiding parents who set realistic limits and goals, he will gradually incorporate their standards and controls into his own values. When he moves out beyond the family circle into his peer group, and particularly in adolescence, he can retreat back into the familiar setting of home and childhood while learning to be an adult.

The family has a major part to play in shaping the future stability of the child. Through parental example, the child is guided through the difficult periods of sexual conflict, and allowed to assume his proper sexual identification, which is vital to normal functioning as an adult. If familial roles are reasonably well-defined, and if the child is accepted as a child, and also as a personality that is unique and important as a human being, he will develop a sense of identity and personal worth as a social being. Acceptance of self is a pre-requisite to acceptance of others, and a personality groping for its own identity will be unable to form relationships which can give psychologically as well as receive. In considering the functions of the family, two current writers state, "The development of identity is the goal of childhood socialization and therefore is the primary criterion for the evaluation of the family".<sup>12</sup>

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<sup>12</sup> Meisels, Joseph F. and Loeb, Martin, B., "Unanswered Questions about Foster Care," Elizabeth McCormick Memorial Fund, Proceedings on the Conference on Research in the Children's Field, National Association of Social Workers, New York, 1956, p. 9.

Legal Definition of Guardianship in British Columbia Statutes

Justice Coady, in a judgment delivered in the Supreme Court of British Columbia in 1944, states that he can find no legal definition of guardianship in British Columbia statutes relating to child welfare.<sup>13</sup> In a study prepared by the Community Chest and Council of Greater Vancouver in 1947, it was found that the term "guardianship" was used with varying interpretation in each of nine acts relating to children in British Columbia.<sup>14</sup> The Protection of Children Act states in Section 8(12) "the Superintendent shall receive the child into his custody, and is thereupon the legal guardian of the child".<sup>15</sup> No definition follows. The inference is drawn that all parental powers will cease and the rights and responsibilities of the parent will be vested in the Superintendent of Child Welfare. Legal guardianship is more limiting than parenthood in that the new guardian cannot alter the previous religion of the child, nor lay claim to any monies in his name, nor consent to adoption of the child.

The provisions for termination of legal guardianship are clearly defined in section 10(1) of the Protection of

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<sup>13</sup> Western Weekly Reports, Volume 2, Citation 60, B. C. Report 352, Burroughs and Company Limited, Law Publishers, Calgary, 1944.

<sup>14</sup> Community Chest and Council of Greater Vancouver, Child Welfare Legislation in British Columbia, printed privately Vancouver, B. C. Revised 1947.

<sup>15</sup> Protection of Children Act, Provincial Statutes of British Columbia, R.S. 1948, c. 47, s. 1, Queen's Printer, Victoria, B. C., Section 8(12).

Children Act as follows: "The society to the care of which any child is committed under this Act is relieved of that guardianship by order of the Judge or by the fact that the child has reached the age of twenty-one, or, if a female, is married."<sup>16</sup>

The Protection of Children Act, R.S. 1948, British Columbia

The first piece of legislation designed for the protection of children in British Columbia came into being in 1901, when a group of citizens petitioned the government on behalf of a young child who was being maltreated by her drunken mother. At the same time, this group of citizens was incorporated into the Children's Aid Society.<sup>17</sup> In 1911, the Infants' Act was passed, which incorporated the previous statute, as well as made provision for contracts, settlements and agreements in the names of infants. This amalgamated piece of legislation proved too unwieldly, and in 1943 a new Protection of Children Act was passed. In 1948, this was revised to include several amendments, and now stands in the statute books in this form.<sup>18</sup>

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<sup>16</sup> Protection of Children Act, Section 10(1).

<sup>17</sup> Angus, Anne Margaret, Children's Aid Society of Vancouver, B. C., 1901-1951, A Fiftieth Anniversary Publication, Vancouver, p. 5.

<sup>18</sup> Protection of Children Act.

Up to 1927, the work of protection in British Columbia was carried on by two Children's Aid Societies<sup>19</sup> and the Superintendent of Neglected Children as the government representative. Services were meagre, particularly to the more remote provincial areas, and the two private agencies began to request that the government take a more direct and vital role. This action led to the British Columbia Child Welfare Survey, which was started in 1927. It is significant to note that this is the only child welfare survey that has been carried out to encompass the total program of services to children throughout British Columbia. The main recommendations of this survey led to a hiring of professional executive staff for the Children's Aid Society, and a program of foster home rather than institutional care. However, recommendations for more specific governmental participation in the child welfare program were held up because of the depression of the 1930's and the necessary priority of measures dealing with economic relief.

In 1935, the Superintendent of Neglected Children and her small band of field workers were formally established by the government as the Child Welfare Division, and given the status of a department in the Provincial Social Welfare Branch in Victoria. The head of this division became known

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<sup>19</sup> The Catholic Children's Aid Society was incorporated in British Columbia in 1905.

as the Superintendent of Child Welfare, who continued to provide direction and supervision to her staff of workers in their efforts to provide services throughout the province. Jurisdictional boundaries did not exist for the Children's Aid Societies, resulting in unsatisfactory relationships between the private and government policies and a confusion in services to the children. The new Act of 1943 provided for the legal appointment of a Superintendent of Child Welfare, the incorporation of children's aid societies, and a provision for these latter to define their own boundaries. Provision was also made in the present act for interchange of guardianship between the Superintendent and the Societies, to cover instances of children moving to and from provincial and urban areas. Presently in British Columbia, there are three children's aid societies,<sup>20</sup> whose geographical boundaries as well as available services are well-defined. The Superintendent of Child Welfare has jurisdiction in all matters pertaining to children in the remaining areas of the province.

The Protection of Children Act recognizes the child as an individual whose welfare the state is obliged to protect if the natural parents are unable or incapable of assuming this responsibility. The Act protects the rights of parents as well as the rights of children, by allowing the

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20 Children's Aid Society of Vancouver, B. C.; Catholic Children's Aid Society, Vancouver, B. C.; Family and Children's Service, Victoria, B. C.

parents to return to court under Section 11 to petition for the return of their child. A higher authority is made available under Section 18, which states that the Lieutenant-Governor in Council may at any time discharge a child, providing a report in relation to the child is procured from the Superintendent or the society holding guardianship. This provides a measure of appeal for the parents. The Act is in no way punitive, nor designed to involve the parents in a criminal charge. Prevention is recognized as well as protection. The interpretation for a children's aid society is declared as "one that has among its objects the protection of children from cruelty, the safeguarding of the young, the amelioration of family conditions that lead to the neglect of children, or the care and control of children in need of protection".<sup>21</sup> In section 8, (referring to the power of the judge to make orders) he may do one of three things: commit the child to the care and custody of a children's aid society or the Superintendent, return the child to his parents, or return the child to his parents under supervision of a children's aid society or the Superintendent. The intent here is that a child must not be removed from his own home if the parents can be helped to care for him.

Section 7 specifies the persons who are authorized to apprehend children and bring them before a judge as needing

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21 Protection of Children Act, Section 2.

protection. These persons are the Superintendent or her authorized delegates, police and probation officers. The types of children who may be apprehended are also described in this section, which in essence defines neglect under the meaning of this Act. The social work responsibility is one of presenting the type of evidence to the court which will prove the existence of a specific neglect situation as described in the Act. Responsibility of the parents is recognized, even though guardianship is removed, by the provision under Section 32 for an order of maintenance against them for the support of the child. In many cases, this order can help the parents maintain a measure of self-respect, and can be used as a strength by the social worker in continuing contact with the family.

Section 11 provides for the return of the child to his own home, either permanently or temporarily, either under supervision or not, and either on application of the society, the Superintendent, or the parents. Five clear days' notice of the intention to make this application must be given to the Superintendent, either by the society or the parents. The judge, in his disposition, will consider the "benefit of the child",<sup>22</sup> and will usually ask for a full report from the agency involved with the child and the parents, in order to ascertain the changes that have taken place in the family

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22 Protection of Children Act, Section 11(1) and 11(2).



circumstances to alter the original situation of neglect. Usually, the parents are counselled and encouraged by the social worker to make the application to the court when conditions are appropriate to the return of the child. This action serves to strengthen their growing sense of responsibility. However, the Superintendent or the society will make the petition to the court under special circumstances which may prevent the parent from doing so.

The Act is administered by the Superintendent of Child Welfare for British Columbia. She is responsible to the minister appointed by the cabinet to have charge of the administration of this Act. The Child Welfare Division, of which she is the department head, is a part of the provincial Department of Social Welfare. Decentralized authority in writing to act in her name has been delegated to specific and responsible members of the field staff, in the matter of apprehension of children, and the presentation of evidence in court in support of both the actions for removal and restoration of guardianship.

#### Changing Trends in Protection in British Columbia 1940 - 1960

During the 1940's, a well-integrated public welfare program, of which the Child Welfare Division was a integral part, was evolving in British Columbia. Generalized public services were decentralized into regional and field offices throughout the province, with well-defined channels of

communication to the divisional heads in Victoria. Child welfare became a part of the generalized caseloads of the provincial social workers, except in the areas where the children's aid societies functioned. The idea of prevention was incorporated into the Social Assistance Act of 1945,<sup>23</sup> which provided for "remedial services" as well as financial assistance to families in distress. The Welfare Institutions Licensing Act<sup>24</sup> requires the inspection and licensing of homes boarding more than one infant on a private basis. Facilities were established in the Child Guidance Clinic for psychiatric diagnosis of children showing signs of emotional disturbance. Institutional care had been replaced by individual foster homes almost entirely by 1935, and by 1948, it became apparent that some children could not tolerate this type of placement, and the idea of group living facilities for these children who cannot bear the closeness of parental ties was being considered.

During this last decade, the Superintendent has expressed increasing concern, in her annual reports of the Child Welfare Division, for the quality of services to children in the province. Trends in protection policies have followed the general pattern for the United States and Canada.

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<sup>23</sup> Social Assistance Act, Provincial Statutes of British Columbia, R.S. 1948, C. 310, S.1. (Originally enacted 1945).

<sup>24</sup> Welfare Institutions Licensing Act, Provincial Statutes of British Columbia, R.S. 1948, C. 363, s.1.

The emphasis remains on the child in his own home, with case-work services offered to build on existing family strengths. If the child must be removed, service must continue to be given to the parents with a view to eventual reunion. The parents must not be deserted or rejected if the child is separated from them. In cases where reunion will not be feasible, both the child and his family must be prepared for a long-term separation. When it becomes evident that family ties can no longer be repaired, adoption should be considered for the child, in order that he might identify himself with a new and stable family to whom he will legally belong. There is increasing recognition that particular problems of children can precipitate family disturbance, and placement for a time combined with skillful casework treatment may be the means of preserving the family unit. In this latter instance, the resource of non-ward care may be used to relieve pressures on the parents and the child. Non-ward care involves the separation of parents and child, with the complete co-operation and consent of the parent to the plan. The court is not involved, and the parent retains his legal guardianship. This resource is a constructive part of the child welfare program in British Columbia, and can also be used when a parent is incapacitated temporarily through illness or other means, to sustain the family.

The Superintendent of Child Welfare has kept well abreast of these trends, and her annual reports bring out

the increasing need for family-centred casework services, for treatment facilities for the disturbed child, group-living programs for adolescent wards who are incapable of becoming members of a new family, as well as training programs and facilities for the retarded child. From 1949, she expresses ever-growing concern that pressuring demands on the field staff are not allowing sufficient time for preventive services. She arranged for the appointment of a Field Consultant at this time "in order that both field and Division could share more closely in evaluating the standards of preventive work, before we can continue to feel with any certainty that removal of a child from his home is in all instances in his best interests".<sup>25</sup> Subsequent reports emphasize the contribution of inadequate social assistance rates to family breakdown, and the importance of providing resources to ease family pressures in order to maintain parental strengths. Above all, she stresses the need for more trained staff who can devote the necessary time to work based on sound child welfare principles. As rising caseloads increased the burden on the field staff, the Social Welfare Branch announced a policy of curtailing preventive service to families who were not in receipt of financial assistance. The numbers of children taken into care annually began to increase. In March 1960, the children in care in British Columbia numbered 4,942,<sup>26</sup>

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<sup>25</sup> McKay, Ruby, Report of the Child Welfare Division, Annual Reports of the Social Welfare Branch of the Department of Health and Welfare, Victoria, B. C., 1949, p. 34.

<sup>26</sup> Ibid., 1960, p. 36.

triple the number in 1950, and an increase of 127 children over the previous year.

In the late fall of 1960, the Superintendent of Child Welfare submitted her resignation to take effect on December 31, 1960. Her reasons, which she issued in a public statement to the press, were those of inability to carry out her duties as a professional person to the children under her care, due to restrictive governmental policies.<sup>27</sup> A wave of public protest followed Miss McKay's action, and demands were made to the government by professional and citizens' groups for an enquiry into the child welfare program in the province. The British Columbia Association of Social Workers, in a brief outlining its views and recommendations for improved services, points out that "in the fiscal year 1959-1960, as a result of insufficient staff and insufficient training in some instances, services to families -- the greatest preventive and rehabilitative service -- comprised only 1.9% of the caseload time of 100%".<sup>28</sup> The government has indicated that no survey into the child welfare program will be carried out at this time, but they have recognized the need for additional caseworkers in the field and will include in their estimates provision for this.

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<sup>27</sup> McKay, Ruby, Statement in the Vancouver Sun, Division of Pacific Press, Vancouver, B. C., January 7, 1961.

<sup>28</sup> Statement, B. C. Association of Social Workers, Printed privately Vancouver, B. C., February 3, 1961.

The Superintendent states that the total of 258 wards were discharged in the fiscal year ended March 31, 1960. Out of this number, 123 were placed for adoption and 58 returned to their own parents under rescindal of committal.<sup>29</sup> She comments on the desirability of this trend, and indicates that good child welfare practice is oriented to providing permanent parents for every child, so that he may know the security necessary for normal development.

#### Protection of Children as a Social Work Responsibility

Protection legislation came into being as a result of community concern for its children. To what resources should the community entrust this concern, that it may be translated into effective policy? Until the mid 1930's, the primary reasons for separating children from their families were those of economic dependency. Within the last thirty years, when financial assistance programs and home-maker and day care services enable parents to continue their roles, the circumstances under which transfer of guardianship becomes necessary have changed. Children now are taken into care because their homes have been broken by parental conflicts, or because the parents, for reasons of their own psychological inadequacies, act out and subject the child to serious forms of physical neglect and emotional rejection.

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<sup>29</sup> McKay, Report of the Child Welfare Division for the fiscal year ended March 31, 1960, p. 38.

Current authorities in child care speak of the "parental image", the fantasied picture of the good parent which the child will carry with him to the detriment of adjustment in the "best" foster home. Henrietta Gordon tells us that the increasingly deeper understanding of behaviour has helped us to the "re-discovery of parents" and to the realization that "children separated from their families lived in one place and loved in another".<sup>30</sup> Dorothy Hutchison states that "knowledge of pathological behaviour and the dynamics of such behaviour" -- allows the "knowledgeable person to tell the difference between paranoid rejection and rejection by discouragement and frustration".<sup>31</sup>

Social work is a profession dedicated to the welfare of the individual, with a firm belief in his ability to change and grow. Three basic methods are committed to this cause, the enabling skills in casework, group work and community organization. The goal of social work is the improved social functioning of the individual in his family unit, in the context of the wider environment, so that he may enhance his own potential and that of his community. In order to attain this goal, practitioners in social work have utilized two frames of reference in their study of the human personality

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30 Gordon, Henrietta L., Casework Services for Children, Houghton Mifflin Co., Boston, 1956, Preface viii.

31 Hutchison, Dorothy, "The Placement Worker and the Child's Own Parents," Social Casework, Family Service Association of America, vol. XXXV, No. 7, New York, July 1954, p. 294.

and the dynamic forces which mould each human being into his own pattern of uniqueness. The sociological approach of role performance, combined with the psychological understanding of the inner psychic forces, allow sharper diagnostic skills in analyzing the meaning of behaviour and assessing the strengths of the individual in coping with stress situations. Particularly during the last twenty-five years, social work has developed a fund of knowledge and a scientific method in treatment of social problems. This knowledge of the causes of behaviour and the forces that can stimulate or inhibit personality functioning according to the norms and values of the larger community, combined with the philosophy of the worth of each individual, ensures the professionally responsible help the community desires for its children, and their parents.

The role of the community in protection is the maintenance of an enlightened program of services through an intellectual awareness of the problems, and the provision of professionally trained social workers to carry out this program effectively as well as economically. The program of services is put into effect through the social agencies. At present in British Columbia there is much room for an assessment of the total pattern of services to children, and through a meaningful community organization system, stimulate a greater degree of teamwork between the agencies involved. The social agencies have a responsibility to examine the procedures by which guardianship can be safeguarded, and what social and



judicial services are necessary for the adequate protection of children. They should be concerned with setting of standards, revision of legislative policies, and a continuous appraisal of the existing services.

### Nature and Scope of the Study

The present study is undertaken as an exploration of a small section of the guardianship problem, in which guardianship is removed and eventually restored to natural parents by the juvenile court. The sample families chosen represent the total experience in this aspect of child welfare in the files of the Social Service Department, Burnaby, British Columbia, for the decade 1950 - 1960. This span of time is chosen because records pertaining to children in public agencies in British Columbia are kept only ten years after closure of the case, and material previous to 1950 will have been destroyed. (However, since some of these children were apprehended prior to 1950, the exposition of changing trends in child protection in the present chapter covers a twenty-year span.) The total number of families thus covered is only seven, involving 26 children, but their experience is assessed for illustrative purposes.

The cases are analyzed in an attempt to answer the following questions: (a) Why were the parents considered inadequate at one point and adequate at another? (b) Did the parents change? If so, what was the nature of the change?

By what criteria can parental strengths be assessed?

(c) What type of agency contact was maintained with the natural parents? How did this contact contribute to the return of the children? (d) Did the juvenile court concur with the recommendations of the agency in making the disposition? What was the relationship between the agency and the court? and (e) What are the implications for improved child welfare practice in protection work?

A set of questions are devised to cover factors concerning the removal of guardianship, and these are set out in chapter 2; another set of questions relating to the restoration of guardianship furnish the material for chapter 3. Findings and limitations of the study, as well as implications for future study and research are contained in chapter 4. As far as the writer is aware, there has been no previous research on the topic of the return of guardianship to natural parents under the Protection of Children Act in British Columbia. Nor has a search revealed any comprehensive statistics on the amount of activity in this field.

The Municipality of Burnaby is chosen as the setting for this study for its proximity and accessibility of records. This area lends itself to study because of the enlightened approach of the social service administration to the problems of policy, including the value of research in setting and improving standards generally. The department head of the

Social Service Department is the municipal administrator, responsible to the Reeve of the Municipality. In matters pertaining to children, the jurisdiction is that of the Superintendent of Child Welfare. The supervisor is the provincial representative giving direction to both municipal and provincial social workers. This administration has recognized the importance of consistent services to children, and has designated certain social workers to carry only the child welfare caseload.

## CHAPTER II

### GUARDIANSHIP REMOVED FROM NATURAL PARENTS

A search of the files in the Social Service Department, Burnaby, British Columbia, for the ten-year period 1950 - 1960, revealed only a small number of families where guardianship was removed under the Protection of Children Act<sup>1</sup> and eventually restored to the parents under the same Act. These cases -- only seven in all, though involving 26 children -- cannot provide fully conclusive results, but they are worth examination, and analysis of the common and differentiating factors may serve as guidance for policy as well as a base for further research into this little-explored aspect of child welfare practice.

The cases were intensively analyzed, and for the purpose of this chapter, six major questions were asked:

(1) What objective factors were present that indicated parental inadequacy? (2) What subjective factors could be discerned? (3) What was the nature of community concern and action? (4) What was the role of the social welfare agency?

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<sup>1</sup> Protection of Children Act, Section 1. For the purpose of this thesis, the term "the Act" refers to the Protection of Children Act.

(5) What was the nature of the client-social worker relationship? and finally (6) What was the part played by the juvenile court? Each family file was carefully scrutinized on the basis of these questions, and the information gained is discussed, under sections, in this chapter.

### Objective Factors Which Indicate Parental Inadequacy

The "rights of parents" under the law are primarily those of custody and control of their minor children. In return, they carry a reciprocal responsibility: to protect, maintain and educate them. These responsibilities are laid down in legislation in British Columbia under the form of the Protection of Children Act. If they are not met, the State has the power to take over the children under Section 7 of the Act, which sets out "the types of children who may be apprehended". It is clear that it recognizes in the main the area of physical or tangible neglect. What is "neglect"? Judgements must of necessity be based on the empirical observations made in recording by the many social workers concerned. To cope with this, a rating scale has been devised to cover the broad areas of parental responsibility -- control, protection, maintenance and education. This rating scale attempts to grade the objective factors, which are the aspects more obvious to the community, and which lead to the filing of the original complaint of parental inadequacy. Six areas have been distinguished: (1) income; (2) housing; (3) living standards; (4) child's school attendance; (5) medical care

and (6) discipline and control. The sample families used are listed A- to G- inclusive, and the same alphabetical symbol is retained throughout the study. The ratings of "good", "fair" and "poor" will be explained in relation to each category used, and the social work concepts involved.

#### Schedule 1

#### An Evaluation of Parental Performance at the Time of Removal of Guardianship

| Families | Income Level | Housing | Living Standards | Child's School Attendance | Provision Medical Care | Discipline and Control |
|----------|--------------|---------|------------------|---------------------------|------------------------|------------------------|
| A        | poor         | poor    | poor             | poor                      | poor                   | poor                   |
| B        | poor         | fair    | poor             | -                         | poor                   | poor                   |
| C        | poor         | poor    | poor             | poor                      | poor                   | poor                   |
| D        | fair         | poor    | poor             | poor                      | poor                   | poor                   |
| E        | fair         | fair    | fair             | good                      | poor                   | fair                   |
| F        | poor         | fair    | poor             | good                      | poor                   | fair                   |
| G        | good         | good    | fair             | good                      | poor                   | poor                   |

The income level is concerned with maintenance of the family unit by the head of the household. In the seven cases examined, in all instances two parents were present in the family circle, and the man was the economic support. In the F- family, the relationship was common-law, the wife having separated from the natural father of the children.

In the G- family, the female parent was a step-mother, the father having divorced the natural mother. "Good" stands for steady employment and adequate maintenance. "Fair" covers spasmodic employment or lack of adequate support in spite of good earning power. "Poor" reveals an unstable work record, combined with many moves throughout the province, and recourse to social assistance. That a minimum subsistence level will place added strain on family relationships and hasten family breakdown is obvious enough: but the facts are particularly well-known to social agencies, and have been the subject of a special study compiled by the Community Chest and Council of Greater Vancouver.<sup>2</sup> The one "good" provider represented the father-step-mother situation, where the father provided adequately in material things, but showed extreme emotional cruelty towards his 14-year old son. The two "fair" providers were steadily employed, but, through their own personality inadequacies, failed to maintain their families suitably. The majority of families were in receipt of social assistance.

Housing is primarily a function of income, and is graded as to suitability of accommodation for the size of the family, and the adequacy of utilities such as heat, light and water supply. Living standards comprise the adequacy of food, clothing and physical cleanliness for the children, as

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<sup>2</sup> The Adequacy of Social Allowances Committee, Report to the Community Chest and Council on the Adequacy of Social Assistance Allowances in the City of Vancouver, printed privately, Vancouver, B. C., 1958.

well as the standards of housekeeping necessary to maintain health. In some cases, garbage was littered throughout the house, and the children covered with sores and vermin as a result of the low standard of care. In the cases where the type of housing differed from the living standards, it was found that the male parent figure displayed more strengths than his marital partner. The near similarity between income provision and housing is evident.

School attendance can be an important pointer in diagnosing a child's adjustment in the home situation. A child may be playing truant for a number of reasons. He may be acting out his hostilities towards parental or authoritative figures, or he may be fearful and insecure among his own peer group due to home tensions. Parents who have themselves been psychologically deprived are unable to give a secure sense of identity to their children. Repeated absences from school are also indicative of lack of parental discipline or control. The law in British Columbia states that a child must attend school up to his fifteenth year, and the parents must see that he does so. If they are remiss in this, they may be prosecuted. One recent measure of control, used in cases of repeated truancy, is the withholding of the family allowance payments to the parents. In grading this category, "poor" represents cases where family allowance has been withheld or a stern warning given. "Good" indicates no truancy.



The provision of medical care is part of the parental duty to protect his child from harm. This will involve ensuring that the child receives routine care, medical, optical and dental, as well as preventive care in the form of inoculations. This category is also related to income provision. The families on social assistance in this study were all provided with full medical coverage, which included free medical care, hospital, optical and dental services, and most drugs. Despite this, little effort was made to take advantage of these services. The "poor" rating indicates that no attention was paid to the medical needs of the children unless they were gross and critical.

Discipline is a necessary aspect of control, but the adequate parent tempers this with love of his children. Current writers on child development are satisfied that discipline is not effective unless it is realistic, consistent and based on respect. The respect ideally should be mutual -- of the child for his parent, and of the parent for his child. Children learn to internalize controls through parental example. However, if the parents, as a result of their own deprived backgrounds, do not have suitable controls themselves, they cannot impart the norms of acceptable behaviour to their children. In this part of the present study, ratings of "poor" have been applied where there is no control and the children were "running wild" in the area. "Fair" indicates some obedience of the child for his parent.

The general picture is revealing of sub-standard performance in all areas. Economic, housing and living standards range from fair to poor in all but one instance where the neglect was in the main subjective. School attendance is poor especially in the homes with the larger numbers of children. The provision of medical care and discipline are major areas of neglect. Income provision and housing are shared aspects of family life, where both parent and child share the same comfort and discomfort. In the provision of medical care and the area of discipline, where the parent must make some effort beyond himself, the weakness of the parental role reveals itself more strongly.

#### Strengths and Weaknesses in the Family Constellations

The performance of the parental role cannot be evaluated on objective manifestations alone, although gross deviation in performance is responsible for community action and complaint.

The following data reveals no significant age difference between the parents, and that the majority were married in their late teens and early twenties. The only marriage of mixed racial origin is that of D-, where the wife is of Indian race. Education standards vary: none proceeded beyond the grade 12 level, and one is illiterate. The span of years between the date of marriage and taking the children into care, in no instance less than six, would suggest either

## Schedule 2

## Descriptive Social Data

| Parents        | Number<br>Years<br>Married | Age when<br>Married | Education           | Number of<br>Children | Date Taken<br>into Care |
|----------------|----------------------------|---------------------|---------------------|-----------------------|-------------------------|
| A Woman<br>Man | 15                         | 17<br>18            | Limited<br>Limited  | 8                     | 1956                    |
| B Woman<br>Man | 6                          | 18<br>22            | Grade 9<br>Grade 11 | 3                     | 1950                    |
| C Woman<br>Man | 13                         | 19<br>19            | Grade 7<br>Grade 6  | 4                     | 1948                    |
| D Woman<br>Man | 7                          | 21<br>23            | Grade 3<br>Limited  | 6                     | 1958                    |
| E Woman<br>Man | 7                          | 29<br>29            | Grade 12<br>Limited | 2                     | 1956                    |
| F Woman<br>Man | 13                         | 22<br>not stated    | Limited<br>-        | 2                     | 1960                    |
| G Woman<br>Man | 14                         | 16<br>21            | Limited<br>Grade 11 | 1                     | 1956                    |

a gradual deterioration of standards or a precipitous crisis situation. Later exploration will reveal the extent of community help and agency preventive services given in order to maintain the family unit.

In the use of social casework method, recent teaching makes known that the areas of difficulty in social functioning can be most effectively assessed through the exploration and the understanding of certain basic factors. Five can be

distinguished for descriptive purposes. These are the genetic components, such as intelligence and physical characteristics; the effect of early experiences on present behaviour, which takes in the concept of the psychic structure; the perception and performance of social roles; the areas of stress and the individual reaction to stress; and the homeostatic process used by the individual to relieve tensions and to achieve some degree of balance in his life. In an attempt to formulate some criteria on which to base parental strengths and weaknesses, seven categories have been evolved from the above diagnostic components.

Medically, intelligence has been proven to be a genetic trait, and for our purposes is a prime factor in affecting the level of competency in parenthood. The early home backgrounds of the parents strongly influence their state of present emotional health. Physical and emotional health have a strong bearing on the way in which an individual reacts to stress situations, as well as on his treatment of his child. The quality of marital and parental ties will be indicative of role performance, as well as the ability to form enduring relationships, and this area will have major influence on the eventual return of the child. Contact with relatives will suggest whether there is any strength in the wider kinship group to sustain this family. The ratings of "good", "fair" and "poor" are again subjective and based on file material. However, the family files on cases requiring

many services are of necessity quite full, and the subjective ratings made are borne out by recording that is usually detailed, and in the majority of cases, precise.

### Schedule 3

#### Social Diagnosis. Elements at the Time of Apprehension

| Families | Early<br>Back-<br>ground | Intelli<br>gence | Physical<br>Health | Emotional<br>Health | Relationships |               |               |
|----------|--------------------------|------------------|--------------------|---------------------|---------------|---------------|---------------|
|          |                          |                  |                    |                     | Mari-<br>tal  | Paren-<br>tal | Rela-<br>tive |
| A Woman  | poor                     | good             | fair               | poor                | good          | good          | poor          |
| Man      | fair                     | fair             | fair               | poor                | good          | fair          | poor          |
| B Woman  | poor                     | fair             | good               | poor                | poor          | poor          | poor          |
| Man      | fair                     | good             | good               | fair                | poor          | fair          | good          |
| C Woman  | poor                     | poor             | fair               | poor                | poor          | poor          | poor          |
| Man      | poor                     | poor             | good               | poor                | poor          | poor          | poor          |
| D Woman  | poor                     | poor             | fair               | fair                | good          | good          | poor          |
| Man      | poor                     | fair             | good               | fair                | good          | good          | poor          |
| E Woman  | poor                     | good             | fair               | poor                | poor          | poor          | poor          |
| Man      | poor                     | fair             | good               | fair                | poor          | fair          | poor          |
| F Woman  | poor                     | poor             | fair               | poor                | poor          | poor          | poor          |
| Man      | fair                     | fair             | good               | fair                | poor          | good          | good          |
| G Woman  | fair                     | fair             | fair               | poor                | poor          | fair          | fair          |
| Man      | fair                     | fair             | good               | poor                | poor          | poor          | poor          |

Early home backgrounds were generally deprived.

"Fair" indicates the loss of one parent and/or general parental inadequacy with a minimum of rejection. "Poor" indicates deprivation ranging from parental rejection to physical abuse. The concept here is that parents who have not

themselves received a modicum of love, guidance and security are unable psychologically to meet the norms required by society for their children. These parents are still searching to meet their own needs, which were not satisfied through childhood experiences. Intelligence is graded empirically rather than on psychological testing, except for Mrs. A- and Mrs. E-, who had been institutionalized for mental illness and tested in that setting. It can be seen that there is a lack of correlation between intelligence and emotional health in these two clients who had been tested. It is possible that the manifestations of their emotional disturbance may have obscured the true intellectual potential in the other parents rated. The rating of "good" is given to the average range; "fair" covers the dull-normal; and "poor" the below average.

Good physical health indicates an absence of chronic complaint; fair health covers the area of psychosomatic illness such as asthma, dermatitis, and stomach and chest complaints which are not organically induced; poor health an illness which is incapacitating. Although judgements may not be entirely accurate in the case records, the significant item is that half of these parents complained of conditions that are reputed to be emotionally induced, and none were in poor health. Emotional health is graded "fair" to cover immature behaviour, such as irresponsibility and dependence, which caused the parents to neglect their children. "Poor" indicates mental illness, severe alcoholism, breaking the law,

and the need to inflict physical cruelty on the children. The close similarity in the gradings of early home backgrounds and emotional health indicates the effect of early experience on present behaviour. There are individual variations, which may be due to the interaction between marital partners.

The area of relationship is concerned with interaction between individuals, and the nature of this relationship can be used diagnostically to assess areas of strengths and weaknesses in social role performance. Marital tie is graded "good" in the families where the parents had never separated, and thus were able to derive strength from one another. "Poor" indicates a separation or divorce situation at the time of committal, or a poor marriage relationship which resulted in separation after the committal. The five marriages rated "poor" under this category broke up permanently. (Guardianship of the children in these instances was restored to only one of the marital partners, under difference in circumstances which will be discussed in chapter 4).

Parental tie is rated "good" when the relationship appeared to be one of affection; "fair" is a relationship of indifference; and "poor" indicates rejection of a punitive type. The ratings show a general differing in relationship of each parent towards his children except in the C- family, where relationship is poor with both mother and father, and the D- family, where it is good. Contact with relatives is

predominantly poor, which indicates that the parents themselves had suffered rejection by their own families.

Schedule 4  
Marital Status

| Families | Marriage | Divorce | Separation | Committal | *Children<br>Removed<br>from |
|----------|----------|---------|------------|-----------|------------------------------|
| A        | 1941     | -       | -          | 1956      | both parents                 |
| B        | 1944     | 1956    | -          | 1950      | both parents                 |
| C        | 1935     | -       | 1946       | 1948      | mother                       |
| D        | 1951     | -       | -          | 1958      | both parents                 |
| E        | 1949     | 1957    | -          | 1956      | both parents                 |
| F        | 1947     | -       | 1958       | 1960      | mother                       |
| G        | 1932     | 1946    | -          | 1956      | father                       |

\* Indicates custody -- legal guardianship under the Protection of Children Act is always removed from both parents.

The Nature of Community Concern and Action

As the larger society has a vested interest in the welfare of its children, their protection becomes a community concern, and legislation to protect the rights of both children and parents came into being because of this concern. The community demands acceptable standards of care for its children, and recognizes its duty to help the parents achieve



this standard. In the sample studied, many citizens in the area in which the family resided endeavoured to offer assistance in many tangible ways, before and after taking the problem to a social agency. Community concern expressed itself in two ways -- the help of private citizens, and the assistance rendered by organized resources, such as the public health nurse, the school, the police, the psychiatric services, and the social welfare agency. Neighbours undertook to band together and clean the homes under filthy, unheated, deplorable conditions. They supplied food to the family and tried to support the parents in their efforts. They fed the children in the absence of parents, and supplied clean warm clothing. It was only when they found that their efforts were not bettering the conditions, nor helping the plight of the children, that action to approach the social agency was taken. The public health nurse, the teachers and the police all tried to encourage and counsel the families regarding health and prevention, regular attendance at school and proper supervision. Psychiatric treatment was made available to four of the parents and one of the children.

The facts indicate that the involvement of community citizens and groups was high. It is interesting to note that the families who moved about a great deal set up similar patterns of disturbed behaviour in every area in which they moved, and the community assisted and sustained them for a time in each locale in similar ways. In families D-, E-, and

F-, a crisis situation precipitated the removal of the children -- desertion, mental illness and imprisonment. All cases but F- were known to a social agency. Family F- had been at one time in receipt of social assistance and marginal care of the children was then noted, although protection action was not considered until the mother was taken to prison and the children left with no parent in the home.

### Schedule 5

#### Community Resources Utilized Prior to Committal

| Families | Private<br>Citizens | Public<br>Health | School | Police | Psychiatric<br>Services |     |
|----------|---------------------|------------------|--------|--------|-------------------------|-----|
| A        | x                   | x                | x      | x      | x                       | (2) |
| B        | x                   | x                | o      | x      | x                       |     |
| C        | x                   | x                | x      | x      | o                       |     |
| D        | x                   | x                | x      | x      | o                       |     |
| E        | x                   | x                | x      | x      | x                       |     |
| F        | o                   | o                | o      | x      | o                       |     |
| G        | x                   | x                | x      | x      | x                       |     |

#### The Role of the Social Welfare Agency

The child welfare agency in a community is designed to translate the standards of child care, set by the community, into practice. In most parts of the Province, these services

are part of a general public welfare program. The twenty-six children involved in this study were all taken into care in various parts of British Columbia. Three cases, involving nine children were heard in the Juvenile Court, Burnaby. The remainder came under the jurisdiction of other Juvenile courts in the Province. A child is taken into care in the area in which the neglect situation occurs for purposes of expediency in presenting evidence and working with the home situation. Since the child welfare services in British Columbia are all governed by the same legislation, and all come under the authority of the Superintendent of Child Welfare, a uniformity in standards and policy exists. In the sample studied, the social welfare agency administered the financial and family services as well as the child welfare.

The services of the agency have been divided into five sections. These services were offered prior to apprehension of the children in order to prevent family breakdown.

The agency recognized that the basic needs of children must be met, such as food, clothing and shelter, and administered social assistance to the four families where the husband was not steadily employed. Home-maker services and non-ward care was offered in an attempt to alleviate the pressures of caring for the children in a stress situation. In families A- and E-, both home-maker service and non-ward care were given in two instances of mental breakdown of the

## Schedule 6

## Agency Services Offered Prior to Apprehension

| Families | Social Assistance | Home-maker | Non-ward care | Investi-gation of relatives | Preventive Casework service |
|----------|-------------------|------------|---------------|-----------------------------|-----------------------------|
| A        | x                 | x          | x             | x                           | x                           |
| B        | x                 | o          | o             | x                           | x                           |
| C        | x                 | o          | x             | x                           | x                           |
| D        | o                 | o          | o             | x                           | x                           |
| E        | o                 | x          | x             | x                           | x                           |
| F        | x                 | o          | o             | x                           | o                           |
| G        | o                 | o          | o             | x                           | x                           |

mothers. In family G- non-ward care was used in place of house-keeper service due to the inadequacy of the home for either homemaker or children. This service was given when the father deserted and the mother resorted to alcoholism and left her children unfed and unsupervised. In all cases, relatives were interviewed to see if they could help relieve the strain on the families, either by support or by temporarily taking the children. It was found that most of the relatives were inadequate people themselves who had rejected the parents in question. In families A- and E-, some assistance was given by the maternal relatives, who gradually withdrew from the situation. Preventive casework service was given in all cases but family F-. In this situation, the mother was imprisoned.

The plight of the children was made known when the common-law father found himself unable to look after children, who were not his own, and asked for placement.

The Agency has the responsibility for determining whether the neglect situation is amenable to treatment, or whether the child must be removed. This decision should not be made by one staff member alone, and the agency must bear responsibility. In all cases, the decision to apprehend the child was made in consultation with the social worker involved and the district supervisor.<sup>3</sup>

The agency has the responsibility to ensure that the procedures required by the Act are correctly followed. Only the social worker who has been duly authorized by the Superintendent to act in her name may remove a child from his parents and may conduct the hearing in the juvenile court. Within seven days of apprehension, the children must be presented before the judge of the juvenile court to be identified either by his parent or person having custody. This procedure should be supported by the birth registrations of the children involved, which may be obtained for this purpose in photostatic copy from the Division of Vital Statistics in Victoria. The judge may then adjourn the case to allow time for the notification of the parents and the Superintendent as required by

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<sup>3</sup> Prior to decentralization of Child Welfare Services in British Columbia, in 1958, the consent of the Superintendent of Child Welfare was also required.

the Act, and the period of five clear days must be allowed between the acknowledgement of these notifications and the date of the court hearing. The rights of parents are protected in that every effort must be made to present the notifications to both parents, either to serve them personally and interpret their meaning, or to make contact with other agencies in their area of residence to carry out this procedure. If a parent cannot be traced in spite of all reasonable effort, an affidavit is prepared by the agency and filed with the court, as to the steps taken to locate this parent, without success. The agency must instruct its social workers in the presentation of the evidence and matters of court procedure, so that the rights of both children and parents are preserved, and a relationship of respect will exist between the social agency and the court.

One large area of agency responsibility is the interpretation to the citizens and groups most concerned in the community the concept of psychological neglect as distinct from neglect due to inadequate housekeeping standards. So often the strong affectional child-parental tie is overlooked by well-intentioned community groups, who are aware only of a child who is constantly dirty, poorly clad, and running wild due to lack of proper supervision, while his parents appear unco-operative, and unable to apply any of the help or advice which has been given to them. Community pressure can be very strong in these cases of marginal care, and may be intimidating

to some social workers. The agency must support the social worker in recognizing the distinction between emotional rejection and inadequate care due to parental inability. The conference method is effective in interpreting this concept to the groups concerned, often the public health nurses and the school staff.

In the final analysis, the decision to take a child into care and separate him from his own parents is a grave one, and must be based on careful assessment of all the factors involved. This cannot be a community decision, but must be the professional decision of the child welfare agency, on behalf of the Superintendent of Child Welfare. It cannot be minimized that the decision calls for a field staff of well-trained and skilful practitioners, who have, as Dorothy Hutchison so ably expresses, "tough minds, as well as warm hearts".<sup>4</sup> File reference to this area of agency public relations is scanty. However, the long periods of preventive casework service prior to committal would serve to indicate that action was not taken hastily, and a certain amount of interpretation given to the groups in the community involved.

#### The Nature of the Client-Social Worker Relationship

The role of the social worker in protection work

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<sup>4</sup> Hutchison, Dorothy, "The Placement Worker and the Child's Own Parents," Social Casework, vol. XXXV, No. 7, Family Service Association of America, New York, July 1954, p. 293.

revolves around the skilful use of authority. The social work principle of self-determination is being examined carefully in present-day social work methodology. It is now recognized that an adult with an immature ego structure, which is symptomatic of various degrees of character disorder, has a need for differential treatment according to his ego strengths.<sup>5</sup> The behaviour of some of the parents studied is indicative of the normal functioning in a child. Consequently treatment must be based on the recognition of the degree of personality disorder, and limits set accordingly. Child welfare authorities are agreed that the social work relationship during the separation process becomes a transference situation, containing the elements of the relationship between the neglectful parents and their own parents. This can be a constructive maturing experience, which will allow ego-growth and perhaps an eventual re-establishment of the family, if handled by the worker with skill and an absence of rejection.

When a social worker recognizes these principles, his fears about the appropriate use of authority with neglectful parents will be greatly minimized. Another difficulty is the atmosphere of hostility in which the social worker must function in the protection setting. As well as a scientific understanding of the personality development of the parents,

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<sup>5</sup> Hollis, Florence, "Personality Diagnosis in Casework," Ego Psychology and Dynamic Casework, ed. Howard Parad, Family Service Association of America, New York, 1960, pp. 83-96.



the interaction of one on the other, and the nature of the child-parental tie, the social worker must possess a strong degree of self awareness. There is great difficulty in maintaining objectivity towards parents who are abusing their children. This objectivity is only sustained when the theories of child protection work are well understood, and the worker knows the meaning of his own family to the child. The social work principles of the worth of the individual, his potential for growth and change, and his right to be helped through skilful measures to attain this potential are integral to work with inadequate parents. There must be the understanding that hostility is the expression of insecurity and inadequacy, and this same hostility can be used constructively if it is acknowledged and explored.

There is no attempt in this study to examine the nature of the casework treatment. With all the families but D-, more than one welfare department became involved, due to moves of the parents necessitating various services throughout the province. In family F-, two social workers were involved, and the period of time between committal and restoration of guardianship was approximately six months. In all other cases, the numbers of workers involved in both prevention and protection precluded a constructive continuity of service. Family D- is an exception to this, with three social workers in a time-span of two years, giving the type of supportive service that is enabling this family to function.

The cases all illustrate the efforts of the workers to give supervision and counselling services to the families, and to maintain a relationship with the parents based on recognition of their emotional disabilities. Family A- was openly hostile at all times, and counteracted most social work efforts to offer service with a move to another area. Mr. G- also expressed much hostility, although this was recognized by the social workers as a defence, as the removal of the child was what was desired. The nature of the relationship with the rest of the families was co-operative, with much dependency shown by the parents on the social worker.

Another dilemma of the worker in protection is the problem of "who is the client?" and the dual role which has to be played with both parents and children. Although case-work services are focussed on the needs of the child, the integral client is the family and its maintenance. Norma Knoll Page tells us that "it is primarily through and by the parents that the agency's ultimate service to the child can be achieved; therefore, the strength of the service lies in the capacity to improve the quality of the parent-child relationship".<sup>6</sup>

### The Juvenile Court

The juvenile court is the legislative spokesman of

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<sup>6</sup> Page, Norma Knoll, Protective Service, Child Welfare League of America, New York, 1947, p. 11.

the community concern for its children. The proceedings heard under the Protection of Children Act are non-criminal, and are designed to be non-punitive, either to parent or child. A recent study conducted by the American Humane Association calls this a "socio-legal process ... which substitutes the community's control and responsibility for the child, as exercised by the court, in place of the basic responsibility of the parents, which was found to be inadequate. It is not a punitive act, and it is not irrevocable".<sup>7</sup>

The juvenile court first becomes involved upon the receipt of a complaint from the Superintendent of Child Welfare through one of her authorized representatives. The children are presented and identified in court, and the parents duly notified of the hearing as required by the Act. Confidentiality is preserved for the family unit, and those not concerned with the hearing directly are excluded from the courtroom. The children also are not present when evidence is presented. This procedure is designed to preserve the child-parental tie. As in other courts, the laws of evidence prevail.

It is the responsibility of the social worker to present the case to the court, which is done both by questioning witnesses and giving evidence of his own knowledge of the case. The parents have a right to give evidence on their own

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<sup>7</sup> DeFrancis, Vincent, The Fundamentals of Child Protection, Children's Division of the American Humane Association, Denver, Colorado, 1955, p. 47.

behalf, and have the right to be represented by counsel. The judge decides whether the children are neglected within the meaning of the Act, and then makes his disposition. If he deems that the children are not neglected, he may dismiss the case. If he finds that the children are in need of protection, he may set out his findings in an order as provided by Section 8 sub-section (6) of the Act. This section provides three choices in the disposal of the matter. He may return the child to the parents, with or against the recommendation of the Superintendent. He may return the child to his parents under the supervision of the Superintendent, or he may commit the child to the care and custody of a children's aid society or the Superintendent.<sup>8</sup>

Unfortunately, there is little written record kept on the files on the court procedure, and recording on this process is almost non-existent. Some of the older files contain a copy of the court transcript, but this practice has been discontinued for about ten years. There is value in recording court process because parental attitudes at this time will have meaning for the social worker in terms of future treatment. Most social workers in protection cases are aware that the attitude of the judge towards the parents during the hearing is very important for their future rehabilitation.

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8 Protection of Children Act, Section 8(6).

Many lay-magistrates who act as judges of the juvenile court become emotionally involved with the cases, especially in the smaller communities where they have intimate contact, and this involvement may sometimes obscure their objectivity. Through a good program of agency public relations, the judge should be made aware of the basic principles of good child welfare practice, and the potential for change in even the most inadequate parent.

The court should interpret to the parents their right to return to the court under Section eleven of the Act, and apply for the return of guardianship, and should make clear the circumstances under which this would be considered. It should also be pointed out that in this regard the Superintendent can initiate action to return the child to his parents, if this is desirable from the standpoint of the child. The social worker should later re-emphasize these two conditions with the parents, in the event that they did not understand the judge fully because of their own emotional tension in the courtroom.

In the matter of maintenance, the judge has a right to make an order against the parents for maintenance of the child while in care, under Section 32, subsection (6) of the Act. This order should be based on the circumstances of the parent, and should not bring hardship to the remaining family.

When the judge is considering the amount which the

parent is to be assessed, he must be presented by the social worker with a notarized statement, duly audited, which shows the average per diem cost of maintaining and supervising a child in care for the immediately preceding fiscal year. This statement of per diem costs is prepared annually by the auditors of the three children's aid societies, and is issued to all the social agencies concerned with protection of children. The Act requires the presentation of the statement to the judge under Section 32, subsection (2) "Basis for determinig reasonable cost".

The judge will consider with the parents their income, expenditures and obligations when making this order. This is also a point where the judge can allow the parent to retain a measure of self respect, if he can interpret maintenance as a strengthening rather than a punitive device.

The data in the following schedule shows the variety of orders which can be made against the parents. In 1948, the per diem rate was calculated at \$1.08 per child. In 1956, Mr. E- was assessed at the per diem figure of \$2.099.<sup>9</sup> No record is kept on the agency file on whether these orders are ever honoured. The parent is instructed to send his remittance to the Superintendent of Child Welfare, Victoria, and

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<sup>9</sup> Per diem rate for the fiscal year ended 1960 is \$3.0289, as per notarized statement, Ross Touche and Company, auditors for the Children's Aid Society, Vancouver, B. C.

## Schedule 7

## Maintenance Orders Made Against the Parents

| Families | Date | Order Made<br>(monthly per child) | Employment<br>History | Number of<br>Children |
|----------|------|-----------------------------------|-----------------------|-----------------------|
| A        | 1956 | none                              | poor                  | 8                     |
| B        | 1950 | none                              | poor                  | 3                     |
| C        | 1948 | \$5.                              | poor                  | 4                     |
| D        | 1958 | * \$15.                           | fair                  | 6                     |
| E        | 1956 | \$63.                             | good                  | 2                     |
| F        | 1960 | none                              | poor                  | 2                     |
| G        | 1956 | \$20.                             | good                  | 1                     |

\* represents the full per diem rate.

the accounting office in that area processes the transaction. Parents are not pressed for payment through the court. There is room for the more constructive use of maintenance as an aid in casework for the field office in work with parents.

The complaint of neglect is made under Section 7 of the Act. This section lists fifteen "types of children who may be apprehended". In the sample chosen, the category used in every instance was the portion of sub-section (k) which reads "who has no parent capable of exercising proper parental control". The complaint on the F- family added sub-section (j) "whose only parent is undergoing imprisonment". When the

judge is ready to exercise his powers to make an order under the Act, he will place his signature on the committal order,<sup>10</sup> and the parents and the social agency are obliged to abide by the decision of the court.

### Summary

The analysis reveals parental inadequacy generally in meeting the basic needs of their children, environmental as well as emotional. The family problems made themselves known in the community through the behaviour of the parents and the acting out of the children, and much constructive help was given by neighbours and other community groups to try to help the family. Meanwhile, the social agency was using the resources within its framework in attempts to prevent further family breakdown. When these resources failed to ameliorate the condition of neglect, the agency made a decision, based on damage to the child as well as on the assessment of parental strengths, to apprehend the children and place a complaint before the judge of the juvenile court. The social worker attached to the agency acted as the authorized representative of the Superintendent of Child Welfare through the court proceedings, and offered support to both parents and children before and during the separation process.

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<sup>10</sup> A copy of the complaint form and the committal order in use in the juvenile courts in British Columbia is appended.



## CHAPTER III

### RESTORATION OF GUARDIANSHIP

In all of the sample families studied, guardianship was restored to the natural parents under section 11 of the Protection of Children Act. The following questions may now be asked: (1) What objective factors are now present to indicate there has been restoration of capacity for parenthood? (2) What significant changes took place from the time of committal in the way of parental effort? (3) What are the present parental strengths and weaknesses? (4) What type of contact was maintained with the parents by the agency? (5) What role did the social worker play in this action? and (6) What was the part played by the juvenile court? Each question will constitute a section of this chapter.

Section eleven of the Protection of Children Act is divided into two sub-sections. Sub-section (1) covers the return of the child to his parents on application of the children's aid society or the Superintendent. If the judge is satisfied that this action would be "for the benefit of the child",<sup>1</sup> he may rescind the order permanently, or he may

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<sup>1</sup> Protection of Children Act, Section 11 (1) and (2).

allow the child to return home under the supervision of the Superintendent or the children's aid society for a temporary period, while not altering the guardianship. At the satisfactory completion of this period, the judge may make a permanent order restoring guardianship to the natural parents or parent. Section 11(2) covers the same action on application of the parents. The parents must make application for the return of their children, usually in writing, directly to the juvenile court. At the same time the Act states that they must give five clear days' notice to the Superintendent that they intend to take this action. This aspect of the study in relation to the cases chosen will be dealt with more thoroughly under the section "Role of the juvenile court".

The children were restored to both natural parents only in two families, A- and D-. In both these instances there was distinct improvement in both partners, with the male taking the initiative in improving economic standards. Schedule 8 which follows has been devised differently from Schedule 1 because, except in the two cases listed above, the children were returned to only one of the partners. The partner not concerned with the restoration of guardianship is not graded. The categories respecting school attendance, provision of medical care and discipline are not pertinent as the children are out of the home. The two categories of work habits and social contacts have bearing on the establishment of stability. Social contacts indicate efforts made to establish some

identity with the community by taking part in activities and joining organizations.

### Schedule 8

#### An Evaluation of Parental Performance at the Time of Restoration of Guardianship

| Families | Income Level | Work Habits | Social Contacts | Housing | Living Standards |
|----------|--------------|-------------|-----------------|---------|------------------|
| A Woman  | -            | -           | fair            | good    | fair             |
| Man      | good         | good        | good            | good    | fair             |
| B Woman  | -            | -           | -               | -       | -                |
| Man      | good         | good        | good            | good    | good             |
| C Woman  | -            | -           | -               | -       | -                |
| Man      | fair         | fair        | fair            | fair    | fair             |
| D Woman  | -            | -           | fair            | fair    | fair             |
| Man      | good         | good        | good            | fair    | fair             |
| E Woman  | -            | -           | -               | -       | -                |
| Man      | good         | good        | fair            | good    | good             |
| F Woman  | -            | -           | -               | -       | -                |
| Man      | good         | good        | good            | good    | good             |
| G Woman  | good         | -           | good            | good    | good             |
| Man      | -            | -           | -               | -       | -                |

The most significant environmental improvement took place in family A-, which involved eight children. The man obtained steady work as a mechanic, and remained in the same locality for two years. The couple established themselves in a moderate home, which the wife attempted to keep clean and fairly comfortable. Family D- involved six children,

the two eldest having been illegitimate children of the Indian mother. Again the father improved his work habits, and obtained new housing. The mother, with the help of neighbours and the public health nurse, began to learn adequate standards of cleanliness and care, and to take some interest in her home. The other families, which ended in divorce or separation, resulted in the re-establishment of one parent, either in re-marriage as in Mr. B-, Mr. E- and Mrs. G-, or a common-law relationship, as in Mr. C-, or remaining single in the home of his parents as in Mr. F-. In each case, there was significant change in economic and living standards.

#### Present Parental Strengths and Weaknesses

As only parents A- and D- did not break the marital tie prior to the return of the children, it is interesting to note the grading in Schedule 3 under this category. Families A- and D- are graded as "good" and the others as "poor". It would then follow that parental interaction is a major factor in considering the strengths and weaknesses of each parent and his capacity for parenthood. In the three instances where the child was removed from the custody of one parent, he was returned to the other parent who had re-established in separate domicile.

The rating in Schedule 11 was devised with the same diagnostic precepts in mind as Schedule 3. Again the parent not involved in the return of the child is not graded.

## Schedule 9

## Marital Status at the Time of the Return of the Children

| Families | Marriage | Divorce | Separation | * Return under<br>Section 11,<br>** P.C.A. |
|----------|----------|---------|------------|--|
| A        | 1941     | -       | -          | 1959                                       |
| B        | 1944     | 1956    | -          | 1957                                       |
| C        | 1935     | -       | 1946       | 1956                                       |
| D        | 1951     | -       | -          | 1959                                       |
| E        | 1949     | 1957    | -          | 1957                                       |
| F        | 1947     | -       | 1958       | 1960                                       |
| G        | 1932     | 1946    | -          | 1956                                       |

\* Does not indicate permanent rescindal in all cases, but a return under supervision.

\*\* P.C.A. indicates Protection of Children Act, R.S. British Columbia, 1948.

## Schedule 10

## Dates of Committal and Return

| Families | Committal | * Child<br>Removed<br>from | No. | Return | * Child<br>Returned<br>to | No. |
|----------|-----------|----------------------------|-----|--------|---------------------------|-----|
| A        | 1956      | both                       | 8   | 1959   | both                      | 6   |
| B        | 1950      | both                       | 3   | 1957   | father                    | 1   |
| C        | 1948      | mother                     | 4   | 1956   | father                    | 3   |
| D        | 1958      | both                       | 6   | 1959   | parents                   | 5   |
| E        | 1956      | both                       | 2   | 1957   | father                    | 1   |
| F        | 1960      | mother                     | 2   | 1960   | father                    | 2   |
| G        | 1956      | father                     | 1   | 1956   | mother                    | 1   |

\* Custody only, for the purpose of this schedule.

## Schedule 11

## Diagnostic Factors at the Time of Restoration of Guardianship

| Family  | Emotional Health | Physical Health | Relationship           |                    |
|---------|------------------|-----------------|------------------------|--------------------|
|         |                  |                 | Contact with Relatives | Child-Parental Tie |
| A Woman | fair             | fair            | good                   | fair               |
| Man     | fair             | good            | poor                   | fair               |
| B Woman | -                | -               | -                      | -                  |
| Man     | fair             | good            | good                   | good               |
| C Woman | -                | -               | -                      | -                  |
| Man     | poor             | good            | fair                   | fair               |
| D Woman | poor             | fair            | poor                   | good               |
| Man     | fair             | good            | poor                   | good               |
| E Woman | -                | -               | -                      | -                  |
| Man     | fair             | good            | poor                   | good               |
| F Woman | -                | -               | -                      | -                  |
| Man     | fair             | good            | good                   | good               |
| G Woman | fair             | good            | good                   | good               |
| Man     | -                | -               | -                      | -                  |

Intelligence and early home background experiences remain the same, therefore they are not included. There has been a slight improvement in physical health, which lends itself to the theory that psychosomatic complaints will ease with the lessening of stress situations in an individual's life. Emotional health has not changed appreciably, which adheres to the theory of the alliance of emotional stability to early experiences. The slight changes in families A- and C- can be explained by a lessening of severe stress situations,

which minimized the need to act out. The partner who reclaimed the children in all cases rated higher than his mate, except in families C- and G-. In C-, three of the four boys apprehended returned to their father as they reached their teens. They had repeatedly run away from their foster homes, and become involved in delinquencies. Guardianship was returned in this case, not so much for his strengths, as for the inability of the Superintendent to plan further for these disturbed boys.

Renewed contact with relatives became generally apparent. This might indicate a renewal of support after the marriage had broken up. In all cases, this renewal of contact was positive and constructive, with the grandparents making arrangements for the care of the F- children. Child-parental tie is graded on the interest displayed by the parents in the children after they were removed. No attempt is made to assess the feelings of the children, for the purpose of this study. In all instances, significant interest was shown by enquiry, constructive visits, remembering Christmas and other days important to the child, and finally the request for return. Schedule 10 sets out the children returned in relation to those taken into care. The A- children were returned gradually on advice of the psychiatric clinic to avoid too much pressure on the mother, who had suffered three mental breakdowns. At this point, the two younger children are still in care, although the couple will

shortly petition for their return. Mr. B- feels unable to cope with the two younger children, who are still in care. He maintains contact and expresses the desire to have them back in the future. His strengths are somewhat limited, and he now has other obligations, therefore this may not be a realistic plan. In family D- the youngster remaining in care is not the natural son of the father. He is an Indian boy, enrolled in a special school because of mild mental retardation. The family has him home for holidays, and his absence from the home has also eased a great deal of family stress. The youngest E- child was placed for adoption with the consent of both parents. All the children involved in families F- and G- were returned.

#### Parental Efforts from the Time of Committal

In general, the objective and subjective findings show that there has been marked improvement in physical standards, as well as stability in residence and work habits. Strengths in all areas improved for the competent partner when a neurotic marriage tie was broken. Physical health improved slightly, and there was less need to act out emotionally with the lessening of tension and stress. As these factors improved, contact with relatives was renewed, which seemed to offer much support. Particularly with parents A- and to some extent D-, the removal of the children provided the incentive for the family pattern to stabilize itself. These two cases



serve to illustrate that, if emotional ties are strong between the members of the family, even the most deplorable physical conditions can be amenable to change. However, a child cannot be left in circumstances injurious to health if the parents cannot be helped while the child is in the home.

The determination of the A- parents to have their children back was hampered seriously by community feeling surrounding the circumstances of apprehension, and the many fruitless years of effort to help this family. The children were taken into care on New Year's Eve, after they had been left unsupervised in an unheated house in the interior of the Province. The water tank had burst, and the cramped quarters had quickly turned into the semblance of an ice rink. When the condition was discovered by a neighbour, the children had all developed frostbite. The parents eventually moved from the area, and began to develop standards of stability. With the pressure of the children removed, they concentrated on improving their living conditions. As beginning efforts to see their children were denied them in the interests of the children's adjustment, the A-'s developed a growing hostility towards the social agency, and made repeated requests to all levels of government for some action to have their children returned. After three years of concerted parental effort and greatly improved living conditions, the two oldest children were returned under supervision. The situation held, and at the time of writing six out of eight

children are back with the parents.

Mrs. G- serves to illustrate the rehabilitation of a mother after being divorced by her husband, who had retained custody of the child. The community became incensed by the maltreatment this youngster was receiving at the hands of the father and step-mother. When the boy was taken into care, it was found he was suffering from mental disturbance and required treatment at Crease Clinic. On his discharge the mother came forward to offer him a home. Although she had not seen her son for ten years, she provided the interest and affection necessary for his adjustment, and he was able to finish school and get a job. Mr. F- represents a father in Alberta, whose wife had left him to come to British Columbia with another man, taking the two children with her. Two years later, she was imprisoned for forgery, and the father came forward on notification that his children had been committed. They were returned to him, and he is bringing them up in the home of his parents. In family D-, the Indian mother has stopped drinking, and is receiving a good measure of help from community groups in the maintaining of housekeeping standards. The criteria chosen for assessing parental strengths and weaknesses indicate improvement in capacity, both objectively and subjectively.

#### The Nature of Agency Contact

The family where most effective casework contact

was maintained was D-. This may be because the couple remained together, and although they found new domicile, they remained in the original locale. They also showed immediate signs of improvement and a constant interest in their children. Family A- also remained together, but their repeated moves for the first year after committal and their intense hostility towards social agencies made constructive work difficult. The most positive work done was the investigation of relative placement for some of the children with the maternal grandmother. Although Mrs. A- expressed much ambivalence about her mother, the contact was encouraged and proved to be constructive and supportive. The number of letters written by this couple to government were constantly routed back to the social agency through the Superintendent of Child Welfare. The pressure of these letters combined with the almost incredible change in standards served to keep agency contact alive to the fact that these parents were making the best effort of which they were capable. Contact was maintained with the two fathers B- and E- when they were asked to sign adoption consents as the legal fathers of the children born to their wives illegitimately, and service was given to these mothers on an adoption basis. Interest was then expressed as to the return of their children who were in care, and a constructive contact was maintained from that point.

Contact was lost with Mrs. C-, who deteriorated morally on skid road, and the father was brought into the

situation as the boys grew older and developed the types of problems which could not be handled in foster home placement. This family is an example of an extremely deprived background resulting in disordered behaviour which manifests itself in the children. The specialized services required for children with intense personality disturbances are lacking in British Columbia, and a public welfare agency is not structured to give intensive treatment of this nature. The serving of the notification of court hearing required the agency to locate Mrs. G-, who had since remarried and moved to a remote section of the Province. She claimed her son who was mentally ill, and with the help of the agency in the area where she lived, was able to give him a good degree of support and stability.

Generally, agency contact did not continue to be maintained with the families whose parents had separated, unless another type of service was required. This is due to the many staff pressures in caseload management today. However, these cases studied do show a trend towards one parent gaining added strengths once a poor marital tie is dissolved. There is a need for finer diagnostic skills on the strengths and weaknesses of parents as individuals, so that the one responsible parent can be assisted to care for his child, even if the original marriage cannot be maintained.

The petition of the parent to the juvenile court to have guardianship restored must be accompanied by a report

from the Superintendent of Child Welfare. The social agency is responsible for the compilation of this report and the recommendation that accompanies it. Again, this is an area where joint decisions are made in consultation. The agency is responsible for astute diagnosis, not blinded by former circumstances, and yet not negating the former situation of neglect. Several letters were received from community citizens against the return of the children to the A- parents. These letters were sent in from the school, and the medical clinic, who had been very familiar with the past gross neglect and its toll on the children. The agency is responsible for interpretation of change as well as the rights of parents. More than this, the agency must realize the tremendous decision made in supporting the return of children to their parents. If the strengths of the parent are not assessed with a measure of accuracy, the child will have to face more rejection, neglect and a further removal causing severe psychological damage. A search of child welfare files tells this story only too well.

#### The Role of the Social Worker in the Restoration of Guardianship

The main role of the social worker in this area is the making of a valid diagnosis on parental strengths, and the parental ability to resume the care of the children which have been removed from them. This diagnosis is not always supported by the juvenile court. However, the case must be

presented on valid evidence, always bearing in mind the right of a child to his own parents, no matter how ideal his adjustment may appear in foster home setting.

It has been stated that a minimum of contact was maintained with the families who had separated. In family A-, the hostility of the parents precluded constructive casework treatment. The return of the first two children was opposed by the agency, but the court did not concur, and granted a rescinding order which returned them under supervision. Gradually, one worker began to set up a constructive relationship, from which the family derived the type of support which enabled them to function and gradually ask for the return of the other children. Family D- is better illustrative of positive social work treatment for reasons of accessibility of the family, and the recognition of their own desire to change. The worker in this case recognized the need to build up the feeling of self-worth of the Indian mother, and the desirability of making use of community resources to offer assistance in keeping up standards.

In general, the social work role is parallel to agency purpose. In spite of staff shortages and many caseload pressures, the goal is the support of parents, on astute diagnosis of strengths, with the eventual reunion of the family in mind.

The Juvenile Court

The juvenile court does not concern itself with matters of custody, as this is dealt with by the Supreme Court of British Columbia under the Equal Guardianship of Infants Act.<sup>2</sup> Under the Protection of Children Act, the juvenile court removes guardianship from both parents, under section 8, and returns guardianship to both parents under section 11. Consequently, even if parents are separated, and action is commenced by one responsible parent, notification of hearing is sent to both parents by the Superintendent of Child Welfare or her delegated representatives. If the judge sees fit to make an order restoring guardianship, this order restores the rights of both parents. In practice, the parent petitioning the court will retain custody of the child, but if he desires sole custody, he must commence separate action as mentioned above in the Supreme Court.

Schedule 12 illustrates that the parents applied to the court in 4 cases, and the Superintendent in three. Ward B- was allowed with permission of the court to visit his father for the summer. His adjustment was satisfactory, and the father was made aware of his rights under the Act to apply for rescindal of committal. However he was lax in

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<sup>2</sup> Equal Guardianship of Infants Act, Provincial Statutes of British Columbia, R.S. 1948, c. 139, S. 1, Queen's Printer, Victoria, B. C.

## Schedule 12

## Types of Rescinding Orders

| Families | Court of<br>Committal | Child Returned<br>11(1) | Under Supported<br>11(2) by Agency | Type of<br>Return           |
|----------|-----------------------|-------------------------|------------------------------------|-----------------------------|
| A        | no                    |                         | x                                  | no<br>under<br>supervision  |
| B        | no                    | x                       |                                    | yes<br>supervision          |
| C        | no                    | x                       |                                    | yes<br>supervision          |
| D        | yes                   |                         | x                                  | yes<br>supervision          |
| E        | yes                   |                         | x                                  | yes<br>complete             |
| F        | yes                   |                         | x                                  | yes<br>complete             |
| G        | yes                   | x                       |                                    | yes<br>under<br>supervision |

complying with the regulations as he was working away from the area, the boy was living with him, and the Superintendent made the request to the Court. Family C- was one in which the Superintendent wished guardianship transferred back to the father because of the inability of his three boys to adjust in foster home setting. At this point they were in their teens and visiting the father regularly. Case G- was heard under Section 11(1) because of the inability of the mother to come to Burnaby for reason of her young family.

The hearing was held in the original court of committal in four instances, and in another jurisdiction in



three. There is nothing in the Act stating that the hearing must be held in the same Court, but this is usually the practice because of the convenience of transcripts and legal documents such as birth certificates and notifications to parents which were originally filed. Case A- could not be held in the original court because of the prejudice of the elderly magistrate towards the couple. He refused to set a hearing date on receiving their petition. This was in all contravention of the rights of parents, but it was thought by the agency that forcing the issue would not eradicate the prejudice, and the hearing was held in the court of present domicile. In cases B- and C- due to the moves of the parent and the availability of witnesses in the local area, the hearing was also held in Burnaby.

The agency supported all petitions but that of the A- parents. These parents retained counsel, who submitted that past evidence of neglect should be inadmissible, and the case based on present circumstances of the parents. The judge went along with this submission and granted an order to the parents. Complete rescindal was granted in only two cases. Mr. E- had remarried, and had always kept in touch with his young daughter. Mr. F- was taking his two children to the farm home of his parents, approved by Alberta authorities. The remainder were granted return of the children under the supervision of the Superintendent for the period of one year. All cases have completed successfully the waiting

period and have been granted full guardianship rights.<sup>3</sup>

### Summary

In summary, general improvement can be noted in parental strength, both in a higher standard of living and in emotional adequacy. The majority of the cases resulted in a severing of the marriage and a re-establishment of the stronger partner, who eventually assumed responsibility again for at least some of the children. The two families who remained together made discernible efforts to better their general living standards and establish some identification with the community. The agency recognized their efforts and offered both supportive casework service and the help of community resources. When the court was petitioned for the return of the children, the social worker, in consultation with the supervisor and the regional administrator, submitted recommendations in support of the parents in all but one case. In this family, the strength of the marital tie and the need of these parents for their children was offset by their past history of general inadequacy and their hostility to the agency. These parents have continued to function with agency help.

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<sup>3</sup> A copy of the Order restoring guardianship is appended.

## CHAPTER IV

### SAFEGUARDING THE RIGHTS OF CHILDREN AND PARENTS

One of the leading writers on contemporary child welfare practice has said "when an individual has a deep need for parenthood, there is no telling how he will respond to the challenge to retain that coveted role".<sup>1</sup> The sample families studied reveal some interesting individual responses to this challenge, and also illuminate the efforts made by the social work agency to safeguard child-parental rights. The "deep need" for parenthood exists, but it is often masked by behaviour patterns which may subject the child to both physical and psychological abuse. The challenge to the social work agencies concerned with protection of children is to develop a valid technique which will test the quality of the child-parental tie.

#### Assessment of Parental Strengths

The responsibility for evaluating parental strengths is a grave one, for it is on this assessment that the decision on whether to separate the child from his parents is made.

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<sup>1</sup> Gordon, Henrietta L., foreword, Page, Norma Knoll, Protective Service, Child Welfare League of America, Inc., New York, 1947.

It is again on this evaluation of parental capacity that a recommendation is made by the Superintendent of Child Welfare for or against the restoration of guardianship. One of the serious gaps in good child welfare practice today is the absence of a set of criteria to determine parental adequacy. The many variables encountered add to the complexity of devising such a list, which would be used by the caseworker as a scientific base on which to discern areas of strength and build on them. Two recent studies undertaken by the Canadian Welfare Council in Canada<sup>2</sup> and by the Elizabeth McCormick Memorial Fund in New York,<sup>3</sup> stress the need for formal research in this area of diagnosis, prior to separation of children. The report of the Child Welfare League of America, after an intensive survey of functions and program in its own operation, states "Some guide lines for the future can be clearly charted at this time. First, the League and its member agencies should devote an increasing proportion of their resources to service that will enable children to remain in their own homes."<sup>4</sup> These three studies have been conducted by leading child welfare authorities in United States and Canada within the last decade, and in essence, all emphasize the necessity for preventive work and diagnostic skill.

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2 Canadian Welfare Council, Child Protection in Canada, Ottawa, 1954, Reprinted January, 1958.

3 Elizabeth McCormick Memorial Fund, Proceedings on the Conference on Research in the Children's Field, National Association of Social Workers, New York, 1956.

4 The Child Welfare League of America, Today and Tomorrow, General Report of the Committee on Functions and Program, New York, May, 1955.

The criteria used in the present study are based both on objective factors involved in parental custody and control, and on subjective concepts integral to social diagnosis. While the families studied provide only a beginning sample, the major factor in this analysis is that, in five families out of the seven, the marriage tie was broken, and the parent who was stronger was able to re-establish himself in a new situation and ask for the return of all or some of the children. In the two families where the parents remained together, the close marital tie rated as a strength throughout. It is indicated that each parent displays individual strengths and weaknesses which exert varied influence on the marital relationship. Of course, as well as the assessment of joint capacity for parenthood, individual diagnosis should be made. On the basis of this, emphasis can be placed, in casework treatment, on enabling the stronger parent to assume more consistent responsibility in the care of the family.

The families studied illustrate that preventive work was attempted in all but the one crisis situation, when the one responsible parent was sentenced to prison. This preventive work should be based on astute diagnostic evaluation of parental strengths, and the children should not be subjected to severe neglect over long periods if the parents do now show positive movement in ameliorating the neglectful situation. It has been shown that the removal of the children

is in certain instances necessary to relieve family pressures. This removal becomes the homeostatic device that allows parents to re-define their standards as in family A-. Criteria for parental adequacy should then be examined in the light of short-term as well as long-range goals. If a removal of pressures is desired, a period of non-ward care can be granted. This enables the separation of the child with the co-operation of the parent, who still retains guardianship. Feeling of parental rejection is minimized for the child, and at the same time the parent maintains his self-respect. However, this device should be used diagnostically in conjunction with intensive casework service, in order that this service does not become a means for evasion of parental duty and agency responsibility to the child and his parents.

#### The Use of Agency Services and Community Resources

Preventive work requires a skilful use of the resources within the community as well as the services offered by the agency. The social worker has an integrative function in that, through his knowledge of the resources in the community, he makes these available to the client as they seem appropriate. A child welfare department which is a division within the public welfare agency has access to financial assistance and the other services available under the public welfare framework. In all families under study, a combination of services was offered by the agency. Financial assistance,

home-maker service and non-ward care were given in an attempt to reduce the stress situations for the parents. In every instance, relatives were contacted and interviewed, to see if the larger family could offer a resource for the children or support to the parents. Services in the community were utilized, such as the Child Guidance Clinic, in order to substantiate agency assessment of the parent-child relationship through a specialized diagnostic team. Pressure was removed from one family group by the referral and ultimate placement of the illegitimate son of the mother in a special school.<sup>5</sup> This youngster was mentally handicapped and rejected by his step-father, with resultant strain on the marital situation. Liaison was maintained with the psychiatric clinics in the instances of hospitalization for mental breakdown of the parent, and clinical recommendation for continuing casework service was followed on discharge. Contact was maintained with school, police and public health personnel so that the best joint endeavour could be put forth to alleviate strain on the family. It was only when these efforts brought limited results, and the children were found to be suffering continuing physical and emotional damage, that separation was effected.

The behaviour of both parents and children in the

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<sup>5</sup> This institution, which is privately operated, is licensed under the Welfare Institutions Licensing Act, and offers boarding home and special educational services to children of minimal intelligence.

community in which they reside brings to public awareness the condition of neglect. The study indicates that immediate neighbours and community groups then make concerted efforts to help the family, by providing practical help such as food, fuel and clothing, as well as support in the way of encouragement and advice. When the neglect situation persists, community pressure to remove the children is placed on the agency. The agency has a responsibility to handle this pressure wisely, and to make its own professional decision while still maintaining public confidence.

Dorothy Hutchison wrote a few years ago: "one thing we need is a definition of neglect -- the community defines it one way, the law another, the child himself still another".<sup>6</sup> This is still true. The community and the law, which is in essence the expression of the community, see neglect in its discernible or physical form. The child may appear hungry and dirty, scantily clad and cold, while the overt behaviour of the parents suggests a complete disregard for his comforts. Yet sometimes, in this same situation, the tie between child and parents may be strong, nurtured by the presence of a good measure of affection. This bond may not be easily detected, and may be obscured by the overt behaviour of the parents in meeting their own desires. However, the social worker must

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<sup>6</sup> Hutchison, Dorothy, "The Placement Worker and the Child's Own Parents," Social Casework, Family Service Association of America, New York, vol. XXXV, No. 7, July 1954, p. 294.



evaluate the strength of the child-parental tie by understanding the meaning of the behaviour pattern and the psychological defences used, and through his diagnostic skills, determine the quality of the affectional relationship and its effect on the emotional development of the child. There are many problems around an appropriate definition for emotional rejection, which has deep social implications but no legal recognition. Child development theories of today almost universally stress that the affectional needs of the child must be met, preferably through parental love, and that these needs are just as important as the essentials of shelter, food and clothing. There is a responsibility upon social agencies to concern themselves seriously with the basic definition of neglect as it affects the rights of children and parents, and through interpretation and social action, to bring this definition to the level of community awareness.

#### Agency Contact Maintained with Natural Parents

In all the families studied, with the exception of family D-, agency contact with the natural parents after committal, with a view to re-uniting the families, was minimal. Family D- is a good example of preventive casework service, astute diagnosis and continuing contact. In this case, while there was recognition by the social worker of the strong marital tie and the bond of affection between parents and children, it was also apparent that the children were suffering

physically, and that their removal was necessary before the parents would become sufficiently motivated to change their standards of care. Contact with this family was within the confines of one agency, which maintains a stable staff complement engaged in child welfare work, which enabled a consistency of supportive casework service to build on existing parental strengths. In all the other case studies, many agencies and social workers were involved, which precluded continuity of service.

In consideration of the five families where marital ties were severed, two separated permanently after the children had been removed. In both these instances, the children were eventually restored to the fathers with the initiative taken by them on their remarriage. The other three had separated prior to apprehension, and the children removed from the custody of one parent. In each of these cases, the child was restored to the custody of the other parent, who was alerted to the neglect complaint on receipt of the required notification from the Superintendent. There is a strong need for continuing services to parents after the removal of their children, particularly after the breaking of a marital tie. Energies that were dissipated in marital conflict might now be used constructively in re-establishing a home for the child, on the premise that one own parent who wants his child, can meet his emotional needs better than two substitute parents. When arriving at the decision to apprehend, the agency must

assume responsibility under the Act<sup>7</sup> for contacting both parents, even though they be separated. This should not be done solely to notify the absent parent of the court proceedings but with a view to detecting existing strengths and interest in the child. The agency should not abandon parents when the children have been committed, as their feelings of frustration and failure must be minimized if they are to function as responsible people. Counselling services should be given by the social worker, and if re-union is not possible, the parents should be helped to relinquish the child permanently for adoption.

The matter of maintenance payments for the child while in care has very important casework implications for parents, as this is one tangible way in which their sense of responsibility can be maintained. The study shows that the matter of maintenance is handled entirely through the Child Welfare Division in Victoria, and the district offices are not notified whether regular payments are made or not, although this information is sent upon request. Provision is made in the Act for the reduction of maintenance orders by the Court if the parent shows cause that he is unable to meet the amount originally ordered. The social worker should be instrumental in counselling along these lines if the meeting of the order provides a hardship, and this obstacle is causing additional

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<sup>7</sup> Protection of Children Act, Section 1.

family stress.

Ideally, agency contact after committal should provide the kind of service which would enable the parents to resume care of the child or to give the child up to new parents through adoption placement. However, the reality situation is that the majority of parents who have been deemed neglectful cannot make the type of decision which is centred wholly around the welfare of the child. The social worker must recognize early in the casework situation the potential of natural parents, and help them to achieve satisfaction of some of their emotional needs. In time, they might be brought to a level of ego strength where a realistic decision can be made with the best interest of the child as the focus.

### The Socio-legal Process

Guardianship can be removed and restored only by due process of law. The judge rules on the evidence presented whether the child is neglected under the terms of the Act. The responsibility for laying the complaint of neglect in the court, and presenting the evidence in support of the complaint, is that of the social worker. Counsel may be provided by the Superintendent through the Department of the Attorney General, but this is done only under special circumstances. The parents have a right at all times to be represented by counsel. The hearing under the Protection of Children Act is not designed to put the parents on trial, but to deem whether the

child is in need of protection. The complaint of neglect used in all the cases studied was presented to the court under section 7, sub-section (k) of the Act, which states "a child ... who has no parent capable of exercising proper parental control". This phrase contains an element of ambiguity which bears re-defining, and lends further emphasis to the importance of establishing more definitive criteria of parental capability. The other fourteen categories under Section 7, under which children may be apprehended, are more clearly defined in terms of tangible or physical neglect, while the very vagueness of sub-section (k) allows the inclusion of a measure of emotional neglect. Child welfare agencies are agreed that the majority of neglect complaints are presented to the juvenile court under this sub-section in British Columbia. Emotional rejection and the ensuing psychological damage is a major consideration in child welfare practice today, and it is evident that provision in law to cover this important phase of neglect should be more distinctly made. Social workers who are daily conversant with the problem should take responsibility for modification and changes in child welfare policy, by interpretation of changing trends to the governing body which ultimately enacts and amends legislation.

The judges of the juvenile courts in British Columbia represent a variety of training and experience. Some of the judges have degrees in law, while the majority are respected community citizens who are appointed as lay-magistrates.

Child protection as it involves the abuse of children is an area charged with emotion, and each individual concerned in this work brings into it his own values and attitudes, and interpretations of neglect. In order to safeguard the rights of children and their parents, the social agencies have a responsibility to interpret to these judges the changing trends in child welfare theories. The Superintendent of Child Welfare is an active participant at the annual conference of magistrates. However, individual agencies can make constructive interpretation within their own areas, by maintaining a good professional relationship with the judge. This relationship can be further enhanced by social work knowledge of basic court procedures, in order that the hearings under the Act can be conducted in dignity and awareness of the proper intent of the proceedings. In the sample studied, the judge concurred with the recommendation of the Superintendent of Child Welfare in all instances but A-, where the Superintendent was opposing the return of the children. This does not indicate liaison, but a common understanding of the principles involved. In all instances except two, the judge ordered the children returned under the supervision of the Superintendent for the period of one year.

The combination of skilled social assessment and the legal authority serves to give support to disturbed parents. In spite of many hostilities which may be expressed,

the parents are made aware of their rights under the Act to apply for the return of their children, and the availability of casework help towards this goal. At the same time, the rights of children are protected, if their parents are incapable.

### Limitations of the Study

This thesis makes a beginning in the exploration of social work responsibilities in the area of restoration of guardianship. The sample families are used illustratively, and it is not reasonable to expect conclusive results from such a small sample. However, they do illuminate the range and variety of problems involved, and the need for continuous examination of principles. Further research could be projected from this initial study, which has not been able to isolate many of the variables. For example, the assessments made of parental strengths are based on recorded material which represents the judgements of many workers throughout British Columbia, with various standards of training and experience. Also, there has been no attempt made to analyze the quality of the preventive work done, or of the casework method during and after the separation process.

### Future Goals in Child Protection

Some principles, it can be argued, stand out more clearly, as a result of these cases. The goals of child

protection, in their most basic form, do concern the safeguarding of the rights of parents and children. Social work as a profession is most involved in this responsibility because of its psycho-social approach to human problems. The improvement of services depend on two main resources, research and qualified personnel. The recent study conducted by the Elizabeth McCormick Memorial Fund has revealed that there is a distinct lack of clarity in present-day child welfare theory: theories are accepted in structure, rather than content, and there is "no valid testing of hypotheses resulting from the assumptions underlying child-rearing in our culture".<sup>8</sup> The need for criteria on which to base parental adequacy, and under what conditions a child should be separated from his parents, is vital. A definition of neglect which will cover the psychologically damaging area of emotional rejection, as well as physical abuse, and an interpretation of this in legal terms, presents a current challenge to the social work profession. Research may be able to make clearer the significance of his own family to the child, when the child suffers "neglect", and to identify the most constructive services which will keep such a family unit together. The value of temporary separations should be tested, in relation to the long-term goals of a re-united family. Current theories stress the rediscovery of the family as the most important

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8 Elizabeth McCormick Memorial Fund, op. cit., p. 3.



"socializing" device, and the fear that, because of this new emphasis, the child may be left too long in his own home, to his detriment, while preventive services are given the parents. In a recent address to the Ontario Childrens' Aid Societies, a prominent child psychiatrist stated: "Keeping a child in a family where there are healthy behaviour patterns will prepare a child to produce healthy behaviour patterns, but keeping a child in a family where there are many disorganized and unhealthy modes of living will only prepare the child to repeat the same in his own adult life".<sup>9</sup> Such a concept needs testing in terms of the strength of affectional ties between child and parent. Research can perhaps clarify the social work role in protection, in view of the conflict involved in the ideal of keeping the family together and the necessity for separation.

Society is deeply concerned with the welfare of its children. The protection of the rights of children and their parents is a serious responsibility, with deep implications for the future of the parties involved. This responsibility must be placed in the hands of qualified practitioners, who have developed their skills in social work method through formal training, and who are versed in the knowledge of the development of personality and the meaning

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<sup>9</sup> Rosen, E. J., "Current Attitudes as They Affect Neglected Children," The Social Worker, Canadian Association of Social Workers, Ottawa, Ontario, vol. 28, No. 4, October 1960, pp. 11-12.

of behaviour. This will enable treatment-oriented goals in protection work, based on valid assessment of parental strengths. The need for increased research programs and more trained personnel in social work is being recognized increasingly in the United States and Canada. Perhaps one of the over-all goals for the social work profession should involve the type of social action which will produce the financial resources needed to carry out these programs of social work education and research.

## APPENDICES

# COMPLAINT

(Occupation.)

(Employer.)

(Full legal names of child or children.)

(Place of apprehension.)

(“ is a child ”/“ are children ”)

(Quote exactly the relevant clause or clauses from the Act.)

(Signature of person laying complaint.)

*A Judge as defined in section 2, "Protection of Children Act."*

C.W. 24-0



Being the children of:—

Father

Mother

Name

Place of abode

Occupation

Living?

(Yes/no.)

(Yes/no.)

I DO ORDER that the said

(Child/children.)

be delivered into the custody

of

(Name of agency, Superintendent of Child Welfare, or parent.)

pursuant to the provisions of section 8, subsection (5), clause

(Insert (a), (b), or (c), whichever clause applicable.)

of the

Protection of Children Act.

AND I DO FURTHER ORDER that

(Name of local area found to be responsible.)

shall pay to

(Name of agency/Superintendent of Child Welfare.)

the sum of \$ per week maintenance for each child in respect of the said

(Child/children.)

in accordance with section 32, subsection (9), of the Protection of Children Act.

AND I DO FURTHER ORDER that

, parent

of the said

(Child/children.)

, shall pay to the

(Name of local area/Superintendent of Child Welfare.)

for each child the sum of \$ weekly so long as the responsible local area shall pay on the order,

the said payments to commence

(Date.)

, 19

Given under my hand and seal at

, in

the Province of British Columbia, this

day of , A.D. 19

A Judge as defined in section 2, Protection of Children Act.

IN THE MATTER OF  
infant children

The application of \_\_\_\_\_ for an order terminating the custody, control and guardianship of the Superintendent of Child Welfare for the Province of British Columbia in respect to the infant child (or children) \_\_\_\_\_, coming on for hearing this day:

THIS COURT DOTH ORDER that the custody and control of the infant child (or children) \_\_\_\_\_ be permanently awarded to the said \_\_\_\_\_.

AND THIS COURT DOTH FURTHER ORDER that the said child (or children) \_\_\_\_\_ be returned by the said Superintendent of Child Welfare to the custody and control of the said \_\_\_\_\_ (Parents), and that the guardianship of the said Superintendent of Child Welfare of the said child (or children) \_\_\_\_\_ be and is hereby terminated.

## A Judge of

## APPENDIX B

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