TRENDS IN APPREHENSION POLICIES

A Comparative Analysis of Committals of Children by the Children's Aid Society of Vancouver, British Columbia, in the years 1938 and 1952

by

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This study is a comparative analysis of apprehensions and committals made by the Children's Aid Society of Vancouver, British Columbia, in the years 1938 and 1952. Only cases both apprehended and committed within the year period were analyzed, and committals of children from unmarried mothers were excluded. The purpose of the study was to determine the causes or reasons for apprehension and committal, with reference to the legislation employed, and such changes as may have occurred in the kinds of neglect or dependency, their frequency of occurrence, and in the parental status of committed children.

A distinction was drawn between conditions of neglect and conditions of dependency, in congruence with formulated definitions of the neglected and the dependent child. A classification of ten conditions of neglect and dependency was devised, based on an analysis of the sixty-eight committal cases studied. The kinds of neglect included: (1) Rejection, (2) Physical Neglect, (3) Moral Neglect, (4) Desertion, (5) Desertion and Moral Neglect, and (6) Desertion and Rejection. Dependency included conditions arising from: (1) Death of the Only Legal Parent or of Both Parents, (2) Physical Illness of Parent or Parents, (3) Mental Illness of Parent or Parents, and (4) Inadequacy of Parent or Parents.

Of the twenty-three cases (involving fifty-two children) studied from the year 1938, sixteen committals or 69.59% of the total were for reasons of neglect. Seven committals or 30.41% of the total, were for reasons of dependency. In 1952, of the forty-five cases (comprising seventy-seven children) studied, thirty-two cases, or 71.11% of the total committals were for reasons of neglect. Thirteen committals or 28.88% of the total were for reasons of dependency.

The study revealed that the proportion of committals for neglect and for dependency in 1938 and 1952 were approximately the same. The frequency of specific kinds of neglect, however, was found to differ proportionally, as did the frequency of specific kinds of dependency. With reference to status of parents of committed children, it was found that committals from married couples and from families with illegitimacy were greater in 1952, while committals from broken homes or incomplete families were fewer. The changes are revealed and are discussed in reference to the disruptive effects of the war period, and in relation to the development of better social services and resources within the community since 1938. These factors are found to have significantly affected the pattern or character of committals.
I wish to express to Miss Dorothy L. Coombe, Executive Director, and to her staff at the Children's Aid Society of Vancouver, my sincere appreciation for the cooperation extended me in obtaining the data for this thesis. I am also indebted to Dr. Leonard C. Marsh, Mr. W.G. Dixon, and Mr. Arthur C. Abrahamson, of the School of Social Work, for their constructive suggestions with regard to the organization of the material here presented.

To Mrs. Edna Alexander I direct especial thanks for the wealth of information she so generously shared with me.
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TRENDS IN APPREHENSION POLICIES
CHAPTER 1

ESSENTIAL CONSIDERATIONS IN CHILD PROTECTION

The basis for protection services and for legislation for the protection of children is had in the legal doctrine of parens patriae (parenthood of the State), under which society, through its laws and agencies, public and private, intervenes for the protection and welfare of cruelly abused and neglected children. While the majority of parents meet their parental obligations to the best of their ability, providing their children with good care, education and an adequate preparation for life, there are a number of parents whose inadequacy, indifference, neglect and callous treatment of their children requires the attention of a super-parental authority.

In fulfilling its duty to safeguard the welfare of children, society is concerned with fostering their normal development and advancing the social, moral and economic future of the community. Representing society as a whole, the state has a vital interest in the quality and character

1. The doctrine of parens patriae was stated in England in 1722, in a decision handed down by the Lord Chancellor of the Equity Court, in the case of Eyre vs. Shaftsbury. In the decision was expanded the view that there is in the State a super-parental power, which overrides the parents' rights to the custody of the child, and so renders possible a tribunal in which the needs of a child for public care and treatment can be established, with the power to transfer the child to another agency for custody, or to commit to an institution. See, Abbott, Grace, The Child and the State Vol. I. University of Chicago Press, Chicago Ill, 1938.
of its citizenship and therefore has both the right and the duty to ensure that the physical, mental and moral welfare of its children is safeguarded. To provide for its own social, moral and economic welfare, the state must secure to all its children equal opportunities for health, happiness, sound education and personality, to the end that, through normal development, they may grow up to become good citizens, social assets and not liabilities. Child protection is clearly a public duty, a fundamental and essential social service to children.

Child protection is a specialized service in the field of child welfare. Its concern is for children suffering from cruelty or abuse, or whose physical, mental or moral welfare is endangered through the neglect of their parents or custodians, or whose rights or welfare are violated or threatened. Child protection is a distinct form of social service to children, attacking the various problems of serious child neglect and abuse from the standpoint of parental and community responsibility for care and protection. Its aims are to obtain results through advice, persuasion and parental education, but, when necessary to take extreme measures, its agencies are equipped for the effective use of compulsion, discipline or punishment through personnel trained in the use of the law and legal machinery for a social purpose. The function of child protection includes working for the elimination or improvement of bad community conditions adversely
affecting child and family life, the goal being the establishment of wholesome standards of family life and the protection of childhood. "The child protective agency stands as 'the friend, protector and sometimes the avenger' of helpless, oppressed children, the innocent victims of brutality and crime, of vicious and degrading surroundings, and of abuse and neglect of every kind." ¹

Protective Service Defined

Specifically, protective service may be defined as that service in behalf of children who are reported as neglected or dependent, and is designed to help these children through working with their parents or custodians who themselves have not initiated a request for such help. The protective situation is one in which the community as a whole disapproves of the actions of an individual member as far as his treatment of his children is concerned. It is seen then that the initiation of protective services is largely the responsibility of members of the community who must be willing and able to present a report of neglect or dependency with enough substance to justify action by the agency.

The focus of protection work is the child. Yet while the child must be the focus, the parents must be the

center of the activity, for it is primarily through and by the parents that the agency's ultimate service to the child can be achieved. The strength of the service given therefore lies in its capacity to improve the parent-child relationship. This service, which recognizes the primary value of family unity and relationships, also accepts such limitations in peoples capacities and willingness to change as may require the recommendation for substitute family care as necessary for the protection of the child in certain situations. Thus the hope of protection services is to ameliorate or improve the parent-child relationship within the home. Failing this, the protection of the child and his welfare may best be served through foster-family or institutional care, involving the removal of the child from his home, most often through legal action. Legal action or apprehension of the child, and the acquisition by the state or by the protective agency of guardianship of the child constitutes protection as executed through the authority of the state, derived from the doctrine of parens patriae. Apprehension is thus the final method of the protective process; it is to be effected in those extreme cases where protective services extended to the parents or custodians of the child have proved unavailing.

**Conditions Requiring Protective Services**

In the Report of the Committee on Socially Handicapped-Dependency and Neglect, from the 1930 White House Conference on Child Health and Protection, are listed and
and discussed nine areas or types of problems in the field of child welfare requiring protection services. These are:

1. Physical Cruelty,
2. Physical Neglect,
3. Medical Neglect,
4. Moral Neglect,
5. Desertion, Non-Support and Abandonment,
6. Neglect of Care Needed Because of Defect in Mind or Body,
7. Protection from Exploitation,
8. Violation of Chastity, and

These conditions may be defined.

Physical Cruelty is the subjection of the child to severe physical violence amounting to brutality, causing great pain and suffering, and usually leaving marks and bruises on the child's body. A finding of physical cruelty to a child generally obtains when a parent habitually or repeatedly goes beyond what is reasonable and merited corporal punishment.

Physical Neglect is the exposure of the child by his parents or guardian to suffering from hunger, insufficient clothing, improper housing and sleeping conditions, or to living in the midst of filth and squalor. It is the right of the child to have suitable physical care from his parents or guardian.

Medical Neglect is the exposure of the child by his parents or guardian to suffering from want of needed medical or surgical treatment, such that the child's bodily health and

efficiency is seriously endangered. For court action, there must be a positive and undisputed medical diagnosis and prognosis, and a high probability of success of the treatment recommended. Children's protective agencies rarely undertake the enforcement of medical care when there is not a clear agreement among practitioners of unquestioned standing as to the child's medical need and the medical treatment to be employed.

**Moral Neglect:** is the exposure of the child, through the immorality of his parents or their toleration of immoral conditions in their home, to living conditions of immorality and vice, where the child's mind and morals are exposed to corruption. The effects of moral neglect are considered more serious than those of physical neglect, as recovery from the former is far more difficult. The child has a right to be protected from immoral associations or from constant contact with habitual gamblers, drug users and criminals, even when they are not directly involved in immoral acts.

**Desertion, Non-Support and Abandonment**

*Desertion* is the act of a parent, who without justifiable cause, and without the consent of the other parent, leaves or deserts the family and goes to live elsewhere.

*Non-support* is the act of a parent, having the moral and legal obligation to support, and being of sufficient means or ability, who unreasonably refuses or neglects to
provide proper support and care for his child. Proper support is measured by the parents' means and ability and the needs of the child. While a man may not be required to support his wife under all circumstances, there is no doubt as to the responsibility of a father to support his children.

Abandonment is the act of a parent or custodian who leaves a child without provision for his care, and with the intention to relinquish all his rights, to renounce all his duties, and never to resume them.

Desertion, non-support and abandonment not only have definite detrimental effects upon the members of the family, but place an unwarranted burden upon the community.

Neglect of Care Needed Because of Defect in Mind or Body

Neglect of this kind obtains when a parent unreasonably refuses or neglects to provide or accept a needed special care for a child requiring specific physical care, medical attention or training and education by reason of some defect in mind or body when it is within the means of the parent or the means and services are offered. Crippled children and others suffering from physical handicaps or mental defects are entitled to and should be given all the opportunities that medical science and educational training can provide so that as far as possible they may become self-supporting citizens. Where this is impossible, individual protection should be provided, either by public or private care.
Protection from Exploitation

Exploitation is the compulsion of a child to work illegally or to his physical or moral injury at arduous labour, begging, stealing or exhibiting. The employment of children for mercenary reasons in carnival sideshows, and in various kinds of entertainment in which their childhood holds a direct appeal, e.g., drum majorettes, are forms of such exploitation. Children must be safeguarded from early, exhausting and degrading labour.

Violation of Chastity is the carnal knowledge or abuse of a female child under the statutory age, under which she is legally presumed incapable of giving consent to sexual relations. The protection of small boys from sexual abuse and degradation is also an area of concern.

Protection Needed by Children of Illegitimate Birth

Children of illegitimate birth, having a mortality rate higher than that of legitimate children, and whose incidence of dependency on the public is many times higher, deserve special protective services, especially from physical and medical neglect, abandonment, desertion and non-support. The protection afforded by a determination of their paternity may provide for them support by the natural father, especially in the event the mother should become incapacitated or die. Protection services ought to begin before the child's birth; prenatal, confinement and postnatal care, or the arrangement for such care, are part of the necessary services.
Authority in the Protective Function

The authority by which a protective agency deals with conditions of neglect lies in appropriate legislation. Such legislation vests power in the protective agency; a statutory authority to act. The protective agency seeks to offer services to children through their parents, parents who often "don't want help". But more than offer services, the agency is empowered to require of the client that the protective situation be changed in a positive way. Thus, for the agency, the vested authority entails obligations, both to the community and to the individual who becomes the client.

To the community, the agency's responsibilities are:

"To give careful consideration to all cases involving neglected children brought to their attention.

To give adequate protection to children where this is both necessary and possible, and to do this efficiently, without unnecessary or disproportionate expenditure.

To work in a manner generally, but not necessarily in detail, approved by the community." ¹

These responsibilities may be called statutory, in that they exist because it was the community that set up the agency and in most instances gave it legal or statutory power. Agency responsibilities to the individual who becomes subject

to agency action are not statutory, except in that they reflect the constitution of any democracy. They are based on the recognition of the rights of the individual, and on the responsibility, each to each, to respect those rights, in a civilized and democratic society. These responsibilities are:

"To make the necessary investigation and take whatever action is necessary without prejudice.

To give what help the individual needs and is capable of accepting towards his altering the conditions that have given concern to the community, in as far as the agency honestly believes itself equipped to give this help.

To carry out investigation and take subsequent action in such a way that the individual's essential human rights are not violated, his right to privacy, his right to make his own decisions, his right to live his life as he pleases, in so far as this is consonant with the agency's responsibility to the community."¹

Child protective legislation is an expression of the community conscience, and its recognition of a genuine need. Thus, in British Columbia, the first Children's Protective Act was enacted in 1901, in response to the representations of interested persons and public agitation against the conditions and abuses of children.² The original legislation was modelled on the Ontario Protection Act of 1893, to which various amendments were added over the

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years, as influenced by British Columbia conditions. The basic purpose of the act was to protect children from cruelty and to provide care and control of neglected children through granting authority to Children's Aid Societies to apprehend and commit children in need of protection as wards. Various conditions of neglect were defined in the act, as was the Children's Aid Society itself.

Further reference will be made to the protection acts of British Columbia, specifically the Infants Act of 1911 and the Protection of Children Act of 1943, in succeeding chapters.

The Children's Aid Society of Vancouver, B.C.

The Children's Aid Society of Vancouver, British Columbia, was founded on July 17, 1901, following the enactment of "The Children's Protection Act" by the Provincial legislature. The Society was immediately and urgently concerned with the protection of "a young girl from the horrible cruelty practiced by her mother when mad with drink". The focus of protection was on the children of drunken, dissolute and immoral parents, whom it was hoped should, "by the protection and aid of the law have such help and assistance as would enable them to grow up to live a good and useful life, and not by force of their surroundings become untruthful, unclean and immoral, thereby adding to the pauper and criminal

1. Angus, Anne Margaret, *Children's Aid Society of Vancouver, B.C.* 1901-1951, 1951, p. 5
classes of the community." ¹ For several years the work of the Society was hampered by lack of funds; children from the entire Province could be, and were, committed to its care, yet there was no statutory provision for their maintenance. Representation to the Provincial government over the years succeeded in gaining amendments to the legislation, such that maintenance of wards became recognized as a public responsibility.

The provision for care of mentally handicapped children by the Provincial government, and the legislative enactment of the Adoption Act of 1924 were prompted in part by representations from the Children's Aid Society, and represented further steps towards the better protection and care of children in need of help.

Children in the care of the Society were for the most part legally committed to it, though some children were given care on a non-ward basis. From the beginning, there was recognition of the place of the foster home in the Society's work, though this resource was not used to the extent it might have been until much later in the Agency's history. In 1902, the "Mission of the Society" as seen by one of its Board members was stated:

¹. Angus, op. cit, p. 5
1. To rescue homeless, abused and neglected children in the earliest age of their misfortune, finding homes for them in well-approved families—to continue a watchful care over them.

2. To give assurance to the poor and needy that their children, if left destitute, shall be watched over with tender care.

3. To protect society against its greatest foes—ignorance and vice—by securing proper home training and education for destitute little ones that otherwise might fall under the most evil influences.

4. To urge upon parents their supreme responsibility for the proper care and training of children so that they may grow up into good citizens and be a credit and honour to the State. ¹

A year later, the same Board member wrote, in part:

"The Children's Aid Society stands first and last for the rights of children. It is authorized to investigate all cases of neglect, destitution and cruelty, to ameliorate and better their home surroundings when practicable, and when hopeless to remove the children from an environment of uncleanness and vice: only when every effort in the home fails is the matter brought to the courts for adjudication. When a child has been awarded to the Society it is sent to (its) Home to be cleansed, nurtured and prepared to enter a good foster home whenever one is available." ²

Under the supervision of the Society, children were in many cases returned to their parents, when the latter had shown they had "reformed." The foster home programme at this time was in effect an adoption programme; children placed with foster parents were all candidates for adoption and were

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1. Angus, op. cit. p. 10

2. Angus, op. cit. p. 10
considered "adopted" if the children were not returned to the Society as being "unsatisfactory".

Work with unmarried mothers and their children, an important area of protection, was not recognized as being within the province of the Children's Aid Society until some twenty-three years after the Society's inception. Over the years from 1901 to the present time, child protection work gained wider acceptance and recognition; amendments were added to existing legislation, and the Provincial government gradually assumed increasing responsibility, both financially and in the provision of services. There were changes, too, in the kind of care given to children committed to the care and protection of the Children's Aid Society. Emphasis was placed on work with children in their own homes, and long-term institutional care gave way to the increasing use of foster homes, now on a paid basis, where before use was made of free homes. The part played by other Agencies and by the Government in extending protection services throughout the Province, the development of broader legislation for child protection and its administration, has been discussed in some detail in an earlier study.¹

Concern of the Study

The Children's Aid Society of Vancouver, as a

¹. Singleton, op. cit.
children's protective Agency, is concerned with child protection, child caring, adoptions, and guardianship of public wards. Its primary function may be stated to be the protection of children in their own homes; the significance to the child of having his own mother and father to care for him being recognized as a principle basic to child welfare and protection. The child's own home should be the source of healthy emotional reserves; affection, well-being, the reliability of life and of people; self-esteem and protection from dangers, those arising from within himself as well as those confronting him from his external environment. To the end that this may be assured the child, protective work has aimed at keeping together the child's natural family whenever possible, through strengthening those who care for him, and in attempting to build or rebuild his home into a reasonably solid emotional and economic unit. Only when these efforts have failed or are unavailing, and when the child's welfare may best be served by care apart from his own parents, is apprehension and committal carried out.

Not all families respond to protective casework service, and apprehension and committal of children is sometimes necessary. Because committal can be obtained only when there is sufficient evidence to satisfy the court that the parents are not fit guardians for the child, relevant legislation, which reflects community attitudes and standards, plays a significant role.
This study is concerned with a comparative analysis of causes or reasons for the apprehension and committal of children to the Children's Aid Society of Vancouver in the years 1938 and 1952, with reference to the legislation applicable in each case. The committals of children of unmarried mothers have been excluded from the study, as these constitute a unique group with special problems, and one where the status of "family" does not obtain.

The years 1938 and 1952 were selected for study in order that a comparison over a several-year period could be made. The year 1938 was the last of the pre-war period, but the effects of economic instability on family solidarity should be revealed to some extent in a comparative analysis with a year in which there was a more secure economy. The year 1952 provided this to a reasonable degree; it also permitted of an exposition of the contemporary scene in child neglect and protection. Too, records were easily accessible.

An analysis of the records of apprehension and committals in 1938, compared with a similar analysis of records for 1952 should reveal any changes that occurred in the kinds of neglect, the frequency of their occurrence, and in the parental status of neglected children. In 1943, the Protection of Children Act was enacted to replace Part III of the Infants Act, dating from 1911. That there were several additions to categories or classes of neglect (by which a child may be apprehended as needing protection)
suggests changes in community attitudes and in the kind of neglect or protective situations encountered. This study seeks to reveal, through a comparison, what those changes are.
CHAPTER 2

PROTECTION LEGISLATION AND

CONDITIONS OF NEGLECT AND DEPENDENCY IN 1938

In 1938, the relevant legislation pertaining to the apprehension of neglected children in the Province of British Columbia was contained in Part III of the Infant's Act, R.S.B.C., 1936, Chapter 128. Section 56 of the Act describes and defines who may apprehend under the Act, and in twelve subsections lists the classes or descriptions of conditions in which a child may be considered as neglected. The Act reads:

The Superintendent and every officer of any children's aid society who is authorized in writing by the Superintendent, every constable or officer of the Provincial police, or of any municipal police, and every Probation Officer, may apprehend, without warrant, and bring before a Judge, as neglected, any child apparently under the age of eighteen years who is within any of the following classes or descriptions:

(a) Who is found begging in any street house or place of public resort, whether actually begging, or under pretext of selling or offering anything for sale:

(b) Who is found sleeping at night in barns, outhouses, or in the open air:

(c) Who is found associating or dwelling with a thief, drunkard, or vagrant, or who, by reason of neglect or drunkenness or other vices of the parents or guardians, is suffered to grow up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life:
(d) Who is found in any disorderly house, or in company of reputed criminal, immoral or disorderly people:

(e) Who is a destitute orphan, or who has been deserted by his lawful parents or guardian:

(f) Who is found guilty of petty crimes, and who is likely to develop criminal tendencies if not removed from his surroundings:

(g) Who is found wandering about at late hours and not having any home or settled place of abode or proper guardianship.

(h) Who is incorrigible or cannot be controlled by his parents:

(i) Whose only parent or whose parents are undergoing imprisonment on a criminal charge, or in respect of whom his only parent, or his parents or guardian, have been convicted of an offence under this act or under the Criminal Code of Canada:

(j) Whose home by reason of neglect, cruelty, or depravity is an unfit place for the child, or who has no proper guardianship, or who has no parent capable and willing to exercise proper parental control over the child:

(k) Who is subject to such blindness, deafness, feeblemindedness, or physical disability as is like to make him a charge upon the public:

(l) Who, by reason of the action of his parents or otherwise, is habitually truant from school and is liable to grow up without proper guardianship.

The Annual Report of the Children's Aid Society of Vancouver for 1938 reveals that seventy-four children were committed as wards of the Society in that year, of which fifty-two children were both presented and committed in the one year period. Of the remaining twenty-two children, six were children of unmarried mothers, and sixteen were children who had been presented (i.e., were before the court)
prior to 1938 but were committed as neglected children in that year. Of a total of one hundred and forty-five illegitimate children dealt with by the Society in 1938, one-hundred and thirteen were those of unmarried mothers, while thirty-two were illegitimate children of married women. One-hundred and fifty-three cases were referred to the Society for conditions of Physical, Medical or Moral Neglect, Drunkenness and Physical Cruelty, and an additional one-hundred and eight cases were referred because of conditions of physical or mental ill-health or feeble-mindedness. Of children of unmarried mothers, only six were committed as wards of the Society; forty-one remained with the mother, seven were taken into care by relatives, and twenty-six were placed for adoption.\(^1\)

That there were but fifty-two apprehensions and committals of children from the total of two-hundred and sixty-one referrals in 1938 where children were in a condition of neglect or in need of protection indicates that the Society was to a considerable degree fulfilling its primary function of working with children in their own homes. While some of the children from the families referred in 1938 were presented to the court during the year and were later committed, and while others were in subsequent years presented and committed,\(^1\)

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1. The Annual Report of the Children's Aid Society of Vancouver for the year 1938 does not reveal the disposition of the remaining thirty-three children of unmarried mothers.
The Society did direct its efforts towards maintaining the children in their own homes and was successful in this endeavour in the majority of cases.

This chapter is concerned with an analysis of those cases, other than that of unmarried mothers, in which children were both apprehended and committed in the year 1938. These comprise fifty-two children of twenty-three families, from varying social and economic backgrounds. The Table 1 below reveals the status of parents of children committed to the care of the Children's Aid Society, the number of families in a particular status, and the number of children committed.¹

Table 1
Status of Parents of Children Committed in 1938

<table>
<thead>
<tr>
<th>Status of Parents</th>
<th>Number of Families</th>
<th>Number of Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married Couple</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Married-Illig. Child</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Widows</td>
<td>5</td>
<td>14</td>
</tr>
<tr>
<td>Widower</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>Widow-Illig. Child</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Separated</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Divorced</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Deserted</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Mother and Stepfather</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Father and Stepmother</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Widowed Stepmother</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Orphan</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>23</strong></td>
<td><strong>52</strong></td>
</tr>
</tbody>
</table>

Source: From analysis of Case Records, 1938, Children's Aid Society of Vancouver, British Columbia

¹ Tables 1 to 5 are derived from an analysis of case records for the year 1938 at the Children's Aid Society of Vancouver, British Columbia.
The majority of committals (47.82%) were from families where the home was broken by the death of one parent, or through the absence of one of the parents. It is noted that in only one case was there committal from a family that was intact, i.e. from a Married Couple. This was a child who had been apprehended under section 56, subsection "h" of the Act: "Who is incorrigible or cannot be controlled by his parents." The home situation was not one of neglect, except as defined under this section of the Act, but was a problem resulting from a cultural conflict; immigrant parents with the rigid standards of another culture being unable to adjust themselves with their children to a changed social environment. Language barriers made work with the parents difficult, and committal, rather than temporary removal of the child from his home was favoured.

The committals of children from families where step-parents were present or where the child was illegitimate in the case of a married couple (21.73% of committals) were undertaken because of the step-parent's or legitimate parent's refusal to accept the child as their responsibility. In nearly all cases, an over-order was secured through the court for the child's maintenance against the unwilling step-parent or legitimate parent.

Of the eight children committed from the widow with illegitimate children, three were legitimate children of the legal union. The remaining children were products of two later common-law relationships. Committal was under-
taken when the common-law parents proved unwilling to continue their responsibilities to their children.

Of the five widows from whom children were committed, three were unable to fulfill their responsibilities to their children because of mental or physical illness for which they were hospitalized. As the Table indicates, it is in the home broken by death, desertion, separation or divorce that conditions of neglect most often arise.

Committals in Relation to Economic Background

The year 1938 was a difficult one for many families, but the effects of unemployment and reduced income on family unity are difficult of measurement. That the adverse state of the economy may have placed too great a burden on families which under ordinary circumstances were but tenuously united may be surmised. Of the twenty-three families under study, however, it was found that unemployment or reduced income in themselves were not significantly contributory towards the disintegration of the home, as Table 2 below indicates.
### Table 2
Status of Parents of Committed Children and Economic Circumstances at Time of Commital

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Married Couple.</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Married-Illeg. Child</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Widows</td>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Widower</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Widow-Illeg. Child</td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Separated</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Divorced</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Deserted</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Mother &amp; Stepfather</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Father &amp; Stepmother</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Widowed Stepmother</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Orphan</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8</strong></td>
<td><strong>5</strong></td>
<td><strong>3</strong></td>
<td><strong>2</strong></td>
<td><strong>2</strong></td>
<td><strong>2</strong></td>
<td><strong>1</strong></td>
<td><strong>23</strong></td>
</tr>
</tbody>
</table>

*Job income or employed, City Relief, in Institution, e.g. Hospital, Mother's Allowance, Self-supporting, i.e. through prostitution, other, Maintenance by Estranged Parents.*
Thirty four point seventy eight per cent of the committals were from families where the parent did have employment and an income which, though low in a few cases, did allow of continued maintenance of the children within the home. Twenty one point seventy three per cent of the committals were from families in receipt of public assistance or City Relief as it was called in 1938. It may have been expected that this group would have constituted the largest, but it appears that economic difficulties were not of primary importance in making for neglect of children. The Table indicates that homes broken by the absence or death of one parent, and families where illegitimacy occurred or where a step-parent was present, or where there was illness, i.e., Status of Parents, was a greater determinant.

The records studied suggested that the court was reluctant to remove children from their parents, not entirely because the welfare of the children was considered paramount, but because such removal would in many cases place an added burden on the community as a whole for their support. This seems to have had its effect on the work done by the Children's Aid Society. In the face of definite parental rejection of their children, and in spite of the adverse effects such rejection might have on the children were they continued in the home, every effort was made to persuade, cajole or humiliate parents into fulfilling their obligations to their children. The Court demanded evidence of the most
conclusive kind before committing children as public wards; the welfare of the children seemed to be secondary to easing the strain on public funds.

Committal of children should not be easy of attainment; clearcut and definite evidence of neglect must be present before taking such action. It is the welfare of the children concerned, however, that should be of paramount concern, both to protective agencies and to the court with jurisdiction. The somewhat punitive attitude taken by the court and by the protective agency in the year 1938 towards parents perhaps rendered them more sensitive to their responsibilities; whether the children benefited, however, may be doubted.

Because protection services are aimed at maintaining children in their own homes through work with the children and their parents, apprehension and committal, except in cases of emergency, is undertaken only when it is clear that the services offered by the protective agency are unavailing, and after considerable effort has been directed towards strengthening or rebuilding the home without success. Because the neglect of children may occur in families as an end result of marital disharmony that may have been present for some years, some referrals to the Children's Aid Society are made not for protective services to retain the children in the home, but for planning for placement of the children in other than their own homes. Many of such referrals are made by other welfare agencies, some of whom have
worked for several years with the families concerned in regard to marital or other difficulties without success. The sources of referral of the twenty-three families under study, and the number of years the families concerned were known to the referring agency or source are indicated in Table 3.

Table 3

Sources of Referrals to C.A.S. Leading to Committal (1938) and Period Referred Cases Known to Referring Agencies

<table>
<thead>
<tr>
<th>Referral Source</th>
<th>Period Known to Referral Source in years</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0-1</td>
</tr>
<tr>
<td>Family Welfare Bureau</td>
<td></td>
</tr>
<tr>
<td>Mother's Allowance Office</td>
<td>1</td>
</tr>
<tr>
<td>City Social Service</td>
<td>2</td>
</tr>
<tr>
<td>Children's Aid Society</td>
<td>1</td>
</tr>
<tr>
<td>Vancouver General Hospital</td>
<td>1</td>
</tr>
<tr>
<td>Schools</td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>1</td>
</tr>
<tr>
<td>Child Guidance Clinic</td>
<td></td>
</tr>
<tr>
<td>Child Welfare Branch</td>
<td></td>
</tr>
<tr>
<td>Juvenile Court</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5</td>
</tr>
</tbody>
</table>

* Direct applications to Children's Aid Society, known to Agency for period shown prior to committal.

The Family Welfare Bureau and the Provincial Mother's Allowance Office referred 34.78% of the total number of cases that led to committal in 1938. The then Vancouver City Welfare Department referred 13.04% of the total, and direct applications and complaints to the Children's Aid Society accounted for another 13.04%. That referral sources were fairly well diversified suggests that the function and
and purpose of the Agency was understood and recognized by a number of the other welfare agencies in the community. The relatively low percentage (13.04%) of cases coming to the attention of the Society through direct application perhaps indicates that the community was not as-alert nor sensitive to cases of neglect in its midst or that the Children's Aid Society was not as well known to the community as may have been desirable.

The majority (78.27%) of the families referred to the Children's Aid Society and leading to Committal in 1938 had been known to the referral source for a year or longer. More than half the cases (52.18%) had been known to the referral source for a period of three or more years. That some families had been known from four to eight years before referral for neglect or dependency and subsequent committal was carried out suggests that conditions bordering on neglect but not sufficient for committal were present in the home for a considerable period of time. The kind of work done with families in this last group may be questioned; the two families known to the Family Welfare Bureau for a period of eight years apparently could not make effective use of the services offered, yet in spite of this disability, service to them was continued over an extended period.

Of the two cases known to the Children's Aid Society for a period of four and seven years respectively, the first was one of "borderline neglect in a dull-normal
family"¹ which did not become serious enough to warrant committal until 1938. Recording on the second case was scanty, but this, too, was a case of borderline neglect, which was not given consistent attention but became active temporarily as complaints about the family were received by the Society. Committal in 1938 was undertaken in this case because of the death of one parent and the refusal of the remaining step-parent to care for the child.

Referrals from the police and from schools totalled four, or 17.39% of the total. The case records revealed that the police and schools had, in their referral, indicated contacts with the families concerned over the previous two to four years. These contacts cannot be considered analogous to those of the Child Welfare Branch or the Family Welfare Bureau, however, in that basic casework services to the family were not involved. Earlier referral here, as with some of the cases known to the Family Welfare Bureau, may not have preserved family unity, but the welfare of the children concerned may have been better served.

Five cases, or 27.73% of the total were referrals that had been given services by the source of referral for a period less than a year. That these were families where children were later committed indicates that conditions in the home had reached a point of some seriousness before coming to the attention of any helping agency.

¹. From the Case Record.
The majority of cases, however, were those in which help had been given by other agencies, or where such help was needed and where conditions in the home were apparently unsatisfactory and had been so for some years. That referral and committal were finally necessary after, in some instances, considerable effort had been devoted to the family by welfare agencies, e.g., the Family Welfare Bureau, seems to indicate that the families under study were those with the most serious problems and where protective services could not be constructively utilized by the parents.

Reasons or Causes for Apprehension and Committal

The kinds of neglect or protective situation present in the twenty-three cases under study that led to action by the Children's Aid Society for committal were found to be considerably varied. In several cases, committal by the Children's Aid Society did not immediately follow apprehension; rather there was an interval of several months in which help was extended to the parent or parents by which it was hoped they would be enabled to accept their child or children back into their homes and fulfill parental responsibilities. Every effort was made to return the child to his parents; this in spite of the experiences of the agencies that had worked with the families prior to their referral to the Children's Aid Society.

An analysis of the reasons or causes for which children were committed from the twenty-three families under
under study resulted in a classification of ten conditions of neglect and dependency. The kinds of neglect found included: (1) Rejection, (2) Physical Neglect, (3) Moral Neglect, (4) Desertion, (5) Desertion and Moral Neglect and (6) Desertion and Rejection. Dependency included conditions arising from the (1) Death of only legal or of both Parents, (2) Physical Illness of Both or Only Parent, (3) Mental Illness of Both or Only Parent, and (4) Inadequacy, or Parental Inability to Control the Child.

The distinction here drawn between Neglect and Dependency is one which is not found in the relevant legislation. Conditions of Neglect and of Dependency are very different, however, and though the Infant's Act made no recognition of this, children falling into either category are provided for through wording which applies equally to conditions of neglect and dependency. Under the Act, however, all children apprehended and committed were committed "as neglected children".

Our definition of protective service describes it as being "that service in behalf of children who are reported as neglected or dependent, and is designed to help these children through working with their parents or custodians who themselves have not initiated a request for such help."

Under the Infant's Act, conditions of neglect and dependency were considered as being simply neglect. For the purpose of classification into conditions of Neglect and conditions of Dependency, definitions of the Neglected child and the
Dependent child were formulated:

The **Neglected Child** is defined as any child who is abandoned or deserted by his parent, guardian, or custodian; or whose parent, guardian or custodian cruelly abuses or wilfully neglects him or refuses to provide proper or necessary subsistence, education or other care necessary for his health, morals or well-being; or who is found in a disreputable place, or who engages in an occupation injurious to the health or morals of himself or others.

The **Dependent Child** is defined as any child who is homeless or destitute or without proper support or care through no fault of his parent, guardian or custodian, or who lacks proper care by reason of the mental or physical condition of the parent, guardian or custodian.

From the definitions above it may be seen that Rejection is a condition of neglect rather than dependency. The term refers to those parents who refuse to provide proper care for their children, i.e., who reject their children and the concomitant responsibilities.

Parental Inadequacy or Parental Inability to Control the Child was classified as dependency rather than neglect because such parents are usually very anxious to receive help, and have failed in their responsibilities to their children not wilfully, but because of lack of knowledge or emotional problems of their own which affected the child concerned
adversely. Subsection "h" of the Act, "Who is incorrigible or cannot be controlled by his parents", is usually applied when committal is sought in these cases. The fact that there is such legislation suggests that child protective services are inadequate. While there are parents whose emotional illnesses are beyond known treatment methods, i.e. parents who cannot be helped, their number is very small. The majority, then of parents whose children are beyond control either have not availed themselves of the helping resources available in the community, or the resources for dealing with such problems do not exist. If the first is the case, public education, a responsibility of all welfare agencies, needs further emphasis. If the resources do not exist, the welfare agencies in the community have failed their clients and their community, for it is to them that leadership falls.

Of the twelve subsections in Section 56 of the Infant's Act specifying conditions of neglect, only three, (j), (e) and (h) (or parts of them) were used in apprehension and committal of children from the twenty-three families under study. Table 4 indicates what subsection of the Act was applied in cases of neglect, and the number of cases falling within the various classes of neglect. Table 5 following shows what subsection of the Act was applied in cases of dependency, their causes and the frequency of occurrence.
Table 4

Subsection of Infant’s Act Applied in Apprehensions and Committals (1938) and Kind and Frequency of Neglect

<table>
<thead>
<tr>
<th>Subsection of Act Applied</th>
<th>Kind of Neglect (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Who has no parent able and willing (j) to exercise proper parental control over the child.&quot;</td>
<td>5</td>
</tr>
<tr>
<td>&quot;Who has been (e) deserted by his lawful parents&quot;</td>
<td>2</td>
</tr>
<tr>
<td>&quot;Whose home by reason of neglect (j) is an unfit place for the child&quot;</td>
<td>1</td>
</tr>
<tr>
<td>&quot;Who by reason of neglect or drunkenness or other vices is suffered (j) to grow up without salutary parental control&quot;</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5</strong></td>
</tr>
</tbody>
</table>

(a) Rejection, Desertion, Physical Neglect, Desertion and Rejection, Moral Neglect, Desertion and Moral Neglect.

* Sections (j) and (e) both used.

As the Table shows, all the committals for reasons of neglect were made under subsection (j) or its parts. The subsection reads:
Whose home by reason of neglect, cruelty or depravity is an unfit place for the child, or who has no proper guardianship, or who has no parent capable and willing to exercise proper parental control over the child.

In two cases of Desertion, and in two cases of Desertion and Rejection, both subsection (j) and (e) were used. Such usage is generally for the purpose of ensuring committal and to define the condition of neglect; evidence being presented at court supporting both subsections.

There is no specific provision in the Infant's Act for conditions of Rejection; it is noted that children in this category are apprehended under part of subsection (j), "Who has no parent capable and willing to exercise proper parental control". That cases of Desertion (1), Physical Neglect (2), Moral Neglect (1), and Desertion and Moral Neglect (1) are also apprehended under this part of subsection (j) suggests that it is subject to broad interpretation by the court, hence its frequent use. The records studied indicate that where evidence proving Physical or Moral Neglect is difficult of obtainment, the subsection under discussion is applied. The demand by the court for very strong evidence to support the use of more definite subsections may also have been a factor.

The two cases of Desertion and Rejection were families where one parent had deserted, and the remaining parent refused to assume responsibilities for the care of the children. This is true of two of the three cases of Desertion as well.
Committals for neglect totalled sixteen, or 69.59% of all committals. Of the total committals for neglect, 31.25% were cases of Rejection, 18.75% were cases of Physical Neglect, 18.75% were cases of Desertion, 12.5% were cases of Desertion and Rejection, 12.5% were cases of Moral Neglect, and 6.25% were cases of Desertion and Moral Neglect.

Neglect in the form of Rejection was preponderant. The family situation in these cases was that of a home broken by death, or where a step-parent was present, or where the child or children concerned were illegitimate though the parents were married. In some cases, conditions of Rejection were analogous to Physical Neglect, and only when the remaining parent actually abandoned the child or children was apprehension and committal carried out. That action was taken only under such extreme circumstances, and is a further demonstration of what appears to have been a negative attitude on the part of the court and of protective agencies towards committal, based on other than welfare considerations.

The results of an analysis of the cases of dependency among the twenty three cases studied are presented in Table 5 below.
### Table 5

Subsection of Infant's Act Applied in Apprehensions and Committals, (1938) with Causes and Frequency of Dependency

<table>
<thead>
<tr>
<th>Subsection of Act Applied</th>
<th>Causes of Dependency (a)</th>
<th></th>
<th></th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>(j) &quot;Who has no parent capable and willing to exercise proper parental control over the child.&quot;</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>(h) &quot;Who is incorrigible or cannot be controlled by his parents.&quot;</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>(e) &quot;Who is a destitute orphan&quot;.</td>
<td></td>
<td></td>
<td>2</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>(j) &quot;Who has no proper guardianship&quot;.</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>

(a) Physical Illness (of Parents), Inadequacy (of Parents), Orphaned (Parents deceased), Mental Illness (of Parents).

Committals for causes of dependency totalled seven, or 30.41% of all committals. Parts of subsection (j) of Section 56 of the Infant's Act were used in three of the seven cases of committal; subsections (h) and (e) providing a specific definition of the conditions of dependency, were used in the remaining four cases.

Physical Illness of Parents accounted for 28.57% of the committals for reasons of dependency, as did Parental...
Inadequacy and the death of both parents (Orphaned), respectively. One case, or 14.28% of the total was committed because of Mental Illness of the Parent.

The two cases where Physical Illness was present were of severe illness, involving hospitalization. In each case, the remaining parent was a widow who was dying from cancer at time of committal. The one case involving Mental Illness was that of a widow who had been hospitalized for seven years prior to the committal, which was undertaken because of the death of the father, who had to this point cared for his children with the aid of public assistance. While the three cases are similar insofar as parental status is concerned, and only the kind of illness differing, a different part of subsection (j) was used in gaining apprehension and committal; "Who has no proper guardianship" being applied in the case of the mentally ill parent. The records are not clear as to why this distinction was made.

Committals in the case of Orphaned Children need little discussion. The subsection applicable (e), "Who is a destitute orphan," presumably could be used only if the Orphan had no property. This was the case in the two committals, noted; one following the death of the widowed parent, the second taking place on the death of the widower parent, both parents having been in receipt of public assistance.

Two cases were committed because of Parental Inadequacy under Section 56, subsection (h), "Who is
incorrigible or cannot be controlled by his parents." The first of these was a committal from the home of an immigrant family and was discussed above. The second was the committal of a child from a physically-ill woman who was legally separated from her husband. The request for help came from the mother who co-operated in efforts the Society made to retain the child in the home. Subsequent consultation with the Child Guidance Clinic resulted in a recommendation of committal, it being thought that the child's "incorrigibility" was a reaction to a home made insecure by marital difficulty, and rejection because of the mother's illness and consequent irritability. The mother was considered to be physically incapable of enforcing discipline or control within the home.

Summary

In 1938, apprehension and committals within the year, excluding children of unmarried mothers, under Section 56, Part III of the Infant's Act, totalled twenty-three cases, comprising fifty-two children. Of total committals, it was found that only one was from a family in the status of "Married Couple", i.e. a home that had not been broken by death, divorce (and in some cases subsequent marriage), or separation. The majority of children committed were from families where severe familial difficulties, e.g., marital disharmony, had been present for a number of years, or where the death of one parent and rejection or incapability of the
remaining parent obtained. Considerable effort had been made over a period of years by other welfare agencies in the community to help the families concerned before referral was made to the Children's Aid Society.

While the Infant's Act categorizes as neglect both cases of dependency and neglect, it was seen that the legislation was applicable to both conditions. An analysis of the committals revealed that approximately seventy per cent were because of reasons of neglect, while approximately thirty per cent were because of conditions of dependency. Of the twelve subsections of section fifty-six, of part III of the Infant's Act, under which apprehensions and committals may be undertaken, only three were used in dealing with the twenty-three cases under study.

Following a similar analysis of apprehensions and committals in the year 1952 in the following chapter, a comparison will be made of the conditions of neglect and dependency found in the two years selected for analysis. This comparison and the conclusions drawn will be presented in the final chapter of the thesis.
CHAPTER 3

CHILD PROTECTION LEGISLATION AND

CONDITIONS OF NEGLECT AND DEPENDENCY IN 1952

Relevant legislation pertaining to the apprehension and committal of children in need of protection in 1952 is contained in The Protection of Children Act, R.S.B.C., 1948, Chapter 47. Section 7 of the Act describes and defines who may apprehend under the Act, and in fifteen subsections lists the classes or descriptions in which a child may be considered as needing protection. The Act reads:

The Superintendent and every person who is authorized in writing by the Superintendent, every constable or officer of the Provincial Police or of any municipal police, and every Probation Officer, may apprehend, without warrant, and bring before a Judge, as needing protection, any child apparently under the age of eighteen years who is within any of the following classes or descriptions:

(a) Who is found begging in any street, house, or place of public resort, whether actually begging or under pretext of selling or offering anything for sale:

(b) Who is found sleeping at night in other than proper housing accommodation and without proper adult supervision:

(c) Who is found associating or dwelling with a thief, drunkard, or vagrant, or who, by reason of neglect or drunkenness or other vices of the parents or guardians, is suffered to grow up without salutary parental control and education, or in circumstances exposing such child to an idle or dissolute life:
(d) Who is found in any disorderly house, or in company of people reputed to be criminal, immoral, or disorderly:

(e) Who is an orphan without adequate protection for his upbringing:

(f) Who has been deserted by his parents:

(g) Who is found guilty of petty crimes, and who is likely to develop criminal tendencies if not removed from his surroundings:

(h) Who is found wandering about at late hours and not having any home or settled place of abode or proper guardianship:

(i) Who is, whether residing with his parents or not, incorrigible or who cannot be controlled by his parents:

(j) Whose only parent or whose parents are undergoing imprisonment:

(k) Whose home by reason of neglect, cruelty, or depravity is an unfit place for the child, or who has no proper guardianship, or who has no parent capable of exercising proper parental control:

(l) Who is subject to such blindness, deafness, feeblemindedness, or physical disability as is likely to make him a charge upon the public, or who is exposed to infection from tuberculosis or from an venereal disease where proper precautions to prevent infection are not taken, or who is suffering from such a lack of medical or surgical care as is likely to interfere with his normal development:

(m) Who, by reason of the action of his parents or otherwise, is habitually truant from school and is liable to grow up without proper education:

(n) Who is neglected so as to be in a state of habitual vagrancy or mendicancy:
(o) Who is ill-treated so as to be in peril in respect of life, health, or morality by continued personal injury, or by grave misconduct or habitual intemperance of the parents.

1943, C.5, s.7, 1945, C.9, s.2; 1948, C.47, s.7.

The Annual Statistics of the Children's Aid Society of Vancouver for 1952 reveals that one-hundred and forty-three children, from one-hundred and two families were committed as wards of the Society in that year. Of this total, fifty children were those of forty-nine unmarried mothers. Seventy-seven children, from forty-five families were both presented and committed in the year 1952. The remaining sixteen children committed from eight families were children who had been presented (i.e., were before the court), prior to 1952 but were committed as children in need of protection in that year.

In 1952, a total of 2,506 cases were receiving the attention of the Children's Aid Society of Vancouver. Illegitimacy accounted for 1,070 cases, Physical Neglect cases numbered 400, Moral Neglect 193 cases, Drunkenness, 141 cases, Physical Cruelty, 43 cases, Medical Neglect, 37 cases, Mentally-defective, 80 cases, and Illness, 202 cases. A total of 1,194 cases were referred to the Society during the year 1952.

Table 6 below reveals the status of parents of children committed to the care of the Children's Aid Society...
in 1952, the number of families in a particular status, and
the number of children committed; children of unmarried
mothers being excluded.¹

Table 6

Status of Parents of Children Committed in 1952:
with Reference to Family Constellation and Number of Children

<table>
<thead>
<tr>
<th>Status of Parents;</th>
<th>Number of Families</th>
<th>Number of Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children Committed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married Couple</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Married-Illeg. Child</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Widows</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Widower</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Widow-Illeg. Child</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Separated</td>
<td>8</td>
<td>17</td>
</tr>
<tr>
<td>Divorced</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Mother and Stepfather</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Separated-Illeg. Child</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>Divorced-Illeg. Child</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Unmarried Couple</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Orphan</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>45</strong></td>
<td><strong>77</strong></td>
</tr>
</tbody>
</table>


Of total committals, 37.77% were from families
where the home was broken by the death of one parent or by
the separation or divorce of the parents. Illegitimacy,
including children from unions of unmarried couples, was a
factor in 35.55% of all committals. Committals of orphans
and of children from families where a stepfather was present

¹. Tables 6 to 10 are derived from an analysis
of case records for the year 1952 at the Children’s Aid
Society of Vancouver, British Columbia.
formed 13.33% of the total, and committals of children from married couples made up the remaining 13.33%.

Homes broken by the death, separation or divorce of parents contributed over a third (37.77%) of the cases in which removal of the children from their parents and provision for their care elsewhere was required. This group, together with the group in which illegitimacy was present, constituted almost three-quarters (73.32%) of the total.

In six cases, or 13.33% of all committals, children were apprehended from married couples. In four of these cases, the parents rejected their children, refusing to fulfill their responsibility; in one case, the mother became a mental patient and the father was inadequate and unable to provide for his children. The remaining case was one in which the parents were found to be "grossly incompetent and ignorant, and either defective or insane"; the children being apprehended for protection from cruelty and physical neglect.

In the sixteen cases where illegitimacy was present, rejection, drunkenness, drug addiction, and physical or mental illness were among the factors making committal necessary. In each case, instability of the parent or parents was found to have been in evidence for some years prior to actual committal.

From the Table, it may be concluded that conditions

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1. From the case record.
of neglect are more frequently found when the home has been broken by death, separation, and divorce, or where illegitimacy is present.

Committals in Relation to Economic Background

The year 1952 was one in which the national economy was reasonably healthy, although certain areas of the nation suffered somewhat depressed economic circumstances. Vancouver, with its seasonal unemployment, and its situation as a sea port may, at times, be considered as belonging to this latter group, though it was not severely affected. Unemployment or reduced income in itself does not appear to have been a significant factor in making for committals of children. Table 7 below offers some support to this thesis.
Table 7

Status of Parents of Committed Children and Economic Circumstances at Time of Committal

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Married Couple</td>
<td>3</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Married-Illeg. Child</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Widows</td>
<td></td>
<td>3</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Widower</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Widow-Illeg.Child</td>
<td>1</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Separated</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Divorced</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Mother and Step-Father</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Separated-Illeg. Child</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Divorced-Illeg Child</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Unmarried Couple</td>
<td>1</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>11</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>11</td>
<td>45</td>
<td></td>
</tr>
</tbody>
</table>

* Job income or employed, City Relief, In Institution, e.g. Hospital, Self-Supporting, i.e. through prostitution, Maintenance by Estranged Parent, Other.

Of total committals, 35.55% were from families where the parent did have employment, allowing of continued maintenance of the children in their own homes. Eleven families, or 24.44% of the committals were from families in receipt of Public Assistance. Three cases, or 6.66% of the total, were institutionalized; i.e. were in hospital. In each case, the parent concerned was the mother. An additional 6.66% were parents who supported themselves through prostitution. The remaining 24.44%, apart from the one case where the estranged parent provided maintenance, were supp-
orted through beach-combing, fishing, sale of drugs and liquor, or were in receipt of Unemployment Insurance, or lived on savings, earnings from casual work, and the support of relatives. This group is included in the classification "Others".

Table 7 seems to reinforce the earlier findings; that the broken home rather than financial difficulty is the greater determinant making for the neglect of children.

The case records studied revealed that careful work on the part of the Children's Aid Society was done prior to the committal of children. Purposeful referrals to other agencies and resources in Vancouver, e.g., the Child Guidance Clinic, were frequently made, for a better diagnostic picture and to facilitate long-term planning in individual cases. The Society, perhaps because of the advances in Social Work thinking and the number of professional staff in its employ, brought to its work a professional understanding and approach. This was reflected in the kind of work done with parents and with children, and also evidenced itself in more rapid committals, from situations which, in 1938, for example, would have been permitted to continue for a considerable period of time, in the hope that somehow committal would be unnecessary. Where parents had clearly neglected their children, and where it was apparent that such conditions would continue, in spite of the help offered by the Society, the efforts of the Society were directed towards planning for the best welfare of the children. This did not involve, as
in 1938, cajolament or persuasion or humiliation of the parents into the acceptance of parental responsibilities; a technique which had proven of little value.

From the records, it would appear that the court continued to demand evidence of a conclusive kind before committing children as wards; at the same time, however, there did not appear to be a preoccupation with the "protection" of public funds as against the welfare of children in need of protection.

Records on the whole appeared to be adequate, although in some cases the work done to prepare children for placement was not sufficiently well recorded. This gap was apparently a concomitant of the structure of the Agency, with its division into Child Placing and Family Work Departments, and the reorganization of the Society in 1954 will perhaps result in more complete recording in this area.

Sources of Referrals

Referrals to the Children's Aid Society in 1952 came from a multiplicity of sources. The sources of referral of the forty-five cases under study, and the number of years the families concerned were known to the referring agency or source prior to referral are shown in Table 8. While the period of time in which the Society worked with cases referred from other agencies is not shown, this was, in most cases, for a relatively short time, rarely longer than two years, and in most cases less than one year.
Table 8
Sources of Referrals to C.A.S. Leading to Committal (1952)
and Period Referred Cases Known to Referring Agencies

<table>
<thead>
<tr>
<th>Period Known to Referral Source in years</th>
<th>0-1</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Aid Society*</td>
<td>7</td>
<td>4</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>20</td>
</tr>
<tr>
<td>Police</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>City Social Service</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Family Welfare Bureau</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Vancouver Gen. Hospital</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Juvenile &amp; Family Court</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Social Welfare Branch</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>John Howard Society</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Grace Hospital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>United Church Home</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Catholic Children's Aid Society</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>25</td>
<td>8</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td>45</td>
</tr>
</tbody>
</table>

\* Direct applications to Children's Aid Society, known to Agency for period shown prior to committal.

Twenty cases or 44.44% of the total number, became known to the Society through direct applications from the families themselves or through the complaints of interested persons. Referrals from the police and from the City Social Service Department totalled nine, or 20% of the total. Referrals from the Family Welfare Bureau, the Vancouver General Hospital, the Juvenile and Family Court, and the Provincial Social Welfare Branch each accounted for 6.66% of all referrals, or an aggregate 26.66% of the total. One referral from the John Howard Society, Grace Hospital, the United Church Home and the Catholic Children's Aid Society, respectively, made up the remaining 8.88%.
Over half (55.55%) of the families referred to the Children's Aid Society and leading to committal in 1952 had been known to the referral source for a period less than a year. Eight families, or 17.77% of the total, had been known to the referral source for a period of one year; four families, (8.88%) had been known for a period of two years, and another 8.88% had been known for three years. Four families, the remaining 8.88% had been known to the referring agency for periods of from four to seven years.

The Table suggests that there was in 1952 a more rapid movement toward referral on the part of other agencies, and toward committal on the part of the Children's Aid Society. This is perhaps a reflection of better case diagnosis, the result of both more professionally trained staff and the advances in Social Work thinking made since 1938.

It may be noted that only two cases had been known to the agencies for a period of six or seven years. One of these cases had been referred by the police, and had been known to them because of the drunkenness of one of the parents, resulting in infrequent contacts over the years. The remaining case, which had been a direct application to the Children's Aid Society, was that of a family which was nomadic in nature; involved was borderline neglect, and for a considerable portion of the seven years, the family was resident outside Vancouver. The case was not, then, a consistently active one.
That 55.55% of the families referred for service and leading to committal were known for a period of less than a year seems to indicate that conditions within the home had reached a point of critical seriousness before coming to the attention of any helping agency. While it is possible that some of these families, had they gained help earlier, may have been enabled to retain their children, the number must necessarily have been small. From Tables 6 and 7 it was seen that apprehensions and committals were from homes where stability was but tenuous; prevention, then, could not have been successfully undertaken except perhaps in a very few cases. Again, it seems unlikely that even in those cases where preventive work was successful, the families would have been able to remain stable without the continued support of the agency involved, and so committal at a later date in all probability would have been necessary.

Reasons or Causes for Apprehension and Committal

While a number of committals made from the forty-five cases under study were of an emergency nature, the majority were cases where thorough exploration of the family situation, following apprehension, was undertaken prior to committal. This exploration was not with a view toward maintaining the child or children in the home at all costs, but rather was evaluative, with a view to ascertaining what strengths the home had, and whether these strengths could be built upon in the best interest of the welfare of the children concerned.
The reasons or causes for which children were committed from the forty-five families studied were found to fall within the classification of neglect and dependency as outlined in the previous chapter. One classification, that of Desertion and Moral Neglect, was found to be not applicable to any of the forty-five cases. The kinds of neglect included: (1) Rejection, (2) Physical Neglect, (3) Moral Neglect, (4) Desertion, and (5) Desertion and Rejection. Dependency included conditions arising from the (1) Death of only legal Parent or of both Parents, (Orphaned), (2) Physical Illness of Both or Only Parent, (3) Mental Illness of Both or Only Parent, and (4) Inadequacy, or Parental Inability to Control.

There were changes in some of the clauses under which children may be apprehended in the years between 1938 and 1952. Part III of the Infant's Act, R.S.B.C., 1936, Chapter 128, through modifications and amendments became the Protection of Children Act in 1943. Where the Infant's Act referred to children who were apprehended as neglected, the Protection of Children Act describes them as needing protection. Both neglected children and dependent children are thus legally children in need of protection. The change in terminology is perhaps significant of the increased public awareness of welfare considerations in the care and protection of children and their rights.
The distinction, earlier made in chapter two, between conditions of neglect and conditions of dependency is also made here, and tabular presentation is similar. Of the fifteen subsections in the Protection of Children Act specifying conditions of neglect, only three (e), (f), and (k) (or parts of them) were used in the forty-five cases apprehended and committed. Table 9 indicates what subsection of the Act was applied in cases of neglect, and the number of cases falling within the various classes of neglect.

Table 9
Subsection of Protection of Children Act Applied in Apprehensions and Committals, (1952) and Kind and Frequency of Neglect Situation

<table>
<thead>
<tr>
<th>Subsection of Act Applied</th>
<th>Kind of Neglect (a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(k) &quot;Who has no parent capable of exercising proper parental care&quot;</td>
<td>16</td>
</tr>
<tr>
<td>(f) &quot;Who has been deserted by his parents&quot;</td>
<td></td>
</tr>
<tr>
<td>(k) &quot;Whose home by reason of neglect, cruelty, or depravity is an unfit place for the child&quot;</td>
<td></td>
</tr>
<tr>
<td>(k) &quot;Who has no proper guardianship&quot;</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
</tr>
</tbody>
</table>

(a) Rejection, Physical Neglect, Desertion and Rejection, Desertion, Moral Neglect.

* Sections (k) and (f) both used.
As the Table shows, all the committals for reasons of neglect were made under subsection (k) or its parts. The subsection reads:

Whose home by reason of neglect, cruelty, or depravity is an unfit place for the child, or who has no proper guardianship, or who has no parent capable of exercising proper parental control.

In two cases of Desertion, and in two cases of Desertion and Rejection, both subsections (k) and (f) were used. Evidence was presented at court supporting the use of both subsections, thus ensuring committal and incidentally better defining the condition of neglect present.

As discussed previously, there is no specific provision in the Protection of Children Act for conditions of Rejection. Rejection is a negative emotional attitude, and therefore psychological attitude, on the part of the parent or parents toward their children, and evidence supporting conditions of such rejection is understandably difficult to obtain. It is noted that children in this category were apprehended under part of subsection (k), "Who has no parent capable of exercising proper parental control." Subsection (k) is broad in its coverage of neglectful conditions, and it is sufficiently general that evidence of a definite kind, but not usually difficult to obtain, may be used in supporting its application. Thus cases of Rejection (16), Physical Neglect (5), Desertion and Rejection (5), Desertion (3) and Moral Neglect (3) were
apprehended and committed through its application.

Committals for neglect totalled thirty-two, or 71.11% of all committals. Of the total committals for neglect, 50% were cases of Rejection, 15.62% were cases of Physical Neglect, 15.62% were cases of Desertion and Rejection, 9.37% were cases of Desertion, and 9.37% were cases of Moral Neglect.

Neglect in the form of rejection was preponderant. The family situations in these cases included four married couples, and one family where a step-parent was present. The remaining eleven cases were composed of "families" where illegitimacy was present. Rejection, in the case of the married couples, took varying forms, from viewing the child or children as unpleasant burdens to attempts to convert the children, considered liabilities, into assets through their sale for adoption.

While clause (k) does not precisely define the conditions of neglect present, it is rather generously interpreted by the court. Evidence of a general nature may, then, be accepted, making for more ready committal. This may be an argument in favour of its retention; the adoption of other, more specific clauses making protection legislation both more complex and more awkward. Further, the danger of wholesale committals under clause (k) is averted through the safeguard provided by the court and through the employment of professional staff.
The results of an analysis of the causes of dependency among thirteen such cases studied, from the total of forty-five, are presented in Table 10.

Table 10

<table>
<thead>
<tr>
<th>Subsection of Act Applied</th>
<th>Causes of Dependency (a)</th>
<th></th>
<th></th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>(k) &quot;Who has no parent capable of exercising proper parental control&quot;</td>
<td>b</td>
<td>6</td>
<td>b</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>(e) &quot;Who is an orphan without adequate protection for his upbringing&quot;</td>
<td></td>
<td></td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>6</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>13</td>
</tr>
</tbody>
</table>

(a) Inadequacy (of Parents), Orphaned (Parents deceased), Physical Illness (of Parents), Mental Illness (of Parents).

b Inadequacy and Physical Illness both present.
c Inadequacy and Mental Illness both present.

Committals for reasons of dependency totalled thirteen, or 28.88% of all committals. Part of subsection (k), "Who has no parent capable of exercising proper parental control", was used in nine of the thirteen cases of committal; subsection (e), providing a specific definition of the condition of dependency, was used in the remaining four cases.
Inadequacy of parents accounted for 46.15% of the committals for reasons of dependency, and the death of parents (Orphaned), made up an additional 30.76%. The latter grouping includes children whose only legal parent had died; that is, the children were illegitimate, and though the putative father may have been living, the children were classed as orphans on the mother's death.

Physical illness of both or only parents was a factor in 7.69% of the committals, the Mental Illness in 15.38% of the committals where children were dependent. It is noted that in one case of Physical Illness, Inadequacy was also present, as was true of one case of Mental Illness. These conditions were found where one parent, the mother, was physically or mentally ill, and the father proved incapable of caring for the children.

Inadequacy in three cases took the form of financial inability to provide care, in each case the mother being deceased, and the father presenting a poor employment record, with a considerable debt-burden. The remaining parent was unable to make a suitable plan for the children's care, and turned to the Society for help.

One case was that of a spastic paretic child, with whose limitations the family were unable to cope. In another case, one parent, the mother, was blind and so could not properly care for her children. The two cases remaining were families where only one parent was present, who was
unable to provide adequate care for his or her children, because of limitations of both intellectual and financial resources.

Summary:

In 1952, apprehensions and committals within the year, excluding children of unmarried mothers, under the Protection of Children Act, totalled forty-five cases, comprising seventy-seven children. Of total committals, it was found six were from families in the status of "married couple", i.e., a home that had not been broken by death, divorce and subsequent remarriage, separation or illegitimacy. The majority of committals were from families where instability had been present for several years; homes which had been broken by the death, separation, or divorce of parents, and homes in which illegitimacy was present. Referral of cases of this kind to the Children's Aid Society were made by other agencies early in their contact with the families, and committal was in most cases rapid.

The Protection of Children Act, while not expressly cognizant of the differences between conditions of dependency and neglect, was seen to be applicable to both conditions. Apprehension and committal is carried out under clauses giving descriptions of conditions by which a child is deemed "as needing protection."
An analysis of the forty-five committals revealed that approximately 71% were because of reasons of neglect, while approximately 29% were because of conditions of dependency. Of the fifteen subsections of the Protection of Children Act, under which apprehensions and committals may be undertaken, only three were used in dealing with the forty-five cases studied.
CHAPTER 4

COMPARATIVE ANALYSIS OF CONDITIONS OF NEGLECT AND DEPENDENCY, 1938 AND 1952

Under Part III of the Infant's Act, R.S.B.C. 1936, Chapter 128, were set out twelve classes or conditions in which a child was considered to be "neglected." The Protection of Children Act, R.S.B.C. 1948, Chapter 47, has fifteen such subsections, by which a child may be deemed "as needing protection." Of the fifteen, four were drawn from the Infant's Act; two were new clauses, and the remaining nine subsections differed in wording and degree from similar clauses in the Infant's Act. These changes may be discussed, in as much as they reflect changes in community attitude and in that they presumably are more aptly applied to the kind of neglect situation found in latter years.

Some of the changes are minor, e.g., clause (b) of Part III of the Infant's Act reads:

Who is found sleeping at night in barns, outhouses, or in the open air.

Clause (b) of the Protection of Children Act reads:

Who is found sleeping at night in other that proper housing accommodation and without proper adult supervision.

Here the change provides as concise a statement allowing of apprehension as did the old clause, with a broader coverage. Not only children sleeping at night in barns, outhouses or
in the open air may be apprehended; but any child sleeping
in other than proper housing accommodation and without proper
adult supervision is considered in need of protection. The
phrases "proper housing accommodation" and "proper adult
supervision" may be broadly interpreted; presumably in the
best interests of the child concerned.

Clause (d) in both Acts is similar but for the
transposition of words, altering the effect of the clause
little. Thus:

Who is found in any disorderly house, or
in company of reputed criminal, unmoral or
disorderly people.

became

Who is found in any disorderly house, or in
company of people reputed to be criminal,
umoral, or disorderly.

Clause (e) of the New Act provides more protection
for the orphan; implicit in the phrase "Without adequate pro-
tection for his upbringing" is the recognition that destit-
tution is not the only evil that may befall a child who has
no parents. Clause (e) from Part III of the Infant's Act
became clauses (e) and (f) of the Protection of Children Act.
Clause (f) reads:

Who has been deserted by his parents.

Clause (h) of the old Act:

Who is incorrigible or cannot be controlled
by his parents

became clause (i) of the Protection of Children Act. It states:
Who is, whether residing with his parents or not, incorrigible or who cannot be controlled by his parents.

It would appear that the change here is to afford authority for the apprehension of children who are incorrigible. A strict interpretation of the old clause by the courts apparently would allow of the apprehension of children who were both incorrigible and beyond the control of the parents. Thus incorrigible children living with someone other than their parents perhaps could not have been apprehended. While in fact children may have been apprehended under the old clause simply as being incorrigible, the new clause does offer clarification where before there was the possibility of doubt as to the clause's application.

A noteworthy change is found from clause (i) of the old Act to clause (j) of the Protection of Children Act. Clause (i) reads:

> Whose only parent or whose parents are undergoing imprisonment on a criminal charge, or in respect of whom his only parent, or his parents or guardian, have been convicted of an offense under this act or under the Criminal Code of Canada.

Clause (j) reads, simply:

> Whose only parent or whose parents are undergoing imprisonment.

The new clause affords the same protection as the old, and at the same time is simpler. Children whose parents are, or only parent is, incarcerated are in need of protection regard-
less of the reason for the imprisonment of their parents. The second section of the old clause was omitted. This may be justified on the grounds that conviction under the Act or the Criminal Code is not necessarily proof that the parents are neglecting their children. While a professional staff and an alert court can minimize abuses, the clause, as it stood, was open to exploitation, and its removal seems commendable. Perhaps it was the recognition of the dangers inherent that prompted its removal; on the other hand, its infrequent use and awkwardness may have been a factor. It is to be hoped, too, that the realization that the focus of the clause should be on the protection of children of imprisoned parents also led the way to simpler legislation.

Subsection (k) of the Protection of Children Act differs from subsection (j) in that "...who has no parent capable of exercising proper parental control" replaces "...who has no parent capable and willing to exercise proper parental control over the child." The new subsection allows considerably more latitude than the old, in that often parents are incapable, though willing, of exercising proper parental control. Doubtless the court and the agencies apprehending children to be brought before the court find the use of the new subsection more facile.

Clause (k) of Part III of the Infant's Act was lengthened in Clause (1) of the Protection of Children Act. Clause (1) reads:
Who is subject to such blindness, deafness, feeblemindedness, or physical disability as is likely to make him a charge upon the public, or who is exposed to infection from tuberculosis or from an venereal disease where proper precautions to prevent infection are not taken, or who is suffering from such a lack of medical or surgical care as is likely to interfere with his normal development.

The latter part of the subsection, "... who is exposed to infection..." has been added, and provides for apprehension of children who may be considered in a condition of medical neglect. The subsection thus provides for protection of children in an area which had been overlooked in the previous Act.

Subsection (m) of the Protection of Children Act differs from subsection (l) of the previous Act in that the word education has been substituted for the word guardianship.

Subsection (m) thus reads:

Who, by reason of the action of his parents or otherwise, is habitually truant from school and is liable to grow up without proper education.

The two wholly new subsections in Section seven of the Protection of Children Act are clauses (n) and (o). Clause (n) may be used in cases of borderline neglect:

Who is neglected so as to be in a state of habitual vagrancy or mendicancy.

Clause (o) seems to be directed at conditions of physical cruelty:
Who is ill-treated so as to be in peril in respect of life, health, or morality by continued personal injury, or by grave misconduct or habitual intemperance of the parents.

The Protection of Children Act, in section seven, with its fifteen subsections, provides the legal authority for the apprehension and committal of children in need of protection. This Act affords a greater measure of protection for children than did the previous Act; the additional subsections and refinements cover a broader range of conditions in which children are deemed in need of help, indicating the community's growing awareness of the more diverse forms of child neglect and dependence. From the study, it was seen that only a few of the subsections pertaining to neglect, in the cases of Part III of the Infant's Act, and to children in need of protection, in the case of the Protection of Children Act, were in fact applied. The existence of the various clauses, providing specific definitions of conditions to which protection services may be authoritatively initiated, nevertheless provides an added safeguard for children. While clauses (1), (n) or (o), or parts of them, may be used only rarely, their application is sometimes the only possible one, i.e., the only clause permitting of apprehension and committal. For this reason their inclusion in the Protection of Children Act may be justified.
Legislation for the protection of children reflects community attitudes. More specifically, it may be stated that such legislation is usually aimed at correcting or dealing with specific kinds of situations already in existence. No small part of protective legislation is prompted by the efforts of child welfare agencies, themselves established by and of the community, and so giving impetus, effect, and direction to community thought. It may be assumed, then, that the new clauses in the Protection of Children Act represent the effort of the community, through its child welfare agencies, to cope with specific conditions harmful to children. That the study of apprehensions and committals in the year 1952 revealed no such conditions as set out in the new clauses does not deny their presence. Firstly, the study was limited to those cases both apprehended and committed in the same year, and secondly, committals of children from unmarried mothers were excluded. Even in the event that no committals were made in 1952 under subsections (1), (n) or (o), the fact that the existence of such conditions as set out in those clauses prompted legislation in 1943 is in itself a strong argument for their retention. Children may be neglected and abused in many ways, and rarely is a particular kind of neglect or abuse, e.g., child labour, completely eradicated. It would be cumbersome to amass legislation to cope with every conceivable kind of child neglect or abuse; the Act does not err in this direction, yet does afford
what appears to be adequate protection for children.

**Status of Parents of Committed Children: 1938 and 1952**

A condensation of Tables 1 and 6 in Chapters two and three, allows of comparison and tabular presentation. The Table resulting (Table II), provides an exposition of the contrast in the kind of family units from which children were committed in the year 1938 and the year 1952.¹

Table II

<table>
<thead>
<tr>
<th>Status of Parents</th>
<th>1938</th>
<th>1952</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Per Cent</td>
</tr>
<tr>
<td>Married Couple</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broken, incomplete families</td>
<td>17</td>
<td>73.91</td>
</tr>
<tr>
<td>Families with Illegitimacy</td>
<td>3</td>
<td>13.04</td>
</tr>
<tr>
<td>Orphans</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>8.69</td>
</tr>
<tr>
<td>Total</td>
<td>23</td>
<td>99.98</td>
</tr>
</tbody>
</table>

1. Homes broken by death, desertion, divorce, separation, including families with step-parents.

From the Table it may be seen that committals from

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¹ Tables II to 14 are derived from Tables 1 to 10 preceding. Source of Data: Case Records, 1938 and 1952 Children's Aid Society of Vancouver, British Columbia.
married couples were larger in proportion in 1952 than in 1938, while committals from broken or incomplete families were fewer in 1952 than in 1938. The proportion of orphans remained roughly the same. Since this group is the result of the death of both parents or of the only legitimate parent, it appears that the apparent stability is a reflection of a somewhat static mortality rate. The increase in the number of committals in 1952 from Married couples and from parents where illegitimacy was present may be significant of the turmoil produced during the war period from 1939 to 1945.

The proportional decrease in committals from broken or incomplete families may perhaps be explained by the better services and resources available in 1952, through which parents in this group were assisted and enabled to care for their children. During the war, many mothers were encouraged to leave home, to take jobs in factories and so increase national output. Social agencies and private enterprises alike sponsored resources for the care of children of working mothers. There was a carry-over here into the post-war period; the working mother had achieved a new and respected niche in the community. The resources for child caring built up during the war saw continued use, and many mothers, whose homes lacked a father, were enabled to work and so to continue supporting their children, now with the community's approval.

Family Allowances, too, offered further assistance to families in the lower income groups. The effect of Family
Allowances was felt not only financially; the administration of Family Allowances brought a new focus on family life, and the better care of children. Mothers now received monthly payments on behalf of their children. This tended to elevate the status of the mother in the home, and also signified recognition of the importance of the mother in caring for children. These subtle forces tended to make parents more aware of their responsibilities to children, and so to raise the standards of child care.

More flexibility in Social Allowances, in good measure resulting from the increased share in costs the Provincial government assumed since 1938, also played a part in reducing committals from broken or incomplete families. In Vancouver, too, the Visiting Homemaker Service, offered to this and other groups, tended to reduce the number of committals, through enabling families to weather periods of crises, and so to maintain the home intact, where before committals may have been necessary.

The war period, with its emphasis on industrialized employment, and high rates of pay, provided a new prosperity. The relocation of labour to Vancouver as to other cities, because of this prosperity and availability of employment, brought young men and women who threw off family ties, and who contracted hasty marriages in keeping with the increased tempo of wartime living. The scarcity of housing and the absence, in some cases, of the father or husband,
added further stresses to what at best were liaisons built upon weak foundations. It is this instability, perhaps, which explains the increase in illegitimacy as a factor in committal of children in 1952.

Committals in Relation to Economic Background: 1938 and 1952

While the causes or reasons for committal with regard to the status of parents of committed children underwent change from 1938 to 1952, the economic background of such parents appears to have remained rather similar. Table 12 below seems to support this conclusion.

Table 12
Economic Circumstances of Parents of Committed Children 1938 and 1952

<table>
<thead>
<tr>
<th>Economic Circumstances</th>
<th>1938</th>
<th>1952</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>Per Cent</td>
<td>Number</td>
</tr>
<tr>
<td>Job Income</td>
<td>8</td>
<td>34.78</td>
</tr>
<tr>
<td>City Relief</td>
<td>5</td>
<td>21.73</td>
</tr>
<tr>
<td>Institutionalized</td>
<td>3</td>
<td>13.04</td>
</tr>
<tr>
<td>Mother's Allowance</td>
<td>2</td>
<td>8.69</td>
</tr>
<tr>
<td>Self-Supporting</td>
<td>2</td>
<td>8.69</td>
</tr>
<tr>
<td>Maintenance, Estranged Parent</td>
<td>1</td>
<td>4.34</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>8.69</td>
</tr>
<tr>
<td>Total</td>
<td>23</td>
<td>99.96</td>
</tr>
</tbody>
</table>

It may be noted that roughly similar proportions of the total group in 1938 and 1952 were in receipt of income from employment and of public assistance. The larger proportion of families (24.44%) who maintained themselves from varied
activities (Other) in 1952 is an indication of the healthier state of the economy, which allowed of casual labour and for income through parasitism, e.g., the sale of drugs and liquor or the support of relatives.

In 1952, fewer committals were from families where one or both parents was Institutionalized, and there were no committals from a parent in receipt of Mother's Allowance. Perhaps the better economic situation of relatives who were able to take children into their care is a factor in the decline of committals from the institutionalized group. The absence of committals, in 1952, from parents in receipt of Mother's Allowances may partly be explained by better services offered to them, through which they were enabled to maintain their children in their own homes.

Family Allowances, the Visiting Homemaker Service, and greater flexibility in Social Allowances played a part. Social Allowance grants were now available to relatives caring for children, and without the limits imposed by the means test generally required of applicants for assistance.

More important, however, were the changes wrought by the increased share of costs borne by the Provincial government in Social Allowances. In 1938, municipalities tended to place families on Mothers' Allowance rolls, partly because Mothers' Allowances were higher than Social Assistance, and families benefited, and partly because such juggling reduced the municipality's expenses. With the equality in
Mothers' Allowance and Social Assistance payments, and with the Provincial Government assuming a greater proportion of Social Assistance costs in 1952, municipalities altered their past practices. Too, unmarried mothers, from whom a high proportion of committals occur, were ineligible for Mothers' Allowances in 1952.

The number of mothers in receipt of Mothers' Allowances were fewer in 1952 than in 1938, thus lessening the possibility of committals from this group. Family Allowances, and the presence of resources to care for children of working mothers, as discussed above; the social acceptance of the working mother, and the wider field of employment now open to her are some of the factors tending to make for this reduction.

The case records of committals for both 1938 and 1952 revealed that the factors present in the home situation, in certain areas, were very similar. Thus income was found to be depressed, living standards were poor, housing was often inadequate, and emotional immaturity and instability of the parents was very often present. There appears, then, a pattern or configuration of factors which is to an extent representative of the family from which children are committed as neglected, or as needing protection. Table 12 offers some evidence in support of this conclusion.
Kind and Frequency of Neglect Situations: 1938 and 1952

Of the total committals studied from the year 1938, sixteen cases, or 69.59% were for reasons of neglect, as defined in chapter two. In 1952, thirty-two cases, or 71.11% of all cases studied were in this category. The proportion of committals for reasons of neglect in 1938 differs from committals for the same reason in 1952 by only 1.52%. The similarity, however, may be a delusive one, since no corresponding figures are available for the intervening years. While the proportion of committals for reasons of neglect was approximately the same for 1938 and 1952, the kind of neglect was found to differ considerably. A comparison of the kinds of neglect for which committal was undertaken in the years studied is presented in Table 13.

Table 13

<table>
<thead>
<tr>
<th>Kind of Neglect</th>
<th>1938 Number</th>
<th>Per Cent</th>
<th>1952 Number</th>
<th>Per Cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rejection</td>
<td>5</td>
<td>31.25</td>
<td>16</td>
<td>50.00</td>
</tr>
<tr>
<td>Desertion</td>
<td>3</td>
<td>18.75</td>
<td>3</td>
<td>9.37</td>
</tr>
<tr>
<td>Physical Neglect</td>
<td>3</td>
<td>18.75</td>
<td>5</td>
<td>15.62</td>
</tr>
<tr>
<td>Desertion and Rejection</td>
<td>2</td>
<td>12.50</td>
<td>5</td>
<td>15.52</td>
</tr>
<tr>
<td>Moral Neglect</td>
<td>2</td>
<td>12.50</td>
<td>3</td>
<td>9.37</td>
</tr>
<tr>
<td>Desertion and Moral Neglect</td>
<td>1</td>
<td>6.25</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16</strong></td>
<td><strong>100.00</strong></td>
<td><strong>32</strong></td>
<td><strong>99.98</strong></td>
</tr>
</tbody>
</table>
Rejection was present in 31.25% of the committals for reasons of neglect in 1938 and in 50% of such committals in 1952. It may be noted here that in no case of rejection in either year studied was there neglect or deprivation of a purely emotional nature. The rejecting parents, as found in the study, were conscious of their hostility to their children, and expressed this hostility freely and openly. They were frankly anxious to rid themselves of responsibility for their children, and seemed to welcome committal for this reason. The parent who neglects his child emotionally, i.e., who is punitive, demanding of impossible standards in behavior and responsibility of the child and who starves him of affection, though giving excellent physical care, usually is resentful of any suggestion that such neglect is in fact present. This kind of neglect, more subtle and yet, in some respects, more damaging than other forms is unconsciously motivated in the parents and is much more difficult to correct. Committal, on the basis of emotional neglect alone, is exceedingly difficult. The Protection of Children Act does not recognize, in any of its clauses, neglect of a purely emotional kind. This may, in part, explain the absence of committals for this reason. Again, because of the subtle nature of emotional neglect, few cases are recognized and brought to the attention of an agency concerned with the protection of children. Usually, it is the child's gross maladjustment that is brought to social agencies as the problem; gross maladjustment that is symptomatic of the parents' own
disturbance and inability to healthily fulfill the needs of their child.

Proportionally, committals in 1952 for reasons of desertion were fewer by half than in 1938. Proportional decreases were also evident in committals because of physical neglect, and moral neglect. No committals were made in 1952 because of desertion coupled with moral neglect. Desertion and rejection, in 1952, was the reason for committal in a proportionally greater number of cases.

The changes in the kind and frequency of neglect situation leading to committal as indicated by Table 13 may to a large extent have been dependent upon and reflecting of an altered economic and social environment, and the social ills generated by the earlier war period. The factors making for changes in the status of parents of committed children in 1952 (as indicated in Table 11) must have had their effect in determining the kind of neglect situation resulting.

**Kind and Frequency of Dependency Situations: 1938 and 1952**

In 1938, seven committals, or 30.41% of the total number studied were because of conditions of dependency as defined in chapter two. In 1952, thirteen cases, or 28.88% of the total number of committals studied were in this category. The proportion of committals for reasons of neglect and dependency was approximately the same in the two years studied. Whether this is true of the intervening years is
not known; figures are not available for corroboration. The nature of the dependency condition, however, underwent proportional change, as was true of neglect conditions. Table 14 below illustrates these changes.

Table 14
Kind and Frequency of Dependency: 1938 and 1952

<table>
<thead>
<tr>
<th>Kind of Dependency</th>
<th>1938</th>
<th>1952</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Per Cent</td>
</tr>
<tr>
<td>Physical Illness</td>
<td>2</td>
<td>28.57</td>
</tr>
<tr>
<td>Inadequacy</td>
<td>2</td>
<td>28.57</td>
</tr>
<tr>
<td>Orphan</td>
<td>2</td>
<td>28.57</td>
</tr>
<tr>
<td>Mental Illness</td>
<td>1</td>
<td>14.28</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7</strong></td>
<td><strong>99.99</strong></td>
</tr>
</tbody>
</table>

Two conditions of dependency, the orphaned and the children whose parents were mentally ill, occurred approximately as often, proportionally, in 1938 and in 1952. The close correlation here does not appear to be coincidental; death rates and the occurrence of mental illness in the general population vary little, under ordinary circumstances, year to year. It appears likely that the frequency of dependency of this nature may, then, be predicted with reasonable accuracy.

Committals of children made necessary because of the physical illness of their parents were proportionally less in 1952 than in 1938. Several factors may have entered here. The ability and willingness of relatives to care for
such dependent children and the better economic situation of parents who were perhaps able to provide private boarding home care for their children may have been partly responsible. The availability of Social Assistance grants, without a means test, to relatives caring for children, must also have had some effect. In Vancouver, the Visiting Homemaker Service may have prevented some committals where the father, in a low income group, could not otherwise have kept the home together through the long illness or death of the mother. Too, the benefits of the British Columbia Hospital Insurance Scheme which relieved the economic burden usually associated with long periods of hospitalization may have had some effect in this area.

The proportional increase in committals for reasons of inadequacy on the part of the parents in 1952 amounted to 17.56% over the 1938 figure. The significance of this increase may be weighed through an examination of the kind of inadequacy that led to committal. As was shown in a previous chapter, the death or absence of one parent was a major factor, with physical disability also present in some cases of this group. The increase here then, cannot be considered as evidence supporting the thesis that unstable marriages, contracted during the war years, to a significant degree influenced the committals of 1952. A more probable conclusion may be that a better informed community brought
cases of inadequacy to the attention of the Children's Aid Society, where in the past ignorance precluded many such referrals.

**Summation and Evaluation**

The validity of the findings of this study may best be weighed through their comparison with other, similar studies. One such study is that of the Committee on Child Protection, of the Child Welfare Division, Canadian Welfare Council, entitled *Child Protection in Canada*.\(^1\) This pamphlet, while concerned with the national, rather than a local scene, is to an extent based on findings of a survey of one hundred and forty-seven protection cases, both committed and non-committed cases being included. The cases were drawn from social welfare agencies in British Columbia. Specifically, twenty committed cases, and ten cases from the non-committed or doubtful categories were requested from the Vancouver Children's Aid Society, the Family Welfare Bureau of Greater Vancouver, the Provincial Social Welfare Branch of British Columbia, the Catholic Children's Aid Society of Vancouver, and the Family and Children's Service, Victoria. The report of the survey is not given in sufficient detail to corroborate or dispute in whole the findings of this study; however, several important similarities appear.

On the basis of its survey, the Committee on Child Protection in Canada, Canadian Welfare Council, 245 Cooper Street, Ottawa, June, 1954.
Protection were drawn to describe the "usual" circumstances as found in families in need of protection:

This family would be in receipt of an inadequate income, would have poor living standards and average or lower intelligence. The parents would have poor emotional health but might have good or poor physical health. They would be poorly adjusted socially although their occupational adjustment might be fair. In other words, these families were partially or wholly unable to maintain themselves properly, as families, without help. 1

It is noted, too, that

When a protection agency was called in about a case, it was not merely a matter of coincidence that its worker found marginal income and inadequate emotional health and living standards. According to this study, in nine out of every ten cases such conditions were likely to exist. 2

Of significance, too, was the finding that

The study indicated...that there is a strong correlation between the presence of both parents in the home and the preservation of the family unit. Illegitimacy and/or the lack of one of the parents appeared in less than a fifth of the "non-committed" group and in almost three-quarters of the "committed" group. Such observations suggest that the broken home, the incomplete family, established a condition in which, if neglect did exist, the agency's efforts to save the situation would meet almost insurmountable obstacles. 3

In the Committee's survey, illegitimacy and/or the lack of one of the parents appeared in almost three-quarters of the

2. Ibid p. 12
3. Ibid p. 13
committed group. These same factors were found to be present in 73.90% of the committals studied from the year 1938, and in 73.82% of the committals studied from the year 1952. The findings, then, appear to offer support to the conclusions reached by the Committee, and to the inferences drawn in this study.

In a statement on the philosophy and goals of child protection, the Committee asserts that Social Work philosophy "in the field of child protection must be based upon the conviction that the family is the basic unit of society in our culture."¹ The challenge that befalls the protection agency within the community demands of it constant vigilance and a responsible approach. Because of its function as a parent to children who have no parents, or who have not wise parents, the protection agency can and should speak with authority against those forces which undermine family life. The protection agency cannot divorce itself or elevate itself above the community; it is by and of the community, and so must cooperate with those common endeavours which seek to correct, modify or alleviate conditions making for the neglect of children. In so doing, both the family as the basic unit of society and the rights of the child are safeguarded.

¹ Child Protection in Canada, Canadian Welfare Council, 245 Cooper Street Ottawa, June, 1954. p. 35
BIBLIOGRAPHY

Books


Specific References

Books


Statutes

British Columbia, Revised Statutes 1936, Chapter 128, Section 56.

British Columbia, Revised Statutes 1948, Chapter 47, Section 7.

Articles


Reference is also made in the text to unpublished reports, made available by the Executive Director of the Children's Aid Society. These are: (1) The Annual Report of the Children's Aid Society of Vancouver, B.C. 1938, and (2) The Annual Report of the Children's Aid Society of Vancouver, B.C., 1952.