

## Saskatchewan Child Welfare The Secret Shame

There is a horrific secret being kept from the tax payers of Saskatchewan. To call it shameful, is being much too kind. Words fail when it comes to describing what is being done to helpless little children, their families and the communities that try to support them.

The Saskatchewan Ministry of Social Services (the Ministry) would have the taxpayer believe that it invests in positive outcomes for people involved in child and family services. The bureaucracy wants the public to believe that the Ministry provides children in its care a warm and safe environment where they get the care, supervision, support and guidance they need during the time they must live away from home. Child Welfare is supposed to be a refuge in our society where families can be rebuilt. In reality the truth about child welfare is ugly and gut wrenching. The Ministry engages in manipulation and secrecy to disengage those concerned with its operation. It is a Ministry obsessed with its power, run by bureaucrats who refuse to hold those in positions of authority accountable. It is a Ministry that misleads our elected officials, is unaccountable to individuals of the public and bullies the Minister and anyone else who stands in their way.

The Minister of Social Services in February 2009, the Honorable Donna Harpauer stated, "... I have recognized and have been very honest about my concerns that our child welfare system, and particularly the Centre Region, is not functioning well...When I inquired, I have had repeated assurances that things were getting better. But in fact that is not the case. Things have gotten worse."<sup>1</sup>

The Ministry of Social Services (MSS) has been a continued frustration to those who monitor it. Marvin Bernstein, Saskatchewan Children's Advocate, stated in his 2009 report, "A Breach of Trust", that his observations revealed "... a broader picture of a foster care system mired in chronic 'crisis', without the appropriate...collective moral fortitude or political will to meet the unique and complex needs of children..."

Although Mr. Bernstein's report only dealt with the Saskatoon Service Centre area, it was his belief that he would find throughout the province the same "...non-compliance with policy, demoralized government staff and community members, and indifference to the rights and best interests of those children in receipt of child welfare services from the Ministry of Social Services."<sup>2</sup>

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<sup>1</sup> Hon. D Harpauer response to Children's Advocate Report 2/25/2009

<sup>2</sup> Page 1, A Breach of Trust.

Mr. Bernstein related how long he believed the Ministry has been abusing children and families in our province. "The Ministry of Social Services has known for over 22 years that there exists a culture of non-compliance with policy within varying sectors and offices of the child welfare system. The Provincial Auditor, the Provincial Ombudsman and the Children's Advocate have repeatedly and frequently indicated during this period that noncompliance with Ministry policy is a significant issue that has put Saskatchewan children at risk of harm, and even death."<sup>3</sup>

Mr. Bernstein, seeming frustrated from all that he has come to know, asks, "How many more incidents and child deaths will the Children's Advocate Office have to investigate? How many more reports will the Children's Advocate Office have to write? How many more empty promises, studies, panels and projects will have to take place before we all stand up and say, **"enough is enough not one more child will be harmed by the system responsible to protect them."**<sup>4</sup>

December 1, 2010 the Acting Provincial Auditor Brian Atkinson reported on the Ministry's lack of policy adherence. "It disturbs us," Acting Provincial Auditor Brian Atkinson said. "Children are vulnerable – I mean, the Minister has been charged with looking after these children."<sup>5</sup>

Again and again those who understand the sickness in Saskatchewan child welfare hear those same words repeated (ad nauseam) this time by Auditor Atkinson, "Ministry employees were not following policies for placing and protecting children."<sup>6</sup>

Non-compliance in the Saskatchewan Ministry of Social Services with policy and legislation is not merely oversight, absent mindedness, a computer glitch or policy too complicated that one makes an honest mistake. I know. I was there. It is a conscious act by government managers and bureaucrats who make the decision to ignore policy or to not hold responsible those who break policy. It is often a choice that is made to punish, teach a lesson to, or get even with those that speak out for their children or their charter rights. Make no mistake about it, children are being damaged for life by the very system that is to protect them. I have seen this. The Ministry destroys families and perpetuates the cultural divide between our 1st nations, Métis and the rest of Saskatchewan society. To this day MSS continues its rampant out-of-control course that will impact everyone in our province.

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<sup>3</sup> Page 51, A Breach of Trust

<sup>4</sup> Page 2, A Breach of Trust

<sup>5</sup> Global News, December 1, 2010

<sup>6</sup> Jennifer Graham, The Canadian Press

**There are many good and caring people in the Ministry of Social Services** who want to care for those less fortunate in our society. These are well intentioned individuals who went into social work because they want to serve their fellow man. It is shameful that the bureaucracy has destroyed so many valuable resources (the social workers) that had wanted to commit their lives to making a difference. Recently a social worker introduced herself to me and told me her destroyed dream.

*I remember I must have been about six years old when we first got our television. The first commercial I can remember was a commercial on UNICEF. I remember running to my mother telling her we had to help and feed those children. From that day on I knew all I ever wanted to be was a social worker. Even in my play I pretended I was a social worker. For a time in my adult life I considered other career paths but they just weren't right. I finally became a social worker, I had made it. I worked with different community based organizations and it seemed I was always advocating on behalf of families against the Ministry. I finally decided that I should try working from inside the system. I joined the Ministry and worked in protection. It was brutal! The system was so opposite of what I was as a social worker, opposite to what social work was supposed to be. It was even a shocker to see that the Ministry conducted itself in a manner opposite to how the Ministry policy people taught us to be. We were always behind, worn down, there never was a feeling of accomplishment. The Ministry is so crazy making and bizarre!*<sup>7</sup>

Like every workplace there are the good and the bad. The lazy and the workaholic. The ones who care and the ones who don't give a damn. The ones that are humble at what they do and the ones that are on an authority power trip. What is so very different in this workplace is the across-the-board tolerance and even promotion of reprehensible immoral behaviour.

When the idealism of what social work is supposed to be and what these workers believe it should be collides with the realism of what the Ministry has become, there is a human cost. I have talked to many a worker who have described mental breakdown because of how the system treats their clients, the children, the foster parents and the biological parents.

You can hear the desperation and pain in their voices. One social worker recently wrote to me *Tim I can't even begin to tell you. It is unbelievable. We are a*

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<sup>7</sup> The reality of Saskatchewan Child Welfare is that those that speak out about what is happening are punished. Therefore I have taken measures to disguise these individuals which includes among other things removing their names.

*ministry in crisis and some of the managers can't get out fast enough. Everyone knows we are going down and no one wants to be there when we implode. There's no turning back now. We are coming undone.*

The social workers that remain, who try to do the best they can with what little resources they are given for families, that try to make a difference to the little children in the face of such adversity, **need to be celebrated**. And there are many of them. They know who they are, just as the ones who promote an irresponsible and abusive attitude towards the people in their charge know who they are. When you enter this system it rings out loud and clear who are the good and who are the bad and what the Ministry is actually about.

*A social worker told me: My whole passion in life is to help people and I really want to be there for the children. During my schooling as a social worker I worked as a summer student for the Ministry of Social Services. There are a lot of really good workers there but they are fighting a losing battle against the rest. They are so overloaded, there is no face to face work with the family or effort to speak to the children. I found that the majority of the time there is no follow up for children that were victims of sexual abuse. They are putting kids in homes that should be shut down just because they have nowhere else to put them. Nothing is being done for the betterment of the children. I often felt that workers were punishing the children and the parents because lots of kids did not need to be apprehended. What is going on there is completely obvious and it is disgusting. I would never go back and work for the Ministry of Social Services.*

God bless the righteous and honest social workers, managers and bureaucrats who can be still found in such a corrupt system. They are the majority that have been silenced!

### ***How I came to be involved:***

The Ministry of Social Services has been described as a culture of non compliance, a Ministry out of control. From my perspective it is a bureaucracy that does not care in a government that will not stand up for righteousness and for those it represents.

This is not something personal. I have nothing to gain for speaking out. I speak for others who cannot. I know what I speak of is the truth. I give witness to the truth so that others can understand the shame, the damage and brutalities that are happening in our province under the guise of child welfare. I speak the truth so that someday, somewhere, someone hearing this truth will have the ability to

convince our government to take back the Ministry from the bureaucracy. This is a moral issue for me. I believe that I, having been at the top of the organization, and knowing what I know, must speak out. Otherwise how could I ever expect anyone else to speak out or ever believe there could be meaningful change.

I am not naive to ills of our Western society. I was a police officer for 16 years in our province's largest city. From that experience I know the need for child protection first hand.

For 14 years after that I worked in the field of Human Rights and workplace harassment and conflict. I have a strong reputation for understanding the law, process, being thorough, being able to sort out complicated issues and not compromising on the facts.

In the past I worked independently throughout the private sector and government including social services and the public service commission, investigating, analyzing and making recommendations for workplace issues. At one time I was contracted by the NDP Executive Council (Cabinet) to examine highly confidential and sensitive issues. I understand the workings of government and the political climate in Saskatchewan.

The Minister of Social Services in 2008 was the Honorable Donna Harpauer. I had first met MLA Harpauer, years ago, through advocacy work that I was performing for my community. I was a constituent of MLA Harpauer and in later years I did promote the Saskatchewan Party by putting up lawn and ditch signs during the election.

In early 2008, the new Minister of Social Services, Minister Harpauer was inundated by people caught up in and mistreated by the Ministry of Social Services. This included social workers, parents, foster parents and children. These people mistakenly held out hope that a new Minister and a new government would be able to tame a bureaucracy and Ministry out of control. Minister Harpauer heard the pain that was being suffered and I believe she honestly wanted to and believed she could make a difference. From our conversations I learned that she believed that the bureaucracy was misleading and deliberately blocking accountability and meaningful change. Minister Harpauer asked me to undertake a fact finding mission with respect to child welfare in the province. This was not to be a covert undertaking. Everything was to be out in the open. Everyone knew who put me there and my purpose.

Almost immediately the bureaucracy put road blocks in my way to working in the Ministry. It took months to finally sort out all the contract details that should have

taken a day. I eventually started working out of the Deputy Minister's office in October of 2008.

I must say that I was somewhat skeptical as to how bad Minister Harpauer described the situation. I had been investigating crimes, abuse, human rights violations and misconduct for almost 28 years. I believe, as do most investigators, there are always two sides to a story and then there is the truth.

The fact of the matter, the truth about Saskatchewan child welfare, sickens me to the core. The abuse of authority, neglect of duty, abuse of fundamental principles of law, and plain brutality are rampant throughout the system. All levels of the system are aware of what is happening and all levels participate in perpetuating the culture of unchecked lawlessness.

We all need to understand that every breach of policy affects a living child. Children are suffering, dying and families are being unnecessarily damaged for life. The hearts and souls of children are being broken; they are learning to mistreat and abuse; they cannot love or trust. This needs to stop and it needs to stop now!

## **The Reality of Saskatchewan Social Services**

A leader in the Métis Community recently told me: *I was at a conference last week speaking about the problems with Saskatchewan Social Services. I thought to myself I must sound like a lunatic this sounds so crazy almost too unreal. Things like this aren't supposed to be happening in a place like Saskatchewan, but it's true, it is happening, it is real.*

### **The absence by design of good social work:**

On the whole the workings of the Ministry of Social Services are counterintuitive to what good social work is all about. Good social work involves close and stable contact with the family and child. It means having the time to work with the child and family and wrap services from the community around the family.

The reality in Saskatchewan child welfare is as far away from good practice and common sense that one could possibly get. I have seen workers that have file loads as high as 42. Children are treated as a commodity, and shuffled from place to place by MSS. The results of such high and unreasonable case loads are substantial. Important details are lost about the needs of the family and child.

Children are not monitored regularly and families are deprived of their children unnecessarily and for unreasonable amounts of time. A child can have several different social workers and be moved more than a dozen times before the child reaches school age.

One foster parent explained to me: *My last child had grown up and had moved away. My husband and I decided we had so much to give that we would offer our home to foster for the Ministry. We only wanted to foster two children. Within a few months of fostering the Ministry phoned us and begged us to take a third child, Sarah<sup>8</sup>. They were very insistent, even phoning me at work. My husband and I eventually gave in and they brought the little girl over to our house. The poor child was 6 years old and was in foster care most of her life. All the worker brought over that belonged to Sarah were two shopping bags full of old clothes that were junk. Sarah's eyes were completely crossed. Sarah could not stand straight and her balance was so bad that she had to hang on to chairs or cupboards to walk around. We kept asking the worker what was wrong with Sarah? The worker insisted there was nothing wrong and that the child was just nervous.*

*The worker left and we tried to feed Sarah food that we had just barbequed. Sarah would not eat anything. We tried to talk to her and she just replied to us in gibberish that we could not understand. I decided to bath Sarah and get her cleaned up for the night. What I saw would make you cry. She looked like one of those walking skeletons from a concentration camp. Sarah had no flesh on her legs at all. Her backbone stuck out and her shoulder blades looked like they would cut through her skin. Sarah was starving to death!*

*The next day I contacted the worker again. She assured me there were no health issues. The worker told me that Sarah was just a picky eater and did not get along well with other children. That was all the information she would give me.*

*I took Sarah to her school and the teachers told me Sarah could not see and needed glasses. The Ministry refused to fill the prescription for the glasses advising that Sarah had just received glasses a few months back. They wanted me to contact her previous placements to see if they had the glasses. I gave up trying to reason with the Ministry and filled the prescription and paid for the glasses myself. All Sarah needed was an elastic tie on her glasses to keep her glasses on. Sarah never lost them again while she was in my care.*

*A couple days later I had a person at my house that had a medical background. She looked at Sarah and said there is definitely something wrong with her. She*

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<sup>8</sup> Names and gender may be changed to protect the innocent throughout this report.

*looked into little Sarah's mouth. Sarah had little stubby teeth and the whole inside of her mouth was deformed. I remember we immediately got a sandwich and cut it into very fine little pieces. The starved child ate the whole sandwich. From that day forward we always gave Sarah a milkshake or some kind of liquid supplement and it was not too long before she started to gain some weight.*

*On my own I started to take Sarah to a number of doctors. I found out that Sarah needed an operation to correct her eyes. Until the operation was performed, Sarah needed to wear an eye patch. My husband and I would wear eye patches to school so that little Sarah would not feel uncomfortable with her eye patch. The school said we were the only parents that Sarah ever had that would come to the school.*

*We started Sarah in speech therapy and before too long we could understand some of her words. The most shocking thing was when we took her to a medical doctor. The doctor diagnosed that Sarah had cerebral palsy. We just could not understand how Sarah could have been in care most of her life and no one had attended to any of her medical issues.*

*Every time I advocated on behalf of any of the three children in my care, ( all who were high needs) the workers would get upset because they felt we were attacking the system. The Ministry refused to give me extra help with any of the children and even suggested that I quit my job to look after the children instead. Eventually because of my strong advocating for the children I became branded as a troublemaker and not a team player. All the children were eventually removed from my home and I have not been allowed to have any contact with them since. I love those children.*

Incredulous as it sounds, most everyone in this Ministry knows the current practice is wrong. I remember at one meeting a manager reported a research trial that was carried out in another jurisdiction. In this trial the first 500 families that were reported to social services were given all the resources and attention up front. As a result, none of their children were apprehended. Everyone at the meeting was of the opinion that well of course that would be the result. Yet the Ministry refuses to capitalize on the good and simple ideas of others.

In Saskatchewan 60 to 70 percent of the children taken into care are for reasons referred to as "neglect". Usually this neglect can be traced back to issues of poverty or descendants of the survivors of the Residential School system not knowing how to parent. A very common course of action is to apprehend these children from bewildered parents and first place them into an emergency foster home where foster parents are paid as much as \$50.00 a day for each child. In



addition these "foster parents" may receive additional benefits such as 24 hour around the clock in home help for cleaning, cooking and childcare. Some foster parents even received furniture purchase and rental payments. It is easy to see that a home that is housing 12 to 16 children is costing more than \$200,000 a year to run. It is huge income for these emergency foster homes and many mistakenly believe that it is tax free. Having these homes designated as foster homes instead of residential care facilities frees the government from having to license the homes. Licensing would require the homes to live up to a higher and regulated standard of care.

When children are apprehended they are placed somewhere within the out-of-home continuum. This is basically a list of resources where the child can be placed. As you go along the continuum the placements are usually more intrusive and expensive. For example children are (according to policy) to be considered for placement first with next of kin, then a foster home, or a therapeutic home and then a group stabilization facility and so on.

*I remember a meeting I attended with front line staff: There were approximately 40 front line workers in the room. One particular worker, who is no stranger to child welfare, spoke up. She was stating fact on how there were no options for families who were reported to the ministry except to apprehend. She then stated and then we place the apprehended child in what we workers call the out of hope continuum, because that is what it is, there is no hope for these kids. She was met with agreement from everyone in the room.*

For the short time that I was the Assistant Deputy Minister of Child and Family services (with the help of many of the front line workers and some out-of-scope people) I learned what the logical solution was. The plan was to cap file loads at approximately 16 files per worker. This is consistent with what the Child Welfare league of Canada recommends and could be done within the existing budget. The Minister was in agreement with this initiative.

The next obvious initiative was to prevent the apprehension of the child by taking that \$50.00 a day per child and authorize the front line social worker to spend that money on the biological family for programming and needs that would keep the family together. This again was a practical move with no increase in budget with huge savings in the future.

These two initiatives alone would have dramatically changed the lives for thousands in our province. These initiatives were actively being planned and all cancelled the day I was terminated when the new Deputy Minister started and took the Ministry back from Minister Harpauer. I was terminated without even meeting

the new Deputy Minister and she refused to hear from me on initiatives that needed to be followed through after my departure.

Another example of how the Ministry derails good social work in our province is that the Ministry is purposely oblivious to the necessity for adequate support services for the social workers. Support services are the people who assist the social workers with the huge paper work load and payment authorities. Anecdotally I can tell you that I have never observed support staff so overworked and backlogged in any other workplace. The overload caused by the lack of support services slows the social workers down in their specialized work with the families, children and foster parents. Among other complications in paper flow this would directly impact the children and foster parents with a real time lag for purchases and payments for necessities.

In response to this issue, a work load analysis desperately needed to be performed on support services jobs. This workload analysis was tendered, a contracted specialist was hired and the work was started. I was told the analysis was cancelled when the new Deputy Minister started in 2009. Clearly in the end, it is the child who suffers.

The lack of consistency and adequate support from social workers is a huge issue for foster parents. More than half of the foster parents that start fostering quit in the first year! Again it is the children who suffer because they are shuffled from one placement to the next.

*One foster mom told me. I picked up my first foster child, Tina at the Ministry office. It was a few days after Christmas. The workers would not even let me come into the office but preferred to have the whole transaction out in the public hallway. They handed me the girl and said here she is. Tina was 3 years old, her hair was all tangled, the coat she had on was too small. The wrist bands of the coat were way up her arms. Her face was dirty and all sticky from the candy cane she was sucking on. Her boots were too small, she had no mitts, no hat and no snow pants. Her face was totally blank. I asked the worker where all her stuff was. The worker said that is all there is. Tina had been in care all her life. I just couldn't believe it, where were her toys, her clothes, her pictures? It was less than a week after Christmas and the Ministry is suppose to provide an allowance for gifts and this little girl did not have any clothes that fit, she didn't even have a dolly. How can you be in care all your life, be a little girl and not even have a dolly or a stuffed toy for comfort?*

*Tina was being robbed of her childhood! She was being bounced around from home to home. She had no photos from her past, no comfort, nothing. I later contacted the worker again and said there must be some mistake, please check to*

*see if you can locate any of Tina's belongings. The worker later dropped off a tricycle at my house that had a bent and broken wheel and two black plastic bags of clothes. The bags of clothes were garbage and were baby clothes for a child much younger. My husband and I really loved this child. Eventually because of a disagreement with the Ministry the child was removed from my care. I am not allowed to visit this child or even write her. I know that she has been moved more than a dozen times before she was six years old. Tina still does not have a family and lives in a group home where the children are twice her age.*

As a society we have a preconception that on average "the system" promotes the very best and most experienced employees so that society's interest can best be served. In Saskatchewan Social Services I have witnessed that cronyism is rampant. Senior experience is lost, employees are demoralized and ever increasing gaps in knowledge base are created that directly affect the child. Consider the gap that occurs when a 25 year experienced capable person is bypassed for someone with less than 10 years experience for a management position. Valuable experience is minimized, increased mistakes in supervision occur, the highest level of knowledge is not applied, mistakes are repeated with the children and in the end the child, the family, and then we in the rest of society suffer.

*A person with her Doctorate degree, no longer working for the Ministry told me: There were six of us senior people in acting supervisory positions for years. Management then decided to permanently fill these positions. We had to all apply again for the positions that we had been filling for years. Questionably none of the six were successful in our bid for our old positions. For my part I was asked to train the candidate that was taking over my position. The candidate was a student I had taught in university. I quit the Ministry.*

The Public Service Commission would have you mistakenly believe the Commission provides excellence in human resource management to enable a high performing and innovative professional public service. The Commission is selective on the "excellence" it provides. One of the erosions to excellence the Commission allows is to allow bureaucrats to be able to select acting or interim managers, with no boundaries. Typically, these acting managers are deficient on some qualifiers that would make them unsuitable for a permanent posting. There are many good people who do possess all the qualifiers but they are deliberately overlooked. After a couple of years the bureaucrat posts the position for permanent and their crony is selected as the crony already has a few years in the position. (Despite their initial lack of qualifications.)

*There are many other ways I have seen the bureaucrats manipulate the system. I witnessed one situation where a new manager was selected from out of a*

*completely different ministry. A job posting was made for a management position in Social Welfare income assistance. This was a job mostly managing the payment of money to those in need. Of course no employee who had dedicated their life working in child protection and specializing in child psychology would apply for a job in a totally different field. Therefore the applicant was selected for the Social Welfare position with little or no competition. Before the new applicant even started in the Ministry, the bureaucrats shuffled the management in the Region placing the new applicant with no experience in child protection in charge of a child protection unit. Maybe the new applicant was qualified or maybe not<sup>9</sup>. The fact is the applicant and the bureaucrats worked together in another Ministry. The fact is that through a questionable process, good qualified people with years of experience were tricked into not having an opportunity to apply to provide leadership in a Ministry that so desperately needs it.*

The employees can easily see through these types of schemes. The result is that the government staff become more demoralized and disenfranchised with the Ministry. In the end it is the children and families who suffer over and over again!

### **Abuse of authority, unethical conduct:**

Chief Felix Thomas of the Saskatoon Tribal Council one time spoke to me about the Saskatchewan Ministry of Social Services. He posed a very valid question that I was unable to answer: *Why in our society do people believe we can have bad and abusive police officers and other officials that make mistakes. But no one believes there are bad and abusive social workers that make mistakes?*

You can go from corner to corner in this province and speak with almost any professional involved with Saskatchewan Social Services, from lawyers to psychologists to social workers and you will get a frustrated description of a totally dysfunctional workplace that regularly resorts to abhorrent behaviour.

Recently a respected individual who works with 1st Nations and Métis youth that were damaged by the Ministry wrote me: *...what the Ministry is doing and has done sickens me. The Saskatoon region is all about punishment, they punish the children, they punish the families and they punish those that speak out on behalf of the punished.*

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<sup>9</sup> However in this case the applicant did not meet the minimum standards as laid out in the Saskatchewan adoption regulations 43(2) for a supervisor of an agency supplying adoption services in Saskatchewan.

I have found the Ministry to be an organization that has become arrogant with its authority and unaccountability. Lies, intimidation and threats are everyday abuses experienced by those who run up against this Ministry. I have witnessed this repugnant behaviour and found it to be much too commonplace. This institutional abuse is widespread and runs unchecked by those in authority. The leadership and bureaucrats are aware of what is happening yet refuse to act or even acknowledge complaints of abuse in their ministry.

*On one occasion<sup>10</sup> a desperate mother was trying to determine why her children were apprehended. The children had been away from their mother for more than six months and the Ministry still had not spoken with her, to detail why they believed the children were sexually assaulted. I, along with the mother and 3 of her support people, attended a meeting with several Ministry managers including an Assistant Deputy Minister. We had brought witnesses and evidence to support the mother that nothing had happened to the children.*

*The Ministry was not interested in hearing what we had uncovered. When I pressed the supervisor as to why and what evidence did they have to corroborate their position, the supervisor advised us that they had the children medically examined and there was medical evidence that the children were sexually assaulted. The supervisor's manager readily affirmed this information.*

*The mother was devastated and so were we all. Medical evidence is often irrefutable. How could all of the witnesses be wrong? How could the mother have missed a crime occurring to her children who she loved and cared for so much? Immediately the mother and her support team wanted to know the medical and health status of the children. Were the children medically okay, were they checked and treated for STD's? What psychological support was being given to the children? We had all these questions because the mother was only allowed supervised visits. The mother was not allowed to comfort, talk or ask the children anything respecting anything to do with them being in custody. As a matter of fact one of the children was 15 years old and still did not know why she had been taken away from her mother!*

*The bureaucrats at the meeting stated that they did not know those answers but assured us that they would get back to us immediately. Christmas and twenty-six more days passed (without the children returning home) before the Ministry advised the mother that the children were never medically examined at all. **We had been lied to!***

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<sup>10</sup> This occurred after I had left the Ministry.

*This lie and behaviour of the Ministry is cruel psychological torture that they inflicted on this parent. We complained about the conduct of the manager and supervisor to the Executive Director of Child and Family Services who was at the meeting and to the Deputy Minister. Our concerns were not even acknowledged.*

The misleading of advocates, parents, foster parents and children has become bold, overconfident behaviour that has become standard operational practice for some in the Ministry.

One senior Tribal Council agency member told me: *They (Ministry staff and managers) lie to us all the time and nothing happens. They won't answer our questions and they won't return our phone calls.*

The Ministry thrives on its ability to not respond with any substance to complaints or hold anyone within the Ministry accountable. The attitude I have seen over and over again is if one doesn't hold someone subordinate to you accountable then the superior can not be held responsible for allowing the abhorrent behaviour in the first place. In 2009 the Deputy Minister wanted me to "stay clean" and not leave the tower on Broad Street. He made it perfectly clear to me that he did not want me addressing complaints nor was I to insure complaints were dealt with that I knew were occurring at ground zero. He wanted me to drop all concerns.

I was totally taken aback that the Ministry did not recognize the concept of "fiduciary responsibility" and "due diligence". By not insuring that complaints and wrong doings were appropriately dealt with (and knowing that they would not be dealt with) the Ministry is breaking the trust between it and the client (the public). The Ministry has a duty to apply due diligence to each and every concern and piece of information that is raised within its operation. Because of the fragility of the child, I would argue that the standard of due diligence that the Ministry must apply to each and every complaint and piece of information is extremely high.

The whole attitude of the bureaucrats is that you are a good manager or bureaucrat if you can stick handle the issues, without really acknowledging you have any issues and definitely not learning too much about the issue until the claimant is worn out and goes away.

*I met a mother who had numerous serious issues of concern about how she and her children were being treated by the ministry for the last nine months. A manager refused to answer her legitimate and lawful concerns. The mother reported the manager to the manager's direct report (bureaucrat). The bureaucrat instructed the mother to go back to the frontline staff with her concerns, then if she was not happy she was to go to the frontline staff's*

*supervisor. Then if the mother still did not have her concerns addressed she was go back to the frontline staff's supervisor's manager who the mother was currently complaining about. If the mother was not happy again with the manager who was not answering her currently or refused to answer her again then come back to the bureaucrat. Then if at that time the mother found the bureaucrat refusing to address her issues then she was to go to the bureaucrat's superior and report the matter to that bureaucrat. The treatment this mother experienced should be the new definition for **INSANITY!** This mother and her children are being psychologically abused by a Ministry whose official mandate it is to supply support and guidance and invest in positive outcomes for people involved in child and family services.*

The Ministry is at the top of their game when it comes to the practice of "plausible deniability".<sup>11</sup> This is one of the most common complaints of frustration I receive about the organization. Citizens of this province believe (and quite falsely with respect to the Ministry of Social Services) that should they ever discover a road block to their concerns, should they ever be treated unlawfully or callously by the bureaucracy, they can always petition their elected official or the Minister so that justice can be served. In reality what happens is the Minister of Social Services is insulated from the complainant, complaint and issue by the bureaucrats. The bureaucracy then directs the issue down to the very person the complainant is having concerns with to construct a response. The reply constructed by the culpable party of course exonerates the culpable party and then the reply is conveyed back to the complainant. Case closed according to the Ministry!

*During the fall sitting of the 2010 Saskatchewan Legislature, Carol LaFayette-Boyd, a prominent citizen of Regina and retired social worker and psychiatric nurse, had substantial concerns for families who she was advocating for. Ms LaFayette-Boyd had witnessed an increasing number of policy breaches and believed that she had discovered some significant injustices to children and their families that the bureaucrats in the Ministry of Social Services were refusing to address. Furthermore, it was Ms. LaFayette-Boyd's professional opinion that children were suffering needlessly because of these breaches. Each time Ms LaFayette-Boyd attempted to communicate these concerns or meet with the Minister she was stonewalled by the bureaucrats.*

*Eventually the NDP opposition, during question period, was able to obtain a commitment from the Minister of Social Services to meet with Ms. LaFayette-Boyd*

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<sup>11</sup> **Plausible deniability** refers to the denial of blame in loose and informal chains of command where upper rungs quarantine the blame to the lower rungs, and the lower rungs are often inaccessible, meaning confirming responsibility for the action is nearly impossible. In the case that illegal or otherwise disreputable and unpopular activities become public, high-ranking officials may deny any awareness of such act or any connection to the agents used to carry out such acts. Wikipedia

*so that her concerns could be laid out. The meeting was scheduled after the fall session had ended. The Minister attended with Ministry bureaucrats including the Deputy Minister and the Minister's Chief of Staff. After the introductions were finished Ms LaFayette-Boyd began to make her presentation on behalf of the prejudiced families. The Deputy Minister and the Chief of Staff immediately stopped Ms LaFayette-Boyd indicating that the Minister would not be hearing specifics. The Deputy Minister then removed the Minister from the room. The meeting with the Minister had only lasted a very short time and did not deal with the substantive issues.*

The question that begs to be answered is: Is this the type of society we wish to have in Saskatchewan? Do we want our society and such critical issues such as child welfare to be run totally by highly paid bureaucrats who are responsible to and answer to no one? Is this what we believe democracy to be? Is this how we would want our government representatives to respond if it were one of us in a perilous situation? Is such "tail wagging the dog" palatable to the citizens of Saskatchewan? I for one find such action to be entirely offensive.

So what should one do, where does one go when the bureaucracy is grossly neglecting their duty? Do we not have a right to expect that our elected officials will be there to ensure a sense of order and stand up for us against such tyranny?

This inability for citizens of Saskatchewan to raise and have their concerns addressed with respect to abuses of authority, unethical conduct and breaches of policy and the law does not go unnoticed by Ministry management and staff. Over time a sense of total immunity has blanketed the Ministry. The lies and abuses become bolder and bolder.

*I was reviewing some concerns relating to a 1st Nations child who was in the care of the Ministry for a number of years. Much to the chagrin of the manager (who was having trouble understanding and explaining policy to me) I discovered that the child was still in care months after the court ordered the child to be returned to the child's kin. It was also clear that the Ministry had no legal authority to hold this child in foster care over the last few months. I raised it with the manager who immediately acknowledged the fact and replied we could draw up the appropriate documents and backdate them. When I raised my concern that such action would be unethical, unlawful and quite possibly fraudulent the manager shrugged it off stating "we do it all the time."*

On another occasion I arranged a meeting with a fifty-year-old 1st Nations man and his family who had fled to his reserve.



*We met off reserve and the gentleman was accompanied by his family and support people. Almost as soon as I had introduced myself the man broke down in tears. He related how he had struggles all his life and the challenges he was having in his family. He spoke about how important it was for him to raise Patrick, his young son who had ended up in the care of social services. He related the terror he experienced when he learned that the Ministry was attempting to adopt Patrick out to another family. The pain that this man expressed in his experience when dealing with Social Services was unbearable for me to listen to. I found myself unable to look at him and his family, I stared at the floor. I too began to tear, I was so ashamed at the way he had been treated. He continued to explain his struggle and frustration at not being able to have anyone from the Ministry spare any time whatsoever to listen to him. His story was akin to someone describing a nightmare, where one is caught in quick sand with people walking around, ignorant that he was there, and then yelling for help so loud that his throat would hurt only to have no sound come out. He related how he finally thought his nightmare was over when he was able to convince a court that he was a capable parent. The court ordered that Patrick was to be returned to this loving parent.*

*This good man struggled to find words to describe his disbelief when he found out that Ministry staff were continuing their plot to have Patrick adopted out. He was bewildered at how he had persevered through all the legal wrangling, now had the courts on his side and because the law did not support the opinions of the social workers that they could choose to work against him again. The man described how his community had rallied around him and supported him but this made no difference to the Ministry. The Ministry continued to hold Patrick and refused to turn Patrick over to his dad.*

*He described how he was finally able to obtain some peace when he had his own Tribal Council provide co-management with the Ministry on his file. Patrick was returned to him and he fled to the protection of his reserve where he could feel a small sense of safety because the Ministry had no jurisdiction there. The father introduced me to his son that he was so proud of. Patrick was a beautiful and bright child running throughout the facility we were in. The father tried to straighten up and conceal his pain every time Patrick entered the room. Patrick's father could not conclude his story, as it was not yet over for him. He related how he lived in constant fear because he knew the Ministry had not closed his file. His voice trailed off because of the lump in his throat as he tried to explain that social services might one day snatch his son away again. I too had a lump in my throat. I was speechless. I did not know what to say to the man and his family because I knew that his story was true.*

There is a saying that lies beget lies beget more lies. From my experience in the Ministry of Social Services that certainly is the horrible case. The misleading of

parents, foster parents and anyone else concerned with the system has become so common place that it is seen as a justifiable means to a questionable end within the Ministry.

*One grandmother told me: My son and I were caring for his daughter Tracy. Tracy was a preadolescent and was exhibiting extremely severe behavioral issues that required her to be under the care of a psychiatrist. The psychiatrist wanted to have Tracy under observation at the Royal University Hospital psychiatric wing, the Dubé Center. The psychiatrist related that this would allow for Tracy to be under continuous professional observation so that her medication could be evaluated and Tracy could be further assessed. We agreed to the doctor's recommendation because we knew that Tracy would receive the very best counseling and evaluation that our province could provide.*

*The grandmother recounted her son's and her utter shock, panic and disbelief when they attended their daily visit with Tracy only to find that Tracy was not at the Dubé Center. They were informed that Tracy was apprehended by the Ministry of Social Services against the will of the Psychiatrist. The staff at the Dubé Center did not know where Tracy was.*

*Sometime later a worker visited the distraught family and served a notice of apprehension on the family. It said, that Tracy was apprehended because, "There is no adult person who is able and willing to provide for the child's needs, and physical or emotional harm to the child has occurred or is likely to occur." There were no further details.*

*The son and the grandmother were totally ill with shock. The grandmother demanded to know from the worker how could you say that? You know we were looking after Tracy, you know that we care for her and that she was being looked after at the Dubé Center under a psychiatrist's care. The worker replied that "sometimes we have to lie; that was the only way to get Tracy out of that place." (Dubé Center). The worker and her supervisor refused to supply any more details. The grandparent and parent strongly disagreed with the Ministry and this only made things worse. Their and their child's nightmarish trip into hell had just begun.*

The lies are often told to make the job easier for some of the social workers even if it could have lasting negative consequences for the child.

*A parent told me: Our family wanted to foster young girls only, because our last child was a girl and our house was full of girl only stuff. When we went to pick up the first child Roxanne who was of preschool age, the workers pleaded with us to take Rory as well. Rory was a little over a year older than Roxanne. The workers*

*told us that Rory and Roxanne were siblings and that they had spent most of their lives in foster care and had never been split apart. The workers told us that it was always the practice to keep siblings together and it would be hard on Roxanne and Rory if they were split apart. They did not tell us anything else about the children, like illnesses or behaviour issues. We felt real genuine compassion for this family so we agreed to keep brother and sister together.*

*We needed to have Rory and Roxanne share a bedroom for a few days while we remodeled things so they each could have a separate bedroom. After I had the children settled in for a short time I went into their bedroom to check on things. I was totally shocked and unprepared for what I saw. Rory was naked and doing very inappropriate things to Roxanne. I immediately contacted social services and a worker told me "oh they will do things like that don't worry." I wondered was she out of her mind, these kids needed some serious help and they were not getting it. We separated brother and sister and did the best we could. Rory was always going after Roxanne and trying to hurt her. It became very serious and we felt that Rory might inflict some permanent physical damage on Roxanne. We insisted that Social Services remove Rory. This created a huge problem in the relationship we had with the Ministry staff.*

*We later found out we were lied to. Roxanne and Rory were biological brother and sister only. Both had spent most of their life in care but had never been together in the same foster home. We also learned that Rory was well known to have behaviour issues surrounding violence towards other children and sexually acting out. The workers did not tell us these things because they thought we would not have taken the pair.*

These lies could kill! There is no righteous reason for anyone from the Ministry to ever lie to a parent, foster parent or anyone else for that matter, yet the practice continues unchecked.

*One mother told me that she wanted to make a difference for children in this province so she became a foster parent. She related that the Ministry's conduct had become so intolerable that she quit fostering. As an example she related that the Ministry had placed a child less than one year old in her care. The mother related that when the child was dropped off at her residence, she questioned the social worker about the child, because it was the mother's observation that the child looked ill. The worker denied there was anything wrong with the child and that the foster parent need not be concerned. The child's condition soon deteriorated to the point where the foster mother transported the child to emergency. It turns out that the child was known to the hospital and the hospital knew that this child had this condition and they admitted the child immediately. The child had a very serious anti-biotic resistant infection and required special*

*handling and treatment immediately. Not only was the child's illness a threat to the child but it was an illness that threatened others whom the child came in contact with. The upset foster parent contacted the worker demanding to know why the worker had not advised of the child's illness that could have proved fatal to the child or others. The worker replied that she felt the foster parent would not have taken the child if the worker would have told the foster parent the truth about the child.*

### **Threats and intimidation:**

When I first entered the Ministry I was truly taken aback at the number of people, be it social workers, support staff, parents or foster parents, who feared retaliation and underhandedness should they speak out for what is right. The general attitude is one of sit back, shut up and do what you are told or else we from the Ministry will make your life a living hell.

One parent who had quit fostering told me: *The kids out there are going to hell in a hand basket and nobody out there gives a sh\_\_! And if a worker sticks up for what is right they risk being fired, this is crazy!*

I am not aware of any other work culture that is so intent on abusing whatever authority it has so that the employee can be vindicated at all costs. Nowhere have I ever heard of threats (in Canada) being used so commonly to advance the work of an entire workplace. Nowhere in Canada have I ever heard of a workplace where threats are so commonly used and so severe that it borders on criminal behaviour.

One foster mother told me how she learned her lesson: *I had been fostering for quite a number of years now. The Ministry really depended on me and sometimes I had as many as nine children, many of them babies, in my home. One of the babies I had for months and my husband and I decided we would seek adoption for this particular child. The workers knew of our adoption plans. Over the years I was becoming more and more frustrated with the Ministry and its lack of policy adherence. In the last 3 years I only saw my worker 2 times. I became vocal and began to speak out about what was happening in foster care.*

*One day I was paid a visit from one of the workers. We spoke as I held my perspective adoptive child in my arms. The worker told me that they had heard I was complaining and not happy with how things were run. The worker looked at my child and in a threatening manner said well perhaps we have been working you too hard, perhaps you need a break, perhaps we should take all the children*

*away. I knew what she would do, the message was clear, shut up or lose the child in my arms. I broke down and cried and pleaded that they not take my child. The worker left. Her message was delivered. I sat and cried for a long time after that. I felt so ashamed that they had got to me and saw me cry.*

Quite often the case is that these social workers are getting back for some personal vendetta where they feel they may have been slighted or their opinion was questioned. They are displaying a tit for tat, unwarranted, unprofessional and childish response.

*I have seen this happen more than once first hand: At one point during my time in the Ministry I was looking into why there were insufficient numbers of foster homes. I came across one foster parent whose home was completely empty despite her repeated representations to the Ministry that she was available. This parent had fostered for years. Her house was immaculate, you could see your reflection in her polished wood floors. She had her backyard equipped with a large array of playground equipment. She had large empty rooms. I marveled at how her sitting room was adorned in delicate glassware and porcelain figurines. I asked her how she could have such a collection with dozens of young children passing through her home. She related that she respected the children and they each had a place in the home that was theirs where no one could go without permission and this was her place. I thought to myself that this is a truly remarkable person.*

*The mother, who wanted to have children once again placed in her home, explained that because of personal issues and for fostering without a break for over a dozen years she had asked for short sabbatical a few months back. She timed her short leave so as to not disadvantage any child. She took the sabbatical after the last child she had was placed with a relative. The workers pressured her not to take a leave but she felt it necessary to preserve her well being. She related that this did not sit well with the workers and when she returned they refused to place any children with her. Neither would they provide any explanation.*

*I then spoke to the worker inquiring as to the status of this home. The worker became clearly upset. She even banged the table we were sitting at, raised her voice to me and squeezed out a terse response that she had taken the parent's leave personally and so she was "shut'n her down!"*

Again it is the children who suffer as they were denied a wonderful home complete with a loving grandmotherly figure who could have guided them along their life's journey. Remember this woman had been an adequate foster parent for more than 12 years. What changed?

The sense of immunity from any form of accountability has given the conviction to some social workers that they are the ones that set the parenting style in the province. If the social worker disagrees with what the parent believes is appropriate parenting, even if it is legal, look out your family is in harms way. Some social workers are prepared to act on their threats.

*One Mother explained to me: I am a single parent. My son was becoming quite problematic and defiant. He had numerous brushes with the law prior to his 12th birthday and there were no legal consequences for his behaviour because of his age. He was becoming violent at school and almost seriously injured another child but the school refused to involve the police. I discovered that he had stolen \$800.00 from me. Because he was now 12 and after receiving advice from my son's psychologist, I decided that the police should become involved and have him charged. The police, understanding how severe his behaviour had become, agreed with my decision. The police took my son away and he was to be kept in custody overnight till his court appearance.*

*The next day I was contacted by social services and was informed they were conducting an investigation into the situation and that I would not be allowed to contact my son until I had met with the worker. I asked what was it that they were investigating and she refused to answer.*

*After 8 days of no contact with my child, I finally got to meet with the social worker. The worker was argumentative with me right from the get go! She tried to falsely accuse me of drugging my son (because of a prescription he had for antihistamines as prescribed by a specialist for a severe nasal issue). She then went on to criticize me for the dosage and medication my son was receiving for his severe ADHD, which was prescribed by a respected Regina child psychiatrist.*

*She continued in her investigation asking me irrelevant questions about my ex-husband's ex-wife who never ever had any contact with my son. She criticized me for moving 3 times in 12 years because of my job. The worker refused to listen or accept my offers of producing the extensive medical records, mental health reports or educational assessments I had for my son.*

*I expressed to her how very concerned I was about my son's future and therefore I had found a special school for him to deal with his behaviour issues and already put a tuition deposit of \$10,000 down on the school. The worker then said "we'll see about that" (my son attending this school). I told her that I was the mother of this child and he will be attending. She said "not if we have custody of him, because we are seeking custody of him." She then shoved a document towards me and it read that they had "**reasonable grounds to believe**" that my son was in need of protection.*

*I demanded to know what were the grounds? She told me she did not have to tell me and I could find out in court.*

*I later spoke to my child's psychologist and psychiatrist. They were mystified as to the actions of the Ministry. Both wanted to know what the grounds were for the apprehension.*

*I finally got to see my son after 9 days. He was crying and wanted to come home. I asked workers at the facility what was the authority for holding my child. No one knew! No one even knew who apprehended my child. Every time I visited my son I asked why was my son in custody? Finally after a few days the director of the facility told me my son was here because of Section 11, "A child who is given up."*

*My son was emotionally abused in this MSS government facility! He was told that his mother does not want him back. When my son told the worker that was a lie because his mom told him she loved him and hugged and kissed him, the worker said, "No, I had a meeting with your mom and she said she did not want you." The staff told him he belonged to the Province now.*

*My son began running away and self harming. Each time he was returned to the facility. My son's self mutilations were overlooked by the social service's staff and he developed a large red festering wound on his arm.*

*The emotional abuse to my son continued. The worker told my son to have his mom call the worker and then he could go home. The next day the worker would tell him, " your mom doesn't want you because she hasn't called."*

*I attended a meeting with a supervisor at the Ministry. The supervisor was hostile and rude towards me. She lied, saying she had documentation that reported that I had abandoned the child in another province and that my son had been apprehended numerous times and been in and out of foster care. I told her that was not possible, that my son had never been abandoned or placed in foster care and that they must have the wrong child. The supervisor told me I was not truthful. I then produced my binders of information containing records and the history of my troubled child. The supervisor literally put her hand in my face and said she was not interested in anything I had to say.*

*The supervisor then said if I did not sign a lengthy parental agreement that I would not get my son back. The parental agreement laid out that I would have to be assessed by psychiatrists and under go mental health assessments and treatments. I would have to allow a worker in my home anytime they felt it*

*appropriate and that I would have to abide by any and all conditions the worker would place on me.*

*I told the supervisor that she had information that was not factual and I would see her in court!*

*My family flew out from British Columbia to assist me with this travesty. After court was adjourned and 19 days after my son was apprehended, my family and I met with the ministry people again.*

*In front of my family we caught the Ministry worker and supervisor in lies with our documentation. We also exposed that they had not investigated my son's situation at all. We were able to reveal that **my son was apprehended because they did not like the way I parented!***

*The supervisor now realized she was cornered. The supervisor then said we could take my son home that night if we signed a parental agreement stating that I would continue to take my son to a psychologist, psychiatrist and Sylvan learning. I told them I had been doing that for numerous years without any agreement. I told them I would not sign anything on my lawyer's advice.*

*The next day the supervisor made a complete about face. She advised that I could take my son home that very day and that I did not have to sign anything. She also advised that my son had run away and was missing. I learned that they had not even reported my missing son to the police.*

*During my family's 19 day ordeal, I had a number of people working on my behalf, including lawyers, advocates and the government opposition. A month or so later I had a Ministerial Assistant contact me and she said, "You certainly have a lot of important people calling on your behalf."*

*I think it pathetic that I had to have "contact" in order to get things set right. I wondered at how those who can't afford lawyers, don't know their rights, or even don't know there is an "Act" are treated. I wondered at how a young mother that did not have a family like I had that was versed in the law would have been treated. I wondered at what their family's fate would be if they were unable to obtain "contacts."*

*I have no doubt that a young mother who is dependant upon social assistance is an easy target for the social worker's shotgun approach. I wondered how those families that don't speak out or ask questions because they fear retaliation are treated. I wondered; but it was rhetorical. I have no doubt that they and their children fared far worse than I.*



The real intent of The Child and Family Services Act is to assist families to remain as a family unit:

Sec 3): The purpose of this Act is to promote the well-being of children in need of protection by offering, wherever appropriate, services that are designed to maintain, support and preserve the family in the least disruptive manner.

Obviously those more economically disadvantaged in our society would access these services more than those more fortunate. However, what about those children and families who are suffering mental and physical disadvantages? Should they not be able to approach the Ministry of Social Services without fear when and if they need assistance with their child? I found that all too often the compassion is missing when a parent comes forward in need of help. If a child, parent or foster parent insists for their rights under the Act, they could find their family being disassembled by MSS.

One mother told me how her family was torn apart by the Ministry: *This mother had raised her own family in another province and fostered in that same province. She was no stranger to child welfare and had always worked closely with social workers in the other province.*

*The mother loved Mathew, one of her foster children, deeply and she and her husband arranged to adopt the young fellow. Mathew was described by the social workers at that time as an almost feral child, possibly mentally retarded. This saintly mother saw Mathew not as a child with complicated disabilities but as a child full of intelligence and promise. She gave the last ten years of her life to the child. The love this mother had was intense. She gave so much and she only understands now how it took a toll on her health, her family and her marriage. The good mother became a single mother and for personal issues moved to Saskatchewan.*

*Mathew, now in his mid teens, has been diagnosed with: post traumatic stress disorder, oppositional defiance disorder, borderline personality disorder, obsessive compulsive disorder, possible aspersers, chronic depression and anxiety disorder.*

*Mathew, now at the age where he should be starting to drive, has the understanding of an 8 year old but the body of one who could do well at high school sports.*

*Because of his issues Mathew was becoming violent and out of control. The loving mother feared for her and her daughter's safety and for the well-being of*

*Mathew. Mathew began abusing the remnants of his family both mentally and physically.*

*The desperate mother turned to the Saskatchewan Ministry of Social Services for help. Unfortunately this was her first mistake in all the years of caring for Mathew! The ordeal with Social Services spanned a number of horrific months before culminating in a sad end.*

*The mother repeatedly petitioned MSS for help. Each time she was given a different social worker. Each time she was told there were no contact notes from the last time she was in. The workers would become aggressive if she asked for the worker's name. Various workers told her heartless and cruel things:*

- *She was told to put Mathew onto a bus to the province where he was adopted so they could look after him.*
- *Because he was abusing her and the mother not abusing him they would not assist.*
- *Have Mathew arrested by the police as a night in jail might do him good.*
- *The mother was told to wait for Mathew to hurt her daughter before they would act.*
- *She was told that if she persisted in trying to seek help for Mathew from Social Services she would be charged with child abandonment!*
- *One worker even crumpled up a letter from a neurologist and threw it in the mother's face!*
- *She was told to put Mathew in a cab for a ride to Child and Youth Mental Health. Then if he was out of control the taxi driver could call the police for help.*
- *The mother was told she had no right to take notes at an interview.*
- *They refused to look at or even accept any documents that the mother had on Mathew's condition.*
- *They threw the mother out of their office even though she was referred there directly from a hospital where Mathew was taken one time when he was out of control.*

*The mother explained to me that Mathew began to spiral out of control. One evening Mathew busted up the furniture in the home in a violent rage. The police were called. One hour later the mother was served with an apprehension notice.*

*To this very day no one from Social Services would ever tell her or her lawyers what grounds they apprehended Mathew on.*

*During Mathew's apprehension the social workers would not return the mother's phone calls. They claimed they were investigating the mother, yet they never*

*contacted anyone who knows her, Mathew or any member of her family. MSS refused to allow the mother to visit Mathew, even over Christmas. Mathew would phone her crying, pleading for mommy to get him out of there and visit him. It broke her heart.*

*Mathew's adoptive father saved his son. He returned from another province to retrieve Mathew so that Mathew and his family could get the respect, dignity and treatment that they so rightly deserve.*

To be fair, the Ministry is desperately short of programming and resources for children in need and children in care. The need is real and it is extreme. I can remember foster parents actually tugging at me, trying to get me off to a side bar conversation where they would plead for help for the children they cared for.

The truth is that programs could be developed. Most social workers have the skill, imagination and knowledge to develop wonderful programming if given half a chance. The added bonus is that the social workers understand the exact need as they are working in the problem areas day in and day out.

*I had a social worker approach me who had left the Ministry. Her idea was to provide group counseling sessions for foster parents and their children after hours. The sessions would deal with all sorts of issues that were prevalent in the foster care system. Her idea was so timely, as the lack of programming for children in care was an issue that I was then currently dealing with. The programming was extremely cost affective as I recalled it would only cost a few hundred dollars a week. Just like all other initiatives that would have helped the children, it died on the planning board in 2009.*

There appears to be nothing that is sacred in the Ministry. Every type of lie, threat or intimidation can be called into play. It does not matter that the lies could or would have long term negative affects on the innocent. One social worker spoke to me. He was exasperated by how far his co-workers would go. If all else failed, he explained, some workers could retaliate against the parent with false allegations and rumours of sexual abuse. By falsely alleging sexual abuse the worker could make good on their threat of taking the child away if the parent did not conform. The advantage of course is that sexual abuse, especially to a child, is so repugnant in our society that most everyone will give the benefit of the doubt to the social worker. The other advantage is that the worker could always count on the child being taken away, because when dealing with a child and sexual assault it is better to be safe than sorry.

I witnessed this very thing happen: *Admittedly this parent was being extremely persistent and argumentative with the Ministry for an extended period of time.*

*The parent had a legitimate concern for a child who was in care. This parent had an exemplary record in the community, but had fallen out of favour with the Ministry because of advocating too strongly for a child. The Ministry employees tried to deal with the parent in the usual manner. From all levels in the Ministry the parent was minimized, disrespected and treated as a persona non grata. Months had passed and the parent's representations were as persistent and aggressive as ever. I attended a meeting where the topic of discussion was the exasperation the social workers were experiencing because of the parent's persistence. At a loss on how to deal with the parent, one worker put forward the theory that maybe behind the motivation of the parent advocating for this child was the desire to sexually assault a child. I was stunned. I immediately demanded to know why or what would make the worker believe such a thing. Nothing, I was told, just thinking out loud.*

*It wasn't more than a few months later, that a totally ugly rumour surfaced, totally unsubstantiated, and extremely incredulous given the circumstances. The origin of the rumour is unknown and undeterminable. It did not matter if the rumour could be proven or not. The rumour could now be placed on the file and used as further justification to ostracize the parent. This treatment a loving parent received sickens me to this very day!*

No one and nothing is immune from attack. I personally found out how far threats and intimidation would be taken in this Ministry:

*One day I received a call from the Minister's Chief of Staff (COS). The COS asked me to shut the door, take a deep breath and just let him finish. The COS explained to me that a representative from the Public Service Commission working in the Ministry of Social Services (whom incidentally I had to report because of a work issue) had brought forward an anonymous complaint. The anonymous complaint was that I was having sex with a social worker! Even though the complaint was anonymous the Public Service Commission representative felt it was their duty to bring it directly to the Minister.*

*I almost fell out of my chair, laughing so hard. I must admit it was not the response that the COS expected. I told the Chief of Staff that the motivation for bringing something forward so ridiculous was not very hard to figure out. The COS was relieved at my attitude. The Chief of Staff related that I need not worry about it that this was the end of the road for such a ridiculous attempt to intimidate me. I later discussed this with the Minister and we both felt it was proof as to how far some Ministry staff were prepared to push the envelope to get their way. This served to bolster our concern for the threats and intimidation families and other workers were receiving.*

*Later that same day the Deputy Minister called me into his office. He related that he and the Public Service Commission representative were undertaking an investigation into an anonymous complaint that I was having sex with a social worker. (I guess he never got the memo from the COS) I asked him, "are you serious that you are going to investigate something so stupid?" He replied oh yes, we will have to interview a number of people, we will have to take statements and investigate this very thoroughly. We have to take this very seriously.*

*"Okay" I said "go ahead, because there is something I know that you don't."  
"What's that" the Deputy asked. I replied, "I know exactly the number of people I have had sex with and that number is one, and I have been with her since I was seventeen. So you go ahead and talk to as many people as you want."*

*It was obvious that my response was not the one the Deputy Minister wanted. I had crossed swords with the Deputy and this Public Service representative in the past regarding change and my involvement in the front lines. My opinion is that the Deputy Minister and the Public Service representative never could appreciate the need to bring about meaningful change in the Ministry and they felt threatened. I felt this was a blatant attempt to intimidate me that failed. He did not pursue it further.*

I have found that often the genesis of the lies, threats and intimidation was due to certain social workers, managers and the bureaucrats constantly looking at different issues from the same point of view. This linear thinking results in the Ministry digging in and becoming rigid in their position and treatment of children and families. They are unable to evaluate, analyze and apply new information as it becomes available. They then tend to defend their original position at all costs. Many Ministry staff are unable to consider other information critically.

In fact the training division in MSS had advised me that the growing inability for the organization to apply **critical thinking**<sup>12</sup> had become a crucial issue for the children and families that they serve. I was also informed that the School of Social Work had also identified the inability for social workers to apply critical thinking as a growing concern.

Doctors, lawyers, journalists, police officers, people in the medical profession and even mechanics need to apply critical thinking in their everyday work or else they fail in most of their tasks. Critical thinking is often honed by experience and by experienced supervisors challenging the thought process of their subordinates.

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<sup>12</sup> Critical thinking is the intellectually disciplined process of actively and skillfully conceptualizing, applying, analyzing, synthesizing, and/or evaluating information gathered from, or generated by, observation, experience, reflection, reasoning, or communication, as a guide to belief and action. Defined by **National Council for Excellence in Critical Thinking, 1987**

From my experience and perspective in the Ministry, the uncontrolled cronyism has caused a natural devolution of good critical thinking. In other words, some supervisors don't have the experience to have developed good critical thinking skills on their own. Therefore how could we expect them to teach or apply critical thinking on down the line.

*Fortunately I had good people working for me who were able to identify solutions to this very significant issue. In fact there were organizations in the United States that were organizing a national conference on critical thinking and how to develop curriculums to develop critical thinking within one's own individual organization. Our idea was to source the very best information and resources from this conference so that we could apply it to the internal training for Ministry personnel. My staff were able to arrange for 3 individuals from the Ministry to attend this conference. Flights, fees and accommodation for all three totaled \$6,000. This was peanuts in a Ministry whose budget is in excess of \$700 million.*

*I was then terminated from my position by the New Deputy Minister who I had never even met. The new Deputy Minister immediately cancelled the conference for the Ministry personnel.<sup>13</sup> The new Deputy Minister refused to let me explain why this was so important for all the social workers, families and children in care.*

It is extremely difficult to understand how a government that speaks so highly of the virtues of the private sector, could allow such terrible conduct to continue. I wager that no private sector employer would ever condone the use of lies, threats and intimidation on their clients. Nor would any private sector employer allow employees to dictate what information should be available to the employer. Yet our government allows these abhorrent actions to continue. The Ministry of Social Services uses tax payer's money to offend the very essence of what we as Saskatchewan tax payers believe is moral, just and proper treatment for those in need, the children and those who are raising them to be the future of our province.

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<sup>13</sup> This despite Minister's mandate letters to Ministers Harpauer (May 13, 2010) and Draude (June 29, 2010) both included specific directions to "...transforming the Social Services Minister into a high-performing organization by establishing a culture of innovation, **evidence-based decision-making**...and service delivery.

## **What contributes to Ministry Abuse of Authority**

The truth about child welfare in Saskatchewan and what is happening is so harmful, so out of control, so bizarre, it is reasonable to ask: how can this be happening in a place like Saskatchewan? The answer can be summed up in two phrases: lack of transparency and lack of accountability.

The Social Services bureaucracy is so brazen and self directed in its operation that it works in direct opposition to the Government's stated goals<sup>14</sup> of keeping the Government's promises and fulfilling the commitments of the election, **operating with integrity and transparency, accountable to the people of Saskatchewan**. The fact of the matter is that the bureaucrats have locked the truth away from the public and have designed a system that is deliberately not accountable to the public.

### **Transparency and the role of journalism**

A strong, effective and vibrant press is a fundamental necessity in a free and democratic society. In our Western culture we sometimes forget or don't really appreciate how important "the news" is in supporting such a wonderful, free and productive life for our families to enjoy. One only has to look at what is happening in other parts of the world to reinforce how much "freedom" is dependent on having an effective press. The first thing a tyrant does is eliminate freedom of the press if he is taking over. The first real sign of a tyranny at an end is the re-establishment of a free press.

We have a sense of security in our society, that if something is wrong out there, if there is scandal or corruption, we are confident the press will be able to uncover the story, confirm the sources and paint us a true picture of what needs to be addressed. Balanced reporting makes it a necessity for both sides to be able to state (from their perspective) what is occurring.

The Social Services bureaucracy hides behind a false illusion of confidentiality they have created saying it is necessary for the "best interests of the child". The bureaucrats will squirm away from the issue by informing the press (and sometimes even the parents of the child) that the "Act"<sup>15</sup> does not allow comment. They have abused the intent of the "Act" for their own purpose and benefit. In truth the false facade for "confidentiality" is to cover the Ministry's own inability to make things right. In the end the child and the family suffers because the

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<sup>14</sup> Restated in the Ministry of Social Services Annual report 2009-2010, page 4

<sup>15</sup> Section 74(1) Child and Family Services Act requires all employees to preserve confidentiality with respect to information that may identify a person that comes to their attention.

abuses that they are experiencing are not reported by the press and we therefore continue with our false comfort that everything is as it should be. We, the public, are therefore unable to demand accountability. It is we, the public, who are being duped by the very people that we pay to administer the "Act".

In reality the press has no interest in harming a child and they have no interest in reporting the identity of a child. We, the public, have the same interest as the media does. We want to know what is happening to these children and parents. We all know and accept that journalism can report the truth and simultaneously protect the innocent by concealing their identity. We see it all the time in our news and we accept it as a necessary and reasonable restriction on our right to know.

The vital point I am trying to make here is that good journalism plays a paramount role in our society. "The news" is more than entertainment. Good journalism and the threat that the press "might find out" is always in the minds of government people and others and is essential to keep our society honest. The press brings to our attention important issues in our society that we need to address.

Do you have any doubt that our society would demand change if our press could report the truth of what is occurring? Would we as a society stand for a child being allowed to have their body emaciated while in foster care if it were flashed across our television screens? Would we put up with reading how young children are punished by being made to stand out in dark yards or being made to sleep in their own feces? Would we be content with finding out that children are being made to sleep on the floor with no covers in a MSS government facility? Would we permit whole families of children to be apprehended and not allowed to even speak to their mothers for weeks because a social worker got angry, if we heard it on the radio? Would we totally ignore the need for the government to do something if the press reported that children in the care of the Minister are not receiving the mental and medical health care that is required?

Of course we wouldn't and those examples are only the tip of a humanitarian iceberg of shame right here in Saskatchewan. You know you wouldn't stand for it and the bureaucrats know you wouldn't either! That is why by design, the press is kept out of Social Services. The press would create some serious aggravation if it were allowed to report on the truth.

Just imagine if the press would have had access to the residential schools during that time period. We would not have tolerated what was being reported and what a wonderful record would have been available for the courts.



The attitude in the Ministry is that no one is ever going to find out what is actually occurring in Saskatchewan Social Services. Therefore there is no fear of being caught. Therefore there is no need to hold anyone accountable.

*Just days before I was terminated from the Assistant Deputy Minister position I had put out a communication to the Minister's office. I believed it was necessary and time to make the Ministry more transparent by allowing fuller access to the press. I communicated that we could make a contractual agreement with the press to preserve confidentiality with respect to identity. It was my desire to allow the press to direct their stories pursuant to their own agendas but I felt that we could show the good as well as the bad in the Ministry. I felt this would create more public awareness, perhaps increase foster home applications and address some of the accountability awareness issues of the staff. This initiative died with my termination.*

### **Accountability or the lack thereof**

I have already covered in some detail how plausible deniability, bureaucracy and lack of good managerial oversight has made it impossible to bring concerns forward within the organization. However there is nothing external that one can do, in most cases, if a social worker abuses their professional ethical responsibility either.

Just as lawyers are regulated and disciplined if necessary by the Law Society of Saskatchewan and Doctors are regulated and disciplined if necessary by the College of Physicians and Surgeons of Saskatchewan, social workers have their own regulatory body, the Saskatchewan Association of Social Workers. (SASW)<sup>16</sup>

Social workers in the Ministry of Social Services **are not required** to belong to the SASW. Many social workers have told me that they would not be able to meet the professional standards of the SASW if they were members. Typically this relates to contact standards and care of the children in their charge. However, by not making it mandatory for social workers in the Ministry (including their managers) to belong to SASW, the public has no recourse should a social worker display some unprofessional conduct, neglect of duty or abuse of authority. By not having external professional oversight mandatory, the abuse of families and children in care can continue unchecked.

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<sup>16</sup> As a regulatory body, it is SASW's role to establish, maintain, & develop standards of ethical practice as well as develop skills and competency among its members for the purpose of serving and protecting the public. [www.sasw.ca](http://www.sasw.ca)

Marvin Bernstein, Saskatchewan Children's Advocate, had also reported in 2006 that for a number of significant reasons social workers in the Province of Saskatchewan should be members of the SASW.<sup>17</sup> Like most of the Children's Advocates reports this too has been ignored and the report is shelved somewhere gathering dust.

There is a strong organizational will to keep the status quo and not allow change for the betterment of the families and children that they serve. Minister Harpauer knew that and directed on February 25, 2009 that I be hired and "*... given one primary task. He has been given the responsibility to in the words of the Children's Advocate 'destroy this culture of non-compliance and work purposefully and with perseverance to build a new culture that encourages communication between Ministry managers and front-line staff, between Ministry staff and foster parents, and between children and their caregiver, whether they be Ministry staff or their foster parents.'* Beginning today, the philosophy of top down directives is over. Beginning today, the culture of insular planning is done...." <sup>18</sup>

*As you can well imagine Minister Harpauer's directive struck at the very heart of what bureaucracy is all about. The push back from the bureaucracy was enormous. Undaunted, I located one of our Province's best practitioners in organization development. I contracted this Human Resource Professional who held an M.A. and Ph.D. in Applied Social Psychology to bring about this change. This change was to first occur in the Saskatoon Region and then what we learned would be applied throughout the Province.*

*It was difficult work. It took weeks to even begin the process of organizing this initiative. Committees were formed and priorities set. Some priority issues had to be dealt with immediately and fantastic initiatives were generated. Front line staff were starting to be empowered. You could feel the excitement starting to build. There was the belief that finally the pain had been heard, meaningful change was going to happen. Just at the point where the real meaningful work was to start, I was terminated. The new Deputy cancelled the initiative and would not hear me out as to why it should continue. The bureaucracy had made its point. The status quo is the status quo!*

Accountability and transparency are two of the biggest issues in MSS. In the end, the press are skillfully prevented from having access to expose the truth. The organization is by design unaccountable and the bureaucracy resists change. The

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<sup>17</sup> "The challenge of Professionalizing Child Protection Work and Retaining The Title of Social Worker" Marvin M. Bernstein May 2, 2006.

<sup>18</sup> Honorable Donna Harpauer, Response to the Children's Advocate Report into Foster Home Overcrowding in the Centre Region 2/25/2009

real victims are the children and their families. They are victims in the true sense of the word, in that they hurt, suffer irreparable harm and sometimes even die.

## **What Else Could Go Wrong?**

### **Child Deaths in Saskatchewan**

Each year between 15 to 20 child deaths occur to children that are involved in Saskatchewan Child Welfare. The causes of death are many and varied. Children die in care for reasons varying from terminal illnesses to reasons that call for criminal investigations.

I don't think anyone can argue against that a child death for any reason is extremely tragic. I know from experience the graveness of the issue. There is nothing so heavy in the world as the weight of a dead child.

In this report, I will not be expanding on why I believe the system is culpable for many of these tragic situations. Instead I want to focus on the abhorrent manner in which MSS handles the situation after a child death occurs.

After a child death occurs, an internal report from the Ministry may take up to two years to be finalized and published. I have reviewed instances like this and I find the delay appalling. Furthermore, the Children's Advocate Office has an agreement with the Ministry that it will not begin their investigation until the Ministry's report is concluded. All the while the parents are languishing in their grief and despair, not knowing what happened. All the while witnesses and evidence are disappearing, the public is forgetting what happened and children remain at risk for a cause not reported and corrected.

*I know of one Grandmother who has had two grandchildren die in care and she still cannot get answers to her grief. Can you imagine suffering the grief from the death of one grandchild let alone two? May God grant her strength in her quest for answers!*

I know from my own experience in sudden death and murder investigations, most investigations should only take hours or a few days at the most, barring any complications. Giving MSS the benefit of the doubt, I approached two senior individuals who had completed a number of child death investigations. They confirmed my original suspicion that on average a review should only take approximately 15 hours to complete. What then occurs is a bureaucratic kink that delays the report for months or even years. The report makes its round from one desk to another with each participant taking the time to suggest rewrite of the

contents or revisitation of some obscure detail so it does not cause embarrassment to the Ministry. Never ever have I ever heard of such a shameful way to treat the investigation of a death.

*The standard operating procedure of child death reviews had become so mired down in revision that the child death reviews had become a serious backlog issue. The solution of course to the bureaucrats was to hire more bureaucracy to handle the bureaucratic kink. Instead, if any new personnel were going to be hired I wanted them at the front line as too many of the front line staff were overworked because of unmanageable numbers of childcare files in the Regions. Also the bureaucratic agenda was in direct opposition to the government commitment that it was going to reduce the public service by 15 percent over four years. I resolved that a process would be put in place whereupon the Directors of the Regions would be tasked to delegate the completion of a child death review within a matter of a few weeks. No rewrite of the report would be allowed and it would be handed off to the Children's Advocate Office so that the Advocate could fulfill it's legislative mandate of investigating child deaths. This did not sit well with the bureaucrats and I have no idea how this was finally resolved. I left the Ministry before this issue was resolved.*

### **Abuse of Fundamental Rights and the Law**

It is a fact that we live in a great country. We enjoy freedom to move about. We can speak our mind without fear of retribution. We feel confident that we have legal rights, even if we don't exactly understand what they are. We believe that our "rights" will ensure that we will be able to enjoy this freedom until the end of our time. Furthermore we feel secure that someone from the government is not going to swoop down and arbitrarily punish any of us except for a breach of the law and that no single person in our country is immune from the law if they break the law. That security we feel is because of a concept often referred to as the "Rule of Law". We are as certain as certain can be in these type of situations that we are not going to wake up tomorrow and find that a dictator or tyrant has taken control of Canada.

We believe and have an expectation that if we should ever run afoul of the law, there must be some rules out there that will ensure that we are treated fairly. One of "the rules" is often referred to as "the principles of fundamental justice." In fact in 1999 the Supreme Court of Canada decisions in *M. v. H.* and *New Brunswick v. G.(J.)* specifically decided that child protection proceedings must be conducted in accordance with "the principles of fundamental justice."

The principles of fundamental justice include the right to legal counsel, the right to not be treated in an arbitrary manner, and the right to know the case against you so that you can prepare a sufficient defense.

One of the other "rules" that we should be able to rely on when dealing with issues of this nature are called the rules of **procedural fairness**. Basically those experiencing child welfare should have the expectation that they will be treated without bias and be assured of a fair investigation and treatment according to the policies of Social Services. I am not a lawyer and the definitions and applications in all specific situations start to blur for me. However, I would also argue that those involved in child welfare should have a reasonable expectation that they will not be denied benefits afforded under the "Act" because of some unfair means such as coercion.

Despite all of the legal safeguards we have in our Canadian society, some workers in the Saskatchewan Ministry of Social Services have not just trampled the rights of our citizens, they have totally trashed all remnants of just treatment. Often these rights are trashed without any manager or bureaucrat holding anyone in the Ministry accountable for their actions.

Imagine, if you can, the panic and trauma a parent is in when their child is forcibly taken away from them. Parents have described the feeling as making them dizzy all the time, physically ill, unable to think straight, in a continuous state of panic. My descriptions really cannot do justice to what they feel.

All too often the following is the experience that happens to young and old alike, rich and poor and to those young mothers who do not have the family supports or life experiences to fall back on:

1. Your child can be apprehended at anytime without warrant and without prior notice. Many parents have sent their children off to school, thinking them to be safe, only to find the children do not step off the bus after school because they were apprehended. Children have even been apprehended from hospitals against the will of physicians without notifying parents.
2. Sometime later, a notice of apprehension is given to the parents either orally or in writing. The apprehension notice is often deliberately vague and often contrary to policy.<sup>19</sup> For example the notice will relate the children were apprehended because the child was in need of protection. The parent is left with questions of what happened, what did I do, what did

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<sup>19</sup> MSS Family-Centred Services Policy and Procedures Manual, chp 8, Sec 17) 1. sets out that the parent should be served as soon as practical setting out the grounds for apprehension of the child in writing.

someone else do, when did this happen, what is the MSS alleging, have they got the wrong child, has a mistake been made here? The response most often heard is I don't have to tell you, go to court to find out!

I really need to put this into context to show how abusive and crazy this is. What the Ministry is doing would be akin to anyone of us being phoned by the police and told we are being charged for speeding and that we could go to court at a date that has not been determined yet to find out the details!

In reality, even in something so minor as a speeding ticket (although we hate those nasty speeding tickets), we can expect to be satisfied with enough detail from the police officer. For example the police will tell us and hand us a ticket that will state you are being charged with speeding contrary to the city bylaw, on the 1600 block of Albert in a 50 km zone, clocked at 67 km per hour. Further we can expect to be told the exact time and date the offense occurred and other information like what direction we were heading.

But when something as serious and traumatic as a child being taken away occurs, the Ministry responds in a cruel and heartless way. This response is the start of psychological torture for the parent and the erosion of a parent's rights.

3. The parent is often at a complete and total loss. Quite often the parent wants to clarify things in a proper and fair investigation or review the investigation with the social worker. If the parent is truly unfortunate they will have a social worker who works under the "shot gun affect". The shot gun effect is when the apprehension has been made and then the social worker goes out to substantiate the grounds for apprehension.

Or alternatively the parent may find themselves paired up against a social worker who is completely oblivious to policy<sup>20</sup> or rules of fairness. The parent is bewildered; why were they not talked to, why was a witness that was there not talked to, why was my elder or doctor not talked to, why was the child not talked to? Incredulously I have seen times when even if the parent knows a mistake has been made by MSS or knows of evidence to the contrary or has something else that should allow the release of the child, the worker rejects it out of hand without even reviewing the matter.

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<sup>20</sup> MSS Family-Centred Services Policy and Procedures Manual Chp 3 and elsewhere speaks to an unbiased investigation , assuring that all of the facts, both positive and negative, are discovered, reviewed and evaluated in reaching the decision.

4. The next stage in this travesty is that the parent is forced to search out a lawyer without even knowing what has been alleged. I know as fact that many lawyers are reluctant to take on such cases because of the convoluted way the Ministry conducts itself with respect to child welfare. I do not blame them in the least! If a parent can find a lawyer to represent them, they are then informed it will cost at least \$5,000 to \$10,000 to have their own child returned to them.

If the parent can qualify for legal aid, they will then find themselves in a system, through no fault of the legal aid team, that is mired in overwork, staff shortages, and delays.

5. All the while the parent may be prevented from speaking to the child or even visiting the child. The workers don't have to show cause to do such a cruel thing. Some workers can "just decide." If the parent is lucky they may get supervised visits with the child. They often are not allowed to talk to the child about how the child is being treated and definitely not allowed to talk about why the child is in custody. This is totally cruel and there is absolutely no basis in law for this kind of treatment. Imagine the cruelty of a mother not being able to understand and comfort a child who had been apprehended by mistake. In fact the parent is still the parent. The parent has every right to speak to the child about what is occurring. (I am not advocating in anyway that a person who has abused a child should have access. The vast majority, 60 to 70 percent of children in care are the result of neglect issues like poverty.)

*I remember one mother who had her children apprehended. The social workers told her that the police and the workers had decided that she was not to speak to any of the children about why they were apprehended. The parent wanted to show she would cooperate, so she obeyed the social worker's order. The MSS insisted that the mother undertake a parental assessment. One of the recommendations of the assessment was that the mother undertake assertiveness training **because she should not have listened to the social worker about not speaking to her child as to why they were apprehended. What is a parent to do?***

In Canadian law there are no property rights in a victim or a witness. No party in an action has the exclusive right to what a witness has to say. The Ministry has no right to prohibit lawful conversation between a loving parent and their child.

6. All too often the parent will find themselves before the court, with no idea why their child was apprehended. The parent's anxiety is extreme at this

point. Then they find that the Ministry has filed a lengthy affidavit with the court that lists all sorts of allegations. Many of the allegations the parent believes are inaccurate and many they believe are completely false. The parent, now reeling from the shock of finding that such falsities could be put before the court, is usually dumbfounded. The parent is cornered. If they want to respond with their own affidavit, court will have to be adjourned. It will take days or even weeks to have the Ministry produce the writings to them and all the while the children are suffering in the Minister's care. The parents are frantic to get their child back.

7. Court is adjourned and if it hasn't been done already, unscrupulous social workers will move in for the figurative "kill." They will present the parent with an "offer they can't refuse." The parents will be asked to sign a document acknowledging some allegations that they may totally disagree with. *One mother I know was asked to sign that she exposed her child to a harmful interaction for a sexual purpose. The very idea that she was being alleged to purposely allow her children to be sexually exploited disgusted the mother and has traumatized her beyond compare.*

Next, to avoid any more court proceedings, some social workers will list a number of conditions that the parent must follow. A usual course of action is to require the parent to attend psychological examination or psychiatric assessment even if there are no documented causes to lead one to believe psychological assessment is necessary.

Then what all too often happens is the "coup de grâce". The parent is intimidated to agree to leave the children in care for up to six more months or the Ministry will drag this out for even longer. If the parent refuses the Ministry also threatens that when court is finally heard, MSS will move to take their children away permanently!

So what is a parent to do? What would you do? What would a young person with hardly any positive life experiences do? What would a parent do when the pain of their child's absence is unbearable? What usually occurs is that the parent will do anything, sign anything, agree to anything, just to get their child back in the quickest way possible. Court is avoided and the "truth of the matter" is never heard.

8. Then the final assault occurs to our Canadian "Rule of Law". The parent or child wants to take action against the abuse they and their child has suffered because of the abusive undertakings of the Ministry. Then, even if the



actions of the Ministry were negligent, malicious, vexatious or in bad faith the parent finds, for all practical reasons, including cost, the "Rule of Law" is not going to be applied to the Ministry.

As many as 70% of the children in care are of 1st Nation or Métis descent. I have been told that 1 out of every 20 1st Nation or Métis child in Saskatchewan will be taken into the Minister's care at some point in their life. Is it any wonder that there is skepticism out there for the "White Man's Law"? Do we need to wonder why the 1st Nations and Métis want to self determine their own child welfare law?

Saskatchewan Child Welfare aggravates and widens the cultural divide between the 1st Nations, the Métis and the rest of society. The fact is that systemic assimilation has continued long after the last residential school was closed down.

### **Systemic Discrimination**<sup>21</sup>

I know many of our 1st Nation and Métis people claim that they are direct victims of discrimination. In this report I do not expand on individual allegations. What I want to comment on is the view from the vantage point of a person at the top looking down on the organization. From my vantage point as a past Assistant Deputy Minister, I believe there is a strong argument to be made that there is a very strong prima facie case that The Saskatchewan Ministry of Social Services systemically discriminates against our 1st Nation and Métis people.

Firstly the MSS is a huge employer "with more than 2,000 employees ...and a budget of more than \$733.1 million, Social Services is one of the largest ministries in the Saskatchewan Government."<sup>22</sup> A very significant number and the majority of MSS's clients are 1st Nation or Métis descent. The Ministry has been in operation for decades yet very few long term employees are of 1st Nation or Métis descent. The numbers are even lower in the supervisory and management positions and non-existent at the Executive level.

My background as a Saskatchewan Human Rights investigator prompted me to make some inquiries as to why I observed such low 1st Nation and Métis representation. I learned that of paramount concern to 1st Nation and Métis people employed by the Ministry is the way in which their people are treated. I was informed that many 1st Nation and Métis people cannot tolerate the injustices suffered at the hands of the Ministry against their people and many quit the

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<sup>21</sup> Systemic discrimination is the kind of discrimination that is built into the way organizations and governments operate and often involves informal activities and cultures. Systemic discrimination is more hidden than adverse effect discrimination. [www.nwthumanrights.ca](http://www.nwthumanrights.ca)

<sup>22</sup> 2009-2010 Saskatchewan Social Services Annual Report.

Ministry after some time. 1st Nation and Métis workers are not sufficiently recognized for the skill and special ability they bring because of their culture when competing for manager and supervisor positions. In other words it is not recognized that being 1st Nations or Métis would have its inherent benefits of being able to understand and formulate solutions to 1st Nation and Métis issues in an exemplary and superior manner. It then follows through, because there are few 1st Nation or Métis people at the worker level, even fewer at the manager level, so there are even fewer to choose from for the executive level.

Secondly, programming or legislation that would recognize the inherent differences of the cultures and address only those issues that are truly detrimental to the child in a positive way, are almost totally disregarded or nonexistent. For example it is widely recognized that the "residential school" tragedy (which is accepted as a discriminatory act) has had a significant impact on a whole generation of Saskatchewan 1st Nation and Métis people. Yet there are **no comprehensive programs** offered to address the addictions, poverty, FAS and lack of parenting skills that are a result of the "Residential fiasco".

Another more tangible example is the **family review panel**.<sup>23</sup> This panel is to be selected by the Minister from representatives from the communities to review each and every apprehension to determine (among other things) if the apprehension is righteous. It would follow that because 70% or more of the families affected by Saskatchewan Child Welfare are of 1st Nation or Métis descent, these panels would be dominated by 1st Nations and the Métis. What we in fact find is that these sections of the Act are totally ignored and absolutely no Family Review Panel exists in the province, to my knowledge. One has to ask, is this because the white dominated bureaucracy does not want the 1st Nations and Métis inflicting their values on the Ministry of Social Services?

Additionally a **Family Services Board**<sup>24</sup> by law is to be established where aggrieved parties can take their complaints of Ministry decisions to be reconsidered. This is not happening.

Clearly the establishment and review by the Family Review Panels and a Family Services Board is the law and it is totally disregarded by MSS.

Lastly (for purposes of this report only) the **policies** and the **funding** of 1st Nation Agencies to administrate Child Welfare on Reserve **is not realistic** and not responsive to the realities of life for 1st Nation and Métis people. A specific example is that the workload is extremely heavy within the 1st Nation and Métis

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<sup>23</sup> Sections 20 and 40 of the Saskatchewan Child and Family Services Act

<sup>24</sup> Section 43(1) of the Saskatchewan Child and Family Services Act

communities. Yet the government will only fund an inadequate number of social workers or an insufficient amount of programming in those communities. Meanwhile the government makes policy and standards that these communities can not possibly meet because of the limited resources they were given in the first place.

## **Why We all Should Care About What is Happening in Saskatchewan Child Welfare**

Firstly the way Child Welfare is administrated in the province is an affront to the dignity of the family and the dignity of the child. Dignity should be an inherent right in our province and everyone in our province should enjoy the same right to **respect and ethical treatment**. Dignity is a prerequisite, it is a must have to freedom. The current conduct of MSS is shameful and we should not tolerate anything like it operating in our province. We cannot allow freedom in our society to be so easily compromised.

We all pay for and fund government services. Therefore we should expect that these government employees treat others as we would want to be treated. When anybody is not treated with dignity in our province because of a government action, we should all be offended. This is especially so with regard to a child and their family as we all should share in the responsibility for making sure every child is safe and cared for.

Secondly, the product of poor child welfare is a future increased need for child welfare and **increased crime** and ultimately the compromising of our future safety. Good child welfare should be central to any and all anti-gang strategies and currently it is not.

Dr. Mark Totten works with groups across Canada and in other countries on evidence-based practices in the areas of gangs, organized crime, extreme violence, mental health, child maltreatment and family violence, bullying and harassment, sexual exploitation and trafficking, youth justice, and gender identity. "He says more effort should be put into keeping aboriginal children in schools that are culturally based, addressing health problems such as fetal alcohol spectrum disorder, and keeping children from troubled families in the home if at all possible rather than placing them in care".<sup>25</sup>

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<sup>25</sup> The Epoch Times-author Joan Delaney, April 1, 2010

I have read some of Dr. Totten's work. I was at first astounded to find that Dr. Totten had established that children who experience out-of-home-care are more likely to be involved in gangs than those who have never experienced out-of-home-care. But then as I thought it about it, and my own experiences as a police officer I realized that anecdotally I would have to say that a disproportionate number of children that were involved with my policing experience were involved in the child welfare system as foster children.

A Correction Services of Canada Study<sup>26</sup> reported at page 11:

...considerable proportions of Métis offenders also experienced disruption to their family lives. Over one-half (52%) reported being involved in the child welfare system at some point during their childhood. Of those who reported involvement, large proportions were placed in foster care (68%) and group homes (36%). Extensive involvement in the child welfare system has also been found among federally incarcerated Aboriginal offenders in general (Trevethan et al., 2002a). Results from the current study emphasize the extent to which many Métis offenders have been displaced early in life.

We as residents of Saskatchewan are currently paying a "societal high cost" for not supporting the family so that apprehensions are avoided. However there is a huge liability in dollars that is accruing to the taxpayers of Saskatchewan and it is a liability that could significantly impact us as a province. The Residential School issue is the responsibility of the Federal Government. Child Welfare is the responsibility of Saskatchewan. The Saskatchewan taxpayer would be on the hook for its failure to administrate child welfare in a fiduciary responsible, due diligent and prudent manner.

In the Residential School situation the Federal Government will pay over \$1.9 Billion to some 80,000 people. Saskatchewan Social Services dysfunction has affected thousands and thousands of people who now live all over North America. All of these people could lay legal claim to being mistreated by Saskatchewan Social Services. This would include people who were denied their families, people who did not receive treatment while in care, people who should have been adopted out and people who were not placed in suitable care facilities. Considering that the Supreme Court has now accepted that family relationships are of fundamental importance and worthy of constitutional recognition and protection,<sup>27</sup> families and parents could now lay claim to damages for being denied their children. The number of people who could now be seeking damages because they are the parents of apprehended children would increase the accrued liability significantly.

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<sup>26</sup> Program and Service Needs of Federally Incarcerated Métis Offenders in Saskatchewan, John-Patrick Moore, Shelley Trevethan CSC and Jennifer Conley Métis Family and Community Justice Services, July 2004

<sup>27</sup> 1999 Supreme Court of Canada decisions in *M.v.H.* and *New Brunswick v. G. (J.)*

Therefore it is **not fiscally responsible** for a government to allow the lawlessness occurring in Saskatchewan Social Services to continue.

## **What Needs to be Done!**

*"We cannot solve the problems we have created with the same thinking that created them." Albert Einstein*

Central to all of these issues is the urgency in which these problems need to be addressed. Every breach of policy hurts a child. The minute a child is apprehended harm is already occurring to the child and family. The wound has been made. All that is at question now is how long it will be left to fester and grow? Imagine the fear the child has when they are apprehended at school, at home or at the hospital. Where are they ever going to be safe again? A child's "childhood" can never be replaced or entirely repaired at some later date. Good childhood experiences form the basis on which a person's future depends. Good childhood experiences are what "makes the person."

Another study, commission or review is an unnecessary delay. Another study, commission, review or committee is good for the bureaucracy but the delay harms the child. Good social work already has prescribed what to do. It is time to act and the action needs to be now! From my time at the Ministry I know all of these actions can be undertaken in the timelines as stated.

### *Short term within 6 months<sup>28</sup>*

1. Immediately address the leadership deficiencies in the Ministry of Social Services bureaucracy. The new bureaucrats must be responsive and accountable to the people they serve.
2. Immediately legislate or place into policy capped file loads consistent with the Child Welfare League of Canada's recommendation for all Social Workers in child protection including Adoption Workers.

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<sup>28</sup> These "must do's" are for the benefit of a child, therefore the time-lines stated are on a child's life timeframe.

3. Immediately allow social workers to spend equivalent dollars on the families in question for programming and needs that would have been spent to place and keep those children in care in a stranger's home.
4. Immediately legislate or place into policy that all social workers employed by the Saskatchewan government must become members of the Saskatchewan Association of Social Workers and must maintain themselves as a member in good standing as a condition of employment.
5. Immediately implement sections 20 and 40 of the Child and Family services Act and all other sections pertaining to the Family Review Panel as well as section 43(1) as it pertains to the Family Services Board.

***Medium term within one year***

6. Allow the press freer access to the Ministry with reasonable conditions to preserve the identity of vulnerable persons.
7. Develop a work culture of bottom up planning because the front line workers are more in touch with the needs of the community.
8. Properly equip all Ministry staff with effective levels of support staff, effective software and modern equipment such as i-pads so their time can be used more effectively and safely with the families.<sup>29</sup> Implement leading edge training on a continual basis in the Ministry.

***Long term within 3 years***

9. Under the premise that bureaucracies do not and cannot care for the real welfare of children and that communities of people can and do care for children, restructure legislation so the bureaucracy is responsible to the communities. In other words the 1st Nation, Métis and other legitimate community groups will have the final and legal word on apprehensions and accountability respecting Child Welfare in Saskatchewan.
10. Allow 1st Nations and Métis to identify programming and where that programming should be implemented that they believe is a priority (such as suicide prevention, addiction and alcoholism counseling, FAS, unemployment etc.) Immediately implement programming as prescribed.

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<sup>29</sup> Although not covered in this report the Ministry of Social Services is the "poor sister" when it comes to adequate infrastructure. Offices are small and cramped, cell phones need to be shared, software is cumbersome and out of date, hardware is outdated and inadequate. This is also a safety issue for the social workers who need to attend calls out on the street.

Implement Jordan's principle<sup>30</sup>. As a considerable number of these issues should be the responsibility of the Federal Government (i.e Residential abuse liability and treaty) and all of these issues affect the family and ultimately children, (which is currently the Province's jurisdiction) fund the programming and negotiate final funding agreements with the Federal Government in due course.

11. In partnership with the 1st Nations and Métis, develop a process to address the harm to individuals and the accrued liability of Saskatchewan Social Services.

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<sup>30</sup> **Jordan's Principle** is a child first principle to resolve jurisdictional disputes within, and between governments, regarding payment for government services provided to First Nation children. Wikipedia

## The Challenge

We all have our priorities that we want the provincial government to fulfill. I have a number of issues that affect me personally (like taxes and Agricultural policy) that I would like to see improvement on.

However there comes a time when members of any society need to rally around some significant issue and say wait a minute, this is not right, it can't go on, as this strikes at the very foundation of what we believe our society should be. There may only be a few times in one's lifetime that it becomes evident that there are issues which serve the greater human good, that really don't benefit us directly that we need to speak up on.

I have been to a Holocaust memorial. I was overcome with wondering why were the societies at the time so comfortable as to not act? After all, Hitler's "final solution" began years before the war. Even we as Canadians (so far away) should have known it was wrong. We could have opened our doors.

I have heard General Romeo Dallaire speak on the Rwanda genocide. Can anyone argue against that if we would have listened, understood and acted, 800,000 lives would have been spared?

I am not suggesting that what is happening in Saskatchewan Child Welfare parallels the Holocaust or the Rwanda Genocide. Those are atrocities on a scale that are truly incomprehensible. The point I am trying to make is that even on something so large, so far away, involving other governments, languages, all sorts of communication issues and danger, it seems that we all can share the same feeling that someone should have, could have, done something and didn't.

Or consider the Residential school catastrophe. Closer to home, but the thought remains, if we only would have known what we were really doing we could have and should have done something! But shamefully we didn't.

Now fast forward to the present. At any one time in Saskatchewan we have more than 5,000 children in care. The Ministry predicts the numbers to rise exponentially. Close to 70% of these children do not have to be in care as it is not feared that they are being abused! Children have died in care. Children and their families are suffering unnecessary excruciating pain. Child Psychology has established that children are harmed for life because of their out-of-home experiences. The apprehension of children is contributing to our crime and gang problems and it contributes to more marginalized adults in the future. Legally we



are going to have to pay for this and the amount keeps growing with every day of inaction.

The Children's Advocate, the Saskatchewan Ombudsman, the Provincial auditor and myself (a past Assistant Deputy Minister) are credible individuals who have reported that this institutional abuse needs to stop!

Finally I would argue that this is one of those issues, maybe once in a lifetime, that we have to say yes I am going to speak out even if this does not affect me directly. We need to stand firm because this is an assault on the dignity of the family and the child and **we will not allow this to happen in our society.**

There are no excuses for this travesty to continue. It is happening down the street from us, in our province of only a million people. It is happening in a province that is led by the people we elected. This is happening in a province which is supposed to have one of the brightest economic futures in North America. There are no communication, language or jurisdictional issues. There are no excuses this time! We all need to unite and demand in the words of Mr. Bernstein, "**enough is enough not one more child will be harmed by the system responsible to protect them.**"

So please if you now understand what is happening, speak out about this issue. If you are a journalist report what is happening. If you are a politician make this a priority for change. If you belong to any community groups, societies, associations or churches, take it forward in your organizations to take action. If you are a social worker take a stand for what you know is right. If you are a parent or child caught up in the system, there are some who hear you, do not abandon hope, hang on!

Please make this happen, become involved, make this change.

As Gandhi said, "**Be the change you want to see in the world.**"

Pray for the Children  
April, 2011  
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