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Fourth Session — Thirty-Second Legislature

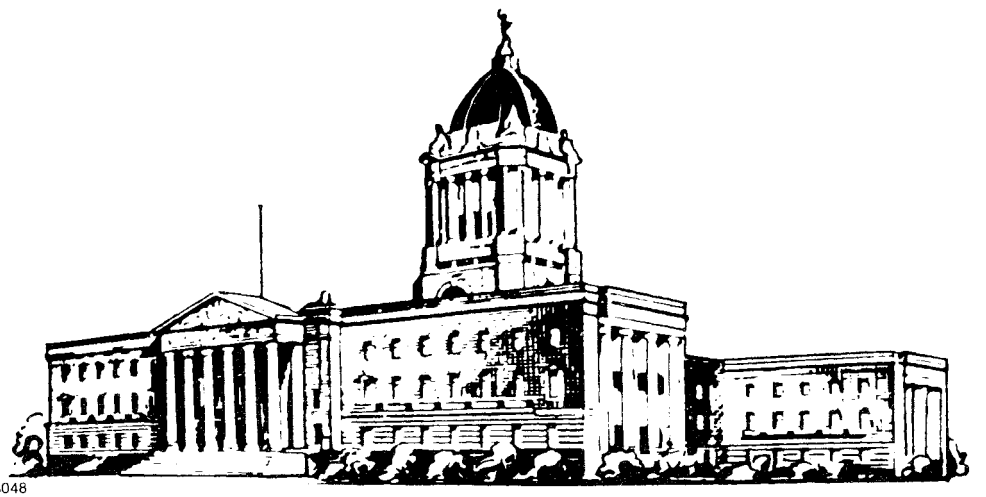
of the

Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

34 Elizabeth II

Chairman
Mr. Phil Eyler
Constituency of River East



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Thursday, 4 July, 1985

TIME - 10:00 a.m.

LOCATION - Winnipeg, Manitoba

CHAIRMAN - Mr. P. Eyler (River East)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Mrs. Smith, Hon. Mr. Uruski

Messrs. Ashton, Enns, Eyler, Harper, Kovnats, Nordman and Scott

WITNESSES: Mr. Craig Posner - Private Citizen

Ms. Deborah Shelton, Messrs. Albert Gazan and Arnie Peltz - Child in Care Alumni Incorporated

Ms. Lisa Fainstein - Manitoba Association for Rights and Liberties

Mr. Paul Swartz - Family Subsection of the Canadian Bar (Manitoba Branch)

Mr. Richard Folster - Southeast Child and Family Services

Mr. Vic Savino - Dakota Ojibway Child and Family Services

MATTERS UNDER DISCUSSION:

Bill No. 12 - The Child and Family Services Act; Loi sur les services à l'enfant et à la famille.

* * * *

MR. CHAIRMAN: Committee, come to order. We are considering Bill No. 12, The Child and Family Services Act. I have a list of several members of the public who would like to make presentations. I believe the normal procedure is to ask if there is anyone here from out-of-town and to put those people first, and then follow them up with the people who are from the Winnipeg area.

Are there any people here who are from outside of Winnipeg who would like to make their presentations? Everyone's from Winnipeg.

Okay, I will go down the list as I have got it here. The first person on my list is Mr. Craig Posner.

MR. C. POSNER: Good morning. As you know, my name is Craig Posner. I'm a psychiatric social worker, a family therapist and an adoptive parent. The very brief presentation I am making this morning is as a private citizen, and the views presented here are solely my own. I would like to thank this legislative committee for granting me time to speak today.

Before I begin addressing subsection 74(2) of Bill 12, this committee should know that I phoned the Legislature about two months ago to determine when these hearings would be, and was given less than 24 hours notice of today's hearings. Furthermore, I only knew of these hearings because of my own personal interest and willingness to pursue it. More should be done to help the public be involved in this process.

The main purpose of my appearance is to comment on the decision to allow adoptive children to initiate unions with their birth parents. This is on Page 65, section 74(2) of Bill 12. Very briefly, No. 1., a child should be at least 21 years of age, if not older, before such reunions should be sanctioned. Children remain in modern families well beyond the age of 18 while completing their training for life.

Furthermore, 18-year-old children can initiate such contacts without their parents' knowledge. In most cases, this would not happen but, in the case of an 18-year-old challenging the authority of his/her parents, such a move could be quite disruptive to family life. This could not happen at present in Ontario where the adoptive parent is part of the process. Under these potential circumstances, this amendment could be viewed as anti-family, not pro-family.

Secondly, this amendment now is a total breach of commitment made to adoptive parents and biological parents at the time of adoption. These changes give imbalanced support to the act of giving birth and diminish the 24-hour per day act of raising a child. In April, the Supreme Court of Canada took into account past commitments and the pre-eminence of psychological ties in denying a birth parent the return of "her child". This decision demonstrated the reality that changing the rules in midstream could be damaging to both the child and the family.

No. 3, also before such changes are made to The Child Welfare Act, the motivation for reunions should be studied more conclusively. This will determine if the quality of one's upbringing affects the desire for such reunions. Some studies suggest this to be the case. In short, caution should be taken by this Legislature when it makes legal changes that affect many Manitoba families.

I recommend a one-year delay of this amendment for further study. However, if this Assembly insists on passing this amendment, then adoptive child-initiated unions with their birth parents, as I stated earlier, should not begin before the age of 21.

Thank you for your attention. I know my remarks were very brief, but I wanted them on the record.

MR. CHAIRMAN: One moment please. It's usual for members of the committee, if they have any questions for clarification of your presentation, if you want to answer them they would be happy to ask them.

MR. C. POSNER: Sure.

MR. CHAIRMAN: Are there any questions of clarification for Mr. Posner?

Mrs. Smith.

HON. M. SMITH: Yes, I wanted to thank Mr. Posner for his thoughtful comments.

You referred to the motivation for reunion, that it should be reviewed. Could you just expand on that? Who would do it and what would be acceptable motivations?

MR. C. POSNER: Well, the motivation, there has been studies and one in Scotland that I do know of, that has indicated that motivation for reunion has usually been based on situations where the family experience has been not acceptable to the child; where children have had good upbringings or what they view as good upbringings, they haven't sought these kinds of reunions.

The question that one must ask then is, does this then create in a sense, a type of discrimination against one set of families as opposed to the rest of the families in the community? There is no doubt, though, that the trend now is that this kind of thing should happen, and I am not saying that one can stop that, but based on the fact that most people who seek these reunions are generally people who have had disappointing, or what they view as disappointing experiences, that this should be done in such a way as to make it not as disruptive to the family situation.

MR. CHAIRMAN: Are there any further questions?

Mr. Harper.

MR. E. HARPER: Yes. Mr. Posner, you mentioned that the union shouldn't be taken place or studied before they went back, say, to their families, like the real mother and the real parents. Are you suggesting that this be not proceeded with, like the sort of news there has been reunions between especially the Indian children with their real parents? Are you suggesting that there has been disappointments, or could you elaborate on that?

MR. C. POSNER: What I am saying is that if someone has been adopted into a family and has spent their whole life in this family, that becomes their family, especially in a psychological sense. They have had no contact with the birth parent or parents. If a reunion is going to take place, it should be done in keeping with the way that the family now operates. In most families, children do not leave the family at the age of 18; they leave the family at a much later age.

As for situations where multi-racial adoptions, I am really not commenting on that very much, but that may be a different situation that requires a different kind of solution. I don't know if that answers your question or not.

MR. E. HARPER: Yes, because I wanted you to elaborate on what the family, what they adapt.

MR. C. POSNER: My view basically is that family life doesn't end at the age of 18 because someone is legally able to vote and drink, and that reunions with other people who have not been part of this person's life up to that point should take place in a natural way at a point when the child is in a sense leaving the family. Children generally do not leave the family at the age of 18 anymore. They will generally stay well into their 20s in the family, and this should be, I think, respected.

MR. E. HARPER: That is one of the things that the Indian people are trying to correct is the situation where Indian children were taken away at an early age and in some instances where Indian people weren't allowed to be represented or else were involved in a legal process. Throughout the history, when you talk about taking children at an early age, it has always been the case if . . .

MR. C. POSNER: There is no doubt if children are taken away in an illegal fashion or without proper consultation or permission by the birth parents, then that is a different situation. I'm talking about situations where the birth parent has given consent, knew what was happening, signed papers, the adoptive parents signed papers, that process.

MR. E. HARPER: Well, let me finish first.

MR. C. POSNER: Sure.

MR. E. HARPER: I didn't want to get into a debate, I just wanted to ask you some questions.

At an early age when children were taken away, a lot of times it was without the knowledge of parents. That practically existed in the early times before the Indian people were given the right to vote.

Also, it was the practice of the government at that time to take away students, children at an early age, to isolate them from their parents. I think you would realize that a lot of people went to residential schools, so there was a lot of traumatic and psychological effect on these children.

What we're trying to do as Indian people, is to get these children back to their natural parents and also to their identity and their culture. I think you would find a lot of the children who were taken away had to live through some traumas and some through experiences that wouldn't have really left them because they were Indian children. What I am getting at is that we should, as a government, try to support the Indian people in achieving that.

MR. C. POSNER: I can't argue against that. I'm just saying, from my point of view, that because discrimination took place against one group of citizens at one point, that when you bring in a correction of that situation, you shouldn't then set up a situation that complicates family life for many other families.

MR. CHAIRMAN: Are there any further questions?

Seeing none, I would like to thank you, Mr. Posner, for taking the time and making the effort to come here today.

MR. C. POSNER: Thank you very much.

MR. CHAIRMAN: The next group on my list is Ms. Deborah Shelton, Mr. Albert Gazan and Mr. Arnie Peltz who represent the Children in Care Alumni Inc.

Who will be making the presentation on behalf of this group?

MS. D. SHELTON: I will be making the presentation and Albert and Arnie will be taking questions.

MR. CHAIRMAN: Ms. Shelton.

MS. D. SHELTON: We appreciate the opportunity to present Law Amendments this morning.

As president of Children in Care Alumni Inc., a voluntary service organization, I am here today to speak on behalf of our membership which is composed of former consumers of child welfare services.

As former consumers of service, we understand how legislation directly affects the lives of people, in this case children who require protective services. In our organization all our members have had some form of substitute care be it various Canadian provinces, the U.S. and Europe.

Because of our familiarity with the impact of legislation on the lives of our members, we have a real investment in assuring that the legislation has a positive impact on the many thousands of children in care. Last year, there were approximately 3,000 children in care. The legislation affects these children and thousands of families.

Our membership has very carefully reviewed both the draft legislation and Bill 12 and we have been able to compare the effects of legislation from several provinces.

Our perspective is unique in that it has been influenced by the fact that we've experienced the effects, both positive and negative, of child welfare legislation.

In general terms, we appreciate the intent of Bill 12 with its emphasis on providing services to children and their families in the community, and stressing placement away from the family as a last resort.

Our experience is that although some of our members required care for some periods of time, other members could have been much more easily accommodated with less pain and dislocation with members of their extended family.

We have noticed with our Native members especially that extended families were very often not considered as a placement source when natural parents were unable to provide care.

We assume that parents do not deliberately fail at parenting, but rather that economic pressures and unfortunate life circumstances play a major role in family breakdown. The trend towards supporting the family in the community, including the extended family, in being the primary care givers, is one that we endorse. We believe that every effort should be made to support the family. We are aware, however, that, in spite of these efforts, some children will require protective services including state care.

We note that in Bill 12, the emphasis on decentralized community agencies responsible for service provision is balanced off by an increased role of the Child Welfare Directorate in maintaining quality of service accountability.

In terms of the duties of the director, section 4 gives the director the responsibility to monitor and check some of the problems children may experience while in care. At the same time, decentralization of service provides opportunity for greater community involvement.

By mandating the directorate to keep the system more accountable for child welfare services provided, as well as greater community participation, we feel that the needs of children can be more effectively met.

Nevertheless, in spite of these positive trends, there is an inherent weakness in the system. What is missing in Bill 12 as it now stands is a vehicle for monitoring the appropriateness and effectiveness of services provided to children in care. We would strongly urge the committee to consider legislation which would establish an ombudsman for children in care. An ombudsman for children who are in care could independently review reports of mistreatment of children in child welfare placements. This is particular important in light of the recent press release from the national meeting of Canadian ombudsmen who expressed concern about inadequate and sometimes abusive practice in child welfare operated programs.

We have several concrete examples from our members who, as children, were in detrimental placements and who, in spite of their requests to be removed, were ignored.

The importance of a community based child welfare system, an accountable directorate, and a childrens' ombudsman all contribute to a system which, in the event of family breakdown, works in the best interests of the child.

I would like now to focus on several other aspects of Bill 12 which also concern our membership.

Articles referred to under section 33 deal with various aspects of representing a child's views in court proceedings. We believe that the child has a very significant investment in the outcome of court and social work decision making and, as a matter of right, must be consulted.

We agree with Mr. Birt's comments in the House on June 19 - and I am paraphrasing - when he discussed that court is generally an intimidating environment where children may not be able to express their views without hesitation.

We recommend, therefore, that the legislation assures that a child has access to mediating services and be supported in the court setting, as well as legal counsel in those cases where this is required, to assure that the child's opinion is represented in court.

One thing our membership shares in common, whether our experience in care was positive or negative, is that we all wonder what really happened. Not knowing, and therefore having little or no information with which to understand events, leaves one with a sense of helplessness, This is because we were not included in making vital decisions affecting our entire lives.

The bill is somewhat unclear regarding how the views of the child will be represented in court. We feel strongly that the child's views must be represented.

Another concern raised in the House on June 19th deals with the Abuse Registry. We feel that every precaution must be taken to protect children from abuse. We support the procedure of maintaining the names of persons who have been confirmed as child abusers on a registry. However, section 19 of the bill does not make provision for removing the names of individuals who are found not to be child abusers, and there does not appear to be closure on this section.

Another matter of concern to our membership is section 74, the Post Adoption Registry.

We do not wish to belabour the well-documented concerns about loss of identity in both same race and cross-cultural adoptions, the need for a complete genetic history, and the overwhelming, almost universally-felt desire to know one's biological roots, personal origins and history. With respect for such human strivings other provinces, for example Nova Scotia, are introducing open adoptions and active adoption registries are being activated in other parts of Canada.

We support the intent of section 74(1) to open up the information system for adult adoptees. We think this is a progressive move.

However, we feel that the present bill does not go far enough. Section 74(6) should be amended to bestow a right to as much non-identifying information as possible from agency files, including medical records, genetic history and other information, which enhances the adoptees desire to learn more about him or herself. We believe that an individual's desire to know more about him or herself has little or nothing to do with the quality of their adopted experience. The interest any individual has in searching for their family tree is an example of how it is very human to want to know more about where one comes from. Presently, this right is denied to children who have been adopted.

One of our members, now in his fifties, has a curiosity about his origin. He has reason to believe that his natural mother has died and there may be no siblings. As a result, because of how the bill now reads, he will not have access to information. We recommend, therefore, that the committee seriously consider that the Post Adoption Registry include an obligation by the child welfare directorate to contact next of kin. Next of kin should be included in the list of persons covered by section 74(1) in the maintenance of the Post Adoption Registry. The desire of an individual to learn more about themselves should be viewed as a sign of health. To grant adults any less is patronizing and demeaning.

The last area which CICA wishes to bring to the attention of the committee is section 76 of the act dealing with confidentiality and access.

First, we strongly recommend that the act make it mandatory that agencies maintain comprehensive and accurate developmental records with respect to each ward in state care. Such an historical record is essential in filling in information gaps. It should contain all the relevant family information, including background information; the reasons for state care; the disposition concerning siblings; a record of placements and reasons for movement between placements; school and medical records and so forth. Such information is available for children who live in families through the oral tradition of communicating family histories.

Wards and former wards often do not have access to such important information which is critical in developing a sense of personal identity and historical continuity. The duty to maintain such a developmental record could be included in an article in Part VI, or may belong in section 7(1) of the act under Duties of Agencies.

The right of access enshrined in section 76(4) of the act appears to be totally negated by section 76(5).

First, the non-retroactive clause is a major exemption. In effect, it means that for many years former wards will be unable to obtain a complete picture of their past history.

Second, section 76(5)(b) which states that the "Right of access does not apply to a record which relates to services provided under Parts III and IV" is a very serious exemption. Part III of the act sets forth child protection services; while Part IV is concerned with services related to children in care. This may mean, in effect, that none of the relevant information is accessible. We fail to understand the purpose of these vast exemptions and request that the committee give consideration to revising this part of the bill. Certainly Part IV of the bill should be completely accessible since it deal directly with services to children in care.

Section 76(7) sets out further restrictions on access. Although subsection 76(7)(a) may be reasonable, section 76(7)(b) exempts information provided by person outside the child welfare and would undoubtedly include a great deal of extremely pertinent information for former wards: medical records, school reports and assessments, public health documents, psychological reports, etc. Children in Care Alumni Inc. does not see the justification for this exception since, following the proclamation of the bills, all parties are on notice that access will ultimately be available to the ward at the age of majority.

Children in Care Alumni is deeply concerned about the lack of legislative support for establishing confidentiality as an inexorable right of former wards.

The bill, as indicated by sections 76(13) and 76(14), leaves it to the discretion of the director or agency personnel whether files of former wards are to be reopened. This means that information about a former ward remains available in perpetuity and the right to privacy can be violated at the discretion of service personnel, even when a former ward reaches the age of majority.

Society would not tolerate such licence with any other client group. For example, would society accept that medical files, psychiatric files or school guidance files be opened in perpetuity at the discretion of service personnel? This section is a violation of privacy and completely unnecessary when the full force of the act can be invoked in any situation where there are reasonable grounds to believe that a child is in need of protective services.

Children in Care Alumni requests, therefore, that the committee give consideration to amending this section of the bill to provide access to files of former wards, without the consent of the ward, only by an order of a court.

In addition, since confidentiality is a fundamental principle of service providers, Children in Care Alumni believes that it is important to include a penalty clause to discourage any breaches of confidentiality.

Thank you for considering our presentation. We would be very pleased to answer any questions or clarify any points. Albert Gazan and Arnie Peltz will be looking after the questions mostly.

MR. CHAIRMAN: Are there any questions for this organization?

Mrs. Smith.

HON. M. SMITH: Just again I want to thank Deborah Shelton for giving a very important perspective on the legislation.

I would just like to ask, in view of her concerns about review of placement and evaluation, whether she feels that the section 54, under Part IV, where the director is required to review placement and plan for every child in care at least once a year; and also that the Ombudsman is currently allowed to review child welfare cases, may do so whether she or the organization feel that that goes at least part way along to meeting the need.

MR. A. GAZAN: I guess the problem for us is that if the child welfare system itself finds itself in a situation where it has not or is not providing appropriate or adequate care, chances are that that might not be investigated as fully because it's a matter of the system investigating itself in a sense.

The Ombudsman's Office may not be contacted because children, generally speaking, particularly when they are younger, don't have the savoir-faire to approach an Ombudsman to complain about service providers. So we would like to recommend a build-in sort of advocacy Ombudsman-type person who is known and identified clearly as a person who would complete investigations of reported abuse or maltreatment in the system itself.

MR. CHAIRMAN: Are there any further questions?

Mr. Enns.

MR. H. ENNS: Just one, Mr. Chairman. I, along with other committee members I am sure, appreciate the rather thorough analysis of the bill by this presentation.

We were wondering whether or not it would be possible for committee members to receive a copy of the presentation just made. I appreciate the notice was short for this meeting, but if arrangements could be made with the Clerk to photocopy the presentation, it would be appreciated.

MR. A. GAZAN: I am sure, Mr. Enns, that if the government is prepared to provide typing services, we are certainly prepared to proofread it.

MR. CHAIRMAN: I would like to remind Mr. Enns that this will be in Hansard.

MR. H. ENNS: Well, Mr. Chairman, I would like to remind the committee, I would like to remind them, Mr. Chairman, the way this government runs Hansard along with many other things, Hansard doesn't always arrive when it ought to arrive at the time that we have to give clause-by-clause consideration for this bill. It's a normal practice, and many people that appear before this committee avail themselves to either office facilities of the government or of their own to provide copies for the presentations they are making. I am not making an issue of this, Mr. Chairman, just being helpful.

MR. CHAIRMAN: Are there any further questions?

MR. H. ENNS: You can't build buses any better either.

MR. CHAIRMAN: Order please.

Mrs. Hammond.

MRS. G. HAMMOND: Yes, in the presentation, the last was suggesting a penalty clause. What type of penalty would one have in mind?

MR. A. GAZAN: I would appreciate it if Mr. Peltz could answer that question.

MR. CHAIRMAN: Mr. Peltz.

MR. A. PELTZ: Yes, I think the point we made here is that where the Legislature feels it's important enough to express a duty on people enforcing the act, or dealing with the act to maintain confidentiality, that it should be backed up with the kind of specific penalties that occur in other places in this act or in other legislation.

You might want to look, for example, although I don't necessarily recommend the same penalty, at section 75 which was designed to ensure that legal proceedings were maintained in confidentiality by the media. I should say, in fairness, that The Summary Convictions Act is available whenever there is a breach in a provincial statute if there is no specific penalty provided.

I think what the group here is saying is that confidentiality is very important and that all those who are dealing with the act should have clearly before them the consequences of a breach of legal duty.

MR. CHAIRMAN: Are there any further questions?

Seeing none, I would like to thank these people for coming today and making their presentation.

MR. A. GAZAN: I am left a bit confused after the debate, however, as to whether I should send it to a typist or should not send it to a typist.

MR. CHAIRMAN: Mrs. Hammond.

MRS. G. HAMMOND: Mr. Chairman, we would be very happy with just a rough copy; it doesn't have to be anything formal. — (Interjection) — That's fine, we'll hope for Hansard.

Thank you.

MR. CHAIRMAN: The next person on my list is Donna Wiebe. Is Donna Wiebe present?

Lisa Fainstein.

MS. L. FAINSTEIN: Good morning. My name is Lisa Fainstein, as you've been told. I would like to thank the committee for this opportunity for my organization to present our comments. I am from the Manitoba Association for Rights and Liberties. We are a non-profit organization dedicated to the protection and enhancement of human rights and civil liberties for all Manitobans.

I will be reading extensively from our brief because I realize that you only received a written copy of it this morning and in this way, I will be certain that you will get a fair viewing of it.

This brief was submitted to the Legislative Review Committee, and they studied and discussed the provisions of this proposed Child and Family Act, Bill 12, from the point of view of civil liberties and human rights. I am the convenor of the children's rights, the children's concerns group of MARL ad we prepared this brief with the assistance of Sybil Shack and Lisa Caldwell.

Our first area of concern is in the declaration of principles and although we agree with the intents that

have been set forth in this section, we question the order of priority of the principles as they are set forth. The protection of the family seems to be given higher priority than the protection of the child.

Secondly, in the declaration the word "community" is one which we feel ought to be defined. There are many ways of defining a community, be it ethnic, religious or geographic and many times these communities will overlap. Which community, for example, has the responsibility in an urban area where the population of a geographic community is scattered through it has 25 to 30 ethnic communities? We recommend that "community" be specifically defined in this bill.

"Best Interests," section 2, this section states what the bill deems to be in the best interests of the child. We believe that the physical and emotional well-being of the child should be given priority. Sometimes the attempt to save a family can result in the abuse and permanent damage to the child. Without denying the importance of the stability in family relationship, we believe the best interests of the child should come first. We recommend a reordering of section 2(1), and the reordering as given to you in the brief.

Regarding the "Application for Incorporation," section 6(1), this section as well as the subsequent subsections 6(2) to 6(12) provide for the establishment and dissolution of regional and small agencies, which would provide child and family services. We wish to express concern regarding the overriding powers of the Lieutenant-Governor-in-Council and the powers vested in the director. There seems, in our opinion, to be a contradiction in the establishment of regional and small agencies, and then the vesting of such omnipotence in the central directorate.

In Part I, Administration, "Duties of Agencies," section 7(1), this section sets forth the duties of agencies according to standards established by the director and subject to the authority of the director. The distinction between subsection (e) "protect children," and (g) "provide care for children in its care," is not clear. Therefore, we recommend that clarification of the difference between these two items be made.

Section 7(1)(j), provides parenting education and other supportive assistance to children who are parents, with a view to ensuring a stable and workable plan for them and their children. However, at present there is a gap between these children and being a registrant for social allowance. A child-mother is considered the responsibility of her parents and so is her child if the minor parent is unmarried, living alone or in a common-law relationship even where her parents have given consent to the relationship. Because of this, we recommend that Clause (q) be added which perhaps might read: "may undertake such other actions as are in conformity with this Act and the by-laws of the individual agency." The effect would be to provide some leeway to the agencies to meet situations not explicitly covered by this section. We would like to see this section clarified and expanded, as we have suggested. I would just like to emphasize the problem of the minor parent in obtaining any type of social allowance, and their difficulties in dealing with the agencies.

In Part II, Services to Families, Services to Minor Parents, section 9(2). This section states that an agency, on application by a minor parent, shall provide services. We believe the onus should not be on a minor paren to apply but, as stated in the present act, an automati referral should be implemented. The present ac provides for the reporting of all children born to mino single parents so that social services may be offere before the mothers leave the hospital. We also believ no distinction should be made between married an single minor parents. The marital status of a child parent should not be a factor. Accordingly, w recommend the obligatory reporting of all children bor to minor parents, and thus an automatic referral fo the offering of social services.

Again, here I would like to emphasize that, where you have a minor parent in this situation, to put the added onus on them to apply for social services is probably unrealistic. The offering of services to all o these individuals will ensure that all children born o minor parents are protected.

On Page 3, Notice to director of birth of child to ar unmarried child, section 9(4). This section states tha where a hospital or other institution has received fo care during pregnancy or accouchement an unmarrie child, or a child with respect to whose marriage there exists reasonable doubt, the person in charge of the hospital or institution shall forthwith notify the directo or an agency on the birth of the child.

As recommended above, we believe the procedure ought to apply to all minor parents, regardless of marita status. In the event of a common-law or marriage to two minor parents, they still may be in need of suppor services. We, therefore, recommend that all children born to minor parents be reported to the director.

Assistance to community groups. Section 11(1). This section states that any interested community group or individual may apply to an agency for assistance in resolving community problems which are affecting the ability of families to care adequately for their children. We have some reservations regarding the wording, if not the intent of this section. We have already commented on the difficulty of defining what a community is, and are somewhat concerned about "any interested community group or individual" being given specific rights to offer "assistance in resolving community problems." It seems to us that there are negative possibilities such as one "community group" creating hostility against another "community group" whose cultural background is different, and of individuals interfering with the rights and motives in the interests of "resolving community problems."

We recommend that, if this section is retained, terms such as "community problems" and "affecting the ability of families to care adequately for their children" be carefully defined to prevent undue interference and invasion of privacy.

The next section, Programs for volunteers, section 11(2). This section permits an agency to establish service programs to facilitate the participation of volunteers in the provision of ongoing services. As a volunteer agency, MARL favours the principle of volunteerism. However, in the delicate situations which develop in relationships between parents and children and between an agency and its clients, it is important that the roles of volunteers be clearly defined, that volunteers work under careful supervision, that there be adequate training of volunteers who are expected to work with or in child care agencies, and that provision be made for such training.

We have a great concern here with laypeople coming in and trying to do work which is in a professional field, and that children will be the ones to suffer for this.

The section on the Report of Abuse has already been commented on by the Children in Care Alumni Inc. We would also like to comment on that section. It allows an agency to report any information respecting suspected abuse of a child to the director, who will maintain a register for recording the information.

We acknowledge the need for reporting of suspected cases of abuse. However, an adequate investigation by the director should be undertaken before such information is recorded in a registry. It is reasonable to assume that some "suspected" cases would prove to be invalid. We, therefore, recommend that only verified information be recorded.

Director to provide information regarding this register, section 19(4), this section stipulates that the director shall provide to any person access to the information contained in the register, other than the identity of the person who provided the information. We believe that this section is too broad, especially considering the provisions outlined in section 19(2). As a civil liberties association, we believe in public access to information. In this case, however, there is often an overriding need for protection of privacy through confidentiality and, therefore, the limited withholding of information is justified. We believe the director should be given some discretion when releasing information to protect individuals unjustly accused. We recommend that the word "shall" be changed to "may" in order to allow for a discretionary power for the director to withhold potentially damaging information.

The next section, Presence of a child 12 or over required. Section 33(2), this section states that the presence of a child 12 years of age or older is required unless a judge or master on application orders that the child not be present. We endorse the intent of this change, and we recommend that the child should be informed of his/her right to counsel. We also recommend that a subsection be added to provide for financial remuneration for a child's counsel.

Removal of a child, section 51(1). This section allows an agency to at any time remove a child in its care from the person with whom the child was placed. If an agency removes a child it should only be done with justifiable cause. We, therefore, recommend that the section read as follows: "An agency may at any time, with cause, remove a child in its care from the person with whom the child was placed."

Consents required for agency placement, section 58(1), this section stipulates that a judge may not make an order for adoption of a child placed for adoption by an agency unless written consent is given by the director and the child if she/he is 12 years of age or older. If the child does not wish to be adopted or does not wish to be adopted by the designated adoptive parents, the child should have the right to counsel. We recommend that children in this situation be informed of their right to counsel, and appropriate provisions be made for the financial remuneration for the child's counsel.

Consents required for non-agency placement, section 58(2), this section states that a judge shall not make an order for adoption of a child in the care of an agency unless the consent of the legal guardians and the child if she/he is 12 years of age or older is obtained. Even if the adoption seems to be in the best interests of the child the guardian(s) may not consent, nor may the child consent, or the guardian(s) and the child may disagree. It is essential that all parties involved have their own counsel so, in complex situations, a solution may be found. We, therefore, recommend that the legal guardians and the child be informed of their right to legal counsel and be assisted in obtaining such counsel.

Wishes of child under 12 to be taken into account, section 58(9), this section instructs the judge to take into account the wishes of a child under 12 who is to be adopted where the child's consent is not required or has been dispensed with for other reasons. Age is not always the most appropriate criterion to use in determining whether children should consent to an adoption. We recommend that children under 12 who are to be adopted should be asked for consent, as long as they are able to understand the situation. We also recommend that children should be informed of their right to legal counsel under these circumstances.

Surviving spouse may apply for an order of adoption, section 66(10), this section states that where a child is placed for adoption in the home of a husband and wife or a man and a woman who are cohabitating, and before an application is made for an order of adoption one of them dies, the surviving person may apply for the order of adoption; and a judge may grant the order of adoption in the name of the applicant and of the deceased person, and in that case the child shall be deemed for all purposes to have been adopted by both the applicant and the deceased person.

For the purposes of inheritance, to consider the child to be adopted by the applicant and the deceased, is understandable. However, if the applicant is the survivor of the biological parent of the child to be adopted or if the survivor remarries before the order for adoption is approved or the child raises objections to the adoption, the child should have an advocate, either legal counsel or other expert advice.

Access order, section 67(7), this section allows a parent, a person who marries the parent of a child, or a male and female cohabiting, one of whom is the parent of the child, to apply for an access order to the child as part of an adoption application or in a separate application after the adoption order is granted. The judge may place conditions on the access order.

This section does not specify that the person applying for the access order should be investigated in the same way as the person applying for guardianship of a child is investigated. We recommend that, in order to ensure that a child is protected and to uphold the best interests of the child, any person, regardlesss of his/her relationship with the child's parent, should be investigated if he/she is to have access to the child.

Documents to be filed in support of application, section 72(4), this section outlines the documentation required by the applicant for the adoption of an adult. This includes the consent of the person to be adopted, birth certificates of the adoptee and the applicant and, if applicable, marriage certificate of married applicants, declaration of commitment of cohabiting couples, decrees nisi and absolute of divorce, and/or the death certificate of the applicant's spouse.

MARL believes and so recommends that any adult who may be adopted should be informed of his/her

right to legal counsel in such a situation, and it should be an informed and willing decision on the part of the adult to be adopted.

Notice of objection, section 76(8), this section states that if a person given access to a record believes the document is in error, he/she may submit a written objection. We recommend that a person should have the right to ask for the removal of inaccurate information from the file, and if such request is denied, they should have a right to appeal.

Fees - section 76(16). This section states that a person who is given access to a record or an excerpted summary of a record under this section shall, prior to examining the record or summary or obtaining a copy thereof, pay to the agency which has custody or be prescribed by regulation, a fee. Excessive fees might be used to limit access to information and would certainly penalize the less affluent and favour the affluent in attempts to receive such information. We, therefore recommend that a maximum fee be set in the bill and not left to regulation.

In our comments, we have suggested a reorganizing of the principles, for example, to give priority to consideration due the child rather than placing the family first. There are occasions where the best interests of the child and the family situation do not coincide. In our comments on the principles we suggested that the principles dealing with the child be placed ahead of those dealing with the family to indicate that the protection and care of children are of greater concern than the preservation of a family setting.

We believe that a child in trouble or at risk deserves an advocate. Although in theory the Children's Aid agencies serve that purpose, in effect they often become one of the protagonists when disagreements arise regarding what is in the best interests of the child. We have, therefore suggested in various sections of the act that legal counsel be available to present the case of the child and that provision be made for the costs. We recommend the right to counsel for the child be included in this act.

A child who is mature enough to understand the circumstances of his/her case, whether it be for temporary placement, long term guardianship or adoption, should have every opportunity to express his/her views, concerns and wishes. They should be taken into account in the making of the final decision. We are pleased to note that the proposed act does give consideration to the children's preferences and opinions.

As we said initially we are in general agreement with the intention of the act and hope that in its final form it will provide a protective framework for the children of Manitoba who need its shelter.

Thank you for giving us your consideration, and I am available to answer any questions that you might have.

MR. CHAIRMAN: Are there any questions for Lisa Fainstein?

Mrs. Smith.

HON. M. SMITH: Again, you have presented a very detailed report. There are some of your concerns which we feel are dealt with already, and we can perhaps on another occasion discuss those. But there are just two points I wanted to raise, one the principles in the preamble have been rearranged from earlier drafts and the best interest of the child is Principle No. 1. So, in a sense we have recognized that concern and that's been our intent all along.

With regard to your concern about decentralizing authority versus maintaining some central authority with the director, we aren't changing anything that hasn't been in effect, and I just wondered if you were aware that the current act leaves the director responsible for the allocation of resource, the setting and maintaining of standards. It is the service delivery that is decentralized.

MS. L. FAINSTEIN: Yes, I am aware of that.

MR. CHAIRMAN: Are there any further questions for Ms. Fainstein?

Seeing none, on behalf of the committee I would like to thank you for taking the time and trouble to come here today.

MS. L. FAINSTEIN: Thank you, and I would just like to point out that, due to the short notice, we did not have time to proof read our submission and any errors are due to our lack of time.

Thank you very much.

MR. CHAIRMAN: Thank you.

The next presentation on my list is by Sam Malamud and Paul Swartz.

Who will be making the presentation?

MR. P. SWARTZ: My name is Paul Swartz and I am a member of the Manitoba Bar Association, Family Law Subsection. Mr. Malamud who is the president is not in Winnipeg unfortunately and, fortunately perhaps for both him and I, this task has fallen on my shoulders on short notice.

I do not have any written brief before you because I don't myself have a written brief. I am going to proceed firstly to go through some of the sections in the act that we have reviewed and have some comments to make. And then secondly, I'd like to deal generally with the notion of children and their rights, or the lack thereof in Manitoba and in this act in particular.

On reviewing the draft and the legislation, the committee looked at many of the sections and, of course, we're looking at it strictly from a lawyer's point of view. What lawyers are often accused of doing is becoming highly technical and missing the guts of the matter. Nevertheless, what I think can often happen is that the legislators fail to sometimes, and without intention, see that the very minute difference in wording of a section makes a lot of difference in practice when you come before a judge and try and convince him that your clients' rights fall within a section or do not; that's why in some of these specific wordings we have the following comments to make.

Turning firstly to section 18, when we're looking to defining what child in need of protection is, the group that reviewed the sections felt that although there might be other areas that would cover it, section 18 (b)(ii) should not only read, "whose conduct endangers", but

also should say, "whose conduct or neglect endangers". Sorry, section 17 is what I'm talking about - 17 (b)(ii), rather than "whose conduct endangers", I think it should say, "conduct or neglect".

Similarly, as you can see it would have been very helpful to have a complete version in front of you. I'm going to deal in general terms with the proceedings. When lawyers end up in court on protection proceedings, what they often experience or have in the past experienced is difficulty in obtaining full particulars from the agencies involved. In particular, section 29(1), which provides that the hearing "shall be returnable within 30 days . . . "That is more honoured in the breach than in its observance. Hearings are very rarely concluded by that time. Sometimes you don't even have particulars of the case before that period of time ends.

The committee that I dealt with felt that, in order to put an end to these delays, there ought to be a maximum time period within which a hearing should be completed. The general consensus was that hearings of this nature ought to be completed within six months.

When it comes to the fact of obtaining the particulars at the outset it was felt that, although the agency has a duty put upon it to provide the particulars, there is no penalty for not doing so within a reasonable time. Reasonable time is something, I suppose, that a judge could determine but, in all litigation before the courts, costs are at issue. A party who loses or is otherwise either causing delays or seeking adjournments can be ordered to pay costs. We're suggesting that should not be different for an agency. If the agency in the proceedings fails to provide particulars in a timely fashion, there ought to be some remedy available for the litigants. That remedy, we're suggesting, ought to be costs.

When we turn to section 37, the court is given the power, firstly, to call witnesses. We feel that it should specifically say that, if the court is going to call a witness, this person is there for cross-examination by any party to the proceedings. It has often been confusing. It's not often the case that a judge calls a witness but, when the judge does, whose witness is it? Who has the right to question? We're suggesting that it might be clearly stated that the person is there to be cross-examined by any of the party to the proceedings.

Part (b) says that evidence can be accepted by affidavit, some lawyers would get concerned that you might think that a hearing could be conducted by affidavit evidence entirely. There are some strictures as to what kind of affidavit evidence and in what circumstances it ought to be admitted. There is a Latin term, "de bene esse." The feeling of the group was that only in those particular circumstances where that kind of evidence is allowed should there be affidavit evidence allowed in these proceedings.

We're also concerned that in Part (c), you can accept as evidence a report completed by a medical practitioner, dentist, psychologist or registered social worker, etc. We're concerned that the procedural safeguards provided in The Evidence Act of Manitoba are not also provided in that clause. For example, The Evidence Act provides that the report must be provided to the other parties at least 14 days prior to the trial. That is not included in this act. We don't know what the intention is. We would like to have that clarified, and we would like those protections.

Returning to an earlier comment I made but it's now in line, it's section 30(2). I was talking about the agency's requirement to provide particulars. I repeat that we would like to see the possibility of costs being awarded against the agency for failing to do so in a timely fashion. But, generally, the group felt that we should not be restricted to particulars.

The Queen's Bench rules in relation to Examination for Discovery are specifically excluded. We recognize that involves delay in these proceedings. It involves extra proceedings, but there are cases where it is necessary. It is doing more mischief by not allowing the full range of procedures to counsel involved in these cases than to remove it for those situations where it is felt that matters ought to proceed more quickly.

Just to stop for a moment, one of the concerns of the group in particular was that, once a child ends up in care or is under apprehension, the parent or guardian has basically no access to any information at all with respect to the child's care. This is often the case. They are not informed regularly of any treatment or of the well-being of the child in care, except to the extent that the agency feels they might be willing to share the agency, and it's usually not very much.

This is felt to be detrimental, not only to what can be called the parents' rights, but also to the children, the interests of the child. We could not see any justification for an agency refusing to share any information or records with respect to the child in care. Therefore, it was felt that the act should clearly state that the parents or guardian and the child should have access to any information or records on the child while in care. This information should be provided upon demand.

Turning back to the act, section 35 talks about the right to call the parents of the children apprehended and cross-examine them. It was tossed around and it certainly can be argued that the parents' counsel or parents themselves ought to have the right to call the worker involved who did the apprehension to cross-examine. Now, in practicality, it may well be that in almost every case the worker gives evidence. Nevertheless, if a right is given to cross-examine parents - and I say parents usually give evidence in cases - why oughtn't there be a right to cross-examine the worker, to call that worker and treat that worker as a hostile witness and cross-examine that worker?

In general terms, the act does not remedy the situation perceived by lawyers to be a problem with workers, and that is this: the worker has to play two roles; one is investigative, and then once in court the worker who has gained the confidence of these parents turns and must give evidence that is contrary to the parents. All the confidences somehow come pouring out, and the parent is left feeling totally betrayed.

It's a difficult situation, but we felt that there ought to be a requirement that a worker must make it clear to a parent that that potential situation arises; and there must be, we feel, definition in the act saying that there is an obligation upon a worker, once a decision is made to apprehend the child, to then hand over the case, either to another worker or to take on an entirely different role.

Section 38(2) deals with consent orders. There is one specific wording recommendation that we have. The act says, I believe, "a judge may, without receiving

further evidence, make an order'', and this contemplates a situation where all the parties may come and consent. But it ought to say, ''without receiving any evidence''.

At the conclusion of a hearing, when a judge is deciding what order to make, it is felt that there ought to be reasons given by the judge for his decision. Based on the evidence before him, he ought to state why he or she has chosen to remove the child from the home; why the child was apprehended. He ought to give reasons for making the order that he's making, and what plan is proposed attached to his orders so that, when and if it comes back to court for a review, there is a clear record of what was expected, what was done, why it was done. It is felt that is very important for all parties concerned for there to be reasons.

I would like to ask a question of the committee. I'd like to know why it is that, when the act is called ''The Child and Family Services Act'', why it is that the child is not given any rights to participate in the proceedings in which he or she is most seriously affected. What I mean by participate is I mean an effective right to either appeal decisions; to be present and act as a party to the proceedings; to be legally represented if the child has the capacity to instruct counsel; to be legally represented in a different way if the child does not have the capacity to instruct counsel.

Why is it that all the sections that deal with review of protection orders, or review of access that is allowed or not allowed by the agency, why does the act not say that the child has the right to question those things? It only talks about the parent or the guardian or the society; it does not, in any way, say that the child has any right to question any of those proceedings.

The act talks about children who are over the age of 12 having the right to be present in court, but I ask you why? Why would they be present in court, if not to participate? If they're over the age of 12 and are thereby, I would assume, considered competent to understand the nature of the proceedings, why are they not also considered competent to instruct counsel? Why are they not parties to the proceedings where they have a right, whether on their own, through a lawyer or otherwise, to question the evidence that is going in?

In Ontario in 1980, the Attorney-General's ministry, the Ministry of the Attorney-General had a committee that considered for Ontario the new act that was being proposed at the time, and they went ahead and specified very specific provisions for there to be independent legal representation for children. Although this act carries forward a watered-down version, it seems to be inconsistent with the socio-psychological notions these days of when children can understand these proceedings; whether they have the capacity to instruct counsel, and the act is contradictory in that way. It recognizes that children over the age of 12 ought to be there, but not participate. Why?

In 1974, this Legislature created a section in the then Child Welfare Act that said that a judge could appoint counsel for children, but it did not go on to say in which situations or how to decide that.

Then in 1978, I believe, or 1979, this Legislature amended the act, and set out specific guidelines that a judge had to consider in deciding whether or not to appoint a lawyer for a child in protection proceedings. Yet, throughout that period of time, I could probably count on one hand, maybe two hands, the number of times that lawyers have been appointed for children. Now that doesn't mean that those are only the number of cases where it has been in the best interests of the child for there to be that kind of representation; it simply means that there has not been a system set up whereby those appointments could take place.

I am asking the committee to consider amending those sections that deal with legal representation of children to give it more meat, to make it consistent with the other provisions in the act that recognize the capacity of children and their rights, so to speak, to participate in proceedings at the age of 12 or more. I am asking the committee to specifically authorize funding, or undertake further study, to determine the ways and means of providing legal representation for children in these proceedings.

I apologize for the apparent, disjointed comments. Nevertheless, it was short notice that we received, and had not completed our entire review of the act.

We thank you for listening to my comments.

MR. CHAIRMAN: Are there any questions for Mr. Swartz?

Mrs. Smith.

HON. M. SMITH: Again, I thank Mr. Swartz for his fairly technical view of the bill, but a very important element in the total process. We are favourably persuaded on a couple of points: cross-examination of a worker, and a judge being required to give reasons for a decision. The other points, we are reviewing. At the moment I think perhaps the chief difference might be in the participation of the child. We believe we're going partway along, but perhaps not quite as far to legitimize the full legal participation, as you're recommending.

But again, I want to thank you for your contribution.

MR. P. SWARTZ: Thank you.

MR. CHAIRMAN: Are there any further questions? Seeing none, then I would like to thank you, Mr. Swartz, for coming today.

The next person on my list is Mr. Robert Daniels; Mr. Robert Daniels. Mr. Murray Sinclair; Mr. Murray Sinclair. Chief Ed Anderson; Chief Ed Anderson. Ms. Norma McCormick; Norma McCormick. Ken Murdoch; Ken Murdoch. Richard Folster; Richard Folster; Vic Savino and Esther Siedel.

MR. R. FOLSTER: Excuse me, I'm Richard Folster.

MR. CHAIRMAN: Richard Folster.

MR. R. FOLSTER: The reason I'm here today is to indicate that Mr. Dwayne Ward is representing our agency in this particular matter. He is not available today. We would like to be able to still have that opportunity to make a presentation. I am not in a position to be able to do that.

MR. CHAIRMAN: Okay, if presentations do come in late, they can always be written. If it's after the oral presentations are made, the committee will still be accepting written presentations.

Mr. Vic Savino or Esther Siedel.
Mrs. Hammond on a point of order.

MRS. G. HAMMOND: Excuse me, Mr. Chairman, but I wonder if you could make it clear to Mr. Folster that the committee may be dealing with the bill as early as tomorrow afternoon and the presentation should be in before that time.

MR. CHAIRMAN: Mr. Folster, the bill will be considered fairly shortly.

MR. R. FOLSTER: Right. My only response to it is, that from my point of view it's unfair that I would be able to make a presentation on such short notice. I was called last night at a quarter to five.

MR. CHAIRMAN: Mr. Savino.

MR. V. SAVINO: Thank you, Mr. Chairman.

Mr. Chairman, Madam Minister, members of the committee, first of all, I wanted to express Esther Siedel's regrets that she couldn't be here today. She wanted to be here today to address you and discuss this bill with you but, unfortunately matters arose at the agency which has its headquarters in Brandon which required her to be there today. So I'm on my own this morning.

Madam Minister and members of the committee, on behalf of Dakota Ojibway Child and Family Services, I want to thank you for this opportunity to address you on what we consider to be a vitally important bill.

We are aware that this bill has been over three years in the making and that the consultation process involved in producing this bill was very extensive and, by and large we would say thorough. Our agency and, as you know, the other Indian child welfare agencies in the province have participated in this process and, we feel and hope, significantly contributed to the contents of this bill.

In addressing the committee it is necessary at the outset again to clearly state the position of Manitoba's status Indians with respect to Child Welfare and Family Services. Under section 91(24) of our Constitution, jurisdiction over Indians falls within the legislative purview of the Federal Parliament and nowadays we maintain, under the jurisdiction of Indian governments. This legislative jurisdiction encompasses both the child welfare field and services to Indian families.

Now, unfortunately despite years of lobbying, the Federal Government has not yet chosen to exercise its jurisdiction in these areas. Therefore, Indian families and children have, in provinces across this country, fallen victim to jurisdictional buck-passing and provincial child welfare systems which were insensitive to the needs of Indian families and children. As we're all aware, the child welfare system in this province was no exception and years ago resulted in what the Honourable Judge Kimelman described in his report as "cultural genocide" in the form of breakup of Indian families and placement of Indian children in inappropriate homes, often out of the province and too often out of the country.

Over the past several years, the Indian people have developed their own delivery vehicles for Child and Family Services and in Manitoba have been leading the way across the nation. It is to the credit of your government, Madam Minister, that you have been supportive of these developments and have shown some understanding of the needs of Indian people in this vitally important area.

Under the Tripartite Child Welfare Agreements entered into by Indian governments, the province and the Federal Government, the Indian people have agreed on an interim basis to co-operate with the province in the provision of Child and Family Services. In the absence of National Indian Child Welfare legislation, the Indian people have been forced to work with provincial laws and, I think have participated very fully in the process to ensure that these laws are sensitive to the needs of Manitoba's aboriginal peoples.

This relationship as you know, Madam Minister, has not always been harmonious, however I believe it has been cordial and one of mutual respect. Through this relationship we believe that the Provincial Government and its child care delivery system has begun to appreciate and respect the needs of Indian people and their child and family service delivery system. Indeed, there are provisions contained in this bill that are testimony to the fact that you, the government, have been listening to Indian people.

However, this does not change the ultimate objective of Indian people in Child and Family Services. While Indian governments are prepared to work to improve provincial laws in the absence of federal laws, the chiefs continue to maintain their position and strive for their goal of a national Indian child welfare system. This goal includes the development of a "Tribal Court System" to deal with child and family issues in Indian communities.

In the meantime, our agency and the Indian communities that it represents are satisfied, that in general terms at least this legislation will enable the Indian people in Manitoba to continue to develop a core of services, controlled and delivered by Indian people for Indian people in an atmosphere of mutual respect and co-operation with the other governments involved.

It was some 18 months ago that our agency with other Indian child-caring agencies in Manitoba presented a comprehensive 63-page brief to the committee reviewing the child welfare legislation. In that paper we presented our areas of concern, together with some specific recommendations as to what we felt should be in the provincial laws. At this time, now that we have the bill, I feel it would be appropriate to review the concerns that we expressed in our initial paper and indicate how the bill has addressed those concerns. In addition to that area there are some specific sections of the bill that we feel need some improvement, and my presentation will conclude with our suggestions in that regard.

Now everyone has a copy in the committee, I believe, of the brief which I am presenting. On pages 5 and 6 is a summary of the overview of major areas of concern that we presented to the committee reviewing the child welfare legislation over the past couple of years. I won't repeat those at this time but instead I will deal with them one at a time.

Our first concern in 1984 was timing of the legislation and we objected at that time to the hasty timetable

we felt that the government was proposing for this, the first major overhaul of The Child Welfare Act in over 10 years. We pointed out that the objective of the exercise was to produce the most advanced child welfare legislation in the country, and that we should not be constrained in that task by artificial time guidelines.

As it happened the process was extended and the bill was introduced in this Session rather than the last. We wish to extend deserved credit to the Minister for the consultation process that was extended and the careful consideration that was given to all submissions resulting in, we feel, a better bill.

Our second concern in 1984 revolved around the statement of principles. At that time the Review Committee was considering deleting the statement of principles from the proposed act. The Indian agencies fought hard to preserve the statement of principles and we are pleased to note that there is indeed a statement of principles in this proposed bill. We would urge you to keep it there.

The main reasons we would urge you to keep it there is because we feel that the statement of principles will give some fundamental, philosophical underpinnings to the new regime of Child and Family Services in Manitoba. I would also point out that virtually every other province who has engaged in a major review of their child welfare legislation has a statement of principles as well.

The second reason we feel a statement of principles is important is that it will give judges interpreting the legislation some assistance in interpreting sections which may be ambiguous and, hopefully giving those sections the meaning which the draftspeople of this act intended.

On the statement of principles we are particularly pleased that it recognizes that families are entitled to services which respect their cultural and linguistic heritage; that decisions to remove children or place children should be based on the best interests of the child and not on the basis of the family's financial status; and that Indian bands are entitled to the provision of Child and Family Services in a manner which respects their unique status as aboriginal peoples.

The third area which we dealt with the committee on was the area of the Review Board, the review of the decisions made by people involved in the child care system. At the time we made our submission to the committee another thing that was contemplated being abandoned was the concept of a Review Board. It was suggested that this should be referred to the Ombudsman.

DOCFS and the other agencies objected to this approach, pointing out that the Ombudsman was not equipped to deal with child welfare agencies, and he had his plate full as it was. Our suggestion was that the Review Board or any other body performing review functions should specialize in and be representative of the Child and Family Services field.

The other concern that we had at that time - and we still have it - is that Judge Kimelman had specifically mentioned "review" and "child protector" provisions in his interim report, and specifically stated that he was going to be making detailed recommendations in that regard in his final report. So we felt that the proposal by the committee under those circumstances was premature, and that some form of Review Board should remain in place pending receipt of Judge Kimelman's report.

Now I don't know where it's at, at this point in time, but apparently we still don't have Judge Kimelman's final report. What we do have is a review system whereby the Director of Child and Family Services can receive and hear complaints. In doing so, he can establish a board to hear those complaints. We are satisfied that this proposal is a workable interim measure pending consideration of Judge Kimelman's final recommendations, whenever they are received.

There are, however, two concerns which we want to put on record with this committee about the review process:

(1) Where Indian children or families are involved in such complaints, we feel it is essential that there be Indian representation on any board hearing the complaints. I think that's pretty well basically a common-sense principle. I am sure that the Minister's office will pass that concern on to the Director of Child and Family Services.

(2) We hope that the review process is an interim one, and that the whole question will be reconsidered in light of Judge Kimelman's recommendations when he does complete his final report.

Our fourth concern during the review process was strengthening the definition of "best interests of the child" and "the family". As you know, it has been a major concern of Indian child welfare authorities for quite some time that there has been no expressed recognition of the importance of cultural and linguistic heritage in court decisions dealing with the best interests of the child.

In this bill, we're very pleased to see that the government has seen fit to include this concept in the statutory definition of "best interests," and we urge its retention in the bill to give both agencies and the courts guidance in this respect.

On the family, Indian people have long urged that any legislation dealing with families should recognize the traditional Indian family unit, the extended family. The definition that was worked out in this bill, I believe, will cover that concern.

I now move on to our fifth and sixth points, namely, placement priorities for Indian children, and notification of Indian people where an Indian child is involved with the child welfare system. I would stress that these two areas and the following area of adoption, of course, are the major areas of concern for the Indian child welfare agencies in Manitoba.

Throughout the review process, we have urged that priorities of placement for Indian children should be enacted in the legislation. It was strongly felt by my clients that legislation, rather than policy or regulation, was the appropriate route to go to avoid a recurrence of the "cultural genocide" documented by Judge Kimelman. Indian people cannot feel secure that the integrity of Indian families and Indian communities can be preserved unless we have laws which require the placement of Indian children in homes that respect their culture, their language and their heritage.

The government has responded with a moratorium on out-of-province placements, recognition of culture and heritage in best interests, and the Director of Child Welfare's placement guidelines for Native children. We

are not yet convinced that this route, rather than the legislated route, for example, as set out in the United States National Indian Child Welfare Act, gives the best protection. However, we do respect your government's right to do it your way. We urge that this question of placement be monitored very closely and, if there is any slippage, you can rest assured that Indian people will be back at your door demanding a legislative solution.

In the meantime, let us see how the new system is going to work, and let us work together in good faith and mutual respect to ensure that the errors of the past are not repeated.

Now I have something further to add to that section of our brief. This morning, when I was talking to Esther about her inability to come here, she mentioned to me that the Indian child care agencies felt that they had an understanding with the Minister that the procedures that have been put forward by the Director of Child Welfare would be reviewed in six months. I believe that six-month period has now expired and, to the best of my knowledge, there has been no review.

The Indian agencies are concerned that the placement priorities are not being used as consistently as should be, and we question whether they are operating as effectively as we intended them to operate. Madam Minister, we would urge that review that was discussed six or seven months ago take place at the earliest possible moment.

On the issue of notification of Indian people where an Indian child is involved with the system, we have pointed out in the past that many of the problems respecting placement of Indian children have arisen because child-caring agencies or courts have been under no obligation to notify the Indian child's community of origin when the child comes into care or is the subject of a voluntary surrender of guardianship or a guardianship or adoption or other court application.

The main purpose of the notification provisions which we have been urging is to ensure that the Indian community from which the child originates is involved in planning for that child. Under section 30 of this bill, any agency making an application for temporary or permanent wardship of an Indian child is required to serve the agency which serves the appropriate band. This, in our view, is the very least that the legislation should do, and it's not enough. It does provide that, in such a case, an agency could intervene in child protection cases in appropriate circumstances. This is a positive step forward, but we feel there are areas which have been left out in the legislation which should be covered. These areas are listed on Page 14.

We feel that, not only should there be a requirement for notice where there's a child protection application before the court, but also whenever a single mother voluntarily surrenders guardianship of an Indian child; whenever an application for an adoption of an Indian child is made; whenever application for guardianship of Indian children is made; and whenever an Indian child is placed under temporary contract care, we feel that the community of origin should be notified of those circumstances.

We can't understand why the bill restricts the notice requirement to court applications for protective guardianship. Voluntary surrender of guardianship, adoptions, temporary contract placement and guardianship applications are all part of the process of planning for children involved in the child-care system. Past experience has taught Indian people in Manitoba that they cannot rely on the goodwill of non-Indian, child-caring agencies or the government to ensure that the child's community is involved in the planning for the child. So we're suggesting that the legislation should expand the requirement to notification to all aspects of the child-care system involving planning for Indian children.

We would submit that if the government does believe - and we believe it does - in involvement of the Indian community in planning for their children, then why not extend the notice requirements to all aspects of the system, rather than just the narrow one of court proceedings for protective guardianship? On this point, we are urging, recommending whatever you want to call it, an amendment requiring notice to the appropriate agency or band in all circumstances where an indian child is being planned for by the system.

Speaking of the system, we move now to the adoption system. Of course, the main concern of Indian people in the area of adoption has been and continues to be that the process of ''cultural genocide'' through inappropriate adoption placement of Indian children be terminated in this province forever. The moratorium on out of province adoptions must be continued and efforts strengthened to find appropriate Indian homes in the Province of Manitoba.

We note that the legislation prefers Manitoba placements and requires the consent of the Lieutenant-Governor-in-Council for out of Canada placements. We hope that this is a legislative commitment to the indefinite continuation of the moratorium and would ask the Minister to clarify this point for us that the moratorium will indeed continue on the basis that it has been in place in the past.

This particular section I refer to deals only with out of Canada placements. For placements out of Manitoba and within Canada, only the approval of an agency or the director is needed. We appreciate that the bill deals with all Manitoba children, not just Indians, and therefore you need flexibility within the bill. But Indian people have a sad sense of deja vu, if I may use that expression from our other official language, when they see provisions which facilitate easy out of province placements, and we need the Minister's assurance that the moratorium with respect to all out of province placements is indeed still in place, that it will remain in place indefinitely, and that it will not be broken except in exceptional circumstances and after extensive consultations with the agency and/or Indian band involved.

Now I wanted to comment for a few moments on the Extended Family Adoption provision which has been introduced through section 68 of this bill. We have a couple of problems with the wording of this legislation, and on this point also we are urging an amendment to make the section more useful.

The concept of the introduction of such a section is something which our agency certainly supports. It provides a simple procedure to legally regularize the long-standing Indian practice of extended family adoptions. But there are some serious problems in the drafting which will render section 68 of little use to its intended users we feel, if it is not corrected.

I refer you specifically to section 68(2) of the bill which requires that an application under this section shall be made no later than 12 months from the date of placement. In other words, as a lawyer what that means to me is that if an application is made more than 12 months after the child is placed with the extended family member, the court has no jurisdiction to hear the application under this section. On the other hand, the section requires that the child must have resided with and been in the care of the applicant at least six months prior to the hearing, and this requirement can be waived by the judge if he feels it is in the child's best interest.

My clients, quite frankly on this particular point, are baffled by this one-year time frame. It doesn't make any sense, we feel. We don't know what the rationale is for it. We have been unable to fathom any plausible rationale for it, and the result as far as we're concerned will be that the section is not available to many of the very people who might use it. Many extended family adoptions have been in place for years without any legal sanction, and this restriction will prevent these extended family adoptions receiving legal sanction under this section of the act.

We have another serious problem with this section which I'm hoping is a problem in draftsmanship. One of the requirements that the judge must be satisfied with has been met in this particular section in order to grant an order is, that the conduct of the applicant towards the child and the conditions under which the child has lived justify the making of the order.

Now I would point out, ladies and gentlemen, that nowhere else in the adoption provisions of this legislation is the court required to look at conduct, which is something that I thought we threw out in the family law review a long time ago, or living conditions of the applicant or child.

This is not to say that the court will not in all cases judge the suitability of adoption applicants as parents in the context of the best interests of the child, but it seems passing strange to us that conduct and living conditions is raised in isolation in this section. It is almost as if the draftspersons of this section lacked confidence in the abilities of Indian people to conduct themselves as good parents or to provide adequate living conditions for children.

We have to assume that this provision, which we regard as discriminatory, was an oversight on the part of the legislators, and we would respectfully request that the same standards of parental suitability be applied to extended family adoptions as to any other form of adoptions rather than in isolation, presenting a requirement of conduct and living conditions which you know the judges are going to interpret in a conservative manner when they see it in isolation in this particular section.

Another area of concern that we have in the adoption system is Access after Adoption. Now this legislation like all Manitoba Child Welfare acts before it, is based on the deep, dark, secretive system of closed adoptions as opposed to the Indian custom and tradition of open adoption. We thought we had made some progress in this cultural gap and that the government and society at large was beginning to realize some of the benefits of a more open system of adoption which permits contact between the adopting parents and child and the child's natural family.

However, it seems that we have much more work to do in this regard and will continue to work towards an open system of adoption by agreement of the parties. I am not going to comment on all the specific provisions which keep the deep, dark, secretive adoption system in place, but we are urging or suggesting at this point in time that the legislation should at least recognize and permit parties to an adoption to agree to a more open form of adoption than that which has been traditionally legislated in The Child Welfare Act.

Our next point, Mr. Chairman, relates to the age-old controversy between government and Indian people and agencies on this whole question of Subsidized Adoption. Of course, what is meant here is that there are many good adoptive homes available for children who are in care which cannot be utilized as placement options, because of the financial circumstances of the family. That is much more the case with Indian families than it is with most other people. There are many situations where we have good homes where children could be placed for adoption, but the family budget is already stretched to the point where, without some assistance, that family cannot take on that extra child or children.

It was with dismay to say the least, that we noted the provision for subsidized adoptions had been passed in 1974, and never proclaimed, has been deleted from the act. It has been replaced by a very narrow provision that provides subsidized adoption only where a child who has a physical or mental condition which involves considerable expense, which would be a very rare case given our universal Medicare system in this province and/or there are siblings who should be adopted together.

The issue of subsidized adoption is a basic and vital one for Indian communities. There are many good adoptive homes for Indian children which cannot be utilized simply because the family's economic resources are stretched beyond the point where they can take in another child. We feel that failure to proceed with subsidized adoption is something that is a backward step and reduces the available resources for placement of Indian children. We urge this committee to reintroduce the 1974 provision, and retain it and this time, proclaim it.

Now in the discussion over this question the government has always been concerned about the cost of implementing such a provision and controlling costs of implementing such a provision. The provision that we had would have allowed that and I would suggest again as we have suggested in the past, certainly where we're dealing with Indian children there should be cost sharing of such costs with the Federal Government. I'm sure that is possible.

We're very concerned that this subsidized provision that was recognized as an important principle of Manitoba law in 1974 appears to be being abandoned by this government. We're even more concerned when we appreciate that there are five provinces representing over 75 percent of the population of this country who have subsidized adoption provisions and have proclaimed them and lived with them a long time ago.

I would refer the committee to the legislation in the following provinces. In Saskatchewan subsidized adoption was recognized and proclaimed in 1973; in Ontario, in 1978; in Quebec, in 1982; and Alberta, that

most conservative of conservative provinces, it took them a little longer, 1984; and New Brunswick, 1980. Now why, in 1985, is Manitoba not prepared to provide the kind of subsidy that 75 percent of the rest of the country is prepared to provide for families who are prepared to adopt children, but need a little bit of help?

Ladies and gentlemen of the committee, I urge you to reconsider the removal of the previous Subsidized Adoption section from the bill. We urge that it be reinserted and proclaimed as soon as possible.

Our next point is on post-adoption services. Here we move from criticism to congratulations. The Minister we feel should be congratulated on the provisions of section 74, which will make the presently passive and dormant post-adoption registry more active. In concept, we feel that this provision fairly balances the interests of parties involved in the search of adult adoptees and natural parents. We hope that the proposed new system will work. We feel it should be monitored closely and, if there are problems with it, it should be reviewed and changed as required.

One very important aspect of post-adoption services for Indian people is the whole area of repatriation and assistance for the "lost children," referred to by Judge Kimelman in his reports. While this may not necessarily need to be the subject of actual legislation, we urge the government to continue to develop an affirmative policy to assist Indian child-caring agencies, children of whatever age who are subjects of adoption breakdowns and families in overcoming the tragic effects of the inappropriate adoption placements of the past.

The Indian people did not create the problem of the "lost children." The problem was created by agencies sanctioned by Manitoba's Government. We feel it is therefore incumbent upon the government to provide resources to assist in the reuniting of families broken up by the misguided policies which preceded the moratorium.

Our next concern, Mr. Chairman, revolved around the protection of the rights of the participants in the Child and Family Services system. We are pleased in the statement of principles that families and children are entitled to be informed of their rights and to participate in decisions affecting their rights.

However, our calls for stronger protections within the legislation itself beyond a statement of principles have gone unheeded. We still maintain that young women, particularly minors, who sign voluntary surrenders of guardianship or other forms of consensual agreements respecting the legal status of their children should have the benefit of independent legal advice, and that this should be expressly stated in the legislation.

Also, I'm sure that neither the Minister nor the people involved in the Directorate of Child Welfare Office would be surprised to hear us say again that we feel the two-day cutoff for the revocation of a voluntary surrender of guardianship is not sufficient.

Our next point, Mr. Chairman, deals with the recognition of Indian child and family agencies and their continued participation in the system while we have the present arrangement.

We feel the bill does go a long way to recognizing the legitimacy of the Indian child-caring and family service agencies in Manitoba. It recognizes their mandate, and it recognizes their unique position in the child care system. We do give credit where credit is due and for this legislative recognition and the thorough and sometimes difficult consultative process we give the Minister and her government full marks.

On this issue, we just wish to reiterate our minimal expectations so long as we continue to partipate in this act. The Indian agencies would expect at a minimum as participants in the system that they would be able to participate fully in any future legislative review, such as some of the areas which we've mentioned today; that we would be able to participate fully in the development of policies, protocols and procedures flowing out of this bill; that we'd be able to participate fully in the promulgation of any regulations flowing out of this bill, whether it be in one or the other of the official languages; full participation in any "Review Boards", "Placement Panels" and the like arising out of the bill, and we made a point on that earlier; full participation in the development of preventive services for families and children; and full participation in the development of court services arising out of the bill.

We believe, ladies and gentlemen of the committee, that process to ensure that recognition and participation is well under way. We are simply putting it on record at this committee to ensure that everyone's aware of what the expectations of the Indian agencies are. I'm sure that with mutual co-operation and respect our expectations will be met.

On the final point of the development of court services arising out of the bill, it has long been a goal of Indian people to establish a tribal court system to service Indian communities. We invite the Attorney-General who is not here today, but I'm sure the invitation will be extended to him, to work with us to ensure the devolution of such a system in the Province of Manitoba.

Finally, ladies and gentlemen of the committee, we had a concern throughout that the legislation support, as strongly and as thoroughly as possible, the desirability of preventive services to families and children. We're very pleased that one of the statement of principles recognizes this by stating that: "Families are entitled to receive preventive and supportive services directed to preserving the family unit."

Many provisions of the bill are consistently true to this principle. For far too long, our child welfare system has relied on the backward principle of apprehending the child and doing nothing to assist the family that was having the problems. The provisions for emergency assistance, assistance to community groups, volunteer programs, day-care service, homemaker and parents' aide services, and I would add the support and recognition of Indian child and family services establishes a sound framework, we believe, for a more supportive and preventive approach than we have had to experience in the past.

All that is needed now - and I think this point has to be stressed in times when governments intend to cut back where ever they can cut back - is the political will to follow through on the preventive promise of this bill and we urge the government to ensure that the Minister, her department, and the agencies associated with Community Services, have the financial and personnel resources to give meaning to the promises contained in this legislation.

Now, Mr. Chairman, ladies and gentlemen, I have just a couple of other points relating to mostly technical

provisions that is in the bill and one that is not in the bill, which I'll deal with briefly.

We're concerned about the legislated effect of permanent orders and the legal effect of a mere placement of a child for adoption. This relates back to our earlier discussion about the cultural gap between the deep dark secret of the adoption system and the tradition of Indian people.

Section 39(6) provides that there can be no applications for access where a child has been placed for adoption, not where a child has been adopted, but where a child has been placed for adoption. In section 45(1) states that a permanent order of guardianship operates as an absolute termination of parental rights and obligations and allows the agency to place for adoption and so on.

We point out that these provisions are in direct conflict with the philosophy of section 27 which permits access after a permanent order. They also go in the opposite direction of that which we have been urging, that is, a more open adoption system and continuation of an Indian child's contact with the culture, language and heritage of his/her community of origin. We urge the committee to reconsider these provisions in light of the needs of the Indian community. There should be room in the legislation for people to opt out of this no-contact after a permanent order or no-contact after adoption placement or no-contact after an adoption order.

We're not asking you to change the entire system which seems to be accepted and suitable by non-Indian people, but we're asking you to give people an option, whether they be Indian people or non-Indian people, that they can agree to enter into some kind of arrangement other than the strict kiddy bar the door, shut and cut everything off, as of a particular legal event happening.

Finally, we have had for some time a concern about interprovincial and interjurisdictional transfers of guardianship orders. Now this problem arises because a great deal of our work of the Indian child-caring agencies, as you will appreciate, involves repatriation of children whose foster or adoption placements in other jurisdictions have broken down, other provinces in Canada, states in the United States and so on.

We have encountered in this process a great deal of confusion and lack of direction from the courts and the office of the Director of Child Welfare when these cases arrive. We feel it's necessary for the Legislature to facilitate easier transfer of our children back to Manitoba.

The department has indicated that there is not sufficient time to adequately deal with this issue at this Session. A review and consultation process of some 16 to 20 months has been suggested, after which legislative proposals could be brought forward. We appreciate the Minister's undertaking to deal with this problem, but we would hope that we won't have to wait almost two years for a solution. We are prepared to work with you to speed up this process and bring the legislative proposals forward in the next Session of the Legislature rather than in the timetable which seems to have been proposed, which is the next one after that.

Mr. Chairman, Madam Minister, members of the committee, the next several pages are simply a summary of all of the recommendations that the Dakota Ojibway Child and Family Services has for you. I am not going to bore you by reading through them. I am sure that you will read them at your leisure when you have it in the Legislature and that those respsonsible for the bill will pay due heed to it.

There is one item which I have added, which wasn't discussed in the earlier part of the brief, and it's in capital letters on Page 32 and of course that is just a statement with respect to the recent Supreme Court decision that we hope that all of the regulations governing our functioning as agencies will soon be given legal validity by being promulgated in the other official language.

In conclusion I must say, Madam Minister, that overall the DOCFS is very supportive of this bill and the direction in which it is taking us. It will be, when it is passed by this Legislature, the most sensitive and progressive child and family legislation in the nation. It does recognize the unique position and special needs of the Indian people of Manitoba and subject to the concerns and recommendations which I have related to you, we would urge speedy passage and proclamation of this bill.

Once again on behalf of the Dakota Ojibway Child and Family Services, and Esther, who couldn't be here this morning, thank you for the opportunity to speak with you about this vitally important legislation.

MR. CHAIRMAN: Are there any questions for Mr. Savino?

Mrs. Smith.

HON. M. SMITH: Yes, I want again to express very warm appreciation to Mr. Savino and through him to DOCFS, and indeed to all the Native groups who have participated very long hours and a great deal of thoughtful input to the consultation process in the development of this legislation.

Just to run through and hit a few highlights and ask a question or two, Native representation on Review Boards can be guaranteed. It's implied now through the guideline procedure. As for making it firmer in the legislation, it's always under review - legislation - so that we would be open to that.

Notification of communities is included now in the guidelines. There is a commitment to the moratorium. The only rare exceptions that would occur were if the Native community had been unable to find a placement and there were some very very special circumstances where we would want the authority to be able to move a youngster out, but that would only take place if there were no Native placement possible.

With regard to extended family adoption we are moving, in a sense, into new territory. We feel the 12 month limit gives us some parameters and that any de facto adoption that is in place in a Native community after three years could get legal recognition through the de facto route which is in section 71(1).

With regard to the 68(4), the criteria to be looked at when looking at adoptions with Native parents, we agree that the criteria should be the same as they are for other families.

I would like to ask a question, would "best interest of the child" be an acceptable replacement for what now says "conduct of applicant toward"?

Again, it isn't just conduct of applicant in general, but conduct of applicant toward the child and other living conditions, but we would be willing to replace those with "best interests of the child" if you would find that acceptable or, at least, not only if you would find it acceptable, but I would be interested in your opinion.

MR. V. SAVINO: Thank you, Madam Minister. Dealing with your last point first, I believe the earlier broader statement about best interests would probably imply its application in section 68 as well. We would have no problem with that proposal, or simply using the same language as is used in the general adoption provision as to suitability.

HON. M. SMITH: With regard to open adoption, it is an option now that a natural family and an adoptive family could agree to access, but if the adoption had been completed and there hadn't been an agreement at the beginning, we haven't provided for it to surface later on.

With regard to subsidized adoption, the other provinces that do that, do keep rather tight controls. I guess there's a fear that the bill might be higher than any province could agree to. We'd certainly be interested in looking at cost-sharing with the Federal Government.

The question I would have is, can poor Native families which now could not afford to adopt a child, receive social assistance to help them support such a child?

MR. V. SAVINO: I don't know if I can really answer that question. I suppose it depends on the community involved and, of course, not all families in need are on social assistance. There are many families that are on minimum wage, or seasonal employment, or unemployment insurance and that sort of thing, I think probably in the social assistance situations, there is some assistance available in most circumstances but, of course, we are not talking only of social assistance families.

HON. M. SMITH: With regard to repatriation, we currently have a staff person who is developing a policy. We are working in consultation with groups that are interested and we have in fact been dealing case by case with assisting in some repatriation.

With regard to the right of minor mothers to legal counsel, we understand that is being implied in the judicial process. You certainly have our commitment to full participation of Indian agencies as we review the legislation and develop regulations and services.

With regard to the evolution of the court system, again, it's not my department, but I would be very interested in watching that evolution.

The guide to preventive services and adequate resourcing; again, although we have been through very difficult economic times, this government has been maintaining and improving resources to this service. I expect we will continue, but there is always going to be a great shortage between the need to be met at the optimum and what we can make available. However, our commitment is to carry on with gradual progress.

MR. CHAIRMAN: Are there any questions for Mr. Savino?

Seeing none, I would like to thank you, Mr. Savino, for taking the time to come and make your presentation today.

MR. V. SAVINO: Thank you very much, Mr. Chairman, Madam Minister, and members of the committee.

MR. CHAIRMAN: The time is 12:27. We normally adjourn at 12:30. What is the will of the committee?

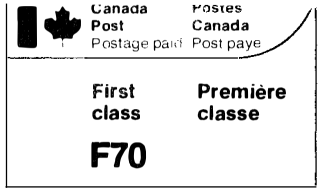
A MEMBER: Committee rise.

MR. CHAIRMAN: Committee rise.

Before rising, I would like to just advise members of the public that it is unfortunate that sometimes there is not very much notice given. The people who have not yet given their presentation to this committee will be advised when the next committee meeting will take place as soon as possible and as far in advance as possible. I don't know when that will be right now. It will be done by consultation between the Government House Leader and the Opposition House Leader. They have not yet set a time, but the Clerk's Office will be informing the remaining people on the list as soon as possible.

Committee rise.

COMMITTEE ROSE AT: 12:28 p.m.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