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M. Dumont

Quimet's Act 367

In its second report signed by Mr. Edouard Montpetit, His Excellency Msgr. Georges Courchesne, Ven. Archdeacon F. G. Scott, Dr. Alphonse Lessard and Messrs. Gérard Tremblay, J. T. Foster and Georges Savoy, the Quebec Social Insurance Commission devoted many convincing pages to the problem of child protection.

May we quote a few excerpts from that monumental study in sociology worthy of its authors.

"For centuries past, except in more populated centres like Montreal, Quebec and Hull, the people of the Province of Quebec, who led a simple life based on family and parish, were unaffected by the ills born of industrialism. The family was self-sufficient and could always rely on the assistance of its neighbours and of the group which had developed around it. Later, religious institutions and orders gave a helping hand for the care of children and old people. That admirable system successfully functioned for centuries, but it has now become helpless against the complexities and perils of modern life. Therefore, the social structure of the Province of Quebec of to-day is inadequate, at least so far as the protection of the home is concerned. This is mainly due to the growth of mechanization and overcrowding in cities; the family is isolated, sometimes wrecked, and when affected by social unrest it can no longer rely on its own resources, and has to resort to services whose object it is to give assistance.



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Scott, Dr. Alphonse Lussier and Martin, Gerard Tremblay, J. Y.  
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like Montreal, Quebec and Hull, the people of the  
province of Quebec, who led a simple life based on  
family and parish, were unaffected by the ill-effects  
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social ills it can no longer rely on its own  
resources, and has to resort to external social agencies  
to give assistance.



"Since their action is wholesome and necessary,  
those services should therefore be established on a  
sound basis."

And the report reads on:

"Moreover, there is among sociologists a unanimous feeling that the family is the basic unit of any community and that, in this era of modernism and frenzied production, it must be safeguarded if we are to survive. In that respect, notwithstanding the strength of the family and the boundless devotion of our institutions, the relief set-up now operating in the Province of Quebec appears inadequate as it is rather swamped by the economic trend."

Enumerating the various situations which are most common and which undoubtedly call for the intelligent intervention of the State, the report concluded:

"In every case, the State must intervene in order to strengthen the authority of the parents or set up a tutorship for abandoned children."

(page 14 infra)

It must be admitted that our province lacks the proper organization to implement those principles. Let us make this point clear. It would ill become us to pretend that former Liberal administrations declined to give this complicated problem the consideration it deserved. We must make it a point to examine the question in the light of the report quoted above. And let us remember that, thirty years ago, living conditions did not present



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provide of course appropriate leadership as it is rather

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the difficulties with which they are now teeming. The work accomplished in the past is above either retrospective or retroactive criticism. Let past achievements help us to modernize our methods and give them weight. Now, if we look around, we will note that many of our sister-provinces -- whom certain visionaries are wont to set as examples -- have hardly completed their programme of social legislation in that field.

Let us briefly examine the present statutes concerning the children and young people in our province. Apart from certain Books of the Civil Code, we know of at least nine chapters of the Revised Statutes whose aim it is to solve the problem.

The Civil Code, for instance, is a general statute, an organic law, so to speak, which does not go into details. Nor is it always up-to-date. But it is not up to us to question this Code which we hold in reverence. Besides, the problem of children's aid has become so intricate that it reaches beyond the scope of the Code.

We might merely mention the books, titles and chapters of the Code which concern minors, and consequently children.

I - BOOK FIRST

(a) Of Acts of birth, - Title Second, Chapter II

(b) Chapter 1 - Of filiation

" 2 - Of the evidence of the filiation  
of legitimate children

" 3 - Of illegitimate children

( TITLE  
VII  
)

(c) Of Paternal authority

(d) Of minority, tutorship, emancipation - Title IX,

Chapters I - II - III

II - BOOK THREE



the difficulties with which they are now coping. The work accomplished in the past is above all else retrospective or retrospective criticism. Let past achievements help us to modernize our methods and give them weight. Now, if we look around, we will note that many of our sister-provinces -- when certain vicissitudes are wont to set an example -- have hardly completed their programs of social legislation in that field.

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- Insurance (a) Chap. 1, Sect. II, subsection 4 - Title III  
As a rule Of lesion as a cause of nullity of contracts  
Schools Act (b) Of offences and quasi-offences - Chap. III  
Legal process (c) Of the lease and hire of work - Title VII, chap III

The reading of the chapters having reference to paternal authority and illegitimate children will convince anyone who is more or less intelligent that the Code is no longer adequate to present day needs and that it should be supplemented with measures of immediate practical application.

Moreover, the Legislature seems to have realized this necessity, as will be seen in the following list of statutes:

1. Industrial Schools Act - Chapter 160
2. Reformatory ~~School~~ Prison Act - Chapter 158
3. Reformatory School Act - Chapter 159
4. The Foundlings Act - Chapter 194
5. Reformatory and Industrial Schools Work Act - Chapter 161
6. Children's Apprenticeship Act - Chapter 162
7. The Immigrant Children Act - Chapter 195
8. Tuberculosis and Infantile Mortality Act - Chapter 188
9. Adoption Act - Chapter 188

To the above must be added the Juvenile Delinquents Act and the Act concerning shelters, both of which are administered by the Federal authorities, the former being of particular interest to us. As you are aware, the organization of classes for young delinquents depends on the good-will of the province -- at present we have two, one in Montreal and one in Quebec City.

With regard to the constructive criticism of the above-mentioned statutes, let us revert to the report of the Social



(a) Chap. I, Sect. II, subsection 4 - Title III

Of Justice as a cause of nullity of contracts

(b) Of divorce and quasi-divorce - Chap. III

(c) Of the lease and hire of work - Title VII, Chap. III

The reading of the chapters having reference to parental authority and legitimate children will convince anyone who is more or less intelligent that the Code is no longer adequate to present day needs and that it should be supplemented with measures of immediate practical application.

Moreover, the Legislature seems to have realized the necessity,

as will be seen in the following list of chapters:

1. Industrial Schools Act - Chapter 130
2. Voluntary Schools Act - Chapter 131
3. Voluntary Schools Act - Chapter 132
4. The Foundling Act - Chapter 133
5. Voluntary and Industrial Schools Work Act - Chapter 134
6. Children's Apprenticeship Act - Chapter 135
7. The Immigrant Children Act - Chapter 136
8. Tuberculosis and Infantile Paralysis Act - Chapter 137
9. Adoption Act - Chapter 138

To the above must be added the Unwed Mothers Act and the Act concerning children, both of which are administered by the Federal authorities, the former being of particular interest to us. As for the former, the organization of classes for young delinquents depends on the goodwill of the province -- as present we have two, one in Montreal and one in Quebec City, with regard to the constructive criticism of the above-mentioned statutes, let us revert to the report of the Social



Insurance Commission.

As a rule, abandoned children come under the Industrial Schools Act. They are committed to those institutions through a legal procedure which devolves upon either the municipalities through the medium of their municipal council or upon the parents themselves or the Provincial Secretary or the Attorney General or Justices of the Peace or law enforcing officers. In each case, except when parents intervene on their own responsibility, the municipality pays the cost of procedure and maintenance fees. When the Provincial Secretary orders a child to be admitted in an industrial school, the Province then pays half the costs.

Further, children enter the industrial school at the age of 6 and leave compulsorily at 14, unless the authorities are constrained to expel them for non payment of maintenance fees.

Reformatory schools accommodate only young delinquents. Their expenses are shared equally by the province and the municipality. The ages of internees range between ten and sixteen. Finally, the two foregoing acts provide for the apprenticeship and the placing out - invariably without charge - of children in families or with their parents.

The question could hardly be summed up more fittingly than by an excerpt from the Report of the Commission.

" (1) We have mentioned before that the Act is devoid of unity in that far too many persons are allowed to apply for the internment of a child. To use the expression of a witness, everybody's business is nobody's business.



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The question could hardly be raised up here if it were not

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"(1) We have mentioned before that the Act is devoid

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apply for the placement of a child. To use the

expression of a witness, everybody's business is

everybody's business.



" (2) The Act authorizes but little detective work. To justify intervention, cases of hardship must be glaring, authentic. And that in itself entails a grievous consequence: Prevention work is left undone. In other words, one waits till the situation has grown so bad that the child has to be withdrawn from his environment, while, through pressure on those responsible, abuses might have been prevented which can now only be recognized.

" (3) The only solution, outside of the orphanage, seems at present to lie in industrial schools and, for a young delinquent, in the reformatory school, unless the Provincial Secretary exercises his right to commit such children to the care of a family. One may well wonder if, in many cases, a child, instead of being sent to school, could not be withdrawn from his environment and placed elsewhere, be it only temporarily.

" (4) Even if a child is admitted into a school, it remains to be seen whether maintenance fees will be paid, especially when the public have assumed to support him, and we know that failure to pay such fees involves the expulsion of the child who will no longer enjoy any protection.

" (5) Pupils at industrial schools are discharged at the age of 14. If they are abandoned both physically and morally, where will they go? As was pointed out by a witness, a child of that age will find it extremely hard to earn a living.



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To justify intervention, cases of hardship must be arising, unusually, and that in itself entails a rigorous comparison: revelation work is left undone. In other words, one waits till the situation has grown so bad that the child has to be withdrawn from his environment, while, through pressure on those responsible, abuses might have been prevented which can now only be recognized.

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" (5) Article of industrial schools are discharged at

the age of 14. If they are abandoned both physically and morally, there will, they say, be no chance for a witness, a child of that age will find it extremely hard to earn a living.



" Having no tutor, those children are laid open to all dangers, unless a church guild - a welfare enterprise worth developing - looks after them. They are liable to relapse into the very conditions in which they were living prior to their internment.

" Finally, no specified administrative authority looks after abandoned children. There is no provincial board for the protection of children. The necessarily haphazard enforcement of a statute based on an excellent principle devolves, now upon the Lieutenant-Governor, now upon the Provincial Secretary, now upon the municipal council, now upon a taxpayer or a relative."

Nevertheless, the legislation already in force constitutes a basis for many a provision applicable to the problem with which we have to cope. But, as it is scattered in our statute books and does not offer the advantage of a systematic synthesis, it applies to few more than specific or exceptional cases; in short, it cannot be carried out for the benefit of the many, that is, of the community.

What are the recommendations put forward by Msgr. Courchesne and Mr. Montpetit, by Ven. Archdeacon Scott and his colleagues? Here is what they advocate:

" (1) Recasting of the legislation.

" Chapters of the Statutes relating to industrial and apprenticeship schools should be merged, coordinated and clarified, cases of physical and moral abandonment being well defined and well grouped.

" (2) Provincial Board.



" Having no other, these children are laid open to all dangers, which a certain child - a welfare enterprise would develop - looks after them. They are liable to relapse into the very conditions in which they were living prior to their intervention.

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Provincial Council, now upon a variety of a relative. Nevertheless, the legislation already in force constitutes a basis for many a provision applicable to the problem with which we have to cope. But, as it is scattered in our statute books and does not offer the advantage of a systematic synthesis, its application is not more than sporadic or exceptional cases; in short, it cannot be carried out for the benefit of the many, but is of the

community. What are the recommendations as forwarded by Mr. Courtenay and Mr. Montagu, by Ven. Archbishop Scott and his colleagues? Here is what they advocate:

" (1) Repeal of the legislation

" Chapter of the Statute relating to industrial and agricultural schools should be revised, consolidated and clarified, cases of delinquency and moral abandonment being well defined and well grouped.

" (2) Provincial Board



" A Provincial Board for the protection of children should be created and linked up with the Department of the Provincial Secretary, anything related to children being referred to such Board.

" (3) Child Protection Societies.

" It is recommended by the Commission that child protection societies be formed in cities with a population of over 25,000.

" There should be four such societies in Montreal:

- (a) A French Catholic Society;
- (b) An English Catholic Society;
- (c) A Protestant Society;
- (d) A Jewish Society.

" There has been a demande for such societies, particularly in large centres where child welfare problems are more acute. Elsewhere their usefulness has been recognized rather theoretically.

" This is no innovation. There is <sup>in</sup> Montreal the Society for the protection of Women and Children. A new feature of such societies is their very constitution authorized by a charter granting them legal status and the right to act as an institution, to discharge certain duties and to take action in various fields reserved up till now to individuals.

(1)

" These societies would exercise, by way of constant supervision, their authority over families and abandoned children;



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" There should be four such societies in Toronto:

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- (b) an English Catholic Society;
- (c) a Protestant Society;
- (d) a Jewish Society.

" There has been a demand for such societies,

particularly in large centers where child welfare

problems are more acute. Much has been done

and been recorded in the past, especially

in the case of the Jewish Society. There is no doubt

that the protection of women and children is a new feature

of such societies is their very distinctive contribution

by a charter granting them legal status and the right

to set up an institution, to allocate certain duties

and to take action in various fields reserved to the

law of individuals.

(1) These societies would exercise, by way of cooperation

and supervision, their authority over families and

administered children.



" (2) Their task would consist in detecting cases of distress or ill-treatment, to intervene in homes with a view to restore, with every possible means of assistance, sound and normal living conditions wherever they are threatened.

" (3) They would be authorized to refer to the Juvenile Court or to any tribunal in lieu thereof cases of internment in children's homes; the parents, however, would retain their natural right of intervention. The persons who might wish to have a child withdrawn from his environment and committed to the care of an institution should therefore proceed through the Society without prejudicing the parents present right to apply directly for the internment of a child.

" Such societies would be invested with a moral tutorship of the children entrusted to their protection by the tribunal, as stated further in this report under the title "Tutorship".

We wish to point out at once that the expression "moral tutorship" (tutelle morale) does not seem to convey the meaning of the English term "guardianship" to which reference has been made in the report. We have thought it best to replace it by the word "tutorship" or "custody" or even "paternal authority", according to the context. But the recommendations of the Commissioners go further still.

Those recommendations dwell on the length of the internment and on the discharge of children from an institution; on the creation and expansion of subsidiary institutions such as church



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proceed through the Society without prejudicing the parents  
present right to apply directly for the interment of a  
child.

Such conditions would be inserted with a legal provision  
of the children entrusted to their protection by the  
tribunal, as stated further in this report under the title  
"Terminology".

We wish to point out at once that the expression "hotel tutor-  
ship" (French maison) does not seem to convey the meaning of the  
English term "guardianship" to which reference has been made in the  
report. We have thought it best to replace it by the word "tutorship"  
or "stewardship" or even "paternal authority", according to the context.  
But the recommendations of the Commission are further still.  
These recommendations dwell on the length of the interment  
and on the discharge of children from an institution; on the  
creation and expansion of subsidiary institutions such as day-care



guilds, shelters and day-nurseries, infant schools, and their subsidizing; on the segregation of backward children and mental-defectives; on the improvement of teaching in charitable institutions; on changing the name of industrial schools to that of "Children's Home"; on the equal distribution of maintenance fees, etc., between the province and the municipalities; on extending to 16 the age at which children will be allowed to leave the Home.

#### TUTORSHIP

With respect to tutorship, the following recommendations have been made:

(1) The sanction of the principle of the father's tutorship, in accordance with the provisions of the French statute of April 6, 1910;

(2) Compulsory producing of a summary account each year without it being necessary to resort to section 309 of the Civil code;

(3) The setting-up of a system of moral tutorship in favour of legally constituted child protection societies.

In this connection, reference is made to the Act respecting Foundlings ( R. S. Q., 1925, Chap. 194) which sets a legal tutorship in favour of institutions taking care of foundlings; and also to the system of wards of the French Poor Law Administration. Again, the words "adoption" and "moral Tutorship" seem devoid of any legal meaning.

#### ADOPTION

The present legislation does not authorize the adoption of a



outside, theaters and day-nurses, infant schools, and their  
 establishment, on the organization of working children and manual  
 education, on the improvement of working in handicrafts, in-  
 struments, on changing the name of technical schools to that of  
 "Gentlemen's House"; on the general distribution of maintenance fees,  
 etc., between the provinces and the municipalities; on extending  
 to 15 the age at which children will be allowed to leave the  
 home.

TECHNICAL

With respect to technical, the following recommendations  
 have been made:  
 (1) The assistance of the principals of the Father's Society,  
 in accordance with the provisions of the French statute of  
 April 8, 1910.

(2) Compulsory production of a summary account each year  
 without it being necessary to resort to section 503 of the  
 Civil Code.

(3) The setting-up of a system of moral tutoring in favour  
 of legally constituted child protection societies.  
 In this connection, reference is made to the Act respecting  
 Legitimacy (R. S. Q., 1935, Chap. 194) which sets a legal  
 tutelage in favour of institutions rather than of families; and  
 also to the system of care of the orphan for the administration.  
 Again, the words "adoption" and "moral tutelage" are devoid  
 of any legal meaning.

ADoption

The present legislation does not authorize the adoption of a



legitimate child who still has both his parents, or either of them, provided they are of sound mind.

The Commission unequivocally recommends that the adoption of legitimate children whose parents are of sound mind be legally recognized. As to expenses entailed by the adoption procedure, they may be rightfully considered vexatious. The method, therefore, will have to be simplified and the official in charge of the protection of children will have to be invested with the necessary powers to bring about, without charge, the adoption of children entitled to it.

Strong arguments will be found at pages 30, 31 and 32 of the Report in favour of legal tutorship (in this case, p. 32), which tutorship will be vested in a society for the protection of children.

#### PROTECTION OF CHILDREN

How could we hesitate in the face of such imperative responsibilities when our attention is called on them by persons both broad-minded and imbued with Christian ideals? The tragedies of the hour should not allow us to neglect the present and lose sight of the future. Problems more acute still will arise before the end of the horrible conflict now shaking the world. Before it is too late, let us give to the little ones who will soon be confronted with the hazards of life all the assistance and protection to which they are entitled.

#### WE THEREFORE PROPOSE:

- (1) An amendment to the Civil Code with respect to tutorship;
- (2) An amendment to the Adoption Act to set up an inexpensive



legitimate child who shall have the same rights as if he were  
 born, provided that the child is legitimate.  
 The Commission accordingly recommends that the adoption of  
 legitimate children whose parents are of sound mind be legally  
 recognized, as to matters entailed by the adoption process,  
 they may be treated as legitimate children. The matter, however,  
 will have to be clarified and the official in charge of the

protection of children will have to be invested with the necessary  
 powers to bring about, without delay, the adoption of children  
 entitled to it.

General arguments will be found at pages 50, 51 and 52 of  
 the Report in favour of legal recognition (in this case, p. 52),  
 which favourably will be noted in a report for the protection  
 of children.

PROTECTION OF CHILDREN

How could we realize in the face of such intensive  
 responsibilities when our attention is called on them by persons  
 both blind-minded and limited by their physical abilities? The  
 of the hour should not allow us to neglect the present and long  
 ahead of the future. Problems more acute still will arise before  
 the end of the century unless we make the world better.  
 It is too late, for us give to the little ones who will soon  
 be confronted with the perils of life all the assistance and  
 protection to which they are entitled.

WE PROPOSE:

- (1) An amendment to the Bill does not respect to children;
- (2) An amendment to the Bill does not respect to children;



organization and extend to legitimate children whose parents are still living and are sound of mind the benefits of adoption;

(3) The enactment of a statute for the protection of children;

(4) Amendments to the Industrial Schools Act and other statutes above-mentioned in order that they agree as far as possible with the new legislation. \* at least once a year \*

Our draft amendment to the Civil Code will be mostly derived from the pre-war French laws on the subject.

As to the general law providing for children's aid and protection, we are bound to resort to precedents set by the other Canadian provinces which have pioneered in this field. The specific character of the Province of Quebec must, of course, be safeguarded in every respect.

Section 9 (3): Legitimate children whose father and mother or either of them, are still living but unable to take care of them, nor any ascendants;

Section 8 (c) of the Superintendent of the Child-Welfare; (f) of the Society for the protection of Children in the locality where the request originates;

(5) The request shall not involve the appending of any legal stamp nor the payment of any fees, either to the Province or to a duly authorized attorney, and the investigation shall be summary.



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Canadian provinces which have passed in this field. The

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ensured in every respect.



I - AMENDMENTS TO THE CIVIL CODE

Civil Code, section 249 and following of C. N., p. 163

Dallows (Statute of April 6, 1940)

C. N., sections 389, 390, 394, 395, 396;

Account of tutorship:

309. - The tutor shall produce at least once a year a summary account of his administration without any judicial formality or costs;

309a - Any tutor may also be compelled, on the demand of the parents, to produce from time to time a summary account of his administration; such account to be furnished without any judicial formality or costs.

II - A D O P T I O N    A C T

Section 6 (3): Legitimate children whose father and mother, or either of them, are still living but unable to take care of them, nor any ascendant;

Section 8 (o) of the Superintendent of the Child-Welfare;

(f) of the Society for the protection of Children in the locality where the request originates;

(6) The request shall not involve the appending of any legal stamp nor the payment of any fees, either to the Province or to a duly authorized attorney, and the investigation shall be summary.



I - MEMBERSHIP IN THE CIVIL GUARD

Civil Guard, Section 809 and following of C. M. S. A. 1920

Articles (Sections 809 to 814)

C. M. S. A., sections 809, 810, 811, 812, 813, 814

Account of membership

809. - The tutor shall provide at least once a year a summary account of his administration without any judicial formalities or costs.

Judicial formalities or costs.

809a. - Any tutor may also be compelled, on the demand of

the parents, to produce from time to time a summary

account of his administration; such account to be

furnished without any judicial formality or costs.

II - ADOPTION ACT

Section 8 (2): Legitimate children whose father and mother,

or either of them, are still living and capable

to take care of them, nor any ascendants;

Section 8 (a) of the Department of the Child Welfare;

(1) of the Code for the Protection of Children;

in the locality where the request originates;

(2) The request shall not involve the revocation of any legal

step nor the payment of any fees, either to the

requester or to a duly authorized attorney, and the

investigation shall be summary.



AN ACT PROVIDING FOR THE PROTECTION OF CHILDREN

His MAJESTY, by and with the advice and consent of the Legislative Council and Legislative Assembly, enacts as follows:

1. This Act may be cited as the Child Protection Act.

INTERPRETATION

2. In this Act, unless the context otherwise requires, the expression "AUTHORITIES" or "Municipal Authorities" means the municipality of any city, village or parish of which any person coming within the provisions of this Act is a resident;

"Probation Officer" means any probation officer for juvenile delinquents and appointed under the Juvenile Delinquents' Act, Revised Statutes of Canada, Chapter 46, or under the provisions of any provincial statute;

"Detain" comprises the arrest without warrant or otherwise;

"Child" means a boy or a girl apparently or actually under the age of eighteen years;

"Judge" means the judge of a juvenile delinquents' court and, in localities where there is no such court, any judge of the Superior Court and any judge of the Court of Sessions of the Peace, any police magistrate or two justices of the Peace acting and sitting jointly, as well as any magistrate or justice of the Peace especially authorized by the Minister to deal under this Act with the children to whom it applies;

"Guardian" means any person or corporate body having actually or legally the custody of a child within the meaning of this Act;



AN ACT PROVIDING FOR THE PROTECTION OF CHILDREN

THE MATTER, by and with the advice and consent of the Legislative Council and Legislative Assembly, enacts as follows:

1. This Act may be cited as the Child Protection Act.

INTERPRETATION

2. In this Act, unless the context otherwise requires,

the expression

"Municipality" or "Municipal Authorities" means the

municipality of any city, village or parish of which any person

coming within the provisions of this Act is a resident;

"Probation Officer" means any Probation Officer for Juvenile

Delinquents and appointed under the Juvenile Delinquents' Act,

Revised Statutes of Canada, Chapter 66, or under the provisions of

any provincial statute;

"Parent" comprises the parent without warranty or otherwise;

"Child" means a boy or a girl apparently or actually under

the age of eighteen years;

"Judge" means the Judge of a Juvenile Delinquents' Court and

in localities where there is no such court, any Judge of the

Superior Court and any Judge of the Court of Sessions of the Peace,

any Police Magistrate or two Justices of the Peace acting and

sitting jointly, as well as any Magistrate or Justice of the Peace

especially authorized by the Minister to deal under this Act with

the children to whom it applies;

"Guardian" means any person or corporate body having actually

or legally the custody of a child within the meaning of this Act;



"Locality" means the municipality of <sup>any</sup> city, village or parish of which any child coming within the provisions of this Act is a resident, and extends to unorganized or unestablished territories;

"Minister" means the Minister of Health and Social Welfare;

"Needy" when relating to children subject to the provisions of this Act applies to any neglected, abandoned, delinquent, defective child, and generally to any child whose circumstances are defined in section 4 of this Act;

"Protection Board" or "Board" means the Provincial organization created under this Act for the protection of children;

"Shelter" means a private or public house duly approved by the Superintendent or by a protection society for purposes of placing out, either free of charge or for consideration, and includes day-nurseries and boarding houses, residences, shelters and any other place intended to receive children for placing out by adoption or otherwise;

"Protection Society" or "Society" means any organization duly sanctioned by the Lieutenant-Governor in Council and incorporated under this Act;

"Parent" includes the guardian, the tutor or any person or corporate body in duty bound to maintain one or several children;

"Superintendent" means the Superintendent of Child-welfare, whose office is created by this Act;

"Tutor" means the parents or guardians of the children coming within the provisions of this Act;

APPOINTMENTS, POWERS AND RESPONSIBILITIES OF

THE SUPERINTENDENT



"locality" means the municipality of a city, village or parish of which any child coming within the provisions of this Act

is a resident, and extends to unorganized or unestablished

territories;

"Minister" means the Minister of Health and Social Welfare;

"Needy" when relating to children subject to the provisions

of this Act applies to any neglected, abandoned, delinquent,

defective child, and generally to any child whose circumstances

are defined in section 4 of this Act;

"Protection Board" or "Board" means the Provincial organization

created under this Act for the protection of children;

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and any other place intended to receive children for placing out

by adoption or otherwise;

"Protection Society" or "Society" means any organization duly

sanctioned by the Lieutenant-Governor in Council and incorporated

under this Act;

"Parent" includes the guardian, the tutor or any person or

corporate body in duty bound to maintain one or several children;

"Superintendent" means the Superintendent of Child Welfare,

whose office is created by this Act;

"Tutor" means the parents or guardians of the children

coming within the provisions of this Act;

APPOINTMENTS, POWERS AND RESPONSIBILITIES OF

THE SUPERINTENDENT



3. (1) The Lieutenant-Governor in Council may set up a Child Welfare Board consisting of the designated number of persons and headed by an official known as the Superintendent of the Child-Welfare, who shall remain in office during good behaviour;

(2) The Superintendent may be dismissed only after an enquiry held before three commissioners appointed under the Great Seal, and a vote of <sup>two</sup> ~~three~~ thirds of the members of the Legislative Chambers;

(3) He shall be invested with all the powers granted by this Act to a Protection society and he may, from time to time, delegate his powers to any person whom he thinks suited to exercise them and to discharge the duties devolved upon him under this Act;

(4) He shall be the official tutor or guardian, temporary or permanent, of any child who will happen to be in the circumstances stated in this Act;

(5) He shall be paid out of the Fund of the Consolidated Revenue and shall receive a salary of \$6000 per annum, which may be increased by order in council.

(6) He shall see that this Act be enforced and that all the formalities involved be carried out.

(7) More especially, the Superintendent shall:

(a) encourage the creation of protection societies when he deems it advisable, and lend his aid for their establishment;

(b) inform such societies of their duties and advise them as to the means of discharging them;



3. (1) The Lieutenant-Governor in Council may set up a

Child Welfare Board consisting of the designated number of persons and headed by an official known as the Superintendent of the Child Welfare, who shall remain in office during good behaviour;

(2) The Superintendent may be dismissed only after an enquiry held before three commissioners appointed under the Great Seal, and a vote of three thirds of the members of the Legislative Council;

(3) He shall be invested with all the powers granted by this Act to a protection society and he may, from time to time, delegate his powers to any person whom he thinks entitled to exercise them and to discharge the duties devolved upon him under this Act;

(4) He shall be the official tutor or guardian, temporary or permanent, of any child who will happen to be in the District Council under this Act;

(5) He shall be paid out of the Fund of the Consolidated Revenue and shall receive a salary of \$3000 per annum, which may be increased or varied in Council.

(6) He shall see that this Act be enforced and that all the formalities involved be carried out.

(7) Where applicable, the Government shall:

(a) encourage the creation of protection societies when as deemed it advisable, and lend his aid for their establishment;

(b) inform such societies of their duties and advise them as to the cases of disobeying them;



(c) see that each such society and each shelter keep a complete record of the placing out, the internment, the adoption, the discharge of the children committed to them under this Act, and determine the nature of the information to be entered thereon;

(d) prepare a monthly report in writing for the Minister on the adoption, the placing out, the internment, the discharge of any child coming within the provisions of this Act, stating in such report the place where the child has been placed or interned, the name, the age and the religion of such child, the date of such placing out, internment and discharge and any information deemed useful by the Minister;

(e) visit at least once a year shelters and other homes where children have been placed, or see that they be visited at least once a year, and prescribe the manner of such visits;

(f) prepare for the Minister an annual report of his administration;

(g) act as Protection Society in localities where there is no such society;

(h) discharge generally all the duties devolved upon him under the provisions of any statute of the legislature or of any order in council.

NEEDY CHILDREN

4. (1) The Superintendent, any person provided with a written authorization from the latter, any member of a provincial or municipal police force and any probation officer may hold in confinement and bring before a judge, without warrant, any needy child under the age of 18 and comprised within one of the classifications hereafter listed;







(2) Shall be deemed needy within the meaning of this Act:

(a) any child who begs openly or under the guise of some stratagem on the street or a public square or in premises open to the public.

(b) any child who lodges at night in the open or in barns, outhouses or dependencies;

(c) any child who lives with a robber, a drunkard, a vagrant or a rake, or consorts with any of these;

(d) any child who, through neglect, drunkenness or any other vice of his parents, tutor or guardian, is left to his own devices, without control, tuition or education, or is in danger of leading an unruly or dissolute life;

(e) any child who is found in a disorderly house or associated with notorious criminals or immoral or misbehaved persons;

(f) any child who is abandoned by his parents, tutors or guardians;

(g) any child who is found guilty of misdeeds or offences and likely to become a juvenile delinquent if he is not withdrawn from his environment;

(h) any child who is an orphan having no ascendants, parents, allies or friends prepared to take care of him or capable of taking care of him;

(i) any child who loiters at late hours or has <sup>no</sup> domicile or residence or place of abode;

(j) any child who is incorrigible and beyond the control of his parents;

(k) any child who has escaped the control of a protection society



(2) shall be deemed to be within the meaning of this section

(3) any child who begs openly or under the guise of some

stratagem and the object of a peddle scheme or in practice open

to the public.

(4) any child who lodges as night in the open or in a room,

out-house or elsewhere;

(5) any child who lives with a robber, a burglar, a vagrant or

a thief, or associates with any of these;

(6) any child who, through neglect, abandonment or any other

vice of his parents, parent or guardian, is left to his own

devices, without control, tuition or education, or is in danger

of leading an aimless or dissolute life;

(7) any child who is found in a disorderly house or associated

with persons notorious for lawless or mischievous practices;

(8) any child who is abandoned by his parents, tutors or

guardians;

(9) any child who is found guilty of mischief or otherwise

and likely to become a juvenile delinquent if he is not withdrawn

from his environment;

(10) any child who is an orphan having no ascendants, parents,

allies or friends prepared to take care of him or capable of

taking care of him;

(11) any child who labours at late hours or has a habit of

residence or place of abode;

(12) any child who is incommunicable and beyond the control of

his parents;

(13) any child who has escaped the control of a protection

society



(l) any child who is deaf, dumb, blind, feeble-minded or crippled and likely to become a public charge;

(m) any child who is deprived of medical or surgical care to the point where he is incapable of normal physical development;

(n) any child guilty of habitual truancy, either through the negligence of his parents or <sup>for</sup> some other reasons, and likely to be deprived of proper education;

(o) any child who is neglected to a point where he is usually brought to beggary and vagrancy;

(p) any child who is subject to ill-treatments at the risk of his health, his life and his morality from his parents or guardians or tutor, because of serious misconduct or habitual intemperance on their part;

(3) The judge shall summarily inquire into the facts of the case and determine whether the child is needy, either through witnesses whom he may order to appear and to take the oath, as in the case of a preliminary inquiry pursuant to the Criminal Code, or otherwise in his discretion.

(3) Not less than a full day's notice of the date and place of the inquiry must be given by the judge and forwarded by registered mail to the last known address of the following persons:

(a) The child's parents or his custodians if known;

(b) The Superintendent;

(c) The Protection Society having jurisdiction in the locality;

(d) The Clerk or the Secretary-Treasurer of any locality to which the provisions of Section 33 of this act may apply.



(1) any child who is deaf, dumb, blind, feeble-minded or

crippled and likely to become a public charge;

(2) any child who is deprived of medical or surgical care

to the point where he is incapable of normal physical development;

(3) any child guilty of habitual truancy, either through the

negligence of his parents or some other reasons, and likely to

be deprived of proper education;

(4) any child who is neglected to a point where he is usually

brought to poverty and vagrancy;

(5) any child who is subject to ill-treatment at the risk

of his health, his life and his morality from the parents or

guardians or other persons, because of serious misconduct or habitual

interference on their part;



(q) any child whose parents or either of them are serving a jail sentence because of a criminal offence; or either or both of whose parents have been found guilty of an offence against this act or against the Criminal Code of Canada;

(r) any child whose home, by reason of neglect, cruelty or depravation, is not a wholesome place for him, or whose parents are unable to exercise the required parental authority, whether so disposed or not.

(3). Detention under this act shall take place on distinct premises and in fully segregated rooms, in all cases where the inmates include juvenile delinquents.

5. (1) Any child detained under section 4 shall, for purposes of inquiry, be brought before the judge within seven days of the detention.

(2) The judge shall summarily inquire into the facts of the case and determine whether the child is needy, either through witnesses whom he may order to appear and to take the oath, as in the case of a preliminary inquiry pursuant to the Criminal Code, or otherwise in his discretion.

(3) Not less than a full day's notice of the date and place of the inquiry must be given by the judge and forwarded by registered mail to the last known address of the following persons:

- (a) The child's parents or his custodians if known;
- (b) The Superintendent;
- (c) The Protection Society having jurisdiction in the locality;
- (d) The Clerk or the Secretary-Treasurer of any locality to which the provisions of Section 36 of this act may apply.



(p) any child whose parents or either of them are serving a jail sentence because of a criminal offense; or either or both of whose parents have been found guilty of an offense against this act or against the Criminal Code of Canada;

(r) any child whose home, by reason of neglect, cruelty or deprivation, is not a wholesome place for him, or whose parents are unable to exercise the required parental authority, whether as disposed or not.

(3) Detention under this act shall take place on distant premises and in fully segregated rooms, in all cases where the inmates include juvenile delinquents.

5. (1) Any child detained under section 4 shall, for purposes of inquiry, be brought before the judge within seven days of the detention.

(2) The judge shall summarily inquire into the facts of the case and determine whether the child is needy, either through witnesses whom he may order to appear and to take the oath, as in the case of a preliminary inquiry pursuant to the Criminal Code, or otherwise in his discretion.

(3) Not less than a full day's notice of the date and place of the inquiry must be given by the judge and forwarded by registered mail to the last known address of the following persons:

- (a) The child's parents or his guardians if known;
- (b) The Superintendent;
- (c) The Protection Society having jurisdiction in the locality;
- (d) The Clerk or the Secretary-Treasurer of any locality to

which the provisions of Section 36 of this act may apply.



6. (1) Notwithstanding any contrary provision, the judge shall retain full and complete liberty to adjourn a case to some later date, specified or unspecified;

(2) While the case is being heard, the judge may, if he deems proper, commit the child to the custody of his parents, tutors or guardians, or of the person holding the child in confinement, or of the local Protection Society;

(3) No child under eighteen years of age may be held in company with an adult prisoner in a police cell or in any other place of confinement designed for the use of common law criminals;

(4) The child's oath shall not be compulsory if he is under six or does not appear to understand the nature of an oath but his evidence shall none the less be valid if, in the opinion of the judge, the witness understands the duty of speaking the truth and is possessed of sufficient intelligence to appreciate the import of his evidence.

7. Should the judge decide that the child is needy, within the meaning of Section 4, he shall issue in writing, under his hand and seal, one of the following orders, all of which must include express mention of the child's age, name, nationality and religious creed, the parents' address and occupation together with their behaviour toward the child:

(a) The case is adjourned sine die and the child is returned to his parents or tutors or to any person who had the custody of him at the time of the detention, under the express provision that the child shall remain subject to the supervision of the Superintendent or of a Protection Society; or



2. (1) Notwithstanding any contrary provision, the judge shall

retain full and complete liberty to adjourn a case to some later

date, specified or unspecified;

(2) While the case is being heard, the judge may, if he deems

proper, commit the child to the custody of his parents, tutors or

guardians, or of the person holding the child in confinement, or of

the local Protection Society;

(3) No child under sixteen years of age may be held in

company with an adult prisoner in a police cell or in any other place

of confinement designed for the use of common law criminals;

(4) The child's oath shall not be compulsory if he is under

six or does not appear to understand the nature of an oath but his

evidence shall none the less be valid if, in the opinion of the

judge, the witness understands the duty of speaking the truth and

is possessed of sufficient intelligence to appreciate the import

of his evidence.

3. Should the judge decide that the child is needy, within the

meaning of Section 4, he shall issue in writing, under his hand and

seal, one of the following orders, all of which must include

express mention of the child's age, name, nationality and religious

creed, the parents' address and occupation together with their

behaviour toward the child:

(a) The case is adjourned sine die and the child is returned

to his parents or tutors or to any person who had the custody of

him at the time of the detention, under the express provision that

the child shall remain subject to the supervision of the Superin-

tendant or of a Protection Society; or



(b) The child is placed in the custody of his father or mother, at such conditions as the judge may be pleased to determine, considering the circumstances; or

(c) The care and custody of the child are temporarily committed to the Superintendent or to a Protection Society, for such period of time as the judge may determine in view of the circumstances but which must never exceed twelve months; or

(d) The child is permanently committed to the care and custody of the Superintendent or of a Protection Society, such order implying lapse of the parents' paternal authority and the vesting of said authority in the Superintendent or in the Society as the case may be.

8. (1) When the child is returned to his parents, tutor or guardian, he shall remain subject to the supervision of the Superintendent or of the Protection Society designated in the order, either of whom may have the inquiry reopened at any time for purposes of modification, rescission or amendment;

(2) It shall be likewise when the child is temporarily committed to the custody of the Superintendent or the Protection Society, subject to the judge's obligation to review the case upon the expiry date of his order for the purpose of determining the advisability of returning the child to his parents or of renewing his order pursuant to subsection (c) of Section 7;

(3) The child and the parents, tutor or guardian may be represented by proxy;

9. In each case, the judge shall draw up a true copy of his order for the use of the Superintendent, and for the use of the Protection Society in the case of an order under subsections



(b) The child is placed in the custody of his father or mother, at such conditions as the Judge may be pleased to determine, considering the circumstances; or

(c) The care and custody of the child are temporarily committed to the Superintendent or to a Protection Society, for such period of time as the Judge may determine in view of the circumstances but which must never exceed twelve months; or

(d) The child is permanently committed to the care and custody of the Superintendent or of a Protection Society, such order implying lapse of the parents' parental authority and the vesting of said authority in the Superintendent or in the Society as the case may be.

8. (1) When the child is returned to his parents, tutor or guardian, he shall remain subject to the supervision of the Superintendent or of the Protection Society designated in the order, either of whom may have the faculty proposed at any time for purposes of modification, rescission or amendment;

(2) If shall be likewise when the child is temporarily committed to the custody of the Superintendent or the Protection Society, subject to the Judge's obligation to review the case upon the expiry date of his order for the purpose of determining the advisability of returning the child to his parents or of renewing his order pursuant to subsection (c) of Section 7;

(3) The child and the parents, tutor or guardian may be represented by proxy;

9. In each case, the Judge shall draw up a true copy of his order for the use of the Superintendent, and for the use of the Protection Society in the case of an order under subsections



(a) and (c) of Section 7.

10. Section 7 shall apply only to the Protection Society having jurisdiction in the locality where the child has been held in confinement;

11. (1) In the case of the order issued under subsections (b), (c) and (d) of Section 7, the Superintendent or the Protection Society, as the case may be, shall forthwith proceed to place out the child;

(2) The Superintendent may at any time return the child to the Protection Society, with the latter's consent, and vice versa, by the mere endorsement of a certified true copy of the judge's order;

(3) The endorsement on behalf of the Society shall be signed by the chairman of its board of management.

12. No child may be placed out elsewhere than in a shelter for a period exceeding six months, without the written consent of the Superintendent.

13. (1) Any person may, without cost, present the Superintendent, by registered mail, with a detailed request stating the existence, somewhere in the province, of a needy child within the meaning of this act;

(2) Such request must include, among other particulars, a mention of the name, domicile or residence of the petitioner and of the child's parents, tutor or guardian and must be

supported by an affidavit.

(3) The judge seized of such a request may either rescind or confirm his order while allowing the child's return to his parents, subject to the supervision of the Superintendent or of the Protection Society.



(a) and (c) of Section 7.

10. Section 7 shall apply only to the Protection Society having jurisdiction in the locality where the child has been

held in confinement;

11. (1) In the case of the order issued under subsections

(b), (c) and (d) of Section 7, the Superintendent or the Protection Society, as the case may be, shall forthwith proceed to place out the child;

(2) The Superintendent may at any time return the child to

the Protection Society, with the latter's consent, and vice versa, by the mere endorsement of a certified true copy of the Judge's order;

(3) The endorsement on behalf of the Society shall be signed by the chairman of its board of management.

12. No child may be placed out elsewhere than in a shelter

for a period exceeding six months without the written consent of the Superintendent.

13. (1) Any person may, without cost, present the Superintendent,

by registered mail, with a detailed request stating the existence, somewhere in the province, of a needy child within the meaning of this act;

(2) Such request must include, among other particulars, a mention of the name, domicile or residence of the petitioner and of the child's parents, tutor or guardian and must be supported by an affidavit.



14. On receipt of the petition provided for under Section 13, the Superintendent shall cause the necessary inquiry to be held and shall otherwise abide by the provisions of the above sections;

(2) He may issue a search warrant authorizing the bearer to look for the child where the latter is supposed to be and to bring the child before him or return him to a Protection Society committed with the child's custody.

15. When the Superintendent is of the opinion that the needy child referred to in the preceding sections will receive more appropriate treatment and an education more in keeping with his requirements in some Industrial School established under the Industrial Schools Act (R.S.Q. Chapter 160 and amendments), the Superintendent shall apply to a judge of the Juvenile Delinquents' Court having jurisdiction in the locality where the child is staying, and the judge shall then proceed according to the provisions of the said Industrial Schools Act.

16. (1) In the case where the child has been committed to the permanent custody of the Superintendent or of the Protection Society, he may at any time be returned to his parents, tutor or guardian on mere application, without cost, to the judge, by the Superintendent or the Society, provided it is demonstrated that such change will benefit the child;

(2) The judge seised of such a request may either rescind or confirm his order while allowing the child's return to his parents, subject to the supervision of the Superintendent or of the Protection Society.



14. On receipt of the petition provided for under Section 13, the Superintendent shall cause the necessary inquiry to be held and shall observe and abide by the provisions of the above sections;

(2) He may issue a search warrant authorizing the bearer to look for the child where the latter is supposed to be and to bring the child before him or return him to a Protection Society committed with the child's custody.

15. When the Superintendent is of the opinion that the needy child referred to in the preceding sections will receive more appropriate treatment and an education more in keeping with his requirements in some Industrial School established under the Industrial School Act (R.S.O. Chapter 160 and amendments), the Superintendent shall apply to a Judge of the Juvenile Delinquents Court having jurisdiction in the locality where the child is residing, and the Judge shall then proceed according to the provisions of the said Industrial School Act.

16. (1) In the case where the child has been committed to the permanent custody of the Superintendent or of the Protection Society, he may at any time be returned to his parents, tutor or guardian on mere application, without cost, to the Judge, by the Superintendent or the Society, provided it is demonstrated that such change will benefit the child;

(2) The Judge raised of such a request may either rescind or confirm his order while allowing the child's return to his parents, subject to the supervision of the Superintendent or of the Protection Society.



17. Either parent of a needy child may at any time apply to the judge for temporary or permanent custody of a child of theirs committed by order to the care of the Superintendent or of a Protection Society and if the judge deem the evidence satisfactory he shall rescind his order and terminate the Superintendent's or the Society's powers, provided however that the child's interests and privileges be safeguarded in every respect.

18. The right of any parent, tutor or guardian of the child to obtain the appearance or production of a child before any court of justice by means of a writ of prerogative or of any procedure provided for in the Code of Civil Procedure or in a statute, shall be irrevocably declined on evidence:

(a) that the child has been abandoned or forsaken by the petitioner or petitioners;

(b) that such petitioners have allowed the child to be reared by a third person at the latter's expense, or by a Protection Society, or by any other private or public institution, under conditions showing that the petitioner has been remiss in his duties toward the child;

(c) that such petitioner has, by notarial instrument or under private seal, committed the child to the custody of some other person or to a Protection Society or to any public or private institution; or

(d) that, finally, such petitioner has behaved in such a manner as to be denied the child's custody;

unless the judge to whom the matter has been referred is of the opinion that the child's best interests would be served by appearing after issue of the procedure.



17. Either parent of a needy child may at any time apply to the judge for temporary or permanent custody of a child or their committed by order to the care of the Superintendent or of a Protection Society and if the judge deems the evidence satisfactory he shall rescind his order and terminate the Superintendent's or the Society's powers, provided however that the child's interests and privileges be safeguarded in every respect.

18. The right of any parent, tutor or guardian of the child to obtain the appearance or production of a child before any court of justice by means of a writ of prerogative or of any procedure provided for in the Code of Civil Procedure or in a statute, shall be irrevocably declined on evidence:

- (a) that the child has been abandoned or forsaken by the petitioner or petitioner;
- (b) that such petitioners have allowed the child to be reared by a third person at the latter's expense, or by a Protection Society, or by any other private or public institution, under conditions showing that the petitioner has acquiesced in his duties toward the child;
- (c) that such petitioner has, by notarial instrument or under private seal, committed the child to the custody of some other person or to a Protection Society or to any public or private institution; or
- (d) that, finally, such petitioner has behaved in such a manner as to be denied the child's custody;

unless the judge to whom the matter has been referred is of the opinion that the child's best interests would be served by appearing after issue of the procedure.



19. The Lieutenant-Governor in Council may at any time divest the Superintendent or any Protection Society of the custody of a child committed to their care under this act, either permanently or on conditions he deems equitable.

20. (1) Inquiries, hearings and any procedure generally under this act shall be held in camera and in chambers when taking place in a Court House;

(2) This section shall not apply to the Superintendent, to his accredited representatives, to the lawyers acting in the case, to witnesses, to probation officers, to constables and other members of a police force, to Protection Societies nor to the child's close personal friends, next of kin or allies or relatives directly concerned;

(3) The child shall likewise be barred from the proceedings except when giving evidence or being identified, save by virtue of an order expressly issued by the judge and recorded in the minutes;

(4) The inquiry may also be held on the premises of a Protection Society.



19. The Lieutenant-Governor in Council may at any time direct the superintendent or any Protection Society of the custody of a child committed to their care under this act, either permanently or on conditions he deems advisable.

20. (1) Inquiries, hearings and any procedure generally under this act shall be held in camera and in chambers when taking place in a Court House;
- (2) This section shall not apply to the superintendent, to his appointed representatives, to the lawyers acting in the case, to witnesses, to exhibition officers, to constables and other members of a police force, to Protection Societies or to the child's close personal friends, next of kin or allies or relatives directly concerned;
- (3) The child shall likewise be barred from the proceedings except when giving evidence or being identified, save by virtue of an order expressly issued by the Judge and recorded in the minutes;
- (4) The inquiry may also be held on the premises of a Protection Society.



## CHILD PROTECTION SOCIETIES

21. (1) Ten British subjects over twenty-one years of age and residing in a municipality of the province may apply to the Lieutenant-Governor in Council for the purpose of establishing a Child Protection Society;

(2) The application or petition shall, as far as possible, agree with the terms of Form A, set forth in the Appendix to this act;

(3) The application shall be supported by the oath of three of the applicants and shall delimit the territory in which the Society shall have jurisdiction.

22. The prime purposes of any Protection Society shall be to improve conditions of family life, to protect children and to provide them with the requisite care, to uncover cases of neglect or of cruelty to children, together with any other purposes mentioned in the petition and which are not inconsistent with the provisions of this act.

23. (1) The Protection Society shall have legal status from the date of endorsement of its letters patent, by order-in-council;

(2) The provisions of Part III of the Companies Act of Quebec (Chapter 243) as amended, shall apply mutatis mutandis to any Protection Society established under this act;

(3) Any Protection Society to which this act shall apply may also, in its discretion, institute suit, acquire by donation or otherwise, or sell, alienate, give or yield inter vivos, subject to certain payments or gratuitously any property real or



CHILD PROTECTION SOCIETIES

27. (1) Ten British subjects over twenty-one years of age and residing in a municipality of the province may apply to the Lieutenant-Governor in Council for the purpose of establishing a Child Protection Society;

(2) The application or petition shall, as far as possible, agree with the terms of Form A, set forth in the Appendix to this act;

(3) The application shall be supported by the oath of three of the applicants and shall define the territory in which the Society shall have jurisdiction.

28. The prime purpose of any Protection Society shall be to improve conditions of family life, to protect children and to provide them with the requisite care, to wherever cases of neglect or of cruelty to children, together with any other purposes mentioned in the petition and which are not inconsistent with the provisions of this act.

29. (1) The Protection Society shall have legal status from the date of endorsement of its letters patent, by order-in-council;

(2) The provisions of Part III of the Companies Act of 1907 (Chapter 243) as amended, shall apply mutatis mutandis to any Protection Society established under this act;

(3) Any Protection Society to which this act shall apply may also, in its discretion, institute suits, acquire by donation or otherwise, or sell, alienate, give or yield their views, subject to certain payments or gratuities any property real or



personal, movable or immovable, provided such civil deeds be for the sole purpose of furthering the aims of the Society.

24. Any Protection Society actually established prior to the adoption of this act may dispense with the statutory petition, provided it shall furnish the Minister and the Superintendent with a financial statement as well as with a delimitation of the district wherein it proposes to exercise its jurisdiction and undertake to abide by the provisions of this act.

25. The territorial jurisdiction of a Protection Society may be modified with the consent of the Minister and of the Superintendent, notwithstanding the boundaries established by the said Society's letters patent, but such modification shall be published once in the Official Gazette.

26. No Society shall have less than ten or more than twenty members on its Board of Directors.

27. The election of the members of the Board of Directors shall be governed by the Society's letters patent or regulations.

28. The members of the Board of Directors shall make and adopt such regulations as they deem appropriate for the management of the Society, but no regulation or amendment thereof shall be valid unless it bear the approval of the Superintendent to whom it shall be submitted within fifteen days of their adoption.



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27. The election of the members of the Board of Directors shall be governed by the Society's letters patent or regulations.

28. The members of the Board of Directors shall make and adopt such regulations as they deem appropriate for the management of the Society, but no regulation or amendment thereof shall be valid unless it bear the approval of the Superintendent to whom it shall be submitted within fifteen days of their adoption.



29. The Superintendent shall, by right, be a member of the Board of Directors of any Protection Society established under this act; he may attend the meetings either in person or through an accredited representative but in an advisory capacity only and he must receive by registered mail at least eight days' notice of any meeting of the Council or of any general meeting of the Society.

30. The Governor-General in Council may, at any time, cancel the letters patent of a Protection Society by repealing the order-in-council granting it legal status; and the Society shall cease to exist from the date on publication of such repeal, in the Official Gazette.

31. (1) The Lieutenant-Governor in Council may also, by order-in-council, order the dismissal of one or more members of the Board of Directors of a Society and such order-in-council shall have the force of law as soon as it is published in the Official Gazette;

(2) The members of the Board of Directors replacing those so dismissed shall be appointed by the order-in-council ordering dismissal and ~~they~~ shall discharge their appointed duties during pleasure or until the Lieutenant-Governor in Council decrees, by means of a new order, the election of a new Board of Directors;

(3) The Lieutenant-Governor may at all times vest in the Superintendent only all the powers devolving upon the Board of Directors of a specified Society and the Superintendent shall thereupon be vested with the required authority to manage the Society in the same capacity as the new officers appointed under subsection 2 of this section.



29. The Superintendent shall, by right, be a member of the Board of Directors of any Protection Society established under this act; he may attend the meetings either in person or through an accredited representative but in an advisory capacity only and he must receive by registered mail, at least eight days' notice of any meeting of the Council or of any general meeting of the Society.

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(2) The members of the Board of Directors resigning those so dismissed shall be appointed by the order-in-council ordering dismissal and they shall discharge their appointed duties during absence or until the Lieutenant-Governor in Council decrees, by means of a new order, the election of a new Board of Directors;

(3) The Lieutenant-Governor may at all times, in the Superintendent only all the powers devolving upon the Board of Directors of a specified Society and the Superintendent shall thereupon be vested with the required authority to manage the Society in the same capacity as the new officers appointed under subsection 2 of this section.



32. (1) Any Protection Society to whose custody a judge has committed a child under this act shall be the legal guardian or tutor of such child and shall also enjoy absolute paternal authority over the child until the latter reaches majority or until a competent court releases the Society from its obligations in connection therewith;

(2) The Society invested with the custody of a child, under this act, shall undertake to place him out in a suitable shelter, in accordance with a written contract revocable at any time at the option of the Society;

(3) Any Protection Society must provide the Superintendent with a monthly report containing the following information:

(a) the full name, the age, the nationality and the religious belief of any child committed to its care during the period covered by the report;

(b) the place and date of each judgment committing a child to its custody;

(c) if possible, the name and residence of the parents of each child so committed;

(d) the manner in which each child has been placed out, whether by adoption or otherwise, with compulsory mention of names, residence, occupation and religious creed of the adoptive parents.

33. (1) Any judgment committing a child to the custody of a Protection Society automatically entails for the locality to which the child belongs the obligation to pay a reasonable amount covering the costs of maintenance and supervision of the child in a shelter or home or any other place where children are



32. (1) Any Protection Society to whose custody a Judge has committed a child under this act shall be the legal guardian or tutor of such child and shall also enjoy absolute parental authority over the child until the latter reaches majority or until a competent court releases the Society from its obligations in connection therewith;

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(3) Any Protection Society must provide the Government with a monthly report containing the following information:

(a) the full name, the age, the nationality and the religious belief of any child committed to its care during the period covered by the report;

(b) the place and date of each judgment committing a child to its custody;

(c) if possible, the name and residence of the parents of each child so committed;

(d) the manner in which each child has been placed out, whether by adoption or otherwise, with compulsory mention of names, residence, occupation and religious creed of the adoptive parents.

33. (1) Any judgment committing a child to the custody of a Protection Society automatically entails for the Society to which the child belongs the obligation to pay a reasonable amount covering the costs of maintenance and supervision of the child in a shelter or home or any other place where children are



not kept free of charge and where the child has been committed by the Society;

(2) The placing out of a child to the lowest bidder shall be strictly prohibited.

34. (1) Nothing in this act contained shall free a child or any other person so bound by law from the obligation to share in the child's maintenance, without prejudice to all rights and recourses granted the Society under this act;

(2) The child shall be considered to be dependent on the Society even if the latter fails to pay on admission the costs of his maintenance, or has committed the child to a shelter, a home or other institution, or has placed him for adoption under the provisions of this act and of the Adoption Act.

35. The scale of reasonable maintenance costs of any child placed out under this act shall be based entirely on the average maintenance costs of children committed to the Society during the fiscal year immediately preceding the date of judgment;

(2) The financial statement referred to in the above subsection shall compulsorily include confirmation by the Society's auditors and by the Superintendent and, in the absence of proof to the contrary, shall constitute presumptive evidence that the said average represents the total reasonable charges for the custody and supervision of any child committed to the Society.

36. (1) For the purposes of this Act, the locality responsible for the child's maintenance shall be that of his last residence and, in the absence of conflicting evidence, the child shall be presumed to have resided in the locality whence he was brought;



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by the Society;

(2) The placing out of a child to the lowest bidder shall

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or any other person so bound by law from the obligation to appear in the child's maintenance, without prejudice to his rights and resources granted the Society under this act;

(2) The child shall be considered to be dependent on the

Society even if the father fails to pay on admission the costs of his maintenance, or has committed the child to a shelter, a home or other institution, or has placed him for adoption under the provisions of this act and of the Adoption Act.

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36. (1) For the purposes of this Act, the locality responsible

for the child's maintenance shall be that of his last residence and, in the absence of conflicting evidence, the child shall be presumed to have resided in the locality whence he was brought;



(2) Any locality may recover from another locality responsible therefor, the costs of maintenance it has outlaid without having to do so;

(3) The child's parents shall be liable for such maintenance costs to any locality which has had to incur same;

(4) The judgment disposing of the child may also determine the costs of maintenance and supervision incumbent upon both the locality and the child's parents;

(5) Any person mentioned in the judgment may, by summary petition addressed to the judge and supported by oath, cause to be revised or amended any judgment involving the payment of maintenance and supervision costs of a child, under this act;

(6) The liability decreed by this section shall not cease until the child is of the full age of eighteen years; but upon summary request based on oath and reciting the main facts upon which it rests its claim, the Society may, with the consent of the locality concerned, which must receive by registered mail at least eight days' advance notice of such request, obtain from the judge extension of the period to a later date, provided the supporting evidence be satisfactory.

37. The province shall pay half the costs of maintenance and supervision of any child to whom this act shall apply and <sup>it</sup> shall enjoy the same rights and recourses as any locality under the preceding sections.

38. (1) When a child is committed to the custody of the Superintendent, the judgment determining the costs of maintenance

(2) If the judgment has been delivered by a judge of the



(2) Any locality may recover from another locality responsible therefor, the costs of maintenance it has incurred without having to do so;

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27. The province shall pay half the costs of maintenance and supervision of any child to whom this act shall apply and shall enjoy the same rights and resources as any locality under the preceding sections.

28. (1) When a child is committed to the custody of the Superintendent, the judgment determining the costs of maintenance



and supervision shall be based on the average costs for the maintenance of children committed to the care of any Protection Society in the province;

(2) In the case of this section, the Superintendent shall be liable for half the costs of maintenance and shall pay same to the person or to the Society in whose custody he commits the child;

(3) The Superintendent shall levy the necessary amounts upon the credits voted from time to time for that purpose;

(4) When a Society transfers a child to the custody of the Superintendent, under the provisions of this act, all monies received by the Society from a municipality or from the parents must be remitted to the Superintendent, from the date of the child's transfer and for as long as the child remains in the custody of the Superintendent;

39. In the case of a child reared by a third person or by a Society, the judge may at all times order the parents to refund to the said person or society, all or part of the maintenance costs of the said child, circumstances being duly considered. A certified copy of any judgment entailing payment by any locality, to either the Superintendent or <sup>to</sup> a Protection Society, of the charges for the maintenance and supervision of a child, shall be forwarded by registered mail by the clerk of the court to the Secretary Treasurer of the locality concerned.

40 Such judgment may be appealed against by simple request under oath to the Superior Court having jurisdiction in the district where the judgment has been delivered;

(2) If the judgment has been delivered by a judge of the



and supervisor shall be based on the average costs for the maintenance of children committed to the care of any protection Society in the province;

(2) In the case of this section, the Superintendent shall be liable for half the costs of maintenance and shall pay same to the person or to the Society in whose custody he commits the child;

(3) The Superintendent shall levy the necessary amount

upon the credits voted from time to time for that purpose;

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Superintendent, under the provisions of this act, all moneys

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the maintenance and supervision of a child, shall be forwarded

by registered mail by the clerk of the court to the Secretary

Treasurer of the locality concerned.

40. Such judgment may be appealed against by simple request

under oath to the Superior Court having jurisdiction in the

district where the judgment has been delivered;

(2) If the judgment has been delivered by a Judge of the



Superior Court, the Appeal Court shall have sole jurisdiction in ordinary matters;

(3) The judgment of the Appeal Court shall confirm or rescind the judgment of the court of first instance but shall in all cases name the locality to be held liable, on notice of at least fifteen days to all localities which may be condemned under this act.

41. (1) In the judicial district of Montreal, there shall be four Protection Societies, two of them entrusted to French-speaking and English-speaking Catholics respectively, together with one Protestant and one Jewish, but none of them shall have jurisdiction over children other than those of the same tongue or nationality as itself;

(2) In other districts, the Lieutenant-Governor in Council shall have full discretion regarding the establishment of similar societies;

(3) The placing of children must be carried out only on the basis of their nationality and of their religious creed, or that of their parents;

(4) The judge may order the transfer of any child placed out against the provisions of this act, by simple request under oath, adducing satisfactory evidence.

42. Any society and any person or institution to the custody, maintenance and supervision of which a child has been committed under this act must allow inspection of the premises of which the child is a resident and examination of the child itself by the Superintendent or any proxy expressly designated by him.



Superior Court, the Appeal Court shall have sole jurisdiction in ordinary matters;

(2) The judgment of the Appeal Court shall confirm or reverse the judgment of the court of first instance but shall in all cases name the locality to be held liable, or order at least fifteen days to all localities which may be concerned under this act.

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(2) In other districts, the Lieutenant-Governor in Council shall have full discretion regarding the establishment of similar societies;

(3) The placing of children must be carried out only on the basis of their nationality and of their religious creed, or that of their parents;

(4) The Judge may order the transfer of any child placed out against the provisions of this act, by simple request under oath, adducing satisfactory evidence.

42. Any society and any person or institution to the custody, maintenance and supervision of which a child has been committed under this act must allow inspection of the premises of which the child is a resident and examination of the child itself by the Superintendent or any proxy expressly designated by him.



43. Any institution or agency devoted to the protection of children by virtue of an act of the Legislature or of a charter to that effect must, in addition to the duties devolving upon it under this act and upon each occasion when the Superintendent so requests in writing directly or through an authorized person:

(a) furnish the Superintendent or authorized person with any information or particulars they require regarding the children in its keeping and for whom it is responsible; and

(b) allow the Superintendent or authorized person to visit its buildings, to examine and question the children in its keeping and, generally, to examine the books, files and documents in its possession regarding its management under this act;

(c) Any person, including members of the Board of Directors, infringing the provisions of the two preceding subsections shall, upon summary conviction, be liable to a fine not exceeding one hundred dollars or to imprisonment not exceeding two months;

(d) Upon detailed report from the Superintendent, the Minister may, when he deems it of public interest and on the authority of an order-in-council, appoint one or more commissioners for the purpose of investigating the general management of any society or institution devoted to the custody and placing out of children;

(e) The powers vested in the commissioners under this section shall be the same as those of a Royal Commission under the Great Seal.



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(a) furnish the Superintendent or authorized person with any

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its keeping and for whom it is responsible; and

(b) allow the Superintendent or authorized person to visit

its buildings, to examine and question the children in its

keeping and, generally, to examine the books, files and documents

in its possession regarding its management under this act;

(c) any person, including members of the Board of Directors,

infringing the provisions of the two preceding subsections shall,

upon summary conviction, be liable to a fine not exceeding one

hundred dollars or to imprisonment not exceeding two months;

(d) Upon detailed report from the Superintendent, the

Minister may, when he deems it of public interest and on the

authority of an order-in-council, appoint one or more commissioners

for the purpose of investigating the general management of any

society or institution devoted to the custody and placing out

of children;

(e) The powers vested in the commissioners under this section

shall be the same as those of a Royal Commission under the Great

Act.



44. It shall be unlawful for anyone to keep separate from their parents, for pay, more than one child or more than two twins under the age of one year, for more than twenty-four hours at one time, except if the institution or the person keeping such children is a public assistance institution;

45. Any person found guilty, under the Summary convictions Act of Quebec, of any offence against this act shall be liable to a fine not exceeding one hundred dollars and to a year's imprisonment or to both fine and imprisonment.

46. Any person found guilty, either as the principal or as an accessory, of abuse, neglect, desertion or abandonment of a child shall, upon summary conviction, be liable to the penalty prescribed in Section 45. hereof.

47. No person may be found guilty of an offence against this act on the sole unsupported testimony of a child.

48. Proof that a child's age is other than his apparent age, or that the said child does not come under this act, shall devolve upon the accused.

49. (1) This act shall apply, mutatis mutandis, to children seeking refuge in the province by reason of the state of war of September 3, 1939, between certain countries of Europe and Asia, except that the Superintendent or his proxy or any Protection Society shall not be authorized:



44. It shall be unlawful for anyone to keep separate from their parents, for pay, more than one child or more than two twins under the age of one year, for more than twenty-four hours at one time, except if the institution or the person keeping such children is a public assistance institution;

45. Any person found guilty, under the summary convictions Act of 1953, of any offence against this act shall be liable to a fine not exceeding one hundred dollars and to a year's imprisonment or to both fine and imprisonment.

46. Any person found guilty, either as the principal or as an accessory, of abuse, neglect, desertion or abandonment of a child shall, upon summary conviction, be liable to the penalty prescribed in Section 45 hereof.

47. No person may be found guilty of an offence against this act on the sole uncorroborated testimony of a child.

48. Proof that a child's age is other than his apparent age, or that the said child does not come under this act, shall devolve upon the accused.

49. (1) This act shall apply, mutatis mutandis, to children seeking refuge in the province by reason of the state of war of September 3, 1939, between certain countries of Europe and Asia, except that the Superintendent or his proxy or any institution Society shall not be authorized:



ARTICLE (Sec. 21)

- (a) to grant such children permission to marry;
- (b) to prevent such children from returning to their country of origin when doing so at their parents' request;
- (c) to validate any transaction affecting movable or immovable property of the child.

(2) The tutorship conferred by this act may be rescinded at any time by order-in-council, as regards this section.

This act shall go into force the day it is assented to.

2. The Society shall have as its main purposes the protection of children against abuse, the correction of family difficulties tending to expose children to neglect, the provision of aid to and protection of needy children, as well as the enforcement by all legal means, of laws pertaining to children.

3. The society shall have jurisdiction only in the locality hereinafter described:

.....  
 .....  
 .....  
 .....

4. Members of the Board of Directors of the society shall be ..... in number.

5. Name, address and occupation of the first members of the society's Board of Directors to be elected shall be ..... annual meeting of the society are as follows:



- (a) to grant such children permission to marry;
  - (b) to prevent such children from returning to their country of origin when so at their parents' request;
  - (c) to validate any transaction affecting movable or immovable property of the child.
- (2) The custody conferred by this act may be rescinded at any time by order-in-council, as regards this section.

This act shall go into force the day it is enacted so.



APPENDIX (Sec.21)

We, the undersigned, being British subjects and of age, residing in the locality specified in subsection (3) hereof, in the province of Quebec, request the incorporation by letters patent of the Child Protection Society of....., by virtue of the provisions of the Child Protection Act and amendments, and set our hands to this memorandum of agreement.

1. The society shall be known as "The Child Protection Society of ....."

2. The Society shall have as its main purposes the protection of children against abuse, the redress of family conditions tending to expose children to neglect, the provision of aid to and protection of needy children, as well as the enforcement by all legal means, of laws pertaining to children.

3. The society shall have jurisdiction only in the locality hereinafter described:

.....  
.....  
In the province of:  
.....  
.....

4. Members of the Board of Directors of the society shall be ..... in number.

5. Names, addresses and occupation of the first members of the society's Board of Directors to hold office until the first annual meeting of the society are as follows:



APPENDIX (Sec. 21)

to, the undersigned, being British subjects and of age,  
 residing in the locality specified in subsection (2) hereof,  
 in the province of Quebec, request the incorporation by letters  
 patent of the Child Protection Society of .....  
 by virtue of the provisions of the Child Protection Act and  
 amendments, and set our hands to this memorandum of agreement.

1. The society shall be known as "The Child Protection

Society of ....."

2. The Society shall have as its main purpose the protection  
 of children against abuse, the redress of family conditions  
 tending to expose children to neglect, the provision of aid to  
 and protection of needy children, as well as the enforcement by  
 all legal means of laws pertaining to children.

3. The society shall have jurisdiction only in the locality  
 hereinafter described:

.....  
 .....  
 .....  
 .....

4. Members of the Board of Directors of the society shall  
 be ..... in number.

5. Names, addresses and occupation of the first members of  
 the society's Board of Directors to hold office until the first  
 annual meeting of the society are as follows:



.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

6. The annual meetings of the society shall be held  
at....., on the ..... day  
of..... in each year, until the society's  
regulations are amended.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS  
..... DAY OF .....

IN THE YEAR ONE THOUSAND NINE HUNDRED AND.....

In the presence of:

.....

Montreal, this 12th day of February 1941.

Roger Guimet, attorney.



.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

6. The annual meeting of the society shall be held

at ..... on the ..... day

of ..... in each year, until the society's

resolutions are amended.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS

..... DAY OF .....

IN THE YEAR ONE THOUSAND NINE HUNDRED AND .....

In the presence of:

.....

Montreal, this 15th day of February 1911.

Roger Guinat, attorney.



CHW  
*Baby Farm Scandal* 367  
(Gwyneth Howell  
Executive Assistant  
Montreal Council of Social Agencies)

Until a comprehensive Children's Protection Act becomes law in the Province of Quebec, baby farms, too often focal points of abuse, will continue to exist here. Now in the public eye because of the shocking conditions uncovered in two baby farms just outside of the city, the situation can by no means be called new ~~and~~ <sup>but</sup> it has taken the death of six children to bring it into the open and to arouse indignation.

Even now the general public has a tendency to confuse these baby farms with day nurseries for the children of working mothers. Day nurseries give day-time care only. Baby farms give day and night care and are, in reality, boarding homes for children whose parents, for one reason or another, cannot make a home for their children.

The only legal jurisdiction which the province and the city have over these baby farms is through licensing. Licensing assures that the children in the boarding homes are in good health, that the home is clean, has adequate plumbing and is without a fire hazard. There the control ends. Licensing is limited to the physical requirements of the child. The emotional development of the child, so stressed in day nurseries for working mothers, may or may not be taken into consideration and there is no legal control over this important matter.

Actually, in practice it is possible for baby farms to open here, fail to apply for license, and to go on operating with no responsible citizen the wiser unless some dramatic abuse happens to come to light. The reason is not hard to find. No one has the specific responsibility of reporting the unlicensed baby farm. These unlicensed farms can, and have, gone on unheeded for months, even for years, with no estimate possible of the emotional and physical toll taken in child lives. The child may carry the scars for the remainder of his days.



A comprehensive Children's Protection Act would make such situations impossible. Such an Act is eminently practical and is already in force in eight of the nine provinces of the Dominion. This legislation would involve a provincial-wide plan of investigation of all cases of child neglect. It would allow for intensive effort towards the preservation of the child's own home.

Should placement of a child away from his own home be necessary, however, the plan would provide a program of institutional and foster home care to be used according to the needs of the child. Public inspection of such services and provincial leadership in the work by qualified social workers would be necessary as would the provision of some type of guardianship for orphans or neglected children until they reach 21.

Today this Province has a number of child protection measures, various chapters under the Civil Code as well as some nine acts including the Adoption Act, the Foundlings Act and the Reformatory School Act. Owing to lack of centralization of authority, however, many major issues fall between stools because the responsibility is not clearly placed.

If there were a proper central authority operating through a sound children's protection act with a Provincial Bureau of Child Protection established under a provincial superintendent of Child Welfare such abuses as unlicensed baby farms could not continue to exist.

Actually the privately-supported welfare agencies in Montreal do tackle the problem of neglected and dependent children but they lack sufficient facilities and the proper legal powers to cover the whole area.

The citizens who have been shocked by the conditions that have existed at Garderie Lemieux and Garderie Cecile should not be content with the action taken in closing these two boarding homes, but should put their weight behind any



move to bring about the passing of a Children's Protection Act which would attack the whole problem of child neglect at its core and make the scandals recently unearthed impossible of repetition. The Montreal Council of Social Agencies is one of several welfare organisations which are already on record as demanding a comprehensive child welfare legislation program for the Province.



C102

Father  
Guillemette  
Summary  
of  
Quimet's  
Act

CHILDREN'S PROTECTION ACT

367

The draft Act to be submitted to the Quebec Legislature may be summed up as follows :

10. Appointment of a children's welfare superintendent.

The superintendent's main duties shall be :

a) To promote the establishment of children's protection societies, to watch over and to control the management of these societies.

b) To act as a children's protection society in any locality where there is none in existence.

c) To act as tutor or official guardian, either temporarily or permanently, of any child classified as an indigent child, according to the prescriptions of the present Act.

20. An indigent child.

According to the Act, an indigent child is a child less than 18 years old who begs openly in the streets or in a public place; a child who loiters during late hours or is of an unknown domicile; a child who lives with a thief, a drunkard, a vagrant or a person given to debauchery or who associates with any of these; an abandoned child; generally, a child who, by his conduct, by his acts, or by the influence to which he is subjected, is liable to become a delinquent.

30. Children's protection societies.

These societies may be constituted in accordance with the formalities mentioned in the Act. These formalities are sensibly the same as those which are requested for the constitution of a corporation or



association, according to the Quebec Companies' Act (Third Part).

40. Means to protect an indigent child.

a) The superintendent or his representative, a children's protection society duly constituted and recognized as such, a member of the Provincial or Municipal Police and a supervision officer may bring an indigent child without warrant before a judge.

b) The judge, in a specified delay, investigates after having duly notified the child's parents, if they are known, the superintendent, the local children's protection society and the clerk or secretary-treasurer of any locality which may be called to contribute to the costs incurred.

c) Before or after this investigation, the judge may adopt one of the following alternatives :

1. Adjourn the case.

2. Hand over the child to his parents or his guardian or to the local children's protection society.

d) After his investigation, if the judge is of the opinion that the child falls into the category of an indigent child he may :

1. Adjourn sine die and give the child back to the custody of his parents, tutor or guardian, under reserve or not of the supervision of the superintendent or of the local children's protection society who may always ask that the investigation be reopened.

2. Hand over the child to his parents under certain conditions.

3. Hand over the custody and care of the child to the superintendent or to the local children's protection society for a time not exceeding twelve months. This



order may always be renewed.

4. Hand over the child to the superintendent or to the local children's protection society, as long as the said child shall fall within the jurisdiction of the present Act. In such a case, this order involves the loss of the parents' authority. The parents however may always ask that their child be handed back over to them, provided they establish that such a change should be a benefit to the child.

5. Hand over the child to an industrial school.

a) In cases where the child is handed over to a children's protection society, this society may always place this child in an institution or elsewhere; when the child is placed elsewhere than in an institution, he may not remain there over six months without a written permission of the superintendent.

50. Payment of costs.

The judgment handing over the care of a child to a children's protection society, involves the obligation by the Government and the locality to which this child belongs, to pay the costs of maintenance and supervision of said child.

The Act authorizes the local municipality in cases where this is possible, to ask for the reimbursement of its share of the costs either from the parents or from the child himself or from the County Council.

.....



BRIEF RECOMMENDING TO THE PROVINCIAL AUTHORITIES THE  
SETTING UP OF A COMPREHENSIVE CHILD PROTECTION PROGRAMME

June 22nd, 1943.

I. INTRODUCTION

It is over ten years since the Quebec Social Insurance Commission under the chairmanship of Dr. Edouard Montpetit recommended that "A central provincial authority for Child Protection ought to be constituted and assigned to the office of the Provincial Secretary", and that, "Societies for Child Protection (should) be constituted in cities of more than 25,000 people". (First and Second Reports, 1932, Quebec Social Insurance Commission, p. 19). The Commission submitted this recommendation because existing legislation was shown to be inadequate for the care and protection of children and also because no well-defined administrative authority gave its attention to the care of abandoned children.

The Inter-Federation Council recommends a programme of similar nature to the consideration of the Provincial authorities. In doing so it takes the position that the developments of the past ten years reinforce the recommendation of 1932 in at least two ways: (1) by the aggravation of problems relating to children in the years following the depression, and (2) by the impact of the War on child life as reflected in increased delinquency rates in Canada, Great Britain and the United States.

II. LEGISLATIVE PROPOSAL

The Inter-Federation Council proposes a comprehensive Child Protection Law for the Province, corresponding to similar legislation in other provinces of the Dominion, especially Ontario and British Columbia, but adapted to the particular needs and existing programmes of the Province in this field.

We enclose memoranda which give details as to what is involved in the proposal. The first, entitled "Memorandum with respect to the Law governing Child Care and Protection" presented by Mme. Casgrain to the Inter-Federation Council, summarizes the content of a model Child Protection Law for the Province and is based on Child Protection Legislation in the other provinces. A second memorandum, entitled "What is the Child Protection Law" consisting of excerpts from "Requisites in the Organization of Child Protection Services" by the Canadian Welfare Council, describes the way in which the Child Protection programme operates in other parts of the Dominion.

III. SIGNIFICANCE FOR THE PROVINCE

It is estimated that the enactment of Child Protection Legislation and the introduction of a comprehensive Child Protection Programme would entail an expenditure of \$190,000. annually for all administrative purposes. A brief memorandum is enclosed which gives details as to how this figure is obtained. This expenditure for administrative purposes represents the only anticipated addition to the existing budget for the care and protection of children in the Province.



We are satisfied however, that this initial increase in expenditures should be offset after a few years by savings in the total child welfare programme of the Province.

First, because the introduction of a Child Protection Law calls for the centralized administration and supervision of the total child welfare programme for the Province. This should make for efficiency and economy. We understand such centralization has already effected economies in other areas in the Province.

Secondly, because in time it would involve the transfer of children to what are regarded as more economic types of care, especially from institutions to foster homes and also from institutions and foster homes to their own homes in the community under proper supervision.

Thirdly, because it should give rise to a more aggressive prevention programme in the child welfare field with a substantial reduction ultimately in children under care over a period of time.

But this Child Protection Legislation is recommended not only because it may mean an ultimate saving in money to the Province, but because it promises a much more adequate programme for the care and protection of the children of this Province, and also because it brings the child welfare programme of this Province into line with the programmes already in existence in the other eight provinces in the Dominion. This last point has particular force at a time when the Dominion is considering the possibility of a comprehensive Social Security Programme in the years following the War.



*CW*

MEMORANDUM TO THE HEALTH INSURANCE COMMISSION 367  
concerning  
CHILD WELFARE LEGISLATION  
submitted by the  
CHILDREN'S SERVICE ASSOCIATION

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Introduction:

Recently the Quebec Health Insurance Commission invited submissions concerning child welfare in the Province. The Children's Service Association, which is the central children's agency within the Montreal Welfare Federation, has already gone on record with the Government of the Province as favouring child welfare legislation of the type proposed by the League for Women's Rights. The Association is most anxious to cooperate in any way possible with the Commission and towards this end, it has prepared the following statement in the hope that it may be of some assistance. This statement does not attempt to go into any great detail but is a general review of requirements in the Province of Quebec for child protective legislation, as seen by the Association.

The Children's Service Association, in step with the modern approach to child welfare, is interested basically in preserving family life for the child, believing that the family is the cornerstone of our civilization. In the Geneva declaration of standards of the League of Nations, as reported in the July, 1938, number of the Canadian Welfare Summary, published by the Canadian Welfare Council, the following excerpt, to which the Association wholeheartedly subscribes, is found:

" Society everywhere recognized the home and family as the natural primary agency for the care, guidance and control of the child during his years of immaturity and dependence.

.....

Therefore, when circumstances threaten the ability of the family to provide satisfactory conditions for the upbringing of the child, the first question to be explored should be the means by which the parents can be assisted in this task of the proper rearing of their children.

The attainment of this objective should be sought in cooperation with the parents and, if possible, without encroaching on parental rights or guardianship. If and when this parental guardianship, in spite of all efforts, still proves inadequate, and must be relinquished, the community must assure satisfactory care and guardianship by other means."

Present Situation:

Present legislation in the Province recognized the responsibility of the State to protect children to a certain degree, but does not provide for:

1. A central Provincial administration, coordinating and supervising all measures for the protection of children;
2. The discovery of situations where children are exposed to the moral or physical breakdown of their families;
3. The removal of parental rights and duties where it becomes necessary to do so, after all efforts to improve the situation have failed, and the vesting of such rights and duties in an agency authorized for such purpose.



The consequence of the inadequacy of the present legislation in terms of human suffering, and also of ultimate financial cost to the people of this Province, are tremendous. Children are left in homes which are ridden with disease, such as tuberculosis and venereal disease; others are growing up in indescribable squalor and under conditions of gross immorality; parents are separated and one or other acquires custody of the children, though frequently the truth is that neither is a fit parent.

In recent months also we have seen the tragic spectacle of commercial nurseries under irresponsible control. No clear authority has apparently existed or operated to prevent such occurrences. This demonstrates the need for comprehensive child welfare legislation adequately administered in order that the social conditions, which create the demand for such commercial infant nurseries, shall be rectified.

Immediate Needs and Proposed Legislation:

The Children's Service Association believes, therefore, that immediate legislation is needed in this Province to establish:

1. A central provincial authority for all measures relating to child protection;
2. Societies for child protection in all major centres throughout the Province.

The proposed Act (as submitted by the League for Women's Rights) would seem in the main to cover the requirements of the situation in the Province. The essential points that the Act, as drawn, provides for, and which should be covered if any other Act is substituted, are as follows:

1. Establishment of a central Provincial authority;
2. Organization of a net-work of protection societies in major centres;
3. Authority for the Superintendent and such societies to intervene on behalf of children;
4. Provision for the transference of parental rights and duties to the Superintendent or a society in cases where it is proved before a Court of Law that this is necessary in the interests of the children.
5. Provision for meeting costs of maintaining children who are committed, including supervisory and other costs, out of public monies (either municipal or provincial, or both).

The powers and responsibilities of the Superintendent as visualized in the draft Act referred to, should particularly emphasize his duty to develop child welfare societies of good standard throughout the Province, and the obligation which rests upon him for the protection of children in all areas not served by such societies. Also his responsibilities should be extended to include the duty of inspecting all institutions, shelters and other places caring for children, whether or not they are doing so under this Act. The Act should therefore provide for a staff of inspectors adequate in number to make frequent and regular enquiry into the programmes and performance of these institutions, shelters and societies operating on behalf of the children in the Province.



To this end, it is respectfully suggested as desirable, from the point of view of satisfactory operation, that:

1. The Superintendent should be a man of proven administrative ability and with practical experience in modern social work, preferably a fully qualified social worker.
2. In the appointment of incumbents for the positions of Heads of Divisions, Inspectors, etc., persons trained and experienced in social work and, where needed, nurses trained in public health, should be employed as far as possible.
3. There should be two main divisions operating under the Superintendent, corresponding to the needs of the Catholic and non-Catholic communities or, alternatively, on a language basis.

General Considerations:

Certain other considerations are important, and are very briefly treated under this heading. Any existing enactment respecting children should be amended to be brought into harmony with the legislation contemplated. Where such projected legislation in fact supersedes an older enactment, the latter should be revoked, as might be considered necessary in the case of the Industrial Schools Act.

The Quebec Public Charities Act might also require modification: It provides for grants to institutions entrusted with the care of children, on the basis of indigency only. This practice conflicts with two of the principles of child welfare, as enunciated earlier in this memorandum:

- a. it tends to encourage the removal of children from their own homes because of the problem of poverty alone, since this Act visualizes the removal of the children and the consequent break-up of the family as the means of public assistance to indigent families;
- b. it does not allow for full maintenance costs of children but requires the institution to meet one third of the theoretical (actually much more) costs, which is contrary to the principle that full costs should be met by the State where it is necessary to remove children from their homes for their protection.

If the contemplated legislation came into effect, this latter difficulty would be eliminated for all committed children. There are, however, cases of voluntary placements, e.g. - illness of one or both parents - where it is not desirable to encroach upon parental rights. Provision should therefore be made within any new legislation for the full or partial maintenance as needed, of such children, from public monies, without Court commitment and consequent encroachment on parental rights.



Certain other Acts require amendment: In the Needy Mothers' Assistance Act the rates at present in force are not consistent with the implications of protective legislation. These low rates force the mother to find gainful occupation outside her home, which leads all too frequently to the neglect of the welfare of her children.

The Adoption Act is on too narrow a basis, and should permit of the adoption of legitimate children in cases other than where both parents are dead or one dead and the other incurably insane. This would permit of the adoption of children who have been permanently removed from their parents. Furthermore, the provincial superintendent, acting through the protective societies, should review all applications for adoption.

Any draft legislation for the protection of children must be regarded as a social as well as a legal document. Before such is finally presented to the legislative body for consideration, it is respectfully suggested that it might be submitted to the Conseil des Oeuvres de Charite Canadiennes-Francaises de Montreal and the Montreal Council of Social Agencies, in addition to any other person or bodies deemed desirable, for consultation. In these two bodies there is an accumulation of knowledge and experience which may be of considerable assistance.

Conclusion:

Before concluding this statement, the Children's Service Association would like to draw to the attention of the Commission the fact that, in the last analysis, child welfare is bound up with the welfare of the whole community. All provisions in relation to health and recreation make their contribution to the welfare of children. It is to be hoped that the Commission will give such attention as it can, to this wider basis, and perhaps take some step towards urging that the Province avail itself of opportunities presented by the Dominion Government to further the welfare of the people in this Province. One such opportunity is now presented by the National Physical Fitness Bill.

Finally, may we express our hope that the Commission will be able to submit a recommendation in regard to necessary child protective legislation to the provincial government at a very early date, and, if our Association can be of any assistance to the Commission, we should be glad to make ourselves available at any time.

.....

February 1944.



367  
April 9th, 1943.

The information for the following tables was obtained from the Report of the Minister of Public Welfare, Province of Ontario, for the fiscal year 1939-1940. Some comments, at this point, are in order.

The Children's Aid Societies are private agencies, operating under Provincial charter and responsible to the Provincial Superintendent of Dependent and Neglected Children for the manner in which they conduct their affairs. It might be said that they are private agencies with public function. Their work is divided into two main departments and financed accordingly. These departments are:

- (1) Protection;                      (2) Foster child care.

The peculiar and underlying motive is to guarantee adequate guardianship to all children in the Province by:

- (a) affecting adjustment in the circumstances surrounding children, which is their protective function;
- (b) accepting guardianship vested in them by the Court for all children whose natural guardians have failed. This task is discharged through their foster care departments, which departments also provide non-ward care under certain circumstances.

Generally speaking, the cost of financing the protective department is met through private subscription, interest from bequests, and by grants from the Province. Provincial grants loom large in the budgets of the smaller agencies but border on the inconsequential in respect to the Toronto Children's Aid Society. Private subscriptions and interest from endowments must also bear the cost involved in supervising children placed in free care, such as free homes, wage homes, etc. From these sources, and from payments from parents, the non-ward cost must be met. The cost of maintaining wards in all types of paid-for care is a direct charge upon the municipality in which the child was resident at the time of committal. These latter costs form more than two-thirds of the total.

Private orphanages give foster care only. It is more than probable that the receipts shown in the following tables duplicate receipts shown by the Children's Aid Societies, as in some cases Societies place children in private orphanages, paying the Orphanage for the service and collecting from the municipalities.

	Children's Aid Societies	Private Orphanages	TOTAL
Maintenance from municipalities..No.1...	\$ 988,694.85	84,470.59	\$ 1,073,165.44
Grants from municipalities.....No.2...	114,650.86		114,650.86
Maintenance from Province.....No.3...	49,847.58	64,348.07	114,195.65
Grants from Province.....	58,785.16		58,785.16
Maintenance from parents, etc.....	42,807.92	110,113.24	152,721.16
Donations, memberships, etc...113,731.93			
Interest from bequests.....16,954.92	130,686.85	426,712.34	557,399.19
Sundry.....No.4...	36,878.97		36,878.97
Grants from municipalities, Federal Government, etc.....		24,011.87	24,011.87
	\$1,422,352.19	\$ 709,656.11	\$ 2,132,008.30

TOTAL RECEIPTS FROM:

Public Funds:

Undifferentiated Grants public funds.....	24,011.87
Municipalities.....	1,187,816.30
Province.....	172,980.81
Sundry.....	36,878.97

Private Sources:

Parents, etc.....	153,921.16
Donations, endowments, etc.....	557,399.19

\$ 2,132,008.30

*Figures provided by Mr. Smith - See to name Co. gran - 5 C.A.S. April/43*







NOTES:

- No. 1. Maintenance.....This refers to all cost in caring for a child in some form of paid-for care: board, clothing, supervision, overhead, etc.
- No. 2. Grants from municipalities....These grants obscure the clear methods of financing as noted above. They represent, chiefly, payments to Societies in a transitional stage from an older method of financing.
- No. 3. Maintenance from Province...In unorganized territories and districts the Province assumes the function of municipalities. They are to be distinguished from provincial grants, which are allocated to the protection department of the work of the Societies.
- No. 4. Sundry....This is a confusing figure, and apparently represents a lack of clarity on the part of a few individual agencies, and this money properly should be allocated to donations, maintenance from parents, etc.

CHILDREN'S AID SOCIETIES

Protection given to:

Legitimate.....	15,661 children	
Illegitimate....	2,356	"
	<u>18,017</u>	"

Number committed as wards.....	1,528 children	
Number of non-wards admitted.....	<u>2,304</u>	"
	<u>3,829</u>	"

At end of year: Wards.....	8,867 children	
non-wards.....	<u>2,540</u>	"
	<u>11,407</u>	"

Shelter care.....	176,679 days
Boarding home case	<u>1,208.587</u> "

Average per diem cost:  
 Shelter.....96 cents  
 Boarding homes...73 "

Total days' care (paid-for).....	<u>1,385,266</u>
Average number of children	
daily in paid-for care.....	<u>3,796</u>

Private Orphanages:

Number of children in care at end of year....	2,828
Total paid-for days' care.....	673,874
Average number in care daily.....	1,846
Average per diem cost.....	85 cents



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LADIES AND GENTLEMEN:-

About a year ago, I entertained, for a very short while, the illusion of being one of those all powerful human beings generally known as "The Legislators."

Indeed, I had been asked to draft an act, intended to be embodied in the Statutes of our dear Province. There is no denying that I was quite honoured although I could hardly explain why I should have been singled out among a thousand other lawyers for such a delicate task.

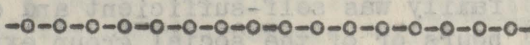
Apparently, the drafting of laws- and even of contracts under private seal is an easy performance in the eyes of the general public. You all know that the average individual, who would not dare practise medicine, dentistry, engineering, accountancy, and what not- generally does not hesitate to juggle with legal terminology. In fact, I believe that hardly any other calling or profession may boast of as large an amateur following as that of the barrister, the solicitor or the "conveyancer".

The axiom that "ignorance of the law is not an excuse" in practically all civilized countries - may explain why so many people think that the law has no secrets for them!

In any event, I shall not apologize, but only crave your indulgence, because I feel you will understand how hard it is to transform into adequate legal phraseology the sociological aspects of a grave problem.

My excuse for invading the sacred realm of "Child Care and Protection" is twofold: I have a small son and a very young daughter.

So please do not think for a moment that I come here as a specialist or a wizard of some kind. I shall do my best to cover the subject, but I'm afraid you will find many deficiencies in what I shall have told you. However, I am here to learn and my sincerity is my only defence.



Reverting to the subject of the drafting of laws, may I quote translated excerpts of an article written for the Bar Review (October issue) by our eminent Batonnier General, Me Louis Morin:

"History of legislation shows that laws are not immutable. They are subject to the unavoidable force of evolution, like everything else in the realm of thoughts."

"Being, as they only are, an expression of the customs and habits of thought of a given era, they are bound to be constantly redrafted...."

"Tradition, our ancient laws, and above all, our Civil Code..... ought to be respects. But they are not a sacro-saint intangible monument...."

"Lawyers"; - I am still quoting Me Morin - Lawyers who are in daily contact with the public are in a position to suggest to the legislator, changes which public interest demands. As a matter of fact, it is one of their noblest attributions."



It is in this spirit that I approached the problem. The fact that I happen to be a Crown prosecutor has given me some opportunity to study at least a few cases of moral and physical decay which I could hardly bear to witness.

As you probably see, there's something rotten... and not only in Denmark! I should be the last person to decry what has been done in my native province. I know that Quebec does not monopolize shortcomings. And after all, it is nobody's fault if we are living in a difficult period of world history. Social evolution, not to call it revolution, is taking place everywhere. And it must have started here at least ten years ago - that is, more exactly on October 29, 1930, when the Provincial legislature passed an order in council asking the Quebec Social Insurance Commission to investigate all questions concerning Public Charities, Social Insurance and Industrial Hygiene. As a matter of fact, quite a few of the commissions' recommendations have since been adopted - with or without amendments.

The first part of the Commissions' second report dealt with Charity and Child Protection was the first subdivision under this all important heading.

May I quote some excerpts of the Commission's findings?:

- 1) The terms "family placement" and "placement of adopted children" brought before the Commission the problem of Child Welfare and the problem of Foundlings, on both of which, Miss Charlotte Whitton, Secretary of the Canadian Council on Child and Family Welfare, has furnished details contained in a lengthy report. This report is important because it has served as a foundation for this part of the inquiry and as a basis for the results reached in the various centres where the commission worked. Let us indicate the most important points of the report.
- 2) The population of Quebec has led, for centuries, a simple life, founded on the family and the community. Except in the centres of larger population, Montreal, for example, Quebec or Hull, this population has not suffered the evils deriving from industrialism. The family was self-sufficient and could always rely upon the aid of neighbours or of the social group existing about it. Furthermore, religious institutions and communities came to its assistance for the care of children or the aged. This admirable regime has worked with success for centuries but to-day, it is powerless before the complications and dangers of modern life; the social framework of the Province of Quebec is insufficient in the matter of protecting the home. The increase of machinery and the over-population of the cities are the chief causes: the family is isolated when it is not broken up and if some social maladjustment influences it, it can no longer count on its own resources and has to turn to societies whose aim is to come to its aid.
- 3) It would be necessary then to establish these societies on a solid basis since their action is beneficial and necessary.
- 4) Moreover, the opinion of all sociologists is unanimous: the family is the social cell, the basis of all society and in our modern age, in the midst of mass production, the family must be saved if we want society to last. It is here that, in spite of the elasticity of the family and the boundless spirit of unselfishness in our institutions, the organisation of charity, which functions in the Province of Quebec, appears insufficient because it is rendered inefficient, in a manner by economic changes.



This introduction will lead to the general divisions of the present paper.

First, we shall study what constitutes "Child Care and Child Protection"- not forgetting the difference of outlook between the United States and Canada on the subject.

Secondly, let us examine rapidly the legal setup in our province- with brief allusions to legislation in other provinces - insofar as child care and child protection are concerned. Then a question will be in order: are child protection and child care organized and rationalized in our midst? To which I shall bravely give a negative answer, giving credit for whatever efforts have been accomplished to date.... and suggesting improvements.

Let us not go beyond the main recommendations of the Commission's second report: should these be implemented, real progress would have been accomplished.

Thus I will advocate:

- 1) The passing of a law respecting Child Welfare.
- 2) The establishment of a Provincial Bureau or Board of Child Protection or Welfare under a Provincial officer called "The Superintendent of Child Welfare".
- 3) The official statutory recognition of Societies for Child Protection, with as wide a power as is safely possible.
- 4) That our adoption laws be reformed and modernized.
- 5) And finally, that our famous system of tutorship be extended and broadened under close supervision of the above mentioned organization.

Quite naturally, I cannot visualize such "momentous" changes without the adopting of a general act and the amending of many existing laws.

Let us deal first with Child Protection. This reminds me of the horrible remark of a yokel who was speaking recently with a probation officer: "We have the S.P.C.A., why not extend that to children as well?" This may show you that our people are becoming alarmed by the situation. And I should be surprised that the aftermath of the war should bring about a marked improvement in social conditions - if we do not prepare for it now!

In the light of the foregoing considerations, how could we describe "Child Protection"?

May I risk a definition: "It is the regulation, by the State and auxiliary organizations (Public or private) of certain social conditions affecting children, that is, young Canadians from the age of one day to that of eighteen years, inclusively."

Incidentally, I am wholly in accord with all the Canadian experts as to the inspiration of our legislation: it must, definitely, not be American.

In Canada, the family reigns supreme as a social cell. Placement is made "in families" as much as possible. And the State supervises the latter. Whereas in



the United States, practically all powers are vested in the Courts. Indeed it is often quite easily forgotten that parents are their child's natural "guardians" and should, as such, be afforded the State's fullest cooperation in this respect. However, parents may not fulfil their duties as they should and this for many different reasons. Then arises the Community's own duty toward neglected children.

Now for the distinction between "protection" and "care". Protection is due neglected children, whether delinquent or not, and whether under their parents' authorities or not; care is meant for any children under eighteen, who may not be in need of protection. But, often, one follows the other!

It would be impossible for me to deal with legislation in other provinces. Needless to say, it is more advanced than in Quebec - especially that of British Columbia, which has been revised recently. May I add that it was my main source of inspiration when drafting the proposed bill.

As for Quebec, what is the situation? Briefly, it is as follows: there are quite a number of laws, some good, some indifferent - some bad - but there is ample room for improvement. I repeat that no one in particular is to blame: why only thirty years ago, life was so simple and so easy that nobody felt the need of the State's help. A lot of people would have resented it genuinely and indignantly.

So let us not criticize unduly and destructively. Suffice it to know that we have at least nine chapters of the 1941 Revised Statutes dealing with the question - not to mention an innumerable amount of private acts and, of course, some chapters of the Civil Code.

The Civil Code, being general, is not concerned with details. The main books, titles and chapters which concern us are the following:

BOOK FIRST:

- a) Title Second, Chapt. 11: of acts of Birth;
- b) Title Seventh, Chapt. 1: Filiation  
Chapt. 2: Evidence of filiation of legitimate  
Chapt. 3: Illegitimate children. /children.
- c) Title Eighth: paternal authority.
- d) Title Ninth: minority, tutorship, emancipation, chapters 1, 2 and 3.

A cursory reading of the chapters concerning paternal authority and illegitimate children will convince any intelligent person that the Code alone is insufficient to bring the necessary relief and protection both to parents and children, and that an immediately practical enactment is needed to supplement the code.

At any rate, the legislature must have felt this need from time to time if we are to judge from the following acts which are to be found in the New Revised Statutes of 1941 (and were already in those of 1925):

- 1 - The prisoners or Juvenile Delinquents Farm Act, S.R.Q. 1941 Chapt. 35;



- 2 - The Reformatory Prison Act, S.R.Q. 1941 Chapt. 37;
- 3 - The Reformatory School Act, S.R.Q. 1941 Chapt. 38;
- 4 - The Industrial School Act, S.R.Q. 1941 Chapt. 39;
- 5 - The Reformatory and Industrial Schools Work Act, R.S.Q. 1941 Chapt. 40;
- 6 - The Children's Apprenticeship Act, R.S.Q. 1941 Chapt. 41;
- 7 - The Adoption Act, Chapt. 324;
- 8 - The Foundlings Act, Chapt. 325;
- 9 - The Immigrant Children's Act - Chapt. 326.

With your kind permission, I shall make a brief study of the main points of interest in the first six enactments. The others will be referred to in a general way when I deal with adoption and tutorship.

(A) In the PRISONERS AND JUVENILE DELINQUENTS FARM ACT, (chapter 35), it is provided that any farm organized to receive juvenile delinquents is to become a house of correction for the whole province.

The management of such farms, under section 9 of the Act is to be determined by regulations, at the discretion of the Lieutenant Governor in Council and the carrying on of the Act is left to the Attorney General.

(B) As to the REFORMATORY PRISON ACT, (chapter 37):

1. It provides for the erection of buildings or the use of tracts of land for the "confinement and reformation of young offenders";
2. Its officers (subject to their appointment by order in Council) are as follows:
  - 2 Chaplains, one Protestant, the other Roman Catholic;
  - 1 surgeon and
  - 1 clerk, who are to hold office during pleasure;
3. The appointment of other officers, assistants and servants, is made by the warden, with the consent of inspectors - who, in turn, are chosen under division VIII of the Court House and Goal Act (Chapter 31);  
 The latter, (under the dispositions of the Court House & Goal Act) are under the control of the Provincial Secretary, as regards industrial schools and reformatories, and that of the Minister of Health & Social Welfare, as regards Hospitals, asylums, and habitable institutions;
4. This act also provides for the establishment of a Receiving-ship/or below at the city of Montreal for those "offenders" who may desire to embrace seafaring life and whom the Lieutenant Governor may think fit so to transfer.



Incidentally, this kind of sea-going reformatory has been abolished in British Columbia and I do not think it exists in other provinces. It does remind one of the good old days of Pirates and Buccaneers (does it not?). I feel it should not be provided for. And the "surge/on" is in itself a very comical Feature!

(C) Let us now study Chapter 38, which deals with

REFORMATORY SCHOOLS:-

1. As you probably know, Reformatory Schools in our Province, are under the management and control of private institutions or corporations or individuals called "managers."
2. Such "managers", as defined in Section 2 of the Act, may apply to the Lieutenant Governor who grants or refused them a certificate that their school is fitted for the reception of youthful offenders;
3. This certificate is not issued unless one of the inspectors of prisons has made a report satisfactory to the Lieutenant Governor covering the management of the school, its conditions and regulations;
4. The detention of a child in a reformatory is of course decided upon by a judge. But the Provincial Secretary must inform the managers that they may keep the child so sentenced to bind the Government as to the costs of the child's upkeep;
5. Furthermore, the Provincial Secretary alone has the right to prolong the detention of a child for a maximum period of three years over and above the term imposed upon said child by the judge;
6. Another provision permits the authorizing, by the managers, after the first six months of detention at the Reformatory, that the child so detained (if his conduct has been satisfactory) may live with a person worthy of confidence.  
Such special permits last three months, but may be renewed every three months until the expiration of the child's detention.  
They may, also, be cancelled by the managers.
7. The managers may further "hire out" children for unpaid, unremunerated apprenticeship or as domestic servants gratuitously only;
8. Rules, Regulations of the school, and modification of same, must be submitted to the Lieutenant Governor in Council before they are enforced and they are subject to the provisions of the Reformatory Prisons Act;
9. The Schools must be inspected "at least once a year" by one of the inspectors; which must account for a lot of abuses without the lone inspector being able to detect same;
10. And now, we come to the all important question of the cost of maintenance of children in Reformatory Schools;



Section 24 provides that the Government pays one half and the city, municipality or county municipality in which the child was at the time of his arrest, the other half;

11. Municipalities have a recourse against each other, to determine who should pay when the child's residence originally could not or has been wrongly ascribed to one particular place;

Any municipality may, before the instruction of a suit by another, indicate to the Provincial Secretary who is responsible and the Provincial Secretary then orders the other party to pay;

12. The names, original residences of all children are given once a year, in the month of January, by the Reformatories, in a list certified and sworn to, which is transmitted to the Provincial Secretary. From this list the latter prepares a statement indicating the liability of each municipality who must pay the Provincial Secretary in May of each year;

13. Of course, the Government may sue delinquent municipalities, and in turn, the latter may sue the child or those bound by law to the child's maintenance and support, in respect of said costs.

(D) Now comes the most important - and the longest - of these acts, the INDUSTRIAL SCHOOL ACT, contained in chapter 39 of our brand new Statutes:

1. Those who have jurisdiction are judges of the Sessions of the Peace, district Magistrates or Recorders. But in every territory subject to jurisdiction of a Juvenile Delinquent's Court, their powers - as well of the powers of a Coroner (!) a sheriff or a prothonotary, are vested solely in the Juvenile Delinquent's Court Judge - for the purposes of the Act.

2. An industrial school is defined as a school "in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught."

3. As to the establishment of schools, the appointment of inspectors, their duties, the frequency of inspection, the list of inmates, the dates at which it is to be fyled, rights and recourses of municipalities concerning maintenance costs, they follow similar lines as those prescribed in the preceding act (Reformatory) although couched in slightly different terms.

4. But the confinement of children is subject to a different procedure.

a) Section 12 embodies the whole principle of the act and provides for a machinery to make it work. I cannot resist the temptation of quoting it at full length, because it may give you an idea of the kind of language we lawyers have to wrestle with when we go before the Courts!

\*12. Any ratepayer of a municipality may cause to be brought before two justices of the peace or a magistrate, or a coroner, or the sheriff or the prothonotary of the district, any child of not more than fourteen years of age, who is an orphan, or fatherless, or motherless, if the surviving parent is badly behaved or is condemned to gaol, or to the penitentiary, for a criminal offence; or any child who, in consequence of the neglect of or of the drunkenness or other vices of, his parents or his guardian or the person with whom he resides, is brought up with-



out education, or without wholesome control, or under circumstances which expose him to lead an idle and disorderly life; or any child who is vagrant or is found at large at improper hours, or who is without shelter and appears to be deserted or abandoned; or any child who is habitually beaten or cruelly treated by his parents or by the person with whom he resides or any child who, owing to his being infirm or without a tutor or without any relative in the direct line in a position to take care of him or worthy of doing so, is liable to become a vagrant or to starve to death. R.S. 1925, c. 160, s. 12."

b) Then also, a father or mother, stepfather or stepmother, tutor or relative of a child or the person who has the charge or care of him, may represent substantially the same facts to two justices of the peace or a magistrate (no coroner or sheriff this time!) and the same machinery is set in motion to the same effect;

c) Furthermore, the mayor of a local municipality, city or town, may cause to be brought before two justices or a magistrate any child under twelve years of age who falls within the previous categories and is in need of protection and care because of his parents continued illness, poverty, habitual drunkenness or vicious habits.

d) Then, any judge of a Juvenile Court may, within the ambit of his jurisdiction, cause a child to be prosecuted under the Juvenile Delinquent act and send him to an Industrial School. He may so act when the child is brought before him after his arrest by a peace officer under sections 12 and 29 of the act.

e) And finally, any judge presiding over a criminal court may sent to an Industrial School any child under fourteen, belonging to any person sentenced by a judge for a criminal offence if it appears from the evidence that the criminal has been guilty of battery, indecent assault or other outrage on his children; The Attorney General, Crown Attorneys or any person may call the attention of the Court to that part of the evidence (section 35).

5. What do the justices of the peace, the magistrates, the coroner (gives it a rather grim and gloomy aspect, does it not?) when confronted with these different aspects of the law? Section 13 tells us, I quote:

"The justices of the peace, the magistrate, the coroner, the sheriff or the prothonotary, before whom the child is brought, shall hear the evidence establishing the age of the child, its habits and antecedents, whether he has relatives, either in the direct or collateral line, or a tutor, in a position to take care of and to support him, the names and residences of such relatives or tutor, and all the details respecting the special circumstances affecting such child.

"The relatives, either in the direct or collateral line, the tutor or those who have charge of the child, shall be notified, and they shall have a right to be heard as witnesses and to cause other witnesses to be heard, as in all other cases."

"The justices of the peace, the magistrate, the coroner, the sheriff or the prothonotary, if they are satisfied from the evidence that the child is within the conditions set forth in section 12, shall report to the Pro-



vincial Secretary, and shall, at the same time, send to him the notes of evidence taken by them, as well as a copy of the complaint and their report with their reasons for the same;"

6. Now, who is going to pay for the maintenance and custody of a child in an industrial school? It is provided for as follows:

1 - A) In the case of the preceding two Sections (12 and 13) and also

- B) when under sections 33 and 38, the Provincial Secretary, on his own account, orders that the child be detained for a maximum period of 3 years after expiration of the child's term.

then, the Government pays half and the municipality the other half, the same for Reformatories;

11 - In all other cases, the province declines any liability for even part of the costs.

7. As to ages, no child may be confined in an Industrial School before being six years old and it may not remain there after it is fourteen years of age, unless it is sick or the municipality or the person interested consents that it so remains, at their own expense.

8. The Provisions respecting licenses given to a child to live out are similar to those in the case of Reformatories except that no such license may be granted until after eighteen months of detention;

9. Placement of children with trustworthy persons and permission to lodge out of school - even at the parents' domicile - are also provided for.

10. A special section admits of a contribution by the Provincial Treasurer so authorized by order in Council toward the custody and maintenance of children kept in industrial schools, but this contribution must not exceed fifty cents per head per week for children detained on application of their parents, step-parents or tutors.

(D) Enactment respecting the work of inmates in REFORMATORY AND INDUSTRIAL SCHOOLS, Chapter 40:-

1. This law enforces the submitting to the Provincial Secretary of all contracts between the managers and third parties respecting the work of inmates.

2. It is especially provided that all monies derived therefrom are to be applied on, in payment of the child's maintenance, the balance, if any, being placed to the child's credit and paid to him when he leaves.

(E) Then comes the CHILDREN'S APPRENTICESHIP ACT, Chapter 41:-

It is an enlargement on the previous one. It permits the placing out by managers etc. of inmates until they attain their majority. Terms and



conditions are left to the discretion of the managers. Parental authority is vested in managers of institutions where children are so placed, during the term of placement. But the parents may apply to a judge of the Superior Court to have the child's custody restored to them, if they can show cause.

I apologize for this long summary, but I thought you would more readily appreciate how difficult it is to judge the present situation and obtain quick relief when one has to go through this labyrinth of legal propositions.

May I refer, en passant, to the numerous contracts entered into by the Government until Industrial and Reformatory Schools? They generally last ten years and are renewed more or less automatically at the end of their duration by means of a new bill. The only important change, to date, seems to be the increase of the governments contribution for the maintenance of children. In former years, this varied between six, seven, eight and even ten dollars a month per head. Now the Province gives as high as \$130, \$140 and even \$160 per year for each child.

Such statutory undertakings specify that a weekly report is to be given the government concerning:

- a) the date of entry of each inmate;
- b) the date of escape, if any;
- c) the date of discharge;
- d) the date of any death;
- e) names, surnames and residence of each;
- f) proper information concerning their placement.

There is also a peculiar provision attached to these contracts: all contracting institutions are bound to follow instructions received from the inspectors or the Provincial Secretary, provided that the fulfilment of same may not have the result of increasing, in an appreciable proportion, the costs of maintenance of the children.

It does seem odd, and I certainly would appreciate an explanation from the powers that be!

Need I stress these points any further? Or rather should we not adopt the conclusions of the Commission's second report:

"1. We have already said that the act is lacking in unity, inasmuch as it authorizes too many persons to intervene in order to obtain the internment of a child. According to the expression of a witness, "It is everybody's business and therefore nobody's business."

2. The Act scarcely permits investigation. In order that intervention may take place, it is necessary to have an example of clear, self-evident misery. That very fact leads to a serious consequence: the work of prevention has not been done, that is to say that delay continues until the situation has become so serious that it is necessary to remove the child from his surroundings when, by a measure taken before those who are responsible, one might have prevented abuses which are now only determined.

3. The only solution at the present time outside of the Orphanage, appears to be the Industrial School, and, for the juvenile delinquent, the Reformatory School, with the exception of the right which may be exercised by the Provincial Secretary, of placing the children in a family.



It may be asked whether, in many cases, the child, instead of being put in a school, might not be taken from his surroundings and placed elsewhere, even temporarily.

4. Even if children are admitted into a school, the question remains whether the expenses of upkeep will be paid, especially when the ratepayers have assumed the responsibility, and it is known that if these expenses are not paid, the child is dismissed without further protection.

5. At the age of fourteen, insofar as the Industrial School pupils are concerned, the children are dismissed. Where will they go if they are children who had been maltreated or abandoned? And they are at an age, as one witness points out, when it is very difficult to earn enough to live on."

I grant you that existing legislation contains a lot of dispositions covering our subject. But the laws - which have been grouped together in the 1941 revision - differ in many ways and do not offer the advantages of a methodical synthesis. This shortcoming is dealt with further in the recommendations of the Commission:

**"1. REVISION OF LEGISLATION:**

The chapters of the Statutes treating of Industrial Schools and apprenticeship ought to be revised, correlated and clarified, the cases of cruelty and neglect being clearly defined and grouped.

2. **PROVINCIAL BUREAU:** A central provincial authority for Child Protection ought to be constituted and assigned to the office of the Provincial Secretary; moreover, this Bureau will be responsible for all measures relating to Child Protection.

**3. SOCIETIES FOR CHILD PROTECTION:**

The Commission recommends that Societies for Child Protection be constituted in cities of more than 25,000 people.

In Montreal these societies should be to the number of four.

a) A French-speaking Roman Catholic society.

b) An English-speaking Roman Catholic society.

c) A Protestant society.

d) A Jewish Society.

These societies are needed especially in large cities where the problem of Child Protection is "most acute. Elsewhere, people have been content with admitting the utility of such measures in a more theoretical way.

This is not an innovation. A society exists at Montreal: "The Society for the Protection of Women and Children." What is new is their constitution, by means of a charter granting them civil recognition and the right of acting as an institution, and permitting them to perform certain functions and to take the initiative reserved so far to individuals.

1. These societies would exercise, under constant supervision, their authority, with respect to the family and abandoned children.

2. They would investigate cases of misery and cruelty, interfere in the



home in order to attempt, by means of assistance of all kinds, to re-establish the conditions of a sane and normal life where they are chiefly menaced.

3. They alone would be authorized to bring before the Juvenile Court or before a court with like powers, cases of internment in Children's shelters; but their parents would retain their natural right to intervene. Persons desiring that a child should be taken from his surroundings and placed in an institution would have therefore to act through the societies' intermediary; with the exception of the right, held at the present time by the relatives; of requesting directly the internment of a child.

They would be given the moral tutorship of children entrusted to their care by the Court, according to our remarks thereon below, under the heading "Tutorship."

Personally, I do not understand the legal connotation of an expression such as "Moral Tutorship." There is no such thing in our system. I presume the Commissioners meant "guardianship," but, then again, this has a meaning of its own - why not use "tutorship", "guardianship" (in French "garde") or parental authority as the case may be?

But the report goes much further: it deals with the duration of internment; the foundation of complementary institutions such as "patronages", "shelters", "houses", "schools"; the segregation of mentally deficient and abnormal or subnormal children; the change of the name "Industrial School" into that of "Children's Houses"; the equal division of maintenance costs between the Province and municipalities in all cases; and it also recommends that children be allowed to stay in industrial schools or Children's Houses, or shelter houses until they are sixteen years old.

My own "bill" (I always call it so - it may be the only one I ever have a chance to draft) has been prepared with these recommendations in mind. It is far from being perfect. I have seen a few things written about it which might prevent me from ever wanting to try my hand again at this little game! But such criticisms were so constructive and so well intentioned that I cannot but bow in due reverence and promise to redraft if I am given the opportunity to do so!

The Child Welfare Act is divided in three parts: the first, dealing with a person called the Superintendent of Child Welfare, his duties and powers; the second, with child protection and child caring agencies; the third with duties of municipalities and of government, regarding the cost of maintenance.

The Act applied to all neglected children. A neglected child is defined as "any child under eighteen years of age who is either abandoned, delinquent or deficient etc." The definition covers quite a lot of ground. In fact, it may cover too much, but I am quite confident that in these days of censorship, it shall be easy to shorten.

May I quote a translation of sections governing the appointment, the powers and duties of the Superintendent? Here they are:

"Section 3.-  
1. WELFARE BOARD AND SUPERINTENDENT: The Lieutenant Governor in council may establish a child welfare board composed of such persons as he may



designate, at the head of which is a civil servant known and designated under the name of Superintendent of Child Welfare. The Superintendent of Child Welfare holds office during good conduct.

**2. DISMISSAL OF SUPERINTENDENT:** Provided that the Superintendent may not be dismissed unless an inquiry into his conduct be made by three Commissioners appointed under the great seal and both legislative Chambers express their approval of said dismissal by a vote of two thirds of their members;

**3. POWERS:** The Superintendent is vested with all the powers conferred by this act to a Child Protection agency; Provided that he may, from time to time, authorize any person he may think fit to exercise said powers in his place and stead and to the same effect.

**4. THE SUPERINTENDENT IS THE OFFICIAL:** permanent or temporary tutor and guardian of any child falling under the dispositions of this act;

**5. HIS SALARY:** is fixed at a minimum of \$8,000 per annum and may be increased by order-in-council.

**6. GENERAL DUTIES:** The Superintendent is responsible for the execution of this act and of all the formalities it involved;

**7. MORE ESPECIALLY, THE SUPERINTENDENT:**

a) fosters the establishment of Protection agencies as he deems advisable;

b) instructs such agencies respecting their duties and generally advises them on same;

c) makes rules and regulations governing the entry of children into institutions, reports to be submitted by said institutions, inspection of same;

d) prepares for the Minister a yearly report concerning his activities;

e) acts as a Protection Agency wherever no such agency exists;

f) usually accomplishes anything which he may be elected to accomplish in pursuance of any other act or order in council;

As to child Protection Agencies, I have advocated the issuance of a charter to each individual one, subject to the dispositions of section 22 of the draft Act which reads as follows:

"22. - The principal duties of a Child Protection Agency are as follows:

a) to better the family life of any neglected child;

b) to protect children in general;

c) to care for children in general;

d) to detect cases of neglect, negligence or cruelty against children.



e) any such duties mentioned in the Petition for incorporation, provided said duties be not incompatible with the dispositions of this act."

Under the new law, in order to be able to fulfil its part, such a Child Protection Agency necessarily must be vested with quasi-judicial powers allowing it to render decisions governing cases of child neglect. The main reason for this latter provision being to alleviate the crushing burden of the judges of our Juvenile Courts before whom only Juvenile delinquents should be arraigned. Furthermore, it is not equitable for a neglected child to risk being branded forever as a delinquent. Indeed, a Juvenile Delinquent, under the dispositions of the Act respecting Juvenile Delinquents, is defined thus:

"Juvenile Delinquent" means any child who violates any provision of the Criminal Code or of any Dominion or provincial statute, or of any by-law or ordinance of any municipality, or who is guilty of sexual immorality or any similar form of vice, or who is liable by reason of any other act to be committed to an industrial school or juvenile reformatory under the provisions of any Dominion or provincial statute."

Consequently, would it not be better if Protection Agencies or, where they could not operate, appointed representatives of the Superintendent, or the Welfare Board, could have the power to select proper subjects and lead them towards shelters, homes, nurseries, guilds and what not, established under their aegis or running independently? Summarily only where delinquency is present, should the Juvenile Court have sole jurisdiction and the law follow its course. Thus would be avoided many cases of corruption among children whose sad plight may not be discovered early enough due to lack of organization. Do you know that the 14 Probation officers of our Court of Juvenile Delinquents must look after at least 300 cases each, every year? It is not surprising at all that systematic supervision be not within their reach.

One of them was telling me a short while ago, that he made 14 cases against 14 different adults on the strength of the testimony of three children only.

Needless to say that when these children testified, they already knew too much about life and its ugliness. The same applies to a case which I had to proceed with some time ago. For three years, at least, indescribable scenes, the number of which and the fiendishness of which are beyond the grasp of the most vivid imagination, took place in an Institution which everybody thought was above all reproach. Six children, victims of a modern monster, terrorized and threatened that if they spoke, they would be sent to the Reformatory - which to them spelt their doom - consented to speak and reveal this nasty state of things only when they had come out of the institution and the Lord only knows after what difficulties!

Had there been in this home a probation officer, specially appointed by a Child Caring or Child Protection Agency, and therefore absolutely independent of any pressure on the part of the Director of the Institution or his friends, it would have been quite easy to discover this terrible state of affairs and to put everything in order. As it stands now, the children who have had to come to Court and to testify, did so quite bravely under the circumstances, but they were subjected to abuse and even the presiding judge did not treat them very meekly.

It was evidently the defendant's own game to make the children look as though they were little devils in disguise and the learned Magistrate, at one time, did not seem to feel like believing all what they said, because it did not appear normal to him that such immoral practises should have been so often repeated.



As to the third part of the draft bill, it deals with the division of maintenance costs, equally between the Province and Municipalities. This part, of course, is subject to any amendment which may be brought forth by people who are more familiar with our system than I ever will be. I must frankly admit that I tried to take what appeared to be more convenient in British Columbia and Ontario Acts, governing similar matter, but I am ready to bow to any adverse decision on this point, because I know that it is quite controversial.

And, now, Ladies and Gentlemen, let us come to the last part of this already too long paper.

It is time we should be concerned with two words, the first being "tutorship" and the second, "adoption."

You know that under article 249 of the Civil Code, every tutorship is granted pursuant to advice received from the family council by competent courts. This means exactly that "planojure" I cannot be my son's or my daughter's tutor. Whatever property they may own - even War Savings Certificates! - cannot be dealt with, negotiated or transferred validly by them or by any of their parents, unless the latter or the next friend has been appointed by the Courts to act either as general tutor or as tutor ad hoc (that is only for the special purposes involved.)

Tutorship may cost at least \$7.50 and if all services and incidentals have to be coped with, such costs run as high as \$30 or \$40. Furthermore, generally speaking, the Civil Code does not provide for tutorship where there is no property. Paupers and poor people generally may be considered therefore as excluded.

Why should we not amend the Civil Code - which already has been amended quite often and will continue to be for less important reasons than the present one - in the sense of the amendments to the Code Napoleon, which establishes under articles 389 to 396 the automatic tutorship of the father or the head of the family? This system is in existence since April 6th, 1930. Of course we do not know now if it has been replaced by a system of collective tutorship or direct state paternalism, but it is well known that it worked well under the Third Republic.

And finally, this is the object of the recommendations contained in the Second Report of the Commission.

A second important point is that the tutor, pending his administration, ought to be compelled by law to submit to the family council and the superintendent of Child Welfare or to a Child Caring Agency, as the case may be, a yearly statement covering his administration.

Under the present system, should the tutor refuse to conform to the demands of the family council or of relatives or of next-of-kin, under article 309, proceedings must be instituted which may prove very costly and may be the ruination of a faithful if somewhat overzealous relative.

I would therefore, propose, apart from the inclusion in our Code of articles similar to those of the Code Napoleon, concerning the father's tutorship, the following two amendments:

1. - Every tutor must submit at least once a year, to the Superintendent of Child Welfare, as defined in the Child Welfare Act, and to the family council or to Child Protection Agencies, so designated by the Superintendent, an informal statement covering his administration during the aforementioned period, the said statement to be submitted without costs for judicial formalities.



2. - The tutor may also be compelled by a petition to the Superior Court on the part of the relatives or members of the family council or of the Superintendent or of a Child Caring Agency, falling under the dispositions of the preceding article, to submit, from time to time, an informal statement covering his administration, the costs of which are to be borne by the pupil's estate or property except when said statement is found unsatisfactory by the Court and the Court refuses to homologate same.

There does not seem to be any doubt in the minds of those who know about this question and there surely is no doubt in the province of British Columbia and in the province of Ontario that the Superintendent as well as Child Caring Agencies should be vested with the authority of an automatic tutorship as regards all neglected children until the latter's plight has been dealt with and their life has been righted.

The Foundlings Act (R.S.Q. 1941, Chapter 325) already establishes what is termed "legal tutorship" (and not moral tutorship") as mentioned in the Commission's Second Report, in favour of the Commissioners appointed by the Lieutenant Governor for supervising the Hotel Dieu de Quebec, the General Hospital of Grey Nuns, at Montreal, the General Hospital, at Quebec, La Creche St. Vincent de Paul, or any institution receiving foundlings in the district of Three Rivers and their successors in office.

You remember the Social Insurance Commission recommended this modification very strongly although it uses the phrase "tutelle morale" (Moral Tutorship) which does not seem to imply anything realisable.

Now, let us turn to "adoption." I am quite sure you know all about this particular problem. It is one of the most delicate as well as the most heart-breaking. Indeed, the Adoption Act (S.R.Q. 1941 chapter 324) may become an anti-social agency when left in the hands of naive or unscrupulous people. To say the word, "adoption" may then become purely a racket.

The Gazette of last year had such glaring headlines as the following:

- 1. - SPOTLIGHT TRAINED ON INFANT TRAFFIC - 11,000 babies bootlegged annually in U.S.A.
- 2. - ADOPTIONS RACKET SEEN IN MONTREAL - conditions wouldn't be tolerated if known.

I know that the subject has been brought up many a time during the meetings of well-intentioned public bodies who wished to remedy the situation, but did not seem to know how and whose endeavours often were side tracked.

Quite recently an unmarried mother who had accepted to let a man become the custodian of her child for six months, nearly lost this child because of the fact that at the expiration of the delay, although she had asked this friend of the family's to give her back her son, the friend, instead of acting like a gentleman, went before the Practice Division of the Local Superior Court, failed to serve the Petition for adoption of the minor son upon the mother, declared to the Court that they had lost track of the mother or something of the kind, or that she was dead, and upon these representations, the Petition not being contested, the presiding judge granted it with costs. That happened on the 23rd of July last.



Fortunately enough, the mother's attorneys discovered everything and immediately submitted the facts to Chief Justice Greenshield who did not hesitate to void this judgment and added that he knew very well the Judge in question never would have granted the Petition of the adopting party if all the facts had been known to the Tribunal.

On the other hand, I was told, a few days ago, by a probation officer, that although he had been successful enough in taking away two adopted children from a poor deluded woman, who had the adoptions mania, the latter had recently come back from Quebec City with a third adopted child.

As Miss Charlotte Whitton contends, adoption must be rendered both very easy and very difficult, as the case may be.

Let us not forget that Section 6 of Chapter 324 does not provide for the adoption of a legitimate child whose parents or at least one of them are still alive and not incurably out of their mind. I really cannot see why the Commission's recommendation would not be followed to the effect that the adoption of a legitimate child whose parents are of sound mind may take place without difficulty, as long as this particular adoption be specially submitted to the Superintendent or a Child Caring Agency duly accredited.

As to costs, may I say that although Section 24 provides that no fee shall be payable to the Crown, nor to the Protonotary of the Superior Court, it does not forbid lawyers from charging anything for such a petition and therefore the costs of adoption are relatively high because naturally there is so much competition in the law business, these days, that we cannot give our time away, (except for drafting laws and preparing lectures!).

Therefore I suggest that the system be simplified and that the Superintendent, through the Child Welfare Board, be vested with the powers necessary to foster the free adoption of those children falling within the ambit of the law.

May I suggest that the following sections or paragraphs be added to the present law:

1.- As to section 6, paragraph 3:- Legitimate children, whose father and mother, or one of them, are still living, but who cannot take care of them nor can any ascendant;

2.- Section 8, paragraph E: of the Superintendent of Child Welfare.

3.-Section 8, paragraph F: of the Child Protection Agency having jurisdiction in the district where the petition is presented;

4.- Section 24: no duty or fee shall be payable to the Crown upon adoption proceedings, nor shall any fee be payable thereon to the Prothonotary of the Superior Court or to any authorized attorney or attorneys.

CONCLUSION!

It is high time that I should let you draw your own conclusions.

I would apologize for having made such a dry lecture, but it is your fault because you chose the subject and I hope you will be convinced that I only have in mind to be constructive in whatever criticism I make of existing conditions.



I certainly do not wish to cast aspersions at a Government in which I have the utmost confidence and whose Leader I sincerely admire.

I do not need to quote the Gazette to convince you that ever since Mr. Godbout came to power, this province has made gigantic strides in the social and economic realms. This is mainly because our Prime Minister, who is both a statesman and a patriot knows to its finest point, the real sense of Quebec's life and destiny. He knows that we should not climb to the top of an ivory tower. He sees well, and he sees great.

But in spite of it all, should we refrain from suggesting improvements which at present seem advisable? I do not believe so. What I have just proposed is far from perfection. But it may be a starting point, in the middle of the road, half way between wishful thinking and final realization.

There is something rotten in Denmark and elsewhere, but as far as we are concerned, it still could be worse, could it not.

It is high time, it seems, that social legislation respecting children be made uniform and also that organizations be legalized and established, which may ease the burden now crushing the shoulders of too few ill-paid and over-worked individuals.

Ten years ago, the Social Insurance Commission made many reports and many recommendations. Quite a few of these recommendations have been accepted by the Government and now have the force of law such as, for example, mothers' allowances, help to the blind, unemployment insurance, and the like. Why should not those recommendations concerning children be given more than a thought and why should not action follow suggestion and relection?

It would be a sad story indeed should Quebec let pass another year before introducing legislation, mainly drafter for the protection of Quebec's children. We are in the throes of a frightful world war, but in spite of it all, if we are to die, at least our children should live and that they may live more happily perhaps than we have, let us frame protective dispositions and provisions which will act like guiding stars for their tiny, faltering steps.

But you know so much more about it all than I ever will, that I can only thank you for having given such a very kind reception to the honest effort of a layman who, a trifle presumptuously perhaps, undertook to preach to the converted!

ROGER OUMET.

February 19, 1942.

8.15 p.m.

Central Y.M.C.A. (Drummond St.)

CONCLUSION!

It is high time that I should let you draw your own conclusions. I would apologize for having made such a dry lecture, but it is your fault because you chose the subject and I hope you will be convinced that I only have in mind to be constructive in whatever criticism I make of existing conditions.



Efforts to

# Secure Amendment of the Industrial Schools Act.

AGENCIES

367

April 30th, 1943

de at our meeting held on April

very energetic in pressing the  
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ested.

3) The G.C.I.S. will keep in close touch with Father Guillemette and Father Lacombe during the summer in order to be aware of developments.

4) The G.C.I.S. will send a request to the Council early in the fall asking us to recommend a plan for coordination of groups interested in child welfare problems, which will enable us to draw in the juvenile court committees.

GH:EH

- Mrs C.F. Pichie ✓
- Mrs T Stewart ✓
- Mrs Long ✓
- Mrs Macneil ✓
- Mr Smith ✓
- Miss Ruth Stept ✓
- Mr. [unclear] ✓
- J.A. ✓



MONTREAL COUNCIL OF SOCIAL AGENCIES

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MEMO TO : Charles H. Young

FROM: (Miss) Gwyneth Howell

April 30th, 1943

RE: INDUSTRIAL SCHOOLS ACT

In confirmation of our conversation, the points made at our meeting held on April 28th were as follows:-

- 1) Father Guillemette and Father Lacombe have been very energetic in pressing the need for child welfare legislation with the hierarchy of the R. C. Church and the legislators at Quebec.
- 2) It is almost certain that there will be minor changes made in the Industrial Schools Act before the end of this Session. This will include improvement of the rate to 70 or 75 cents a day and the provision of foster home care as well as institutional care.
- 3) Archbishop Charbonneau has seen the Hon. Mr. Groulx, with a view to securing the establishment of a social welfare board or committee, similar to the Quebec Committee on Instruction. There would be two divisions, Catholic and Protestant, as in the school system. Next Thursday, May 6th, the Archbishop with other important R.C. clergy and laity is seeing Mr. Godbout and other members of the Cabinet, with a view to making arrangements for the establishment of this social welfare board.

Proposed action on our part -

- 1) Would it be possible for Mr. Robertson or Judge Barclay together with Father Guillemette to suggest to Mr. Beique that when the Inter-Federation Council meets with Mr. Godbout, in addition to recommending comprehensive child welfare legislation along the lines of Mrs. Casgrain's proposals, that we also suggest the establishment of a social welfare board.
- 2) Mrs. Ritchie and the other Protestants present at our meeting expressed themselves later as recommending a second delegation to Mr. Godbout, consisting of important citizens from the Protestant and Jewish groups to follow on the interview of the Catholic clergy and recommending the same thing, with a request for the setting up of Protestant and Catholic branches of the committee. Mrs. Ritchie felt strongly that the non-Catholic groups should make a separate appearance and not let it be thought that only the R. C. groups were interested.
- 3) The G.C.I.S. will keep in close touch with Father Guillemette and Father Lacombe during the summer in order to be aware of developments.
- 4) The G.C.I.S. will send a request to the Council early in the fall asking us to recommend a plan for coordination of groups interested in child welfare problems, which will enable us to draw in the juvenile court committees.

GH:EH



*Brief statement for Women's Institute -*

MEMORANDUM RE PROPOSED CHANGES IN QUEBEC INDUSTRIAL SCHOOLS ACT

In Quebec, the only protection for neglected and dependent children is THE INDUSTRIAL SCHOOLS ACT. This legislation provides for institutional care only. It does not include foster home care, social services to attempt to preserve the child's home nor in the event of placement, does it provide for his protection and rehabilitation back into the community.

Recently, at the request of the Provincial Authorities a conference was held at which French and English-speaking Roman Catholic, Protestant and Jewish representatives of Industrial Schools and social planning bodies met and drew up suggestions for making the INDUSTRIAL SCHOOLS ACT a more effective one for protecting the child and preserving family life. The general principles outlined as a basis for improved legislation were as follows -

1. To change the name from "INDUSTRIAL SCHOOLS" to "AGENCIES FOR THE CARE AND PROTECTION OF CHILDREN".
2. To develop a provincial-wide plan to investigate all cases of child neglect and work for the preservation of the child's own home.
3. Should placement of a child away from his own home be necessary, to provide a programme of institutional and foster home care to be used according to the needs of the child.
4. To have public inspection of such services and provincial leadership in this work by qualified social workers.
5. To provide some type of guardianship to orphans or neglected children until twenty-one years of age.



April 28, 1943

MEMORANDUM re AN ACT TO PROVIDE FOR THE PROTECTION OF CHILDREN PASSED BY THE PROVINCE OF BRITISH COLUMBIA ON THE SEVENTH DAY OF MARCH, 1943

This Act contains the general principles outlined by the Montreal Committee on Amending the Industrial Schools Act.

In regard to apprehension of children in need of protection this Act includes as well as those mentioned in the Industrial Schools Act, provision for apprehending the pre-delinquent for action in cases of medical neglect, protecting handicapped children-- both physically handicapped and mentally handicapped--and truants.

Institutional care is limited to six months except with the written consent of the Superintendent.

Definition of Maintenance --Any child who is partly maintained either in a shelter, or temporary home or is boarded under this Act.

Maintenance -- Basis for determining reasonable cost on the basis of statement showing average per diem cost for maintaining and supervising children under care for the previous fiscal year as confirmed by the society's auditors and the superintendent.

In an unorganized area the superintendent takes the average cost in the province and it shall not be less than \$4.00 a week. Full maintenance is paid by the municipality and notice of action being taken must be sent ten days before Court hearing.

Local authority is able to recover expenses from another local authority.

Maintenance starts with apprehension of child.

Payments continue so long as the child remains an expense to the society up to the age of eighteen.

Inspection -- The Act provides for inspection of all Children's Aid Societies, orphanages or other homes and institutions for the care and custody of children, such organizations to furnish the superintendent or person authorized with full information and particulars concerning every child under care and to permit inspection of children and records of the organization and provides for public investigation.

Hearings -- The Act provides for private hearings of all cases under this Act, the calling of witnesses; child only appears for identification; may be called on as a witness if necessary and not necessary to be sworn.

Incorporation -- The Act provides for incorporation of societies operating under this Act and has a model constitution.

Penalties -- The Act provides for penalties for interfering with the care of children.

Provision for Immigrant Children -- The Act provides special provision for immigrant children.

Notes, on the new B.C. Act,  
— prepared by Mrs Long



*Miss Howell*

*Constitution*  
*Translators*  
*John ...*  
*an ...*  
*Said ...*

MONTREAL COUNCIL OF SOCIAL AGENCIES

Notice of Meeting

An informal meeting is being held,  
on - Wednesday April 28, 1943  
at - 10-30 a.m.  
in - Room 201, Forum Building,  
1421 Atwater Avenue.

PURPOSE:

To report on progress in relation to proposed amendments to the Quebec Industrial Schools Act.

We hope you will be able to attend.

(Signed) Gwyneth Howell,  
Executive Assistant.

*Final Statement*







MEMORANDUM Outlining General Principles to be Taken into Consideration in Revising the Industrial Schools Act.

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- (1) To change the name of such institutions to "Schools for the Care and Protection of Children."
- (2) Where placement of a child is necessary under this Act, to provide a programme of institutional care and of foster home care with the object of rehabilitating the child in the community at the earliest possible moment.
- (3) To develop Provincial-wide plans to investigate all cases and to work towards the preservation of the child's own home.
- (4) To implement the section of the Act referring to inspection. For this purpose on consultation with representatives of institutions and societies concerned, the Lieutenant-Governor-in-Council shall appoint an Inspector of Schools for the Care and Protection of Children and such other officers as may be deemed necessary. The Inspector's duty shall be: -
  - a. To advise and instruct such Schools as to the manner in which their duties shall be performed.
  - b. To encourage and assist in the establishment of Schools for the Care and Protection of Children.
  - c. The Inspector shall have and may exercise authority under this Act in any district where a School for the Care and Protection of Children does not exist.
  - d. To see that a record in such form as may be prescribed is kept by such schools of all committed children and of all children placed voluntarily in institutions or foster homes under this Act, and of such other particulars as may be deemed desirable.

*Final Statement.*



- me* e. To direct and supervise the visiting of any home or institution where the child is placed pursuant to the provisions of this Act.
- f. To prepare and submit an annual report to the Minister.
- g. To perform such other duties as may be prescribed by the Lieutenant-Governor-in-Council.

(5) Where a child has no legal tutor or his legal tutor is an unsuitable person, Provision shall be made for the Institutions or Societies operating under this Act to have the same responsibility as a legal tutor until the child has attained the age of twenty-one.

a. In the case of an unorganized district the Inspector shall have the same responsibility as a legal tutor until the child has attained the age of twenty-one.

(6) Children in need of care and protection may be admitted temporarily to such ~~in~~ institutions on the authority of the Inspector.

(7) Provision should be made within the Act whereby legal action may be taken against parents or others who wilfully or knowingly cause a child to become neglected.

(8) In the case of any child committed under this Act to an institution or society, such institution or society shall receive a minimum of seventy-five cents per day per child for his maintenance and care in any temporary home, foster home or institution where remuneration is required.

a. The custody and maintenance of a child under the care of an institution or society operating under this Act shall be paid one-half by the Government and one-half by the city, town or rural municipality in which the child has domicile, the amounts to be collected by the Province.

b. At any time after the committal of a child to the care and custody of a School for the Care and Protection of Children, such School may apply to the Inspector for such additional maintenance as he may deem just.



(9) For purposes of this Act when domicile cannot be established the Province shall be financially responsible.

a. Residence of a child under this Act, in the case of a child born in wedlock shall be where the legal guardians have last resided for one year prior to committal to an institution or society.

In the case of a child born out of wedlock, where the mother resided for one year prior to the birth of the child in question.

(10) The Lieutenant-Governor-In-Council, on consultation with representatives of institutions and societies concerned, shall set up an advisory committee to consider all matters pertaining to child welfare and to advise in regard to all matters pertaining to this Act.

February 9, 1943



February 6th, 1943.

Father Leandre Lacombe,  
Societe d'Adoption et de Protection  
de L'Enfance,  
874 Sherbrooke E.,  
MONTREAL.

Dear Father Lacombe:-

I believe Father Guillemette has discussed with you the draft memorandum concerning suggestions in relation to revision of the Industrial Schools Act.

We missed your help and guidance very much at our last meeting. Would it be possible for you to meet with Father Guillemette, Miss Long, Mmc. Langlois and myself again? We should like to meet as soon as possible and suggest 10.30 a.m., Tuesday, February 9th, in this office.

Yours very truly,

(Miss) Gwyneth Howell,  
Executive Assistant.

GH:EH.



February 6th, 1943.

Mme. Jeanne Langlois,  
Bureau d'Assistance Aux Familles,  
445 St. Francois Xavier,  
MONTREAL.

Dear Madame Langlois:-

I enclose a copy of a memorandum which was the result of the discussion held in this office last Monday morning, which you were unfortunately unable to attend.

I am trying to get the small group together again to consider further revision of this memorandum, and earnestly hope you can be with us on Tuesday, February 9th at 10.30 a.m. This is very short notice but the matter is somewhat urgent. The meeting will be held in this office.

Yours sincerely,

(Miss) Gwyneth Howell,  
Executive Assistant.

GH:EH.



Sent also to Miss Janet Long, G.C.I.S.

February 1st, 1943.

Rev. Father A.M. Guillemette,  
Conseil des Oeuvres,  
445 St. Francois Xavier,  
Montreal.

Dear Father Guillemette:-

I enclose the rough draft of our memorandum as we prepared it this morning.

I am sure it can be corrected and improved, and I shall be glad to have your suggestions in regard to it.

Yours sincerely,

(Miss) Gwyneth Howell,  
Executive Assistant.

GH:EH.  
Encl.



First Draft

MEMORANDUM Outling General Principles  
to be Taken into Consideration in Re-  
vising the Industrial Schools Act.

- 
- (1) To change the name of such institutions to "Schools for the Care and Protection of Children."
  - (2) Where placement of a child is necessary under this Act, to provide a programme of institutional care and foster home care with the object of rehabilitating the child in the community at the earliest possible moment.
  - (3) To develop Provincial-wide plans to investigate all cases and to work towards the preservation of the child's own home.
  - (4) To implement the section of the Act referring to inspection. For this purpose the Lieut.-Governor-in-Council shall appoint an Inspector of Schools for the Care and Protection of Children and such other officers as may be deemed necessary. The Inspector's duty shall be:-
    - a) To advise and instruct such schools as to the manner in which their duties shall be performed.
    - b) To encourage and assist in the establishment of Schools for the Care and Protection of Children.
    - c) The Inspector shall have and may exercise authority under this Act in any district where a School for the Care and Protection of Children does not exist.
    - d) To see that a record in such form as may be prescribed is kept by such schools of all committed children and of all children placed voluntarily in institutions or foster homes under this Act, and of such other particulars as may be deemed desirable.
    - e) To direct and supervise the visiting of any home or institution where the child is placed pursuant to the provisions of this Act.



- f) To prepare and submit an annual report to the Minister.
- g) To perform such other duties as may be prescribed by the Lieut.-Governor-in-Council.

(5) Where a child has no legal tutor or his legal tutor is an unsuitable person, provision shall be made for the Inspector to have the same responsibility as a legal tutor until the child has attained the age of twenty-one.

(6) Provision should be made within the Act whereby legal action may be taken against parents or others who wilfully or knowingly cause a child to become neglected.

(7) The Judge shall order the payment to the school of a reasonable sum of not less than seventy-five cents per day per child for his maintenance and care in any temporary home, foster home or institution where remuneration is required.

(8) At any time after the committal of a child to the care and custody of a School for the Care and Protection of Children, such School may apply to the Inspector for such additional maintenance as he may deem just.

(9) Children in need of care and protection may be admitted temporarily to such institutions on the authority of the Inspector.

The memorandum was then discussed point by point:-

- (1) All were in agreement with this recommendation.
- (2) Again, all were in agreement. It was suggested that the qualifications of the staff were of paramount importance as all machinery would break down if the personnel was inadequately equipped.
- (3) and (4) Complete agreement. It was thought that these two recommendations related to one another, in that the same machinery would be used for both admission and discharge processes.
- (5) It was agreed that a better wording would be that "provision should be made for the same responsibilities as legal tutors, up to the age of twenty-one".

February 1st, 1943.

Discussion then centered around finances and it was agreed that it would be well to request a basic minimum rate, applicable in all institutions. It was also suggested that where increased expenditures were of necessity incurred,



Informal meeting to consider suggestions relating to the Quebec Industrial Schools Act, as drafted by the Girls Cottage Industrial School, was held on Friday, January 22nd, 1943 at 10.30 a.m. in Mr. Young's office, Rm. 201, 1421 Atwater Avenue.

ATTENDANCE: Miss Gwyneth Howell (in the Chair); Rev. Father A.M. Guillemette, Le Conseil des Oeuvres; Rev. Leandre Lacombe, Societe d'Adoption et de Protection de L'Enfance; Miss Janet Long, Mrs. C.F. Ritchie, Mrs. T. Stuart, Girls Cottage Industrial School; Mrs. Muriel McCrea; Protestant Foster Home Centre; Miss Ruth Shefer, Jewish Child Welfare Bureau and Mr. Eric I. Smit, Children's Service Association.

Regrets for inability to attend were received from Mrs. Sharwood, Mme. Langlois, Father Berry and Mr. Charles H. Young.

Miss Howell opened the meeting by explaining that it was called at the request of the Girls Cottage Industrial School, who wished to secure the advice of the Group concerning a memorandum which was being forwarded to M. Jean Bruchesi, Deputy Provincial Secretary. In further explanation, Miss Long stated that M. Bruchesi had called together the representatives of the Industrial Schools last November and following discussion at that meeting, the representatives of each School had been requested to prepare a memorandum for the guidance of the Deputy Minister. In view of the fact that the method of operation of the Industrial Schools Act would have considerable effect on the whole child care field, the advice of this Group was sought.

Miss Long emphasized the fact that the Industrial Schools Act provided for the dependent and neglected child between the ages of six and sixteen years and was not as generally interpreted by the English-speaking group as an Act for the control of delinquents. This matter was dealt with in the Reformatory Schools Act. The Girls Cottage Industrial School operated under both Acts but most of their work was under the Reformatory Schools Act. The Industrial Schools Act at present provided for support of the child, inspection of the institutions, and the placing out of child, together with follow-up care. In practice, the support was inadequate, varied in amount, and had no relation to the actual expenses of the institutions. No inspection was provided except fire inspection by another department. There were no staff or arrangements made for follow-up care. It was again emphasized that this was an entirely informal meeting for the assistance and guidance of the Girls Cottage Industrial School. A memorandum had been prepared (as attached to these minutes) giving briefly the main points in the submission already made to Mr. Bruchesi.

The memorandum was then discussed point by point:-

- (1) All were in agreement with this recommendation.
- (2) Again, all were in agreement. It was considered that the qualifications of the staff were of paramount importance as all machinery would break down if the personnel was inadequately equipped.
- (3) and (4) Again, there was complete agreement. It was thought that these two recommendations were closely related to one another, in that the same machinery would be used for both admittance and discharge processes.
- (5) It was agreed that a better wording would be that "provision should be made for the same responsibilities as legal tutors, up to the age of twenty-one".

Discussion then centred around finances and it was agreed that it would be well to request a basic minimum rate, applicable in all institutions, additional allowance could then be made where increased expenditures were of necessity incurred.



The question arose also as to whether now that there was a Provincial Department of Social Welfare, it would not be sound to transfer the responsibility for the operation of the Industrial Schools Act to that Department from that of the Provincial Secretary. It was agreed that this would be logical and a sound development.

The two last points in the memorandum were also discussed. It was agreed that suggestion (a) should not be considered at this time. Suggestion (b) as a temporary measure, appeared to be very sound and plans should be made towards this end.

Miss Howell thanked the Group on behalf of the Girls Cottage Industrial School and the meeting then adjourned.

(Signed) Gwyneth Howell,  
Executive Assistant.



This meeting is being called at the request of the Girls' Cottage Industrial School to discuss informally certain suggestions made by the Girls' Cottage Industrial School to the Provincial Secretary relating to amendments to the Industrial Schools Act.

These suggestions were forwarded to the Provincial Secretary, at his request on December 15, 1942, following a conference of representatives of the Industrial Schools in the Province of Quebec called to discuss changes in this special legislation.

The general principles enunciated in a memorandum prepared by the Girls' Cottage Industrial School were based on that agency's own experience and on the eight points drawn up at an international conference at Geneva as being the principles and objectives of a child care programme.

The specific changes recommended in the memorandum were --

- 1. To change the name of such institutions to institutions for the protection of children.
- 2. To implement the section of the Act referring to inspection and outlining qualifications for such inspectors. *But see J.A. memo*
- 3. To set up machinery provincial-wide to investigate all cases and work towards the preservation of the child's own home.
- 4. If placement was necessary, to provide a programme of institutional care, foster home care, and machinery for rehabilitation of the child back into the community at the earliest possible time. *(not longer than 3 years is desirable) Plan out with suitable person responsible 3 months before placement*
- 5. Where a child has no legal guardian, or his legal guardian is an unsuitable person, provision should be made for custody <sup>the same responsibilities of legal tutor</sup> up to the age of twenty-one.

The representatives of the Girls' Cottage Industrial School would also like to discuss the question of --

- a. The possibility of utilizing such machinery under the Compulsory Education Act in rural areas.
- b. The setting up of an advisory committee to the Provincial Secretary.

*- As a temporary measure*

*(from Industrial School for Girls)*