

Young Offenders Act

and Youth, the Canadian Education Association, the Canadian Mental Health Association—which has been mentioned many times in the last day or so—the Canadian Rehabilitation Council and the Canadian Welfare Council, as well as other bodies interested in the disorders of children, some of which deficiencies lead to a confrontation between them and our courts and legal system.

• (8:30 p.m.)

The main difficulty from the standpoint of existing programs having to do with children is the very serious lack of co-ordination resulting in overlapping or major gaps in service. The Celdic committee summed it up in a way that I find very appealing, one that I hope will commend itself to the House. If I may quote directly from the report, the committee says:

No one sees or is concerned with the whole child as he interacts with his environment. We diagnose and treat and sometimes label for life, on the basis of a small segment, the problem part of the total child.

Preferable to this chaotic state of affairs which was so well stated by the Celdic report would be the provision of a wide range of alternatives to the teacher, public health nurse, doctor, social worker, policeman, or parent who has become concerned with a child with emotional and learning disorders or other handicaps. So we are talking about children with emotional disorders.

It is interesting to note the extent to which the committee stressed certain points. For example, the committee stressed an approach toward the understanding and treatment of these disorders and handicaps which would keep the child as a whole within the view of the Canadian public and the view of those who must deal with him. The committee felt that a child with an emotional or learning disorder should be regarded as having a typically persistent imbalance in the interaction between the child and his environment and between his capacities and the demands, both internal and external, that are made upon him.

This can be evidenced in a number of complexly inter-related ways involving both physical and psychological factors. When someone close to the child becomes aware that he is having difficulties, he may be referred to a specialist of one type or another who tries to unravel and to describe the symptoms to those responsible for him, his parents, an institution or whatever it be. An attempt is then made to determine the cause and what the result may be if the behaviour persists. An attempt may then be made by the child, by the group around him and by the teacher, nurse, doctor, social worker or judge—and in the context of our discussion this evening, by the court—to work out a better resolution of his imbalance. This can be applied, I suggest, both biologically, in the sense of better nutrition for example or, more to the point, as an improved response to external environmental conditions which in many cases are in the background of those children who find themselves coming before our courts.

While every child may be regarded as a student and as a patient—which I suppose is desirable—it is not desira-

[Mr. Forrestall.]

ble that he become a ward, an offender, or require institutional or residential care. This attitude may unfortunately influence some neglect or reluctance in the provision of welfare or correctional services. Historically, it has been part of the philosophy of the work ethic that people be as self-supporting as possible. However, with the greatly expanded role of government today, a persistent distortion of this philosophy has resulted in a considerable imbalance in services provided by the state which most adversely affects poor people. Most often it is the poor who appear before the courts. Provincial child-care legislation, for example, is inordinately sensitive to budget cutbacks and other forms of political and institutional neglect. Very often, to return to the Celdic report, the committee found this lack of funds resulted in more serious undesirable behaviour by a disturbed child, eventually resulting in more drastic measures such as removal from the home. The committee states:

For the low income family, the only choice is usually between the programs of child welfare agencies and those options open to the juvenile court, such as probation or training schools for delinquent children.

Or, of course, incarceration. The committee points out very strongly—I must agree with the committee here, and I think most Canadians who have evidenced concern for children will also agree—that most of the children who become involved with the law are not really representative of a complicated social problem. The committee points out:

Society is threatened by the aggressive acting-out child and we are liable to respond promptly with measures designed to provide social controls. Yet it is the hostile, provoking child who is still striving for achievement who may respond rapidly to immediate and relevant help.

I think that is a very important point. The committee stressed the need to implement the recommendations for preventive services as welfare measures in order to divert a potentially delinquent child into the appropriate treatment procedure. It is also especially important, the committee feels, that provision be made for the many seriously disturbed children from whom at present there is a no place to go other than into the correctional system, into the courts. We must be concerned with the considerable lack of these services at the adolescent level, as well as the great difference between the way that the offences of boys, for example, are determined as compared with the way in which our courts and society treat offences of young girls. Again the Celdic committee points out:

We believe that the process of labelling a juvenile as delinquent, and the associated names—incorrigible, truant, sexually immoral, vagrant—is insupportable because the effect is to increase the alienation of the child from society by defining him in a derogatory way and isolating him from his normal social environment.

I agree with that. The enlightened society of 1971 should have no need for courts that deal with young people. This is especially critical because the committee was under the impression that very often children were committed to training schools, not so much because they were offenders but because it was impractical to provide