

*Young Offenders Act*

for the child elsewhere, perhaps largely as a result of the paucity of community services.

We have also discovered in our studies the very considerable differences in the treatment of so-called delinquents between the various ethnic and religious groups, as well as on the basis of socio-economic considerations. The most likely result, in the view of the Celdic committee, would be to generate or accelerate the process of alienation from society and its prevailing values. As far as procedure is concerned, a way must be found for dealing with the child. I think that if we approach Bill C-192 with an open mind and with concern for the child, we will find that there is a very great difference in the way that children can be treated and must be treated by society, and particularly by police departments.

● (8:40 p.m.)

The minor may not give a guarantee himself, because of his age and status in life, in respect of appearance in court, pre-trial custody, and so on. There must be something that reinforces the impression that our youth have of our courts and institutional procedures. They must not be left with the impression that our courts and institutions are compulsive and arbitrary, which would seem to be the case today. In most cases, whenever the court uses a clinical examination it is usually very unsatisfactory because of the conditions of interview and testing, as well as the fact that many recommendations cannot be implemented in any case. There are few institutions outside the regular corrections system which accept delinquents into a treatment program. Quebec is an exception, and I believe Ontario is coming along in this regard. The rest of Canada, unfortunately, does not have the type of institutions that we require. I do not blame the correctional institutions for the steps they seem to be taking, because they have no other choice.

I think that usually when a child has his proceeding adjourned he is returned to his family. In the most serious cases he is sent to a training school. Many of these schools have little or no treatment facilities. Their staffs learn mostly on the job and their programs are minimal, although several in recent years have made considerable attempts at improvement. There is in Quebec a special training program for the re-education of delinquents. The over-all rate of progress in Canada is still very slow; in my opinion appallingly slow. The Celdic committee noted that some provinces now deal with delinquency as a welfare problem in order to qualify for assistance under the Canada Assistance Plan. The committee points out that this is useful only if there is real improvement in the services offered to children and adolescents. I doubt very much if this in fact is the case.

The committee emphasizes that there must be continuity in the treatment of the offender, in that there must be integration as between the training school and further treatment for the child so that effective, long-term relief of the cause of delinquency can be achieved. To this end I am firmly convinced that much greater training and continuous implementation of programs must be made available to courts and training school personnel as well

as people who deal with the child before and after the disposition of the court.

Mr. Speaker, one of the most thorough studies undertaken in Canada with respect to children with disorders presented 144 recommendations for those who are interested in this problem. A number of these recommendations deal directly and indirectly with the courts and correctional procedures. I commend the recommendations to the minister and shall place them on the record in the few moments remaining to me. I do so because I support the amendment. I should like to see the bill viewed in a parallel way with the Celdic report and the conclusions of that learned group of gentlemen. These recommendations, beginning at recommendation 56, are as follows:

That a provincial cabinet minister be clearly responsible and accountable for the development and enforcement of standards for child protection programs and for the care provided for children who are wards.

That the civil rights of children and their families in child protection proceedings be adequately safeguarded through the provision of legal representation before the courts including the right of review and appeal of wardship decisions.

That provincial governments provide funding and set standards for the establishment in local communities of a range of placement choices including group homes to improve continuity of care to children growing up as wards.

That child welfare agencies develop procedures and maintain liaison with the staff of other community services and provide consultation to improve the identification and management of situations where there is danger of child neglect or abuse.

That the juvenile courts or tribunals for minors be restricted to the 14 to 18-year age group.

That children under the age of 14 be brought before the courts only under child protection legislation.

That only violations of the Criminal Code or provincial or municipal statutes be classed as delinquent behaviour requiring appearance in juvenile court.

That legal counsel be easily and freely available to the offender appearing before the juvenile court and to the parents accused of neglect of a child who is alleged to be in need of protection.

That statute laws governing juvenile courts be amended to include provisions for rights of appeal for written court proceedings and for written documented records of evidence and that abusive preventive detention and indiscriminate and indeterminate commitment to institutions be made impossible by safeguards embodied in the statute laws.

That professional schools training personnel for work with children and adolescents or for the administration of justice include juvenile delinquency in their curriculum.

That juvenile courts and training schools encourage the participation of individuals and community groups in the planning and operation of existing programs to increase the community understanding and support for the needs of the juvenile delinquent.

That the personnel working with the young offender have access to a variety of community education, health and welfare services.

That all juvenile courts use specialists in child and adolescent behaviour to assist in the diagnosis of the problems and needs of the young offender and to formulate rehabilitation programs.

That after-care services for delinquents be given budget priority to increase the number of staff involved in this function and to improve their training.

That admission to a special school, hospital unit or child-care institution take place only following the development by community services of a treatment plan based upon a medical and psychological examination and, as appropriate, an educational assessment.