Demystifying the Commodification of Social Relations in the Ontario Child Protection System: A Marxist Approach to Textual Analysis

by

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A thesis submitted in conformity with the requirements for the degree of Doctor of Philosophy

Faculty of Social Work
University of Toronto

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In the space of quiet and disquiet, another read is possible.

Abstract

Capitalism invades all aspects of society, including the welfare state. Capitalist notions of the market appear to be encroaching into social services, wherein we see the “businessology” of social work; however, little empirical attention has been given to how capitalism appears to be replicated within social services. This research aims to make the invisible visible in order to agitate for radical change in the organization and practice of social service provision.

In this inquiry, focusing on the child protection system in Ontario I examine some of the documentary actualities of the ruling apparatus of regulated parenthood and childhood by exploring the textualities of the state. Specifically, through the critical lens of Marxism and feminism, and drawing on my own experience of a classed and gendered world, I critically deconstruct the regulatory texts closest to the state, the legislation of the Child and Family Services and the regulations that expand the legislative intent. I also explore the procedural
document of the Ontario Risk Assessment Model as an enacted text that operationalizes the legislation and regulation.

By reading and re-reading these texts, at the surface but also above and below the surface, positioning the documents in context and recalling my social work practice, I seek answers to questions of how texts replicate capital, and commodify social relations through the ruling apparatus of the state. This work queries how the text itself in its active use of language has implications for social work, in practice, in research and in education.
Acknowledgements

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Chapter 1 - Introduction

Capitalism invades all aspects of our everyday and everynight experiences (Ferguson & Lavalette, 2006; Smith, 1987). As an economic world order, both local and global capital constructs much of our daily practices. In such a pervasive form, two particular discourses have been of interest to me: the discourse of capital as a naturally occurring system, and the discourse of capital as a logical order of economic structure. Within these discourses, common sense notions of fairness and opportunity are put forward as evidence that capitalism holds benefits for all citizens.

Capitalist notions of the market appear to be encroaching into the social security domain of our welfare state (Dominelli, 1999; Khan & Dominelli, 2000; Leonard, 1997). The social divisions inherent in capitalism have infiltrated various forms of service delivery and structure within the social service arena. This sector has been imbued with the apparent logic and values of capital, wherein we see the “businessology” of social work (Harris, 2003, p. 115).

Privatization of services (such as public/private partnerships in the P3-Model of hospital funding), incentives for cost-saving (such as the funding formula in child welfare), outsourcing (such as training for shelter staff) and business plans used to explain service needs and responses (such as the shift from service plan to business plan submissions to government for funding social services) are some examples of this shift to the logic and values of capital in the social service sector. With an apparently increasing focus on the market, now seems an apt time to uncover how capitalism appears to be replicated within social services, in an effort to make the invisible visible, towards future opportunities for study, critique and action.

This focus on social services seems relevant in consideration of the regulatory influences of social policy on our daily lives. The sense of social policy and service provision as a means of regulation and control contrasts and challenges notions of a benevolent welfare state, as a
democratic institution caring for its citizens. Does one preclude the other, or can we find a way to sit, however uncomfortably, in the tensions of this balance between control and care? Perhaps making these tensions more visible, interrogating them in ways that may be innovative, or at least somewhat outside ‘the norm’ of social policy and service analysis, can enhance knowledge and create spaces for new dialogues and ideas about social change to counter the destructive power of capital in the lived experience of many citizens, especially those ‘living on the margins’.

Making these permeations visible is the first step in agitating for radical change in social service provision. The task of unveiling the mask of normalcy and ‘common sense’ from these practices is overwhelming. One approach is to begin this unmasking and confronting within one system, and perhaps within one subsystem. It can be useful to look at service delivery provision within a localized site. There is an advantage in looking at such large practices in a small way, whereby one can begin to make sense of what is happening in practice. Otherwise, such an exploration could become lost in musings about the state and its citizens, seemingly esoteric and abstruse. Grounding these concerns in the specific may bring a more corporeal sense to the analysis, making it tangible in the materiality of its site of examination. This seems important to make this inquiry useful.

As such, this study focuses on the child protection system in Ontario, considering the replication of capital in the textualities of policy and service provision intentions. The utility of such an inquiry may include expanding understandings of social policy and social service, for social workers, policy analysts and students. This study is rooted in my experience as a social worker mostly in criminal justice and child protection services in Ontario. My inquiry comes from my observations of the lived experience of families whose lives become interrupted and surveilled by the state through the intervention of Children’s Aid Societies. Thus I hope this
work goes beyond the instructive, that somehow this ‘new reading’ or ‘re-reading’ of social policy honours the jumbled up experience of caring and control in the lives of families, and especially mothers and their children, when they encounter the state’s function as a tool of capital, through child protection services.

In particular, I query how the documents of child protection reflect or reproduce capitalist notions. This approach draws from my own social work practice experience, both inside and outside child protection work, where I have repeatedly encountered that which seems nonsensical. The state’s approach to well-being seems a curious mix of the malignant and the benign, regulating and caring in the same moment. It is this and other apparent contradictions that I have tripped over again and again in my own practice. I discuss this more fully in the next chapter of this dissertation. Here I will simply name my concerns, and thus how I came to this focus in my doctoral research.

Although many policy and practice elements warrant inquiry in child protection, I was both intrigued and troubled by the logic (or illogic) of substitute care in Children’s Aid Societies. Specifically I struggled with the state’s differential response to children’s needs, seemingly based on their status as a child in the private realm of the family or in the public realm of child protection services. When children and their parents (mostly mothers) come to the attention of a Children’s Aid Society, multiple policies and practices become activated, with real effect on the lives of these families.

What struck me repeatedly was the intensity of resources that would suddenly be activated in the focus on a child’s well-being, once a child protection worker determined a child was at risk of harm and thus in need of protection. It was unfathomable to me, knowing the incredible economic investment in staff salaries and foster care rates, and the costs of secondary services in health care and other sectors, that such resources would envelop a child, but only
when it was determined that the child’s parent was not protecting or caring for their child appropriately within the state’s definition of a child’s best interest, protection and well-being. I saw a rush to practices where strangers were raising other people’s children, instead of providing resources to mothers to raise their children in the personal and intimate realm of the family. The perplexity of this observation led to my inquiry here. The next challenge was how to engage with my discomfort, how to unpack it in a new and meaningful way that honoured mothers and their children while also being true to my own experiences and understandings.

**Beginning My Inquiry**

In my professional practice and in my academic life, I have been fleetingly but consistently drawn to understanding my world partly through a Marxist lens. This may reflect my working class roots, my involvement in localized union work, and my experiences as a labourer in factory and home-care work before attending university and becoming a social worker. While Marx’s analysis resonated with me and made sense to my lived experiences, I soon recognized that in late 20\(^{th}\)/early 21\(^{st}\) century Canada, inside and outside social work, Marx was generally dismissed.

Repeatedly I have encountered disdain for Marxist thought, a discarding of its value and significance today. It is dismissed as ‘old thinking’ and thus irrelevant, written in a time and place that no longer exists, its temporality outweighing its substantive contributions to political and practical thought. It is dismissed as positivist and modernist, stuck in universal and thus univocal understandings of the world, its meta-narrative totality and single-minded focus overshadowing its potential for relativity in a diverse and dynamic social order. It is dismissed by its European whiteness and masculinity, embodied in Marx himself, in a world today that has shifted outside rigid understandings of race, class and gender. It is dismissed as a totalized and narrow account of the state and the economy, critiqued for its superstructure understandings and
fixed explanations of power and social relations, thus ignoring the multiplicity of identities and the fluidity of power.

I do not disagree with the criticisms – Marx has often left me wanting, feeling something was missing. But Marx has equally left me wanting more, seeking new applications of Marxism to the current, to the diverse, to the fluid. There was something innately compelling about Marx, and more globally in critical theory and materiality that kept bringing me back. I experienced this in my practice, but especially in my academic life. As a student, I was drifting around the land of social work theory, trying to find a home that made sense to my lived experiences. It was a professor late in my BSW who directed me to earlier social work scholarship that invoked Marx, and thus began my journey to reconnect Marx and social work, for me if not for others.

How I poured over those older texts of ‘radical social work’ mostly from the 1970s and 1980s. Bailey and Brake (1975, 1980), Corrigan and Leonard (1978), Galper (1975, 1980) and Langan and Lee (1989) spoke my language and reflected my personal and professional experiences. But even so, I yearned for the more practical, that which could guide my practice as a social worker. I also yearned for something closer to home given that most of what I was reading was from Britain. My search here was disappointing, limited mostly to finding Marx in structural social work understandings in Canada (Moreau, 1979; Mullaly 1993, 1997) and in a few practical applications (e.g., Leonard, 1984). As I continued in my academic work, I regularly encountered resistance to my efforts to inculcate Marxist ideas. In my graduate studies (MSW and PhD), classrooms became a place of disquiet, where many of my colleagues and professors valued my social work practice experience as tacit knowledge, but often questioned or discounted those theoretical elements that helped me make sense of my own life and my practice as a social worker. Such scoffing was mostly with good intent, infused with notions of expanding my horizons or making me contemporarily relevant. Even so, I never lost sight of Marx.
In a lonely journey through the land of critical theory entering and into the early 21st century, I was encouraged by what appeared a small but helpful resurgence of Marx. Both inside and outside Canada, I was drawn to newer understandings of structural social work as an approximation of Marx. The work of Lundy (2004, 2011), Mullaly (2007) and Wood and Tully (2006) did not overlook its roots in Marx, and even those who are considered outside Marx still found a home in the broader focus on the intersection between individuals and the structures and practices of state and fiscal power. In my own social work practice, Fook (1993) was transformative, considering how ideological apparatuses inform, constrict and evaluate our lived experiences. Although not decidedly Marxist, her work gave me a gateway to thinking about Marx differently – to looking outside traditional understandings and thus looking for post/neo-Marxist scholarship. This opening brought me to a significant body of work, with my reading of Bauman, Deleuze, Derrida, Habermas, Hardt, Jameson, Laclau, Mouffe, Negri and Zizek, alongside older works by Gramsci and Lukacs and the more recent work of Harvey and Wright. Amidst the excitement of this knowledge, I became strangled by the distinctions between Marx, post-Marx and neo-Marx, wondering where such theoretical understandings fit in a social work theory arena mostly framed by structural or post-structural approaches.

I sought guidance in Marx-specific spaces, such as the Society for Socialist Studies, local Marxist reading groups and the international Rethinking Marxism conference, but mostly I was soundly dismissed as one who misinterpreted, misread or misunderstood Marx. Recognizing the critique that social work is theoretically weak, and my own experiences at trying to ground theory in application and practice (where I often was challenged in theoretical circles and in traditional disciplines outside social work such as economics, politics and sociology), I continued my search for Marx in social work, reconsidering radical social work. Here I found a small pocket of Marxist understandings, rooted in radical social work in the scholarship of Ferguson
and Lavalette in Britain. In my own knowledge development, and in this dissertation, I draw on these many readings in my journey of Marx.

Parallel to my doctoral work, I currently am a professor of social work. In that role I have encountered puzzled looks, scoffing comments and occasional disapproval from some colleagues and mixed responses from students. The same arguments of irrelevance, incompleteness and inflexibility continue, implying my own interest and scholarship is misdirected. This occurs alongside denial of my working class identity, that somehow my identity is tied solely to my income and social status, and as a professor in a large urban university, with an income exceeding that of most Canadians and the attributed power of the professoriate, my social and subject position has subverted my working class identity. But my experience tells me that my history and my identity cannot be solely understood in terms of social and economic class. My working class roots are deep and strong, and I consistently see myself outside the elite identity of many academic peers. Marx’s exploration of social relations reminded me of my own experiences as a classed member of society, and those marks of class remain deeply embedded in me today. As I continue to bring Marx into my academic practice, usually in small ways and not in all places, I encounter small places of connection, with others who have similar histories or who have become disillusioned with the immateriality of some elements of the post-structural, postmodern and anti-oppressive theoretical foundations of current social work.

Marx’s relevance seems to be resurging, albeit not as loud as I might hope. I see more recent work from Ferguson and from Lavalette, together arguing not just the value but the necessity of Marxist inquiry in a global industrialized world dominated by technology, violence and imperialism (2005), and separately revisiting radical social work and its value for practice (Ferguson & Woodward, 2009; Lavalette, 2011). Lundy (2011) and Mullaly (2010) have recently updated their structural social work writings and in my own school I am finding
occasional surprises for engagement through anti-capital considerations and student discussions about our shared working class histories. Perhaps my work here, in this dissertation, can in some way contribute to this apparent slow upsurge in Marxist-informed knowledge and practice.

Why Marx for this particular study? Simply put, it brings a critique of capital, which is the key to my exploration. It provides me with both a theoretical framework and some conceptual tools to guide and then explain my analysis, which I explore in detail in the next three chapters. It also fits with how I make sense of my world, and the lived experiences of many people I have encountered in my history as a social worker both inside and outside child protection, always aligned with communities marginalized through poverty and the injustices of a capitalist social order. Finally, as noted above, I hope it helps to advance new interests in and understandings of the value of Marxist analyses in many forms.

Outlining My Inquiry

My thesis is structured in four parts, although I have not separated them as such. This Introduction chapter and some of Chapter 2 that deals with context serve as an entry into my work, offering the story of why this research mattered to me, and why now. In these two chapters I consider my own social work history, the moments of discomfort in those practices, and my interest in challenging norms that replicate the oppressive practices of capital. I situate my work historically and politically, while making links to the shifting terrain of social work itself in Ontario. In Chapter 2 I also provide an overview of child protection in Ontario, noting current and past inquiries and their contribution to scholarship in this area. As a segue to the next three sections of my thesis, Chapter 2 also offers initial ideas about theoretical and methodological challenges in this work, as well as imagining potential implications of this research.

The second part of this thesis encompasses Chapters 3 and 4. Together these two chapters frame my approach to the research, with Chapter 3 focused on the theoretical framework and key
concepts, and Chapter 4 focused on the methodological strategy. The theoretical chapter begins and ends with Marx, and the journey to making this approach a solid, comprehensive and relevant one for my inquiry. Recognizing the criticisms of the incompleteness of Marxist theory, I consider a broadening of Marx to incorporate feminist analysis. In doing so, I am trying to recognize the presence of women in this story – myself, my prior coworkers in child protection and my current coworkers in the academy, my students and especially the many women I have met in my practice, most notably as clients of Children’s Aid Societies. Alongside these identities, a feminist analysis also pushes us to recognize the gendered state and the privileging of norms and practices that construct women in singular ways as workers and as mothers in capitalist production and reproduction.

I continued to expand my approach, seeking more current practices of Marxist informed work. This brought me to institutional ethnography and the work of Dorothy Smith (1987, 1999). Here I began to imagine two important elements for my work. First, that I may find some conceptual tools to inform a methodology for my inquiry. Second, that I may find ways to contemporize Marx, from a feminist perspective and in a way that was steeped in the daily practices of social organization and ruling relations. While the methodological promise was short-lived (which I discuss further in Chapter 4), the revisiting of Marx had a profound impact on my work. Drawing from the work of Smith and others such as Williams (1976) and Burawoy and Wright (2000), I imagined how Marxist concepts could cross space and time and be considered in the realm of contemporary social service policies and practices. The Marxist notions of commodification, use and exchange value, alienation, reification and mystification seemed particularly relevant to my inquiry, which I discuss in detail at the end of Chapter 3.

Moving from the theoretical to the methodological, Chapter 4 explores the data and the conceptual tools I sought and used in the interrogation of my research interests. This is not to
suggest a linear process, where I moved from theory to method, although the forced distinction between the two is necessary for the structure of this thesis. Throughout my study, I shifted back and forth between these elements, as my approach to this research. However, the pragmatics of social science research norms require a clear demarcation between the two, which I have attempted to do in distinguishing between Chapters 3 and 4, under the common umbrella of a ‘research approach’.

In Chapter 4, I begin with discussion of data sources for my research interests, noting my focus on the documents of child protection policy, standards and procedures. I consider the difficulty of doing radical or critical child protection research, most notably the challenges regarding access to research participants and other forms of data collection, such as case notes. This issue partly informed my decision to focus on the textualities of child protection. However, in this chapter I also discuss the value of text-based research, noting the prevalence and influence of documents on social work practice generally and especially in child protection. Recognizing its strong presence, I limit my inquiry to texts at the level of government policy and procedure, as a means of sampling the documentary realities in child protection. Specifically I examine the Child and Family Services Act of 2000, two related regulations, and the Ontario Risk Assessment Model. I also explore elements of the funding formula from that time. Having determined my sources for data collection, the matter of data analysis remained.

The remainder of Chapter 4 explores my methodological practices of inquiry, drawn largely from critical discourse analysis. I organized my approach by considering tools of inquiry at three different levels of analysis. I expand beyond critical discourse analysis to interweave the discourse theory of Laclau and Mouffe (1985, 1987) in my explorations of the text. I consider how language is used in rhetorical ways to posit a particular stance or intent. My analysis is
informed both textually and socially, linking together the discursive methods of critical discourse analysis and the productive materiality and social relations theory of Marx.

The next section of my thesis contains five chapters of findings. Chapter 5 begins with a story of the unexpected, the difficulty in securing the documents necessary for my study. I will not provide detail here, not wanting to pre-empt the surprise or mystery of that story. Chapters 6, 7 and 8 form the core of my Findings, wherein I rigorously examine the texts of child protection. Chapter 6 is focused on data at the legislation level, namely the Child and Family Services Act. Chapter 7 explores data at the regulation level, examining Part IX of Regulation 70, specific to licensing of foster care, and examining Regulation 206 regarding the standards of practice that informed the Ontario Risk Assessment Model (ORAM). Chapter 8 is focused on the ORAM, with an emphasis on the Risk Assessment Tool used to determine if a child is at risk of harm and thus in need of protection through a Children’s Aid Society. In each of these chapters, I go through the text in meticulous detail using the conceptual tools noted in my methodology. In doing so, I describe what I observe in the text. I then offer an evaluation or assessment of that description, first noting analysis of the textual/discursive context, followed by the social context where I consider how commodification, use and exchange value, alienation, reification and mystification may be visible in the text, as tools of capital. The final part of the Findings section, Chapter 9, discusses the funding formula for child protection in Ontario based on the documents I was able to access.

The final section of this thesis is the last two chapters, Discussion (Chapter 10) and Conclusion (Chapter 11). In Chapter 10 I attempt to bring together the context, theory and method of this study, highlighting the findings in response to my research questions, and considering the value and challenges of this research. I explore some of the broader concerns noted earlier in this introduction, specifically the problematic of my discomfort, the use of
Marxist theory, and the interweaving of critical discourse analysis and discourse theory. I then shift forward, considering potential implications of this study for social policy and social work practice and education. I conclude by discussing opportunities for future research, both substantively in child protection and social policy analysis generally and methodologically in the use of Marxist theory and critical discourse analysis, separately and together, in social work research.

**Conclusion**

In this introductory chapter to my thesis, I have begun the story of my research, noting my practice experiences as the catalyst for my inquiry. I have discussed my own journey through Marxism, considering its influence prior and parallel to my doctoral research project here, and the challenges I have faced inside and outside this work. I have outlined the structure and format of the thesis, providing a glimpse into its story and its processes, leaving aside the details of my findings and discussion, as that is for the reader to discover in the reading of this work. With that in mind, I now proceed to Chapter 2, where I situate my work in my own history, the context of social work and child protection at the time of my focus, and other scholarship in this area.
Chapter 2 - Context

Introduction

Social work has a long history of being grounded in a commitment to equity and social justice. Beginning with the early work of Rank and File social workers (e.g., Bertha Reynolds) social work has evolved through a series of developments, broadening its critical stance and politicizing social work practice, theory, research and education (Baines, 2007a; Jennissen & Lundy, 2011). Much of this progression has been historically informed by Marxism (Bailey & Brake, 1975; Corrigan & Leonard, 1978). In Canada, this became articulated as structural social work, wherein social problems were understood through the impact of capitalism (Moreau, 1979; Mullaly, 1997). While this strong recognition of the influence of capital has continued, it also has expanded to more fully encompass multiple structural issues as responsible for the challenges of the everyday experience of many people (Briskman, Pease, & Allen, 2009; Lundy, 2004, 2011).

Recognizing and implicating context has been a foundation of social work and its practices since its formal development in the early 1900s. At its simplest level is the recognition of the person in their environment – that we cannot consider a person without also considering that person as a socially situated subject. In doing so, we acknowledge that one’s environment has an impact on the lived experience of the person. However, we also know this superficial analysis is insufficient. It does not fully account for the historical, political and professional terrain of social work and as such does not fully encompass a critical politicized understanding of the world.

Within social work, while at times we may be more focused on an individual at a micro level of practice, we also must focus on the societal at a macro level of practice. I note this for three reasons. First, it is that dual focus that sets social work apart from other ‘helping’ disciplines, such as psychology. It also has been a contested duality, prompting debate and
dissent about the primary focus of practice and the purpose of social work. It raises the question of whether one focuses more on the context or on the person. Many years back, Fook tackled this debate openly in *Radical Casework* (1993), noting that our practices constantly shift on a continuum between more person-focused and more environment-focused, but always with a bridge between the two. This book became a life-changing moment in my social work practice, and reinforced in me the value of understanding and implicating context.

Second, the social justice focus of social work is constantly under siege by neoliberal capitalist forces in our world today (see, for example, Jennissen & Lundy, 2011). As such, social work practice has changed dramatically, whereby our practice is restricted to short-term technical responses to individuals, all the while under increased surveillance for compliance with external standards (Smith, 2006). In doing so, we risk social work’s drift from its social justice commitment as agencies become focused on financial survival and social workers become consumed with audit practices that detract from “their caring roles and social change capacities” (Smith, 2006, p. 149).

Third, I suggest that failing to bring a critical activist stance to social work practice both ignores the fullness of the everyday experience of individuals and their intersection with their communities, the state and capital, and ignores the risk of social work’s complicity with state governance of people’s lives. “The combination of social science and altruism makes social work into one of the major instrumentalities through which the state governs and provides for the welfare of its citizens” (Epstein, 1999, p.4). As such, I and many others bring a politicized understanding to social work, wherein “everything has political elements: that is, nothing is neutral, everything involves struggle over power, resources and affirming identities” (Baines, 2007b, p. 51).
As my work has evolved from my days as a practitioner in the community to now more in the academy, my approach to social justice has shifted to exploring and challenging everyday practices and policies that operate inside and outside social work. Chambon (1999) reminds us that “the starting point is inside social work” (p. 53) and as such my focus lies within how social work practices and policies are articulated through the state, most notably in Ontario’s child protection system. This exploration is not outside the lived experience of clients of child protection services; rather, as one piece of my larger research agenda, this study seeks to understand the micro practices of social work by examining the macro level influences on practice (Pease, 2003). In doing so, my research is to be understood within particular contexts: the historical, the political, the professional, the methodological and finally the personal. In this chapter, I describe these aspects to situate the research temporally and philosophically. I then offer my analytical understanding of this context, with respect to implications for this research. But first I feel it appropriate to offer the story of how I began doing this research at all.

**Beginning my Story**

Before proceeding further, it is important to offer my personal context, with respect to why this exploration is of interest to me, and how I came to pursue this interest. Bannerji (1995) reminds us “there is no better place of entry into a critique or reflection than one’s own experience … an exploration of the relationship between the personal and the social … and this connecting process … is the ‘science’ of social science” (p. 55). Such a beginning also fits well with institutional ethnography’s valuing of the self-as-knower as an entry point to inquiry.

I grew up in a working class family, and this is where my questioning about issues of class, privilege and oppression, and social relations began. Very early I pondered the legitimacy of the market, albeit in a rather simplistic and naïve way, questioning wage disparity, individualism and competition, and gendered divisions. It may not be a surprise that I became a
social worker and it also may not be a surprise that Marxism offered me a beginning framework to understand how our world works. These beginning understandings were reinforced with my experiences in social work practice.

I worked in the social work field for over twenty years, most notably in the criminal justice system and the child protection system in Ontario. In both these arenas, I was perplexed by how clients and services were categorized, and the increasing validation of those classifications as explanations for people’s behaviour and social service responses, indeed societal responses, to people’s struggles. It is that link between the classification itself which I saw as arbitrary, and the manifestation of it as something ‘real’, which has constantly troubled me in my practice. What was the logic behind these categorizations? What purpose did it serve? Why did I experience categorization itself as a contradiction within the social service system as an entity? I saw these practices of categorization as both irrational economics and incomplete policy responses.

When I came to the child protection system, I had the opportunity to work in different management roles that brought me in contact with various aspects of child protection work. During that time, I saw the patterns and practices of categorization repeated. Workers, most of whom are social workers, were categorized as Intake Workers, Family Service Workers, Children Service Workers, or Foster Resource Workers; while job titles may need to vary according to tasks, what perplexed me was the differential salaries and worker status attached to each job title. Caregivers of children were categorized as birth or natural parents, foster parents, or child and youth workers. They all had responsibility for the protection and well-being of children in their care, yet were provided with very different resources. Children themselves were categorized as community clients, children in voluntary care, children in temporary care, or
children in permanent care; each category afforded the children a differential response from the child protection system, including different services and benefits.

I questioned these classifications and their impact deeply. Why were services and benefits accorded to children based on their category and not on their needs? Why were some caregivers given certain resources while others were not, seemingly based on their categorization? Why were social work positions within the system funded differently based on categorization, when each position had seemingly equal responsibilities? I also was confounded by the state’s willingness to distance a child from their family and neighbourhood, place them in a home with strangers, and spend thousands of dollars on the child’s care and professional supports. How would this approach to child well-being be considered effective? Keeping children in their home communities, surrounded by family and other supports, at a significantly reduced cost to the state, again seemed far more reasonable. Why would the state spend thousands of dollars to keep a child in a stranger’s care, when the state would only support a parent and child in the community on social assistance at a lower rate?

Shifting to my academic role has given me the space to reflect on these questions. I often work with students to gain an understanding of the links between social organization and lived experiences. When students and I discover the many inconsistencies and contradictions in how our world is organized, and the ensuing trauma experienced by so many people through exploitation, marginalization, powerlessness, cultural imperialism and violence (Young, 2002), we together ask “why is this happening?”, because it simply does not seem reasonable to us. As an academic, I have the great privilege of time, resources and support to reflect on my practice, and begin to explore and dissect these confusions and contradictions in how our world works.

I continue to be perplexed by policy and program initiatives that seem to both ignore the needs of clients and perpetuate or maintain the current status quo. This status quo reinforces the
structures and practices within society, which maintain dominance for the ruling class, as exemplified in the market and the state apparatus. This dominance further oppresses others, and I continue to be agitated by these practices. It is this agitation which has fuelled my research here, as discussed in the remainder of this thesis. First however I must situate my inquiry more fully, beyond my own questioning, which I do in the remainder of this chapter.

**Situating this Research**

While my own experience is core to my research interest, it was not the only impetus. There were parallel and intersecting factors that came together at a moment in time, which then pushed me into my research interest. Most of the remainder of this chapter explores those factors - the historical, political, professional and methodological - and returns briefly to the personal.

**A historical and political context.** All provinces and territories in Canada are required to offer some form of child protection services, but the policy, practice and funding of these services rest solely within provincial jurisdiction. There have been multiple changes in legislation and policy governing the practice and funding of child protection in Ontario, and what follows is a brief overview of that history.

The rise of urbanization and industrialization in Ontario in the late 19th century resulted in massive poverty, poor sanitation and sub-standard housing (Hick, 2002; Rice & Prince, 2000), understandably raising concern about the well-being of children. Chen (1998) and others (e.g., Splane, 1965) have suggested that this concern rose out of a general distrust and fear of the poor by the upper and middle class, perceiving the poor masses as a risk to social order and the well-being of their children. There were some efforts to intervene in the lives of neglected and abused children, but this was usually done through the criminal justice system when children were involved in petty crimes, or through closed institutions such as orphanages. The reaction to needs
for an organized response to child neglect and abuse in Ontario can be traced to a Toronto meeting in 1887, where John Joseph Kelso proposed that a ‘humane society’ committed to the prevention of cruelty to both animals and children be developed. The resulting committee explored how to respond to the needs of these children (Jones & Rutman, 1981), leading to the adoption in 1888 of An Act for the Protection and Reformation of Neglected Children. Courts could intervene to make children wards of institutions, although their care remained the financial responsibility of the municipality (OACAS, n.d.). While an important first step, this legislation did not provide sufficient powers to successfully intervene in the lives of children. A Royal Commission conducted a review in 1890, examining the prison and reformatory system (which housed many child wards) and child protection in Ontario, and its recommendations led to the new Children’s Protection Act of 1893 (Chen, 1998; Splane, 1965).

Kelso was appointed Superintendent of Neglected and Dependent Children for Ontario, and began developing a province-wide structure for child protection, resulting in over 50 Children’s Aid Societies established by 1906 (Jones & Rutman, 1981). Of particular note for my research was the passage in 1895 of An Act for Further Protection of Children, which introduced foster home care as a model of substitute care for children deemed in need of protection (Bullen, 1991). In 1912, sixty Children’s Aid Societies joined to form the genesis of the Ontario Association of Children’s Aid Societies (OACAS), as a means of coordinating child protection services in the province. The OACAS, which claims to be “the voice of child welfare in Ontario,” (OACAS, n.d., About OACAS section, para. 1) is a provincial umbrella organization with membership by most child protection agencies in Ontario. The OACAS promotes itself as an organization that informs the public and influences government on matters of child protection in Ontario.
In 1921, the Adoption Act and the Children of Unmarried Parents Act were passed, which, in concert with the previous act for the protection of children, oversaw most child protection matters in Ontario. In 1954, these acts were combined as the new Child Welfare Act (Hastings CAS, n.d.). This Act was revised in 1965, and was replaced by the Child and Family Services Act (CFSA) in 1984. The revisions of the Child Welfare Act had mostly encompassed changes with respect to funding, determining governmental responsibility for child protection, and incorporating prevention as a means of intervention (King, Leschied, Whitehead, Chiodo, & Hurley, 2003).

The new 1984 act is considered by many to be a turning point in Ontario’s child protection history, whereby there was:

- a shift from a volunteer to a professional service system; the province government's acceptance of direct responsibility for the delivery of child welfare services through public financing, agency reporting and provincial supervision;
- and a shift from institutional and protection-oriented services to non-institutional and prevention-oriented services. (OACAS, 2005, History of Child Welfare section, para. 5)

Among other things, this act outlined the role and structure of child protection agencies, provided a definition of children in need of protection, outlined the manner in which children were to be protected, stipulated who was required to report child maltreatment, and dictated the penalty for non-reporting by those required to report.

In the 1990s, concerns about the role and effectiveness of child protection agencies began to surface, focused on the multiple substitute caregivers (e.g., foster homes) that children encountered, the amount of time children spent ‘in limbo’ without any permanency planning for their future, the focus on family integrity which seemed to have become paramount to child well-
being under Ontario’s NDP government, and the lack of consistency in services between agencies. While my focus is specific to Ontario, similar issues were being raised elsewhere, perhaps most prominently in England (see, for example, Parton, 2009). These concerns were coupled with several incidents of death of children under the care or supervision of child protection agencies, complaints from the National Youth in Care Network about the quality of supervised care, and criminal charges being laid against the mother and child protection social worker of an infant who died while under the supervision of a Children’s Aid Society. In addition, there was a significant cut to funding of social service agencies within the Ministry of Community and Social Services, at the rate of 2.5% in July 1995, followed by 5% in 1996 (Eves, 1995). These total cuts of 7.5% in less than 12 months directly reduced the funds transferred from the provincial government to child protection agencies in Ontario and augmented the scrutiny passed upon these services.

These funding challenges were not unique to Ontario. The welfare state orientation was significantly changed in 1996 with the federal government’s shift from the Canada Assistance Plan (CAP) to the Canada Health and Social Transfer (CHST) (Battle & Torjman, 1995). This change reflected the devolution of services to the provinces from the federal government, often impacting particular populations such as women (see, for example, Bashevkin, 2002). In Ontario, this shift was followed by funding cuts as part of a new provincial government's Common Sense Revolution, under the tutelage of Premier Mike Harris. The Common Sense Revolution specifically addressed the need for changes to and protection of “health care, law enforcement and education” within the context of overall cuts to government spending (Ontario Progressive Conservative Party, 1994, p. 2). In 1997, under the banner of “Protecting Vulnerable Children,” the Harris government directed additional funds to support the collection of over-due support payments from parents, but provided no additional support to child protection agencies. Child
protection seemed to be heading towards a complete system breakdown, with its many complex
difficulties emerging, and funding decreasing rather than increasing in response to these
complexities.

Meanwhile, the Ontario Child Mortality Task Force examined the incidence of child
deaths within the child welfare system, and offered numerous illuminating explanations and
recommendations to address this issue. Concerns were attributed to ‘problematic workers’ who
made poor decisions or practiced unethically, and to ‘problematic policies’ both within
legislation and child protection agencies (Swift, 2001; Swift & Callahan, 2009). In addition,
there were several coroner inquests into the death of children under the supervision of child
protection agencies (for a quick overview, see Christianson-Wood & Lothian Murray, 1999), all
resulting in numerous recommendations. Some of the recommendations from the task force and
the inquests in Ontario were incorporated in the amendments of 2000 to the Child and Family
Services Act (Bill 6). The amended act, as the new CFSA, stipulated the child’s best interests as
paramount, included neglect as a concern, expanded the duty to report section to include
suspicion of abuse and established maximum time limits for children in care (McConville, 2002).

In addition, in 1998 the provincial government reversed its previous decision to cut
funding to child protection agencies, and restored and later increased that funding. This new
child protection funding, under the Funding Framework, was introduced as a more equitable
funding system whereby historical differences in budget allotments for different child protection
agencies would be addressed with a standardized funding formula. This new formula was based
on set benchmarks in terms of caseload sizes, salaries and per case costs. The formula also
included incentives for cost-efficiency. These changes, along with the use of business plans
rather than service plans as budget requests, mirror a market-model approach to child protection
services. There also were other new processes implemented in the child protection system in
Ontario, including the introduction of the Ontario Risk Assessment Model, the province-wide client information database (Fast Track) and the Intake and Family Recording System.

Before concluding this historical and political history of Ontario’s child protection system, I want to discuss service to children as wards of the state, as that forms a significant focus of my research. Child protection in Ontario can be seen as having two streams: services to children in the community and services to children in substitute care such as foster homes. I briefly outline the substitute care system below.

The substitute care system is one part of the larger child protection system. If a child is deemed to be in need of protection, the child is placed into substitute care. The child may be surrendered by the parent voluntarily, or the child may be apprehended by the child protection worker. While some effort is made to place the child with family or friends deemed ‘appropriate’ by the child protection worker (and there is an increasing effort to institutionalize this process now, through kinship care initiatives), children usually are placed in a receiving home (a short-term emergency care facility), a foster home or a group home. At this point, the child is categorized as being ‘a child in care’.

Within the substitute care system, many actors are at play. The child now is viewed as an individual client, resulting in her/his own client file, and often having her/his own worker, separate from the family worker. This notion of the child as an individual “disaggregate[s] the interests of individual family members” (Parton, 1991, p. 196). There are specific tasks that must be completed regarding the child in care, including medical examinations, private visits by the worker, a new assessment of the child, and regular reports regarding school and other progress. The worker, either with permission of the court or as directed by the court, oversees what contact there will be between the child and her/his parent (the natural caregiver) and other family members, and helps determine if there will be any contact between the substitute caregiver and
the natural caregiver. The substitute caregiver also has a different worker in a separate job category, to assist with resources and other service provision difficulties. The substitute caregiver is provided a financial stipend from the state, usually through the Children’s Aid Society, towards the cost of caring for the foster child.

Having provided an overview of child protection in Ontario, and alluding to the issues of classification within that system, I now proceed to situate my research professionally, within the context of social work itself in Ontario.

**Professional context.** During the time of revisions to the CFSA in the late 1990s, social work was asserting itself as a profession, seeking provincial regulation like other professions in Ontario (e.g., nursing, law) and like social work in most other provinces (see, for example, Jennissen & Lundy, 2011). The process and outcome of the regulation journey caused extensive debate in social work circles, including concerns about losing social justice aims or ‘grassroots’ practice in the wave of standardization and surveillance. Meanwhile, regulation was championed by others, suggesting a legitimization of social work in the eyes of government and the public, and accountability as a means of protecting clients from unethical social workers (as discussed and critiqued by Lundy, 2004, 2011). In some ways it is not a surprise that social work became regulated as “social work tends to use the particular register of reasonable language by privileging harmony, rationality and the scientific approach through notions of balance or functionality” (Chambon, 1999, p. 77). The Social Work and Social Service Work Act was adopted in 1998, the same year that the provincial government began to restore funding to child protection services. Coincidentally or intentionally, when the revised CFSA came out, it now listed Children’s Aid Society workers as Child Protection Workers, while previously they had been named Social Workers. The timing of this title change is notable, as many social workers anticipated becoming regulated and conversations began to swirl about expecting agencies to pay
the registration fee for social workers to join the College of Social Workers and Social Service Workers.

Debate surrounds the impetus for this change, with some (myself included) suggesting this change was a way for the government to sidestep agency demands for budget increases if they were expected to cover the annual registration fee of their social work staff. I suggest it also was a deskilling of child protection work, no longer requiring social workers in the role of service provider, which conceivably could reduce costs over time by paying lower wages to child protection workers without social work degrees. This potentiality fit well with the efficiency mantra of the Common Sense Revolution of the Harris government. It also suggested an equivalence of all child protection work – that any one worker could assume any role in the child protection system.

Alongside this observation was the shift towards standardized assessment of risk (Swift & Callahan, 2009). Such an approach suggests a privileging of the logic of risk, implying risk is something real that can be named, measured, categorized and then responded to (Fox, 1999). This understanding of risk also reinforces the notion of sameness, similar to the idea that all workers are the same and no specialization is required. Parton (1998) notes that this focus on risk ignores the actualities of everyday experiences of social workers and their clients in child protection services – that it does not recognize the uniqueness of families nor the vagueness of policy and practice. In turn, this approach homogenizes families, assuming no differentiation is needed in the system’s response to them. Overall I see these changes reflecting a contradiction. At one and the same time, these policies input more funding to child protection and increase standardization and surveillance, while simultaneously doing away with the social work credential for employment in a move contrary to standardization.
During this same time frame, child protection agencies and workers were hyper-sensitive to the scrutiny of their work by the public and the government. Public and media attention to child protection service was at an extreme high in many parts of the world (for a quick overview, see Trotter, 2004). In Ontario, this attention was largely centred on the death of baby Jordan Heikamp and the criminal charge of ‘criminal negligence causing death’ being laid against his child protection worker and his mother. (This death is largely cited in media sources; for a concise overview, see Robson, 2005. For a discussion of the impact on child protection practices and policies, see Swift & Parada, 2004). The provincial government was keenly focused on child protection, most notably through the Ontario Child Mortality Task Force, and then through the massive revisions to Ontario’s child protection system noted above, all within the context of the Common Sense Revolution. (For a brief but thorough review of the Common Sense Revolution, see Kiel, 2002).

Social workers were being held to account for their practices, their knowledge base and their decisions, publicly and legally, in a way that was qualitatively different than in the past. There seemed to be an underlying message that the government had now done all it could to respond to “concerns about the adequacy of child protection legislation and the ability of child welfare agencies to protect children” (Ministry of Community and Social Services, 1998, p. 3). The inference was that any future ‘concerns’ would be tied to individual child protection workers, suggesting an individual inadequacy or deficiency rather than anything systemic. Meanwhile, in other service sectors there were extensive cuts to social service funding, sometimes resulting in job loss or even closure of programs. These issues of increased scrutiny and individualized accountability, coupled with funding cuts, contributed to social workers feeling undervalued and ‘under attack’. As such, it was difficult to form an alliance to push back against those many reforms that many of us anticipated would be ineffective and that ignored the
impact of structural issues such as poverty. Amidst public and media frenzy about the ‘problems’ in social services and especially in child protection, without resistance these and other policy and procedural changes were adopted.

**Methodological challenges.** As noted in the introduction chapter, and discussed further in the following chapter on my theoretical approach, my thinking is very much informed by Marxism and feminism. In particular, notions of class, gendered labour, materiality, and socially constructed roles inform my scholarship regarding the replication and influence of capital on all facets of life including social work practice. It can be a difficult stance to take today, given social work’s shift away from Marxism (Ferguson, Lavalette, & Mooney, 2002) and to some extent even from feminism (Barnoff & Moffatt, 2007), which I discuss in more detail in the following chapter.

This dissonance is compounded by my engagement with institutional ethnography and critical discourse analysis both theoretically and methodologically. Although these approaches are not prominent in social work, and may be ‘less valued’, the challenge became how to bring them together in a rigorous way while also weaving in parts of my own experiences as a social worker. This inquiry is an exploration of the textual materiality of child protection policy and procedure, and as such could seem objective and distant, informed only by seemingly inert documents. If so, my identity and standpoint could become lost. While this inquiry is neither a narrative nor an autoethnography of my experience, I have made a concerted effort to keep my experience and my impetus for this scholarship present in my work and my writing, especially in the subsequent two chapters and the Discussion chapter.

This research is part of my broader commitment to influence social work practice and the intervention and influence we have, as social workers, in the lives of women and children,
especially within our child protection system. So here I conclude the discussion of context with an exploration of implications for my research.

**Implications of this Context for this Research**

These various aspects of the historical, political, methodological, professional and personal all come together and influence this study and myself as researcher. The methodological assumptions are discussed in more detail in Chapter 4, although I do mention them briefly here as well.

The historical, political and professional implications are woven together in particular ways of importance to this research, all of which I suggest as a contrast to the predominant logic of standardization and predictability that guides much of social work practice in child protection. Implied in that rhetoric is a logic of sameness – which might be described in common-sensical terms as being an equal level-playing field for everyone, for clients and for workers in child protection. It decontextualizes while also homogenizing, reinforcing individualized understandings of blame for lived experiences that are complicated by social issues (see for example Callahan, Swift, & Parada, 2005 as cited in Strega, 2007). In doing so, I suggest that there is a parallel logic implied in capital, that everyone has equal opportunity to be successful; capitalism is fetishized as a neutral market where everyone can participate, and through hard work and determination, they can benefit from capital. The very idea of sameness implies impartiality, transparency and accountability, and equal treatment, which all occur through the process and reification of standardization.

Standardization is connected to and flows from this notion of sameness, a hegemonic assumption that there can be a common approach and response to all people and circumstances. Such an approach is problematic for social workers in child protection: “sameness and standardization framed their work and shaped how they interacted with service users, regardless
of the users' cultural or religious backgrounds and identities … [and] … does not allow them to attend to variations in parenting styles” (Clarke, 2011, p. 280). Standardization becomes synonymous with rigor and fairness, implying that the logic of a systematized approach ensures neutrality. Alongside this logic is an assumption that fairness and rigor ensure transparency, further bolstered by accountability through audit and surveillance.

This cloak of standardization overlaid almost all changes in the child protection system under the Harris government. Standardization became evident in more detailed descriptors in the CFSA to define child abuse and neglect. Within the ensuing regulations, standards of practice and licensing were refined. Flowing from the legislation and regulations were categorizations that defined practice procedures in the Ontario Risk Assessment Model (ORAM), and the computation of service delivery as time unit indicators for payment through the funding formula.

Of particular interest within this standardization is the use of classification as a tool, to separate and define people and services, and then apply resources based on the resulting categories. With respect to caregiving for children, care provision is designated by parents, foster parents and residential workers as caregivers. Expectations of parental caregiving are noted in the CFSA, with more specific details in the ORAM. Parental caregiving traits are categorized along a continuum ranging from acceptable to unacceptable. Expectations of substitute caregiving are noted mostly in the licensing section (Section IX) of Regulation 70, with details of physical environment requirements and service provision for children in foster homes or group homes/children’s residences. The Funding Framework, developed and implemented by the Ontario government, is then applied to these and other categories and details, with resources allotted based on specific categories.

Seeing such detail in the policy texts about child protection services furthers the assumption of transparency – and as such, I might assume transparency includes accessibility.
Here I see an inherent contradiction, because locating and accessing these documents has been a difficult and not always successful task, which I discuss further in my findings. Hence, I suggest that amidst a presumption of transparency and standardization, my own experience contrasts the political rhetoric of common sense.

As a final note, I consider the implications of context for this research from my personal experience. I have been ‘away’ from child protection work for almost a decade at the time of writing this thesis. In some ways this inquiry is historical, as there have been changes in both policy and politics affecting child protection services. The legislation, regulations, funding formula and other related documents have been revised, most notably through the Transformation Agenda of 2006 under the Liberal government of Dalton McGuinty. These changes were not as widely sweeping at those under Harris’ Conservative government, but were significant. The so-called “Transformation Agenda” broadened how Children’s Aid Societies responded to child protection concerns, with differential responses moving outside the previously narrow guidelines, expanded options for children who could not remain with their parent(s), and a more streamlined process for legal resolutions. This time of change, more recent than what I explore, may have been a better focus, assuming relevance through its timeliness.

However, I have chosen to focus on the time period I have noted, for two reasons. Most importantly, I first chose this focus because it is the time when I was active in child protection practice. My inquiry is settled in my lived experience, which brings an authenticity to my work. I experienced a lot of discomfort while working in child protection, witnessing ineffective policy and practice approaches and a turning away from structural understandings of people’s difficulties (which I discuss further in the next chapter). It was important to centre my work in my practice, so that as I reviewed and analyzed documents, I did so with those documents as situated texts (Smith, 1993), never forgetting women’s lives and their encounters with child
protection services and policies. Thus, I have only drawn from the documents that informed child protection practice at that time. Second, the changes were stark and wide-spread, and they mirrored fundamental changes in other sectors as well (such as criminal justice – a sector where I worked for many years before entering child protection). This fundamental change presented the opportunity for me to examine how capitalist notions are seeping into social policy and social work practice. I conclude with a discussion of this final point.

**Research Questions**

I began this chapter with my story, and discussing the various contexts surrounding my interests and the ensuring implications for this study, have brought me to the following three research questions:

(1) In what ways does the logic of ‘the market’ in the context of capitalism seem present in the texts of Ontario’s child protection system? That is, how might the language of these texts suggest redefinitions or understandings of people, things and social/ruling relations that reflect the logic of capital?

(2) Given my own social work practice history in an Ontario Children’s Aid Society, do the contradictions and tensions I experienced there seem evident in the texts of Ontario’s child protection system? Further, how might these contradictions and tensions reflect an illogic and potentially serve certain functions within capital?

(3) Drawing from the previous two questions, are there mechanisms in the language of the texts that render invisible the logic, contradictions and tensions of capital in Ontario’s child protection documents? If so, what might these mechanisms be and how do they operate within the text?
Conclusion

In this chapter, I have offered my understanding of the context of my research – the story that surrounds it, the extra-local organization of my inquiry (Smith, 1987). As such, I have strived to make visible that “the conditions of our actions and experience are organized by relations and processes outside them” (Smith, 1987, p. 92). Understanding and implicating context is core to social work practice, and seeing research as one form of practice, I evoke it here as well. I also note the necessity of connecting my inquiry to the historical, political and professional trends and experiences playing out at the time of my study. Doing so grounds my exploration – it ties the text to lived realities both temporally and spatially.

I also connect this research to my own story, as a woman, as a social worker, and as an emerging scholar. I consider the methodological challenges I face in this work, including how to write myself into my inquiry without becoming the subject of my inquiry. The reader will determine how successful I have been in this endeavour. I conclude noting my intent to ‘write the social’ – “to find, represent and name the features and dynamics of the social” (Smith, 1999, p. 130) and to render visible the ‘ruling relations’ of capital.
Chapter 3 – Approach to the Research I: Theoretical Framework

Introduction

A significant struggle in this work has been the overlap between the more conceptual aspects (how theory has informed my research) and the more methodological aspects (what research tools I have used in this research). Developing a theoretical framework and then developing a methodological framework to guide my analysis has been an iterative process, with each informing the other until I finally was able to locate and articulate the understandings and practices that informed my work and directed my explorations. Because these frameworks are so entwined, I have grouped the resulting two chapters together, to clearly identify their connection. Hence this chapter on the theoretical framework is Part 1 of my approach to the research.

To illustrate my theoretical approach, it is helpful to understand my journey through this process, to see not only the conclusions I arrived at in determining a useful framework, but also how I arrived there. Doing so enriches the rationale of choices I made in my analysis and makes visible my standpoint (Harstock, 1983). In doing so I occasionally weave in my own experience, as a woman from a working class family and as a social worker who has worked mostly in mandated services such as child protection (much of which is noted in the previous chapter). Drawing from Harstock (1983) and later Harding (2004), I suggest my standpoint is more than perspective – it is linked to my theoretical understandings and the active lived experiences I have. Thus I suggest standpoint is helpful in illuminating the emergence of my “point of entry” into this investigation (Smith, 2005, p. 10).

Beginning with Marx

I was initially drawn to Marx’s theory for several reasons. My own working class background has often led me to Marx as a guide for my understanding of our world and its practices. As a social worker, I brought this thinking to my work, seeing societal structures and
social relations through a class lens. In child protection the issue of class became so pronounced for me and I saw it in every interaction, assessment, court report, and case discussion; class was present and yet rendered invisible amidst the prescribed practices of child protection service.

Many of the families who come to the attention of child protection agencies are living in poverty, and allegations of neglect within these families may be more related to their poverty than to their parenting capacities (Bebbington & Miles, 1989; Becker & McPherson, 1988; Parton, 1985, 1991; Pelton, 1989). But the class identity of these families goes beyond the reduced material resources within poverty. Parton (1991) notes the social isolation experienced by families living in poverty, especially single-parent families (with mothers as sole parents). This isolation often includes exclusion from the market, wherein mothers are alienated from the means of production. This alienation and exclusion affects social relations, in terms of mothers’ status in society and in relation to the state.

In its purist form, Marx’s definition of class is linked to groups of people engaged in the processes of production together and the resultant social relations both intra and inter groups. (Marx & Engels, 1847). Lenin (1965) explicitly defined classes as:

large groups of people differing from each other by the place they occupy in a historically determined system of social production, by their relation (in most cases fixed and formulated by law) to the means of production, by their role in the social organisation of labour, and, consequently, by the dimensions of the share of social wealth of which they dispose and their mode of acquiring it (p. 421).

Lenin also notes that “every capitalist country... is basically divided into three main forces: the bourgeoisie, the petty bourgeoisie and the proletariat” (1964, p. 202).

Given the link between class and production, I (and others, such as Giddens, 1973) suggest that ownership of property and the power inherent in that ownership is an important
component of understanding class, that it is not determined by the more simple delineation of income or status. Nonetheless, one’s relative income and status can be a result of how property ownership affects one’s power in society. Those who own property such as capital property with its means of production (i.e., the bourgeoisie) have power over those who own less property (i.e., landowners who do not own means of production) and those who own their own labour (i.e., proletariat). This power differential then plays out in terms of socio-political relations in society.

The distribution of political power is determined by power over production (i.e., capital). Capital confers political power, which the bourgeois class uses to legitimize and protect their property and consequent social relations. Class relations are political, and in the mature capitalist society, the state's business is that of the bourgeoisie. Moreover, the intellectual basis of state rule, the ideas justifying the use of state power and its distribution, are those of the ruling class. The intellectual-social culture is merely a superstructure resting on the relation of production, on ownership of the means of production. (Rummel, 1977, Marx & Class Conflict section, para. 7)

While Rummel is focused more on conflict within the context of war, this insight is still helpful in understanding child protection, given the often adversarial nature of the relationship between families and child protection agencies (Dumbrill, 2003). This conflict is one between producing societal conditions necessary to support capitalism in our society (i.e., through the state), while exercising power and influence under the guise of benevolence and well-being. It was this understanding, combined with my practice experiences that became ingrained in my thinking, and after my first year away from direct service (when I was beginning doctoral course work) I became convinced that a Marxist exploration of child protection was my passion. But the journey was not to be easy or smooth, given the context and the resistance to Marxism.
I was conscious of how Marx’s work has very much been dismissed by social work, due to its inattention to gender and race, and its static acceptance of binary demarcations of structures and people. Garrett (2009) notes the dismissal of Marx, as many in social work view it “as an anachronistic ‘grand narrative’ – [that] is now a jaded, formulaic, even ‘oppressive’, body of ideas and practices.” (p. 201). It has been soundly critiqued for many gaps in its analysis, particularly with respect to a levelling or worse an ignoring of intersectionalities and how other aspects of identity and social structures combine in particular ways to have an impact on people’s relations with each other and the state (e.g., Crenshaw, 1989; McCall, 2005).

Additionally, the totality and thus reductionist reasoning of Marxism also is challenged, noting that social relations within our economic world order cannot be fully understood through class conflict and the means of production. More specifically, Marx’s understanding of labour has been dismissed as historical, given new kinds of labour such as service work through the welfare state.

**Integrating a Feminist Lens to Marxism**

Of particular concern to me was the lack of a gendered understanding of social relations in Marx’s work. While a Marxist analysis in itself could help us understand what is happening in the substitute care system in child protection, Marxism has largely ignored the experiences of women. “Marxism and feminism can be complementary aids to the understanding of society” (Bryson, 2004, p. 13) but only if feminism is an equal part of the analytical process, and not a “subordinate partner” to Marxism. Miles (1985) notes “Marxist categories were not originally developed to deal with labour in the home” (p. 40) while Simonen (1990) adds “Marxist male theorizing has … ignored the caring work done by women” (p. 23). Bannerji (1995) reminds us that a Marxist/feminist analysis “annex[es] the home to capital, as a site for and function of, its reproduction” (p. 76), while Jefferson and King (2001) note “the irredeemably masculinist
prejudice of mainstream Marxist thinking” (p. 89) which has failed “to capture the distinctive nature of household work, particularly with respect to its role in providing caring labor” (p. 93). Lopes and Roth (1993) suggest “a Marxist critique can complement feminist aspirations” (p. 66).

This drew me to feminist theory as a framework, using a gender lens to map structures and practices within our world. The patriarchal design of our world, wherein men have power over women, and how the world is organized to support that domination, is one core aspect of feminist theory. Another core aspect is an acknowledgement of how this patriarchy restricts women’s growth and development through ideological and other restrictions on women’s roles and aspirations (Fook, 1993) such that women assume primary caregiving roles. Feminist theory further acknowledges the link between personal troubles and public issues, and the need to make women’s experiences, including their oppression, visible and challenge the structures that reinforce this oppression.

Most caring labour in families is performed by women, whether as paid or unpaid workers. The state places women in these caring roles through various social policies, thus reinforcing gendered roles in families (see, for example, Baines, Evans & Neysmith, 1998; Rice & Prince, 2000). “Caring encompasses a range of activities that can take place in a variety of locations” (Baines et al., p. 3). Women usually perform the majority of the caring tasks in the family home, and by extension potentially all of the caring tasks in female-lead lone parent homes. “The organization of caring relationship in a family is based on gendered ideas about women’s and men’s shares” (Simonen, 1990, p. 23). “Rhetoric in the child welfare field rests on a misplaced optimism about mothers’ natural affinity with child-rearing” (Featherstone, 1997 & 1999, as cited in Scourfield, 2003, p. 20) and “mothering is central to occupational constructions of women in child protection work” (Scourfield, 2003, p. 61). Historically, women have been identified as natural caregivers through language such as maternal bonding, and through state
policies and practices such as maternity leaves and benefits and naming mothers as primary caregivers in child protection documentation. “What has characterized relationships of caring … has been their association with the feminine” (Turney, 2000, p. 49).

Matthaei (1996), Armstrong and Armstrong (1985) and Misra (2002) have attested to the critical importance of linking Marxism and feminism in any analysis of the state, given that class and gender are entwined in social policy. State policies, such as the Child and Family Services Act, reinforce patriarchal practices. Women are viewed a ‘natural’ caregivers (Featherstone, 1999) and are held more accountable for parenting than men; “contemporary child protection work maintains a long tradition of focusing on mothering … [and] …the scrutiny of mothering remains … a feature of professional interventions” (Scourfield, 2003, p. 19). Women’s caring labour, while socially necessary, is not viewed as part of the economic productivity of society. Women, in their caregiving role, are expected to produce and reproduce both the forms and relations of production. Feminist literature has made the important distinction between ‘caring about’ someone and ‘caring for’ someone, noting the link and difference between them (Graham, 1983; Leira, 1994; Ungerson, 1983). ‘Caring about’ someone can be defined as “having caring feelings” (Thomas, 1993, p. 649), while ‘caring for’ someone can be defined as “carrying out caring work” (Thomas, 1993, p. 649). “Mothers who cannot care for their children adequately are often perceived as not caring about their children. It is the labour of caring that comes to symbolize the quality of feeling a mother has for her children” (Swift & Birmingham, 2000, p. 106). Graham (1983) suggests that caring itself encompasses both caring about and caring for, and the two must be explored when considering caring work. The feelings of caring, the caring about someone, include emotions (Graham, 1983). Graham further adds that caring for someone is not the same as the feelings aspect of caring – it involves “the transaction of goods and services” (1983, p. 16) and thus is more specific to the material aspects of caring. Ungerson
(1983) expands this notion, noting that caring for someone occupies time, and that this use of time limits the time then available for other aspects of women’s lives. Ungerson (1983) reinforces the notion of caring for someone as labour-specific.

Constructing women as natural caregivers has many historical roots and serves many purposes. Besides segregating caring labour within the home, it also allows an identified target (the mother) when caring does not meet community standards (see, for example, Parton, 1991). In addition, as noted by Fraser (1989), women are constructed primarily in the role of mothers, a role in which the tasks of caring labour occur, with any other roles viewed as secondary. Luxton (1987) reminds us that ‘the gendered division of [domestic] labour … ha[s] been identified as central to women’s oppression in capitalist societies as a whole” (p. 35).

In considering the caring work of women, it is important to consider how this work is (and is not) viewed as labour. Beasley (1994, as cited in Jefferson and King, 2001) argues that Marxism itself does not allow an inclusion of caring work as labour, within Marx’s definition of labour. Beasley notes this definition focuses on “production of food and objects … or commodities, … or activities necessary to human survival” (p. 94). I would challenge Beasley’s assertions and suggest that caring labour can fit within Marx’s definition of labour.

Caring for children can include physical need tasks, such as feeding, bathing, clothing and supporting sleep (manual labour), intellectual need tasks, such as stimulation, recreation, and teaching (mental labour), and emotional need tasks, such as supporting, loving and comforting (emotional labour) (Finch & Groves, 1983; Simonen, 1990). Each of these tasks is often viewed as taking place in the family home, and often as being performed by the mother. Each of these tasks is part of the production of food and the performance of activities necessary for human survival, and thus fits aspects of Marx’s definition of labour. I argue later that children can be viewed as commodities, but here I will allude to that point, and suggest that caring labour
involves the production of commodities, embodied in children, and thus further fits Marx’s
definition of labour. A feminist analysis creates the lens through which one can understand how
the caring labour work of women (Neysmith, 2000) is critical to the production of society
(Folbre, 1995), but is undervalued in both the market (as unpaid) and by the state (as provisions
to support caring labour in families is minimal in the face of classism and racism in our society).

However, recognizing these limitations, a Marxist understanding still has value if
examined within today’s context (e.g., Sayers, 2007). Furthermore, this understanding is
critical in forming part of my analytical structure for this study, given how notions of social
welfare and societal well-being are embedded in child protection policy and practice.

Marxism – a tradition which is often ignored or misrepresented within academic social
policy and social work – can provide an analysis of social welfare that is nuanced and
attuned to the contradictions of welfare in capitalist society – that is committed both to
the expansion of state welfare in the present and the abolition of capitalism and its
exploitative social relations in the future. (Ferguson, Lavalette & Mooney, 2002, p. 3)

Some may argue that these particular contradictions are more historical and less current, given
decreases in welfare state provisions and the increasing support for capitalism within a neoliberal
agenda. However, I suggest its currency as Marxism offers an analytical tool that helps expose
and then explore contradictions in the systems that operate within capitalism.

Althusser (1994) makes a distinction between the forms of production and the relations of
production. The forms of production include the reproduction of labour power. This reproduction
can include social reproduction whereby the ways and means of capitalism are taught and
reinforced in society. This includes the need for future adults who will submit to the exploitative
power of capital both as workers and as caregivers who are responsible for the care and
socialization of future workers. If the caregiving and socialization of future workers is not
Deemed adequate by the state (such as in families where abuse and neglect exist) the state intervenes through the child protection system. The relations of production include the maintenance of this support for capitalism through the various aspects of the state – the state apparatus. The child protection system as a part of the Repressive State Apparatus reinforces the ideology of the state apparatus in its monitoring of families to ensure the support for capitalism is occurring.

Marx’s analysis also is helpful given his focus on capitalism. The underlying premise of this study is that capitalist notions are encroaching on social service delivery. While Marx’s own analysis focused on how capitalism affected workers and social relations between groups of people in a society focused on production and accumulation, my analysis uses these ideas to explore how the state controls families. I suggest the state promotes capitalism by supporting practices which benefit capital, including unpaid caring labour within families, family life as a site of socialization, and the state as one of a few powerful actors who inculcate the hegemony necessary to support capitalism. Donzelot (1979) has been helpful in my understanding here, recognizing how the family becomes a site of self-governance towards an ideal image of the productive citizen. The public merges within the family, all the while under the illusion of a private domain. With particular reference to the welfare state and thus to child protection, Donzelot’s suggestion that the state intervenes in family life through its members most vulnerable in capital (women and children) parallels assumptions about a benevolence or altruism in both welfare provision and child protection.

The difficulty became how to use my Marxist thinking in my examination of institutional relations; that is, how to operationalize Marxist concepts in a way that would give me the tools of a methodology. I do draw on a core element of a dialectic method, what Harvey describes as “[taking] account of the unfolding and dynamic relations between elements within a capitalist
system” (2010, p. 11). My approach is further informed through a dialectic understanding wherein “you can’t talk about any of these concepts without talking about the others” (Harvey, 2010, p. 33). While here Harvey’s example is use value and exchange value, and their interconnectedness, this notion of co-dependence has been helpful in my analysis, as discussed further in the next chapter. However, this piece of a dialectic method was not sufficiently robust for my topic area and my interests, and as such I began to move away from Marx in my theoretical development. I anticipated the difficulties of conducting such research and its future validity and utility, given the strong (although not pervasive) resistance to Marx in social work, and the seeming inability to fully apply Marx’s method to my work. As such, I began searching more for a method and less for a theory. It is at this point that I encountered institutional ethnography – a Marxist informed approach to inquiry developed by a feminist scholar, Dorothy Smith.

**Institutional Ethnography**

Institutional ethnography held the promise of a method for me, combined with some theoretical constructs that seemed relevant. I started with Smith’s (1990) notion of disjuncture: “the moment of recognition that something chafes” (Campbell & Gregor, 2002, p. 48). This is what I experienced in my child protection practice, the moments of dismissals and even the invisibility of class and social relations in the talk and text of interventions into the lives of families. Disjuncture also framed my practice experiences as a way to think about what was happening, as opposed to what should be happening: to expose those feelings I had in practice about seeing what was not made visible, voicing what was never said. In Campbell and Gregor’s (2002) discussion of disjuncture, they note that “the issue of disjuncture is between different versions of reality – knowing something from a ruling versus an experiential perspective” (p. 48). This understanding moved me forward to considering Smith’s concept of the problematic.
The problematic centres the researcher and the inquiry in the lived experience of people and as such, may unearth areas of questioning that lie outside the more common areas of exploration.

Constituting the social organization and determinations of the everyday world as a problematic is a method of guiding and focusing inquiry … to direct attention to a possible set of questions that may have not been posed … but are ‘latent’ in the actualities of the experienced world. (Smith, 1987, p. 91)

This understanding of the problematic pushes the inquiry towards the opaque - that which is present but partially or fully hidden in society. Smith (1987) names this as “opacity” (p. 110), noting the need to move outside the everyday world to examine it, but in doing so, to not lose sight of the actualities of the lived experience. By delving into the social organization of our world, we ‘render visible’ that, which is hidden. In this way, we seek to expose the underlying relations or schema (see, for example, Smith, 1987, 2005) – the codes, surveillance, concepts, laws, politics that frame and inform our lives – often in ways that are either not seen, assumed to be natural, or accepted as common sense.

These ideas of disjuncture and the problematic frame what it is that troubles me, that makes me anxious or questioning. In some ways, that is nothing more than the traditional ‘research problem’, but the approach of Smith and others made me think of the ‘research problem’ in a more tangible way. These approaches helped to ground the problem in my experience of those moments of discomfort and dismay while I worked in child protection: those moments of seeing something was wrong but not being sure how to name it or make it visible. Institutional ethnography thus created space for me to imagine research that was authentic to my experience but not solely embedded in it.
Alongside the disjuncture and the problematic, I bring together my social location as a woman and a social worker from a working class background. These parts of myself inform my interest, my analysis and my conclusions, and particularly my perspectives on the disjuncture and the problematic – what they are and why they matter. As such, research is political – I take a particular stance in my approach, informed by my worldview and the injustices I see. However, it is not as such a generalized totality – it is not that I only see the world through one lens. Rather, my social location and my perspective come together in a way that informs my decision to take “a standpoint outside of institutionalized discourses” (Grahame, 1998, p. 352) and thus “the discovery, in how our knowledge of the world is organized, of a critical point of entry into the multiple forms of coordination which shape the everyday world and tie it into broader forms of social organization” (Grahame, 1998, p. 356). In doing so, in this study I take “the standpoint of those who are being ruled” (Campbell & Gregor, 2002, p. 16) wherein I approach the work with the stories of the many women I have encountered in my social work practice, remembering their struggles, their strengths, and sadly the negative and univocal ways in which they were and are constructed in institutional discourses.

Beyond these entry point elements of institutional ethnography, three additional concepts from this approach have particularly informed my work: coordination, regulatory texts and intertextuality. Coordination may be better understood as coordinate or coordinating, recognizing the active element of coordination. For Smith (1987), social organization is coordinated in the sense that there is a purposeful process through which people’s lives are organized. I take this up in a slightly different way, framing coordination as interconnectedness, and as such a way to make visible those connections that are so often invisible, especially for understanding discrepancies and hidden meanings or intent in child protection work. While Smith’s work can sometimes overwhelm in its complexity and assumption of prior knowledge, others have
captured the essence in ways I find more accessible. Walby (2005) illuminates this notion of coordination, noting that in our inquiry we “[examine] how sequences of texts coordinate actions, consciousness, and forms of organization extra-locally” (p. 159). As such, I consider how texts, in certain combinations, form a textualized activation of social organization and social relations. Furthermore, this activation occurs locally in child protection but also in many other potential sites of policy texts that govern the lives of families. I began to look beyond ‘the best interests of the child’ as the sole intent of child protection services, which created a space for me to then understand that my disjuncture experiences in practice may be tied to the idea that there was more to the text than what was on the surface.

Smith (1999) notes that “the materiality of the text and its replicability create a peculiar ground in which it can seem that language, thought, culture, formal organization, have their own being, outside lived time and the actualities of people’s living” (p. 79). The idea of regulatory texts is where my research ideas began to formulate most strongly. Turning again to Walby (2005), “institutional ethnography’s focus on texts is what allows it to investigate beyond the ethnographic and locally observable into the extra-local relations that permeate and control the local” (p. 159). Understanding texts not simply as documents but as entities that organize us and our work and activities made me see the texts of child protection as fodder for my exploration. In particular, I began to reflect back on my practice experiences and saw those texts with new eyes, seeing texts as instruments of the state to control and shape or produce the practices both of child protection workers and the families they serve. “The power of a text bearing the marks of authority when it is launched into public space is considerable” (Smith, 1999, p. 214). In doing so I also realized more fully the privileged knowledge of the text that I had as an insider to the child protection system. While Smith and others do not frame institutional ethnography along the lines of inside/outside, my suggestion here is a corollary with Smith’s “insider sociology” (1999,
p. 49). It is the everyday knowledge from my practice that allows me to conceptualize and understand the “practices and activities of .... living” (Smith, 1999, p. 225) as reflected in the text of child protection work.

Smith’s consideration of text is framed in the realm of how lives are “regulated textually” (1999, p. 75). In this way she sees texts as active, in how they interact with us in our daily lives and how “texts carry the determinations of many of our actions” (Campbell & Gregor, 2002, p. 32). Much of her focus is on how lived experiences are accounted (for example, in case notes and media representations) and how such textualities frame and organize the social. I move slightly outside this understanding, looking at the text that informs the text – the regulatory texts themselves that then inform the activated texts of documenting the lives of women and children within a child protection system. In seeing texts as active, not passive, I also consider how they interact with each other, as a form of intertextuality; that notion, and the practices it subsumes, I explore further in the following methodology chapter.

As I became more informed about and by institutional ethnography, Smith’s work in particular brought me back to Marx. Cole (2003) reminded me that Marxism remains relevant as it “allows us to move beyond appearances, and to look beneath the surface and to move forward” (p. 494) towards social justice. This understanding resonates with an institutional ethnography that examines “aspects of power operating in social life that otherwise lie hidden and mysterious” (Campbell & Gregor, 2002, p. 32).

**Returning to Marx**

Within a framework of social relations and the intersection between people and the state, Marx’s ideas of commodification, value, alienation, reification, and mystification (with fetishism figuring within the concepts of reification and mystification) emerged as most relevant to and helpful in my exploration of the texts of child protection policy. Williams (1976) has been
helpful here, in his demonstration of how concepts, many drawing from Marxism, have both shifted and remained constant over time. He provides examples of word usage and changing meanings that have occurred across space and time, showing how the core elements of such concepts retain value in their application outside their historical and geographic context. My understandings of Marxist concepts expand here, as I adopt concepts to more fully reflect currency and their application in the social service sector. As a brief introduction I offer a summary of my understanding of these concepts, followed by a more detailed account of each.

Commodification can be understood as the process of becoming a commodity. In my work it is the actual idea of a commodity – what a commodity is – that is more focused in my analysis. Alongside this is the idea of value, and how both use value and exchange value are reflected in policy documents about caregiving for children. Alienation has guided my research in understanding how the social relations of caregiving and the separation of what should be together are constructed but also obscured in government text, notably in child protection. Finally, the reification of imbuing an object with subject qualities – making an object become alive – has contributed to my thinking of the child as a commodity and in other areas; this reification occurs through market relations that see both on and under the surface of child protection policy texts. I discuss these key concepts in detail below. I then move to a discussion of mystification as a separate but parallel connection.

I see the first three core concepts - commodity, value (use value and exchange value), and alienation - as connected and foundational to my analysis. These three concepts draw from a market economy analysis. Commodities are traded on the market for values and in the process, in production and in the trading, the capital system transforms the relations of production into something concrete and measurable – thus having value assigned. As such, workers become alienated from their product, their productive labour becomes invisible in the exchange, and their
relation to the buyer is often obscured through the mediation of trade. I see reification as a
transformational process that further links these three concepts in my analysis. I discuss these
three concepts further below, followed by a brief exploration of reification.

Commodity and commodification. In its broadest terms, a commodity is a product.

Etymologically, commodity derives from French and Latin conceptualizations referring to profit
(Online Etymology Dictionary, 2012; Gee, 2011). Within ‘pure’ economic terms, a commodity
has fungibility across all forms, whereby there is an equivalence attributed to a commodity
regardless of its source or producer (O’Sullivan & Sheffrin, 2003). When something is fungible,
it is “being of such a nature that one part or quantity may be replaced by another equal part or
quantity in the satisfaction of an obligation” (Merriam-Webster, n.d.). As such there is a
replaceability of one thing with another thing, where one can substitute for another in the process
of an exchange. The fungibility of a commodity is determined by its commonality and thus its
interchangeable nature, wherein any one version of a commodity can be considered a replication
of another, their sameness intact and their components comparable across all forms. This notion
of fungibility is critical to the market, such that any single commodity is not differentiated,
allowing its value to be set across all forms. While not common in social work scholarship, the
concept of fungibility was explored briefly in a 1991 study (Hawkins & Eggebeen) examining
the fungible father, considering whether any ‘father figure’ was sufficient for a positive impact
on a child’s well-being or if there were differences between biological and non-biological
fathers. Fungibility seems relevant to this discussion, as a parallel to the concepts of ‘sameness’
and ‘standardization’ examined in the earlier chapter on context. While my focus is not on
fathers, I suggest here that this concept of fungibility supposes that a parent may be replaceable
or substituted. As such, a caregiver may be a parent or a foster parent – they may be considered
fungible in their caregiver role, through their obligation of care in the child’s well-being.
Moving from what might be construed as an objective or neutral understanding of a commodity and its properties, I turn here to the more specific Marxist understanding of a commodity. “A commodity is … an object outside us, a thing that by its properties satisfies human wants of some sort or another” (Marx, 1867, p. 26). The notion of object is important here, as it suggests a commodity devoid of its producer as something external to the human labour behind its existence, and reinforces the fungibility of any commodity. Marx’s definition continues, recognizing the value of a commodity as integral to understanding the notion itself. A commodity has both use value and exchange value in its relationship to the market (Marx, 1867), both of which are discussed below as a separate concept.

Alongside the concept of a commodity, equally important to my analysis is the notion of commodification. If we consider a commodity as a product, as a good or service, commodification is the process by which that product becomes a commodity. The reproduction of a good or service as a commodity is through its valuation for and in the market (Marx, 1867). While the fungible nature of commodities is important to global market exchanges, differentiation between commodities also is important, as part of the process for determining the value of a type of commodity. Through processes of classification and categorization, commodities are then assigned value according to their differentiated demarcation.

But Marx then expands this definition, noting how a market value in effect replaces any human or societal value.

A commodity is therefore a mysterious thing, simply because in it the social character of men's labour appears to them as an objective character stamped upon the product of that labour; because the relation of the producers to the sum total of their own labour is presented to them as a social relation, existing not between themselves, but between the products of their labour. This is the reason why the products of labour become
commodities, social things whose qualities are at the same time perceptible and imperceptible by the senses. In the same way the light from an object is perceived by us not as the subjective excitation of our optic nerve, but as the objective form of something outside the eye itself. (Marx, 1867, p. 46)

As such, I am reminded of Smith’s referencing of Marx in *Capital*: “the invisibility of subjects in the commodity as a social relation is not a conceptual effect, but a feature of the particular way in which exchange relations are organized” (1987, p. 133).

Marx did not use the term commodification, and it is a fairly recent coinage in the lexicon of Marxist and economic discourses. However, it is alluded to through Marx’s thinking and it goes beyond the process of a commodity gaining value.

[The bourgeoisie] has drowned out the most heavenly ecstasies of religious fervour, of chivalrous enthusiasm, of philistine sentimentalism, in the icy water of egotistical calculation. It has resolved personal worth into exchange value …. It has converted the physician, the lawyer, the priest, the poet, the man of science, into its paid wage labourers. … The bourgeoisie has torn away from the family its sentimental veil, and has reduced the family relation into a mere money relation. (Marx & Engels, 1848, p. 16)

In this process, the relationship between the producer, the product and the buyer becomes an economic one, where each is measured for its value, and relations between each are submerged or cast aside in the exchange. This process detaches (or at least alienates) products from their producer and production – from the ‘making’ of them. As such, market relations of exchange are quickly entered into, replacing social relations that may be outside the economic market. In this way I suggest that commodification, or the process of commodification, is both an ideology and a tool of ideology – a hegemonic construct of social relations only in terms of the market. This notion is explored later with respect to reification.
**Value.** Marx’s theory of value developed from the thinking of traditional economists before him. Smith and others explored the valuation of a commodity, seeking an understanding of the logic that informed pricing of products in the market, including the differentiation of value for separate commodities. Such economists suggested that supply and demand determined value, that is, the price of a commodity in the market. Marx challenged this assumption on two fronts. First, he made a distinction between value and price. Marx suggested that while pricing may vary according to market conditions, the value of a commodity was constant. This distinction is informed by Marx’s second challenge - that value was determined by the labour input for the production of the commodity, and thus outside the supply and demand cycle (Marx, 1867). It is this understanding of value that I discuss below.

Within a Marxist conceptualization of value, there are two parallel but intersecting notions. As noted, labour input informs value – but not just the labour input in the actual production of a commodity. Moving outside the market, and thus contrary to most economists, Marx suggested that labour value must also incorporate the production of the worker, as a labourer, to then be able to use their labour in the creation of a product (Marx, 1867). Such value first includes meeting the basic needs of a person (i.e., food, shelter, and clothing). “But life involves before everything else eating and drinking, a habitation, clothing and many other things. The first historical act is thus the production of the means to satisfy these needs, the production of material life itself.” (Marx & Engels, 1845, History: Fundamental Conditions section, para. 1) Second, production to meet other needs to prepare the person for work (i.e., education, socialization to capital) also contributes to labour value. Combined, this foundational value then becomes translated into use value and exchange value in the market. Below I discuss these separately and then together, while also noting their relevance to this inquiry’s focus on child protection.
**Use value.** The utility of a thing makes it a use-value. But this utility is not a thing of air. Being limited by the physical properties of the commodity, it has no existence apart from that commodity. A commodity, such as iron, corn, or a diamond, is therefore, so far as it is a material thing, a use-value, something useful. This property of a commodity is independent of the amount of labour required to appropriate its useful qualities. (Marx, 1867, p. 26)

Use value can apply to both a good and a service, valued outside the market given its utility. “To be a use-value is evidently a necessary prerequisite of the commodity, but it is immaterial to the use-value whether it is a commodity. … Use-value is the immediate physical entity in which a definite economic relationship – exchange-value – is expressed.” (Marx, 1859, The Commodity section, para. 3) Use value is not a thing, but a thing may have use value. Use value is about the relation between a thing and a person – the utility for that person – and is not recognized within the economic relationships in our capitalist society. Thus, I would suggest that there is use value in both the natural and substitute caregiver’s care of a child, as that care is infinitely useful to the child (the recipient). When a thing has use value outside its relationship with one individual, it then has use value within society – and it is here that something with use value may be transformed into a commodity. As a commodity, the product then engages with the market through its exchange value.

**Exchange value.** Exchange value in its simplest form is the value of a commodity in relation to another commodity, and how that value is exacted in the process of trade between commodities in the market.

What chiefly distinguishes a commodity from its owner is the fact, that it looks upon every other commodity as but the form of appearance of its own value. A born leveller and a cynic, it is always ready to exchange not only soul, but body, with any and every
other commodity, be the same more repulsive than Maritornes herself. The owner makes
up for this lack in the commodity of a sense of the concrete, by his own five and more
senses. His commodity possesses for himself no immediate use-value. Otherwise, he
would not bring it to the market. It has use-value for others; but for himself its only
direct use-value is that of being a depository of exchange-value, and, consequently, a
means of exchange. Therefore, he makes up his mind to part with it for commodities
whose value in use is of service to him. All commodities are non-use-values for their
owners, and use-values for their non-owners. Consequently, they must all change hands.

But this change of hands is what constitutes their exchange, and the latter puts them in
relation with each other as values, and realises them as values. Hence commodities
must be realised as values before they can be realised as use-values. … he desires to
realise the value of his commodity, to convert it into any other suitable commodity of
equal value, irrespective of whether his own commodity has or has not any use-value for
the owner of the other. From this point of view, exchange is for him a social transaction
of a general character. (Marx, 1867, p. 59, emphasis added)

Different commodities have different exchange values, and these exchange values are
determined by many factors, including labour costs (i.e., time) to produce the commodity. In
entering the market a commodity’s use value is realized by another and the owner and buyer
exchange commodities. “The first step made by an object of utility towards acquiring exchange-
value is when it forms a non-use-value for its owner...” (Marx, 1867, p. 60). Simplified, owner A
sells commodity A to buyer B in exchange for commodity B. I would suggest there is no
exchange value in the caregiving by the mother, as domestic caring labour is assumed to have no
monetary value in the economy. There is, however, exchange value in the caregiving by the
substitute caregiver, given their care work enters the market through per diem costs for fostering a child.

**Use value and exchange value.** Use value and exchange value are not the same thing. Fine (1984) argues that use value is immaterial, although useful to the recipient; while exchange value is material, wherein there is “a numerical equivalence relationship between objects” (p. 20) – a view shared by many economists, including Marxists (e.g. Uno, 1964). However, I agree with Marx’s earliest thinking about use value which “falls within the realm of political economy as soon as it becomes modified by the modern relations of production, or as it, in turn, intervenes to modify them” (Marx, 1858, p. 851). While not in opposition to Fine, Uno and others, this distinction helps us examine the use value of goods and services outside the market relation, while also recognizing how intricately use value is connected to the market, and the social relations therein. It also allows us to see how use value is modified to exchange value, in the commodification of any product.

It seems to me that the exchange value for women’s labour increases significantly when the child is in the substitute care system. The labour costs increase, wherein a foster mother’s ‘pay’ for her labour, through the substitute care system’s per diem rate, is more than the mother would receive through the National Child Tax Benefit. This difference reinforces the separate categorization of mothers as ‘natural’ caregivers (not needing material benefit) and foster mothers as ‘professional’ caregivers (needing material benefit). It also suggests to me that the mother’s use value diminishes when her child enters the market as a commodity in an exchange value relation with the foster mother.

Others make a distinction between the qualitative nature of use value versus the quantitative nature of exchange value. Marx does not appear to make this distinction, nor does he refute it. However, this understanding is important in its application, as the distinction suggests a
mutually exclusive definition of use value versus exchange value – what I would suggest is a false dichotomy. With specific focus on exchange value, I would suggest it embodies the qualitative as well – but it is only the quantitative which is visible in the market, in its valuation through pricing. The qualitative nature of exchange value lies in its utility and in its intersection with social relations – and the unfungibility of any commodity in its application therein. That is, while exchange value may be quantified and as such standardized through the market, it carries a more heterogeneous quality in the relationship of the commodity to its producers and consumers, which varies just as producers and consumers vary. In other words, “economics must take into account both the objective and the subjective background of exchange value because these interact” (Gersch, 1972, p. 31).

Alienation. Again turning to etymology, Marx’s concept of alienation can be translated as ‘estrangement’ from the original German ‘entfremdung’ (Kemple, 1995). While alluded to in several of his texts, Marx clearly lays out his theory of alienation in his early writings. “…my work is an alienation of life, for I work in order to live, in order to obtain for myself the means of life. My work is not my life” (Marx, 1844a, Consumption is Co-extensive with Production section, para. 19). Returning to the notion of commodification, the labourer becomes alienated from the product of their labour, when it becomes a commodity with exchange value in the market. Additionally, the labourer is also alienated as the commodity is owned by the capitalist, not the labourer – the labourer perhaps always distant from the product as it was never owned by the labourer, and in some circumstances, distant from the final product itself if a labourer only produces a part of a product.

Alienation can be considered the estrangement of that which generally goes together – the separation of things (including people) that are otherwise associated with each other. Marx argues that alienation plays out in four distinct but related ways (Ferguson & Lavalette, 2004;
Krahn, Hughes & Lowe, 2006; Marx, 1844b): the product of labour, the labour process, other people, and our human nature. Marx has argued that through the division of labour, workers become alienated from the product of their labour and, given the specialization of their labour, become alienated from their heterogeneous selves (Marx, 1844b). We also become alienated from the labour process because we do not have control over the process. In both these ways there is an estrangement between the labourer and the product – the product becomes an entity separate from the worker, and through the exchange of labour for the commodity of money (wages), the worker becomes further estranged from the work. As such there is a process of alienation that occurs when a child is removed from the care of a parent, and when that child is placed in the care of a foster parent. The parent becomes alienated from the process of caring and the foster parent performs an alienated parent role with the child. I will explore these two understandings of alienation further in the subsequent findings chapters. Additionally, while these two aspects of alienation are important in understanding labour, the two other aspects are equally important to this study as they move outside the arena of labour exchange but clearly still impacted by it.

Marx (1844b) continues his argument that we become alienated from other people through the labour process, because our relationships are inextricably linked to the production process – as a buyer, producer and consumer. Krahn & Lowe (1993) reinforce this, noting alienation includes “feelings of powerlessness, self-estrangement and social isolation” (p. 358). Marx also suggests we are alienated from our human nature, from ourselves as social beings because of alienation in our labour and in our relations with others. As such, I again reference the child protection system, suggesting that as a parent becomes alienated from their child, they in effect became alienated from themselves as a parent – as their human nature and their social being. They become a ‘childless parent’. Noted above, Marx and others infer that through the
processes of becoming alienated from ourselves and others, we become specialized, individualized, and lose our sense of collectiveness. We also risk becoming passive subjects, living in a “condition of objective powerlessness” (Rinehart, 2006, p. 11). A childless parent potentially loses the shared identity of self as parent and may experience powerlessness in enacting any care or oversight of care for their child.

**Reification.** Reification infuses my analysis in every aspect of this study. It is the impetus as an analytical tool and potentially is a finding as well, in a very broad understanding of the concept itself. I consider reification a web that both weaves through and supports the interconnections between commodities, value and alienation. In a narrow sense, reification can be understood as making something concrete, but Marx’s understanding goes beyond this simplicity. It is about making something that is abstract becomes tangible or concrete, most notably how social relations, between producer and seller for example, become things – wherein the relation of exchange is understood through the detached neutrality of the object, not the social relations of producer and seller. In this way, one may engage objectively with that which is subjective – the social relation itself as a concrete thing.

We also can consider how the extensive debate inside and outside Marxist circles regarding the meaning and application of this concept, makes it difficult to contain and thus define. A discussion of these debates exceeds this study, so instead I offer my understanding of reification as it informs my analysis, knowing that doing so also engages in the debate. I also ponder how social relations change through the processes of reification. Do they move back and forth between subjective and objective? Is there something in any change in the modes of production (or reproduction) that shifts the reification and thus social relations, depending on the intersection between the current modes of production (as they evolve) and the social relations therein.
Reification draws from Marx’s discussion of commodity fetishism:

There it is a definite social relation between men, that assumes, in their eyes, the fantastic form of a relation between things. In order, therefore, to find an analogy, we must have recourse to the mist-enveloped regions of the religious world. In that world the productions of the human brain appear as independent beings endowed with life, and entering into relation both with one another and the human race. So it is in the world of commodities with the products of men’s hands. This I call the Fetishism which attaches itself to the products of labour, so soon as they are produced as commodities, and which is therefore inseparable from the production of commodities. This Fetishism of commodities has its origin, as the foregoing analysis has already shown, in the peculiar social character of the labour that produces them (Marx, 1867, p. 47)

Commodities are fetishized as having value in themselves somehow objectively or naturally, making value something real and concrete, attached to the materiality of any commodity. In this way the labour, the producer, and the relations between them and others who engage in the market are transformed into a thing or things. As such, the producer as subject becomes an object, identified and measured by the product of labour – the commodity. But Marx continues, in a way that informs my understanding of reification:

To what extent some economists are misled by the Fetishism inherent in commodities, or by the objective appearance of the social characteristics of labour, is shown, amongst other ways, by the dull and tedious quarrel over the part played by Nature in the formation of exchange value. Since exchange value is a definite social manner of expressing the amount of labour bestowed upon an object, Nature has no more to do with it, than it has in fixing the course of exchange. (Marx, 1867, p. 51)
Here I see the link between fetishism and reification – that the process of assigning value is itself a reification, it is a constructed reality that is subjective, but is presented as a concrete reality that is objective and natural. This parallels my understanding of the reliance on standardization as accountability and transparency, and as a means of achieving any prescribed goal of purpose. A standard is fetishized in that it is assumed to hold value in itself simply by its very nature of being a standard. Through the process of reification, the standard is viewed as an objective reality that can be implemented and evaluated.

Drawing on Lukacs (1923), reification also influences the social relations inherent in the modes of production, given the fetishism of commodities. If a commodity is fetishized, so too are the processes of production of that commodity. A form of labour or the time of labour, somehow becomes reified as if the value assigned to it is real, rather than recognizing its construction as real within the privileged social relations of those who control capital.

What is of central importance here is that because of this situation a man’s own activity, his own labour becomes something objective and independent of him, something that controls him by virtue of an autonomy alien to man. There is both an objective and a subjective side to this phenomenon. **Objectively** a world of objects and relations between things springs into being (the world of commodities and their movements on the market). The laws governing these objects are indeed gradually discovered by man, but even so they confront him as invisible forces that generate their own power. The individual can use his knowledge of these laws to his own advantage, but he is not able to modify the process by his own activity. **Subjectively** - where the market economy has been fully developed - a man’s activity becomes estranged from himself, it turns into a commodity which, subject to the non-human objectivity of the natural laws of society,
must go its own way independently of man just like any consumer article. (Lukacs, 1923, p. 87)

This moves my thinking to how social relations are commodified, which is also a form of reification. The relations of caring are transformed into skills of caring – that somehow the needs and well-being of a child and the caring responses to that child can be named, classified and measured. In doing so, two things become possible. First, the skills can be evaluated – they now form a standard of care that can be held as the acceptable form of care, and all care is measured against it as an indicator. Second, if the skills can be measured, they can be quantified and thus can be assigned value (use value and exchange value) and therefore traded on the market.

Reification thus furthers alienation, through a process of depersonalization – an extraction of humanness from human relations. The subjective experience of caring and the social relations between the parent and the child become a mechanized system of care provision by care provider to care recipient, distance from and foreign to the human relations of care. Care now becomes socially organized through a simplistic and distorted market relation.

Finally, I suggest this reification itself also becomes invisible, which Marx also noted:

The mode of production in which the product takes the form of a commodity, or is produced directly for exchange, is the most general and most embryonic form of bourgeois production. It therefore makes its appearance at an early date in history, though not in the same predominating and characteristic manner as now-a-days. Hence its Fetish character is comparatively easy to be seen through.-(Marx, 1867, p. 51).

In this way I see a complex and dynamic understanding of reification, and the problematic of reification but also the promise.

The problematic of reification lies in its fallacy – its concreteness of that which is not concrete, which is realized through capital including the objectification of social relations as
noted above. However, I turn reification on its head, using it against itself in my analysis. In this way I look for the concrete, the objective that is somehow presented as abstract, as subjective. The valuation of standardization, practiced through categorization and classification is championed in regulation and standards of practice but yet is not universal in its application. It is the invisibility of this, the mystery of the processes of reification that moves me to my second level of Marx’s theoretical influence in my work: mystification.

**Mystification.** The notion of mystery weaves throughout Marx’s work, sometimes equated with fetishization or false consciousness but also as its own concept in the process of mystification – and this is the focus of my analysis. I begin with the overarching challenge of exploring capital and its pervasive presence in all forms of social life, including social policy. “The whole mystery of the form of value lies hidden in this elementary form. Its analysis, therefore, is our real difficulty.” (Marx, 1867, p. 33). Marx recognized the mysterious processes hidden within market structures and their resulting social relations, and the difficulty of exposing such mysteries. In further exploring this understanding of the mystery, Marx later expands the notion suggesting the element of the unknowing, even for those intimately involved in the process:

To what extent this profit is due to the universal exploitation of labor by means of the total social capital, that is to say, by all his capitalist colleagues, this connection of things is a complete mystery for the individual capitalist. And it is all the more so, since no bourgeois economist has so far cleared it up for him. (1894, p. 124).

Marx continues this train of thought within the realm of contradiction in capitalism.

However, the reconciliation of the irrational forms, in which certain economic conditions appear and assert themselves in practice, does not concern the active agents of these relations in their every day life. And as they are accustomed to moving about in
them, they do not find anything strange about them. A complete contradiction has not the least mystery for them. They are as much at home among the manifestations which, separated from their internal connections and isolated by themselves, seem absurd, as a fish in the water. The same thing that Hegel says with reference to certain mathematical formulæ applies here. The thing which seems irrational to ordinary common sense is rational, and what seems rational to it is irrational. (Marx, 1894, p. 547)

Two key understandings emerge here. First, there appears a common sense acceptance of that which is mysterious – the almost blind (or blinded) concurrence with values and processes which are not clearly visible. Second, there is the contrast between logical and illogical, described as rational and irrational. It is the illogical valuing of the irrational that is also mysterious.

Marx notes “the life-process of society, which is based on the process of material production, does not strip off its mystical veil until it is treated as production by freely associated men, and is consciously regulated by them in accordance with a settled plan” (1867, p. 51).

While here Marx appears to allude to a transformed society, I suggest that the notion of the veil of mystery is a core concept to this study: seeking the mystery, that which is not made visible, in the text of social policy. Alongside this understanding, Marx adds

The capital-values invested in production in the form of means of production and means of subsistence both reappear in the value and means of subsistence both reappear in the value of the product. By this means the transformation of the capitalist process of production into a complete mystery is happily accomplished and the origin of the surplus-value incorporated in the product is entirely concealed. (Marx, 1885, p. 135)

The idea of concealment is of particular interest – that somehow the meaning or practices or intent of a social policy is partially or even fully hidden – and that this process is itself a mystery.
Mystery continues to be repeated throughout *Capital* (most notably in Volumes I and III), pondering the lack of clarity and transparency about key elements within the circle of production. It mostly relates to processes of transformation that occur in the market and in the ensuring social relations or relations of production. “And it remains a mystery where this surplus [value] is originated, whether it is due to the exploitation of labour in the process of production, or to overcharging the purchaser in the process of circulation, or to both.” (Marx, 1894, p. 61).

Marx continues:

But in the relation of capital and profit, that is to say, the relation between capital and that form of surplus-value which appears on one hand as an excess over the cost-price of commodities realized in the process of circulation, and on the other hand as a surplus determined by its relation to the total capital, the capital appears as a relation to itself, a relation in which it, as the original amount of value, is distinguished from a new value generated by itself. It is dimly recognized, that capital generates this new value by its movement in the processes of production and circulation. *But the way in which this is done is surrounded by mystery and thus surplus-value seems to be due to hidden qualities inherent in capital itself.* (Marx, 1894, p. 31, *emphasis added*)

It is this hidden nature that informs my understanding of mystification –that key elements of a social structure are hidden, and the full understanding and interplay of those elements is a mystery as is their concealment. This understanding is core to my analysis and as such is a major focus of this study. I suggest that in my careful examination of the text, which I discuss in the next chapter, I seek to reveal the mechanisms of concealment – those practices in text that hide, veil or obscure the confusion and contradictions in the textualities of child protection in Ontario. In doing so, I seek also to expose the inherent illogic of these texts – the veil of transparency or the fetishizing of standardization – showing its emptiness. I invite the reader to see the social
relations of child protection in a new light, perhaps to begin reconsidering ways of examining, activating and questioning documents in child protection and other services.

**Conclusion**

Feeling more confident that I now had an approach that made sense for my research – theoretically and methodologically – I began my exploration. However, here I encountered challenges with institutional ethnography. While my interest in social policy and its intersection with capital is a broad research agenda, my doctoral focus was on the various texts that regulated and governed child protection policy. Yet institutional ethnography largely focuses on the activation of texts – the taking up of documents in our everyday and everynight practices, as one source of data collection and one level of examination. To be true to institutional ethnography, it seemed necessary to consider expanding my research to include interviews with child protection workers, managers and policy advisors or analysts. But doing so seemed likely to distract from my focus. Additionally, given my prior experiences working in a child protection agency and the lack of critical analysis and discussion about our policies and practices, it seemed that interviews would not necessarily contribute to my findings or enhance my work in this particular study, a common challenge faced by researchers informed by institutional ethnography (Campbell & Gregor, 2002). In anecdotal conversations with former colleagues, my concerns were confirmed, so again my quandary of theory and method arose.

It was at this point that theoretically informed discourse analysis emerged as a possible solution – a path to guide my research. Upon briefly reading about this approach, I became convinced that critical discourse analysis was particularly suitable to my work. I saw critical discourse analysis as a way to bring together the social practice of a textual lens that institutional ethnography promises, the ideology of capital from Marx as produced and reproduced in text, and situating texts contextually in their historical and political realm. It is critical discourse
analysis that has been the most constant and pervasive influence over this research, still drawing from Marx, institutional ethnography and contextuality. And it is here where my methodology began to take form, as discussed in the next chapter.
Chapter 4 – Approach to the Research II: Methodology

Introduction

As noted in the previous chapter, the relationship between theory and methodology has been iterative, each informing and informed by the other throughout this research process. In this chapter I attempt to take this complex process apart and provide a map of how I did my work – the actuality of doing the research. I have divided this chapter into two distinct though connected areas. I begin with a discussion about the use of text as data, followed by an explanation of the sampling process I used in selecting specific text for analysis. I then discuss my entry into discourse analysis as a method and towards critical discourse analysis as a methodological approach rather than a specific method in my work. I provide an explanation of the key analytical concepts I drew from critical discourse analysis, noting their applicability and interconnection.

Engaging with Text as Data

Just as qualitative research has struggled to gain ground as a basis for empirical study (Denzin & Lincoln, 2000), so too has research using text as data. Smith (1993) reminds us that texts organize social relations and as such, researchers must examine “how the language of documents operates as a conceptual coordinator of social action” (p. 30). Kinsman (1995) furthers this argument about using texts as data: “Textual mediation is a crucial aspect of the contemporary social organization of ruling” (p. 82). To this end, I examine these documents within the child protection system of Ontario, to better understand the practices of state intervention in family life and the regulation of women’s caring labour. Turner (1995) adds that “the way to take up texts … is to look at how they actively draw people into relations and organize what can be thought, said, and done in getting on with the practical tasks in a setting” (p. 236). Examining these documents allows us to consider how texts determine what is thought,
said and done, in the tasks of ‘protecting children’ in Ontario. As noted by Campbell and Gregor (2002) “texts are relied on as crystallized social relations … as an alternative to, and an antidote for, accepting ideological accounts” (p. 79). By examining these documents, I hope to expose the social relations inherent in the texts that mediate women’s caring labour in child protection, and to challenge the ideological account that constructs good and bad mothers (Swift, 1995; Swift & Callahan, 2009) in their caregiving roles. Smith (1999) reminds us that “the power of a text bearing the marks of authority when it is launched into public space is considerable” (p. 214). Examining these documents will employ a consideration of the authority within and behind the legislative documents, with respect to the state’s control over women’s caring labour and family life.

Examining texts as data is relevant within social work research for several reasons. Perhaps most important was considering the centrality of texts in social work practice. At every level of practice we encounter text – from the policy documents which inform the social service provision where social work might be engaged (such as the Child and Family Services Act) through to the documents used to gather information from clients in a service setting (such as an intake form). Social work is a richly textualized practice, although it may not be readily apparent at a first glance. In social work, we create documents (e.g., case notes, support letters), use documents to inform our practice (e.g., referrals, assessments), and are directed by documents (e.g., procedure guidelines and service standards). We see here how text operates as a ‘control technology’, disciplining social work practice and shaping social relations between and among social workers and clients. In effect, the “organization of practice as well as power is mediated via texts” (Satka & Skehill, 2011, p. 202).

Given the strong presence of text in social work practice, it is perhaps surprising to discover how little social work research engages with text. Text-based inquiry tends to be
analyses of transcripts from interviews and focus groups or, occasionally, analyses of case notes from client files. The critical examination of text seems more common outside social work. Policy documents have been unpacked in both critical discourse analysis (e.g., Chilton, 2004) and institutional ethnography (e.g., Ng, 2000). Within social work itself, analysis of social policy as text is slowly emerging (see, for example, Christie, 2010). My own work here (regarding the Child and Family Services Act and two of its regulations) and elsewhere (Woodford & Preston, 2011) contributes to this trend. More common is an analysis of the forms or assessment guidelines in social work practices (e.g., Brown, 2006; Parada, 2002), which I explore here through my analysis of the Ontario Risk Assessment Model. Similar to these emerging explorations in social work, my research resists considering the verification of texts and instead is guided by Atkinson and Coffey (2004) who note “it is more fruitful to ask ourselves questions about the form and function of texts themselves” (p. 73), as I discuss below.

Text can be seen as a form of material culture (Hodder, 2003) and thus warrants attention. Prior (2004) problematizes some studies using text noting their focus on the content of documents, not “their status as things” (p. 91). It is this idea of text as more than a container of words (Prior, 2004) that forms the basis of this study. Words individually and together “can generate variation, have selective effects, and contribute to the differential retention and/or institutionalization of social phenomena” (Jessop, 2004, p. 164). Life is mediated by text (Atkinson & Coffey, 2004; Smith, 1990). Language is an active agent and even in the static material form of a document, language does something. “Texts … are language excerpts produced from specific points of view and communicate specific worldviews and values” (Bogren, 2010, p. 73) and as Atkinson and Coffey note (2004), documents are “social facts” that “constitute reality” (p. 58). As such, I am specifically interested in the language of text – considering the materiality and functionality of words, phrases and meanings.
In doing so, attention to the context of text is important. In this work I understand context in two distinct but connected ways. First, I consider the textual or discursive context of the documents I explore in this study. This requires looking beyond the text itself to potentially contemplate the author(s) of the text and the audience(s) of the text (i.e., both intended – who the document is written for – as well as those not intended). The textual context also considers the text’s intrinsic form and function (i.e., what kind of text it is and its purpose) and the text’s genre (i.e., what type of text it is). Second, I consider the social and institutional context of the documents I explore in this study. This again involves looking beyond the text itself, but this time doing so outside the bounds of the text’s materiality as a document. The social institutional context considers where and how the text is produced and used, the historical positionality of the text, and the social actors named or inferred in the text. It may also consider how the text gets activated, although that is not a focus in this study. Within this study’s focus on child protection, I consider the textual or discursive context of legislation, regulations and procedural documents that govern child protection in Ontario.

From the social or institutional context, I consider the situating of those texts within social work practice in child protection, noting the structure of child protection systems, the social actors both on the surface and below the surface of the text, and the social, political and historical environment at the time of the text’s usage. Drawing from Wodaks’ earlier work regarding discourse sociolinguistics, these two context streams merge. This creates a space for “identifying and describing the underlying mechanisms that contribute to those disorders in discourse which are embedded in a particular context - whether they be in the structure and function of the media, or in institutions such as a hospital or a school - and inevitably affect communication” (1996, p. 3).
Additionally “text and context are in a continual state of tension, each defining and redefining the other, saying and doing things differently through time” (Hodder, 2003, p. 157). This is to be expected – our social world is constantly changing. As such, perhaps it is helpful to be “more concerned with the processes through which texts depict ‘reality’ rather than with which texts contain true or false statements” (Silverman, 2004, p. 348), whereby similar to institutional ethnography, we seek to study “documentary realities … within the fabric of everyday social life” (Atkinson & Coffey, 2004, p. 56). Context is critical to understanding these ‘realities’ as “the situational environment which is external to the text” (Titscher, Meyer, Wodak, & Vetter, 2000, p. 238), which includes the institutional and societal structures and processes that coordinate the everyday experience (Fairclough, 1989; Smith, 1987).

Finally, like Hodder (2003), there is “the possibility of multiple reinterpretations” (p. 157). My analysis provides one of many interpretations of data, and even my own interpretations can and will change over time. This is to be expected. Wodak (2004) notes the abductive nature of critical discourse analysis, wherein the researcher constantly shifts between data and theory in exploring the text – each illuminating the other in a sequential spiral. Interpretation is not so much finding the ‘correct’ understanding, as it is finding a plausible understanding, one that ‘makes sense’ (Fairclough, 1995; Wodak & Ludwig, 1999), and as such, it may change across time and audience. While documents themselves also can be reified as truth-holders, we cannot forget this potential for multiplicity in understanding text. This flexibility of interpretation is influenced by myself as researcher (as noted in Chapter 2), the theoretical approach (as noted in Chapter 3) and the methodological approach (as discussed in this chapter). With this in mind, and having argued the value of exploring texts as data, I now discuss the choices I made about which text I explored in this study.
Sampling text. Any internet search for child protection texts will produce a mixed collection, including pieces of legislation and regulation documents, reports from government and child protection agencies, media releases about changes to funding, and executive summaries from inter-provincial roundtable discussions. Documentation is a core aspect of child protection work, and can consume more time than any other aspect of the work (see, for example, Esposito & Fine, 1985). The adage of documentation as evidence, as a proxy for truth, is common in child protection services, which is not surprising considering its legalistic arena and its focus on risk. The challenge in selecting a sample became a question of which texts and at what level of practice would be most suited to exploring my research interests.

My research has relied on high-level text rather than supra-text as discourses; I became focused on texts at a macro level that then inform the development and use of micro level texts, such as case recording by child protection workers. Having completed a pilot study using provincial government text to examine official discourses of citizen engagement (Preston & Woodford, under review) the value of government text as data became very clear. I also knew from my practice experience, from other scholars (e.g., Campbell & Gregor, 2002), and from my attempts for other research, that it would be difficult to obtain access to documents internal to child protection agencies. Although they are intended to structure and shape practice, institutional texts are not easily accessible or are not accessible ethically (i.e., they may only be accessible through insider access). By not including such texts, the more activated aspects of the textuality of child protection are not explored in this study. However, as noted, the possibility of such exploration is limited.

Beyond the pragmatic though, my research interests fit well with examining government documents. In examining the state and its encroachment into family life, government policy documents seemed a good source to consider. While speeches and reports form the basis of much
of the discourse analysis in the political arena, there is limited exploration of policy documents as text. What exploration has occurred tends to be somewhat outside discourse analysis and/or outside child protection studies (see for example Ng’s study of Canada’s Multiculturalism Act, 1995). Additionally there is a growing body of scholarship in ‘interpretive policy analysis’ that has developed in the last few years (e.g., Yanow, 1996, 2000). The use of texts as data is one of the ways one can explore the state’s policies and procedures – how these texts frame the discourse of child protection and caring labour. “Texts perform at that key juncture between the local settings of people’s everyday worlds and the ruling relations” (Smith, 2005, p. 101). These texts form part of the state apparatus that regulates family life and are powerful documents as they carry the authority of the state and the regulatory power of state institutions such as child protection agencies and family courts.

The sample encompassed government documents within the legislative system of child protection. “Texts disclose how power is embedded within social institutions and structures (Wright, 2003, p. 244). …Texts transport power in ideologies and practices across sites and among people” (p. 245). What began as an intention to examine a variety of levels of text changed as I engaged in the process. As with institutional ethnography, “investigations are rarely planned out fully in advance … it is difficult to specify in advance exactly what the research will consist of” (DeVault & McCoy, 2002, p. 755). Access to documents was an unexpected and challenging experience in this study, which is discussed further in the following chapter – the first chapter of findings from my analysis.

For this study, purposive sampling was useful, wherein specific texts were selected given their unique characteristics relevant to the research questions and the concepts to be examined. This purposive sampling was further narrowed, whereby only specific sections within these texts, which explicate state discourse regarding child protection and caring labour, were used.
“Sampling becomes more specific with time because the analyst is directed by the evolving theory” (Strauss & Corbin, 1998, p. 203). To enhance rigor, a method of mixed purposeful sampling was used, whereby more than one text that covers the key concepts was examined (Patton, 1990). Purposive sampling also supports an in-depth analysis, and was necessary given the rich quality of the material within the data selected.

“Legislation … encompasses both statutes and regulation, though it is often used to refer to statutes only” (Service Ontario, 2012). A statute is ‘a public act’; the Child and Family Services Act is a statute and thus a public act pertaining to child well-being and safety.

Regulations are “law(s) made by a person or body whose authority to make the law is set out in a statute. Regulations are considered to be ‘delegated legislation’, since the authority to make the regulation is delegated from the Legislative Assembly” (Service Ontario, 2012). Regulations provide the details to support and/or explicate the public act; the two regulations I explore in this study provide further details regarding the Child and Family Services Act. In principle, regulations operationalize legislation – they give the rules and actions for the policy outlined in the legislation. However, upon analysis I see that there is slippage between legislation and regulations, where one does not fully lead to or parallel the other. Finally, models or frameworks provide the more specified details of putting legislation and regulation into practice – doing the work of the policy. Again I note a slippage between the policy text of legislation and regulation and the procedural practices.

Sampling occurred at these three levels: legislation, regulation, procedures for practice:

1. Level One – Legislation

The Child and Family Services Act, 1984 including the revisions as part of 2000 extensive child welfare overhaul by the Ontario government, but especially Part III Child Protection, where the standard of the mother’s caring labour is idealized.
2. Level Two – Regulation

*Regulation 70*, the General regulation but especially Part IX – Licensing, which oversees much of the substitute care systems regulations, and *Regulation 206/00*, where the standards for child protection cases are more specified.

3. Level Three – Procedures for practice (practice guidelines as ‘policy in practice’)

The *Ontario Risk Assessment Model*, a tool which is used to measure the standards of mother’s caring labour. Note that at the time of this study, while some agencies were using a foster care licensing form as a tool to measure the standards of a foster mother’s caring labour to determine if it meets requirements of child protection system, there was no provincial equivalent. This is explored further in the findings chapters and discussion.

Having noted which texts I have selected and why for this study, in the next section I develop the ways of thinking and conceptual tools that I have theoretically and practically drawn upon in conducting my analyses of the sampled texts.

**Critical Discourse Analysis – Conceptual Underpinnings**

When texts are the sole source of data, the researcher can choose from a variety of analytical processes. In doing so, the researcher must consider what procedures best suit the type of data and the research question (Perakyla & Ruusuvuori, 2011). “Discourse analysis is a flexible term. What one is doing is greatly dependent on the epistemological framework being drawn upon.” (Graham, 2005, p. 2). In a slightly different vein, van Dijk refers to discourse studies as those which involve “the systematic and explicit analysis of the various structures and strategies of different levels of text” (2007, p. xxiv). Meanwhile, Wodak and Krzyzanowski (2008) note the difficulty in defining discourse analysis, as understandings of it vary across disciplines.
With my focus on policy documents as data, my analysis began with discourse analysis but quickly moved to draw more specifically on critical discourse analysis. Taylor (2004) notes critical discourse analysis “is particularly appropriate for critical policy analysis because it allows a detailed investigation of the relationship of language to other social processes, and … researchers can go beyond speculation and demonstrate how policy texts work” (p. 436). Linking this approach to institutional ethnography, I am reminded of Smith (1990) who notes “the focus of enquiry is the textually vested versions of the word that are constituents of the relations of ruling.” (p. 89). What follows is an overview of my explorations within the critical discourse analysis literature, to find an approach that fits well with my epistemological interest in policy texts alone as empirical data. I then proceed to a detailed account of those concepts within and alongside critical discourse analysis that most informed my exploration of policy texts within Ontario’s child protection system.

I began with the work of Fairclough, considered pre-eminent in the critical discourse analysis field. Given his prolific scholarship, his credible reputation and his Marxist influences, it seemed his work would be the core of my approach. Over time it became evident that while many of his concepts were helpful, his overall approach, being rather prescriptive, gave little room for diverse thinking and multiplicity of explanations. I moved on to Wodak’s work, which I found more helpful. Equally or even more prolific, Wodak has established herself as a strong scholar in critical discourse analysis. Of particular interest was her ability to bridge policy and practice; her work spans political text and clinical experiences and thus parallels much of what social work practice is. Her current work is characterized as a Discourse Historical Approach, usually rooted in political spheres, with a problem oriented catalyst for research similar to the problematic and disjuncture notions of institutional ethnography. This approach stresses the value of exploring multiple source types (genres), which expanded the intertextuality ideas from
both institutional ethnography and Fairclough’s critical discourse analysis. However, much of
the Discourse Historical Approach looks at how text changes over time, and my work was
focused on a point of time – a snapshot or case study of policy texts at a precise moment – so I
continued my search for theory and method to expand my approach.

Looking further at the work of text-based researchers who focused on political texts was
helpful in refining my approach. The work of Chilton (2004) in particular brought ideology
further into the analysis, introducing the idea of discursive strategies in texts. Understandings of
ideology and text reinforced my commitment to Marx, encouraged my revisiting Gramsci and
others, and brought the work of Laclau and Mouffe to my attention. Jorgensen and Phillips
suggest a convergence of Laclau and Mouffe and critical discourse analysis, noting “their social
constructionist starting point ...” and “... their understanding of the individual based on a version
of structuralist Marxism” (2002, p. 3). It seems this approach more than others kept my focus to
the problematic of my exploration and to the context of the texts themselves. While their work
mostly focuses on notions of democracy, their conceptualizations of nodal points, fields of
discursivity, closure, floating signifiers and logics of equivalences and differences were
compelling notions that also linked back to a critical discourse analysis approach. I will return to
these concepts later in this chapter.

Jorgensen and Phillips (2002) suggest a “field of discourse analysis” (p. 1) encompassing
“multiperspectival work” (p. 4) that crosses many disciplines and methods. They note that
“different perspectives provide different forms of knowledge about a phenomenon so that,
together, they produce a broader understanding” (p. 4). Noting the difference between
eclecticism and multiperspectivalism, they argue that a multiperspectival approach looks for
commonalities between approaches towards generating “a coherent framework” p. 4). In this
spirit, I draw from discourse analysis, poststructuralist discourse theory and critical discourse analysis in my analysis.

While Jorgensen and Phillips posit social constructionism to link the various approaches of discursive psychology, Laclau and Mouffe’s discourse theory, and critical discourse analysis, I move slightly outside that approach. Here, the multipersectivalism of my analysis is informed by discourse analysis, poststructuralist discourse theory and (mostly) critical discourse analysis, and is held together through the frame of deconstruction.

My analysis is informed firstly by Derrida’s famous utterance “there is nothing outside the text” (1967, p. 158). Frequently misunderstood, I nonetheless concur with the common explanation noting that context is critical to any reading and understanding of text. However, such understanding could be expanded, hinting at the pivotal role text plays in our daily lives and in context. While not wholly informed by Derrida, deconstruction informs all aspects of this study. Etymologically, deconstruction suggests an undoing, and building on Derrida, I see deconstruction as undoing the surface story of the text to instead reveal another story. This understanding draws from the literary element of Derrida’s concept, looking for hidden meaning in text. From the more philosophical element, I also examine how some meanings are privileged over other meanings. Townshend (2004) notes that deconstruction can provide a way to “[look] closely at structures and processes of language and meaning, to demonstrate how unstable they are, how they mutate and how supposedly clear distinctions are far from clear” (p. 127). These notions combine in my analysis of showing the text as different from what it appears. In some ways, this is similar to Derrida’s idea about reversing oppositions – privileging that which is not privileged in a traditional or ‘common sense’ hierarchy. In effect, I seek to privilege the understory of the text, that which is concealed and which I attempt to contextualize. O’Regan’s (2006) discussion of “the text as critical object” (p. 179) presents Derrida’s notion of
deconstruction “first, as a descriptive commentary of how the text wants to be read … and, second, as a fine-grained commentary which engages in and problematizes the first” (p. 188). It is not an assessment of the verity of the text as measured against an outside ‘reality’, but rather a critical engagement with the text itself, demonstrating its flaws within itself.

Schiffin et. al. (as cited in Alba-Juez, 2009) note that discourse and discourse analysis have multiple definitions but typologically are characterized as “1) anything beyond the sentence, 2) language use, or 3) a broader range of social practice that includes non-linguistic and non-specific instances of language” (2001, p. 1). Common across this typology is language, wherein “…language is a ‘machine’ that generates, and as a result constitutes, the social world” (Jorgensen & Phillips, 2002, p. 9). This informs my approach in the sense that I see language as active within text. Particular features of language are used and performed systematically in ways that types of meanings are communicated. The use of such features in certain patterns or recurring arrangements not only conveys particular meanings but also is a tactic to emphasize those meanings as common sense ideas and thus reinforces them as dominant. I am not suggesting here that there is a rational, calculated plan of forethought and intent in the practices of using language these ways. In effect I challenge a ‘mechanistic’ understanding of language and instead reframe Jorgensen and Phillips’ understanding of language as a machine within the Deleuzian sense of an open, never closed machine – a machinic assemblage with a multiplicity of inter and intra connections. The patterns of language create a particular effect and, similar to political discourse positing particular messages (Wodak, 2009), so do institutional texts such as those I examine here.

Drawing from this understanding of discourse analysis, the analytical tools I use to examine texts in this study are on three separate but related levels, all informed to some extent by
deconstruction. I provide an overview of these levels below, followed by a detailed description of the tools I have used at each level.

**Critical Discourse Analysis - Analytical Concepts**

I use three levels of analytical concepts to examine the text. Drawing on critical discourse analysis and other theoretical notions, I use these tools of analysis to explore the text at different conceptual levels, moving from the minute and specific to the larger and more general. I have grouped these analytical concepts as follows: Level I Word and Phrases; Level II Meanings; Level III Discursive Strategies. As such, I move from a micro analysis (Level I) through a mezzo analysis (Level II) and finally to a macro analysis (Level III). Below I describe each of these in detail, providing an example at each level.

**Level I – Words and Phrases.** The first level of exploration is that of the words themselves – the specific words and phrases within the text itself – what I call the ‘micro tools’ of my critical discourse analysis. It is an examination of the smallest features of the text. The minuteness of words matters. First we see instruction for the writing of legislation in Ontario’s Interpretation Act. This Act begins with an understanding of word usage:

Application of Act

1. (1) The provisions of this Act apply to every Act of the Legislature contained in these Revised Statutes or here-after passed, except in so far as any such provision, (a) is inconsistent with the intent or object of the Act;
(b) would give to a word, expression or provision of the Act an interpretation inconsistent with the context; or
(c) is in the Act declared not applicable thereto. R.S.O. 1990, c. I.11, s. 1 (1).

(Interpretation Act, 1985)
Later in the Interpretation Act is an entire section on “words and terms” which clarifies word usage and meaning, especially with respect to synonymity of certain words (e.g., Act also means enactment). Thus, from a practical or logistical viewpoint, words matter and it is important to be attentive to words in this analysis.

Secondly, while this exploration is neither linguistic nor semiotic, tools of such approaches were useful in an earlier study (Preston & Woodford, under review) where I analyzed the use of key words and synonyms in a provincial government document, noting how particular patterns seemed common in particular elements of a government’s official discourse. In my current exploration, for example, the word ‘child’ is used repeatedly throughout the text, and it is helpful to consider where it is used, when it is used in conjunction with what other words, and how it is defined. Gee (2011) notes that words are not simply labels but are contextualized and communicative, and in doing so are fluid rather than static. As such, words actually do something in text – in how they are defined, how they are equated (with other words) and how they are positioned. With this understanding of the importance of words, I found four tools were of particular value: deictic/indexicality, collocation, tropes and nominalization. This level of analysis focuses on identifying words and phrases, making them notably visible by highlighting them through the conceptual analysis of the four tools I have noted here. Below I discuss each of these tools in detail.

Simply put, deictic refers to the textual context of an utterance in speech. I consider it to be how a word is bound, in that its definition can only be understood in relation to its place and its relation to other words in a phrase, sentence or paragraph. To further this notion of how a word is bound or contained, it seems that imprecise language becomes precise because of the context. My understanding is informed first by Gee (2011) and more comprehensively by Nunberg (1993).
Deictics tie speech and writing to context. If listeners do not correctly figure out what deictics refer to, using contextual information, then they do not understanding what is meant or they misunderstand it. At the same time, when speakers use deictics, they assume that their listeners can figure out what the deictics refer to. (Gee, 2011, p. 9)

Gee’s understanding is of importance given its reference to meaning, which informs the second level of my analysis as discussed below. I found it useful to consider how a particular meaning might be constructed and thus assumed throughout the text, and how that contextuality might not be clear within the text.

This thinking eventually led me to Nunberg’s discussion of indexicality and deixis, and to the more general literature regarding indexicality. Indexicality is sometimes perceived as synonymous with deixis, as both refer to context. Nunberg notes that some words are different from other words, as they are dependent on context.

First, and by definition, they have different kinds of meanings, which are context-dependent in ways that the meanings of names and descriptions are not. Second, their meanings play a different kind of role in the interpretations of the utterances that contain them. (Nunberg, 1993, p. 1)

While Nunberg’s main focus is on the difference between the two, which has been contested (Grimberg, 1994), his expansion of the conceptual understandings of each is helpful in my own understanding and application in my analysis.

So while I started from deixis, I moved more to indexicality. Etymologically, drawing from ‘index’, indexicality can be considered that quality of a word that is an indicator or a specification. As such, it moves deixis beyond context to more comprehensively consider contextual specification, which may be linked to classification. Indexicality, through the context dependent nature of deictics, categorizes words and terms, whose meanings then differ according
to context, which is discussed further in the second level of analytical tools. To some extent indexicality may be corralled with definitions, in the sense that other words are put together in particular patterns within the context of the text to portray a particular understanding of specific words or terms.

Collocation refers to a pattern of the same words appearing together in a text. “Collocations are more or less regular or habitual patterns of co-occurrence between words” (Fairclough, 2003, p. 222). Collocation is approached in several ways in analysis of text, ranging from a simple counting of the number of times two words appear close together through to a more advanced statistical analysis seeking ratings of significance in collocation patterns (Baker et al., 2008). Oftentimes collocation patterns refer to modifications, wherein two words are put together in a particular pattern repeatedly, when synonyms for either would suffice but are not used. However, for this study, a broader understanding of collocation was employed. Meadows (2007) notes when the same words are collocated repeatedly, they may become synonymous with one another. More specifically, Louw suggests there is a “consistent aura of meaning with which a form is imbued by its collocates” (Louw, 1993, p. 157, cited in Baker et al., 2008, p. 278). While this notion of collocation may be similar to deixis, in that the word has meaning through its context, it is more specific – because it is the collocation itself that imbues the meaning.

Some types of tropes also are used as analytical tools in this study. “Tropes are rhetorical ‘figures of speech’ such as metaphor, metonymy, synecdoche and irony” (Chandler, 1994), in that a word is used outside its common or ‘normal’ usage. This understanding of trope seems relevant to the mystification lens of my analysis. In particular, the trope types of metonymy and synecdoche are most applicable. Metonymy refers to one word or element representing another. “The metonymy (from the Greek for ‘name change’) replaces the name of a referent by the name
of an entity which is closely associated with it in either concrete or abstract terms” (Wodak, DeCillia, Reisigl & Liebhart, 2009, p. 43). Such ‘substitutions’ are usually for a particular purpose or message, and as such they may be linked to ideology and hegemony. A second purpose of a metonymy can be to only reflect a part of someone or something rather than in its wholeness, whereby a word that reflects a partial definition is used as synonymous with the full definition. This concept is linked to several other analytical tools used in this study including nomination/referential and predication, but most notably here is the connection to synecdoche as another form of a trope.

Similar to the second function of a metonymy, synecdoches use the whole to refer to a part, or the part to refer to the whole (Wodak & Kryzanowski, 2008). Synecdoches can be generalizing “which replace a semantically narrower expression with a semantically wider one” or particularizing which is the opposite (Wodak, DeCillia, Reisigl & Liebhart, 2009, p. 44). Similar to metonymy, a synecdoche may create parallels of meaning wherein a partial meaning is attributed to a larger concept. Alternately it may use a larger term when meaning a smaller concept – such as with identity, where an expansive definition is used but it mostly refers to a much more precise identity.

Finally, nominalizations are somewhat helpful in this exploration. Drawing on Fairclough (1992), nominalization refers to processes becoming nouns in text. In framing processes as nouns, two things may occur. First, the active nature of a process becomes cemented as a thing, perhaps comparable in a small way to reification. Second, the dynamic of a process becomes obscured or hidden by being presented as a noun. As such, nominalization may be a tool for concealment and also a strong truth-claim (Fowler, 1991).

In summary, the following tools are used as my first unit of analysis, to examine words and phrases as active features of language: deictic/indexicality, collocation, tropes and
nominalization. While this level of analysis is at the surface of the text, it is also linked to the next unit of analysis, wherein I begin to shift my focus to just below the surface of the text, slowly starting to unearth the understory of the documents.

**Level II – Meanings.** This second level of exploration is the meaning of the words and phrases, which I might describe as the ‘mezzo tools’ of my analysis. Meaning-making is a diverse and contested concept. My focus here is not on social cognition and mental processes, but instead how language works within itself to put forward particular meanings, including the choice, combination and pattern of words, and their convergent and divergent definition and usage. It is here where I most draw on discourse theory in my analysis. Borrowing from social work practice theory, these mezzo level tools are those that bridge the localized words at the micro level with the larger scale strategies that inform my third level of analysis, the ‘macro level’ which I discuss next. At this level of analysis, I used tools that explored potential meanings of words and phrases in the documents. Here I relied almost entirely on the discourse theory of Laclau and Mouffe (1985, 1987). Laclau and Mouffe position their ‘tools’ in three separate areas in the apparatus structure of their analysis: discourse, identity and politics. While their approach is useful to my future work, here I relied on the tools within their discourse apparatus, given the explicit focus on meaning, and the bridge this provides between the micro level of words and phrases and the macro level of strategies within my analytical approach.

Before all else, the notion of **signifier** is key to the discourse theory of Laclau and Mouffe. A signifier may be a moment (where the meaning is partially fixed) or an element (where the meaning remains fluid). **Elements become moments** through articulation – the process through which meanings are attributed to particular words and phrases. This can occur through indexicality or definition, wherein the meaning of an element becomes contained (albeit loosely and incompletely) within a particular understanding. The process thus transforms that word or
phrase from the elemental to the momental, or in other words to the specific or restricted field of understanding of that word or phrase. The crux of meaning in the discourse apparatus is the **nodal point** – the core term within any text or discourse. Given its centrality, the nodal point and its meaning inform the meaning of all other terms – it is a privileged signifier and as such, articulates (or attempts to articulate) the meaning of other words and phrases. However, within the concept of floating signifiers and empty signifiers, the meaning is neither full nor contained – it is dynamic and changes.

The process of trying to keep the meaning fixed or contained is **closure** – and it is never fulfilled. It is the impossible but consistent attempt to contain meaning – never ending and never successful. Closure is attempted through a process of equivalences and differences among signifiers in a contested terrain of meaning, but it is an assumed stability – the instability remains.

This idea of closure seems comparable to Derrida’s discussion of ‘undecidables’ – that which cannot be contained in one side or the other of opposites.

I want to recall the undecidability is always a determinate oscillation between possibilities …These possibilities are highly determined in strictly concern situations… They are pragmatically determined… I say undecidability rather than indeterminancy because I am interested more in relations of force, in everything that allows, precisely, determinations in given situations to be stabilised through a decision of writing…

(Derrida, 1988, p. 148).

The distinction from being indeterminate is critical – the question is not the lack of meaning but rather the relation of meaning. In this sense, the potential meaning of words and phrases is not stable and thus cannot be assumed to be consistent within or between texts.
This space of meaning-making is a field of discursivity, a corollary to Fairclough’s order of discourse. While the order of discourse suggests there are only certain possibilities of meaning within a discourse, Laclau and Mouffe frame the field of discursivity as somewhat outside the order of discourse, as a space where all the other meanings of moments in their non-elemental state exist – meanings not included in the reduction of possibilities within a discourse.

This understanding of the fluidity of meaning is of particular importance to my analysis. It builds on the Derridean concept of deconstruction, most notably ‘differance’ wherein meaning can never be fully fixed and yet also can only be understood in relation to other meaning. Derrida’s idea is helpful to my analysis in understanding how meanings of words and phrases may fluctuate within and between texts. As such, it also informs my understanding of intertextuality.

Intertextuality can be simply understood as the relation between texts. But the concept can have multiple meanings and requires more depth in its understanding. Threadgold (2003) notes that

we need a lot more research on intertextuality. The metalanguage that I developed for talking about it was derived intertextually from the texts of critical theory, borrowed from there intertextually into the work of Kress/Threadgold (1988) and then again into Fairclough's work. We all made it work on other texts to theorise how they functioned in networks of other texts but we did not go looking for other kinds of intertextuality than those already projected into our research by the histories our metalanguage brought with it. (p. 23)

Recognizing that intertextuality is both an expansive and contested concept, it seemed important to dissect it and consider – which relations, what texts, how can texts have relations, are relations visible or invisible, are relations only possible in the actualizing of texts through social practices?
While these and other complications are interesting, only some aspects are of relevance to my analysis. For me, intertextuality is important in two ways. First, at the surface level of the text: how are texts connected in obvious ways through reference to each other and in what ways does that happen? This is of particular relevance given the procedural relationships between the three levels of text in my sample. In this way there is a certain ‘embeddedness’ (Bednarek, 2006) of texts. Secondly, looking beyond the surface of the text, I understand texts in context – their relationship to each other within the context of each other (Fairclough, 1989, 1992).

Intertextuality is connected to two other concepts that inform my analysis: transtextuality and recontextualization. Genette (1997) suggests transtextuality as a broader term for the relationship within and between texts (inter and intra textual) – with intertextuality as one of five aspects of a typology of transtextuality. Within this typology, the notions of paratextuality and hypertextuality also inform my analysis. While paratextuality refers to the format of the text (e.g., headings), hypertextuality refers to the relation between texts and their preceding text – their hypotext. Given that the regulations are developed out of legislation, and practices and procedures arise out of regulations, hypotext is especially important to my analysis. Linked to these ideas is the notion of recontextualization. Reisigl and Wodak (2009) describe this as taking a discursive element out of one context and putting it into another. However, I only consider this notion within the parameters of intertextuality – using the text itself as the context, and how a discursive element from one text is used or not used in another text.

These constantly shifting locations and relocations of words and phrases, and hence their meanings in different texts, can make the traceability of the logic and meaning of text difficult to follow, illuminate and explain – and thus may also make accountability difficult. As such it may also be considered a discursive strategy, which I explore below as my third level of analytical tools.
**Level III – Discursive Strategies.** The third level goes beyond words and their meanings, and instead looks at how words, phrases and meanings are used – what strategies of language are used. It is the tactical arrangements of the text which I consider here. I refer to this as discursive strategies – particular practices used within text as part of the presentation of the text within context. This level of analysis looks at the text on a broader level, looking beyond individual words and meanings. It brings the micro and mezzo analysis together, examining the interconnections between words and meanings while also expanding the analysis beyond these aspects of the text. In effect, while words and phrases are at the surface of the text (Level I), and meanings are just below the surface of the text (Level II), using the notion of discursive strategies allows us to look at text with a broader spotlight, both above and below the surface of the text.

At this level of analysis, I used tools that exposed particular strategies within text. My focus here is on the tactics used through text to produce certain ideas. Drawing largely from Reisigl and Wodak (2001), I understand discursive strategies as “a more or less intentional plan of practices (including discourse practices) adopted to achieve a particular social, political, psychological or linguistic aim” (p. 44). Wodak and Meyer (2001, 2009) note strategies of nomination, predication, argumentation and topoi, and I would add implicature and classification as the discursive strategies useful to my analysis.

**Nomination** can be considered as how social actors are named in text, both in their specificity and in any synonymity. The use of pronouns is of particular interest, given the combined heterogeneity and homogeneity of meaning in any pronoun. This builds on Laclau and Mouffé’s understanding of closure – that meaning is always a struggle and can never be fixed – while also reinforcing the indexicality of words, wherein meaning is only referential.
Building from indexicality further, I draw on the tool of classification in my analysis. Fairclough refers to classification as the accepted ways of dividing up the world (2003). Classification may be seen as an instrument of standardization – to group ideas, meanings and people into single categories that are understood in their simplified homogeneity, similar to synecdoche. Perakyla and Ruusuvuori (2011) ask “why are these categories used, and what is achieved by them” (p. 532) and further drawing on Sacks’ membership categorization analysis, suggest that particular categories go together in a collection, which then reinforces a common sense rule or understanding about the context within which such categories are connected.

“Categorization plays an important role in the production and reproduction of social power relations” (Bogren, 2010, p. 73), and may thus imbue a particular hegemonic understanding.

Once classified, particular attributes can be assigned to groups, where they are ascribed through “admonition or exhortation” (Reisigl, 2008, p. 97); this is the strategy of predication. While this strategy is not a particularly strong tool in my analysis, it occurs sufficient for mention here. It is most notable with respect to the implicit rather than explicit nature of the text. It also relates to the concept of implicature, wherein an idea or value can be attributed without actually naming it. It “can account for what a speaker can imply, suggest, or mean, as distinct from what the speaker literally says” (Brown & Yule, 1983, p. 31). Implicature both implies and hides – it names without explicitly naming – and thus also connects to the concept of mystification.

The final two strategies in my analysis, argumentation and topoi, are linked. Argumentation is linked to rhetoric in the sense that an argument or logic is put forward from and in support of a particular standpoint. Wodak (2003) notes argumentation is a means of justifying specific attributes and idea; justification is key here as it is the means through which a logic or rationale is legitimated. Topoi can be considered “generally used and generally accepted
arguments, also called commonplaces” (Wodak & Krzyzanowski, 2008, p. 208) and as such reinforce common sense thinking. Topoi may be explicit and/or implicit, and as such visible and/or invisible.

**Conclusion**

In this chapter I have presented the approach to my research, from a more theoretical to a more methodological understanding. In this way I attempt to ‘make visible’ my own journey, to expose my process of exploration and allow its activity and its conclusions to become dynamic in the reader’s interpretation of my work. Recognizing the iterative process of this work, I revisit these concepts and the theoretical constructs of the previous chapter, linking them throughout the discussion of the subsequent five chapters of findings from my analysis.
Chapter 5 – Findings from Data Searches: Elusive Documents

Introduction

This chapter serves as an introduction to the findings in this study. It provides some context to the data used in my analysis, which is explored in much detail over the following four chapters. In particular this chapter focuses on an unexpected finding, that is, the actual process of locating the documents I sought to examine. This is somewhat akin, in ethnographic studies, to the often detailed discussion on ‘entering the field,’ which becomes an account of a process and yields information that is part of the findings, reflecting on the nature of social relations.

Below I describe the challenges encountered in my process of seeking policy documents, and the steps I took to overcome those challenges. I then offer an analysis of those experiences. In doing so, I depart from the methodology of this study as I am not examining text here; instead, I am examining the experience and process of gathering text to use as data for my study. Thus, my exploration here is informed more generally by the combined frame of a textual and discursive context and a social context, considering some of the conceptual tools and concepts I noted in my methodology.

Description of the Search for Documents

I had assumed that I would easily find most of the documents I intended to explore in my study, not realizing the confused maze I was about to encounter. Below I describe my experiences with each of the documents I was seeking. I do so in chronological order, to give context to the experience.

Seeking legislation. I had anticipated that a simple search of the e-laws database of the Government of Ontario would produce the Child and Family Services Act that was ‘current’ to the time of my study. This database now holds current official laws in Ontario as noted:
Official Law

e-Laws provides access to official copies of Ontario's statutes and regulations. An official copy of a statute or regulation is an accurate statement of the law unless otherwise proved. …

Currency

e-Laws is updated continually. New source law is usually published on e-Laws within two business days. The currency of each consolidated law on e-Laws is shown at the beginning of that law.

(Service Ontario, n.d.)

However, at the time of my first search for the legislation, the database was not considered an official record for legal representation purposes. E-laws became the official record in 2008 as noted in this paragraph of a press release from the Attorney General’s office:

Previously, only laws printed by the Queen’s Printer were official sources of law and these publications would be out of date as soon as the law was amended. As laws on e-Laws are updated quickly – usually within two business days – the public will now have access, free of charge, to up-to-date, official versions of Ontario laws.

(Ministry of the Attorney General, 2008)

Nonetheless, for the purpose of my analysis, the e-laws database held promise as a sufficient resource for the legislation document.

When I searched the database I discovered that I could not locate the Act in its original form for the time period I was seeking. Assuming my own search skills were the problem, I contacted e-laws staff who indicated that the database did not hold all versions of previous pieces of legislation, that it was a database more focussed on current legislation. They suggested I contact the Law Library at the Ministry of the Attorney General (MAG) to obtain a copy of the legislation. It is at this point that ‘my hunt’ really began.

I contacted the main office of the Ministry of the Attorney General by phone and was informed that the Law Library was not accessible to the public. This is noted on the current website of the MAG:
The Law Library which provides circulation, reference and inter-library loan services to Ministry employees and maintains a collection of legal texts, journals, reporters and legislation to support the information needs of the Ministry

(Ministry of the Attorney General, n.d.)

I was advised to contact the Ministry of Children and Youth Services (MCYS), as this was the ministry with responsibility for child protection in Ontario. It was suggested that perhaps the Minister’s office would have a copy of the legislation I was seeking.

I contacted the Ministry’s main office and was advised to contact the Ministry of Community and Social Services (MCSS), as the legislation I was seeking was from a time prior to the Ministry of Children and Youth Services’ existence. Note that until 2003 child protection services in Ontario were under the jurisdiction of the Ministry of Community Services; the MCYS was not created until 2003 and I was searching for child protection legislation (the Child and Family Services Act) prior to 2003. I contacted the MCSS main office and was advised to contact the Child Welfare Secretariat.

I was hesitant to contact the Secretariat, as it was part of the MCYS, which had advised me to contact MCSS. I also was becoming concerned that I was on a chase, a hunt for something I might not find; my concern became focussed at that time on what I would do if I could not find the legislation, given that it was core to my research study. I also wondered if somehow I was not communicating my request in the right way, that somehow I was not clearly indicating what I was seeking. With that in mind, I decided to contact the Secretariat’s office by email rather than using the phone as I had with previous contact.

The Secretariat’s office indicated they would secure a copy of the legislation through their legal counsel, and would be in touch with me once it was available. This was very promising news as I anticipated the end of my hunt. However, I eventually heard back from the Secretariat’s office by email, noting that their legal counsel discovered that e-laws did not contain the document, and they themselves did not have a copy.
The Secretariat’s office then suggested I contact the Law Library at Osgoode Hall. I assumed I had misunderstood something in the email; it seemed unreasonable to me that the legal counsel could not secure a copy of the legislation. I called the Secretariat’s office and spoke to the person whom I had been communicating with by email. She confirmed that the legal counsel did not have a copy, and she noted that they were surprised by the difficulty in accessing the document.

I contacted the Law Library at Osgoode Hall by phone, and was advised that access to the library was mostly restricted to law students, law faculty and lawyers. I asked about public access and was told I could apply to be an external borrower for a small fee, but also was advised that as an external borrower I would not have access to any electronic resources. At this point I decided to change my stance, and tried to exercise whatever power lay in my subject position as a faculty member (rather than as a doctoral student). I contacted the library again, and was told that I could become an external borrower at no cost, and was reminded that I would not have access to electronic resources. I asked if the library had a print copy of the legislation, which I could photocopy. After several phone calls, I was advised that they did not have a copy of what I was seeking. I was advised to search CanLII, the database of the Canadian Legal Information Institute.

The CanLII website states that:

CanLII is a non-profit organization managed by the Federation of Law Societies of Canada. CanLII's goal is to make Canadian law accessible for free on the Internet. This website provides access to court judgments, tribunal decisions, statutes and regulations from all Canadian jurisdictions.

(Canadian Legal Information Institute, n.d.)

I did a quick search and discovered that while the database did hold some historical versions of the Child and Family Services Act, at that time the oldest version it contained was 2006. A
recent check of the database in 2012 showed that the database goes back to 2004, so even today I would not have been able to locate the CFSA through CanLII.

Seeming to have now come to the end of my hunt without success, I was not sure how to proceed. I decided to switch tactics and consider any connections I might have through my personal and professional networks, to assist me in my search. I first contacted colleagues from my practice in child protection, asking if they had a copy of the Act; none of them had a copy of this ‘old’ legislation. I had no personal connections with family lawyers but did contact criminal lawyers I knew. They suggested I contact the Bora Laskin Law Library. Anticipating an experience similar to that with the Osgoode Hall Law Library, I tried a different approach.

I contacted a lobbyist with a government relations firm who suggested I try seeking the legislation through the Freedom of Information and Protection of Privacy Act (FIPPA). I reviewed the province’s guide to the Act, and searched the Directory of Records of the Ontario government. This database contains all records that may be accessible through the FIPPA. The CFSA was not included in this directory. I then contacted a friend who connected me with a family member who had been a Member of Provincial Parliament and a Cabinet Minister in Ontario’s government in the 1970s and 1980s. This person expressed great surprise that a ‘point in time’ legislation document could not be easily located.

I felt completely stymied at this point. I assumed that I, and everyone I was speaking with, had somehow missed a key strategy in searching for ‘recent historical’ legislation. I thought there must be some approach or idea that others used to find the type of document I was seeking. I then began searching legal research guides, looking for guidance on how to search for point in time legislation. Several guides from law schools in Ontario indicated that a search of volumes of annual statutes would provide a copy of the legislation, but this was not my experience. However, these legal research guides also suggested looking for bills from past
legislative sessions by looking through the Legislative Assembly website. This seemed to be the ‘missing strategy’, so I eagerly looked through the legislative session for the time period of the revisions to the CFSA. Unfortunately I was again disappointed. The record only contained the amendment details, not a copy of the revised Act itself.

I decided to take a new approach, and contacted Archives of Ontario by email. This approach finally gave me some sense of why I was struggling and how I might find a copy of the legislation. I was advised to use the QuickLaw legal research database but was cautioned that it may not produce a point in time legislation. I did a search of the database with no effect, but assumed my struggles were due to my own difficulty in how to use the database. I sought guidance from a reference librarian, who struggled as much as I did. I then contacted the social work librarian for my university, who connected me with another librarian, who also struggled with the database. The social work librarian noted that it seemed unlikely I could find someone who knew how to use the database in the way I needed to use it, since our university did not have a law school. As I did not have access to electronic sources at any law school, I was again stuck.

Archives of Ontario had also suggested that if QuickLaw did not yield what I needed, my only option was to obtain the consolidated version of the Act from 1990, and then meticulously go through each amendment from the Legislative Assembly from 1990 forward to 2000, and add and delete each amendment to the Act, using the 1990 version as my foundation text. I was cautioned that this would be extremely time consuming, to the point that the Archives Librarian could not even estimate the time involved.

As a ‘last resort’, I contacted a friend, a science librarian in another government jurisdiction. She had no experience with this database or legislation searches, but in time connected me with the librarian of the law library with that government. After such a long search, this person finally was able to produce what I needed. She indicated that the QuickLaw
The database could do what I needed done, using the steps outlined by Archives of Ontario for the print version. In other words, using those guidelines, she could do the same process with QuickLaw, and produce a document for me, which was the ‘period in time’ text of the Child and Family Services Act in effect in 2000. While it would be very time consuming, it would nonetheless be much quicker than doing it using the print documents. She began the task and after a bit of back and forth, after 3 months I had the document I was seeking – two years after my search began.

The document itself is ‘messy’ – it has shifting fonts, greyed out content (where a subsequent amendment negated an earlier amendment), and multiple duplications of subheadings (i.e., the full subheading is included for each amendment). However, aside from these distracting elements, the document itself contained the content and format of the CFSA. And thus I began my analysis of that document, as evident in the next chapter of findings. Below I describe my search for the next two documents I needed for my analysis, that being the provincial regulations relevant to my study.

**Seeking regulations.** I was seeking two regulations relevant to the CFSA. Regulation 206 is regarding the standards of child protection practice. Regulation 70 is a general regulation associated with the CFSA but I was particularly interested in Part IX which addressed Licensing for substitute care. My path to the regulations was a challenge, but not as prolonged or complex as the search for legislation. I first searched for Regulation 206 and located it on a non-government website (I believe it was www.courtwatch.ca). I printed a copy but did not save an electronic version. Recently however, it became available in the e-laws database but it was not available there when I first searched for it.

Unfortunately an internet search for Regulation 70, or just Part IX was not successful. I found mention of it in Amicus, the Canadian National Catalogue (Library and Archives Canada,
n.d.) but quickly determined it was not available to me and likely not what I needed. Below is the catalogue entry from Amicus.

AMICUS No. 24570045
Monograph
NLC COPIES: Preserv - off site - COP.LAW.ON.13 - NO ILL
C.O.P. - COP.LAW.ON.13 - Copy 2
NAME(S): Ontario. Ministry of Community and Social Services.
TITLE(S): Regulations under the Child and Family Services Act:
  Regulation 70, General ; Ontario Regulation 206/00,
  Procedures, practices and standards of service for
  child protection cases ; Regulation 71, Register, (as
  amended) = Règlements pris en application de la Loi sur
  les services à l'enfance et à la famille, (tels qu'ils sont modifiés)
PUBLISHER: [Toronto] : Queen's Printer for Ontario = Imprimeur de
DESCRIPTION: 89, 1, 6 p. ; 28 cm.
NOTES: Cover title.
  "Office consolidation = Codification administrative".
  The act is administered by the Ministry of Community
  and Social Services.
  Text in English only.
NUMBERS: Canadiana: 008058105
ISBN: 0777899655
CLASSIFICATION: Dewey: 344.713/03282/02636 21

(ReadOnly (Library and Archives Canada, n.d.)

With only 6 pages in the monograph, it did not seem likely that this document would contain the full content of any of the regulations. Secondly, it was indexed as ‘No ILL’, so I could not secure it through inter-library loan if I wanted it.

Again I anticipated a QuickLaw search to produce the regulation. The law librarian who assisted me with the legislation was no longer in that position. However, she indicated that the QuickLaw database had significantly improved since the legislation search, as had the Ontario e-
laws database, so she assumed I could find the regulations easily. I again tried e-laws and discovered that period in time searches were easier to navigate. However, the database’s Frequently Asked Questions section noted the limitations on the period of time available:

Period in time (PIT) law consists of current and historical versions of consolidated statutes and regulations. Historical versions are available only for consolidated laws that were amended or affected by a coming into force event after January 1, 2004 (or after the date of their consolidation under section 98 or 99 of the Legislation Act, 2006, if later). (See "Period in time (PIT) law" and "Historical version" in the Glossary.)

(Service Ontario, n.d.)

Given that I was seeking material prior to 2004, I decided to return to Quicklaw database.

I asked a reference librarian at the university for assistance given that my university now had a Justice program, and I thought there might be more familiarity with the database. She indicated that the Ontario e-laws database had been greatly improved since my first efforts regarding the legislation, and that searching under Source Law we could locate period in time regulations. The e-laws glossary confirmed this:

Annual regulations: Regulations filed with the Registrar of Regulations after December 31, 1990 are published in print in The Ontario Gazette. Regulations filed after December 31, 1999 are also published on e-Laws as Source Law and may be accessed by year of filing. Each regulation has a title and a regulation number. Regulation numbers are assigned sequentially in the order in which the regulations are filed in a given year.

(Service Ontario, n.d.)

I was sceptical, as the period in time notation indicated I could not locate material prior to 2004. However, when I searched, I could not locate the regulation even though it had been published after 1999 and should have been available according to the text above. Anticipating having to return to the print process detailed by the Archives of Ontario librarian, I asked the university librarian for assistance and was referred to a reference librarian identified as ‘our expert’ on the QuickLaw database. This librarian was to provide me with training on the QuickLaw database and with support through my search process. I had a Research Assistant join the training,
anticipating his assistance might be needed with the process. During this training, we searched QuickLaw with no success. We then searched e-laws and discovered that my own knowledge of that database was as good as that of the librarian, and in spite of the glossary’s promise of finding post-1999 regulations, the period of time citation was correct – no regulation searches could be done for documents prior to 2004. At this point, concerned about time and recalling the long journey of the search for legislation, I had the same Research Assistant support my continued search.

We began with a review of the process suggested by Archives of Ontario. Through a reference assistant at Osgoode Hall Law Library, we were directed to a book of consolidated statutes. Hoping to access an electronic copy, we sought guidance from the Bora Laskin Law Library at the University of Toronto. Additionally, the Law Society of Upper Canada’s Internet Archive noted that this library held Ontario regulations for 2000, that being the period of time for this search. At Bora Laskin Law Library, we were directed to a book available at the Toronto Reference Library *Consolidated Laws Statutes and Regulations – 2000* that would hold all the material we required. It is a book that is published annually by Carswell, a private company. It is intended as a reference for lawyers, but is not an official publication of law. For my study however, given that my focus is not on the verity of the document, it would suffice as a data source.

Its indexing in Amicus and in the Canadian National Catalogue (Library and Archives Canada, n.d.) suggested it would contain Regulation 70, as per the Amicus catalogue noted earlier. However, this book did not hold Regulation 70 (although interestingly it held Regulation 206, which I already had). Recreating the Regulation following a paper process was the only option. Starting with the 1990 consolidated regulation as the base document, amendments were tracked for each year through the Table of Regulations in the consolidated annual version of the
Ontario Gazette. The focus was on Section IX Licensing rather than the entire regulation, as it was the only section that I was using in this study. This process was followed for each year from 1990 forward to 2000, thus recreating this Part IX of Regulation 70 as it was in 2000.

**Seeking procedure documents.** The final document sources which I required as data were the funding formula and the Ontario Risk Assessment Model (ORAM). Recalling the many difficulties I encountered in the process of searching for the legislation, I quickly conducted a search for a copy of the ORAM, anticipating there would be issues in locating it. I had a print copy from my own work experiences in child protection services, but for ethical reasons I wanted to obtain a copy legitimately for research purposes, either available in the public domain or through the Ministry. I could not locate a copy online. I contacted the Child Welfare Secretariat and obtained a CD copy of the ORAM. I was surprised by how easily accessible this instrument was, as I had anticipated a procedural document might not be as readily available as government legislation and regulations, as a less ‘public’ document.

The contrast between what I expected and what I experienced is noteworthy. I expected easy access to legislation and regulations as public documents of social policy from the Ontario government. As laws or quasi laws, it seemed reasonable to expect ready access as a citizen. I anticipated difficulty accessing the ORAM as it was a specialized document, one which was procedural rather than legislative and specific to one aspect of the child protection portfolio of one Ministry. Again I note the contrast – the legislative documents, which I assumed as very public text of legislation and regulations, were not located and I was advised it did not exist in the government’s database. The more specific ORAM, which I assumed potentially as a less public procedural document, was easily found and readily shared with me by government officials.
By contrast, my search for the funding formula was not successful. I did not have a print copy of the formula from my practice experience. My internet search did not produce the document. I contacted the Child Welfare Secretariat and was advised that the formula had been replaced with a new funding formula, and the prior one was not available. The funding framework is not listed in the Directory of Records available under the FIPPA, similar to my experience with the legislation search.

I continued to search for the funding framework on a regular basis, continually hoping that over time it would become visible in the public domain of the internet. Eventually (2012), I found mention of it and its ‘intentions’ in a report from the Ontario Association of Children’s Aid Societies (OACAS), *Child Welfare Funding: A Promise to the Children of Ontario* (2002), as noted here:

In February 1999, the Ministry of Community and Social Services published the Guide to the Child Welfare Funding Framework. It includes the following principles to guide the development of the Framework over time:

FUNDING EQUITY

- The Funding Framework should provide adequate funding to all CASs in Ontario based on demonstrated need for services and standardized services.

STANDARDIZED SERVICES

- Funding should be provided according to standardized service definitions.

ACCOUNTABILITY

- Funding should be provided in the context of financial control and accountability.

COST EFFECTIVENESS

- Incentives for cost effectiveness should be built into the Framework.

(OACAS, 2002, p. 6)

This document from the OACAS is a report issued in 2002 in response to the first three years of the funding framework. While I had hoped to locate the entire funding framework to more fully assess the document in its textual/discursive context, my main interest was in locating the details of funding for foster care services.
I eventually found three documents other than the funding framework that noted the funding rates for foster care services during this time. Those documents are noted below.


I found this document in 2010 after another search for the funding framework. It is housed on the federal government’s publications website. It is an overview of child protection services across Canada, separated by provincial/territorial jurisdiction. The preface provides the only explanation of the context of the report:

This report is an expanded update of the 1994 edition of *Child Welfare in Canada.* It was prepared by the Federal/Provincial/Territorial Working Group on Child and Family Services Information.  
(Secretariat on the Working Group on Child and Family Services Information, 2000, p.ii )

The report contains a brief description of the types of foster care in Ontario, but does not include specific details about funding. However, the descriptions of foster care were helpful to my research, as the typology of foster care in this report is consistent with the classification of per diem rates for foster care in the two documents I note below.

(2) *Foster Care Report* (1999)

I found this document late in 2012 as part of my final search for the funding framework. It also is housed on the federal government’s publications website, in their 2011 collection. There is no preface or explanation of the document. It simply begins with a table of contents which lists each provincial/territorial jurisdiction by name, and proceeds to describe foster care in each of the jurisdictions with each section prepared by someone from that jurisdiction. In the Ontario section, there is a narrative description of foster care service in Ontario which includes a small chart of the foster care per diem rates.
Special Report on Accountability and Value for Money (2000)

I found this document mid-2012. It is a report from the Auditor General of Ontario which accompanied the annual report of the Auditor General, tabled in the provincial legislature in November 2000. While annual reports were expected, there had been a delay in creating it ‘on time’ for the legislature. Therefore, this special report was created as a temporary prelude to the annual report, as noted in the annual report itself:

Under section 12 of the Audit Act, the Provincial Auditor is required to report annually to the Speaker of the Legislative Assembly after the fiscal year end is closed and the Public Accounts have been laid before the Assembly. This year, the Ministry of Finance finalized the Public Accounts near the end of October. This late date was due to the complex accounting issues arising from the restructuring of Ontario Hydro.

Nevertheless, a significant portion of our report was already completed and ready for publication; specifically, our value for money audit reports and follow-ups of recommendations made in our 1998 Annual Report. Not wishing to defer the release of these items until a later date, my Office prepared a Special Report on Accountability and Value for Money in order that the Legislature be informed of the results of these audit activities in a timely manner.

(OFFICE OF THE PROVINCIAL AUDITOR, 2000A, P. 48)

The Special Report itself does not provide any context or explanation for its existence. The Special Report includes a chapter “Reports on Value for Money Audits and Reviews”, with one of its fifteen parts specific to Child Welfare Services Program. According to this document:

The objectives of our audit were to assess whether the Ministry’s monitoring of the Societies was adequate to determine whether:
• children in need were receiving the appropriate care and protection, as required by legislation, and in an effective manner; and
• the program was being delivered with due regard for economy and efficiency.

(OFFICE OF THE PROVINCIAL AUDITOR, 2000B, P. 3)

Most of this document discusses compliance with the new standards of child protection.

However, one small part of the document addresses financial accountability. In that section, there is a very brief description of the funding framework and a chart showing the per diem rates for foster care services.
Analysis of a Textual/Discursive Context in the Search for Documents

In reflecting on these experiences of searching for the documents that would form the textual data for my research, I suggest three patterns emerge: missing documents, proxy documents, and those documents that can be recreated. I discuss each of these below.

**Missing documents.** The CFSA and Regulation 70 were not located. According to the Amicus catalogue and the Osgood Hall librarian, the regulation should have been included in the Consolidated Laws Statutes and Regulations – 2000 book. It was not in either one, and no explanation was provided to explain its absence. However, it was possible to ‘recreate’ the text of both documents, which I discuss below. The funding framework still has not been located, and remains a missing document.

With respect to the funding framework as a missing document, I suggest a lack of transparency. This seems counter to the logic of standardization and accountability. The funding framework was seen as a transparent way to make the financing of child protection services accountable to the government’s commitment to efficiency, while also standardizing funding to preclude historical differences in funding (when service costs were shared between provincial and municipal governments). The inaccessibility of the document seems counter to these intentions.

**Proxy documents.** Given the lack of access to the funding framework, I used the three reports noted above as ‘proxy documents’ for data about child protection costs, with a particular focus on foster care rates. I also include the fourth document from the OACAS that describes the principles of the funding framework to give context to my analysis of the three proxy documents. I suggest a degree of obscuring regarding the funding formula. It was hidden simply by the lack of access to the document; however, even in resorting to proxy documents as data there is a sense
of obscuring as I am relying on particular details of the framework (i.e., the funding of foster care) that are somewhat obscured by being embedded in other documents.

The lack of access for these documents is similar to what I note above regarding missing documents. A more significant concern within my research here is the elusive and oblique nature of the text I am using for my analysis. The text is based on fragmented pieces of information and is not a primary source (i.e., not the funding formula itself). In this way, the data is decontextualized and incomplete. As such, the challenge of approximating the original documents entails a certain limitation, given this lack of completeness and verity. These texts as ‘data itself’ is the best source I could examine, as the thing closest to but not identical with the original text of the funding framework.

Recreated documents. Both the CFSA and Regulation 70 Part IX were recreated as documents for me to use as text data for my analysis. Both were done following the logic of the process outlined by the librarian from Archives of Ontario – rebuilding the document based on each subsequent amendment to it following its consolidation in 1990. As such, I believe the two texts are as close as possible to authentic replications of the original documents. They are not ‘official’ texts of the government and might be questionable data as legitimate for research purposes. However, as noted earlier, this study is not focussed on the legal verity of the text and I suggest that the potential for replicating the ‘re-creation process’ I have detailed above enhances the rigor of these recreated texts as reliable data. While this ‘recreation’ may be considered a concern as a limitation to this study, I suggest here (and explore later in the discussion chapter) that the rigor of their recreation is sufficiently valid for my exploration. My focus in this research is on the text itself, not on its status as an official document. I suggest the endless search for the original text would have prevented this research being done, and that recreating the documents was a reasonable solution to the issue.
Analysis of a Social Context in the Search for Documents

In this experience of an unexpected finding of my research process, I began to question how we might make sense of the immense difficulties encountered in the process of locating social policy texts. Their ‘untraceability’ seems counter to the public domain of government policy, especially in a government that claimed a focus on accountability and transparency. In my analysis of the experience, I was most attuned to mystification in this search. It perhaps seems obvious – missing documents, proxy documents, recreated documents – these all suggest that the ‘actual’ documents could not be found, that they were invisible. The mystification is two-fold. First, a mystery lies in the absence itself: Why are these documents not accessible? But perhaps more important to this research is my second point: How does this mystery reflect social relations? I suggest that the absence of these documents, who does and does not have access to the means of searching for these documents, and how the documents are made available (i.e., through a private publisher – even though the regulation I was seeking was missing) reflect an obscured mystification of social relations. If seen simply as absent, the document becomes nothing more than missing text. But with the story of the search for the document, we begin to see a pattern of social relations between a person and the state, in terms of who does and does not have access and how, but with no explanation provided by the state.

Alongside this observation, I suggest looking at the source and intent of the documents. The documents produced by the government itself were the most elusive (i.e., the CFSA, Regulation 70, the funding formula), while those developed by other sources were more accessible (i.e., the ORAM, proxy documents about foster care funding). I also note that the ORAM, the most easily located document, is the most specific and detailed document, and most clearly indicates how a caregiver and child are surveilled under the CFSA and its regulations (through quantifiable degrees of classification and categorization). Again, I suggest a
mystification whereby the state itself, in the public realm, is not available for scrutiny in the same way that the family is, in the private realm.

**Conclusion**

In this chapter I have described my experiences regarding access to the documents I needed as textual data for my research. In my analysis of those experiences, the following themes emerge: (a) inaccessibility, (b) obscuring, (c) lack of verifiability, and (d) mystification. Having discussed these experiences, I now proceed in the following chapters to examine findings from my exploration of the textual data in this study.
Chapter 6 – Findings from the Legislation (Child and Family Services Act)

Introduction

As is discussed in the prior chapter, the text of the Child and Family Services Act (hereafter referred to as the Act or the CFSA) itself was a recreated document. While the format of the text was different than it would have been in its original form, the text itself – the wording, the order, the section divisions and so on – remained the same. As means of introduction, I describe below the process I went through in exploring the CFSA. That process very much mirrors the path of my theoretical and methodological journey discussed in the earlier chapters. I then proceed to note what I discovered in my exploration – what I found in the text, surface and below, explicit and implicit.

I started with the CFSA, rather than any other text as all other documents exist as a result of the Act itself. The legislation stipulates the law itself. In its development it is available to public comment (to varying degrees) and is debated in the legislature which may result in amendments. Once it is passed by the legislature, a date of assent determines when the Act will be implemented. Over time, between the passing of the legislation and before and beyond the assent, the provincial government develops regulations that provide further details about the meanings, practices and procedures that fall within the Act’s boundaries. Following regulations, specific procedural expectations are itemized, through the Ministry and/or the Ontario Association of Children’s Aid Societies. My exploration followed this pattern intentionally, assuming that by starting with the Act, then moving to regulation, then to procedural documents, I might ‘naturally’ discover the logic and understanding of child protection in Ontario.

My analysis began by reviewing the entire CFSA. The Act itself is divided into several parts, while each part is subdivided into sections. I explore the order and structure of the Act further in my discussion of paratextuality later in this chapter. At this initial stage, I focused on
the headings for the various Parts and Sections, seeking content relevant to my research focus. In effect, I read the Act at the surface only in making these determinations. In doing so, I made an initial decision about what sections to include and exclude.

Selective Purposeful Sampling within the CFSA

As noted above, I reviewed the CFSA in its entirety and made initial decisions about what Parts and Sections of the Act I would explore. However, as I more deeply engaged in my analytical process, my focus shifted. This shift occurred for two reasons. First, in subsequent readings of the Act I employed the analytical concepts noted in Chapter 4 regarding methodology. This conceptual intent focused my analysis to particular aspects of the Act, in more minute detail than my initial review of sections based on content area as indicated by section headings. Below I outline my intentions at the beginning of my analysis, followed by an outline of those Parts and Sections of the Act that formed the text for my analysis.

What I expected to include. I anticipated a detailed exploration of the beginning of the Act, which precedes Part I and subsequent parts of the Act. The beginning deals with the goals and definitions of the CFSA, which seemed important as a foundation to my exploration of the Act in its entirety. I assumed I would examine Part II Voluntary Access to Services in two sections. Section 29 discusses Temporary Care Agreements, where families voluntarily consent to their children being removed from the family home and placed in the care of the Children’s Aid Society. Section 34 outlines details of any Review by Residential Placement Advisory Committee, noting the intent and process of reviewing foster homes.

I also anticipated a close examination of Part III, which focuses on Child Protection. I intended to explore four areas here as follows. Section 37 is likely the most well-known section of the Act (and certainly one I could almost recite while in practice). It outlines the criteria that determine if a child is in need of protection and therefore should be under the attention of a
Children’s Aid Society. Given my focus on children in community or in substitute care, Section 43 regarding Special Cases of Apprehension of Children also seemed important for exploration. Sections 54, 55 and 56 discuss Assessments, and seemed relevant in exploring how a caregiver’s capacity is determined, with respect to a child. Section 72 regarding Duty to Report seemed potentially relevant as it notes when certain professional workers are obligated to report to a child protection agency that a child may be in need of protection.

Part IX Licensing is focused on substitute care and thus seemed relevant to my understanding in the following three sections: Section 192, which outlines definitions; Section 193, which specifies Where License Required for substitute care provision; and Sections 195 and 196 which discuss Refusal and Revocation of a license to provide substitute care. Part XI discusses Regulations, noting the various expectations about the design of regulations related to the Act. Given my analysis of relevant Regulations (as discussed in the next chapter), this part of the Act seemed important for my exploration. In doing so, I anticipated a focus on sections related to those sections I explored elsewhere in the Act: Section 215 (Voluntary Access to Services), Section 216 (Child Protection), Section 222 (Licensing).

**What I expected to exclude.** In the process of determining what I would include in my analysis, I also made initial decisions about what I would exclude in my analysis. As already noted, in the Parts of the Act which I expected to explore, I focused on specific sections thus excluding other sections within those parts. I also planned to exclude several Parts of the Act in their entirety, based on their headings. Part IV focuses on Young Offenders and is thus outside the scope of my research. Part V focuses on the Rights of Children, and while it is especially important to be aware of children’s rights in the context of involuntary services like child protection, my study is not examining the discourse of rights so I assumed this Part was not critical to my analysis.
Part I focuses on Flexible Service, Part VI focuses on Extraordinary Measures and Part VIII focuses on Confidentiality and Access to Records; these areas are important regarding the structure and practices of child protection services but are outside my research focus and thus excluded. Part VII is regarding Adoption, and while some sections in this Part made reference to foster parents, its focus is on children moving outside the child protection realm through the process of adoption so did not seem relevant to my study.

Part X addresses Indian and Native Child and Family Services. This part alone warrants extensive exploration, but is not of particular relevance to my research focus so I assumed I would not include it. Finally, Part XII concludes the Act noting that the Act will be revised by the Minister “periodically”. As a social worker I regularly participated in Ministerial reviews of legislation (both as requested and voluntarily) which in itself is a fascinating area for exploration, but I have set that aside for future study.

**What I did include – the text of my analysis.** The process of this research is both iterative and abductive so it is not a surprise that there was a shift in what I intended to include and what I actually included as the text for my analysis. Once I reviewed the Act for relevant Parts and Sections, I then began a more careful analysis of the text. With my research focus as the lens of my initial analysis, some aspects of the Act began to emerge as particularly relevant. I was looking for words and phrases that made me think about my three hypotheses, while also reflecting on my own social work practice observations. As I enacted the analytical concepts noted in Chapter 4 regarding methodology, particular aspects of the Act emerged as rich fodder for a detailed exploration. Below I describe the Parts and Sections of the Act that thus formed the text of my analysis.

As expected, the beginning of the Act was a strong focus in my analysis. I examined all four sections here, with Section 1 regarding the Purpose(s) of the Act, and aspects of Sections 2
(mostly) and 3 and 4 regarding definitions. Part I became part of my analysis, but only in using Section 5 and Section 22 as sample text to illustrate some aspects of paratextuality. Part II was not as useful as I anticipated, although Section 34’s definitions were examined.

As anticipated, Part III was a major focus of my analysis, and my exploration exceeded the sections I originally intended to examine. Section 37 was the core text of my analysis throughout this chapter, in its definitions, criteria for when a child is in need of protection, and description of factors to be evaluated in determining a child’s best interests. Section 43 also was useful in its definitions, as was Section 57 regarding different forms of wardship, both for its definitions and my analysis of discursive strategies. Four other sections also became important for my analysis of discursive strategies: Section 39 regarding parties to court hearings, Section 54 regarding court orders, and Sections 61 and 62 regarding rights of parties with respect to court orders and wardship.

Surprisingly one section in each of Part VII and Part VIII revealed a piece of text helpful to my analysis. In Part VII regarding Adoption, the text of Section 137 illustrated how the word “parent” was used. In Part VIII regarding Confidentiality and Access to Records, Section 178 proved useful in its definition of “family”. Also surprising was my exclusion of Part XI regarding Regulations. While I expected to explore this area especially regarding intertextuality, I found instead I refer back to this briefly in the next chapter regarding the Regulations themselves. Similarly, my use of Part IX Licensing was unexpectedly brief, focusing only on Section 192 regarding definitions. Sections 193, 195 and 196 focus on licensing details, which are described in far greater detail in Regulation 70. As such, again I instead focus back on these sections in my next chapter.

In this chapter, as with subsequent two chapters outlining findings from my study, I provide a description of what I observed in the text, followed by my analysis of what I observed.
This analysis is presented in two ways. First I explore a more general critical evaluation rooted in the more linguistic aspects of language – within the more textual or discursive context. Second I expand my analysis to the more conceptual aspects of the text – within the more social context, thus drawing from the Marxist/feminist lens of my work. Throughout this chapter, for ease of reading, I use the structure of the three levels of analysis noted in the methodology chapter, to format my discussion here.

**Findings from Level I of Analysis – Words & Phrases**

From the first level of my analysis, indexicality and tropes were particularly useful in my observation of the text. While collocation and nomination was slightly apparent in my review of the Act, neither of these was particularly informative to my analysis, so I have not included them here. Instead, I move to details about the use of indexicality and tropes in the Act as they were more informative. I explore each of these concepts separately, providing a description of their use in the text followed by my analysis of that use.

**Description of indexicality.** Indexicality is evident throughout the legislation. As noted in the methodology chapter, I consider indexicality as synonymous with definition, particularly when definition is contextualized and/or referential. Foremost indexicality is present in the definitions at the start of the Act and clarification of terms further in the Act, as I discuss below.

**Service** is an important area for consideration in this study, given the focus on how caring is constructed and measured, through regulation and procedural texts. At the beginning of the Act, definitions are provided for various terms, including service. Below (Box 6.1) are the sections of the Act where service is defined. Note that I have input the text (the data of the document) below and henceforth in the format and order it appears in the Act itself. This is intentional – for rigor so I am not misrepresenting the text as data, and for analysis as the format itself is discussed in unit two of my analysis later in this chapter.
We see here that service is defined in relation to something else – it is referential to the types of service (e.g., child development service or child welfare service) and what is approved service. As such, the text contextualizes service in its reference to what is determined as an approved service. With respect to types of service, we see a broad range of service types, with the child as the focus in the first three, and child implied in the first (child as young offender), and community support service which is defined separately as both to child and family in the

Box 6.1

3. (1) In this Act, ...

"approved service" means a service provided,
(a) under subsection 7 (1) of Part I or with the support of a grant or contribution made under subsection 7 (2) of that Part,
(b) by an approved agency, or
(c) under the authority of a licence; ("service agréé")

"child development service" means a service for a child with a developmental or physical handicap, for the family of a child with a developmental or physical handicap, or for the child and the family; ("service de développement de l'enfant")

"child treatment service" means a service for a child with a mental or psychiatric disorder, for the family of a child with a mental or psychiatric disorder, or for the child and the family; ("service de traitement de l'enfant")

"child welfare service" means,
(a) a residential or non-residential service, including a prevention service,
(b) a service provided under Part III (Child Protection),
(c) a service provided under Part VII (Adoption), or
(d) individual or family counselling; ("service de bien-être de l'enfance")

"community support service" means a support service or prevention service provided in the community for children and their families; ("service communautaire d'appoint")

"residential service" means boarding, lodging and associated supervisory, sheltered or group care provided for a child away from the home of the child's parent, and "residential care" and "residential placement" have corresponding meanings; ("service en établissement", "soins en établissement", "placement en établissement")

"service" means,
(a) a child development service,
(b) a child treatment service,
(c) a child welfare service,
(d) a community support service, or
(e) a young offenders service; ("service")
community (not ‘in care’). Service does not have a single definition, and is clarified, classified and itemized in relation to what it is and is not, as a form of indexicality.

The definition of care providers is important to this study, given both how care is measured (based on the care provider or setting) and how people are classified within the text. The definition of care providers is noted below.

Box 6.2

3. (1) In this Act, ...
"foster care" means the provision of residential care to a child, by and in the home of a person who,
(a) receives compensation for caring for the child, except under the Ontario Works Act, 1997, the Ontario Disability Support Program Act, 1997 or the Family Benefits Act, and
(b) is not the child's parent or a person with whom the child has been placed for adoption under Part VII,
and "foster home" and "foster parent" have corresponding meanings; ("soins fournis par une famille d'accueil", "famille d'accueil", "père de famille d'accueil", "mère de famille d'accueil")

"service provider" means,
(a) the Minister,
(b) an approved agency,
(c) a society,
(d) a licensee, or
(e) a person who provides an approved service or provides a service purchased by the Minister or an approved agency,
but does not include a foster parent; ("fournisseur de services")

(2) In this Act, a reference to a child's parent shall be deemed to be a reference to,
(a) both parents, where both have custody of the child;
(b) one parent, where that parent has lawful custody of the child or the other parent is unavailable or unable to act as the context requires; or
(c) another individual, where that individual has lawful custody of the child,

Box 6.3

43.--(1) In this section, "parent" includes,
(a) an approved agency that has custody of the child;
(b) a person who has care and control of the child.
A quick clarification here before proceeding: number 43 (Box 6.3), refers to “Special Cases of Apprehension of Children”. In the four sections above (Sections 3.1, 3.2, 37, 43), we see clear patterns of classification regarding care providers, as service providers and parents. There is an apparent clarification of what a service provider is and is not, and who a parent is and is not, by the multiple points of definition for each of these. Foster care is separated out from the definition of service provider. In its separate section foster care is noted as the paid provision of care, but distinct from other service providers who provide paid care, by being excluded from the service provider definition: “but does not include a foster parent”. Contextually we again see the overall referential nature of definition and classification, noting what care providers are but classifying them according to different names and descriptions.

I also note the naming of “mother” only once within any of the definitions of parent. It is important to not assume the absence of fathers as parents, and equally so not to assume mothers as the parent solely responsible for the caring of children. However, we know that mothers primarily are the ones caring for and about their children. Naming “parent” more so than
“mother” likely reflects an effort at having non-gendered pronouns in the document, a practice important in many circumstances to resist gender stereotypes and social divisions. However, here it obscures the lived experience that it is mostly mothers who provide the primary care of children. The gendered reality of women’s caring thus becomes almost invisible in the text.

Similar to the value of examining definitions of care provider, definitions regarding service settings are important, given the later exploration of the regulation which governs foster care licensing. We see settings in the Act as noted below in Boxes 6.5, 6.6, and 6.7.

Box 6.5

34.--(1) In this section, "residential placement" does not include,
   (a) a placement made under the Young Offenders Act (Canada) or under Part IV (Young Offenders);
   (b) commitment to a secure treatment program under Part VI (Extraordinary Measures); or
   (c) a placement with a person who is neither a service provider nor a foster parent.

Box 6.6

37.--(1) In this Part,...
"place of safety" means a foster home, a hospital, and a place or one of a class of places designated as such by a Director under subsection 17 (2) of Part I (Flexible Services), but does not include,
   (a) a place of secure custody as defined in Part IV (Young Offenders), or
   (b) a place of secure temporary detention as defined in Part IV. ("lieu sûr") R.S.O. 1990, c. C.11, s. 37(1).

The details about service settings are extensive. Similar to service and care provider definitions, the definition of service setting is situated contextually, in reference to what it is and is not. It also classifies settings by name and description, noting what is and is not a residential placement, a place of safety and a children’s residence. Within the explanation of residence, we see a clear distinction between parent model residence and staff model residence, based on number of adults (not more than two in parent model).
We also see a distinction based on ‘status’ and ‘role’ of the care provider. In a parent model residence the “adult persons live and provide care... on a continuous basis”. In a staff model residence, the “adult persons are employed to provide care... on the basis of scheduled periods of duty”.

**Analysis of indexicality in a textual/discursive context.** Indexicality provides two areas for consideration within the context of my research query. The first is how definitions are presented, and the inconsistency in that practice. Definitions are provided in reference to context, object or other terms throughout the examples I noted. The inconsistency comes in how concepts are defined by saying what it ‘is not’ rather than what ‘it is’, but other times doing so the other
way. Using words and phrases in this way makes it difficult to understand the definition but also makes me question the logic of the text given its inconsistent approach to explanation. Additionally, sometimes there appears an almost circuitous definition, that is, there is in effect no definition. For example with service, community service is defined as a service provided in the community – it is not clear what type of service, what community, or who provides service or how. This circuitous definition seems contrary to the logic of such detailed definitions in other parts of the Act, as noted. The practice of defining by what something is not, combined with the circuitous definitions, make it difficult for anyone, include parents and child protection workers, to understand the Act. This matters when we consider how specifically and severely the Act gets taken up as forms of intervention in the lives of families and children.

The second but connected note is how definitions lack clarity. For example, a child welfare service is defined as a service which is described elsewhere in the legislation, such as Part III Child Protection. However, when I go to Part III, there is no heading or subsection “service”. It is only my intimate knowledge of child protection service, given my practice experience and thus my insider knowledge, which allows me to dig through the text to determine where service is noted.

Additionally, in examining Part III of the Act, I see service implied in the section on Assessment, where it discusses what is assessed and how; my practice experience reminds me that assessment is one form of service in child protection. I also see service implied in the section on Duty to Report and Hearings. In Duty to Report, it is noted when service is warranted (i.e., when a child is in need of protection). In Hearings, it is noted how to hold a care provider accountable, implying what is or is not acceptable care provision. However, neither of these sections focuses on the actual service provision to the child. It is my experience as a practitioner that helps me see how the text here operates. Thus, I link these sections to service as a metaphor
given their practice/action components which I saw enacted while I was in practice. As such, this lack of clarity is compounded by non-textual referencing – what we might consider a fragmentation of the referents. In this way, we must go beyond the text to understand the text, and it is only through particular identities that we can then make sense of the text – identities such as being a child protection worker. This means that others, such as a child or a parent, may not be able to make sense of the text in the same way. Thus, the public text of the legislation becomes accessible in different ways, wherein there is a privileged access through non-textual understandings as ‘fragmented’ referents.

**Analysis of indexicality in a social context.** In my use of indexicality as an analytical tool, a re-reading of the text of the Act showed me where commodification, alienation and mystification appear. These concepts are somewhat distinct but overlap in my analysis. First, with respect to commodification, we can see common practices of classification and categorization in the Act. For example, there are separate definitions of child welfare service and other forms of service, such as child development service, whereby a seeming difference between child welfare service and other service is implied. I see a similar pattern with the classification and categorization of care providers and service settings, wherein they are demarked by separate names and definitions (albeit incomplete definitions). In particular I note the separate classification of foster parent, wherein they are seen as separate from being a service provider. Meanwhile we also see that a foster parent is not a parent. Foster parent seems to sit between the classification of service and parent, as three distinct categories of care givers.

These concepts of service, care providers and service settings all relate to how the child protection agency provides care to a child, to promote their best interests. This system of classification thus suggests that care can be categorized, and thus quantifiable. The ‘who’ and ‘where’ of care provision is classified and categorized (e.g., foster parent, residential placement).
Classification and categorization allow a distinction to be made between things. Thus the provision of care itself is separated along categories of who and where. When things are categorized and distinctions made between them, we can see the differences between them. Difference and categorization does not necessarily mean things can be measured and thus quantified. However, the use of categorization to measure qualitative properties has been done elsewhere such as health care. As such, the process of classification and subsequent categorization may result in categories becoming quantifiable.

We also see this in how service as a category may be further classified as, for example, a child welfare service or child development service. This sub-classifying of service insinuates that the category can become further quantifiable, although as noted these categories are not specified. These key observations show that quantifying care then changes the fundamental nature of care so that is can be measured. Being able to measure ‘care’ becomes important when the service of care enters the market for payment through foster homes and/or residential settings. Thus, first we see the distinction of care and service of care, where care from any substitute caregiver is a service. As such, service of care becomes quantifiable as different from care – it is classified as something else. How does this then change the relations of caring – and what impact does it have on the child?

Then we see classification within service of care, in the distinction between foster home and residential homes, and thus between foster care and residential care. Here we see foster care bridging the private realm of caring and the public realm of care provision, where the “home” and “parent” implies particular relations of caring, similar to the private realm of a family. But this caring is not the same as parenting in the family; it is both regulated and reimbursed. While foster care sits between residential care and family care, concurrently the care is still a
commodity in the public realm of the market, being paid for and thus different from the relations of caring in a family.

Second, with respect to alienation, the actual defining of care as service fosters a form of alienation. Caring becomes defined as a service (and more specifically as an approved service) and is classified and categorized according to the care provider (as a foster parent or otherwise) by the service setting (where care occurs). In this way I argue care is positioned outside the relational aspects of caring. By focusing on the ‘who’ and ‘what’ of care, the caring of a child is focused more on care as a service than caring for or about a child. As such, care becomes alienated from itself, through a process of distancing from the more qualitative aspects of care (such as caring about a child) to the more quantitative aspects of care (such as caring for a child).

This distancing is a form of estrangement – in the service of care or care provision the caring becomes estranged from the social relations between caregiver and child. It becomes estranged as a now mediated relation, through the market. In this way there is a loss of something in the process of care – a shift from a ‘natural’ to a more ‘artificial’ relation. And once the relation shifts to the more artificial or objective, it is more easily transferred out of the private family realm and into the public realm of the state. Thus caregiving can enter the market – the alienation of care, through constructing care as a quantifiable service, becomes a commodity which can be exchanged in the market, through payment for service provision. Children in care may question the more relational aspect of their caregiver’s care of them, conscious of the monetary benefit provided to foster parents; such questioning could negatively impact a child’s well-being, as they may see themselves as only worthy of care when paid for it.

Third, the inconsistency and lack of clarity, which I discussed within the textual context, contribute to a sense of mystification in the Act. We can never be sure what the Act says because it is not clear. When details such as definitions are inconsistent, the meaning of specific
components of the Act is confusing. As such, the exactness of such components is a mystery. When there is a lack of clarity, the whole meaning of those components is not fully transparent. Thus, there is again a mystery of meaning in the Act. The transparency of the Act is flawed by its confusion and emptiness. This impedes comprehension of the Act, especially for those outside the privileged roles of workers in a Children’s Aid Society, as noted earlier.

I now discuss the application of tropes as part of my analysis of the Act.

**Description of tropes.** Moving past definitions as indexicality, the examination of tropes was also useful to my analysis, specifically metonymy and synecdoche. Both metonymy and synecdoche can be considered forms of a metaphor. The use of metaphor through these two tropes is seen throughout the Act. Of particular interest to this study, given my focus on caregiving, is how care and careproviders are named in the text. We see this for example in the definition of *residential service* (which occurs in the substitute care system).

Note how residential service is assumed within context of residential care and placement. I especially notice how “residential care” and “residential placement” are equated.

The tropes of metonymy and synecdoche were most notable in the word *parent*, as a partial naming that is singular (*parent*) in most places of the Act (267 times), while plural (*parents*) in just a few places (10 times). The plural “*parents*” appears almost exclusively in the context of discussing children and parents as a family. The Act names parent as plural (*parents*) early in the text with respect to purpose of the legislation and definitions, both at the start of the
document (see Box 6.9), and also later in the Act, with reference to how family is defined (see Box 6.10). Another area where parent is plural is with respect to the rights of parents and children, again in the definition section (see Box 6.11). Finally I note that with respect to rights, “parents” also occurs later in this Act, regarding consent to adoption (see Box 6.12).

Box 6.9

1.--(2) The additional purposes of this Act, so long as they are consistent with the best interests, protection and well being of children, are:
1. To recognize that while parents may need help in caring for their children, that help should give support to the autonomy and integrity of the family unit and, wherever possible, be provided on the basis of mutual consent.

(2) In this Act, a reference to a child's parent shall be deemed to be a reference to,
(a) both parents, where both have custody of the child;
(b) one parent, where that parent has lawful custody of the child or the other parent is unavailable or unable to act as the context requires; or
(c) another individual, where that individual has lawful custody of the child.

Box 6.10

178.--(1) In this Part,
"family", when used in reference to a person, means,
(a) the person's parents and children, and
(b) the person's spouse within the meaning of Part III of the Family Law Act; ("famille")

Box 6.11

2.--(2) Service providers shall ensure,
(a) that children and their parents have an opportunity where appropriate to be heard and represented when decisions affecting their interests are made and to be heard when they have concerns about the services they are receiving; and
(b) that decisions affecting the interests and rights of children and their parents are made according to clear, consistent criteria and are subject to procedural safeguards.
Parent as singular is used almost exclusively throughout the Act. This singularity seems a synecdoche, wherein it is used as a general term to apply to many individuals in relationship to a child. We see for example that later in the document, parent is defined differently from earlier, in the section regarding a child being in need of protection (see Box 6.4). A bit further into the Act in the section regarding Special Cases of Apprehension of Children, parent is defined differently again (see Box 6.3). Note here that the definition expands beyond an individual, to include “an approved agency”. Overall there is a mixed use of parents and parent, where sometimes the terms are used interchangeably and other times they are used distinctly. This differential use is not explained in the Act. I searched for a style guide for writing legislation in Ontario to better understand the use of singular and plural in government text. While many other jurisdictions have a style guide, Ontario does not. However, I did find a notation about the use of singular and plural in the Interpretation Act of Ontario. That legislation notes that singular and plural can be used interchangeably, but it does not note when or why the terms might be used distinctly.

**Analysis of tropes in a textual/discursive context.** Tropes provide a lens through which two areas of interest emerge for my research. The first is with respect to an assumed synonymity in terms. We see this with terms used interchangeably (i.e., residential care and residential placement) and with the term parent which encompasses many individuals as noted throughout the Act). A synonym is “one of two or more words or expressions of the same language that have
the same or nearly the same meaning in some or all senses” (Merriam-Webster). Here we see the notion of sameness through synonymity, which may be related to a sense of commonness and standardization, as discussed in the context chapter.

Equally interesting is the second element of the definition of synonym as “a word or phrase that by association is held to embody something (as a concept or quality)” (Merriam-Webster). In this way, we could assume that “parent” implies a particular kind of caregiving. However, my interest here is more with respect to the notion of embodiment, especially with respect to “residential care” and “residential placement” being equated, and with a “parent” being described as “a person” and as “an approved agency”. In the first instance, care and placement are considered the same, wherein the action of care (i.e., caring for a child) is synonymous with a setting (the placement). It appears as a nominalization where the process of caring is transformed into a noun and thus becomes a thing – the placement. In the second instance, a “parent” who is a person is synonymous with an agency, which is a thing. As such we see a transformation of actions into things. This shift of caring as an action into care as a thing may be felt keenly by children, recognizing the fundamental difference between a parent’s caring for and about them, and the provision of care as a service through a Children’s Aid Society.

Finally, with respect to the understanding of synecdoche as a metaphor which generalizes, we see a discrepancy within the text. Similar to what I note above regarding the multiplicity of definitions of parent, the assumption of sameness falls apart because the term is too broad to be understood in a standardized way. There is no singularity of meaning or even a set of meanings that can be held within the same term. Instead we see discrepancy in how the term is used. By extending this analysis, the social relation of care becomes discrepant – that the parent/child relation cannot hold as a singular understanding or set of understandings about caring relations. The discrepancy is too big to be held within a singular or standardized term.
It also becomes complicated by definitions relying on Acts outside the CFSA to explicate the term (such as the reference to the Children’s Law Reform Act). Additionally, we see incongruence within the definitions themselves, wherein parent is very clearly defined as “mother” but all other definitions refer to an individual not named but rather described. This difference seems to defy the implied logic within the Act, similar to the difficulties of indexicality as noted earlier. Additionally, the absence of ‘mother’ in the definitions of parent hides the lived experience of caring mostly being by women. My practice experience also affirms this point. In recalling case files, access visits and case conferences, repeatedly women were the main or sole parent responsible for the care of children. As such, it was mostly mothers, not parents, held accountable by the state regarding a child’s need for protection.

**Analysis of tropes in a social context.** In my use of tropes as an analytical tool, this further re-reading of the text of the Act makes visible commodification, reification and mystification. Similar to my earlier comments, I note that commodification and reification overlap somewhat, with my broadest analysis in the form of mystification.

I have argued that the tropic use of metaphor and synecdoche appears to equate care as service and care as a placement. It is a small point but appears as a form of commodification, wherein care can becomes synonymous with a place or thing – the placement. This becomes important later in my findings, with respect to how care then enters the market and the ensuing exchange value, as discussed in a later chapter. More obvious to me in here is how this synonymity plays out with respect to the word “parent”. It is here that care giving is reified.

The difficulty is that the term means so many different things – how can they be considered synonymous? While it does provide a breadth of understandings of the term, and therefore of someone in a ‘parent role’ with a child, it also is so broad that the social relations between a child and their parent becomes diluted, under the assumption that any one of the
individual’s named as “parent” can provide for the well-being and protection of a child, noted as the purpose of the Act. This naming denies the special relationship that exists between a child and parent, and as noted earlier, obscures the experience of mothers as primarily fulfilling the parent role.

Additionally, the fungibility of a parent as being any one of many individuals is reinforced, implying no special relation between a child and a parent with whom they have a genetic and/or historical connection. While this may hint at alienation, it seems more a process of reification. Care and caregiving become reified as a thing that can be performed and embodied by anyone, in the child’s best interest. It becomes devoid of context and devoid of its relational quality – it is transformed into a thing, which in turn can be commodified. In this more ‘concrete’ form, caregiving through a parent role, rather than through a parent, becomes a commodity that can enter the market for exchange, in the payment to a caregiver.

Finally, I again note a mystification. Similar to what I discussed in my exploration of indexicality, I argue that the assumed synonymity and the discrepancy in the metaphorical both mystify an understanding of the Act. The contradiction lies in suggesting two things mean the same (i.e., parent) while at the same time noting how they are different. As such, the words themselves are mystified, as we cannot be sure of what is and is not the same. This mystifies the text of the Act, as the logic of synonymity is inconsistent; that is, the logic of when synonymity is intended and when it is not intended is hidden. Similarly I note that social relations may be masked in how parent/parents is inconsistently synonymous, but especially in how “parents” is noted in the context of ‘family’ in the Act. Perhaps this pattern reflects a more conservative ideology reinforcing the notion of the nuclear/traditional two-parent family as a preferred form of family. Perhaps this also can be considered a necessary force for capital production and reproduction.
Having provided this first level description and analysis of words and phrases in the Act, I now move to my second level of exploration – the meanings of words and phrases.

**Findings from Level II of Analysis – Meanings**

From the second level of my analysis, discourse theory notions of nodal point, element and moment, and closure were particularly useful in my observation of the text. Additionally, a broad understanding of intertextuality also informed my analysis. Below I discuss the use of nodal points, elements and moments, and closure as an association of concepts that guided my exploration of the legislation text. I then explore the concept of intertextuality, with a particular focus on paratextuality and hypertextuality. I explore each of these concepts separately, providing a description of their use in the text, followed by my analysis of that use.

**Description of nodal point, elements and moments, and closure.** As noted, these concepts are brought together through discourse theory, which I discussed in the methodology chapter. I explore each of these below, noting my observations of each and their connectedness in the text, with my main focus on nodal point.

A nodal point, as a privileged signifier, informs the naming and meaning of other words and phrases within a document. This suggests a dominant or principal valuing or importance of the word or phrase itself. Within this notion of primacy, the nodal point of the Act lies within the main purpose of the legislation as it is named in the text.

<table>
<thead>
<tr>
<th>Box 6.13</th>
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<tr>
<td>1. (1) The paramount purpose of this Act is to promote the best interests, protection and well being of children.</td>
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With such a strong statement at the start of an Act named the “Child and Family Services Act”, the focus on children is clear. The language of that first statement notes the focus on children’s “best interests, protection and well being”. All three terms are listed alphabetically; without further details in the text here, we could assume that all three are equally paramount within the purpose of the Act. However, in reviewing the Act, I note two patterns in the use of these terms. First I examined the frequency of each term in the Act. “Best interest” is noted 37 times, “protection” is noted 163 times, and “well being” is noted two times. As such one could surmise through manifest content analysis that protection is the primary purpose of the Act, given its dominant count in the text itself. Second, I examined the context of each of the three terms, similar to what one might do as a latent content analysis. Based on that review one could surmise that best interest is the primary purpose of the Act. I describe each of these understandings below, and then offer my analysis of them.

**Protection as primary purpose.** In examining the Act, I note the frequent naming of protection. However, a simple counting alone is not sufficient for my exploration – such a surface examination ignores the more discursive and social contexts of the text. Thus I consider the context and meaning of protection in the Act.

**Context.** “Protection” is referenced repeatedly throughout the Act, first in the primary and second purpose. I note the follow patterns in its presence elsewhere in the text. It is noted in complete capitals as a title for a part (e.g., “Part III CHILD PROTECTION”) or a section (e.g., Section 40: “COMMENCING CHILD PROTECTION PROCEEDINGS”) and these capitalized titles occur 55 times in the Act. Additionally it is capitalized as “Protection” in various parts of the Act, to refer to Part III, for the first time in the definitions (i.e. “child welfare service" means, ...(b) a service provided under Part III (Child Protection)”) or as a subheading in a section, as in Section 15 Children’s Aid Societies (i.e. “Protection from personal liability”); this
form of the term occurs 28 times in the Act. Subheadings are sometimes italicized rather than capitalized, and protection is used this way seven times in the Act.

The word “protection” not capitalized is found 80 times in the Act. It is used to refer to the text of Part III Child Protection throughout the Act 10 times, as in this first example from Part II (Voluntary Services), in Section 33 regarding Termination of Agreements.

It also is used as part of a larger term, such as “child protection worker” (27 times), “child protection hearing” or “child protection proceeding” (seven times), “child protection agency” or “child protection or child placement agency” (six times) and “investigate an allegation that a child is or may be in need of protection” (three times). Similarly it refers to a proceeding eight times. Additionally it is used as in referring to a homemaker remaining in home if child is found in need of protection (two times), in reference to child protection services across Canada (one time) and as part of a French translation (one time).

With this outline of the number of ways and times protection is cited, in these instances, the term is simply used as part of a title (or referring to a title or term) or as part of a larger term, and thus not specific to the naming of “protection”, and occasionally in a unique circumstance such as homemaker. This pattern of protection being part of or referring to something else occurs in titles 90 times, in reference to a title/term 18 times, as part of a larger term 43 times, and
uniquely four times. Therefore of the 163 times mentioned, protection is ‘outside’ the context of the specifics of a child needing protection as defined by the Act 155 times.

In the remaining 15 instances of protection being cited in the Act, I note particular patterns which are related to ascribing meaning, and thus discuss below.

*Ascribing meaning.* In looking at the remaining instances of protection, as noted earlier it is listed as one of three of the aspects of the primary purpose of the Act (best interests, protection and well being). It is noted again in Section 15 with respect to the work of Children’s Aid Societies.

Here we see protecting children as central to the services of Children’s Aid Societies, to trigger an investigation, to provide service and to protect through supervision.

We see protection noted other times with respect a child being in need of protection (Section 37), regarding the right of a worker to enter a premises, the ordering of assessments (Section 54), and any determination when a court order is not needed. I discuss the focus on when a child is in need of protection (Section 37) in more detail later in this chapter. Here though, in consideration of the nodal point of the Act, I focus on the purposes of the Act. In each

<table>
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<th>Box 6.15</th>
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<td>(3) The functions of a children's aid society are to,</td>
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<tr>
<td>(a) investigate allegations or evidence that children who are under the age of sixteen years or are in the society's care or under its supervision may be in need of protection;</td>
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<tr>
<td>(b) protect, where necessary, children who are under the age of sixteen years or are in the society's care or under its supervision;</td>
</tr>
<tr>
<td>(c) provide guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children;</td>
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<tr>
<td>(d) provide care for children assigned or committed to its care under this Act;</td>
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<tr>
<td>(e) supervise children assigned to its supervision under this Act;</td>
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<tr>
<td>(f) place children for adoption under Part VII; and</td>
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<tr>
<td>(g) perform any other duties given to it by this or any other Act.</td>
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Here we see protecting children as central to the services of Children’s Aid Societies, to trigger an investigation, to provide service and to protect through supervision.

We see protection noted other times with respect a child being in need of protection (Section 37), regarding the right of a worker to enter a premises, the ordering of assessments (Section 54), and any determination when a court order is not needed. I discuss the focus on when a child is in need of protection (Section 37) in more detail later in this chapter. Here though, in consideration of the nodal point of the Act, I focus on the purposes of the Act. In each
of these instances and in the notations above, we see protection in the text itself as unique and separate from the other two purposes of the Act – a child’s best interest and well being. However, in some instances protection is connected to best interests, as I explore below.

Protection is cited in the context of best interest three times in the Act. In Section 37 regarding when a child is in need of protection, subsection 3 indicates that the evaluation of a child’s best interest includes assessing the risk that determined the child’s need for protection (see Box 6.17). In Section 57, regarding court orders regarding a child (see Box 6.18), we see that if a child is in need of protection, the court is to make judgement in the child’s best interests. In Section 80, regarding restraining orders to protect a child (see Box 6.16), we again see the court judgement guided by the child’s best interests.

In these three examples, best interest and protection are connected, but protecting a child is part of acting in a child’s best interest, and thus we might interpret that “best interest” is the primary purpose of the Act. It is to this point that I now proceed.

**Best interest as primary purpose.** I argue here that best interest might be considered the primary purpose of the Act, as a positive intent – that combined with well being (which is only mentioned twice in the Act, both times in the purpose of the Act), a child’s best interest is achieved by assessing the need for protection and at times then protecting the child. In other words, that the purpose of the Act is not to protect the child, but to promote the child’s best
interests, which sometimes may include protecting the child. I discuss the context and meaning of best interest below.

Context. “Best interests” is referenced in particular ways in the Act. As noted, it is named with respect to the purpose of the Act, both the primary and secondary purpose. It also occurs singly regarding consent for treatment of child (Section 62.3) and regarding recovery of damages for a child who has been abused (Section 81.2).

Far more detail is provided in the two instances where the determination of a child’s best interest is measured in specific ways named in the Act with respect to an order in response to the need for protection (Section 37.3) and for adoption (Section 136.2). The text in both circumstances is the same, so I only include Section 37.3 here (see Box 6.17). I note that these items are areas for consideration in determining a child’s best interest. In this way, ‘elements’ such as child’s development, religious faith, blood relationships and continuity of care become ‘moments’ in the articulation of best interests. I also note “positive relationship with a parent and a secure place as a member of that family” as an element in considering the child’s best interest, which is the only mention of a child in context of parent and family in this articulation. The text attempts to close or fix the determinants of best interest by listing them here but we note the focus on developmental issues, rather than family relations.

Box 6.17

37.--(3) Where a person is directed in this Part to make an order or determination in the best interests of a child, the person shall take into consideration those of the following circumstances of the case that he or she considers relevant:

1. The child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs.
2. The child's physical, mental and emotional level of development.
3. The child's cultural background.
4. The religious faith, if any, in which the child is being raised.
5. The importance for the child's development of a positive relationship with a parent and a secure place as a member of a family.

(cont.)
Best interest is mostly referred to in the Act with respect to action being taken on behalf of the child and covers a wide spectrum of service decisions. Types of orders regarding the child’s status with the state, such as Supervision order, Society wardship or Crown wardship, are noted (see Box 6.18).

Here we see that a child’s best interest can be determined with respect to time in care of the state and the degree of state control over the child (as a Society ward or a Crown ward). The Act also references a child’s best interests regarding changes in orders (type or length) regarding child’s status (Section 65.1, 66.1, 69.4, 70.6). We also see that the orders to support a child’s best interests are categorized by type of order, reflecting the degree and time of state control of the child, ranging from less control and ‘temporary’ control (Supervision order) to full ‘permanent' control (Crown wardship).

### Box 6.17 (cont.)

6. The child's relationships by blood or through an adoption order.
7. The importance of continuity in the child's care and the possible effect on the child of disruption of that continuity.
8. The merits of a plan for the child's care proposed by a society, including a proposal that the child be placed for adoption or adopted, compared with the merits of the child remaining with or returning to a parent.
9. The child's views and wishes, if they can be reasonably ascertained.
10. The effects on the child of delay in the disposition of the case.
11. The risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent.
12. The degree of risk, if any, that justified the finding that the child is in need of protection.
13. Any other relevant circumstance.

### Box 6.18

57.- (1) Where the court finds that a child is in need of protection and is satisfied that intervention through a court order is necessary to protect the child in the future, the court shall make one of the following orders, in the child's best interests:

*Supervision order*

1. That the child be placed with or returned to a parent or another person, subject to the supervision of the society, for a specified period of at least three and not more than twelve months.

(cont.)
Orders regarding child’s access to family members also are noted (Sections 58.1, 59.1, 80.1, 80.5) as is custody changes (Section 64.10). Also noted are service changes for the child including removal from a care setting (Sections 61.6, 203.2) and transfer to another setting (Section 77.1). There also are several references to the child’s best interests regarding adoption as the best plan for the child (Section 136.2), consent of parent (Sections 138, 139.1), who can adopt (Section 146.4) and orders for adoption (Sections 146.1, 146.2, 149.1, 149.4, 154.1, 154.2).

As noted, the “best interests” of the child is referenced throughout the Act with respect to the purpose, consent, recovering damages, and taking action. It also is referenced with respect to how to determine what action may be in a child’s best interests, loosely implying how best interests might be measured. The dominance of the term, and the context in which it is used throughout the Act, suggests to me that “best interests of the child” is the nodal point of the Act. With this in mind, I now consider how meaning is ascribed, wherein words (elements) become moments (words with a specific meaning) through the process of articulation.

Ascribing meaning. It seems logical that with a paramount purpose so clearly stated as introduction to the Act, the remainder of the document can be seen with this purpose as foundational to all elements of the Act. Concomitantly, with the best interests of the child as a nodal point, all other meaning flows from that understanding. For example, in those areas of the
Act where best interest is named as the guiding factor for actions listed in that section, it is positioned as the standard against which those actions are measured.

In addition to the text samples noted above, there are two other areas in the Act wherein meaning seems ascribed, within the frame of best interests of the child as nodal point: when a child is in need of protection, and who is responsible for the best interests of the child. I focus here on where the Act outlines when a child is in need of protection, referencing the beginning of the Act where the three purposes of the Act are noted as “best interest, protection and well being of children”. Section 37.2 stipulates when a child is in need of protection (see Box 6.19).

Two points seem important here, in reference to how “best interests” as a nodal point or privileged signifier ascribes meaning. First, harm and failure to protect from harm can be seen as contrary to a child’s best interest, because harm is the determination of when a child is in need of protection, thus evoking one of the three purposes of the Act. Second, risk to child is noted as a condition for a child needing protection, supposing that risk of harm is the same as harm – in a way they come together in a hegemonic sense of equivalence. There does not appear to be a distinction between harm and risk of harm, nor is the degree of risk noted. In legal terms, it is not clear here or elsewhere in the Act if the risk is distinguished between that which is probable or possible. It seems any likelihood of risk of harm is the same as harm, when determining if a child is in need of protection.
Box 6.19

37. (2) A child is in need of protection where,

(a) the child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's,
   (i) failure to adequately care for, provide for, supervise or protect the child, or
   (ii) pattern of neglect in caring for, providing for, supervising or protecting the child;

(b) there is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
   (i) failure to adequately care for, provide for, supervise or protect the child, or
   (ii) pattern of neglect in caring for, providing for, supervising or protecting the child;

(c) the child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child;

(d) there is a risk that the child is likely to be sexually molested or sexually exploited as described in clause (c);

(e) the child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment;

(f) the child has suffered emotional harm, demonstrated by serious,
   (i) anxiety,
   (ii) depression,
   (iii) withdrawal,
   (iv) self-destructive or aggressive behaviour, or
   (v) delayed development,

and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child;

(f.1) the child has suffered emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(g) there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child;

(g.1) there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) and that the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm;

(h) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition;

(i) the child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody;

(j) the child is less than twelve years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment;

(k) the child is less than twelve years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately; or

(l) the child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is twelve years of age or older, with the child's consent, to be dealt with under this Part.
I also note that some aspects of emotional harm are named specifically (e.g., anxiety, depression) such that if these are not sufficiently attended to, a child is in need of protection. Additionally I note that a child needing protection is articulated with regard to concern about physical harm but unlike emotional harm, specific aspects are not articulated. Further categories of harm include being sexually molested/exploited, receiving insufficient medical care or attention to mental/emotional/developmental condition, or engaging in some forms of criminal activity. These various aspects all are framed as forms of harm or risk of harm.

**Analysis of nodal point, elements and moments, and closure in a textual/discursive context.** Application of discourse theory as described above has informed my research in several ways. I have tried to unearth the nodal point of the Act, as reflected in the primary purpose of the Act. Looking at the three key words – “best interest, protection, well being” – we can combine best interest and well being, as that which is strived for. These terms are commonplace and seem to reflect the promotion of goodness for a child. However, their meaning is not of the same kind. Best interests and well-being suggest something that is positive. Protection seems to carry a negative connotation, raising the question: protection from what? While there may be a commonplace understanding that children are to be protected from anything that impedes their best interest and well-being, it is not clear what protection means in this statement. It is later in the Act that we see protection from harm or the risk of harm.

Even in an initial reading of the Act, by looking just below the surface of the text, one could assume “best interests” as the nodal point for this analysis, based on the frequency of the term as a guiding principle throughout the Act; protection is only noted a few times outside of referring to another part of the Act or as a title. In some ways perhaps we could consider the frequency of “best interests” and its positioning as a goal to suggest a privileging of that purpose over protection. The use of repetition may be a means of standardization in the sense that the
same concept is reproduced repeatedly, implying a particular valuing of a concept over other concepts.

However, I also note that at the surface of the text, “protection” is a privileged term – it is cited far more than “best interests” or “well being”. Perhaps one way to consider this is that these three terms work together as a concept, but wherein “protection” is the privileged term. As such, a child’s best interests and well being are served best through protection from harm or the risk of harm. But I consider a slightly different understanding here. First, “best interests” is the explicit purpose, and the explicit nodal point of the Act – it is a positive intent. Its positioning in the Act, its context, reinforces it as the explicit nodal point. It is situated as the goal of actions in the text; for example, we see assessments are to be done in a child’s best interests, and court orders are to be issued in a child’s best interests. Even when best interest and protection are linked, which rarely occurs in the Act, protection is always named in the context of best interests. So this reading of the text may suggest “best interests” as the privileged signifier, the nodal point, of the purpose of the Act.

But we cannot ignore the frequency of “protection” nor its constancy in the framing of other terms in the Act, such as “child protection worker” and “child protection agency”. These terms are not ‘child best interests worker’ or ‘child best interests agency’, and worth noting. Perhaps we can consider protection as the implicit nodal point of the Act – even within its negative intent. In doing so, I again refer to the positioning of this term in the Act. It is the single point in the Act that ‘activates’ a child protection agency. It activates an investigation, it activates a court order – it is the decision-making point for child protection services to intervene or not. So in this way, given the power of that point, perhaps protection is a parallel though implicit nodal point, as a privileged signifier of the purpose of the Act. While best interests is the goal of action, it is protection that triggers action. Thus, we see a variability in the purpose of the
Act, where best interests may be explicit as the main purpose but protection itself becomes the implicit purpose, as it alone determines the action of most parts of the Act itself. As such, workers in Children’s Aid Societies may become focused on one or the other primary purpose, given the difficulty in fully reconciling them as a single purpose.

Somewhat contrary to repetition but similar to variability, a lack of specificity also is evident in the Act. “Best interests” is implied with reference to consideration of the best interests of the child when a child is in need of protection (Section 37) or being considered for adoption (Section 136). However, it is not clearly defined anywhere in the Act, although some inference is made to qualities of best interests. Phrases such as “positive relationship with a parent” and “secure place as member of a family” suggest these are two measures of well-being. However, the other aspects of well-being focus on child development and cultural/religious needs. None of these or other family relationships are specified and in this section there is no detail of any gradient or form of assessing or measuring these aspects.

In the subsequent part of Section 37 (2), we see a listing of circumstances when a child is in need of protection, where we see classification of types of harm (physical, sexual, emotional) but with the exception of some detail regarding the impact of emotional harm, there is a lack of specificity of the term “harm”, so it is not clear what extent or impact of harm warrants determining a child is in of protection. Workers in Children’s Aid Societies use the interpretation of the Act, in the Ontario Risk Assessment Model especially in the Safety Assessment and the Risk Assessment Tool, to make a determination about a child being in need of protection. But that is not noted here. This lack of specificity can become problematic for a parent, if they are trying to argue against this determination of needing protection about their child, such as in a court hearing.
Additionally, the absence of something is often used to determine a child being in need of protection. For example, we see risk and protection from risk noted twice, implying that the absence of risk is in the child’s best interest. We also see “failure to adequately” and “pattern of neglect in” with respect to “caring for, providing for, supervising or protecting the child”, wherein it is the absence of care, provision, supervision or protection that is deemed harmful and thus requiring a child’s protection.

These three aspects of my analysis – repetition, lack of specificity and absence of something – reinforce the idea that the process of articulation can never be complete. The attempt at closure in fixing the meaning of terms is a failed attempt which seems contradictory to the standardization implied in the Act.

Analysis of nodal point, elements and moments, and closure in a social context. In my analysis of the text using aspects of discourse theory, through a new reading of the Act we can see notions of commodification, alienation and mystification. The articulations regarding best interests are an example of commodification. We see this first regarding how best interest is to be assessed. It is broken down into many components. Again I note that by doing so, the qualitative nature of best interests becomes quantified, and as such able to be measured. This perhaps becomes important when the ‘moments’ of best interest (i.e., how best interest is articulated) enter the market – those quantified moments enter the market as part of the expectations of service provision to the child.

Secondly, in considering how best interests are to be met in the state’s response, it is again broken down into many components – Supervision order, Society wardship, Crown wardship – and thus again the qualitative becomes quantified and thus measurable. But beyond that, the response to a child’s best interests is now classified and categorized. This becomes important when meeting the best interests of the child enters the market. Different resources
(e.g., staffing) are accorded to the child’s care, based on the category of the child’s status in relation to the state. Unlike earlier incarnations of the Act, resources are not accorded to parents in the same way, when the child is in the family realm, and thus not in the public realm of being a ward of the state. Parents (usually mothers) are expected to meet the needs of their children through their own means, while caregivers of the state are provided with additional support. This seems contrary to a child’s best interests, whereby a child’s caregiver only has access to extra support if the child is removed from the home and cared for elsewhere.

With respect to alienation, I see this arise primarily in how the three core components of the Act’s purpose connect and diverge in the text. “Best interests, protection and well being” of the child is listed as the primary purpose of the Act. However, as noted only “best interests” is repeated consistently throughout the Act. As such, there is a distancing of best interests from protection and well being as the other two components of the Act’s purpose. Protection is later noted in terms of when a child is in need of protection, but “best interests” is rarely noted in these details. Again we see further distancing of best interests from protection. Finally I again note that “well being” is only cited in the Act twice, both times in the purpose statements of the Act. Perhaps this rarity (as opposed to the repetition or frequency of best interests and protection) distances well-being almost fully from both best interest and protection.

The group of these three purposes at the beginning of the Act, and their subsequent absence or lack of connectedness elsewhere in the Act, implies an alienation between best interests, protection and well being. There appears to be an alienation within the primary purpose of the Act – an alienation from itself, through the separation and disconnectedness of the three terms. In this way they perhaps become estranged from each other, so the primary purpose becomes fragmented rather than whole. This distancing or alienation implies a contradiction. They are grouped early and prominently at the start of the Act, but also are separated out, which
alienates each from the other. Additionally, by separating “best interests” and “protection”, the measuring of protection then creates a quantifiable object (i.e., the response of protecting the child) that can be provided to the child and compensated for by the state. In effect, the state through its service provision enters into a market relationship with a child. Through the alienation from each other of the three core elements of the purpose of the Act, the isolating of protection is a further form of alienation in how protection gets taken up in the practices of Children’s Aid Societies.

Finally, mystification occurs in how meaning is ascribed in the text. As noted, there is a lack of specificity and/or an absence of something in the Act’s details about best interest. I suggest that again we cannot ever be sure what the text means with respect to its primary purpose. Perhaps we might expect more detail provided elsewhere, such as in a regulation or in a procedural document, but this is not indicated in any proximity to the term “best interests” in the Act. It is only near the end of the Act that there is reference to the existence of regulations related to the Act. In effect, there is a lack of transparency in both how the term is understood and in how it might be articulated elsewhere, creating a mystery about what best interests means. This mystery is concerning, given the primacy of best interests for this Act. It also is problematic considering the earlier point about who has inside knowledge of the Act, which is a concern in terms of equal access and understanding when engaged in court proceedings.

Secondly, with respect to privileged signifiers of “best interests” and “protection”, a sense of mystification emerges. This apparent equal weighting of “best interests, protection and well being” as the purpose of the Act is a mystification of what might be considered the primary focus of the purpose – the protection of children. It is the protection concern that triggers any action on the part of the state, through the Children’s Aid Society. The state then enters the life of the child and the family, which moves the family out of the private realm and into the public
realm. As such, the nature of the social relations between a child and parent are altered – they are now under surveillance for harm or risk of harm to a child, guided by a public standard of care that is focused on protecting a child from harm.

This surveillance and intervention does not occur “in the best interests of the child” but under the intention of protecting the child from the parent or from the parent’s inability to protect the child. The state in effect becomes the parent to the child, in place of the child’s parent. Once the child’s care is removed from the private realm of family, and thus enters the public realm, the caring relationship is mystified, wherein the state may be seen as a benevolent substitute parent, but in effect the relationship is now one of exchange on the market. It can be confusing to a child why they have more support and resources when they are living with a stranger, compared to their experience at home living with their parent. It is not clear to the child why there is this difference. This may lead a child to question the care of their parent, usually their mother, when it is actually the state’s preferential support of a child’s care if they are a ward of the state.

**Description of intertextuality.** Two aspects of intertextuality are particularly useful to me in my review of the Act: paratextuality and hypotextuality. Using these concepts I describe below the paratexuality and hypotextuality of the Act as separate aspects.

As noted in the Methodology chapter, paratextuality refers to the format or ordering of the text itself. In examining the format and order of the text, I constructed a document that contained the order and form of all sections of the Act without the substantive content, in an effort to understand how the text was organized. Below is a list of the parts and sections (Box 6.20).
The Act is divided into twelve parts, labelled in Roman numeral style, with anywhere from one section (Part XII) to 50 sections (Part III) in a part. Note that the first four sections of the Act are not in a part – they stand alone at the beginning of the Act, with Part I starting with Section 5.

Each of the 12 parts has a title. Each section is labelled in Arabic numeral style. Some parts have subparts, consisting of one or more sections, but without numeration. For example, see Part I of the Act below (Box 6.21).

Here, Part I Flexible Services has a subpart titled “Directors and Program Supervisors” and that subpart has two sections, Sections 5 and 6. Some sections then have a subsection, with a subheading followed by the Section number then the subsection number, as we can see in the rest of the text from Section 5 (Box 6.22).
We see these subheadings separated numerically, and further separated by letter points such as Section 5, subheading (5) Reports and information, with two subsections, labelled (a) and (b).

Subsections may be further separated, although Section 5 is not. For example, this first occurs in the Act in Part I, under the heading Revocation and Take-over Powers, which comprises Sections 22-24 (see Box 6.23). Here we see 5 levels of separation: Part I, Section 22, subsection 2, second subsection (d), third subsection (i); the labelling could be considered a nomenclature where the text “is not able to or fails to perform any or all of its functions under section 15” becomes named as “I, 22, 2, d, i”.

Box 6.22

Section 5
Appointment of Director
5.--(1) The Minister may appoint any person as a Director to perform any or all of the duties and functions and exercise any or all of the powers of a Director under this Act and the regulations.

Appointment of program supervisor
(2) The Minister may appoint any person as a program supervisor to perform any or all of the duties and functions and exercise any or all of the powers of a program supervisor under this Act and the regulations.

Limitations, etc., on appointments
(3) The Minister may set out in an appointment made under this section any conditions or limitations to which it is subject.

Remuneration and expenses
(4) The remuneration and expenses of a person appointed under this section who is not a public servant under the Public Service Act shall be fixed by the Minister and shall be paid out of legislative appropriations.

Reports and information
(5) A service provider shall,
   (a) make the prescribed reports and furnish the prescribed information to the Minister, in the prescribed form and at the prescribed intervals; and
   (b) make a report to the Minister whenever the Minister requests it, in the form and containing the information specified by the Minister.
In considering these samples of text from the Act, I see two patterns of interest. First, I note the level and specificity of the headings, through word and number labels. This a form of seriation, as a “formation, arrangement, succession of position in a series or orderly sequence” (Merriam-Webster). Such a regimented approach to organizing the text reinforces the notion of standardization, implying a logic to both (a) the specificity of the separation and labelling process, and (b) the naming and numbering for the separated parts and sections.
Secondly, I see a repetition in the naming of parts and sections throughout the Act. The most obvious example is “Definitions” as a separated section and label. Definitions is a named subsection (Section 3: Interpretation, subsection 1: Definitions) early in the Act (i.e., before Part I), and is extensive with multiple terms and detailed explanations of those terms, including notations about connections between terms (although these ‘connections’ are problematic in their circuitousness, as noted earlier in this chapter). A definition subsection is noted a total of 11 times in the Act, in different parts and subsections of the Act. There is no single definition section or glossary for the Act nor in any accompanying document. Sometimes the definitions in those subsections are for the same terms defined elsewhere (e.g., “parent”); sometimes the definitions of the same term vary according to where the definition is fixed in the Act. This last observation brings me to my final point about intertextuality in the Act, specifically through hypertextuality.

Recalling hypertextuality as the relation between texts, this occurs frequently in the Act, both in referencing to itself (intra-Act) and referencing to other Acts and regulations (inter-Act). Remaining with Definitions (Section 3.1), we see the first instance of referencing to elsewhere in the Act (Box 6.24).

**Box 6.24**

3. 1
"approved agency" means an agency that is approved under subsection 8 (1) of Part I (Flexible Services); ("agence agréée")

"approved service" means a service provided,
   (a) under subsection 7 (1) of Part I or with the support of a grant or contribution made under subsection 7 (2) of that Part,
   (b) by an approved agency, or
   (c) under the authority of a licence; ("service agréé")
The most obvious is reference to subsections within other Parts of the Act, in this instance, referring to subsections 7 and 8 in Part I. I note that Part I does not have its own subsection of Definitions – that next occurs in Part II. I also note that some Parts of the Act (e.g., Part III) have more than one subsection for Definitions (i.e., subsection 37.1 which immediately precedes the subsection 37.2 which details ‘when’ a child is in need of protection, and subsection 75 regarding the Child Abuse Register). Moving outside this simple example of Definitions, I note that this intra-referencing occurs multiple times throughout the Act, both early in the Act referring to subsequent elements of the Act and later in the Act referring to previous elements of the Act.

I also note several instances of inter-referencing, where the text refers to other pieces of legislation and regulation. Returning to Definitions again, we see this occur in Section 4, where consent to medical treatment is defined with reference to the Health Care Consent Act:

Box 6.25

4.--(1) In this section, “capacity” means the capacity to understand and appreciate the nature of a consent or agreement and the consequences of giving, withholding or revoking the consent or making, not making or terminating the agreement; ("jouit de toutes ses facultés mentales") and

"nearest relative", when used in reference to a person who is less than 16 years old, means the person with lawful custody of him or her, and when used in reference to a person who is 16 years old or more, means the person who would be authorized to give or refuse consent to a treatment on his or her behalf under the Health Care Consent Act, 1996 if he or she were incapable with respect to the treatment under that Act. ("parent le plus proche")

This referencing to another Act is specific to the context of health care. It is at the same level of government documents (i.e., legislation) but is in a different category of government policy and service (i.e., a different Ministry – the Ministry of Health).
Inter-referencing occurs in other ways as well. We see this elsewhere, for example again in Section 3.1 Definitions (i.e., “"band" has the same meaning as in the Indian Act (Canada); ("bande")”), wherein a term used in this Act, a form of provincial legislation, makes reference to another Act for its definition, at the level of federal legislation. This shift to the federal level perhaps reflects the jurisdictional policy map of Canada, where, for example, Aboriginal affairs are mostly ‘governed’ nationally through the federal government.

We also see inter-referencing with respect to what something does not include, as in the Definitions of Foster Care (see Box 6.2). Here referencing occurs to indicate what foster care does not mean, citing other forms of provincial legislation with respect to compensation for caring for a child. Similar to the health care example, this inter-referencing is at the same level of government documents (i.e., legislation) but here it remains in the same Ministry (i.e., Community Services). We also note here the mixing of inter and intra referencing, with subsection (b) citing Part VII of the same Act: the Child and Family Services Act.

Finally, we also see inter-referencing with respect to a different level of government documents, that of regulations. At no point in the Act is a specific regulation cited; instead, the Act refers generally to regulations of this Act and of other Acts. In some ways this is to be expected – it is not a ‘finding’ per se; regulations change over time to cover the specificities of policy, such as procedure, and require only Ministerial not legislature approval. Not naming a specific regulation gives space for the shifting names and intentions of regulations. I discuss this point further below in my analysis of intertextuality, and I turn to that now.

**Analysis of intertextuality in a textual/discursive context.** Given its pervasiveness, intertextuality is a key finding with respect to the Act. First I note that the paratextuality, the ordering and format of the text, suggests an overarching logic of structure for the Act. In creating the document of the list of parts, sections and headings, a map of the text appears, almost as a
‘table of contents’. However, two points emerge for me. One, I created that table of contents, it does not exist with the Act – so the map to the text is not provided and is not part of the Act. Two, even with the created map, I note an inconsistency in the seriation and labelling, and as such, the logic of the structure falls apart. As noted for example, definitions are not just in the definitions section and service is referred to Part III but then not noted in Part III. I also noted that both paratextually and hypertextually, there is an inconsistency with respect to specificity, wherein we see extreme levels of specificity in some aspects of the Act (citing small specific Acts such as Health Care Consent), and a lack of specificity in other parts of the Act (citing regulations generally). This example of the lack of specificity for regulations leads to my second point of analysis.

Through these two forms of intertextuality, there appears an overall sense of confusion in the Act. Similar to my earlier analysis regarding ambiguity, the lack of definition leaves space for multiple understandings, which seems contrary to the heavily structured and cited appearance of the text. This multiplicity is coupled with a lack of understanding. When the text references text elsewhere, without providing details about that ‘other’ text, it becomes difficult to know what is meant in those parts of the Act. For example, while not naming a specific regulation gives space for the shifting names and intentions of regulations, it also creates confusion when one looks to regulations for clarification, as it is not clear what regulations relate to what aspects of the Act. Concurrently the inconsistency between extreme and limited specificity seems confusing, as it is not clear why some elements are so definite while others are so ambiguous. As such, the logic of standardization and sameness seems to fall apart. Additionally, it makes an understanding of the Act itself difficult for anyone, including child protection workers, parents and children.
Analysis of intertextuality in a social context. By exploring intertextuality in the Act, we see traces of alienation and reification in the text, while again the notion of mystification emerges. With respect to alienation, we see it simply through the incompleteness of the Act – its reliance on other documents (e.g., regulations, other acts). The Act becomes alienated from itself, from its nature, by its incompleteness. With respect to reification, the Act is tinged with the idea of relations becoming something concrete. My point is that while the Act may be assumed as the defining legal text of Ontario’s child protection policy, it is only complete in relation to other policy documents, such as its regulations and other acts. Without these connections, these relations with other texts, the Act is not a complete thing – but it is esteemed to be so simply by its existence as legislation.

The stronger aspect of my argument rests again with mystification. In considering the two points regarding inconsistency and confusion within the frame of intertextuality, it seems there is a flawed intertextuality. It appears that the recontextualizing and the interconnectedness of the text render the Act itself somewhat mysterious. Such intertextuality is not specific to the CFSA; it is common in other legislation. We could argue that the structure of any legislation renders it somewhat mysterious. But the commonness of intertextuality across legislation documents does not detract from the difficulty it creates in reading and understanding the text. The mystery lies in the reader’s experience of not being able to see the text in its entirety, given its reference to other text, including unnamed text. As such the reader cannot fully understand the Act. Under the veil of transparency, by naming other texts but not offering the details of those texts, the Act mystifies itself, and becomes less accessible, especially for those without inside knowledge.

Having provided this second level description and analysis of meanings in the Act, I now move to my third and final level of description and analysis – discursive strategies.
Findings from Level III of Analysis—Discursive Strategies

From the third level of my analysis, I examine specific discursive strategies in the text. Of particular use in my observations were nomination, classification, argumentation and topoi. In my analysis, nomination and classification overlap as one broad strategy, while argumentation and topoi are linked through the concept of rhetoric. Hence, below I explore these four discursive strategies in their paired interconnection, beginning with nomination and classification followed by argumentation and rhetoric. As formatted throughout this chapter, I begin with a description of their use in the text, followed by my analysis of that use.

Description of nomination and classification. Nomination and classification are common throughout the text of the legislation. I attempt below to first discuss nomination, and then show classification as a parallel to nomination in the Act.

I note that “compensation” is mentioned twice in the Act, first in the Definitions of Foster Care (see Box 6.2) and again in the section regarding Recovery on a Child’s Behalf (see Box 6.26), in relation to the child needing protection due to harm from abuse. Compensation is not defined, so we are not clear what it means. However, given the context of the term it seems to refer to financial payment. In the first instance, it is noted in reference to the Ontario Works Act, Ontario Disability Support Program Act and the Family Benefits Act, all of which include provisions wherein there is a financial payout to a person from the state, usually in the form of basic care costs (i.e., welfare). In the second instance, it is noted in reference to “damages”, a legal term used to evaluate the cost of harm when a court awards payment in recognition of that harm. I note that both terms are not used with respect to compensation for parents – it is only used with respect to foster parents and the child.
From the methodology chapter we can recall nomination as the naming of persons in text. In particular here I focus on the use of pronouns, examining child, parent and foster parent in the text. Of these pronouns, child/children is named most frequently, over 1400 times outside of the Act’s title and headings. Parent is next, over 200 times, with foster parent just over two times. This simple counting gives a sense of what nomination is prominent in the Act – child/children. This is not a surprise given the purpose of the Act, although it is interesting to note that family appears just over 30 times outside of the Act’s title, even though the legislation is named the Child and Family Services Act. Within these pronouns, we also see the singular far more often than the plural throughout the Act.

Similar to the earlier discussion of tropes, we see a synonymity in nomination. However nomination can be complicated beyond synonyms, in the contrast of homogeneity and heterogeneity in its usage. Below are examples of the conflation and divergence of nomination for the ‘same’ social actors, according to their nomination.

“Person having charge of child” occurs mostly in Sections 37 and 72, which note when a child is in need of protection. “Person having charge” is not defined anywhere in the Act, and “parent” is not defined as “person having charge” anywhere in the Act. It is not clear to us who a person having charge might be. Does it mean anyone in a trust or authority relationship with a child as defined in the Criminal Code of Canada? Or is it more specific, meaning someone who

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**Box 6.26**

81.--(1) In this section, "to suffer abuse", when used in reference to a child, means to be in need of protection within the meaning of clause 37 (2) (a), (c), (e), (f), (f.1) or (h).

**Recovery on child's behalf**

(2) When the Children's Lawyer is of the opinion that a child has a cause of action or other claim because the child has suffered abuse, the Children's Lawyer may, if he or she considers it to be in the child's best interests, institute and conduct proceedings on the child's behalf for the recovery of damages or other compensation.
is a guardian of a child, in a role more similar to a parent? It also is not clear why “parent” and “person having charge” are named together or separately in different sections of the Act.

Connected to nomination, we also see different aspects of the Act associated with different social actors. Notable is the classification wherein “person having charge” and “parent” are named separately and together in the Act. For example, consider Section 37 (2) in Box 6.19. We see “person having charge” with respect to physical harm (37.2.a; 37.2.b), sexual harm (37.2.c) and neglect (37.2.a.ii; 37.2.b.ii); a “parent” is mentioned alongside “person having charge” with respect to emotional harm and not securing related treatment (37.2.e; 37.2.f; 37.2.g), including regarding developmental concerns (37.2.h). “Parent” alone is noted with respect to abandonment (37.2.i) and an inability to care for the child (37.2.l).

It is not clear if these terms are meant to be interchangeable or nominate two different social actors. Perhaps ‘person having charge’ is intended to be a broad nomination, to include parent, foster parent and residential care worker. This might make sense, as ‘parent’ alone is used with respect to abandonment and not being able to care for the child – because with substitute care, if a foster parent or residential care worker abandons or is not able to care for a child, another foster parent or worker takes on that role. As such, a parent as social actor is different from a person having charge as social actor. However, this distinction is not the same with respect to emotional harm and not securing related treatment where parent and person having charge are noted together – does the naming together suggest they are the same social actors or different social actors with the same responsibilities? I note that foster parent is not a term used here – so it is not clear who the social actor of foster parent is – are they a parent or a person having charge of or do they fit both categories?

With respect to a child, classification is most notable in the nomination of “child” and “ward”. Child is dominant in the Act, with “ward” noted 41 times. The nomination of a child as a
“ward” constructs the child as a social actor different from “child”. In Section 57 (see Box 6.18) first we see that before ‘becoming’ a ward, a child must first be in need of protection (as defined in Section 37.2). Once in need of protection, the nomination of a child may shift to ‘ward’ where the child is either a ward of the society (the Children’s Aid Society) or of the Crown (the state). The classification of the ward is determined by time in care/custody of the society, based on “the child’s best interests”. I note that once a child is under the care of the state, their nomination as ward is alongside or perhaps even subsumes the nomination of child – the child becomes a ward, and thus is first and foremost a ward once in the care of the state. The child remains a child while in the care of their family, even if under a supervision order – it is only through this shift to care by the state that the nomination changes to ward. Once classified thus, sometimes different rights and provisions are accorded to the child and the child’s parent(s), as noted in Section 62 of the Act (see Box 6.27). However, such distinctions are rarely made in the Act.

Foster parent(s) are noted 23 times in the Act, although it is important to note the conflation of “foster parent” and “foster home” as noted in the Act’s first set of definitions (see Box 6.2). “Foster home” is noted eight times in the Act. While foster parent and foster home can be considered homogenous in their nomination, there is a clarification on the distinctness of their nomination. Returning to the definitions, we see a foster parent is demarcated from both a parent (see Box 6.4) and from a service provider (see Box 6.2). A parent, a foster parent and a service provider all are nominated in the Act as one who provides care for a child, but through their nomination, they are separated and classified as distinct. This distinction shows a clear difference between the social actor ‘foster parent’ and the social actor ‘service provider’. The text does not offer the criteria here (or earlier) for the differential nomination. However, their separate nomination suggests a classification of difference – a foster parent is not a service provider and a service provider is not a foster parent. Perhaps through the use of ‘parent’ as opposed to
‘provider’ in these two terms, the foster parent as social actor can be seen as someone who is between a parent and a service provider on a categorized gradient of caregivers. This classification again raises the question of difference between the social actors. With respect to the classification of parent and foster parent, we again see differentiation between a foster parent and a parent, regarding assessment of the child’s caregiver (Box 6.28).

Box 6.28
54.--(1) Where a child has been found to be in need of protection, the court may order that within a specified time,
   (a) the child; or
   (b) a parent or a person, except a foster parent, in whose charge the child has been or may be,
attend before and undergo an assessment by a specified person who is qualified, in the court's opinion, to perform medical, emotional, developmental, psychological, educational or social assessments and has consented to perform the assessment.

In Section 39 of the Act, who is recognized as party to court proceedings regarding a child in need of protection also is demarked between parent and foster parent (Box 6.29).

Box 6.29
39.--(1) The following are parties to a proceeding under this Part:
   1. The applicant.
   2. The society having jurisdiction in the matter.
   3. The child's parent.
   4. Where the child is an Indian or a native person, a representative chosen by the child's band or native community.

... Right to participate

(3) Any person, including a foster parent, who has cared for the child continuously during the six months immediately before the hearing,
   (a) is entitled to the same notice of the proceeding as a party;
   (b) may be present at the hearing;
   (c) may be represented by a solicitor; and
   (d) may make submissions to the court,
but shall take no further part in the hearing without leave of the court.
As such, the parent is granted full participation in the court hearing, but (a) not all foster parents are recognized as party to the hearing (i.e., only those who have provided continuous care for six months or more), and (b) full participation is not stipulated in the Act, it is the decision of the individual court.

Such distinctions occur elsewhere in the Act, but in a different way. For example, with respect to Society and Crown Wardship, we see this notation regarding the rights of parents and foster parents (Box 6.30).

<table>
<thead>
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<th>Box 6.30</th>
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<tbody>
<tr>
<td>61</td>
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<tr>
<td>Rights of child, parent and foster parent</td>
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<tr>
<td>(5) The society having care of a child shall ensure that,</td>
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<tr>
<td>(a) the child is afforded all the rights referred to in Part V (Rights of Children); and</td>
</tr>
<tr>
<td>(b) the wishes of any parent who is entitled to access to the child and, where the child is a Crown ward, of any foster parent with whom the child has lived continuously for two years are taken into account in the society's major decisions concerning the child.</td>
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While there is a distinction made between parent and foster parent in the previous example regarding course proceedings, here we see the rights of parents and foster parents conflated. However, we also see a classification within foster parents, whereby these rights are only accorded if the child has been under the foster parents’ continuous care for two years or more.

Analysis of nomination and classification in a textual/discursive context. Nomination and classification are connected in how they both name and separate social actors in texts. In this way they also are active, and hence framed as discursive strategies beyond the level of words and meanings. Their activity lies in how social actors are named, and in how rights and other provisions are attributed to social actors, as noted in the text. Once named, social actors can become classified, and once classified, they can become categorized. It is at this point, following the activity of naming, classifying and categorizing, that rights and provisions are activated. It is
through these rights and especially the provisions, that some actors then enter the market as a producer or reproducer, in relation to the caring of the child. By extension we can see the opposite as well – as social actors such as foster parents gain rights and resources, other social actors such as parents have their rights reduced. Additionally, parents did not have the same resources provided to them when their child was in their care. Recalling that many of these parents are mothers and many families surveilled by child protection workers are poor, we see the lack of state response to the feminization of poverty.

Nomination and classification also contributes to how social actors are constructed and reconstructed in the text. For example, the child becomes reconstructed through a court order regarding wardship, wherein a child is nominated as a ‘ward’. “Ward” is an ancient word, the original meaning connected to the notion of guardianship in the sense of guarding a place (14th century) but soon (by 15th century) this meaning expanded to guardianship of a person, most notably “a minor under control of a guardian” (Etymology Online). In this way a ward is constructed as someone or something different from a child. Their care is under the control of a guardian, rather than a parent. In this way the child becomes seen outside the family, and thus outside family relations. Instead, as a ward, the child is seen in relation to the guardian, whether that is a Children’s Aid Society (Society ward) or the state (Crown ward). The nomination of child connects to the family, the more personal relation in the private realm of family. The nomination of ward connects to the state, a more impersonal relation in the public realm. Perhaps also this separation of the child from the parent/family can be considered the reconstruction of the child not just as a ward but essentially as a parent-less or family-less child – an orphan of the parent/family thus requiring a guardian in the absence of parent.

There also is an implied reconstruction of foster parent as parent, in how the rights of a foster parent equate those of a parent when a child is a ward. As such, the foster parent assumes
some (but not all) of the social actor identity of parent; the foster parent has many of the same or similar rights of a parent, in their caregiving role. Yet we also know the foster parent is not ‘the parent’ by some of the distinctions in the Act when a parent is nominated but a foster parent is not, in some of the definitions for example. However, within the context of wardship, the nomination of foster parent is such that foster parent is reconstructed as parent. I can recall instances from my practice when children were confused wondering what they should ‘call’ their foster parent. For children in foster care for long periods of time (such as Crown Wards), shifting from foster mother to ‘mom’ was an emotional burden, full of a sense of loss of their own parent, while yearning for the ‘traditional family’ and calling someone ‘mom’.

Finally, I note the inconsistency of nomination and classification. This is most obvious in mixing and separating of “person having charge” and “parent”. There appears to be a clear distinction, by separate naming. Additionally they are named in different subsections of the Act, with respect to different actions, regarding harm to a child. However, “person having charge” is never defined in the Act – so its meaning is not clear, and at best can be implied. This reflects the logic of synonymity between “parent” and “person having charge”, and it is this notion of ‘logic’ that informs the next area of my exploration: argumentation and topoi as discursive strategies in the Act.

**Analysis of nomination and classification in a social context.** In the naming of compensation in the Act, we begin to see the potential for exchange value in the child’s commodification. The Act notes compensation as a foster parent if the care provision is outside any parental care covered in other provincial legislation noted. This implies that once a child is in foster care, there is the potential for compensation for that care. Second, we also see the potential for exchange value for the child directly, wherein the state (through the Children’s Lawyer) proceeds to seek damages or compensation from the child’s parent, if the child is
deemed to have suffered abuse and financial payment is seen to be in the child’s best interest. It is not clear how or when that is determined, but what is clear is that through the experience of abuse, a child may then have exchange value through the state in seeking financial resources from the ‘abusive’ parent. Recalling again that most of the parents are mothers, we see the state seeking financial reparation from women already marginalized and often poor; the state appears to ignore these factors supposedly to meet a child’s best interests.

Additionally, as the child becomes constructed and reconstructed as a ward, as a form of commodification, we see the fungibility of the child change. The change varies according to the child’s relation to the state. As a child shifts between being a Society Ward and not being a ward (i.e., under a Supervision Order), the child’s construction as a commodity changes. As such the child’s fungibility is not intact – as the nature of the child as a commodity changes, so too do the different resources according to the child’s care based on the child’s wardship status. In this way, the exchange value of the child, in the market of state care provision, changes. But this is not explained to children, the difference between supports available when they are in care compared to that when they are at home. It can be confusing for children.

The child’s relationship becomes reified through the wardship itself. In the naming of wardship, the relation of child to the state becomes constructed as a status. The child, and their relationship with a parent within a family, does not have a particular connection to the state. However, as a ward, the child now has a specific connection to the state; that is, the child is a ‘ward’ of the state. While a child in a family is under the control of a parent (usually a mother), as a ward, the child is under the control of the state, through the foster parent as a caregiver. The social relation of caring is shifted from the intimacy of family relations to a more distant one in the child’s relation to the state. The act or process of caring itself then also comes under the control of the state. Through wardship, caring becomes a thing. As such, it may be considered
that the social relation between a child and their caregiver is a form of reification through care provision through the state.

We also see the convergent and divergent use of “parent” and “person having charge of”. This assumes both are a caregiver, equated in the care of the child. This denies the uniqueness of the parent relationship – the bonding in the social relation between a child and parent - and as such, is an alienation of parenting from itself. The nomination of ‘ward’ also reconstructs the child in a way that the child becomes an impersonal object, rather than a personal being, and thus a ward is alienated from the essence of being a child – from itself. Additionally, as a ward a child is alienated from the familial social relations of parent and family members – their relationship of care becomes singular through their relation to the state, and again enters the market. As noted earlier, children in foster care sense this distinction, that they are somehow different from other children.

**Description of argumentation and topoi.** In many ways it is difficult to discover argumentation in the Act, as a piece of legislation. Argumentation is more evident in other forms of political text, where a particular point or intention is stated or implied. Topoi are inextricably linked to argumentation as the common sense rules that argumentation may rely on, to reach its ‘logical’ conclusion. As such, both are examined in tandem below.

Legislation as political text can present as neutral or objective, not intending to argue a point. But the logic of an argument is both its content and its structure. With respect to content, I refer again to Section 37, which delineates when a child is in need of protection (see Box 6.19), and how a child’s best interests are to be determined (see Box 6.17). We see the specifics of Section 37.2, wherein an assessment of these forms of harm or risk of that harm will determine that a child is in need of protection. We then see the specifics of Section 37.3, wherein the best interest of the child also can be assessed, using the specific aspects noted. In this way, the text
‘argues’ that the risk and/or the act of specific forms of harm determine that a child is in need of protection. The text then argues that a child’s best interest can be determined based on the specific criteria noted.

Finally there is an argumentation in the very structure of the text itself. There seems a topos in the particular design and ordering of the text (in its paratextuality). There is an implied logic in the presentation of the Act in the separation of parts and sections, the use of definitions and the linking between parts of the text (its hypertextuality). It seems there is an almost algebraic model or theory in the use of sets and subsets and the use of finiteness (e.g., definitions where a parent is this, but is not that). This structure of a format where the logic of the structure is repeated throughout the text (for example, the use of seriation) suggests a standardization or sameness as a form of consistency in the document.

**Analysis of argumentation and topoi in a textual/discursive context.** It seems logical that physical, sexual or emotional harm or abandonment puts a child at risk and thus the child needs protection. It also seems logical that an assessment of a child’s various needs, relationships and cultural/religious background will determine a child’s best interests. In examining both these sections, the common senseness of the argument, the topos, appears self-evident. In other words, who would argue against such understandings of risk, needing protection and best interests, in other words, who would suggest these topos are fallacies. The illlogic or fallacy lies in the assumption that only abuse or neglect puts a child at risk or hinders the best interests of the child. The criteria noted ignores all other factors that could harm a child, including structural factors such as unemployment, sexism or poverty. As such it is not a surprise (as noted in Chapter 2) that children of low income families and single mothers are more likely to come to the attention of a Children’s Aid Society.
Analysis of argumentation and topic in a social context. It seems that the incompleteness of the understanding of harm or risk, as noted above, assumes the child is only at risk through individual actions. As noted, in doing so the social and structural context is ignored, while at the same time only particular aspects of an individual understanding of harm or risk are included. This ‘incompleteness’ creates a construction of protection from harm or risk of harm that emphasizes physical, sexual and emotional harm within the parent/child relationship, and thus leaves out both other forms of harm and harm outside the parent/child relationship. And yet at the same time, the specificity of some of the ‘individualized’ harms is also incomplete, where we see generality regarding physical and sexual harm, and specific detail regarding emotional harm. As such, a particular kind of harm is constructed as one where a child needs protection, thus implying that harm outside that kind is not grounds for child protection.

In this way two forms of alienation occur. First, the notion of harm becomes alienated from its full or ‘true’ self, through an incomplete understanding of harm. Second, the protection of a child becomes alienated from itself, as the protection is only in particular areas, thus leaving out those other areas where protection may be important (for example, protection from harmful social factors such as poverty) as noted above.

While harm and risk are named as if complete, and thus transparent in itemizing the risk factors, its incompleteness renders invisible other factors that put children at risk. The risk components are named as if an exhaustive list – the details noted in the Act are somehow a complete set encompassing risk. However, there are many factors missing from the understanding of risk. All that is presented is risk in an individualized way, solely in the setting of the parent/child relation. What is absent is a different or expanded understanding of risk – that takes risk beyond the individualized sense and beyond the family and thus the parent/child relation. This would be a broader or more complete conceptualizing of risk – for example, one
that took structural factors into consideration. And in considering structural or social factors, the state then becomes implicated as a setting of risk, and the social relation of a child to the state also gets understood as a potential site of risk. But this notion of risk is left out – it is not considered in the text of the Act. As such, there is an invisibility of the fullness of risk, and as a form of mystification in the text, we sense something is missing. This incompleteness and invisibility creates a particular kind of harm or risk of harm, as that which can be attended to through child protection services. It is the specificity of that kind, as a narrow definition, that then creates quantifiable responses that can be measured and assigned value in the market-based provision of care.

**Conclusion**

In this chapter I have unpacked the Child and Family Services Act using analytical tools to explore, describe and analyze the text. I have examined the text at three separate levels: words, meanings and discursive strategies. The length and complexity of the Act is a challenge to explore. However, in my examination, the following themes emerge in how I characterize the language, as noted in the analysis discussed in this chapter: (a) inconsistency, (b) lack clarity, (c) assumed synonymity, (d) transformation, (e) discrepancy, (f) repetition, (g) variability, (h) lack of specificity, (i) absence of something, (j) confusion, (k) active, (l) constructed/reconstructed, and (m) illogic or fallacy. These textual or discursive aspects of the text produce or at least reflect or mirror social relations of capital, through commodification, alienation, reification and mystification. I will explore these themes in the discussion chapter. However, I now move on to the next chapter where I conduct my analysis of the text of a policy document – two of the Regulations connected to the Child and Family Services Act.
Chapter 7 – Findings from Regulations

Introduction

This chapter explores the text of two regulations: Regulation 206 and Regulation 70. As is discussed in Chapter 5, locating the actual text of these two regulations was a challenge. Regulation 206 was located but Regulation 70 was not. Similar to the Child and Family Services Act, Regulation 70 Part IX was a recreated document. Below I describe the process of my exploration of both regulations, again following the path of my theoretical and methodological journey. I then discuss my findings from this exploration.

Selective Purposeful Sampling of Regulations

My analysis began by reviewing the entirety of both Regulation 206 and Regulation 70. Unlike my extensive initial review of the CFSA, I found my focus narrowed quickly as described below. Regulation 206 entitled “Procedures, Practices and Standards of Service for Child Protection Cases” was enacted when the revised Child and Family Services Act took effect. It focuses on the service expectations when a child is in need of protection. I reviewed the entire document itself, which is quite short.

Regulation 70 is simply entitled “General” and corresponds to the various sections of the CFSA. It is a large document, considering its correlation to all sections of the Act, but I focused on Part IX, specific to Licensing regarding a child being in substitute care. I chose this section specifically as it seems comparable to Regulation 206 in its focus on how the substitute care system is to respond to a child’s need for care.

In this chapter, I first provide a description of what I observed in the text, followed by my analysis of what I observed. My analysis focuses first on the textual content, and second on the social context. Again, I discuss my findings following the three levels of analysis as noted in the methodology chapter. However, given that the text of these documents is significantly less, I
have grouped my analysis for each level, rather than separating it out with each analytical tool. Doing so was also important given the interconnection between the concepts at each level.

**Findings from Level I of Analysis – Words & Phrases**

From the first level of my analysis, indexicality was somewhat useful in my observation of the text of the regulations. However, tropes and nominalization were especially useful, alongside collocation. I offer a brief review of indexicality, noting its importance with respect to my discussion of intertextuality later in this chapter. I then proceed to a more detailed description of tropes and nominalization, with collocation intertwined. At the end of these three descriptions, I offered a combined analysis, again separated by textual context and social context.

**Description of indexicality.** Unlike my analysis of the Act, indexicality was minimally useful in my analysis of these two regulations given the rarity of definitions in either. However, I briefly examined definitions given their prominence in my analysis of the Act. Regulation 206 begins with definitions (see Box 7.1), although not named as such. We see child defined as that which is noted in the Act itself, as a form of intertextuality which I explore later in this chapter.

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Box 7.1

1. In this Regulation,
   “child” has the same meaning as in Part III of the Act;

   “Child Protection Fast Track Information System” means the database containing information extracted from the records kept by societies respecting children and families with whom the society has had contact in connection with the society’s function under clause 15 (3) (a) of the Act;

   “Risk Assessment Model” means the Ministry of Community and Social Services publication titled “Risk Assessment Model for Child Protection in Ontario” and dated March 2000.
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The Risk Assessment Model is cited as meaning a particular publication located outside the regulation, which I also explore as a form of intertextuality. The Child Protection Fast Track
System is the only definition provided, as the database used to record information about child protection investigations of any child and/or family in Ontario. I mention this definition as I refer to it later with respect to meaning in Level II of my analysis.

While Regulation 70 has a list of definitions at its start, my focus is on Part IX regarding licensing. That section does not contain definitions, and only once refers to meanings (as is the term used in Regulation 206) with respect to Records and Reports (see Box 7.2) to be maintained by a substitute care provider. Here we see the meaning of parent referenced only with respect to its definition in the Act itself.

**Box 7.2**

101.- (1) Every licensee referred to in Part V of the Act shall open and maintain a separate file with respect to,
(a) each person who is a parent within the meaning of subsection 137 (1) of the Act who relinquishes a child to the licensee for adoption;

**Description of tropes.** Of particular use in analysis of these regulations was the concept of metonymy. In Regulation 206, we see the use of “worker” and “society” (see Box 7.3). While neither term is defined, each is used distinctly. The differential use is not clearly understood. In describing the work of the society, we see actions we might expect from a worker, such as record, rate, determine, and review, with respect to actions regarding the investigation of a child’s need for protection. The worker is mentioned in association with the society, wherein the society ensures that the worker conducts service in accordance with the requirements. The worker is first mentioned in Part 2 (g) where the Society determines the time frame within which a child should be first interviewed as part of an investigation – but we see it only in this way, associated with direction from the Society. This pattern continues in Section 3 with respect to what a worker will do when, as part of the investigation. It is only in these two sections that ‘the worker’ is named. However, as noted above, many of the actions listed for ‘the Society’ are
those that would be done by an individual person, as ‘the worker’; that is, when examining the references to ‘the society’ outside of this part, the work tasks are what we would expect a worker to do. Therefore, in those instances, it seems ‘the society’ is a metonymy for ‘the worker’.

Box 7.3

2. Within 24 hours after receiving information that a child is or may be in need of protection, a society shall,
(a) record the information it received;
(b) rate the information it received in accordance with the rating criteria contained in the publication of the Ontario Association of Children’s Aid Societies titled “Ontario Child Welfare ELIGIBILITY SPECTRUM” and dated March 2000;
(c) record the rating made under clause (b) and the reasons for the rating;
(d) search the Child Protection Fast Track Information System for information that may be relevant in determining whether or not there are reasonable and probable grounds to believe that the child or any other child in the same family is in need of protection;
(e) record the information that may be relevant found under clause (d);
(f) decide, in accordance with the Risk Assessment Model, whether or not a full child protection investigation should be initiated with respect to the child and any other child in the same family;
(g) record the decision made under clause (f);
(h) if the decision made under clause (f) is that a full child protection investigation should be initiated,
(i) determine, in accordance with the Risk Assessment Model, the time within which a child protection worker should first meet with the child who is, or the children who are, the subject of the investigation, and
(ii) develop, in accordance with the Risk Assessment Model, a plan for carrying out the investigation; and
(i) record the determination made under subclause (h) (i) and the plan developed under subclause (h) (ii).

3. A society shall ensure that,
(a) when a child protection worker first meets with the child who is, or any of the children who are, the subject of a full child protection investigation, the worker conducts a safety assessment in accordance with the Risk Assessment Model and takes the actions that are immediately necessary to protect the child or children, as the case may be; and
(b) as soon as possible and no later than 24 hours after the first meeting referred to in clause (a), the worker records the safety assessment conducted under clause (a) and the actions, if any, the worker has taken under clause (a) to protect the child or children, as the case may be.

4.
(1) After completing a full child protection investigation, a society shall,
(a) record the findings of the investigation;
(b) determine, in accordance with the Risk Assessment Model, whether or not there are reasonable and probable grounds to believe that the child who was, or any of the children who were, the subject of the investigation is in need of protection; and
(c) record the determination made under clause (b) and the reasons for it.
In Regulation 70 Part IX, we see the term “licensee” used as a generalized term. It is used 209 times in this regulation. Before examining this more closely, it helps to first note the types of licenses one can apply for. We see here differences between licenses for residential care or placing a child for adoption, and between “license”, “renewed licence” and “provisional license” (Box 7.4). However, later in Section 65 we see mention of licensee for the first time (Box 7.5). Here and elsewhere throughout the rest of the regulation, distinctions are not made between the role of a licensee with respect to these different types of licenses. They are presented as the same under the generalized term licensee.

Box 7.3 (Cont.)

(2) If the determination made by the society under clause (1) (b) is that there are reasonable and probable grounds to believe that the child who was, or any of the children who were, the subject of the investigation is in need of protection, the society shall, (a) carry out, in accordance with the Risk Assessment Model, a risk assessment and an assessment of other child protection issues; (b) develop and carry out, in accordance with the Risk Assessment Model, a plan for reducing the risk of future harm to the child who is, or the children who are, believed to be in need of protection; and (c) record the assessments carried out under clause (a), the plan developed under clause (b) and the steps taken to implement the plan.

(3) The society shall repeat the tasks it is required to perform under clauses (2) (a), (b) and (c) at least every six months until it determines, in accordance with the Risk Assessment Model, that the child is, or the children are, as the case may be, no longer eligible for child protection services.

(4) When the society determines that the child is, or the children are, as the case may be, no longer eligible for child protection services, the society shall, (a) review its most recent assessments under clause (2) (a) and its most recent plan under clause (2) (b); and (b) record the review.

Box 7.4

65.- (1) An application for a licence or a renewal of a licence to establish, operate or maintain a residence under clause 193 (1) (a) of the Act shall be made to a Director in Form 28.

(2) An application for a licence or a renewal of a licence to provide residential care under clause 193 (1) (b) of the Act shall be made to a Director in Form 29.

(3) An application for a licence or a renewal of a licence to place children for adoption under subsection 193 (2) of the Act shall be made to a Director in Form 30.
Additionally I note that licensee is not clearly defined and seems to encompass several social actors. As a trope it is both a partial and full metaphor; I discuss this in more detail with respect to nomination and classification later in this chapter but I note it here in its first instance within Part IX of Regulation 70. We see “licensee”, “foster parent” and “Director” named in the regulation with respect to licenses; what I find interesting is that ‘the Ministry’ or ‘the Minister’ is not named. Given the financial arrangement between the Ministry and service providers, I am surprised by the absence of the Ministry/Minister in this text as metaphors for the state. In effect it seems that the state’s necessary presence (as a regulator and a funder) is invisible in the regulation.

Finally, I note the term “premises”. This term is noted 15 times in the regulation, as in the above text (Box 7.5) but also the section immediately before it in the regulation document (see Box 7.6) and the section following it (see Box 7.7).

Box 7.4 (cont.)

(4) An application for a licence or renewal of a licence shall be accompanied by such other information as a Director considers necessary to enable the Director to determine whether the applicant would, if licensed, be in compliance with the Act and the regulations.
(5) A licence to establish, operate or maintain a residence shall be in Form 31.
(6) A licence to provide residential care shall be in Form 32.
(7) A licence to place children for adoption shall be in Form 33.
(8) A provisional licence to establish, operate or maintain a residence shall be in Form 34.
(9) A provisional licence to provide residential care shall be in Form 35.
(10) A provisional licence to place children for adoption shall be in Form 36.

Box 7.5

65. (17) A licence or a provisional licence to provide residential care or to place children for adoption shall be kept on the premises of the licensee who shall ensure that the licence is available for inspection by any person. O. Reg. 550/85, s. 58 (14-17).
The term is used a few more times in the text, most notably with respect to access by a medical officer of health to the premises as needed. I also note that the term is not present anywhere in the section of the regulation that is specific to foster care. The definition of premises as a noun refers to a building and its grounds, while residence may only imply the building itself. Perhaps this distinction is intentional, to ensure some attention to the space surrounding the placement setting. However, I then note its absence in the foster care section and wonder if this suggests that the grounds of a foster placement setting are not of importance. If so, I find this surprising, given my practice knowledge of the scrutiny that the grounds of a family home can face during a child protection investigation.
Secondly I note the etymology of “premise” as a legal word that originally was used to make reference to a previous statement on a legal document, usually in a deed or will. Over time this usage slipped to encompass buildings and grounds as these terms were often the points being referred back to in the legal document. Perhaps the legal connection is important here, wherein premises has a stronger meaning than residence, with respect to accountability. A “premises” also can refer to any kind of building and grounds, whereas a “residence” or a “foster home” is more specific. Thus, premises may include business settings. This distinction seems to distance the place of care even further from the relations of caring, as it is outside the terms “residence” and “foster home”, both of which may be considered more connected to a home rather than a business as the site of caring. Once the site of care becomes distant, so too may the caring.

**Description of nominalization.** Nominalization was useful in examining Regulation 70. Caring is noted only once in Part IX of the regulation (Box 7.8).

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Box 7.8
111. (5) The licensee shall consult with the placing agency, where the placing agency is not the licensee, and the foster parents to ensure that as part of the foster care plan, …
(d) where the child is emotionally disturbed, that a plan is developed for the supervision of the child and the child’s foster parents that states the methods to be used and the supports to be provided to the foster parents in managing and caring for the child. O. Reg. 550/85, s. 104.
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The rest of the regulation names “care” as a noun, 75 times in this regulation. It mostly is referred to as “plan of care”, “residential care”, “provision of care” and “foster care”. As such, the active, relational and dynamic process of caring becomes a noun. Perhaps somewhat outside nominalization, but related to the objectified presentation of care as a ‘thing’, is how care is described in Part IX of Regulation 70.
I note again the application for a license to provide care (see Box 7.5 and 7.9).

**Box 7.9**

65. (2) An application for a licence or a renewal of a licence to provide residential care under clause 193 (1) (b) of the Act shall be made to a Director in Form 29.

... (11) The fee payable by an applicant on application for a licence or renewal of a licence under subsection (1) or (2) is, (a) $100 payable every three years for each Region in which and applicant intends to establish, operate or maintain a residence; and (b) $100 payable every three years for each Region in which an applicant intends to provide residential care.

(12) Subsection (11) does not apply to an applicant for a licence or a renewal of a licence in a Region where the applicant has within the three year period referred to in subsection (11) already paid the prescribed fee. O. Reg. 550/85, s. 58 (1-12).

(13) The fee payable by an applicant on application for a licence or renewal of a licence under subsection (3) to place children for adoption is $200 payable every year. O. Reg. 550/85, s. 58 (13); O. Reg. 177190,s.l. (O. Reg. 400/93).

(15) A Director may refund to an applicant a fee paid under this . 70 section with respect to a licence or renewal thereof that is not issued to the applicant.

Here we see that a license is required to provide care, or to authorize someone to provide care (e.g., for an agency to authorize a foster home).

Second, in the same section of the text, we also see, for the first time in this part of the regulation, the financial interaction for the provision of care. An applicant must pay a fee with the application, including for a renewal. As such, we see a monetary value and exchange with respect to the application for and registering of the service of caring. We also see that a Director may refund the fee if the application is not successful. It is this connection between the provision of care and payment that is my final focus in this description of words and phrases in the Act.

Regulation 70 Part IX notes the expectation of a budget for any licensee who provides care (Box 7.10).
Here we see three characteristics of a common budget approach. Noted first is an expectation of planning anticipated revenue and projected expenditures. This reflects a basic input and output model of business accounting. We also see the separation between basic care expenditures and special care expenditures. This differentiation is not clarified in this part of the regulation. However, the partializing of expenditures as basic or specialized may metaphorically refer basic care that all children would need, with specialized care more focused on a classification of children as having special needs beyond basic care. Such specialized care may require more resources, through greater caregiver/child ratios and more specifically trained caregivers.

Alongside this distinction I also note the naming of costs as “expenditures”. In a family context of care, we may anticipate expenses within a family’s budget as the costs of maintaining a home and the well-being of family members. Expenditure seems more of a business term, also used in public accounting discourses; additionally there is something more active than cost – the expenditure of something. I further note that with respect to the budget, we then see the expectation that actual revenue and expenditures

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**Box 7.10**

77.-(1) Every licensee shall prepare and maintain an annual budget with respect to each residence operated by the licensee that sets out,
(a) anticipated revenue of the residence; and
(b) projected basic care expenditures and special care expenditures for the residents in the residence.
(2) Where a licensee operates two or more residences, a separate budget shall be prepared for each residence and each budget shall show the individual costs for each residence and the costs that are shared between the residences. O. Reg. 550/85, s. 70.

78.-(1) Every licensee shall, in respect of each residence maintained and operated by the licensee,
(a) keep a complete record of revenues and expenditures made in connection with the operation of each residence; and
(b) prepare and submit financial reports to a Director when required by a Director including reports by a public accountant licensed under the Public Accountancy Act.
will be recorded, with financial reports submitted to the Director. This record implies a form of transparency and accountability of the cost of caregiving, although the detail of what specifics are required in these reports is not noted here.

Finally, related to the budget notation, the regulation also notes the need for an agreement for foster care.

**Box 7.11**

120.- (1) Every licensee that intends to place a child in foster care shall enter into a written foster care service agreement with the foster parents before placing a foster child with the foster parents. O. Reg. 550/85, s. 113 (1).

(2) The foster care service agreement shall set out,

(a) the respective roles, responsibilities and obligations of the licensee and the foster parents;

(b) support and training services to be provided by the licensee to the foster parents during the placement of children, including,

(i) frequency and form of supervision,

(ii) relief services,

(iii) training opportunities, and

(iv) professional consultation for the foster child;

(c) financial arrangements for the care of a child, including,

(i) the basis for determining the amount of payment to the foster parents,

(ii) the method and frequency of payment to the foster parents, and

(iii) the basis for determining which expenditures that the foster parents incur that the licensee will reimburse;

(d) those things that are considered to be confidential between the foster parents and the licensee;

(e) the frequency of performance evaluation by the licensee; and

(f) the basis for termination of the agreement. O. Reg. 550/85, s. 113 (2); O. Reg. 219/88, s. 14.

(3) The foster care service agreement shall be reviewed by the licensee at least annually and at the request of a foster parent and updated by the parties to the agreement from time to time as is necessary to give proper effect to the agreement. O. Reg. 550/85, s. 113 (3).

First I note the term “agreement” for foster care. In particular the agreement for service notes the “roles, responsibilities and obligations”. Here we can see the contractual nature of service modelled on common law intentions of mutual obligations. Agreements must contain the various elements noted in the regulation, but the specific details regarding each of those elements are not stipulated, such as service provision and financial arrangements. It suggests that each agreement could be unique, seeming to straddle the
standardized formality of the public business realm and the dynamic and somewhat informal aspects of the less public (but not private) realm of service. However, it is not clear to us. We do not know if all agreements have common elements and language or if they can each be different.

Second I note the details regarding payment. We see here reference to “financial arrangements for the care of a child”, including the amount of payment (120.2.c.i), the method and frequency of payment (120.2.c.ii) and reimbursement. We also see that the foster care service agreement includes other resources provided to the foster parents, including relief services, training opportunities and professional consultation. In these details we can see financial details about payment and compensation for a child’s care.

However, I also note itemization and differentiation with respect to types of service (basic or specialized), which I discussed earlier and explore in more detail further in this chapter. This itemization and differentiation also is visible with respect to types of resources. Resources may include additional services (such as relief from caregiving), opportunities (for training – which is named as a service elsewhere) and consultation within a professional context (although the specific type of ‘professional’ is not noted). Finally I note the term ‘reimbursement’ is separate from payment, which may imply that some expenses are assumed in the payment scheme (which I discuss further in Chapter 9 regarding per diem rates) while other expenses are unique and evaluated for appropriateness of use. This is not clearly noted, but it does raise a question about why there is an apparent distinction between forms of financial costs.

**Description of collocation.** As noted earlier, “care” is listed 75 times in this regulation. It occurs most frequently as “foster care” (25 times), but also as “residential care” (10 times). “Plan of care” is noted 20 times, which sometimes refers to the
document where a plan is detailed while other times it refers to the plan itself. “Provision of care” is noted once, but similarly noted as “care may be provided”, “care provided” or “provide care” for a total of six times. The collocation of these terms, where care does not stand alone as a term, shifts care into a consumer model of service. Care occurs in a residence (or a foster home) and thus is provided as a service. As such, it seems to be distanced from the informal and private relations of caring and pulled towards a formal and public relation of a service that can be quantified. In this way, the caring about the child is backgrounded by the focus on caring for the child – as the tasks and documentations of care for the child are measurable as a form of service.

Second, with respect to the foster care plan, I note the combination or close proximity of several terms. It is only in this section regarding children named as “handicapped” or “disturbed” that the specifics of service are noted in connection to the foster care plan. With respect to that specificity, I note the following with respect to service: “evaluation, treatment, consultation”, “time-limited measurable objectives” and “methods and supports for managing and caring”. Two patterns emerge here. First I see the potential for resources being provided to foster parents as part of the service provision, especially provision outside the basics of foster care itself, such as consultation and supports. Second, we can see both a quantification and evaluation of care with the “time limited measurable objectives” of a care plan for a physically handicapped child.

Box 7.12

111. (5) The licensee shall consult with the placing agency, where the placing agency is not the licensee, and the foster parents to ensure that as part of the foster care plan,
(a) where the child is developmentally, physically or learning handicapped or is emotionally disturbed and is not already receiving remedial instruction or treatment to meet the child's needs, that the child receives an evaluation and treatment and consultation as is required in the circumstances;
(b) where the child is developmentally handicapped, that the child receives an individual program plan;
I also note the particular language used as points in the last part of this text: “managing and caring for the child”. This collocation suggests the mix of the service procedure of managing alongside the more relational element of caring. “Managing the child” may be considered in a more common sense way as managing behaviour. However, given the resources and quantification noted above and earlier, it also may refer to the more bureaucratic notion of managing a child with resources, which are measured for service delivery but also for accountability in service meeting specific objectives. In this way it seems there is a standardized control over the care of a child. I also note “caring for the child” is named, but not ‘caring about’ the child. As such there appears to be a focus on the tasks of caring, rather than the emotions or social relations of caring.

Finally, I note the use of the terms “policies” and “procedures” where they are located together as a single phrase: “policies and procedures” which occurs 10 times in this regulation as in this example (Box 7.13).

Box 7.12 (cont.)

(c) where the child is a physically handicapped child, that the child is provided with a specific plan that is designed with the overall goal of moving the child towards being independent with respect to life skills and that contains time-limited measurable objectives; and

(d) where the child is emotionally disturbed, that a plan is developed for the supervision of the child and the child's foster parents that states the methods to be used and the supports to be provided to the foster parents in managing and caring for the child. O. Reg. 550/85, s. 104.

Box 7.13

73.- (1) Every licensee shall maintain an up to date written statement of policies and procedures with respect to each residence operated by the licensee that sets out, ...

(c) procedures relating to the admission and discharge of residents;

(e) procedures for the maintenance of case records;
This phrase “policies and procedures” is common organizational language, used inside and outside social services. A simple internet search shows the coupling of these two terms repeatedly. Within this regulation, I note that ‘policy/policies’ is never named outside of this phrase. However, I do note that “procedure/procedures” is named separately 13, such as in the example above (Box 7.13). Here and elsewhere we can see that procedures are noted regarding specific actions, which seems to make sense given the active nature of procedure as something that is done. I simply note the combination of the two terms ‘policies’ and ‘procedures’ as an example of the institutionalization context of the care of children.

**Analysis of words and phrases in a textual/discursive context.** In exploring metonymy as a way to examine the text, we see a lack of clarity in the regulation. Worker and the society are somehow conflated in the actions to undertake when investigating a child in need of protection in Regulation 206. The lack of clarity occurs in two ways. First, and perhaps obvious, there is no explanation of the distinction between ‘the society’ and ‘worker’ so it is not clear why they are separated and what they mean. Second, ‘the society’ implies an organization – the Children’s Aid Society itself – but a society is comprised of workers. It is not clear who is expected to do the actions of the regulation, as part of the investigation process. As such, it appears the Society as an organization determines what kind of staff do what kind of work, thus not having a standardized deployment of staff resources across the province’s child protection system.

Additionally, given the specificity of what actions are expected in the investigation (for example, record, rate, decide) and the time frames (e.g., within 24 hours), it is unclear why there is a distinction made between society and worker here but not elsewhere. Perhaps this reflects the
Society as a legal entity that can be held accountable to the Ministry, with the worker then held accountable to the Society. However, we know from criminal charges being laid against a child protection worker in the case of Jordan Heikamp’s death (as noted in Chapter 2) the worker also can be held individually accountable to the state.

The nominalization of care marks a transforming of the action of caring into a thing. It is presented as a provision of service (e.g., foster care, residential care) rather than the active caring for and about the child. This occurs throughout Regulation 70. It is nominalized as it becomes itemized in the foster care agreement, including the details regarding the payment for care and other resources provided to the foster care provider. In this way, and recalling my own practice and discussions about foster care, caring as a thing can become taken up in a way that focuses on the mechanics of care. Foster parents and child protection workers confirm that the service needs of the child are being met through the provision of resources to the child and the foster parent. These objective elements become the focus of the care, and accountability about that care, rather than the relational aspects of caring about the child.

Analysis of words and phrases in a social context. In my analysis of the regulations within a social context, I offer a reading of words and phrases that considers how reification is present in Regulation 206. I also note how both commodification and exchange value are present in the text of Regulation 70.

There is a reification of ‘the Society’ in Regulation 206. Although it is not a purely Marxist interpretation of reification wherein social relations become concrete things, ‘the Society’ as an abstract notion becomes reified as an embodied agent who can act – which is only possible through the actions of a worker. This reification makes it difficult to see who is responsible for what actions in the procedures of child protection investigation, as ‘the Society’
encompasses many social actors. However, my own knowledge from my practice informs me that these actions are performed by child protection workers.

With respect to commodification, I refer back to Regulation 70, Sections 77/78 regarding the budgeted and actual revenue and expenditures, and Section 81.3 regarding financial arrangements for the provision of care. In these two sections, caring is commodified as it enters the market through the financial arrangements for care provision. In doing so, care expenses are referred to explicitly though not specifically quantified. As such, I see the social relations between child and care provider also then enter the market.

Alongside commodification, we also see exchange value. The child’s care is paid for, both as basic expenses and special expenses; payment occurs to the care provider through the financial arrangements in the foster care agreement. We also can see other resources stipulated for the foster care provider, including relief, training and consultation. In this way we can surmise that while there is use value for the child in having care provided to them, the child’s presence in the foster home also produces exchange value for the care provider. The foster parent receives financial compensation in exchange for the care they provide to the child; this entails a market relation wherein the child’s care is a commodity that is paid for through the state, as stipulated in a business contract (i.e., the foster care agreement). This market relation is further mirrored in the other resources provided to the foster parent, such as relief services, training and consultation, as part of their overall compensation in exchange for providing care to the child. I note here that the child does not have comparable exchange value in the private realm of their family, in the care of their parent, usually their mother.

Having provided this first level description and analysis of words and phrases in these two regulations, I now move to my second level of exploration – the meanings of words and phrases.
Findings from Level II of Analysis – Meanings

In this second level of analysis, discourse theory notions of signifier and closure were particularly useful in my exploration of the text. Also useful was the concept of intertextuality. Below I discuss the use of signifier and closure as associated concepts in discourse theory that guided my exploration of the text of the two regulations. I then discuss intertextuality, with a brief exploration of paratextuality, followed by a more focused exploration of hypotextuality. At the end of these descriptions, I offered a combined analysis of these details, again separated by textual context and social context.

Description of signifier and closure. As noted, these two concepts are brought together through discourse theory, as discussed in the methodology chapter. I explore these two concepts below, noting my observations of them and their association in the text, with respect to the meaning associated with “full child protection investigation” and “care”.

In Regulation 206, there are four references to a “full child protection investigation”, twice in part 2, and once in each of parts 3 and 4 (see Box 7.3). We see references to the decision about whether or not a full child protection investigation is needed (2.f; 2.h), the subject of a full child protection investigation (3.a) and the completion of a full child protection investigation (4.1). There are references to the Risk Assessment Model, but those details are not provided in the regulation. At no point is there a description of what a full child protection investigation is. It seems that this phrase is an empty signifier, in the sense that its meaning is never fully disclosed – and thus there is no closure on its meaning. In practice, child protection workers receive training and supervision regarding an investigation, so over time they ‘know’ what a full child protection investigation is. However, it is not articulated anywhere in the regulation, thus making it invisible to the novice reader. It is only the privileged reader, with inside knowledge, who can make sense of the meaning of an investigation. I know from my own practice that even with this
insider knowledge though, the specifics of any investigation will vary depending on the circumstances of the child who is being investigated.

As noted in the previous chapter, sometimes meaning may be attributed through definition. In Regulation 206, the only definition provided is for the Child Protection Fast Track System (see Box 7.1). This system contains specific information gathered in an investigation when ‘a child is or may be in need of protection’. It is a province-wide case recording system, generated by the case records completed by child protection workers. The extracted information then is stored in the database, which child protection workers from across Ontario can access. This access is to determine if there is other information (i.e., from previous investigations) that may be important to the current investigation. I know this detail from my practice history – it is not explained in the text of the regulation itself.

From my practice I also know that at the time of its introduction, there was common banter that this naming of the ‘Child Protection Fast Track System’ (often cited only as ‘Fast Track’) had two meanings. The first meaning, perhaps most obvious, is that it was a way to quickly access information about children and families under investigation. But second, the meaning of the ‘fast track’ term also was characterized as a ‘fast tracked’ adoption of standardized case documentation as a quick procedure to implement and thus demonstrate the provincial government’s tangible response to the rampant concerns about the child protection system. Whether intentional or not, in this way perhaps the meaning of ‘fast track’ carried both traits, thus activating Children’s Aid Societies to put extra and intense resources into the quick training of staff on the new system, to ensure compliance with the new procedures. Additionally the speedy adoption of the database focused energy on learning and implementing the system, without pause for reflection or critique on its content or how its application was both changing
social work practices and creating particular forms of surveillance and thus accountability for families and for parents and for workers, mostly women.

With respect to “care”, care is referred to mostly within the phrases “plan of care” and “foster care”, although it also is highlighted with respect to “medical and dental care”. I describe each of these below. Plan of care is cited 20 times in Regulation 70 Part IX, first in Section 86, as below (Box 7.14).

**Box 7.14**

86.(1) Every licensee shall develop or participate in the development of a written plan of care for each resident admitted to a residence operated by the licensee within thirty days of admission of the resident.
(2) A plan of care for a resident shall include,
(a) a description of the resident's needs that is developed with reference to the findings of current or previous assessments of the resident;
(b) a statement of goals to be achieved for the resident while the resident is in the residence;
(c) a statement of the means to be used to achieve the goals referred to in clause (b);
(d) a statement of the educational program that is developed for the resident in consultation with the school boards in the area in which the residence is located;
(e) where applicable, a statement of the ways in which a parent of the resident will be involved in the plan of care including arrangements for contact between the resident and a parent of the resident and the resident's family;
(f) particulars of any specialized service to be provided directly or arranged for by the licensee;
(g) particulars of the dates for review of the plan of care;
(h) a list of revisions, if any, to the plan of care; and
(i) a statement of the anticipated plan for discharge of the resident.
...
86.(6) Every licensee shall ensure that the development of each resident in each residence operated by the licensee in relation to the plan of care developed for the resident is reviewed at least every thirty days during the first six months that the resident is in the residence and at least every six months thereafter.

Here we see an agreement that there will be a plan of care for every resident, to be completed within 30 days of becoming a resident (i.e., being admitted to the residence). The plan of care is to include a description of needs (based on past/current assessments) and the goal and means to meet goals. The only specific goal addressed is regarding an education program. There also is acknowledgement that there may be specialized services provided, and that contact with a resident’s parent/family may or may not form part of the plan of care. However, neither here nor elsewhere in the regulation are other details noted about what a plan of care should contain.
There are however details in the regulation specific to medical and dental care. Sections 91 to 94 are specific to medical and dental care, as detailed below (Box 7.15 and 7.16).

**Box 7.15**

MEDICAL AND DENTAL CARE

91.- (1) Every licensee shall ensure that the written policies and procedures in each residence operated by the licensee with respect to the health program referred to in clause 73 (I) (g) provide for,

(a) resident access to community health programs;

(b) arrangements for a physician and dentist to advise the licensee on an ongoing basis about medical and dental care required by the residents;

(c) at least an annual assessment of the health, vision, dental and hearing condition of the residents;

(d) health education for the residents; and

(e) the carrying out of procedures recommended by a physician for the prevention and control of disease.

(2) Every licensee shall ensure that the services of a physician are provided for each resident in each residence operated by the licensee at regular intervals and as often as is needed by the resident.

(3) Every licensee shall ensure that, where it is proposed to administer a medical or dental treatment to a resident in a residence operated by the licensee, the proposed treatment is fully explained to the resident in language suitable to the resident's age and understanding.

(4) Every licensee shall, with respect to each resident in a residence operated by the licensee, maintain a cumulative record of each resident's medical and dental examinations and treatment while the resident is in the residence.

(5) The cumulative record referred to in subsection (4) shall be kept in the resident's case record. O. Reg. 550/85, s. 84.

92.- (1) Every licensee shall ensure that with respect to each resident in each residence operated by the licensee,

(a) prescription medicines are administered to a resident only under the general supervision of the program staff of the residence and only when prescribed by a physician; and

(b) a record is kept of all medication given to each resident, including the type of medication, the period for which it is prescribed, when each dose is to be given and is given and by whom each dose is given.

(2) The record referred to in subsection (1) shall be available to the prescribing physician upon request.

(3) Every licensee shall provide lockable storage facilities in each residence operated by the licensee that shall be used for the medication of residents who are sixteen years of age or over and, in the opinion of the licensee, are able to assume responsibility for self administration of medication and wish to assume that responsibility.

(4) Subsection (1) does not apply where the medication is self administered in a situation described in subsection (3).

(5) Where, in the opinion of the physician, a resident under sixteen years of age will derive some benefit from the responsibility of administering the resident's own medication, a copy of the physician's written self-medication plan for that resident shall be kept in the resident's record. O. Reg. 550/85, s. 85.
We see that a resident’s care shall include access to medical and dental care through an assessment of health, vision, hearing and dental needs and procedures for carrying out a physician’s treatment plan, including medication. We also see that care shall include health education. I note that medical and dental care is not more fully defined, although there is a note of prevention and control of disease. I also note the focus on physician, wherein other health care providers are not named.

We can see how such detail is important to ensure a minimum standard of care with respect to health needs, and that care combined with its documentation is important for the protection of children when they are in substitute care systems. This notion also may provide a way for such care to be separated out and thus itemized as specialized needs, and thus reimbursed outside of the payment rates for basic care. It also may provide a way for such services to be documented so that specialized payments are traceable and thus accountable through the record-keeping systems noted. However, if these suggestions are the intentions of such procedural detail, it is not clear why such detail is not provided for other aspects of a child’s care. The logic of standardization as a means of accountability seems inconsistent. While specifics may be required to justify reimbursement, it is not noted here. It is only inside knowledge from my own practice that tells me that some details are recorded to both authorize and track expenses outside basic care requirements. However, I also know from my insider experience that such practices are inconsistent, both between and within organizations.

Outside this focus on the plan of care and specifically medical and dental care, care is implied with respect to the “provision of service” to a child (Box 7.17).

**Box 7.16**

93. Every licensee shall ensure that each person in a residence operated by the licensee who suffers from a communicable disease and for whom isolation is considered necessary by a physician is isolated from other persons in the residence who have not been infected. O. Reg. 550/85, s. 86.
Here “provide care for the child” is noted but the specifics of that care are not detailed, other than noting emergency medical treatment and access to other information about the child.

Finally, I explore the details provided regarding foster care. “Foster care” is cited 25 times in Regulation 70 Part IX, first noted in Section 71 regarding the death of a child “in foster care” but not again addressed until near the end of the regulation, in Sections 110 to 121 (see Appendix 1). These sections form the final quarter of the regulation and is the largest portion of Part IX of the regulation.

First I note reference to assessment and plan for the child before the child’s placement. Here we see details about the child’s immediate needs, any plan for child’s return home, identifying information, legal status and “objectives of the provision of foster care” regarding the child’s “developmental, emotional, social, medical and educational needs”. This is the first time we see a child’s needs articulated, done so with respect to an assessment of the child. Given that the child’s care would seem centrally important when a child is in the care of a Children’s Aid Society, it is curious to see the specifics of a child’s care needs not articulated until so close to the end of the regulation’s section. This observation is not to suggest that child protection
workers would not know how to assess and plan for a child’s needs, without these details. The mandatory child protection training, social work background and other child welfare knowledge combine to inform the actual practice of these processes. From my own practice, I know there is some consistency and overlap in these various forms of knowledge, reflecting a discursive field to form meanings about a child’s needs when they are in foster care. However, it remains curious to me that these details are not more specifically noted in the regulation, and that any reference to them only occurs near the end of the regulation; given that these needs seem tied to a child’s best interests (recalling the CFSA’s primary purpose), I would have anticipated focusing on these needs more prominently in the regulation.

It is referenced again in the next section regarding an assessment of the child within 21 days of the child’s placement commencing. Here we see details about the child’s special needs, legal status, identifying information, family history and “circumstances necessitating out of home care for the child”. This description overlaps somewhat with the pre-placement assessment, but is not the same; the details of the child’s needs are not noted in the 21 day assessment, but that assessment includes details about why the child is in foster care, which is not named in the pre-placement assessment. Then with respect to the “foster care plan”, some specifics are further noted regarding a child who is “handicapped” or “disturbed”, regarding the need for evaluation and treatment, including a “plan”. With specific attention to emotional needs, I also note that “supports to be provided to the foster parents in managing and caring for the child” is included.

Given my interest in how parent capacity for caring for a child is measured (through the Ontario Risk Assessment Model), I also am interested in how a foster parent capacity for caring for a child is measured in Regulation 70 Part IX (see Box 7.18).
We see first the requirements for how a licensee manages foster homes under their license, including a “system for evaluating... according to the objectives set for the type and level of care to be provided”. However, the details of what the type and level of care might be are not provided. While we would expect that some flexibility is necessary in any plan of care to meet the individualized needs of any child, it seems counter to the standardized specificity of some parts of this regulation for the ‘type and level of care’ to be undefined.

Similarly, in Section 118, we see the procedures of the approval process for a foster home, noting “at least one planned interview”, contacting references, confirmation of foster parent’s health situation, and a visit to the home. Details regarding these procedures are not provided, except with respect to the assessment of the home, which I note below. Again, what would seem important is a balance between specificity and flexibility in these details, given the level of standardization elsewhere.

There appears to be a tension in the text, between common standards which can make accountability measurable, and flexibility to meet a child’s needs. These seeming contradictions
become a challenge in the practice of child protection. Workers have to find a way to manage between the strictness of standardization and the imprecision of flexibility. In my own practice I saw this tension become a challenge in two ways. First, there was inconsistency in practices, whereby newer workers were more inclined towards standardization, seeming to find security in its rigidity and to assume correctness in such practices, conscious of the surveillance of their work (through supervisors and through Ministry reviews) and potential liabilities. This inconsistency is a concern as it means differential services to children based on the worker’s comfort with flexibility, rather than differentiation based on needs of a child.

Second, in many case conferences I saw plans of care and other details presented to families as if ‘commonplace’, that the intentions were standard procedure, applied to all situations in the same way, as if to assure parents that their child was receiving the best care possible, based on a provincial standard of care. Meanwhile, in reading these texts and recalling my practice experience, we know that care was rarely straightforward and precise, thus giving families an illusion of what occurs in the care of their child in a foster home.

Continuing with this notion of tension, I note other details of assessment in the regulation. As seen in Box 7.19, the assessment of the home, through the home visit, is very specific regarding the physical features of the home. Here we see a focus on common areas, the child’s sleeping area (the room and the furniture), the grounds and the play space, but specific details only are provided regarding the sleeping area as noted above.

### Box 7.19

118.- (2) A person who visits an applicant's home to determine whether or not it is suitable as a foster home shall inspect the common living areas of the applicant's home, the proposed sleeping area for a foster child, the grounds surrounding the home and the play space used by children in the home and the recreational areas within walking distance of the home.

(3) A visit referred to in subsection (2) shall be recorded in the applicant's file. O. Reg. 550/85, s. 111.
Here we see far more detail including requirements regarding room size, number of toilets and tubs/showers, play area size, water temperature, room temperature and fire equipment. It is not clear if these expectations apply to foster homes or not. This raises a few questions. First, it is not clear why this level of detail so clearly applies to residential care but not clearly to foster care. Does this mean foster care standards are different? If so, why might that be? Perhaps such detail is required for insurance of a residential setting. But if so, why would such detail not also be needed for a foster care setting? Second, I note the focus on the materiality of the living conditions. This is important to protect children from inadequate living conditions. However, the missing detail about other aspects of care imply either a privileging of physical over emotional needs being met (i.e., caring for a child privileged over caring about a child), or only naming that which can be easily measured and thus evaluated (i.e., physical aspects of care), or both. Again there appears a tension between the intent of having standards of care to protect children while in placement with the substitute care system.

Box 7.19 (cont.)

119.-(1) No licensee shall approve a home as a foster home unless the licensee is satisfied that the regular sleeping accommodation for the foster child or children meets the following requirements:
1. No room without a window is used as a bedroom.
2. No bedroom is in a building detached from the foster home, an unfinished attic or unfinished basement or a stairway hall.
3. Each foster child has a bed and clean mattress suitable for the age of the foster child together with bedding that is appropriate according to the weather and climate.
4. No foster child shares a bed or sleeping room with an adult couple or adult of the opposite sex.
5. No foster child over six years of age shares a bedroom with another child of the opposite sex.
(2) Paragraph 4 of subsection (1) does not apply where a child is ill or an infant and the needs of the child require that the child be in-the same room as an adult.
(3) Subsection (1) does not apply where a Director approves an arrangement other than an arrangement required under that subsection. O. Reg. 550/85, s. 112.
With respect to Accommodation regarding residences, we see more detail as noted in Box 7.20 regarding Accommodation and Box 7.21 regarding Fire.

Box 7.20

ACCOMMODATION

106. Every licensee shall ensure that each residence operated by the licensee meets the following requirements:
1. No room without a window is used as a bedroom.
2. No basement area or room is used for sleeping accommodation unless such use is approved by a Director.
3. Each bedroom has a minimum area of five square metres of floor space for each resident over the age of eighteen months and under the age of sixteen years.
4. Each bedroom has a minimum of seven square metres of floor space for each resident sixteen years of age or over.
5. A residence that accommodates residents under the age of eighteen months has a minimum area of 3.25 square metres of floor space for each resident and at least 7.5 square metres of floor space in every bedroom where residents under the age of eighteen months are accommodated.
6. Each resident is provided with his or her own bed and clean mattress suitable for the resident's age and size, together with bedding that is appropriate according to the weather and climate.
7. No resident over six years of age shares a bedroom with another resident of the opposite sex unless the sharing is approved by a Director.
8. The residence has a minimum of one wash basin with hot and cold water and one flush toilet for every five residents or fewer and one bath or shower with hot and cold water for every eight residents or fewer and, where there is more than one toilet in any room, each toilet has a separate compartment.
9. The water temperature in a washroom or bathroom in a residence does not exceed 49 degrees Celsius.
10. The residence has an outdoor play space that is equivalent in area to at least nine square metres for each resident based on the maximum number of children permitted in the licence except where an alternative arrangement is approved by the Director.
11. The outdoor play space is maintained in a safe and sanitary condition.
12. The temperature of the residence is maintained at not less than 17 degrees Celsius. O. Reg. 550/85, s. 99.

107. Every licensee shall ensure that in each residence operated by the licensee, (a) drugs and records are kept in locked containers and that only persons authorized by the licensee have access to the drugs and records;
(b) each fuel-fired appliance in the residence is serviced at least once a year by a person who is the holder of a certificate issued under section 14 of the Energy Act; and
(c) the chimneys in the residence are cleaned as often as is necessary to keep them in a safe operating condition and a record is kept of the servicing and cleaning. O. Reg. 550/85, s. 100.
Finally, with respect to care, we see an implication about aspects of care. Basic needs such as food, clothing and shelter are noted, as are notions regarding behavioural, physical, emotional, mental, developmental and social aspects of a child/resident, as noted in Box 7.22.
Food, clothing and shelter are noted with respect to expectations about what the licensee will provide to the child/resident – and is only noted a couple of times in the regulation. With respect to behavioural, physical, emotional, mental, developmental and social aspects, these are almost exclusively cited with respect to ailments, handicap or problems, as in the example above. Finally, education and medical needs are noted, as discussed earlier in this chapter. However, a definition or description of a child’s care is not fully named or provided in the regulation. While this lack of specificity may be useful to give flexibility to individualized needs, its incompleteness stops short of creating a standard of care that covers all aspects of caring for and about a child.
Description of intertextuality. Similar to my analysis of the Act, two aspects of intertextuality were useful in my review of these two regulations: paratextuality and hypotextuality. Below I briefly describe paratextuality, followed by a more detailed description of hypotextuality as it was the more prominent feature in my analysis of these regulations.

The format of both regulations is similar to that of the Act, using seriation to organize the text. Regulation 206 has fewer levels of headings and sections, which may be due to its brevity. Regulation 70 is a substantially larger document, and even the part I focus on (Part IX) is almost 90% larger (21 pages) than Regulation 206 (three pages). In both regulations however, we see the pattern of seriation similar to the Act, with sections and subsections, and subheadings sometimes covering more than one section. This characteristic seems common to legal and administrative texts, not just within child protection. However, as with my observations of the Act’s paratextuality, such ordering, formatting, numbering and labelling again intimates standardization, thus suggesting a logic to its specificity (i.e., what is labelled what) and its separation (i.e., what is located where).

As noted however, hypotextuality is more prominent than paratextuality, perhaps again due to the brevity of both these texts compared to the breadth of the Act. I discuss each regulation below. Regulation 206 has both inter-referencing and intra-referencing. The regulation begins with reference to other documents (inter-regulation) at the start of the regulation (see Box 7.1). We see reference to the Act twice, to a database, and to a Ministry publication. The reference to the Act notes the same definition of ‘child’ between Regulation 206 and the Act – but it does not include that definition in the regulation. Similarly, there is reference to ‘clause 15 (3) (a) of the Act’ regarding the society’s function in connection with children and families, but it does not indicate anything about what that clause states. We also note that ‘the Act’ is not specified here, although the title heading of the regulation does cite the Child and Family
Services Act (“ONTARIO REGULATION 206/00 made under the CHILD AND FAMILY SERVICES ACT”).

We also see reference to the database, wherein the Child Protection Fast Track Information System is cited, but other than a description of where information is ‘extracted’ from to be contained in this database, no further details about the database are provided. This is different from the final definition, where the Risk Assessment Model is defined by its fuller title Risk Assessment Model for Child Protection in Ontario and its course is cited as a Ministry of Community and Social Services publication.

Outside of its definition, the Risk Assessment Model is referenced eight times in Regulation 206. Each of these times it is referenced in the phrase “in accordance with the Risk Assessment Model”, referring to a safety assessment, procedures of full child protection investigation and a plan to reduce harm or risk of harm to a child being done “in accordance with the Risk Assessment Model”. However, any of the details of that model are not noted in the regulation. The regulation is a government document in the public realm but it is not clear in this text whether or not the Risk Assessment Model is publicly available. As a ‘model’ rather than legislation or regulation, we cannot assume it is accessible in the same way. As such, its detail and intent risks being invisible.

We also see referencing to another document not noted in the definitions (see Box 7.3). Here the Ontario Child Welfare Eligibility Spectrum is cited, and its source named as a publication of the Ontario Association of Children’s Aid Societies (OACAS). This reference is to a document that is outside government documents – the only time it is done in this regulation. There is no discussion in the regulation about how the government text and non-government text relate to each other, legally or procedurally, nor why the document is authored by OACAS instead of the government. The logic of this separation is not clear. Additionally, as a non-
government text, the OACAS document might be more difficult to access, making it a challenge to fully understand the regulation’s intent, similar to my earlier point regarding the Risk Assessment Model. Interestingly though, as noted in Chapter 5, the OACAS documents were easier to access than the government legislation and regulation.

With respect to intra-referencing, Regulation 206 refers to itself in citing previous clauses (Box 7.3). The first part of this intra-referencing is interesting, as in this text we see that clause (c) refers back to clause (b), and clause (b) itself refers to a document (the Ontario Child Welfare Eligibility Spectrum) outside the regulation itself and outside government documents. In the second part of this example, we see referencing back to clauses which refer back to other clauses. Clause (j) refers to recording the determination and plan according to clause (h), and clause (h) refers back to clause (f), which in turn again refers to a document outside the regulation (the Risk Assessment Model), which is a government document. In these and similar examples we see a referring back to previous clauses to explain the expected procedures in that clause. Finally, we also see referencing back to previous clauses near the end of the regulation, with respect to repeating actions from these procedures as needed, over time (see Box 7.3). As such, there is a repetition of procedures, practice and standards over time, in the same manner each time, as stipulated in this regulation.

Part IX of Regulation 70 also has many examples of hypotextuality, though differently from Regulation 206. We see intra-referencing with respect to the Act (24 times) and other regulations (80 times). With respect to the Act, it is referenced as a particular clause or section each time. We see this, for example, at the start of Section 64 (see Box 7.6) and again in Section 82 (Box 7.23).
With respect to other regulations, they are cited specifically in each instance, as in the example above. Some regulations references fall within the area of child protection (e.g., Regulation 550/85) while others fall outside the area of child protection, such as Regulation 219/88 with reference to municipal planning (e.g., regarding the province’s division into regions).

Similar to the Act and Regulation 206, we also see many instances of inter-referencing within the regulation itself, such as in Section 81 (Box 7.24). Here we see referencing to a subsequent subsection (where subsection 81.5 refers to subsection 7) and a previous subsection (where subsection 81.8 and 81.9 refer back to subsection 7). In these examples, we see directive instructions where subsection 7 outlines aspects of the agreement, and restrictive instructions, noting when subsection 7 does not apply.

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**Box 7.23**

82. Where an agreement for the provision of service to a child is not entered into under section 81, the licensee shall ensure that before a child is admitted to a residence operated by the licensee a consent for admission of the child in accordance with section 27 of the Act and a consent and authorization for the licensee to secure all necessary emergency medical treatment for the child is obtained. O. Reg. 550/85, s. 75.

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**Box 7.24**

81.- (1) Every licensee shall ensure that a written agreement for the provision of service to a child is entered into with respect to each child that is admitted to a residence operated by the licensee.

(2) A written agreement for the provision of service to a child shall be entered into at the time of admission of the child to the residence or as soon as possible in the circumstances.

…

(5) Every licensee shall ensure that each agreement for the provision of service to a child entered into by the licensee is explained to the child, where the child is twelve years of age or over, in language that is suitable to the child’s understanding before the agreement is signed by the persons required under subsection (7) to sign the agreement.

…
Finally, here as in other examples above, we also see a mixing of inter-referencing and intra-referencing, to even a greater extent than in the Act. Referencing is made to itself and other regulations and the Act, similar to what we see in the Act. But in Regulation 206, we also see referencing to the government publication of the Risk Assessment Model (not an Act or a regulation) and to the OACAS publication of Ontario Child Welfare Eligibility Spectrum (not an Act, not a regulation, and not a government document).

Having now described how meaning is presented in the two regulations, in my examination of signifier, closure and intertextuality, I now move to an analysis of these details, with respect to their textual context and their social context.

**Analysis of meanings in a textual/discursive context.** Similar to my findings regarding the Act, my findings regarding meanings in these regulations again demonstrate a lack of clarity, although here I frame it more as *insufficient*. This is my key finding within the textual/discursive
context. With respect to the discourse theory concepts of signifier and closure, we see either an absence of explanation of a concept (e.g., full child protection investigation), an incomplete explanation of a concept (e.g., Child Protection Fast Track System) and/or an implied explanation of a concept (e.g., care).

In the absence of an explanation of ‘full child protection investigation’, we instead see procedures listed. In the incomplete explanation of ‘Child Protection Fast Track System’, its incompleteness is both explicit (in its constrained definition) and implicit (based on my ‘insider’ knowledge about the system). In the incomplete and/or implied explanation of ‘care’, we see a mix of references to aspects of care (e.g., medical and dental care) and procedures of care (plan of care, timing of assessments). The insufficiency and incompleteness raise a question about how a child protection worker is to fully understand and activate the meaning of these critical components of child protection work. It also raises a question about transparency, and how difficult it becomes to fully see what these components are. It seems insider knowledge, such as my own practice experience noted earlier, is the avenue to understanding meaning. However, even then, there remain differences based on variation in supervisors, training outcomes and interpretations.

With respect to intertextuality, similar to the Act there is again confusion and inconsistency. Regarding confusion, the constant referencing of other documents makes it difficult to have a ‘full sense’ of what the regulations mean. Regarding inconsistency, especially in Regulation 70, there is slippage between extreme details, such as the size of a child’s bedroom, and incomplete details, such as aspects of the provision of care. In each of these ways, examining the signifiers and attempted closure of definition and explanation, we see insufficient details, and thus the regulations are not ‘sufficiently transparent’.
Analysis of meanings in a social context. Building on the description and analysis above, I discuss below how these regulations reflect aspects of commodification, exchange value, reification and mystification.

With respect to commodification, care is quantified in Regulation 70. It is quantified with respect to basic needs (food, clothing, shelter). Doing so begins to break down care into measurable units, wherein the quantity and type of food and clothing could be itemized, and then the items could be costed – as a measure of the market value of those goods. It also is characterized with respect to behavioural and other aspects. These aspects are not quantified, but services to address these issues are noted with respect to the budget and other resources to be provided to the foster parent. This leads to my next point regarding exchange value.

In my earlier discussion regarding words and phrases in the first level of my analysis, I noted the exchange value for the care provider with respect to the financial arrangements and other resources provided. Here I note a slightly different exchange value. In the discussion of care, I noted the focus on medical and dental care, wherein frequency of evaluation is noted as expectations regarding treatment. Even the simple expectation of a child seeing a physician within 72 hours of admission, and expectations about dental and physical check-ups in six month and annual allotments produces both use value and exchange value. There is use value for the child directly, simply in the usefulness of receiving dental and medical care. Such care for the child also produces use value in society, for the care providers such as physicians and dentists. Again we see the child’s care becoming a commodity, and more specific to social relations of the market, the child’s presence in a residence or foster home produces exchange value for these and other health care providers through the standards of care specifying such frequency.

With respect to reification, I return to the notion of care. Regulation 70 notes that a plan of care is to be developed for each child – but the action of ‘caring’ is not detailed in the
regulation or in the plan of care. As such, ‘care’ is reified through the plan of care. Care shifts from the relational (caring for, caring about), such as that in the care provided in a child/parent relationship, and is translated into an object in the substitute care relationship. It becomes an object through the plan of care, which focuses on processes and procedures of care, such as determining needs (although named incompletely), setting and meeting goals, and providing specialized services. As such, the focus is on the tasks of care, the ‘caring for’ a child, and not specifically on the feelings of care, the ‘caring about’ a child.

Finally, I note that mystification occurs in the realm of meanings in both regulations. Similar to my analysis of the Act, the self-referencing within the regulations can make it difficult to understand what the regulation is saying. It becomes difficult to follow given the need to constantly check back to other parts of the documents to understand them. Even more so, and again similar to my analysis of the Act, the referencing to documents outside the regulations adds to the difficulty in making sense of the text. It is further complicated with the reference outside government. In each of these instances, and given my own experiences in tracking documents for this study, we cannot assume these referred documents are readily accessible. Overall, such extensive and complex intertextuality means we cannot see the fullness of the text, as it is incomplete without the details of these references to other documents. Naming each of these other documents creates an illusion of transparency (i.e., for more information about clause 1 see clause 2 in document C) – the illusion being the inaccessibility of that information. Therefore, similar to the Act, these regulations mystify themselves.

Having provided this second level description and analysis of meanings in these two regulations, I now move to my third and final level of description and analysis – discursive strategies.
Findings from Level III of Analysis – Discursive Strategies

From the third level of my analysis, I consider discursive strategies in the text of Regulations 206 and 70. Most helpful in this analysis is my exploration of nomination and classification, with some aspects of predication through implicature entwined in this nomination and classification. Below I offer a description of my observations of these concepts in the regulations. I then offer a combined analysis of these concepts, separated by textual context and social context.

**Description of nomination and classification.** In my analysis of the regulations, I again link nomination and classification as I did in my analysis of the Act.

In Regulation 206, my interest lies in the nomination of ‘worker’ and ‘the society’, as noted earlier in this chapter. Here we see a conflation and divergence of these names. In terms of a divergence, I note that ‘the Society’ is named most, and is done so with respect to having responsibility over the worker in Part 3 (see Box 7.3). Here we see ‘the Society’ ensuring that a ‘worker’ performs certain tasks within a certain time frame. In this way we might assume through implicature that ‘worker’ and ‘the Society’ are not the same.

However, again as noted earlier, we see ‘the Society’ noted in a way that is a conflation with ‘the worker’ as a social actor for example in Section 2 of the regulation (see Box 7.3). Here ‘the Society’ is constructed as a social actor who can be an active subject – to record, rate, search, decide, determine and develop. In the previous example, ‘worker’ also is an active subject, who can conduct (an assessment), take action (to protect), and record (the assessment and the action). There seems a conflation by noting the similarity of actions, but also by noting that the details of record, rate, search, decide, determine and develop as actions of ‘the Society’ all fit within the actions of the worker with respect to the assessment and action to protect. The only classification that appears to me here is the differentiation wherein the society has a
responsibility to ensure the worker does certain tasks as noted. I see the link between nomination and classification more clearly in Part IX of Regulation 70.

With respect to Regulation 70, I see instances of nomination and classification with respect to the provider of care, the setting of care and the recipient of the care. In the provider of the care, the social actors of licensee, staff and foster parent are noted. Licensee is noted 209 times, and cited with respect to expectations as the holder of the license to provide care. We first see ‘licensee’ in reference to the license early in Part IX of the regulation (Box 7.25).

Box 7.25

65 (16) A licence or a provisional licence to operate and maintain a residence shall be kept on the premises of the residence by the licensee who shall ensure that the licence is available for inspection by any person.

It seems the licensee has overall responsibility for the management of the residence where children are placed, as noted in the regulation (see Box 7.26). It is not clear if a licensee is a foster parent, a Children’s Aid Society or some other organization, or any one of these notations, so classification is not explicit. However, the differential use of these terms throughout Part IX of the regulation may offer an implicature about such classification. I explore these differences below.

Box 7.26

MANAGEMENT PRACTICES
73.- (1) Every licensee shall maintain an up to date written statement of policies and procedures with respect to each residence operated by the licensee that sets out,
(a) the purpose of the residence;
(b) the program provided in the residence;
(c) procedures relating to the admission and discharge of residents;
(d) the planning, monitoring and evaluation of care provided to residents;
(e) procedures for the maintenance of case records;
(f) methods of maintaining discipline;
(g) the health program provided for residents;
(h) the methods of maintaining security of the residence;
I offer two final observations regarding the nomination ‘licensee’ in regulation 70. First in Section 77 (Box 7.27), we see that a licensee may operate more than one residence. In Section 66, we see further detail about the characteristic of a licensee (Box 7.28)

Box 7.26 (cont.)

(i) the methods for involving a resident’s parent with the program of the residence;
(j) the administrative structure of the residence;
(k) staff and supervisory practices to be followed by staff persons in the residence;
(l) the conduct and discipline of persons employed in the residence;
(m) procedures to be followed in emergencies;
(n) the financial administration of the residence;
(o) the methods employed to encourage residents to participate in community activities;
(p) articles prohibited by the licensee for the purposes of subsection 103 (3) of the Act;
(q) procedures governing the expression of concerns or complaints by residents; and
(r) procedures governing punishment and isolation methods that may be used in the residence.

Box 7.27

77 (2) Where a licensee operates two or more residences, a separate budget shall be prepared for each residence and each budget shall show the individual costs for each residence and the costs that are shared between the residences. O. Reg. 550/85, s. 70.

Box 7.28

66 (4) A licensee that is a corporation shall notify a Director in writing within fifteen days of any change in the officers or directors of the corporation. O. Reg. 550/85, s. 59.

Here we also see reference to the possibility of a licensee being a corporation. The noting of a corporation having care of a child suggests two responses. First, the obvious connection of a ‘corporation’ to the market presents a business model approach to the aspects of care. Keeping
the historical and political context in mind, a business model fit well with the provincial
government’s approach to restructuring social services. It also reflects a stronger link between
the social service and the business sector, always under the assumption that social services could
improve by adopting more business approaches in their policies and procedures. Here we see the
language of business infusing child protection services, in the naming of a potential foster care
provider as a corporation. Second, we can see how far removed care has come from the caring
relation between a caregiver (such as a parent or even a foster parent) when framed in the context
of the depersonalized and distant naming of a corporation as care provider.

With respect to staff, this nomination occurs almost exclusively with respect to a
residence (25 times), such as this example from Section 73 (Box 7.29).

<table>
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<th>Box 7.29</th>
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<td>73.- (1) Every licensee shall maintain an up to date written statement of policies and procedures with respect to each residence operated by the licensee that sets out, ... (k) staff and supervisory practices to be followed by staff persons in the residence; (l) the conduct and discipline of persons employed in the residence;</td>
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We see reference to a staff only once with respect to a parent model residence.

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<th>Box 7.30</th>
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<td>104. (2) Every licensee who operates a parent model residence without auxiliary staff persons shall ensure that the total number of children in the residence does not exceed eight.</td>
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We also see reference to staff three times with respect to a staff being a resource to a foster family (Box 7.31).
As noted above, most references to staff person are regarding a residence, not other settings for care provision; therefore, it appears that staff is classified in context of ‘residence’ more so than ‘foster care’.

Foster parent is noted 25 times in Part IX of Regulation 70, but only once is it noted with respect to adoption (see Box 7.32); all other times it is noted in the Foster Care sections (see Appendix A). As an example, in Section 114 and other instances in this regulation, foster parent is usually noted within context of foster care plan, foster home or as an applicant to be a foster parent. Hence foster parent is classified as care provider in foster care context, while other care providers (e.g., staff) are not.

Box 7.31

121.- (1) Every licensee shall assign a staff person to supervise and support every foster family approved for placement by the licensee and to arrange for the support services provided for in the foster care service agreement.
(2) The staff person referred to in subsection (1) shall,
(a) visit the foster family home where the child is placed and consult with at least one foster parent within seven days of the placement, within thirty days of the placement and every three months thereafter; and
(b) where the foster family is approved by the licensee and no child has been placed with the family, consult with the family every three months.
(3) Every licensee shall ensure that a staff person responds to each foster parent inquiry within twenty-four hours of the inquiry. O. Reg. 550/85, s. 114

Box 7.32

101.- (1) Every licensee referred to in Part V of the Act shall open and maintain a separate file with respect to,
... (c) each child who is placed or who is intended to be placed for adoption by the licensee; and (d) each foster parent who provides services to the licensee in connection with an adoption.
I also note nomination with respect to the care setting, named as residence or a home. Here I ponder the implicature that these care settings are not the same. I explore this notion in more detail below.

Residence is named 172 times in Part IX of the regulation. We see residence noted at several points as I indicate below. Residence is noted with respect to application for a license; see example from Section 64 in Box 7.33.

**Box 7.33**

64. Every person applying for a licence under clause 193 (1) (a) of the Act to establish, operate or maintain a residence shall file with a Director evidence that the premises used or to be used as a residence comply with ...

It is additionally noted with respect to management practices, as exampled below in Box 7.34.

**Box 7.34**

72.- (1) Every licensee who provides residential care is responsible for the operation and management of the residences operated by the licensee, including the program, financial and personnel administration of the residences.

We also see it in the sections of the regulation regarding admission; such as in Section 80 (Box 7.35).

**Box 7.35**

80.- (1) Every licensee shall ensure that each person that applies for admission of a child to a residence operated by the licensee is notified in writing within twenty-one days of the date of the application for admission of the licensee’s decision with respect to admission of the child to the residence.

It is noted again in reference to medical and dental care expectations, as seen below (Box 7.36) and again regarding discipline punishment and isolation procedures (Box 7.37).
We see residence noted again with respect to records and reports, (see, for example, Box 7.38), and again regarding staffing (Box 7.39).

The last two sections of the regulation where residence is noted are in licensing documentation (Box 7.40) and in the accommodation section (Box 7.41), as below:
It is important to note that the term “residence” is not stated in the Foster Care section of the regulation, where the term “home” is more commonly used as briefly noted below.

Home is named 37 times and with the exception of twice referring to a child returning to their own home; in each instance it is stated in reference to a foster home. Sometimes the words are coupled (foster home), named in proximity (foster care in a home or home of the foster care applicant) or referring back to foster home in the same clause or sentence. As such, residence as a care setting is associated with care outside foster care and thus classified as something different than a foster home.

Finally I note a distinction is made between a staff model residence and a parent model residence (Box 7.42).
We see another distinction between residences and parent model residences, with respect to who is providing care in the residence, as covered by insurance policies (Box 7.43).

**Box 7.43**

79. (2) A policy of insurance with respect to a residence shall include,
   (a) fire and extended coverage including coverage for the theft of the physical assets of the residence and the property of the residents;
   (b) comprehensive general liability coverage and personal injury coverage, including coverage for the employees of the residence and volunteers in the residence and in the case of a parent model residence, the persons who provide care for the residents;

Here I note that in a residence, insurance is noted with respect to employees and volunteers, while in the parent model residence, it is noted regarding “the persons who provide care for the residents”. In this vein, I move to an examination of recipient of care.

My final exploration regarding discursive strategies is regarding the nomination and classification of the recipient of care – and any implicature that may be explored. As the recipient of care, with a regulation under the Child and Family Services Act, we can consider the child as the recipient of care. Child (or children) is mentioned 166 times in Part IX of Regulation 70. Child is briefly mentioned (i.e., one to three times) with respect to licenses, miscellaneous (twice), management practices (once, regarding adoption), records and reports (twice, regarding adoption), programming (twice, regarding the child’s worker) and accommodation (once, regarding number of children in a residence). Child is not mentioned in the sections regarding medical and dental care or discipline, punishment, isolation. We see child noted more often in the sections regarding Admission (59 times), such as in Section 80 below.

**Box 7.44**

80.- (1) Every licensee shall ensure that each person that applies for admission of a child to a residence operated by the licensee is notified in writing within twenty-one days of the date of the application for admission of the licensee’s decision with respect to admission of the child to the residence.
Child is then mentioned again more frequently in the foster care sections (77 times), such as this example from Section 111 (Box 7.45).

**Box 7.45**

111.- (1) Every licensee shall ensure that before a child is accepted by the licensee to receive foster care in a home that provides foster care for or on behalf of the licensee that,
(a) a preliminary assessment is made of the child that sets out, ...

But we also see the term ‘resident’ noted throughout the regulation. We also can consider resident as the recipient of care. In Part IX of Regulation 70, resident/residents is named 141 times. Compared to the naming of ‘child’ in the text, ‘resident’ is only briefly mentioned with respect to admission (eight times) and not once in the sections regarding foster care. However, unlike the brief mention of ‘child’ in some other sections, ‘resident’ is noted frequently in the programming sections (51 times) and the sections regarding reports and records (44 times). I also note that ‘resident’ is named in two of the areas where child is not named at all: in the medical and dental care sections (21 times) and in the discipline, punish and isolation sections (10 times). I note that ‘resident’ is named 14 times in the accommodation/fire and safety sections, while child is only mentioned once, specifically within the context of number of children permitted per license.

In noting these patterns of the differential notation of ‘child’ and ‘resident’, perhaps at times what we see is the ‘resident’ is associated more with the materiality of substitute care, through programming and other forms of documentation, and through the physicality of the care setting such as fire regulations. This may reinforce the notion of residential care as being more distant and formal than care provided for children through foster care. Thus a classification is made between the resident, where the focus is on materiality, and the child, where the focus expands beyond materiality. The notion of the child, as a child, almost disappears in the text.
Finally, I note the staffing sections of this regulation, as we see in Box 7.46. I note here the differing use of resident and child. Resident is named in 104.1 regarding the minimum ratio of staff to residents (1:8). In 104.2, citing a parent model residence, the language is not framed as ratio but instead states that without an “auxiliary staff person” there will not be more than eight children in the residence. In consideration of this distinction and the earlier-mentioned differential use of ‘resident’ and ‘child’, there is a classification of the ‘care recipient’ as a child more so in the context of foster care, and as a resident more so in any context outside foster care. This fluctuation in naming may simply be an attempt at simplicity and transparency to distinguish residential care from foster care, but it seems to be more than a point of clarification. The pattern of separation is almost complete and perhaps may be important in how resources are accorded if there are differences in residential care reimbursement compared to that of foster care.

Box 7.46

STAFFING
104.-(1) Every licensee shall employ a sufficient number of program staff persons in each residence operated by the licensee to ensure a minimum ratio of one program staff person to every eight residents in the residence averaged over a twenty-four hour period.
(2) Every licensee who operates a parent model residence without auxiliary staff persons shall ensure that the total number of children in the residence does not exceed eight.
(3) Every licensee who operates a staff model residence where more than one program staff person is on duty per shift shall ensure that one program staff person is designated to be in charge of the shift.
(4) Every licensee shall ensure that where a child is on the premises of a residence, the licensee has made reasonable provision in the circumstances for the supervision, care and safety of the child and that an additional adult is on call when children are on the premises and only one adult is on the premises. O. Reg. 550/85, s. 97.
Having now described discursive strategies are used in the two regulations, through my examination of nomination, classification and implicature, I now move to an analysis of these details, with respect to their textual context and their social context.

**Analysis of discursive strategies in a textual/discursive context.** Similar to my findings regarding nomination and classification in the Act, I again note here how social actors and named and separated. I note that in Regulation 206, this occurs with respect to ‘worker’ and ‘the society’, where there is an assumed synonymity through the active role of ‘the society’ in the procedures and practices outlined in the regulation. However, alongside this assumed synonymity is the clear distinction between them, in their nomination we see a confused logic – both in how the text is presented and how it might be read. The confusion lies in the simultaneous convergence and divergence of the nominations of ‘worker’ and ‘the society’ through the activity of their roles. This variation makes it difficult to know where responsibility lies for actions and decisions, which has implications for how an outsider (i.e., a parent, a child whose time in care has ended) may trace accountability if they have concerns about the actions and decisions of a Children’s Aid Society.

In Regulation 70, I again have noted how nomination and classification occur, with reference to care providers (i.e., staff and foster parent) and care recipient (i.e., resident and child). I note a comparable naming and separation with respect to the care setting (i.e., residence and home). In this way there is an associated construction of social actors according to their naming and their setting. For example, a caregiver becomes constructed as a substitute parent (i.e., foster parent) when in the setting of a foster care home rather than a residence. Similarly, the child is constructed as a child in the foster ‘home’ but not in the ‘residence’. Although this is not specified in the regulation, through implicature it may be analyzed in this way. The association of nomination with other forms of nomination (i.e., residence – staff – resident; home
– foster parent – child) implies a separation and classification, thus constructing different social actors and settings, and thus social relations, which I explore below.

**Analysis of discursive strategies in a social context.** In my analysis of the regulations within a social context, through the discursive strategies of nomination, classification and implicature, we can see how commodification, alienation and mystification occur, in ways similar to my analysis with respect to words and phrases (Level I) and meanings (Level II).

With respect to commodification, there is a qualitative and quantitative difference between the resident and the child, through the separate nominations noted above. In this way I note the focus on programming, medical and dental care, and reports and records, where ‘the resident’ is named repeatedly. These details are not present in discussions of the ‘child’. We cannot know if these differences are intentional or not, but the absence suggests to me that the fungibility of a care recipient is not consistent between a resident and a child. As such, perhaps the commodification of a child as ‘a resident’ or in ‘a residence’ can be done more easily, wherein these material aspects of care can be more universally quantified and measured, and thus reimbursed.

With respect to alienation we see an alienation of the child from their self as a child. This seems to occur in two ways. First, in a residence the care recipient is nominated as a ‘resident’, while in a foster home nominated as a ‘child’. Second, only in foster home sections do we see reference to ‘parent’ as foster parent. It appears that a child thus becomes alienated from the parent/child relationship when in a residence, by their nomination as a ‘resident’ and the absence of ‘parent’ nomination in a residence. This alienation is furthered in the child nomination as well – where as a resident they are not seen as a child but as a resident in a residence with staff – alienated from the social relations of parent and child. Again it seems almost like the child, as a child, vanishes in the context of substitute care. Once the child enters the child protection system
they are no longer a child, but rather seen as either a victim of bad parenting or a damaged good (a commodity) requiring corrective care in a foster home or residential setting. The practice focus then may be more on parenting than on the child’s best interests.

Finally, while not as strong as in other aspects of my analysis, we see mystification in these examples. The mystery lies in the absence of clarity – it is not clear if the lack of child nomination with respect to residences, medical and dental care, and programming implies that there is a difference in the child and the child’s care, or not. Its absence means it is not transparent, and as such becomes a mystery.

Conclusion

In this chapter I have unpacked the Regulation 206 and Part IX of Regulation 70 using analytical tools to explore, describe and analyze the test. I have examined the text at three separate levels: words, meanings and discursive strategies. While not as long as the Act, the focused text of these two regulations made the thickness of the relevant text a challenge to explore. In my examination, the following themes emerge in how I characterize the language within the textual/discursive context as noted in the analysis discussed in this chapter: (a) lack of clarity, (b) transforming, (c) insufficient, (d), confused logic, and (e) associated construction. With respect to the social context, we see the following themes as noted in my analysis: (a) commodification, (b) exchange value, (c) alienation, (d) reification, and (e) mystification. Drawing from this analysis, and as noted in my analysis of the Act, I will explore these themes in the discussion chapter. However, I now move on to the next chapter of findings, where I conduct my analysis of the procedural documents regarding assessment of caregivers, most notably through the Ontario Risk Assessment Model.
Chapter 8 – Findings from Procedures: Risk Assessment Model

Introduction

This chapter explores the text of the Risk Assessment Model for Child Protection in Ontario. As discussed in Chapter 5, unlike the difficulty in locating the text of the legislation and regulation documents, this document was easily located. Below I describe the process of my exploration of the model, again following the path of my theoretical and methodological journey, similar to the process described in my exploration of the legislation and the regulations described in the previous two chapters. Similar to the format there, I then discuss an analysis of my findings from this exploration.

Selective Purposeful Sampling within the Risk Assessment Model

My analysis began by reviewing the entirety of the Risk Assessment Model for Child Protection in Ontario. Hereafter I refer to this as the Ontario Risk Assessment Model (ORAM), the common term used while I was in practice. The entire document is titled Risk Assessment Model for Child Protection in Ontario, but then is divided into the following sections: Eligibility Spectrum, Risk Assessment Model for Child Protection in Ontario and Standards. I focus on the assessment component of the model, most notably the Risk Assessment Tool – and the text therein. This focus is consistent with my focus on licensing in Regulation 70 where I examine the assessment of care provision when a child is in substitute care. The Risk Assessment Tool is used to determine if the child should remain in the parent’s care, and thus similar to the licensing assessment in Regulation 70 regarding the criteria for licensing a residence or home for substitute care (i.e., care of child when child is not in parent’s care). However, due to the design of the tool, sometimes I refer back to other parts of the larger document (ORAM) as it is used to inform parts of the tool.
In this chapter, as with the previous chapters, I first provide a description of what I observed in the text, followed by my analysis of what I observed. My analysis addresses the textual content, and secondly the social context. I outline my findings according to the three levels of analysis as noted in the methodology chapter. However, given that the text of this document is significantly shorter than the legislation, I have followed the format of the chapter on regulations. Thus, I have grouped my analysis for each level, rather than separating it out with each analytical tool.

Findings from Level I of Analysis – Words and Phrases

From the first level of my analysis, indexicality was especially useful in my observation of the text of the Risk Assessment Tool. Indexicality made visible particular words that are used, which is explored more fully in the Level II of my analysis regarding meanings. Through the informative concept of indexicality, I describe word choices, phrases and patterns, with some examples. I then proceed to analysis, focusing on textual context, followed by social context.

Description of indexicality. Through indexicality I was able to examine descriptions and definitions in the ORAM. Early in the ORAM we see this reference to the Risk Assessment tool (Box 8.1). We see “not prescriptive” regarding court involvement, and “standardized” and “consistently” regarding child protection decisions, as characteristics of the ORAM. This notation is early in the document, on the second page, suggesting a particular frame for understanding the model overall. It implies a common sense balance between following the procedures while also leaving space for unique or individual considerations regarding the family. It also implies some degree of professional judgement beyond the standardized procedures with respect to the supervisor’s decisions. I note this here to assist with my analysis in this section regarding indexicality, and explore it further in Level II of my analysis regarding meaning.
Within the Risk Assessment Tool itself, there are five areas for assessment: Caregiver Influence, Child Influence, Family Influence, Intervention Influence, Abuse/Neglect Influence. Within each of these five areas there are subcategories and each category is rated on a six point scale. The use of a scale creates a measuring of harm and care, with quantifiable categories used to determine levels of competency in caregiving and potentialities of risk. The scale constructs the element as a factor that can change or vary. I discuss the specific features of the scale in further detail in Level II of my analysis with respect to intertextuality. What I explore here is how these areas and subcategories are defined, as a form of indexicality.

The Risk Assessment Model has details about each of the scales, described as ‘anchors’ as seen below (Box 8.2).

<table>
<thead>
<tr>
<th>Box 8.2</th>
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<tbody>
<tr>
<td>The Risk Assessment Scales are further defined by descriptions called anchors. The anchors help assign a rating by providing a narrative description which defines the status or functioning of a child, caregiver, or family.</td>
</tr>
</tbody>
</table>

It is these anchors that present as a definition of the elements, as noted in the text above. I note that these anchors are not included in the actual Risk Assessment Tool itself, but are in the text of the ORAM. It is only the Scales that are named on the Risk Assessment Tool. Below I discuss these further, using the six elements from the Caregiver Influence (see Appendix B) as the data to analyze the text. I do this specific focus simply as a means to manage the data given the
volume of the text. In examining these descriptions, I note several patterns in the definitions which I discuss below.

First I note the phrases used for the zero (0) rating, which is the ‘lowest’ rating that can be selected. This low risk factor is named as not being or having something (e.g., CG6. No identifiable mental/emotional disturbance), as being or having something (e.g., CG4. Very accepting of child) or a mix of the presence and absence of something (e.g., CG5. Healthy with no identifiable risk to child caring capacity). I also note that the label of zero may imply a ratio level of measurement in the scale, wherein zero means the absence of something. However, within the descriptions for each element, we can see that the zero rating is not consistent with the ratio measurement level meaning absence.

Second I note the use of adjectives to differentiate between levels of risk. Using “CG1. Abuse/Neglect of Caregiver” as an example, I note the use of adjectives regarding the caregiver’s own childhood experience of abuse/neglect. The rating shifts from severe (4 – the highest risk), to recurrent (3), episodes (2), perceived … but no specific incidents (1) and no perceived (0 – no risk). The naming of these elements shifts from a qualitative adjective (severe) to a mixed qualitative and quantitative phrases (recurrent but not severe), to a quantitative adjective (episodes) then back to a mixed qualitative and quantitative phrase (perceived … no incidents) and then back to a qualitative adjective (no perceived). However, the difference between each level on the scale is not the same across all scales, and is not able to be measured in absolute terms given the mix of qualitative and quantitative characteristics as qualifiers of each element. As such it is not an integral level of measurement. What is clear in these ratings is the ranked order from 0 to 4, gradually moving from no/little risk through to high risk, an ordinal level of measurement. In this way the ranking order is constant but the difference between each rating is not consistent.
Third I note the anchors expand the definition beyond the rating scale phrases. While this is to be expected, according to the ORAM, I note the focus in a scale phrase is on the action (abuse/neglect) while an anchor incorporates the outcome (e.g., resulted in serious emotional disturbance and/or physical scars/disability). This apparent distinction is not noted or explained in the ORAM. Because the anchors are used to guide a worker’s decision about assigning which rating for an element, it seems that the outcome of the anchors determines the ‘action’ of the rating. This implied logic is confusing, as action leading to outcome fits more with common sense reasoning.

Fourth I note how behaviour is measured in these anchors. As an example, I consider CG2. Alcohol or Drug Use. Here, in element “4. Substance use with severe social/behavioural consequences”, we see “dropout from social responsibilities” as an outcome of a behaviour (alcohol or drug use). We then see “dropout from social responsibilities” defined as “unemployment, spouse has left, child is abandoned”. Social responsibilities might thus be defined as being employed, with a spouse and with the child. This focus on social responsibilities continues in the next element in this caregiver influence. In “3. Substance use with serious social/behavioural consequences”, we see “high risk of not meeting social responsibilities” noted as “danger of losing job, financial problems, spouse threatens to leave, child care suffers”. Here the definition expands beyond employment, spouse, child care to include finances – suggesting the absence of financial problems is a social responsibility. In “2. Occasional substance use with negative effects on behaviour”, we see a shift again with “social behaviour” cited (i.e., not “social responsibilities”) and a separating of “social behaviour” (defined as job absenteeism, constant arguments at home, dangerous driving) and child care. In “1. Occasional substance use”, neither social responsibilities nor social behaviour are noted, but “everyday functioning” is added. This is repeated in “0. No misuse of alcohol or use of drugs”.
Finally I note within Caregiver Influence the six elements themselves (Box 8.3).

<table>
<thead>
<tr>
<th>Box 8.3</th>
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<tbody>
<tr>
<td>CG1. Abuse/Neglect of Caregiver</td>
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<tr>
<td>CG2. Alcohol or Drug Use</td>
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<tr>
<td>CG3. Caregiver's Expectations of Child</td>
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<tr>
<td>CG4. Caregiver's Acceptance of Child</td>
</tr>
<tr>
<td>CG5. Physical Capacity to Care for Child</td>
</tr>
<tr>
<td>CG6. Mental/Emotional/Intellectual Capacity to Care for Child</td>
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</table>

These elements represent how the caregiver is measured in terms of their ‘influence’ on the child’s care, suggesting that abuse/neglect history, alcohol or drug use, expectations, acceptance, physical capacity and mental/emotional/intellectual capacity as the indicators of a caregiver’s capacity to care for a child. It is these concepts which I will explore further in Level II of my analysis regarding meaning but I note them here as a form of definition or description of areas to explore regarding caregiving.

In examining these elements as measures of a parent’s capacity to protect a child from harm (i.e. to minimize risk), I note apparent assumptions underlying these labels and their definitions. In the first element we see the link between a parent’s own history of abuse/neglect and their likelihood of being abusive/neglectful in their own child’s care. Paralleling this logic is a further assumption that the greater the incidence or severity of the parent’s history of abuse/neglect, the greater the level of risk for the child. The focus on caregiver’s expectations and acceptance of a child may be standardized to a western or middle-class norm, without consideration for cultural variance in how acceptance and expectation is characterized in different contexts. Finally I note the focus on capacity, implying a form of competency as a parent that can be both defined and then measured, thus quantifiable.

**Analysis of words and phrases in a textual/discursive context.** Through my exploration of the Risk Assessment Tool using indexicality, we can see both an inconsistent
logic and some discrepancy or confusion in how terms are explained in the anchors for the elements.

There is an inconsistent logic in the definitions in the ORAM. The Risk Assessment Tool is considered ‘standardized’ for consistency. However, these patterns I have noted in the text are inconsistent with this intent for something to be standardized. An inconsistency seems present in the mixed approach to definitions as being something or the absence of something; as noted earlier we see in Caregiver Influence the zero rating as both presence (very accepting of child) and absence (no identifiable disturbance). We also see inconsistency in the shifting between the qualitative and quantitative in the same ‘element’ within the Caregiver Influence, such as severity (qualitative) and frequency (quantitative) in measuring the caregiver’s own history of abuse. This shifting between presence and absence, or between qualitative and quantitative is an inconsistent logic; the Risk Assessment Tool is characterized as standard yet the inconsistency seems contrary to the standard intent.

There also is a discrepancy or confusion in how the specifics of the anchors of the elements (how the elements are constructed) are itemized, with the shift between social responsibilities in scales rated as 4 and 3, then social behaviour in scale rated as 2, then everyday functioning in scales rated 1 and 0. It is not clear if these are comparable characteristics (i.e., some sense of synonymity) or if there is a reason why the term shifts between these scales. I note ‘responsibility’ is the term used in the scales where a higher risk rating is applied, while ‘functioning’ is the term used in the scales where a lower risk rating is applied.

Both the inconsistency and the discrepancy of the text and its logic make the assessment process difficult for child protection workers. From my practice I recall the challenges workers faced when trying to understand the document, and how to ‘translate’ the text into practice. It was problematic to consider how to ask questions in an investigation in a narrative way that
elicited the necessary information as required by the risk assessment tool. Instead, what seemed to happen was workers began using the tool as a checklist, framing questions based on the specifics of the scales and anchors for each element of each influence. As such, the professional knowledge and skills of a worker, in both gathering and assessing information in an investigation, got lost as they focused on completing the tool. Such a shift in practice created the potential for changes in other aspects of the practice of child protection, where workers became more focused on using and completing the texts of practice and less focused on the relational aspect of practice in their interaction with families. This potential was compounded by the increased volume and hence expectations of case work recording required in the child welfare reform of this time, as already discussed in Chapter 2.

**Analysis of words and phrases in a social context.** Of particular interest here is the reification of employment and a spouse. These are not reified in themselves, but rather their absence is reified as dropping out of social responsibility, which may be construed as irresponsible since it occurs in those two scales where risk is rated higher. Such a reification privileges engagement with the market (employment) and a ‘traditional’ family structure (having a spouse when one has a child) – both of which may be considered necessities in capital. It further suggests that both these aspects are necessary for good caregiving.

Paralleling this reification is a mystification of factors that may contribute to the ‘loss’ of employment or a spouse, where such ‘loss’ is only named as connected to alcohol or drug use. In this way the assessment ignores structural factors such as economic decline, violence in women’s lives, and gender and class privileges in the market. It is here that mystification occurs – where other ‘causes’ of job loss and marital break-up are rendered invisible, placed solely in the realm of a consequence of alcohol and drug use.
Having provided this first level description and analysis of words and phrases in Risk Assessment Tool, I now move to my second level of exploration – the meanings of words and phrases.

**Findings from Level II of Analysis – Meanings**

From the second level of my analysis, discourse theory notions of nodal point, element and moment were particularly useful in my observation of the text. As with the previous chapters, intertextuality also informed my analysis. Below I discuss the associated concepts of nodal point, element and moment as they guided my exploration of the text of the Risk Assessment Tool. I then discuss my examination of the text with the concept of intertextuality, with a brief focus on paratextuality but especially a focus on hypotextuality. I explore these concepts below, noting their use in the text, followed by my analysis of their use. As above, I combine discourse theory and intertextuality in my analysis, but maintain the separation between textual/discursive context and social context as above.

**Description of nodal point, elements and moments, and floating signifier.** As noted in the methodology chapter and ‘applied’ to my analysis in Chapter 6’s exploration of the Child and Family Services Act, these concepts are brought together through discourse theory. I explore each of these below, noting my observations of each and their connectedness in the text.

Similar to my description of nodal point in the legislation linked to the primary purpose of the Act, I focus on the primary goal of the Risk Assessment Model (Box 8.4).

**Box 8.4**

In keeping with the intent of the CFSA and recent amendments, the primary goal of the revised Risk Assessment Model for Child Protection in Ontario is to promote and support a structured and rational decision-making approach to case practice, without replacing professional judgement.
Here we see the ORAM as an “approach” that is seen as “structured and rational”. We also see a ‘qualification’ of this approach, noting it is not intended to replace “professional judgement”. This mention of judgement is noted throughout the ORAM mostly with respect to the Eligibility Spectrum and Safety Assessment. “Above all, the Model is meant to assist workers in making decisions and to complement professional judgement.” In this way, the ORAM suggests a balanced approach using a mix of standardized conceptualizations and professional assessment knowledge in measuring risk to a child.

With respect to the Risk Assessment Tool itself, professional judgement or worker judgement is noted several times (see Box 8.5). I note these examples referring to worker judgement to highlight how the element of ‘decision-making’ is a floating signifier, in the sense that it is a structured and rational approach based on the risk assessment tool but it also is an approach informed by judgement. The idea of conducting an assessment seems to float back and forth between more and less prescriptive approaches to evaluating risk. There is a focus on prediction and accuracy and a confidence in the ratings as a measure of higher or lower risk. Alongside these expectations are the less prescriptive approaches of interpretation and description as part of the worker’s judgement about risk. As a floating signifier, the element of the risk assessment seems to become an empty signifier in its effort to hold these two understandings of assessing risk. This is furthered by the explanation later in the ORAM about problematic use of the Risk Assessment Tool (Box 8.6).

**Box 8.5**

In contrast to the time-specific and time-limited focus of the Safety Assessment, the Risk Assessment is intended to support the worker’s judgement about predicting the level of risk of harm to the child(ren) over the time period through to the next scheduled reassessment of risk.

The Risk Analysis requires the child protection worker to analyse and interpret the ratings of the risk elements. The worker lists all the elements with high ratings, all the elements with low ratings, and all those where the information is ‘unknown’. The worker then describes how the interaction of those elements intensifies or mitigates the risk to the child(ren), and makes a judgement about the Overall Risk Rating.
Perhaps this notion of empty and floating signifier is reinforced by the indication early in the ORAM that risk analysis is a combination of the structured rational approach using the Risk Assessment Tool while also incorporating worker judgement. In the above caution about errors in the risk assessment process, the “sources of errors” are mostly linked to the worker, noting inadequate training, over-reliance on or improper/inadequate use of Risk Assessment Tool, short circuiting, bias, lack of consultation, over-confidence, and failure. This focus on worker error seems to infer that there is a ‘truth’ that can be discovered through the risk assessment if it is done following the protocol. It ignores the complexity of caregiving, risk and well being and instead assumes a simplistic approach: a child can be measured as being at risk or not, if the worker does not make an error in using the tool. There is a mix of standardization and judgement, while implying that errors are due to worker judgement, rather than any error in the standardized instrument.
I especially note the language of error in this text. There seems to be an implicit assumption about capacity of the worker (perhaps similar to the tool’s assumptions about capacity of caregivers), wherein one’s capacity is inadequate, biased, over-confident or inappropriate. There is no acknowledgement of any external factors, as even the training notice suggests that if the worker had more training, the worker would become more ‘adequate’ in using the tool. There also seems an intimation that it is the tool and training that allows workers to assess risk; in effect, the worker is assumed incompetent in their own knowledge and skills, without the tool and adequate training.

I also note the tension between standardized measurement and professional judgement in the text regarding errors. We see “over-reliance on mechanical tools” and “short-circuiting” indicating that a worker may not sufficiently use their professional judgement in the assessment. Alongside this focus we also see “premature judgement” and “over-confidence” further

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**Box 8.6**

There are potential sources of errors in completing a risk assessment which should be guarded against. These include:

- Inadequate training
  - re child protection
  - re risk assessment
- Over-reliance on Mechanical Tools
- Short Circuiting
  - inadequate data
  - premature judgement
- Biased Data
- Lack of Consultation
- Over-Confidence
  - re ability to predict future maltreatment
- Failure to Consider Strengths
- Failure to Review Cultural Considerations
- Inappropriate and Improper Use of Risk Assessment Instrument
  - improper care taken in making judgements
  - use of instrument at improper decision point

Management System, Department of Health and Community Services, New Brunswick, 1996, p.51
indicating that a worker may overuse their professional judgement rather than relying more on
the assessment tool. The power of professional judgement is thus both prioritized and minimized,
creating a tension between standardization and judgement.

Predicting risk, through the risk rating itself, presents as a nodal point in the application
of the model, as noted in the text of the ORAM (Box 8.7).

Box 8.7

The Risk Analysis requires the child protection worker to analyse and
interpret the ratings of the risk elements. The worker lists all the elements
with high ratings, all the elements with low ratings, and all those where the
information is ‘unknown’. The worker then describes how the interaction of
those elements intensifies or mitigates the risk to the child(ren), and makes
a judgement about the Overall Risk Rating.

Here we see the risk rating becoming a nodal point through the chain of association of the
various risk elements in the Risk Assessment Tool. Each element becomes a moment as an
indicator of risk, with different degrees of severity (ranked 0-4 as discussed earlier). In this way,
the worker rates each risk seeming independent of each other; once this is done for each element
of each influence, the worker then interprets the ratings to determine the overall level of risk. In
this way we see how risk as a nodal point has multiple elements that become moments, and those
moments then come together through their inter-relation to form the privileged signifier of risk.
This process appears to be distant and objectified, where the interdependence of factors is not
considered until each has been measured independently.

We also see in the above notation that elements either intensify or mitigate risk – the
logic of the model is that the higher the rating, the higher the risk. But it is not clear in that text
how a particular rating would mitigate risk. Would elements with rating of 0 or 1 mitigate risk of
other elements with rating of 3 or 4? I can recall from my practice examples of workers simply
determining that if any element in any influence factor had a rating of 3 or 4, that factor was only
seen as one that intensified risk. The lower ratings on other elements in the same influence factor did not mitigate risk. This example is not intended to reflect poor worker judgement but to show how the text of the model could be interpreted and used. Additionally I note that the text’s mention of mitigating factors is not clear: is it referring to ratings of 0, 1, or 2 or any combination of those ratings, or is it referring to the protective factors noted much later in the ORAM document.

In the commentary section of Risk Decision 6 in the ORAM (where the Risk Assessment Tool is outlined), there is a discussion of protective factors that may “modify, ameliorate, or alter the likelihood of future harm for the child”: (Box 8.8). I note several points here. First I consider the combination of risk elements and protective factors as being necessary to evaluate any potentiality for harm to the child. This combining seems to replicate standardized notions of probability. It infers a statistical model approach where variables are measured separately and in relation to each other, through some system of logic, to predict an outcome. In some ways this approach could easily slip outside the ORAM’s intent and more towards structural equation modelling as a means of measuring causality with quantification of qualitative concepts such as risk influences. Here we see the apparent privileging of predictability, somewhat in tension with the non-prescriptive claims noted earlier in the ORAM.

<table>
<thead>
<tr>
<th>Box 8.8</th>
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| **Risk Decision #6 Is the Child at Risk of Future Abuse or Neglect?**  
**Commentary**  
It is essential, in predicting risk, to consider protective factors. Protective factors are defined as those factors or processes that, in combination with the risk element, seem to modify, ameliorate, or alter the likelihood of future harm for the child.  
The literature on protective factors groups them into three general categories: individual characteristics, family characteristics, and supportive significant others.  
- Individual characteristics include attributes such as self-sufficiency, high self-esteem, and altruism  
- Family characteristics include supportive relationships with adult family members, harmonious family relationships, expressions of warmth between family members and mobilization of supports in times of stress |
Second, if we were to consider ‘protective factors’ as a privileged signifier, we see only certain elements included: individual, family, significant others. Those elements become moments in how they are itemized. First I note the focus on ‘characteristics’ – but only particular characteristics are named: “self-sufficiency, high self-esteem and altruism” for an individual and “supportive, harmonious, and warmth” are noted for a family. While the text notes this listing is not exhaustive (i.e., ‘characteristics including’ implies it is only a partial listing), the characteristics named are privileged over other characteristics, simply by their presence in the list. In the community support factors (which is first named as ‘supportive significant others’), there is not the same openness of the listing, which may imply that the list is exhaustive. I note the focus on feedback to the child as a means of managing their coping, while specifics of the relationship with a parent are not itemized.

Third, the Commentary continues to describe these protective factors in more detail, with an additional section regarding “cross cultural situations”. I have not listed those factors here (in Box 8.9) as my point is specific to this more universal idea of protective factors. I note the focus on words such as ‘difference’ and ‘specifically’ which counter the universality of protective factors. There also is an apparent ambiguity in the text. First, these different or specific aspects are only considered with respect to protective factors, and thus not to the risk factors of the Risk Assessment Tool. As such a universal understanding and measure of risk is assumed. Second, I

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**Box 8.8 (cont.)**

- Community supports refers to supportive relationships with people and/or organizations external to the family. These external supports provide positive and supportive feedback to the child and reinforce and reward the child’s positive coping abilities.  

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also note the slippage between the language of ‘cross-cultural’, ‘ethnic and class background’ and ‘ethno-cultural orientation’, wherein ‘ethnic and class background’ fall within the universal characteristics. Two things to note here: one, ethno is framed as both universal and different as it is used in both contexts in this passage. Two is the use of ‘class’.

**Box 8.9**

The preceding offers a brief overview of the individual, family, and community protective factors that serve as a buffer to some children in stressful and/or abusive situations. However, given the differences in family structure, child rearing practices and relationship to community, the degree to which the above factors apply to cross-cultural situations is unclear. Certainly some of the characteristics are universal across ethnic and class background. However, other factors may have a greater or lesser impact on families depending on their ethno-cultural orientation. In fact, some characteristics that apply specifically to some families may not be represented in the above discussion. The following list of protective factors may have special relevance to cross-cultural situations:

This is the only time “class” is named in the ORAM, and here it seems to negate class differences. It does not go so far as to universalizing class to assume that class difference can neither intensify nor mitigate risk. However, this implies that the protective factors noted are the same across class differences. Yet consider how some of those factors might vary across class. How might “self-sufficiency, high self-esteem or altruism” be more or less present as an individual’s characteristics, especially when considered within the context of our capitalist society? Additionally, in thinking of the ORAM in its entirety, we note the absence of class, alongside other structural factors that might predicate risk, while here we note the levelling of class as something without unique characteristics. Although a small example given it only occurs once in the document, a mixed message lies here, somewhat similar to the slippage between standardization and worker judgement in assessing risk. There is a trust in that which is assumed to be universal and standard, that goes beyond that of trusting difference.
The commentary ends (Box 8.10), wherein doing risk analysis is constructed as a “balance” between aggravating and mitigating risk factors. This balancing requires the worker to shift back and forth between those intensifying and protective factors, yet the factors are not structured or standardized in a uniform way in the ORAM. The aggravating factors are itemized and ranked, reinforcing a universal measuring of risk. The mitigating factors are varied and loose in their descriptions, and not easily itemized or ranked. As such it becomes difficult to measure and rank mitigating factors in a way that meaningfully counters the aggravating factors. It seems likely that in this process of worker judgement, aggravating factors through their quantification may become privileged in the assessment.

Box 8.10

Assessing risk therefore requires a careful balance between the facts which aggravate risk and those which mitigate against risk in a given situation. It is incorrect to suggest that risk assessment is a process which deals with negative issues only; in fact, the worker’s judgement with respect to each rating is informed by information related to positive and negative aspects of the individual’s and family’s functioning.

In a similar way, I also observe the Commentary’s text notation that the risk assessment only examines negative issues, what we might deem as aggravating risk factors. I have two observations to note here. First, it is only the aggravating risk factors that are noted in the Risk Assessment Tool. Second, from my own practice I recall being part of a consultation group when the original risk assessment from 1997/1998 was being revised to create this ORAM. In that consultation, I and other participants repeatedly raised this issue, noting the emphasis on negative rather than positive factors in the instrument, and the need to equally incorporate protective or mitigating factors in the instrument itself. Our comments suggested that incorporating the balance into the tool was necessary to safeguard against some of the ‘potential sources of error’ noted earlier. I do not know what was discussed in other consultations, and I do
not know how the consultants incorporated our feedback, but I do note this special mention of
the issue in the commentary, while also noting the absence of mitigating factors in the Risk
Assessment Tool.

**Description of intertextuality.** Both paratextuality and hypotextuality are helpful in my
analysis of the Risk Assessment Tool. I begin with paratextuality, which explores the structure or
design of the text. Thus, I note the format of the Risk Assessment Tool, including how it is
embedded in the ORAM. Building from this sense of being rooted in the larger text of the
ORAM, I then explore hypotextuality of the Risk Assessment Tool, considering how it
references itself and other related texts.

The ORAM document has a Table of Contents outlining the content and format of the
document. The document provides an introduction to the ORAM, then an introduction to the
‘ Standards for Child Protection Cases’. These standards are in the form of a ‘flow chart’ (see
Box 8.11), noting the process and procedures of assessment. The assessment process comprises
11 ‘decision’ points, from the point of determining eligibility (for example, child is under age
16) through to any changes to plan of service over time, right through to ‘closing’ a case.

**Box 8.11**

**Risk Decisions**

**Decision # 1**
Does case meet eligibility requirements for Child Welfare Services?

**Decision # 2**
What is the response time?

**Decision # 3**
Is child safe now?

**Decision # 4**
Are child protection concerns verified?

**Decision # 5**
Is the child in need of protection?
These decision points are presented in a one page flow chart, in a very linear and orderly fashion. However, the page concludes with this endnote: “Note: This flowchart is presented here for clarity. It is not meant to imply that the process of child protection decision-making is a linear one. In fact, many decisions are over-lapping.” Again we see what might be a mixed message in the document. The simplification of the chart could lead some workers to relying on its linear format rather than exploring a more nuanced and iterative process of risk assessment implied through the discussion points of balance and professional judgement noted earlier. Additionally, a diagram showing the non-linear nature of risk assessment could have been included to counter some assumptions about the linearity of the process – but such a chart does not appear anywhere in the ORAM. I also note the final statement about over-lapping decisions. Further clarification about where over-lap does and does not occur is not noted but seems important. For example, one cannot make a decision about response time (#2) until one has
completed the decision about eligibility (#1). The ambiguity makes it difficult to understand when the model is and is not linear.

The ordering or positioning of different sections of the ORAM is of interest. In particular I note that the Risk Assessment Tool does not appear in the ORAM document until Risk Decision #6, with Pages 40-62 describing the details of the tool, and the tool itself on Pages 63-74. I mention this detail to give context to the actual tool’s placement within the structure of the ORAM.

The Risk Assessment Tool has a particular structure, which is first described in the ORAM document, in the “Procedures for Completing Risk Assessment Tool” section. The five areas for assessment are noted and labelled as below in Box 8.12.

Box 8.12

The *Risk Assessment Tool* includes five assessment categories called *influences*, related to the:

1. Caregiver
2. Child
3. Family
4. Intervention
5. Abuse/Neglect

These five ‘influences’ then have subcategories as noted in the procedures text: “Within each one of these *influences* are related risk *elements*, ... There are 22 risk elements examined by the *Risk Assessment Tool*.” In examining the tool itself, we see these 22 elements are distributed across these five influences, as follows: Caregiver Influence with six elements, Child Influence with five elements, Family Influence with five elements, Intervention Influence with two elements, Abuse/Neglect Influence with four elements. Below is the text of those elements within each of the five influences, from the tool (Box 8.15).
The procedures text then notes the gradients within each element: “Each risk element include five scales of severity, ranging from zero (0) to four (4). ... The number nine (9) is assigned when there is insufficient information to rate a risk assessment.” As an example, below is the scale of the elements of the first influence in the tool (Box 8.13).

**Box 8.13**

**Caregiver Influence:**

4. Severe abuse/neglect as a child.
3. Recurrent but not severe abuse/neglect as a child.
2. Episodes of abuse/neglect as a child.
1. Perceived abuse/neglect as a child with no specific incidents.
0. No perceived abuse/neglect as a child.
9. Insufficient information to make a rating.

In this detail we see how the Risk Assessment Tool is structured. Each of the elements is measured with respect to each caregiver and each child as part of the assessment. The form begins with identifying information as we see in Box 8.14.

**Box 8.14**

<table>
<thead>
<tr>
<th>CAREGIVER #1:</th>
<th>CAREGIVER #2:</th>
</tr>
</thead>
<tbody>
<tr>
<td>RELATIONSHIP TO CHILD*:</td>
<td>RELATIONSHIP TO CHILD*:</td>
</tr>
<tr>
<td>CHILD (a)</td>
<td>AGE: ___ LEGAL STATUS: ___</td>
</tr>
<tr>
<td>CHILD (b)</td>
<td>AGE: ___ LEGAL STATUS: ___</td>
</tr>
<tr>
<td>CHILD (c)</td>
<td>AGE: ___ LEGAL STATUS: ___</td>
</tr>
<tr>
<td>CHILD (d)</td>
<td>AGE: ___ LEGAL STATUS: ___</td>
</tr>
</tbody>
</table>

*specify whether in primary caregiving role, or caregiver with access

**Box 8.15**

Caregiver Influence
CG1. Abuse/Neglect of Caregiver
CG2. Alcohol or Drug Use
CG3. Caregiver’s Expectations of Child
CG4. Caregiver’s Acceptance of Child
CG5. Physical Capacity to Care for Child
CG6. Mental/Emotional/Intellectual Capacity to Care for Child
Then for each of the ‘influences’, the elements are listed in a column on left side of page, to be assessed regarding each caregiver and each child, as we can see in this example from the first page (Box 8.16). Then in a corresponding column on right side of page is a place for worker to enter text as a summary: “Summary Descriptions Use specific examples to justify your risk ratings. Specify the caregiver(s) or child(ren) to whom the risk factor applies.” I provide all these details of the text of the tool itself, as a representation of the Risk Assessment, to examine the form and format of the text. We see a highly organized and structured document, which reinforces the logic of standardization. We also see how a child’s ‘risk or harm of risk’ could be categorized by the signage of the tool, for example, using Caregiver Influence, we might see a signage of “CG1 4, CG2 3, CG3 3, CG4 3, CG5 4, CG6 3” to label a family, in terms of risk.

In effect, we can see how the paratext of the Risk Assessment can create its own text, as a new paratext, wherein risk is codified. That is, the outcome of completing the risk assessment
creates a document with a new structure or format, where risk influences are noted in a code of letters and numbers, and then summarized as a particular rating. According to the ranking of that new overall rating as High Risk or Low Risk, a decision is made about intervention. Thus the paratext of the Risk Assessment Tool (the structure of its rating and ranking), once activated through the worker’s assessment process, creates a new text of risk ranking, with its own paratext of structure and format, which in turn becomes activated.

<table>
<thead>
<tr>
<th>Box 8.16</th>
</tr>
</thead>
<tbody>
<tr>
<td>CG1. Abuse/Neglect of Caregiver</td>
</tr>
<tr>
<td>Caregiver</td>
</tr>
<tr>
<td>#1</td>
</tr>
<tr>
<td>□</td>
</tr>
<tr>
<td>□</td>
</tr>
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<td>□</td>
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<td>□</td>
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<tr>
<td>□</td>
</tr>
</tbody>
</table>

I found hypotextuality especially helpful in my analysis of the Risk Assessment Tool. The entire ORAM document is 92 pages long, with some additional preliminary pages at the start as means of introduction and to offer context regarding the ORAM. For example, we see reference to previous forms of risk assessment and the revisions resulting in this document. The document begins as a letter to the reader and quickly moves to noting that this document is a revised Model: “Dear Colleague, ... revisions reflect our original commitment to continue to improve the Model by addressing extensive feedback based upon your knowledge and experience with implementation”.

In this way we see reference back to an earlier document, and to the consultation process which I noted above from my own experience in practice. The language here is interesting, as it not only refers back to other text but to other people and acknowledges ‘addressing feedback’
from ‘your knowledge and experience’. Doing so implies a sense of cooperation and consensus, that the ORAM is a practice-based document drawn from the local knowledge of child protection ‘colleagues’. In this way perhaps the ‘authority’ of the Ministry’s directives regarding risk assessment are diffused, in the sense of shared responsibility and support for the risk assessment model. Following the preliminary cover pages, letter, acknowledgements and Table of Contents, the ORAM itself begins on the 13th page as Page 1, and this is where my closer focus begins regarding hypotextuality.

Throughout the ORAM there is both inter referencing and intra referencing to other text. This is to be expected, as the ORAM is based on the legislation, regulations and standards of child protection (Box 8.17). Here we see a direct association between the state and children’s lives, in the naming of the CFSA as “the legislation which governs child welfare services in Ontario”. We also see referencing to the Regulations and Standards, both of which are part of the state’s structure. The ORAM also references other documents of child protection that are included within the model itself. “In the following pages, each key decision point in child protection service is stated; and legislation, Standards, requirements supporting those Standards, and commentary are included. The factors included in the eligibility, safety and risk assessment tools act as prompts to the worker”.

**Box 8.17**

The Child and Family Services Act (CFSA) is the legislation which governs child welfare services in Ontario. The paramount purpose of the CFSA is to promote the best interests, protection and well-being of children. Service providers have a duty to ensure that decisions are made according to clear, consistent criteria and are subject to procedural safeguards.

In keeping with the intent of the CFSA and recent amendments, the primary goal of the revised Risk Assessment Model for Child Protection in Ontario is to promote and support a structured and rational decision-making approach to case practice, without replacing professional judgement. ... The Model supplements and complements child protection Regulations and integrates new Standards for Child Protection.
Finally I note the inter-referencing as noted in the Definitions section of the ORAM (Box 8.18).

**Box 8.18**

**DEFINITIONS**

**Statute**
A statute provides overall direction and legal requirements that describe the official mandate and parameters of service delivery. For Children's Aid Societies, the key statute is the Child and Family Services Act.

**Regulation**
Regulations clarify and specify administrative and procedural matters that are necessary to give effect to the provisions of a statute. Compliance with regulations is mandatory.

Minister's Regulations to be introduced in 2000 support the requirements outlined in the revised Risk Assessment Model for Child Protection in Ontario and provide specific direction to Children's Aid Societies for investigation, assessment, and management of child protection cases.

**Standards**
Standards are policies that are developed by the Ministry, with input from key stakeholders, as a means of directing and measuring specific program areas. Standards are mandatory and establish a minimum level of performance to meet the compliance requirements in a particular program area.

Certain key requirements included in the Standards for child protection cases are in the CFSA Regulations. In some cases the Standards paraphrase language in the Regulation, and the Regulation should always be referred to for accuracy.

The Standards for child protection cases have been designed to facilitate measurement in order to assist the societies in monitoring the performance of staff and to assist the ministry in monitoring agency performance. Standards use words such as ‘must’ and ‘shall’.

Here we note direct inter referencing to the Regulations, more specific than in the first sample of text above. The ORAM is built on the Standards, which draw from the Regulations, which are explicated from the Legislation (referred to here as Statute). We also note that there is the potential for some slippage between these levels of documents, and specifically that when this occurs with the Standards, the Regulations are to be privileged.

Alongside this privileging of the Regulations, I also note how strongly the power of the state is reflected in this text. Language such as ‘official mandate’, ‘compliance’, ‘mandatory’, ‘must’ and ‘shall’ reinforce the ruling relations of the state, in its governance of child protection services and its workers. What is not readily apparent though is that in turn, the state governs the
lives of families through the practices of the workers who ‘comply’ with state legislation, regulations and standards. This compliance is disciplined through the surveillance practices of ‘monitoring’ both staff and agency performance. I again recall my practice and the last position I held in child protection services, where I was a Research Analyst. In this role I regularly measured the agency’s compliance with Ministry standards, both by conducting an agency-wide review quarterly to submit to the regional office of the Ministry, and where discrepancies occurred, by investigating those case files closely and reporting ‘non-compliance’ to the worker’s supervisor. The power of the state in the governance of the practices of child protection services in Ontario is noted in this text and clearly resonates with my own practice experiences.

Recalling the discussion in the previous chapter regarding how ‘full child protection investigation’ is noted in Regulation 206, I note it is inter-referenced throughout the ORAM (38 times), but as a ‘full protection investigation’. Most references are regarding a decision about whether or not a ‘full protection investigation’ is needed, such as this example in Box 8.19.

### Box 8.19

In addition to the *Eligibility Spectrum*, the following criteria are also to be considered in deciding whether to initiate a full protection investigation:

- whether the subject of the information is a child as defined in Part III of the CFSA;
- whether the child currently resides within the society’s territorial jurisdiction (if the child does not reside within the society’s territorial jurisdiction, the child protection worker should refer the matter to the appropriate children’s aid society); and,
- a check of child protection records, including the provincial child protection data base.
Nowhere in the ORAM is ‘full protection investigation’ defined. The components of the investigation are only cited as a footnote in the Eligibility Spectrum section of the ORAM:

If a full protection investigation is initiated, the child protection worker will also be required to complete the requirements of Risk Decisions #2, #3, #4, and #5 and Standards (2), (3), (4) and (5). Standard (10) describes the circumstances under which the worker must complete the requirements of Risk Decisions #6, #7, #8 and #9 and Standards (6), (7), (8) and (9).

In examining this text, the only way that we can ‘know’ what the specifics of a ‘full protection investigation’ are is to then itemize the details from each of those Risk Decisions and Standards. In this way we might then have a proxy of the components of such an investigation. But it absence is notable, as is the apparently minor importance of these details, given that it is only mentioned as a footnote in one section of the ORAM.

In examining the Risk Decisions, we see the Standards noted, and thus a form of intra-referencing, which I next explore as my final description of intertextuality. The ‘Introduction to the Standards for Child Protection Cases’ notes that “The new Standards for Child Protection Cases have been integrated with the Risk Assessment Model for Child Protection in Ontario” and adds that “A standard describing the Ministry’ minimum requirements leads the content for each risk decision”. As such, each standard is embedded in the Risk Decision point, and that is how each descriptor for a risk decision point begins – with the standard. However, that pattern changes at the end of the ORAM. Risk Decisions 10 and 11 are combined, and only cite Standard 10. Standards 11 (Record Keeping) and Standard 12 (Deviation from Child Protection Standards) are noted at the end of the ORAM as ‘Supplementary Standards’. In a document that is so specifically itemized, focuses on the need for standards and consistency, and speaks of compliance and monitoring, it seems confusing to see a sudden shift in the format of the text, and
its intra-referencing. One wonders if it was simply a matter of policy staff rushing to complete the document itself, or if there is something different about Risk Decisions 10 and 11, and Standards 10, 11 and 12 that warrants this change in the pattern of the text.

As noted, standards are embedded in the text of risk decisions, rather than separated out as a list of standards. Here (Box 8.20) I provide an example of the inclusion of a standard from Risk Decision 6, which is specific to the Risk Assessment Tool, the main focus of my exploration in this chapter.

**Box 8.20**

**Standard (6): Risk of Future Abuse/Neglect**
Where further steps are required to complete a full protection investigation beyond 30 days from receipt of the referral/report/information, or where it is determined that the child is in need of protection, the child protection worker shall complete:

- a risk assessment and risk analysis
- a plan to address any immediate risk issues within 30 days of receipt of the referral/report/information by the CAS.

This standard is focused on the requirements of assessment and analysis of future abuse/neglect (i.e., beyond the immediate safety concerns of the Safety Assessment). It notes the risk assessment and risk analysis as components of ‘a full protection investigation’ and the timeline (within 30 days). It also notes the need for a plan to address immediate risk issues, although this plan is not specified until Risk Decision 8. In looking at this standard, we can see very specific details of what is expected – what must be ‘complied’ with: a time frame (30 days), what is to be done (a full investigation) and what specific tasks are to be accomplished (risk assessment and analysis, plan). But these details are not fully explicated. The risk assessment tool is part of Decision 6, but when we look for details of completing a plan, nothing is noted in this section of the ORAM. It is only through familiarity with the model or reading ahead that we become aware of the plan completion expectations as noted in Risk Decision 8. The absence of such intra-
referencing seems similar to my observations above about the absence of details regarding the full protection investigation. Again, this omission may simply reflect a ‘rush’ to finalize the ORAM; however, it is a flaw in the document, given the strong language of compliance noted earlier.

I also note that the Standards are not located elsewhere, only in the ORAM, and thus it is not clear how they connect with or inform each other. Instead, we see reference to other aspects of the ORAM as below in the Introduction to Risk Decision 6: “In contrast to the time-specific and time-limited focus of the Safety Assessment, the Risk Assessment is intended to support the worker’s judgement about predicting the level of risk of harm to the child(ren) over the time period through to the next scheduled reassessment of risk.” We also see referencing to other Risk Decisions in the ORAM (Box 8.21).

**Box 8.21**

After considering all of the risk ratings, interactions between elements, and information still needed, the worker prioritizes the risk issues to be brought forward to and addressed in the **Plan of Service** (Risk Decision #8). Since the assessment of risk of harm to a specific child in a specific context is extremely complicated and depends on the interplay of many variables, the **Risk Analysis** is critical to informing an appropriate and realistic **Plan of Service** (Risk Decision #8).

In the section of Risk Decision 6 following the Introduction, we see further intra-referencing of other Risk Decision points (Box 8.22).

**Box 8.22**

Requirements Supporting Standard

The **Risk Assessment Form** and the **Risk Analysis** shall be completed by the worker and approved by the supervisor within 30 days after the receipt of the referral/report/information, for all cases where a child has been determined to be in need of protection, or where that determination can not be made within 30 days. There are three possible scenarios at this Risk Decision point (30 days after receipt of the referral/report/information):
Thus we can see the Risk Decision points as ‘proxies’ for the standards, in how they are interconnected and inform each other. We see this most strongly in point (b) above, where the outcome of a decision at one point (Risk Decision 5: Is the child in need of protection) determines whether or not other standards apply. In other words, after proceeding through Risk Decision points 1-4, in Risk Decision 5 the worker may determine the child is not in need of protection. If so, then the standards about a child being in need of protection do not apply.

**Analysis of meanings in a textual/discursive context.** In this exploration of the ORAM, with a focus on the Risk Assessment Tool, there is a pattern of mixed messages or tensions in the text. I see this in the mixing of ‘structured and rational’ alongside ‘professional judgement’, the specificity of the Risk Assessment Tool for aggravating risk factors alongside the lack of a tool or rating/ranking for the mitigating factors, and the linear presentation of the ORAM combined with the notation that it is not linear. I do not suggest these are necessarily contradictions within the ORAM. However, they appear to me as mixed messages within the ORAM, reflecting the tensions between seeking a standardized approach and recognizing the ‘humanness’ of the work.

These tensions are not reconciled in the text in an ‘equal’ way, and amidst the mixed messages, the standardized approach of the Risk Assessment Tool is privileged over the
professional judgement, mitigating factors and non-linear caveat. Therefore, there is a lack of balance in the ORAM. We see this in a manner much like the points I have raised above. The standardized tool of aggravating risk factors and the unstandardized notations of mitigating factors, the detail of the linear process and the small footnote about the fluidity of the process (as non-linear), the prescriptive detail of the process and the Risk Assessment Tool and the minimal detail about worker judgement – all these factors combine in a particular way such that the standardized, linear and prescriptive are more weighted on balance compared to the unstandardized, fluid and minimal. However, this apparent ‘actuality’ of the text is hidden from us when we do a surface read of the ORAM. We might only see the balanced approach, not recognizing the inconsistencies as contrary to the equal valuing of standards and professional judgement. In this way, it may be difficult for workers to fully understand how to follow the ORAM’s specifications, which seems contrary to the Ministry’s expectation of compliance.

There also is a pattern of hidden expectations in the text of the ORAM. Similar to the previous chapters, I note this with respect to the incompleteness of details wherein the text refers to other texts, without providing the specifics from those texts (for example, the ORAM’s reference to the regulations). Perhaps more strongly here I note the hidden expectations of two particular aspects of the ORAM. First, the full protection investigation is repeatedly cited in the ORAM, but not once is it defined or described. We must dig through the various Risk Decision Points and their relevant standards to get a sense of what a full protection investigation might entail. Second, the standards themselves are not clearly outlined. They are hidden by being embedded in the Risk Decision Points, rather than being centred and highlighted in the text. Again I ponder this missing information, given the compliance expectations of the Ministry.

These hidden expectations have implications for workers and for families. Workers cannot easily trace what the components of a full protection investigation should be. Some
workers with experience could rely on their prior knowledge and skills, combined with the ORAM, to conduct an investigation. Newer workers however could rely more heavily on the text itself, which is problematic given the incompleteness and confusion of the text as noted earlier. Supervisors were expected to guide workers in all processes, including investigations, so their knowledge and skills could influence some level of thoroughness in the investigation; however, each supervisor’s approach varied somewhat, so again the question of consistency emerges. Alongside this issue is the ‘invisibility’ of what an investigation entails. Outsider knowledge based on the text is minimal, which is a concern for children and families – they do not know the full details of what is being investigated or how.

Analysis of meanings in a social context. In my analysis of the ORAM through discourse theory tools, we can observe elements of alienation, reification and mystification in the text. With respect to alienation, we can see an alienation of the ORAM from itself – from its own nature. In several places in the model we see mention of its fluidity and being proposed as non-prescriptive. However, a child’s risk can be noted/indicated through a series of letters with number ratings (e.g., CG1 4, CG2 3, CG3 3, CG4 3, CG5 4, CG6 3, as noted earlier) and the risk factors thus tallied to measure the level of risk (e.g., high, medium, low). Second and somewhat differently I also note that any ‘error’ in the assessment is attributed to worker judgement or use of the tool – wherein the fluidity and non-prescriptive is the only source of fault, while the standardized and prescriptive is ‘without blame’. As such these contradictory tensions within the text are a form of alienation of the ORAM from itself – from its own nature.

Drawing from these examples regarding alienation, reification occurs regarding risk factors. Risk becomes a thing that can be measured and evaluated, and thus classified and categorized. It seems to be presented as something objective that can be determined through a process of assessment and analysis. In this way, the abstract becomes concrete and thus is reified.
However, in this process of assessment and analysis, I also note a reification of social relations between caregiver and the child, wherein it is assumed that the ‘caregiving relationship’ itself can be measured and evaluated as an ‘influence’ with multiple ‘elements’. Additionally the ruling relations of the state, through monitoring workers and agencies for compliance, reinforce the reification of the ORAM as something that can measure truth and thus must be prioritized.

I recall from my practice that over time, workers and especially supervisors and managers became very focused on ‘compliance’ in anticipation of quarterly and annual reviews of all case work. In my role as a Research Analyst at a Children’s Aid Society, I often conducted these reviews, or followed up on Ministry reviews, seeking explanations for ‘non-compliance’. The language of compliance and non-compliance created a new discourse in practice, often overshadowing the actualities of practice, both for workers and for families.

Finally, similar to the analysis above, a form of mystification can be observed in the ORAM text. The mixed messages, the hidden details, the alienation of the ORAM from itself, and the reification of risk all come together to form an opaqueness of transparency or an obscured accountability. In this way it seems to me that the analysis of risk itself is a mystery – something we cannot fully name nor understand – wherein the tensions and contradictions make it illusive and slippery in our efforts to make it tangible and clear. Similar to my earlier comments, this illusiveness becomes a challenge especially for newer workers trying to understand and implement risk assessment.

Having provided this second level description and analysis of meanings in this text, I now move to my third level of exploration – the discursive strategies in the Risk Assessment Tool.

**Findings from Level III of Analysis – Discursive Strategies**

From the third level of my analysis, I consider discursive strategies in the text of the ORAM, with a particular focus on the Risk Assessment Tool. Most helpful in this analysis is my
exploration of nomination and classification, as well as topoi and argumentation. Below I offer a description of my observations of these concepts in the ORAM. I then offer a combined analysis of these concepts, according to textual context and social context.

**Description of nomination and classification.** In the Introduction to Standards section of the ORAM, we note the unique nomination and classification of some care providers and settings (Box 8.23).

<table>
<thead>
<tr>
<th>Box 8.23</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Procedures for Investigations Involving Staff, Volunteers, Residential and Foster Care Settings: Societies are expected to continue to have procedures in place to address the unique requirements of these investigations and provide for the safety and protection of all potential victims. This may require the additional development of protocols between or among service sectors.</td>
</tr>
</tbody>
</table>

Here we see the nomination of staff, volunteers, residential and foster care settings as people and places considered ‘unique’ and thus classified separately from parents/family. We note that the procedures are not outlined in the ORAM, nor are they the responsibility of the Ministry. Instead, we see that the Ministry expects Children’s Aid Societies to develop their own procedures and protocols regarding these unique investigations. It is not noted if the various decision points and standards in the ORAM are part of that unique investigation. It also is not noted whether the procedures and protocols are to supplement the ORAM, provide a parallel process, or create a separate and unique investigation practice.

In the Risk Assessment Tool, we can see nomination in the use of pronouns. I note this specifically in how ‘caregiver 1’ and ‘caregiver 2’ are named (see Box 8.21 earlier in this chapter). First I note the naming of ‘caregiver’ as a neutral term. This neutrality hides the identity of the caregiver, who usually is a mother, and thus masks the gendered nature and social relations of care. Second, these nominations of ‘caregiver 1’ and ‘caregiver 2’ are continued
throughout the rest of the Risk Assessment Tool. I note that there is a distinction between a primary caregiving role and a caregiver with access. The tool does not assume it is an ‘either or’ nomination, but does ask for this clarification in relationship to the child. It is not clear in the text of the tool whether two caregivers may be in primary caregiving role, or if one is designated as the main caregiver. I also note that this caregiver distinction is made in the section regarding relationship to child. Through this nomination I further note that a caregiver may be classified by their relationship to the child – as a primary caregiver or as a caregiver with access.

I also see ‘risk’ nominated as something that warrants a child’s protection, and can be predicated as that which can be ‘exacerbated’ or ‘ameliorated’. As we see below (Box 8.24), the risk rating is named on a gradient from high to low, and in the instructions of the ORAM, risk analysis is presented as something balanced between those factors that exacerbate and those that ameliorate. This implies a predication of attributes regarding risk factors that then classifies those factors into one of two categories: exacerbate or ameliorate. However, we also note that the Risk Assessment Tool more thoroughly measures the exacerbating factors in the higher risk ranking, although it is not to be considered in isolation: “It is incorrect to suggest that risk assessment is a process which deals with negative issues only”. The ameliorating factors are not named in the tool, in the way that they are noted and named in the overall analysis above. Thus it seems risk factors predicated as ‘exacerbating’ are privileged in the assessment regarding a child’s need for protection.

**Box 8.24**

The *Risk Analysis* requires the child protection worker to analyse and interpret the ratings of the risk elements. The worker lists all the elements with high ratings, all the elements with low ratings, and all those where the information is ‘unknown’. The worker then describes how the interaction of those elements intensifies or mitigates the risk to the child(ren), and makes a judgement about the *Overall Risk Rating*.

Thorough information gathering at each stage of investigation and service provision is required to facilitate an accurate risk assessment. The rating given to each risk element represents a judgement based upon that information. For each judgement, the rating should be a careful balance between facts that create or exacerbate risk for the child and protective factors or strengths which ameliorate risk.
Description of topoi and argumentation. Topoi, as conventional understandings, seem especially helpful in my observation of the ORAM, both in themselves and in connection to argumentation. It is the ‘common senseness’ of topoi as a form of substantiating a logic or rationale that is connected here regarding argumentation. Topoi especially seem evident in the use of anchors as part of the risk assessment tool to further describe or define risk elements, and in the explanation of the risk assessment itself.

The Risk Assessment Tool ‘instructions’ note the use of the risk anchors as follows in Box 8.25. Here we see the logic or rationale about using the anchors. As such, anchors are presented as not exact and thus not precise. These characteristics are presented as if common sense and that the focus is to be on something that matches closest, that is most appropriate. As such we might see professional judgement implied here, imbued with notions of common sense or conventional understandings. However, we also see that when exercising judgement, the conventional approach is to err on the side of assuming risk (through selecting the anchor with the higher rating when in doubt about which scale is the closest match). These instructions, combined with the ‘influences’ measured on the Risk Assessment Tool, come together in a form of argumentation that ‘reflects the actual risk’.

Box 8.24 (cont.)

A risk rating of ‘9’ should be used rarely, only in situations where not enough information has been gathered on which to base a judgement. It is recognized that what is expected in rating risk elements is a judgement supported by evidence, not a proof of fact.

The child protection worker, in making the judgements necessary to complete the Risk Assessment and Risk Analysis, should take the child and family’s identified strengths and ethno-cultural orientation into consideration.
The logic of measuring and then responding to risk is further described in the ORAM (Box 8.26). Herein we see a logic of risk being measured through a balancing of ‘risk-related elements’. In response to risk, the Plan of Service is noted. Family strengths are seen as a means through which the risk of harm might be reduced, in partnership with service and other resources. While this may not reflect ‘argumentation’ in its more common usage in critical discourse analysis, it suggests a rationale for decision-making. The implied argument is that through a balanced assessment, the worker can accurately determine the level of risk, which in turn provides the necessary information to develop a plan of service to minimize future risk.

Through a reified valuing of the risk assessment model (as discussed earlier), the argumentation
lies in the assumed infallibility of the risk assessment tool, its verity compromised only through worker error.

**Box 8.26**

Risk assessment is a complex analysis of the interaction among risk-related elements, an identification and examination of a family’s perceptions and strengths, and any other significant case circumstances that may affect family functioning. The analysis should help evaluate the likelihood that a child may be abused or neglected in the future. It should also help determine what services are needed, if any, to reduce identified risks, build upon family strengths and resolve identified problems.

...While the paramount purpose of any child protection assessment is to address the best interests, protection, and well-being of the child the assessment must consider the strengths and needs of the child and family. The CFSA states that,...while parents may need help in caring for their children, help should give support to the autonomy and integrity of the family unit, and wherever possible, be provided on the basis of mutual consent.” Family strengths, and the potential for the family and/or the community to provide for the needs of the child and family, are critical elements of developing a Plan of Service that will protect the child and reduce risk. When strengths are considered in assessing risk, and the plan developed in partnership with the family and other potential resources, the opportunities for change can be more easily identified.

Having now described how discursive strategies are used in the ORAM, through my examination of nomination, classification, topoi and argumentation, I now move to an analysis of these details, with respect to their textual context and their social context.

**Analysis of discursive strategies in a textual/discursive context.** In considering the discursive strategies of nomination, classification, topoi and argumentation, a **forced or false distinction** is made in the nomination of caregivers. Although not stated as such, there appears an assumption in the Risk Assessment Tool that there is one primary caregiver, identified in terms of a caregiver’s relationship to a child. Within any distinction between caregiver 1 and caregiver 2, the same risk elements are assessed and the same rating of risk is assigned, based on the anchors as descriptors of those risk elements. In other words, the ‘risk influence’ of caregiver 1 is measured the same as that of caregiver 2, even though one may be a primary caregiver and the
other not. We might assume that in practice, the balance is more so on the primary caregiver, but this is not clear within the text of the ORAM. Therefore, it seems the distinction itself is forced or false. It also raises questions about the consistent application of the ORAM in the actualities of practice.

Second, in a similar but different parallel, there is a false sense of balance, as a common sense value, in the assessment of risk. The topoi of balancing factors that exacerbate or ameliorate risk suggests a fairness in the assessment, reinforced by the text of the ORAM which notes that it is incorrect to assume risk assessment only measures negative factors. However, as I have noted in my description, the Risk Assessment Tool does not include a balanced inclusion of strengths and those factors which may ameliorate risk. Additionally, the tool also ignores the influence of factors outside the family, notably structural factors such as poverty. It appears that there is an illusion of fairness in the ORAM.

**Analysis of discursive strategies in a social context.** In considering the social context of discursive strategies in the ORAM, we can observe aspects of alienation, reification and mystification in the text. With respect to alienation, I note it in the nomination of caregiver – that this term is detached from any sense of relationship to the child. In this way we see an alienation of the child and parent – the social relation of caring – wherein the caregiver is presented as a container of influences over a child’s well being. Alongside this alienation between parent and child, there is an alienation from caring itself – that the nomination of caregiver as someone who influences a child creates a social relation devoid of the qualitative essence of caring – the caring for and caring about a child.

With respect to reification, I again note the reification of risk as something that can be named and classified, through the rating scales, even though the Risk Assessment Tool clearly indicates that the scales are not exclusive (i.e., they overlap), are not exhaustive (i.e., can be
partially ‘applied’) and are not exact (i.e., are applied most closely). Within these cautions there remains an unwavering confidence in the Risk Assessment Tool as something that can name and measure risk as something that is real, as something that can be isolated, named and classified. In this way, the abstractness of risk and well being becomes a quantifiable and concrete thing.

Finally, as with other texts in this study, I again note a process of mystification occurring in two ways. First, I note the distant and generalized nomination of caregiver. This naming mystifies the relationship of parent to child, the uniqueness of particular parent/child relationships (e.g., the relation between a mother and child), and the gendered relation of most caring, wherein the common experience of women as primary caregivers is not named. Second, I note the mystification of the anchors and scales themselves. In their reified state, there remains a mystery in how the incompleteness of these elements is somehow still considered complete or at least sufficient. Alongside this incompleteness I note the missing context of structural factors. Social influences such as unemployment are only recognized as personal responsibility (i.e., caused by alcohol and drug use) while class differences are discounted in the universalizing of protective factors. It is in this lack of fullness in the assessment that the inexactness of standardization and sameness becomes mystified.

**Conclusion**

In this chapter I have unpacked the Ontario Risk Assessment Model and especially the Risk Assessment Tool, using analytical tools to explore, describe and analyze the text. I have examined the text at three separate levels: words, meanings and discursive strategies. In my examination, the following themes emerge in how I characterize the language within the textual/discursive context as noted in the analysis discussed in this chapter: (a) inconsistent logic, (b) discrepancy or confusion, (c) mixed messages or tensions, (d) lack of balance, (e) hidden expectations, (f) forced or false distinction, and (g) false sense of balance. With respect to the
social context, the following themes are noted in my analysis: (a) alienation, (b) reification, and (c) mystification. Drawing from this analysis, and as noted in the previous chapters, I now move on to a discussion of the themes I have observed, noting their connections to my research questions.
Chapter 9 - Findings about Foster Care Rates

Introduction

As noted in the first discussion of findings (Chapter 5), the funding formula which includes details of payment for child protection services in Ontario could not be located. Instead, I have used proxy documents for my exploration of funding for foster care. Here I rely on text mainly from three documents in my examination of the financial details of foster care provisions:


I also briefly examine a fourth document, Child Welfare Funding: A Promise to the Children of Ontario (2002), to provide some context to this exploration, with respect to the intentions of the funding formula itself. However, the focus here is mostly on the first three documents, as they contain some details of the funding rates for foster care in Ontario.

Below I offer a description of what I observed in the texts noted above, followed by an analysis of my observations. I consider the text of these documents together, as a single composite source, rather than separately, as my intention in examining these texts is to do so as a proxy for the funding formula. These documents themselves do not form a particular whole, wherein they can completely ‘stand in’ for the funding formula. Rather, each document itself offers a fragment of information that mirrors or copies the funding formula details. In using these documents as a proxy, there are obvious gaps in the data. I cannot rely on the text as an entirety in place of the funding formula. But I do not claim to do so here. Instead, I bring these four documents together to give me as close as possible the textual data that I seek and thus to explore the practice and policy of funding in foster care at the time of this study.
In this part of my exploration, the conceptual tools of Level II – Meanings were not helpful to my analysis, likely due to the piecemeal and thus fragmented nature of the text as a compilation of pieces of several separate documents. This is not to suggest that the text holds no ‘meaning’. Rather, I argue here that as proxy texts, I cannot employ the discourse theory tools of nodal point, elements and moments, signifiers and closure to assess the text for meaning. It seems that doing so would ‘skew’ my analysis. The texts were never intended to be combined in the way I have used them, nor could they be considered a coherent whole; using them as if a single text for the purpose of assessing meaning could inaccurately reinforce any sense of empty or false signifiers and unattainable closure. Thus, I have not used these tools here.

In this chapter, I follow the structure of Chapters 6-8, but do so by examining the texts using the conceptual tools at only two levels of analysis. I first explore words and phrases (Level I – micro tools of analysis) and then move to discursive strategy tools (Level III – macro tools of analysis). Following my examination of the text using these Level I and Level III concepts, I then offer my evaluation of that examination by exploring the textual/discursive context and the social context.

**Description of Proxy Texts**

**Level I – Words and Phrases.** In examining the text, I found the tool of indexicality particularly useful in my explorations regarding the funding of foster care. I draw on the text from the 2000 federal report *Child Welfare in Canada 2000*, as below in Box 9.1. It is important here to note how the different forms of substitute care are described. Regular foster care refers to “family life” as a means to “meeting the child’s needs”. Specialized foster care is noted as intended for children with “exceptionalities”. Unlike a regular foster home, this form of care involves “specific treatment” and “behaviour management strategies” to support a child’s well-being. Treatment foster homes offer more “individualized programs” to “prepare a child for
permanent placement”. This suggests that treatment foster care is designed as temporary, thus not as permanent, although timing is not noted with respect to regular or special foster care.

<table>
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<th>Box 9.1</th>
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**Regular Foster Care**
Regular foster care homes provide all the essential elements of family life that a child needs, based on a safe and healthy family environment. Generally, the foster family integrates the child into their normal daily routines and activities, thus meeting the child’s needs. No more than four unrelated children and no more than two children under the age of two years may be placed in one home.

**Specialized Foster Care**
Specialized Foster Care is designed to meet the needs of children with identified developmental, emotional, medical or physical exceptionalities. The goal of a specialized foster home is to accommodate the child within a foster setting where his or her special needs are addressed on an ongoing basis and in a manner in which the child is encouraged to function at maximum potential. Specialized Foster Care homes provide specific treatment or use behaviour management strategies to ensure the physical and emotional well-being of the child. The Society (or licensee) is responsible to see that special training and/or particular skills training required by foster parents is provided. No more than two children may be placed in a Specialized Foster Care home at any time and one parent must be at home on a full-time basis.

**Treatment Foster Care**
Treatment Foster Care is intended to provide for children who require community-based treatment to meet their complex needs. The children generally require individual programs developed by their foster parents and social worker to assist them in overcoming behaviours stemming from histories of neglect, abuse, deprivation and instability. Treatment Foster Care parents work in full partnership with the child’s case/treatment team and collateral professionals to formulate treatment plans based on defined goals and objectives. The overall goal of Treatment Foster Care is to facilitate the attainment of emotional development, social skills and life skills in a time-limited program in order to prepare the child for permanent placement. Up to 24 days per year of respite is provided for all levels of foster caregivers.

I find interesting the language in the Regular Foster Care section, where “family life” and “family environment” are named. Note the assertion that by integrating the child into the family’s “normal daily routines and activities”, the child’s needs are met. This implies a focus on the tasks of caring, in the routines and activities of daily family life. ‘Caring for’ the child, through tasks that meet a child’s needs is intimated as all that is “essential” to meet a child’s
needs. ‘Caring about’ the child seems absent here – the emotional elements of care attached to feelings are somehow missing from the family life professed in regular foster care.

I also note that with respect to special or treatment foster care, the child is described as someone with “special” or “complex” needs, while a child in regular foster care is described simply as someone with needs. It is not clear in these definitions how a child is assessed to determine which type of foster care best meets their needs. It is indicated that differentiations between types of foster care will vary across Children’s Aid Societies as noted below.

My focus here is on how types of foster care are classified in consideration of funding. This lack of definition of classification may be important to my analysis of funding differences, which I discuss below.

In addition to the description of these forms of foster care, I note the following funding details from the Ontario Auditor General’s report (2000) (see Box 9.3).

<table>
<thead>
<tr>
<th>Box 9.2</th>
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<tbody>
<tr>
<td>The Ministry defines three categories of foster care (regular, special and treatment) under the Child Welfare Funding Framework. CASs and service providers managing foster homes may develop their own method of classifying homes based on these suggested categories.</td>
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<th>Box 9.3</th>
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<tbody>
<tr>
<td><strong>Foster Care Per Diem Rates, by Type</strong></td>
</tr>
<tr>
<td>Regular</td>
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<tr>
<td>Specialized</td>
</tr>
<tr>
<td>Treatment</td>
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</table>

The difference between these types of foster care is not noted, but the funding difference is clearly visible. Details of what that funding covers are not provided in the report. However, in
the other federal document, the Foster Care Report (1999), further details are provided in a similarly structured chart as noted below in Box 9.4.

Here we see the difference in cost/payment for foster care, according to the type of care provided. I note the payment increases from the basic rate for a child’s needs in regular care, to a higher basic rate for a child with special needs in specialized care (54% higher rate), and an even higher basic rate for a child with complex needs in treatment care (110% higher rate than regular care, 36% higher than specialized care). The respite/relief rate rises in a similar pattern as the basic rate increases, to cover the cost of respite care in each particular type of foster care. However, the skill enhancement rate remains the same at all three levels of care settings.

These financial differences raise many questions for me. It is not clear in these documents how these particular percentages of cost differences are determined or justified. The difference between each level seems arbitrary. Is it an actuarial calculation based on a close analysis of foster care experiences and children’s needs over time? If the basic care rate is developed along the Federal Child Support Guidelines, how does that factor into the different levels of care? What is ‘outside purchased care’? Does it include care that may be basic or

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<th>Box 9.4</th>
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<tr>
<td>Foster Care Daily Operating Cost Benchmarks</td>
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<tr>
<td><strong>Type of Care</strong></td>
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<tr>
<td>Regular</td>
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<tr>
<td>Outside Purchased Care</td>
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* Benchmark developed using Federal Child Support Guidelines equivalency scale.
specialized? If so, how does being ‘outside’ a foster care setting account for the rate being the same as that of treatment care – would not the actual costs of care be the same as inside a foster care setting? Why is there an increase in the basic rate and respite/relief rate, but not in the skill enhancement rate, for each level of care? Without the funding formula document, I cannot determine if these issues are addressed in the Funding Framework of the government. However, reflecting on my practice, and my time reading the funding formula document when it first was sent to all Children’s Aid Societies, I do not recall these details being explained in the text. As such, my questions remain unanswered.

**Level III – Discursive Strategies.** Of particular usefulness in my analysis here were concepts of nomination, classification and predication, as interconnected tools of exploration. As noted above, there are three types of foster care in Ontario. In the 2000 federal report *Child Welfare in Canada 2000* (see Box 9.2) we again see the types of foster care, nominated through their naming as categories. In this classification, a definition of their unique characteristics is not noted; rather, the report notes that the individual Children’s Aid Societies determine the criteria that classify a home into one of these categories. Thus we see nomination without predication as categories of foster care are identified but are not described or defined.

In the *Foster Care Report* (1999) we see the detail provided about the basic rate of foster care reimbursement. Notable here is the specificity of what costs are covered through this basic reimbursement (see Box 9.5). As such, basic care is defined as “food and lodging”. Other aspects of care, such as clothing and the cost of services, are not considered part of basic care. The passage in Box 9.5 notes that those costs are covered by the agency. We see that the agency
determines what costs are appropriate, whether that be the amount or the types of additional expenses. However, I also note that those costs (or at least some of those costs) are covered by the Ministry as Indirect Costs, as noted in the Ontario Auditor General’s Special Report (2000) (see Box 9.6).

Additional funding is provided to the Children’s Aid Society, which includes ‘Support Services’ costs that go beyond the per diem rate of compensation for basic food and lodging. Recalling the earlier passage from the Foster Care Report regarding additional funds for foster care (Box 9.5),

**Box 9.5**
Under the new funding framework, announced in 1998, the Ministry established a new minimum daily rate for foster care providers. This revised daily rate structure includes a higher base rate than the previously established minimum. The basic minimum rate established by the Ministry of Community and Social Services covers food and lodging for a child. It does not include extra costs of clothing, spending allowances and other specialized services that may be needed by children in foster care. Each agency may provide additional funds, at their discretion, to cover extra costs of clothing, spending allowances and other specialized services.

**Box 9.6**
**INDIRECT SERVICE COSTS**
The Ministry’s funding framework provides for different types of indirect costs as a percentage of total costs net of revenues raised, as shown in the following table.

<table>
<thead>
<tr>
<th>Indirect Service Costs by Type as a Percentage of Total Costs</th>
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<tbody>
<tr>
<td><strong>Central Administration</strong></td>
</tr>
<tr>
<td><strong>Program Administration</strong></td>
</tr>
<tr>
<td><strong>Support Services</strong></td>
</tr>
</tbody>
</table>
we can see that within Support Services, agencies may use discretion in how those funds are spent.

Finally, I refer to the additional document from the OACAS (2002), which included a discussion of the principles of the funding framework (Box 9.7).

**Box 9.7**

The Ontario Association of Children’s Aid Societies has gathered information from the Children’s Aid Societies across the province demonstrating that the gap between the resources provided through the Funding Framework and what CASs need to fulfill their mandate is a serious and growing problem. In the spirit of continuing dialogue with the Ministry and the community, we have prepared this report to outline the requirements for funding that will meet the goals of child welfare reform for the protection of children.

**Guiding Principles of the Funding Framework**

In February 1999, the Ministry of Community and Social Services published the Guide to the Child Welfare Funding Framework. It includes the following principles to guide the development of the Framework over time:

**FUNDING EQUITY**

- The Funding Framework should provide adequate funding to all CASs in Ontario based on demonstrated need for services and standardized services.

**STANDARDIZED SERVICES**

- Funding should be provided according to standardized service definitions.

**ACCOUNTABILITY**

- Funding should be provided in the context of financial control and accountability.

**COST EFFECTIVENESS**

- Incentives for cost effectiveness should be built into the Framework.

The original source of this material is not known, but I rely on the credibility of the OACAS and their presence in the public domain to be a proxy indication or reflection of their accuracy. In the nomination of the four funding principles, we see them predicated with particular qualities of equity, standardization, accountability and effectiveness. These predicated traits are then loosely defined in the details after each principle. Equity is about funding that is adequate and based on need. Standardization is about funding that is based on standard definitions of service (for example, the differential per diem rates for foster care, as discussed earlier). Accountability is
cited as both financial control and accountability. Effectiveness is about cost, and indicates that the framework contains incentives that encourage agencies to be cost effective. These principles suggest a logic of standardization and sameness. The mention of equity and standardization seem to indicate a sense of fairness in funding, while accountability could also imply transparency. I discuss these observations further in the analysis later in this chapter.

In considering these principles, I also note that the child’s needs and care are absent. It seems reasonable to expect a focus on funding in the principles of the Funding Framework. However, doing so outside of any discussion of a child’s needs and care posits the financial elements out of context, without reference to the purpose and practices of child protection. I recall from my own reading of the funding formula in practice and discussions with colleagues, the seeming disconnection of the funding intentions from the realities of child protection practice. We see here in the text the decontextualized positioning of the funding formula and its principles that reflects the lived experience in practice.

Analysis of Proxy Texts

**Analysis of a textual/discursive context of proxy texts.** There is a common pattern of contradiction in the logic of the funding formula. The contradiction lies in the funding formula being both standardized and fluid in the same moment. We see the explicit specification about the different types of foster homes and how they are funded, with a clear distinction in how the per diem rate increases according to the ‘type’ of care provided. We know that part of the intent of the funding formula was to standardize and regulate funding within standardized service definitions. Yet service definitions for these types of care are largely at the discretion of the individual Children’s Aid Societies, which seems contrary to the intent of the funding formula. While such flexibility may be important to provide services appropriate to particular communities or to account for regional differences in the province, it nonetheless seems a
contradiction to the principles of the formula. Recalling my discussion in Chapter 8 about the details of licensing of foster care settings, I suggest here that this fluidity may have had practice implications in how children’s needs are assessed, perhaps to fit the categories necessary for increased funding.

Another area of contradiction lies in a small but significant detail: the per diem rate for skill enhancement. Given the disparity in the basic rate for foster care across the three types of care and the differences in how ‘child needs’ are characterized, there is a contradiction within the skill enhancement per diem rate being the same across each type of care. It seems illogical that skill enhancement for caregivers in regular foster care, aimed at meeting a child’s basic needs, would be the same as that for caregivers in specialized or treatment foster care, who are meeting a child’s special or complex needs. The exceptionality of the child’s needs in these two types of care settings infers a skill level beyond that of basic care. It seems logical that skill enhancement at a higher level would be more costly. However, this is not accounted for in the funding formula. Instead, it seems that agencies would provide a standard training for all levels of care, based on the per diem funding. To address the need for specialized training beyond basic care, perhaps agencies would have to provide more complex or higher-level training from their other resources (i.e., from Indirect Cost funding or from their own fundraising). This lack of differentiation promotes the logic of fungibility, where the value of skill enhancement costs remains constant, implying that all care providers have the same training needs.

**Analysis of a social context of proxy texts.** In exploring these texts, I see elements of commodification, exchange value, reification and mystification in my analysis. **Commodification** and exchange value are interconnected here. It is not a surprise that both would be so clearly noted in this analysis regarding the funding formula, given the monetization of care costs. The child becomes a commodity as their care is converted through the currency of the per diem rate.
per child. A child is ‘worth’ the per diem rate for basic needs care and thus has an exchange value for the care provider. Within the classification noted earlier, we see variation in the exchange value of a child. In effect, the fungibility of a child as a commodity is not constant. The value of a child changes according to the type of foster care deemed appropriate for a child. If a child has “special needs” they are now worth 54% more than their worth in regular foster care, through the market exchange for their care. If a child has “complex needs”, they are worth 110% more than their regular foster care value. As such, the classification of a child is a form of creating or characterizing their commodification as a product worth a particular value in the market. This is necessary for the child’s care to then become a commodity in the exchange for financial compensation from the state.

Parallel to this commodification and exchange value, the contradictions within the funding formula could have an impact on the exchange value of a commodity. As noted earlier, the distinction criteria for types of foster care rest largely with the individual Children’s Aid Society. Given the significant difference in the per diem rates, it seems the child’s exchange value, and thus the potential for revenue for an agency and for a caregiver, can increase if more children are classified as having “special” or “complex” needs. In effect, if a child can fit either of these categories, their exchange value as a commodity increases, and thus the revenue increases for the care provider. I offer this observation not to imply that Children’s Aid Societies are specifically motivated by the exchange value in their assessment of a child’s needs. However, I question here if perhaps that monetary factor may, at times, be considered in the process. I do not have personal experience of this from my practice, but I again wonder if workers or supervisors assessed children at a higher level of need, as a way to secure additional resources. And if workers and supervisors did this, was it their decision, or were they encouraged or even required to do so at the behest of administrators?
With these points in mind, we can see that there is a reification both of the care for a child in a foster placement, and of the funding formula itself. With respect to care becoming reified, it seems that the social relations of caring, the qualitative and emotional nature of care between a caregiver and a child (such as ‘caring about’ a child), is objectified through the monetization of care through the per diem rate. The relation aspect of caring becomes one of exchange value, and thus becomes an object, more fitting with the tasks of caring (in ‘caring for’ a child). With respect to the funding formula itself, reification is present in a slightly different manner. The reification lies in the valuing of the formula itself as an objective thing. Perhaps this implies a fetishizing of the formula, thus manifesting it as something natural and meaningful. There is a totalizing of child protection through the lens of funding, wherein all aspects of service including caregiving become the quantifiable object that gets traded on the market through the funding formula stipulations.

As already noted, the categorization of people and services is used to inform benchmarks for funding provisions. Parallel to this important factor in my research is how service provision is translated into budgetary terms through the funding formula, thus quantifying and monetizing caregivers and children. It is through these practices that I further argue that a process of reification occurs, where children become commodities that carry exchange value in the market relations between care providers and the state. But I am only able to note this through these proxy documents. An obvious problem is that the funding formula document is so critical to this work, and yet so inaccessible. I recall from my own professional experience that the funding formula is even more detailed in the translation of care into a commodity for the market.

Although not particularly strong in this analysis, a mystification of the funding formula also takes place. Obviously there is the mystery of the Funding Framework text itself as an ‘unfindable’ document as noted above. However, similar to my analysis of other aspects of the
social context, I again note a mystification of the social relations of a child and caregiver. Through the funding formula, which is core to all child protection services, within the foster care system a child might be seen only as a product, devoid of the social relations and processes that create, support and reproduce that child and that child’s well-being. There is a distorted reality in how the child is cared for, alongside a masking of the distinctions made between a child’s foster care as opposed to a child’s ‘natural’ care. The state supports a child’s care through foster care in a way that it does not support a child’s care from their ‘natural’ caregiver, such as a parent. The two types of care constitute different types of logic, with the child in foster care entering the system of exchange value explicitly.

**Conclusion**

In this chapter I have tried to examine the funding formula through the use of proxy documents to approximate the Funding Framework, given its inaccessibility as a text-in-time document. In my exploration I have used conceptual tools to describe and analyze these composite texts at the level of words and phrases, and at the level of discursive strategies. The following themes emerge from this analysis. Within the textual/discursive context, contradiction is a strong and common pattern in the logic of the funding framework. Within the social context, elements of commodification, exchange value, reification and mystification all appear in the funding framework.

This chapter also concludes the findings from all the documents I have examined, as noted in Chapters 5-9. I now move into the discussion chapter, to bring the findings together in a holistic analysis. There I seek answers to my research questions, ponder both limitations to this work and opportunities for impact, and consider future research in this area.
Chapter 10 – Discussion

Introduction

This chapter serves as a concluding summary to the previous five chapters of findings from my examination of government texts, linking those results back to the aims of the study, the research questions, the theoretical framework and the methodology. The chapter is structured in two parts. I begin by looking back – I revisit my theoretical framework and methodology, considering their useful intent in illuminating my areas of quandary and questioning. I then re-examine my initial research questions, noting what answers I may have found, and evaluating those answers in light of the findings. I further include some thoughts about the limitations of the study. I then shift my focus to looking forward and discuss prospective implications for this study, in social policy development and in social work practice, education, and research. I conclude this chapter with a brief reflection on the process of engaging with this work.

Overall, my analysis of the selected documents is predicated on the assumption that the language of the texts ‘does something’, that is, it reflects or reproduces particular identities, qualities and social relations. In light of this focus, I have paid close attention to the specifics of the text, using the three levels of conceptual tools from within critical discourse analysis. From that analysis, and from my understanding of the active nature of language, I then turned to those particular identities, qualities and social relations that I suggest become ‘visible’ in this close examination of the texts. My premise is not conspiratorial, implying that such patterns are intentional in the development and implementation of social policy texts such as those associated with child protection. If anything, what it suggests is how fully integrated capitalism has become in all aspects of social life, including social policy and family life, and that this infusion is often so prevalent it is invisible; it becomes assumed as a form of common sense. I noted this in my theoretical framework as the cornerstone of my exploration: “The underlying premise of this
study is how capitalist notions are encroaching on social service delivery.” Next, I propose to look back to where this work began, and where it has come to this point.

**Looking Back**

In looking back, I begin with the context of this research. This exploration is rooted in my experiences working in a Children’s Aid Society in Ontario. My practice has been guided by a commitment to social justice, wherein I join others in challenging inequity and oppression, resisting the status quo with its undue privilege and influence (Lundy, 2011). As a politicized practice, I work inside and outside organizations with colleagues and activists, reaching beyond the immediate moment, looking beneath the surface to understand practices and policies that replicate dominant norms.

Using my own practice as the impetus for this exploration, it was only in the reflective pause of doctoral studies that I could step away from the daily experiences and consider those moments that intrigued and challenged me. I recalled my perplexity, both in child protection services and in my prior practices where procedures of classification and categorization played out in ways that seemed both contradictory and illogical. My practice had become far more politicized following the influence of ‘radical casework’ (Fook, 1993) and in opposition to the rampant attack on social well being that took place in Ontario under the Conservative government of Premier Mike Harris. It was the coming together of all these factors in a disquieting synergy that motivated my research.

**Looking back theoretically.** The theoretical and methodological aspects of my research evolved together to guide my exploration. Drawing from Marxist feminist understandings, I examined the texts of child protection as a way of interrogating the state and its relation to families. Institutional ethnography enhanced these understandings by beginning to bridge the gap between theory and method, and guiding my exploration from the source of disjuncture in my
own practice experiences. In this way, I was able to examine social coordination in the texts of government and consider the ruling relations made visible in those texts. Recognizing the power of documents as regulatory texts led me to various aspects of discourse analysis, seeking conceptual tools to direct and frame my unpacking of texts, looking below the surface and making visible social relations embedded in the language and structure of the texts of Ontario’s child protection system.

As noted early in this thesis, my intent in bringing together a Marxist feminist lens, informed by institutional ethnography and operationalized through discourse analysis, was “to expose and then explore contradictions within systems that operate within capitalism”. In looking back at my findings, I suggest an illumination in two ways. First, what was the usefulness or value of this approach to research? Second, what patterns and connections seem to answer my original research questions? I begin with the first discovery regarding the utility of the approach. I explore my research questions in the final section of this review of the study, after exploring its methodology.

As discussed early in this study, I was cautious about bringing Marx into my work. This research risks being ignored or dismissed in social work scholarship, given the move away from and even the dismissal of Marxism in social work practice, research and education. Recognizing the limits of Marxist analysis is important. Conceptually, traditional or purist Marxism may seem limited by focusing on class and relations of production. Such a narrow analysis can ignore or minimize other aspects of the lived experience. Specific to my research I was concerned about the work of women in caregiving and how a feminist analysis was needed to expand or deepen Marxist understandings of production and labour. Beyond this I considered the relevance of Marx in today’s capitalism, a century removed from Marx’s time. Finally, I pondered the value
of expanding a Marxist analysis outside economics, to consider elements of productivity in the social service sector.

Alongside these cautions, I recalled recent trends bringing Marx back into social sciences generally, and more specifically in small pockets in social work. There are still vestiges of Marxism in a few schools of social work in Canada (e.g., deMontigny, 2005), and traces of Marxism in social work outside Canada (e.g., Ferguson & Lavalette, 2009; Hiranandani, 2005; Lavalette, 2011). Outside ‘the academy’, there has been a renewed interest in class politics, given the Occupy Movement and concerns about neoliberalism and globalization (Ferguson & Lavalette, 2006). Perhaps these trends will combine to create an openness to reconsidering Marx for social work beyond its current limited and rather hidden use.

With these mixed experiences of and responses to Marxist thought, I look back now to consider the usefulness of Marxism in my research. As noted early in this study, I anticipated that the concepts of commodification, use value and exchange value, alienation, reification and mystification would guide my analysis, serving as analytical concepts to explore the undersurface of the text and to consider how the texts replicate social relations of capital. I found these concepts very helpful to my work, at times less or more so than I anticipated, as I discuss below.

The concepts of commodity and commodification seem problematic notions to engage with in respect to people and to something as fundamental as caregiving. Yet patterns of commodification were evident repeatedly in my analysis, though often difficult to unearth in a traditional Marxist sense. I found myself slipping between ‘commodity’ and ‘commodification’, between the ‘thing’ and the ‘becoming a thing’, or process, often conflating the two concepts in my analysis. This may reflect the incompleteness of the text due to their inter and intra referencing (intertextuality), thus not being able to know any of the documents fully. In other
words, we might expect some slippage in any meaning of a concept when it is used or referenced across multiple documents. So while other Marxist analysis might argue the flaw of not distinguishing these more clearly, I suggest here that the occasional merging of the two was perhaps the only way the concept could be revealed and examined, given the challenge of these incomplete texts.

In some ways I approximated commodity and commodification by focusing on elements of classification. As I have noted several times in my analysis, through classification, something (e.g., caregiving) or someone (e.g., a child or a caregiver) begins to take on properties whereby it becomes quantifiable. Once quantifiable, it then has the potential to become a commodity – that is, the something or someone becomes commodified. To get to that understanding of becoming quantifiable, I found the discursive tools of nomination and predication, along with indexicality especially helpful. The naming and description, and the definitions, of people and things (e.g., Crown ward, basic care) seemed to transform those entities into something that could be measured and thus quantified. This was especially notable in both the CFSA and Regulation 70.

I also found it helpful to bring the economic concept of fungibility into this process of understanding commodification, seeking commonality within and across multiple forms of a commodity. Fungibility is tied to standardization and ‘sameness’, which is a common theme in the texts of this study. The notion of a standardized form of commodity is important for the surveillance of uniformity (i.e., to measure that something has been classified the same way over time and across context). This was especially clear in the ORAM where the need for consistency and the intention for monitoring of decision-making are stressed. I also note that in the sameness quality of a commodity, its fidelity is assumed and thus can be assigned a common value in the market. This is important for reimbursement in foster care, based on the child’s classification for care.
The concept of exchange value was not as helpful in my analysis as I had anticipated. I had expected I could bring a stronger Marxist economic analysis to the work, looking at use value and exchange value. However, the lack of clear financial details about the production of child protection work made it difficult to expose and explore these concepts. I also suggest that the characterization of care (notably house work and child rearing) as necessary but unproductive labour (Folbre, 1991; Odih, 2007) makes it difficult to unpack concepts of care outside financial representations, through the lens of exchange value. Finally my own limitations around economic knowledge, as seems common in social work, likely impeded my analysis. I discuss this further in my later recommendations of future research.

The concept of alienation was very useful in my analysis, though in a different manner than the way I anticipated. I had expected that the alienation of a parent from their child and from caregiving would become readily visible in my examination of the text of child protection. Here is an example where I wondered if what I experienced in practice was somehow embedded as a textual reality. Instead, I found it elusive in the text; I could never quite find it. It did not seem to be a question of digging deeper below the surface of the text. Instead, it seemed more ethereal, almost as if floating above the text, something that could not be grasped. Perhaps other texts along with other conceptual tools might have helped me to textually locate and make visible this essence, which I note as a consideration for future research.

One element of alienation that came through very strongly in my approach is one that was somewhat unexpected, or at least its prevalence was unexpected. Marx’s understanding of alienation includes the idea of a person becoming alienated from their human nature, through the processes of production (Ferguson & Lavalette, 2004). I reconstructed this understanding to include not just people but also things and ideas. When considered this way, alienation emerged as a recurrent finding in my analysis. For example, in the CFSA and Regulation 70, I note that
the child becomes alienated from themselves, from their ‘child nature’, through the nomination of wardship or resident.

The concept of reification also guided and informed my work, but similar to alienation it was in a slightly different form than originally conceived by Marx and others (such as Lukacs). The shifting from a relation or process to a thing was sometimes difficult to see. Instead what I observed was more the abstract process or practice becoming concrete, that is, the essence of something becoming objectified and concretized. For example, in the CFSA and the ORAM, I suggest that the caregiving relationship becomes objectified. In the CFSA I note this with respect to the fungibility of a caregiver role, wherein anyone can fulfill the role; in the ORAM I note this where the caregiving relationship becomes nominated as ‘caregiver influence’ in the context of risk.

Alongside this, I suggest that care itself becomes reified, shifted from the relational to the physical (such as material resources) and thus quantifiable. This understanding more closely approximates Marx’s traditional notion of alienation, wherein that the social relations of care become transformed into or through the product of care. This brings me back to a conceptual distinction I explored much earlier in my work, the distinction between ‘caring for’ and ‘caring about’, which I discuss later in this chapter.

Mystification is a concept I found most useful in my analysis, although not always in the form originally intended. Mystification commonly refers to mechanisms by which social relations of production may be hidden within capitalist forms of labour and exchange. However, as I noted early in my work, Marx also considers the ‘mystery’ element of mystification; that is, we can consider something having the property of being a mystery without readily noting the process of mystification. This second form, as a reconceptualization of mystification, was a
common finding in my analysis. It was evident in every text I examined, and most starkly manifested in my beginning explorations of the missing documents needed as data.

Mystery seemed to embody two qualities: as something absent or missing, and as something veiled or hidden or obscured. In the first instance, this becomes especially notable through the intertextual relations and cross-referencing of the text. Repeatedly the texts refer to themselves and other texts, but without providing the complete detail of those references. Therefore, the fullness or completeness of the text is never available, and thus it becomes a mystery that is not traceable. By being untraceable, the potential for transparency and thus accountability becomes limited, mired in the complexity of the content of multiple texts. However, the untraceable also limits transparency and accountability with respect to the pragmatic access to documents for analysis.

I remind us of the beginning of this study, and the search for government documents. The elusiveness of those documents, which I had assumed were part of the public domain and thus accessible to anyone, was unexpected. In my search for missing documents I considered the veil of accessibility being tied to the nature of legislation as a public document. I was surprised by the inaccessibility of legislation in that it did not exist as a public document.

In this lack of access, I note the obscured social relations and opacity in the ruling relations of the state. In the CFSA I suggest an obscuring of the social relations of parent and child, in the transformation of parent care into the alienated role of caregiver, and consequently, the alienated relationship of the child and caregiver. We see this again in the ORAM where repeated nominations of ‘caregiver’ construct a new entity, an objectified and abstract role, devoid of the caring relations and bonds that exist in most parent/child relations. Finally in the funding formula, I suggest that the social relations of care are obscured by the child’s needs differentially classified into basic, specialized or treatment care. Such classification focuses on
the forms of reimbursement for the child’s care, and not on the caring relation between the child and their caregiver, even in the alienated role of foster parent. In these instances, the obscured reminds me of Smith’s (1987) notion of opacity, although similar to the way in which I approach Marxist terms I interpret this notion somewhat differently than its original intent.

Smith mentions opacity only twice in her work, as an almost passing comment in a single paragraph connected to the problematic, wherein we can only understand the opacity of social organization by examining the everyday world. “The concept of problematic transfers this opacity to the level of discourse. It directs attention to possible sets of questions that have yet to be posed or puzzles that are not yet formulated as such but are ‘latent’ in the actualities of our experienced worlds” (Smith, 1987, p. 110). In my work, opacity carries a double meaning, both as a concept and as a finding. Conceptually, it guides my work similar to Smith’s point. There continues to be an obscuring of women in research, in their subjectivities, their role as authors and researchers, their lived experiences, and their approaches to inquiry and analysis. Methodologies reflect the masculine, looking for classification and causality as explanation, syphoning off unique experiences and ‘different’ understandings of the world as anomalies or as weak research. Smith sought ways to centre women’s experience, including opening up methodology beyond what existed. In this way, the ‘opacity of women’ is what she challenges and through her understandings informing this work, my research methodology has resisted traditional forms of research.

Similarly, opacity may be considered a finding, in effect demonstrating the very premise of opacity on which Smith’s critique of methodology is founded. It is in examining those latent actualities, by digging below the surface of the text and by reading the text with a different lens that we can begin to see the social organization of ruling relations in child protection documents. We also can see how obscurification is a mechanism within policy texts, making clarity and
completeness evasive and untraceable. This may not be specific to women, but it certainly is common in the texts I have examined in child protection, a policy realm where women’s lives figure prominently as mothers and as workers. Future researchers may want to consider an analysis of various policy spheres, focusing on this notion of opacity as a form of obscuring, to consider if it is a gendered presence more prevalent in areas more focused on women, or if it is a common mechanism of policies across all spectrums.

Returning again to the notion of mystification as something absent or missing, I further note in the texts the complete lack (and relinquishing) to recognize the impact of any structural factors, especially in considering risk to a child’s best interests and well being. In the CFSA, harm or risk of harm is individualized and attributed to the child and the parent’s responsibility for the child; risk is narrowly framed as physical, sexual and emotional abuse or neglect. Consideration of how structural factors, such as poverty, unemployment, lack of affordable housing and costs of expanded health care may put a child at risk and may put the social relation of caring between a child and parent at risk, are not addressed in the legislation or the regulations, or in the assessment tool of the ORAM. In doing so, the individualized blame upon mother’s caregiving, and of mothers as “bad mothers” (Swift, 1995) remains the focus of assessment and intervention, absolving the state of blame and accountability. It is considered the sole role of mothers to protect their children, not a role of the state, and failure to do so rests squarely on the shoulders of women as caregivers.

In summary, regarding the utility of Marxist concepts in my analysis I offer the following commentary. With respect to the Marxist concepts that were part of my framework, I found mystification to be a common pattern throughout the documents, but not exactly within a Marxist understanding. Institutional ethnography was especially helpful in considering those aspects of texts that are ‘hidden’ or ‘mysterious’. I found it to be very difficult to unearth expressions of the
exchange value; I am not sure whether it is not really there or my conceptual tools did not help me find it. This struggle also may be complicated by the textual rather than economic exploration in my study, although interestingly enough it was the economic notion of fungibility that guided so much of my analysis regarding commodification. With respect to alienation, what I intuitively expected and what I found most commonly were somewhat different. While I did find elements of the alienation of a producer from product (i.e., caregiver’s alienation from child), what was most visible was the alienation of ‘something’ from itself, from its true or purported nature. In Marxism this is framed as alienation from our human nature, yet mostly I noted it regarding the ‘textual object’. With respect to reification, I frequently note this pattern as one of transformation or construction and reconstruction where relations become objectified, but also where a ‘thing’ becomes reified as having qualities it does not.

Overall, in considering the usefulness of my theoretical framework, I suggest two themes. First, I did not incorporate institutional ethnography near as much as I expected. The notion of coordinated texts became subsumed under intertextuality, as a means of examining how texts related to each other. I found texts ‘coordinated’ referentially but rarely in a linear or complete way. Thus their coordination, as a form of connectedness, was rather circuitous – it left questions unanswered in spirals of referring back and forth to the same thing or in empty spaces where expected explanations never emerged. I also did not incorporate the notion of regulatory text to the extent I anticipated. I found it difficult to unearth and name the active nature of texts as regulating the lives of women, perhaps partly due to the opacity of women in those texts. But at the early stages of my work, the idea of regulatory texts helped me consider the power of texts, and thus the value in examining texts as a form of inquiry.

While it may seem that institutional ethnography was not especially strong in my work, I could not have done this work without the ‘voice’ of Smith’s ideas always in my head. I found
the concepts of disjuncture and problematic were key to my work, especially in its beginning stages. These ideas validated my discomforting moments in practice as a catalyst for my inquiry. They gave me space to name what I experienced as problematic, as something that seemed contrary to intent or reason. This line of thinking also drew me to the notion of standpoint, not so much a worldview as a politicized stance, wherein I implicated the lives of women as mothers in child protection, my inquiry becoming informed by my experiences working in the child protection system. Without having some familiarity with institutional ethnography, this inquiry risked missing some key elements; the richness of its complexity would have been compromised.

Second and already discussed earlier to some extent, I suggest that my understanding of Marxism took a divergent turn, wherein I often reconstructed Marxist concepts. Perhaps this is to be expected, as I am examining a system outside of Marx’s original analysis. The language of Marx was sometimes a challenge, given its 19th century time frame and its focus on modes of production. Williams (1976) was especially helpful in this area, offering a historical discussion of key terms, examining their original sources, their etymology and more current understandings or uses. Alongside Williams, considering how others more recently have reconceptualised Marx’s terms, both in economic studies (e.g., Smith & Rickert, 2009) and in social work (e.g., Ferguson & Lavalette, 2004) was helpful in freeing space for my reconstruction of Marxist concepts.

A second challenge for me was the question of Marxism as my theoretical approach. Practices of nomination, predication and classification are present in the scholarship of critical discourse analysis rather than Marx-informed methodology itself. I began to consider if my approach was more neo-Marxist or post-Marxist, or some other form of reconstructed Marxism as yet unnamed. In the latter stages of my work, I considered my analysis as somewhat parallel to Jameson’s (1991) in the inclusion of the cultural and literary alongside the economic (or
material) within the context of capitalism. However, Jameson’s work does not inform my analysis for I find it is either too steeped in the economic facets of late capitalism (1991) or in fictional literature as representations of social relations of capital (1981). In the end, rather than trying to find a corollary between my approach and that of others, I am stepping outside the bounds of classifying Marx in a totality of typologies. Instead I consider other possibilities with respect to future research.

**Looking back methodologically.** In reflecting on the utility of the textual tools of my analysis, I found them highly useful in making visible that which lies below the surface of the text. In some way, these tools were simply ‘a means to an end’ – that end being more informed by the theoretical approach of Marxism. Thus, my discussion of methodological aspect of the study is significantly shorter, focused more on the benefit of using these analytical tools. As such, I focus less on the intrinsic value of the tools themselves as conceptual guides to advance theoretical pondering.

I found the use of the tools of critical discourse analysis very helpful in examining the text up close. These tools quite literally gave me a magnifying glass to help me expand and dig through the text. I always have had a sense there was ‘more to it than meets the eyes’, even while in practice, but whenever I tried to figure out what that was, it became elusive and intangible. These tools made a difference in my ability to engage with the texts and make visible that which I could not otherwise find.

I am not sure how well the separation of the levels of analysis (I-Words and Phrases, II-Meanings, III-Discursive Strategies) worked in this inquiry, but it allowed me to structure my findings. This is very important, as I often felt overwhelmed by the sheer volume of data. The volume was a challenge in two ways. First, simply the size of the text was significant: the number of words and pages but also the inter-relation within and between each text. I was
constantly referring back and forth, easily lost in different texts and recalling what words and phrases existed where and how. Second, I found an infinite richness in the texts. It was very difficult to limit myself and contain my exploration to aspects that fit strictly my research questions. Also, as those questions were fairly broad, I still struggled with the volume of the data, finding something of interest in almost every line of text. In the end, I found the structure of my analytical tools to serve an important function for guiding and organizing my approach.

I was surprised by how useful the first level of analysis was, in such a close examination of the actual words and phrases. I saw things I had not previously noted in the text (even as basic as the singular/plural use of terms). Simply looking at the words and phrases allowed me to look just below the surface of the text, looking at word and phrase choices including their metaphoric use as tropes, and how words or phrases are described or defined (through indexicality). Collocation was not particularly useful; I had expected to find combinations or proximities of words to convey particular understandings throughout the documents. However, in Regulation 70 this feature did illuminate how the pairing of words formed a specific interpretation, such as how ‘care’ was paired with ‘provision’, in effect turning care into a service and thus a potential commodity. These various tools at the first level of analysis served a useful role at the beginning to consider how language was active, how language was used, and how it lead us to seeing patterns of capitalist logic in the text.

The second level of analysis, where I explore meanings of words and phrases, provided me with space to expand the text, to look deeper than just below the surface, and to consider how the text interacted with itself and other texts. The discourse theory of Laclau and Mouffe provided a map for finding meaning in and under the text. In particular, looking at elements becoming moments, and considering the nodal point of passages of text or even the whole document, helped unpack the text both minutely and coherently. Intertextuality was extremely
helpful in my analysis, largely due to its strong presence in the three main texts (CFSA, regulations, ORAM). It was this exploration of inter and intra referencing that informed much of my analysis regarding mystification, by showing the incompleteness and elusiveness of the text.

I was surprised by the limited usefulness of discursive strategies. I anticipated these conceptual tools would be more useful, given their common usage in critical discourse analysis of political texts. However, in examining analysis of discursive strategies elsewhere, I note they are more commonly explored with respect to political speeches (e.g., Reisigl, 2008; Wodak, 2007), politics and media (e.g., Ekstrom & Johansson, 2008; Mirghani, 2010) or social change in political arenas (e.g., Allen & Faigley, 1995; Boudreau, 2003). The texts of these studies were not specifically policy documents, but rather more political texts. As such, the ‘political persuasion’ of texts intended for a public audience may demonstrate more evidence of discursive strategies, such as topoi and argumentation. Persuasion is a common tool of political actors to gain support for their campaigns and policies (see, for example, Bhatia, 2007), and thus may not be used as frequently in policy documents. Nonetheless, I still found some of the tools of discursive strategies useful in my analysis.

In particular, nomination and classification were very useful in trying to get beneath the surface of the text, in who and what is named in particular ways, and what that then ‘does’. Indeed, both predication and implicature were employed in the process of my analysis. These tools were not helpful in exploring the notion of exchange value but they did assist me to discover other aspects of the social context of the text, including commodification, alienation, reification and mystification.

Finally I briefly note that my study was not a study of discourse per se. I was not seeking to locate a particular discourse in all the texts, although my examination of the logic of capital may parallel a discourse. However, with such a close examination of language, alongside my
critical stance and my focus on the context of the text, these discourse tools were necessary for me to be able to unpack the text in an organized and coordinated way.

**Looking back seeking answers.** The overall focus of this research was to investigate the encroachment of capitalistic logic into family relations via state legislation and regulation, within the child protection system. In exploring this claim, three questions guided my inquiry:

1. In what ways does the logic of ‘the market’ in the context of capitalism seem present in the texts of Ontario’s child protection system? That is, how might the language of these texts suggest redefinitions or understandings of people, things and social/ruling relations that reflect the logic of capital?

2. Given my own social work practice history in an Ontario Children’s Aid Society, do the contradictions and tensions I experienced there seem evident in the texts of Ontario’s child protection system? Further, how might these contradictions and tensions reflect an illogic and potentially serve certain functions within capital?

3. Drawing from the previous two questions, are there mechanisms in the language of the texts that render invisible the logic, contradictions and tensions of capital in Ontario’s child protection documents? If so, what might these mechanisms be and how do they operate within the text?

Such statements fit well with my Marxist lens, with capital underpinning my work and concepts of commodification, value, and mystification guiding the study.

I anticipated a straightforward and concise examination of policy texts in child protection that would produce a clear response to each of these questions. The assuredness of these questions suggested explicit findings that would show differences through contradictions, logic and illogic. The binary nature of the query and anticipated outcomes, combined with the predictive assumptions underlying these questions, brought an almost-quantitative approach to
the work. However, that assuredness soon dissipated as I engaged more closely with the texts. I had to dig deep to consider what the language of the texts was saying or what it was doing. But, how well did I answer my research questions? And did I answer other questions in the process?

**Question 1.** In this question I asked about how capitalism might be reflected in the texts I studied, as documented realities from child protection in Ontario.

In what ways does the logic of ‘the market’ in the context of capitalism seem present in the texts of Ontario’s child protection system? That is, how might the language of these texts suggest redefinitions or understandings of people, things and social/ruling relations that reflect the logic of capital?

I have made these elements visible in the text, through my careful examination and analysis. While the rigor of critical discourse analysis helped me get below the surface of the text, it was the Marxist concepts and the background of institutional ethnography that helped me make these elements visible. In effect, I suggest that what I have done is ‘reread’ the texts through this lens. This seems relevant given the presence of capital in all aspects of our lives, and the illusion (more so at time of my study than now) that somehow social services can be thought of as being outside or at least not fully inside the structure and logic of capital.

This rereading allowed me to see redefinitions or reconceptualizations of people, things and relations in the context of capital’s logic. A different understanding of people emerged in my examination of the text. I have noted the commodification of the child as a product that enters the market through the service provision of care. This commodification creates a space for the child to be assigned value as a child in need of protection, then potentially again as a ward, then potentially again as needing basic, specialized or treatment care as a child in foster care or as a resident in another care setting. As such the child is a commodity with exchange value in the market of service provision, which is mediated by the state. The commodity has fungibility in the
sense that any child as commodity has the same base value, as a care recipient in the market. The fungibility of the child as a commodity also is unstable as the child’s exchange value then increases according to classification based on ‘special’ or ‘treatment’ needs or the child’s placement setting. As such, the exchange value of a child as commodity is differentiated according to the child’s profile as a ward, and as needing specific forms of care. Between each of these categories (e.g., basic, specialized or treatment care) there is a differentiated value which is compensated differently in the market. However, within each category, the fungibility of the child as a commodity is constant (i.e., basic care is reimbursed at the same rate for all children).

Alongside the child, care itself becomes a commodity, as it moves from the private realm of a parent’s caring for and about the child, to the public realm of a caregiver, such as a foster parent caring for the child. Care is classified as basic care (food, clothing and shelter) and specialized care (not itemized), and both enter the market with exchange value. The basic care per diem rates are stipulated by the state, but specialized care is neither itemized nor costed out specifically by the state. Each Children’s Aid Society has discretion with respect to specialized care criteria and costs. Again we see both the commodity as fungible and not fungible, resulting in variation in the exchange value based on different aspects of care.

Closely associated with the idea of commodification is the presence of exchange value. As noted earlier, this was not as visible as I had expected. While there may be traces of it implied in other texts, it is most visible in the regulations and in the funding formula. In Regulation 70, the financial arrangement for costs associated with a child’s care form part of the ‘agreement’ between the state and the licensee who provides the service of care provision. Taking exchange value outside costs though, the child’s care also holds exchange value in resource provision to the caregiver. Resources include training, consultation and respite care. The financial specifics of these costs and resources for training and respite care are noted in the funding formula, where we
are able to see the monetary difference in the level of care provided based on the child requiring basic, specialized, or treatment care. Additionally we see the child’s care holding exchange value outside the child protection system, with stipulated guidelines regarding the timing and frequency of a child’s medical and dental care. Indeed, dental and health care providers receive reimbursement for their provision of service, mediated by the state through direct or indirect payment.

Alienation seems most present in these texts as a form of estrangement. Some person or some thing becomes alienated from its true self or its nature. We see this with respect to care, where it becomes a commodified service with exchange value in the CFSA. We also see alienation of a parent from themselves as a parent, thus as a ‘childless parent’, and of the child from themselves as a child in relationship with parent, thus as a ‘parentless child’ once they are in foster care, in both the CFSA and Regulation 70. Examining alienation also was helpful in my exploration of contradictions in the texts, which I discuss below in response to my second research question.

Reification was a strong concept in my analysis. I note this especially with respect to the abstract becoming concrete in most of the texts I examined. Caregiving becomes reified as a thing, outside its relational context, wherein it can be a service performed by anyone – it does not need to be a parent caring for a child. And care itself becomes reified in this process, and in care being associated with a plan of care and provision of care – as a service, as something to be done, rather than as a relational process of caring. We see these elements in the CFSA, in Regulation 70, and in the funding formula. Paralleling this pattern, we see a reification of risk – that risk is something concrete that can be contained and measured, thus devoid of context and social relations. This is implied in the CFSA but made more visible in the ORAM, where risk is
classified and categorized both by the elements of each influence on risk to a child, and by the assignment of a scaled ranking of low, medium or high risk.

Separate from these points regarding reification, I want to add what I observed in the Risk Assessment Tool. Here we see the criteria of traditional family and parental employment to be reified as necessary for the minimization of risk to the child. If a caregiver is unemployed or is likely to lose their job, and if the caregiver’s spouse may leave, a child is automatically assumed to be at increased risk of harm. There is no contextualized understanding of these issues, such as an economy that limits employment opportunities and a patriarchal society that can put women in jeopardy in their relationships with their partner. I particularly note the language of ‘spouse’ that further implicates the traditional two-parent model of family. It is here that I was able to see the glimmer of the logic of capital emerging, recognizing the necessity of employed workers to maintain production and accumulation, and the necessity of two parent families to support child care in the home, in the production of future workers.

Having outlined the answers I found in response to my first (and main) question about the logic of capital in the texts of the child protection system, I now move on to explore contradictions within those texts.

**Question 2.** My second question is drawn from my practice experiences in child protection services, and also builds on the first question, by digging below the surface of the logic of capital in the texts, and unpacking that logic.

Given my own social work practice history in an Ontario Children’s Aid Society, do the contradictions and tensions I experienced there seem evident in the texts of Ontario’s child protection system? Further, how might these contradictions and tensions reflect an illogic and potentially serve certain functions within capital?
I suggest that contradiction and tension were visible in the texts both directly and indirectly. The indirect or implicit contradictions and tensions are associated with the seeming fetishization of standardization, specificity and consistency. We see this in rigid classifications of wards and types of care, specificity of time frames and expectations of consistency in risk assessment, as just a few examples. I also noted contradictions in how things are named and classified, such as parent in the CFSA, as well as the primary purpose of the legislation (namely the best-interest, protection and well-being of children, although focused almost exclusively on the first two points).

We also see tension between specificity of foster care home assessments and the lack of criteria regarding those assessments in Regulation 70, and between the consistency standards of the ORAM and the expectation of using professional judgment in risk assessment. Similarly in the funding formula, we see principles of standardized service and cost-effectiveness yet the determination of ‘types’ of foster care remains at the discretion of each agency, seemingly contrary to the principles. These tensions suggest to me that the authors of the text of child protection try to walk a fine line or find a balance between standardization and flexibility, which in itself is a tension.

Overall in most of the documents, I showed the contradictions and tensions of the texts, suggesting at times that these contrasts, or efforts to balance opposites, reflect an illogic. Further I suggest that any potential for reason and common sense to inform practice based on these texts is flawed; the problematic of irreconcilable tensions in the documents impedes their usefulness for rationality in practice. However, it also seems that I did not answer the question about how the contradictions serve any functions of capital. Perhaps it is because of the illusiveness of the texts themselves that I could not make visible the logic or illogic of capital. Perhaps it is more that the logic of capital is so flawed in itself that tracing its illogic is a great difficulty. My
Marxist leanings suggest that capitalism is illogical, as a system that will implode on itself, as it is a flawed economic and social order. But I am not able to offer that assessment based on the material I analyzed in this study.

With respect to serving the functions of capitalism, I was not able to make the connections between the contractions and tensions as forms of illogic, and subsequently showing how such oppositions serve the functions of capitalism. Perhaps this difficulty reflects the variation in definitions of the functions of capitalism across many disciplines and theoretical understandings. Perhaps this question requires analytical tools other than the ones I used. This unanswered part of the question may warrant future research.

Having recognized that I only partially answered the second research question in this study, I now move on to the final question.

**Question 3.** The third question became central for me following my initial engagement with this topic for my study. I had a sense of the mystery from my own practice history, and from an institutional ethnography study I conducted of the processes and documentation associated with the worker’s first visit to a child following her/his placement in foster care. These beginning understandings informed the formulation of my third question.

Drawing from the previous two questions, are there mechanisms in the language of the texts that render invisible the logic, contradictions and tensions of capital in Ontario’s child protection documents? If so, what might these mechanisms be?

In examining the texts in response to my first main research question, I considered processes of commodification, exchange value, alienation and reification as potential indicators of a logic of capitalism. In answering my second question, I suggest we can see contradictions and tensions in the texts of child protection. With these two points in mind, in my exploration of the texts I
suggest that mystification is a process which hides the processes of capital’s logic in the documents I examined.

Mystification occurs in several ways. First, I note that which is hidden or missing as a form of mystification. This is most obvious in my search for the elusive documents I wanted to examine for this study. I discussed this earlier but again recall how unexpected this was. It was surprising to discover that there is privileged access to some government documents such as historical legislation and regulations, restricted to Ministry staff and politicians. Even more striking was the suggestion that sometimes a historical record of previous legislation and regulation does not exist. This lack of access is an area for future exploration. However, my focus here is about this pattern of something missing or hidden as it continued throughout my exploration, beyond accessing the documents. As discussed in my findings, the peculiarity of the mystery was a common feature in the documents I did use in my analysis. For example in Regulation 70, we see ‘the child’ as missing from several parts of the text, prominent only in the section on foster care. We also see structural issues missing in both the CFSA regarding when a child is in need of protection and in the Risk Assessment Tool in determining risks of harm to a child.

I also suggest that the lack of clarity is a form of mystification. We see this in the CFSA where various terms are used in an apparent synonymity of the parent with respect to their child, as a parent, foster parent or ‘person having charge of’. Similarly this occurs with meaning regarding the purpose of the Act, wherein there is a lack of clarity in confirming what its main purpose is. The lack of clarity continued in the regulations, most notably through the incompleteness of intertextuality. Finally I suggest a mystification of meaning occurs in the mixed message of the ORAM, noted earlier, in the tension between consistent use of the Risk Assessment Tool and the resulting decision making and professional judgement. Also in the
ORAM we see incompleteness in the elements and anchors of the ORAM, resulting in partial information being used to assess a child’s risk.

I also note mystification with respect to the masking of social relations. In the search for the elusive documents, I revealed that someone outside the state bureaucracy could not have access to them. I also note that the large scale public documents of legislation and regulation were the most difficult to locate. Thus, I suggest a mystification of social relations as ruling relations between the state and its citizens. This continues in the ORAM with the nomination of ‘caregivers’ wherein the relational aspect of care, present in the bond between a parent and child, become invisible.

Overall, in my ‘reworking’ of mystification, I tried to show the mystery within these texts - the mystery of their nature and the mystery of capital infused within them. In this final question my premise about the flawed logic is not strongly validated. In fact, I wonder if such a flawed logic is something that can be located or whether it is itself a mystery.

**Looking back at limitations.** There are two main limitations in this research. First, a methodological concern: I question the nature of the data itself. The concerns noted in Chapter 5 about the reliability of the text that I used as data may make the authenticity or validity of this study somewhat questionable. I cannot claim some of the textual data as reliable sources of government documents, most notably the CFSA and Regulation 70. These documents were re-created, given the lack of access to them. As such, we may question them as verifiable representations of policy text. In consideration of this limitation, I offer two points. First, to verify the text as being as accurate as possible, one can follow the steps noted in the process of recreating these documents, as a means of approximating their authenticity. Second, this lack of access also shows the difficulty in doing this kind of ‘recent historical’ research and raises the
question of public accountability of government when policy studies are seeking such data. I discuss this point further in considering future research.

Alongside this concern about the data itself, I note that my analysis is not a full review of each of the texts. Instead, this study is a particular review of each text, based on the analytical concepts that draw from my theoretical approach. One might argue that being selective in the pieces of each text I reviewed limits my analysis. Such limitations may include an incompleteness in the analysis. Additionally, one may suggest that this limited analysis risks only examining those elements that support my research intentions; seeking only what we want to find has been a critique of critical discourse analysis (Widdowson, 2004).

However, without such purposive sampling, I could have become lost in the text (which I noted earlier), and not been able to offer any coherent analysis of my exploration. Wood and Kroger (2000) note that sampling decisions in discourse analysis are informed more by the purpose of the research and the richness of detail in any individual text than any prescribed expectations about sampling size. They note that the more common concern is sampling too much text, thus missing the depth of analysis possible in small samples. My intentions in this study were not to conduct a thorough review of all child protection policy documents, but rather to focus on particular aspects of the texts within the framework of my research questions. As noted in the methodology chapter, purposive sampling was intentional, focusing on texts at three levels of policy (legislation, regulations, procedures), and within one aspect of child protection (foster care).

Second, I note the focus on texts alone while also integrating institutional ethnography. I have examined the text in detail and have sometimes suggested how the text might be activated in practice, but my research has not explored this activation, through interviews with practitioners (for example). However, this was not possible as it is outside current practices, and
access to workers and internal procedures within Children’s Aid Societies was a concern. But also this was not my intent in this study. Here I have been focused on the activation of the text through language, how the language itself produces capitalist logic. As such, institutional ethnography has helped me unmask and map the ruling relations in these texts. Through my analysis, informed by Smith and others, I have explored what texts do, how they are active, and what kind of reality they create. I suggest here therefore that this work is one step in a research process of exploring the texts of child protection in Ontario. Future research could explore the next step of inquiry: what it is that texts do when they become activated by agents, by social actors, and how does that activation process and experience further make visible ruling relations?

In this discussion I have looked back over what I was able to accomplish in my exploration and analysis of several documents of child protection. I considered the usefulness of the conceptual tools of my analysis and concluded by considering the extent to which my three research questions were answered. I now move on to the second main part of this chapter, looking forward from this exploration.

**Looking Forward**

In looking forward I consider potentialities for future research and the implications of this work.

**Future research.** The unanswered questions and limitations noted above mostly guide my ideas about future research. First, I consider access to and analysis of legal texts such as policy documents. We might expect that access to legislative and other documents will increase over time, given that e-laws and other databases now have more material than they did when I started this study. I also suggest that an interdisciplinary collaboration between social work and legal scholarship might enhance access to and analysis of policy documents. Opportunities for such collaboration exist in my own practice as an academic, with some recent connections I have
developed inside government, and the recent merging of justice and public administration programs into a ‘law research centre’ at my university. Thus, perhaps inquiries of recent historical policy texts may become easier, through increased access and interdisciplinary collaboration. Within this sphere I also suggest a broader exploration of searching policy documents, to assess if there are patterns in what is accessible and not accessible; for example, I would like to consider a gender lens in that analysis, pondering if access is more limited with policies focused on women.

Second, in consideration of potential interdisciplinary collaboration, I suggest such research partnerships may assist in two other areas. It was difficult to tease out how the functions of capitalism might play out in these texts. I noted earlier that using other conceptual tools and broader definitions may be useful, looking at other disciplines for guidance. I also suggested that further knowledge of economic theory and fiscal policy approaches might have assisted my analysis. Interdisciplinary research may assist future inquiry in both these areas.

Third, with respect to my use of institutional ethnography, of critical discourse analysis, and of Marxism in slightly different ways than intended, I have become very interested in the study of methodology itself. I would suggest opportunities exist for reconsidering and reconceptualizing these and other approaches, especially when trying to examine something as elusive as a social or economic system of practices that is so ingrained that it has become common place and has been rendered thus invisible. Perhaps my next inquiry can be more one of grounded theory, where I ‘test’ some of the conceptual tools I have used in this study, considering their utility outside this particular work, and how they may help to advance a radical methodology for social work.

**Implications.** I suggest that this inquiry has further implications for policy, practice and education, especially when considered in combination with possible future research. With
respect to policy implications, this inquiry may help others read policy texts differently, and perhaps reconsider the intent and practices of policy. While I would not anticipate that my inquiry directly influences any substantive change in current child protection policy, its dissemination may be taken up by policy analysts in some small way. For example, recognizing the market logic in current policies and practices may render visible a vulgarism of child protection in Ontario, wherein policy analysts and others might consider how to work against this encroachment of capital into the basic caring relations of family life and child well being. Alternately, policy analysts may consider exploiting this market logic, pushing for substantive changes to other policies related to caring relations, such as increasing the rate for ‘at home’ mothers on social assistance, more in line with the reimbursement for foster parents.

I also suggest that my inquiry may contribute to the emerging field of ‘interpretive policy analysis’ and bringing it more into social work. As such, consideration may be given to exploring policy outside its traditional analysis regarding policy development and implementation. Instead, the focus becomes exploring the meanings and intentions of policies, in examining both the social actors who develop policy and the text of the policies themselves (Bevir & Rhodes, 2010). Understanding more about the motivations within social policies and their authors fits well with a social work practice committed to social justice, and thus to policy change.

With respect to practice implications, I suggest that critical practitioners who engage with my inquiry may then read the texts of their practice differently – with a lens that situates texts and practices in the illogic of capitalism. My hope is that through this different reading, social workers may both resist current practices that replicate capital relations, and take up new practices in those forms of resistance. Perhaps my study also will excite social workers about further engaging with policy analysis, both in a professional role and in their social activism.
Finally, with respect to education implications, I suggest five things. First, that through
the policy and practice implications noted above, social work practice and scholarship may
expand the ways that students engage with this work. Second, I also hope that in the
dissemination of my work here, students will engage with my inquiry, thus reading texts
differently and seeking answers to questions that might otherwise be invisible. Third, perhaps
this inquiry and other pockets of work engaging Marx will foster spaces for bringing Marxist and
post-Marxist perspectives into more social work curricula, in theory, practice, policy and
research courses. Fourth, and somewhat linked to my earlier comment about economic
knowledge and fiscal policy, the challenges I faced in this research suggest to me that a greater
focus on macro economics and the interconnection between social and fiscal policy is needed in
social work education. Beginning with the inclusion of relevant scholarship in my own courses
(such as introductory content on public finances), over time perhaps an economics course could
become an elective in some social work schools. Fifth and finally, overall I suggest social work
education engage more fully with examining market logic in all aspects of the social service
sector, considering how such logic and its practices commodify social relations and thus impact
social work practice.

Conclusion

In looking back at this study, I note the value and challenges of engaging in a Marxist
feminist analysis of the documents of Ontario’s child protection system. This research has
attempted to make visible the social relations and other features of capitalism within these texts.
In doing so, I have sought answers to questions about what is in the documents, and what is not,
pondering the encroachment of capital in these texts. While the study is limited by both the data
itself and the focus solely on texts, I note that these limitations also reflect the challenges that I
encountered around access to the texts. These challenges and the unanswered aspects of my
original research questions suggest opportunities for future research. I have concluded with potential implications of this work, considering its possible impact on policy, practice and education. In the next and final chapter, I will conclude this study.
Chapter 11 - Conclusion

The Ending of Where I Began

This thesis discusses my doctoral research – what I did and why, how I did it, and what I found out. It is, in effect, a textual reality of my study. As such it is only a partial representation of the work, and thus is both full and empty, in a final nod to Laclau and Mouffe’s discourse theory. The fullness of this thesis lies in the volume of the textual data I have included in each findings chapter, and the rigor of my detailed observation of the text. The emptiness lies in what I have not included from the text, and from other potential sources. Below I offer an overview of the past several hundred pages of my work, noting where I began and where I have ended.

In this research, I began with a curious mix of the complications in my own philosophical approach and the disconcerting moments of my social work practice history. A quiet discomfort with disparity has sat within me since I was young, and has grown over time becoming louder once I entered social work. In over two decades as a practitioner, sometimes by design and other times by circumstance, I found myself working in and with communities living in poverty, struggling against the oppressive structures and practices of capitalism. As a radical social worker, I was seeking ways to expand my work beyond the local and the individual, to engage with policy and practices both internal and external to my workplaces. I often participated in workplace politics and union work and increasingly became active in advocacy and activism regarding social policy. As such, in the tradition of working “in and against the state” (Mitchell, MacKenzie, Holloway, & Cockburn, 1979) I sometimes aligned with clients, sometimes with other actors in government, other times with social workers, all in the name of agitating towards social justice.

These experiences were driven by my disquieting unease with the contradictions I saw in everyday life, and especially in the lives of the individuals and families I encountered in my
practice. Repeatedly I was reminded of the strength of my clients in navigating oppressive social structures. I also was reminded of the nonsensical foundation of many social structures and the seemingly contradictory interventions of the state. I pondered different kinds of responses to poverty, inadequate housing, and other social issues that impeded the well-being of many in the communities of my practice. Luxton (2005) reminds us “rather than expecting those ‘on the margins’ to conform more closely to the prevailing norms and practices of those ‘at the centre’, … the centre must be reconfigured to encompass the practices of those from the margins” (p. 84). Sadly, I have not seen such shifts in social policy, and even in social work we often continue to expect clients to conform rather than pushing social structures to do things ‘differently’.

I have had the good fortune, largely accorded by the privilege I hold as a white, straight, English-speaking, able-bodied person born in Canada, to advance in my career, have access to higher education, and work in unionized settings which minimizes risk when I engage in social activism. Such privilege also gives me space to pause in my work, to reflect on practice, and to engage in research. It is in those moments of pause and critical reflection that I first found the impetus to enter doctoral studies. Having been a social worker from my time as a contract part-time worker through to being an Executive Director, I saw social work education as a way to shift my career in a way that, over time, I could engage with social justice in a new way – in concert with students as future social workers. It is this shift that brought me to doctoral studies.

As a new doctoral student, still working in social work practice but on a part-time basis, I was in a space and time where reflecting on social work could go beyond my own practice. I had engaged with research off and on in my social work practice, and eagerly anticipated my doctoral research. In this place of pause, I sat with the stories of clients over 20 years, recalling their struggles, the contradictions I saw in the interventions of organizations and the state, and the reproduction of oppression in their lives and the lives of their children. Given that I worked in
child protection at the time I began my doctoral studies, it made sense that this sector would become the focus on my study.

I quickly became interested in how the state organizes family life, and arranges social relations within that organization. I thought an exploration in this area may be helpful in understanding how, and perhaps why, the child protection system operates in the way it does. “The degree of legalism in the regulation of certain social practices can provide an index of important changes in the relationship between … the state and the family” (Parton, 1991, p. 194). There are many different interpretations of how and why the state intervenes in sites of social practice. I wanted to engage in the debate, through research as a new approach, alongside my commitment to social justice through activism.

As a radical social worker informed by critical social work theory (Healy, 2000), my goals in research were similar to my practice intentions. First I desired to recognize the impact of social structures on people’s material conditions and social relations (including those with social workers). I felt compelled to stress the need for social workers to ally with oppressed groups and engage in dialogue with those groups and social work service users. Finally I wanted to commit to the transformation of those “processes and structures that perpetuate domination and exploitation” (Nichols & Leonard, 1994, p. 17).

In my practice and in my research, I have been concerned with how the state is presented as a neutral body “arbitrating impartially between competing groups” (George & Wilding, 1976, p. 91). It was my hope to somehow unearth the invisible reality of the state acting in the ruling class interests (Althusser, 1994; Gramsci, 1971). An exploration of the texts of child protection seemed a place to start, to make visible the regulation of family life, towards the benefit of capital. Reflecting on my more recent practice in child protection, I wanted to examine the state’s role with respect to the substitute care system as a site wherein capitalist notions are
replicated. “Given the ways in which state welfare provision reinforces inequality, oppression and exploitation, it is also necessary to … argue against [state provisions] which stigmatize and divide” (Ferguson et al., 2002, p. 34). It is in this context that we can consider Marxist understandings of state intervention.

This study has examined the texts of child protection in Ontario in 2000, a critical moment in the history of Children’s Aid Societies as massive changes were made to policy, procedures and funding in this sector, under the regime of a strongly conservative provincial government. This also was the last time I practiced full-time in a somewhat direct service role, as a supervisor. (After 2001, my role shifted to administration where I worked as a Research Analyst in a Children’s Aid Society.) The immediacy of my practice allowed me to engage with research that was still grounded in the lived experience. This became especially important when, as time progressed, my original intent of interviewing child protection workers and/or accessing child protection case files became difficult. By focusing on the texts of child protection, I risked becoming distant from the material reality of families whose lives came to the attention, and thus intervention, of a Children’s Aid Society. In each moment of this work, I have taken time to remember their stories, recalling my own discomfort at the rigidity of the state in its approach to assessing and responding to risk, all the while absolving itself of any responsibility for risk.

In this study I have examined four texts in detail: the Child and Family Services Act, Regulation 206, Part IX of Regulation 70, and the Ontario Risk Assessment Model. I also examined the foster care per diem material I was able to access from secondary data sources as a proxy for the funding framework. My examination employed critical discourse analysis within a Marxist/feminist approach to look at and below the surface of these texts, to consider how capital was present and reproduced in these documents of the state.
As discussed in my findings chapters (Chapters 5-9), careful attention to observing these texts, using the conceptual tools noted in Chapter 4, allowed me to open up the documents beyond the univocal. In doing so, as I argue in my discussion (Chapter 10), I made visible elements of capital in these texts, specifically commodification, use value and exchange value, alienation and reification. I considered the conflict and contradiction I experienced in my practice as a form of disjuncture and questioned whether the texts of child protection would reflect similar spaces of discomfort. I also questioned what mechanisms enacted the logic of capital in these texts, noting the persistent presence of mystification in all aspects of my inquiry.

I also recognize the limitations of this research, as discussed in the previous chapter, alongside potential implications and possibilities for future research. This study will hopefully become part of a long-term program of research examining state practices and everyday life, while also advancing theoretical and methodological approaches that draw on critical discourse analysis within a Marxist framework. In this vein, I conclude this chapter and the thesis itself in the next section, considering where I go from here.

The Beginning of Where I Will Go

As discussed in the last chapter, future research may include interdisciplinary collaboration regarding the challenges of accessing policy documents for research. An expansive study based solely on access may be useful to expose the state control of public texts, but also their temporality. The absence of a living record of legislative changes in any one policy over time in effect erases the evolution of policy, making accountability extremely difficult in the tracing of policy development and intent. My story alone may be compelling to this dissertation, but it is one example, of one person, at a single point in time. My story may also be compromised or limited by my social work focus and the interdisciplinary approach including others more familiar with the political and legal systems of government may open the space to
deepen research in this area. If my experience reflects a commonality, I would hope to connect with others to actively engage politicians, public servants and citizens about this lack of transparency, seeking change to how government works within itself. Recalling my involvement in other campaigns to advance social justice, I anticipate the value of timing, and hope such an exploration would coincide with a provincial election, potentially enhancing exposure and thus the possibility of change.

With respect to the substantive focus of my research, I hope to continue my research agenda with a focus on institutional practices and policies that govern our lives. I have already done some work in this area. My interest lies in practices of the state, such as an exploration of vagueness and inauthenticity in government’s engagement with public consultation (Preston & Woodford, under review; Woodford & Preston, 2011) and practices of organizations, such as an examination of resistance to university practices that impede critical activist education within the constraints of neoliberalism (Preston & Aslett, under review). I anticipate a long and full research program where I can expand my analysis by both examining other texts in child protection and also examining texts in other sectors, both inside and outside (but still connected to) the state.

Perhaps most challenging but equally important is the potential of opening up spaces for engaging with Marxism, institutional ethnography, discourse theory and critical discourse analysis in social work research. I will continue to use these approaches in my own work. However, I also intend to advance this work in my role as a faculty member in social work, and have already begun. I taught an independent study course in critical discourse analysis, and in this role I supervised a student’s analysis of texts and discourses of risk, albeit in a sector outside child protection. I am teaching undergraduate research courses, where I bring these approaches into the curriculum. I discuss my research in all courses I teach and encourage students to look
beyond that which is common in social work scholarship. In the near future I intend to supervise graduate research projects, where again these approaches to empirical inquiry may find a place for advancement as relevant to student interests. In all these circumstances, it is important that I parallel theoretical and methodological discussions with invocations of a commitment to social justice, to advance knowledge in ways that centre the stories of the lives of those oppressed and marginalized through state practices that privilege others. And it is in recalling those stories of my own practice, of the lives of mothers and children in child protection services, that I conclude this work.
Appendix A

Foster Care Sections from Part IX of Regulation 70

FOSTER CARE

110. Sections 111 to 121 apply to the provision of residential care under clause 193 (1) (b) of the Act in foster homes where parent-model foster care is provided but do not apply to the provision of residential care by adoption agencies under clause 50 (1) (h) of this Regulation. O. Reg. 550/85, s. 103; O. Reg. 219/88, s. 13.

111.- (1) Every licensee shall ensure that before a child is accepted by the licensee to receive foster care in a home that provides foster care for or on behalf of the licensee that,
   (a) a preliminary assessment is made of the child that sets out,
   (i) the immediate needs of the child,
   (ii) where it can be ascertained, whether the child is likely to be returned to his or her home,
   (iii) available identifying information concerning the child,
   (iv) the child's legal status, and
   (v) any other information that is, in the opinion of the licensee, relevant to the immediate care of the child; and
   (b) the immediate objectives of the provision of foster care for the child have been determined, taking into account the developmental, emotional, social, medical and educational needs of the child.

   (2) Every placing agency shall complete an assessment of each child that it places in foster care within twenty-one days of the child being placed in a foster home.

   (3) An assessment referred to in subsection (2) shall set out,
   (a) the special needs of the child;
   (b) the child's legal status;
   (c) available identifying information concerning the child;
   (d) the child's family history; and
   (e) the circumstances necessitating out of home care for the child.

   (4) The licensee shall,
   (a) review the assessment prepared under subsection (2); and
   (b) participate with the foster parents in the finalization of a foster care plan, within thirty days after placement of the child in a foster home.

   (5) The licensee shall consult with the placing agency, where the placing agency is not the licensee, and the foster parents to ensure that as part of the foster care plan,
   (a) where the child is developmentally, physically or learning handicapped or is emotionally disturbed and is not already receiving remedial instruction or treatment to meet the child's needs, that the child receives an evaluation and treatment and consultation as is required in the circumstances;
   (b) where the child is developmentally handicapped, that the child receives an individual program plan;
   (c) where the child is a physically handicapped child, that the child is provided with a specific plan that is designed with the overall goal of moving the child towards being independent with respect to life skills and that contains time-limited measurable objectives; and
   (d) where the child is emotionally disturbed, that a plan is developed for the supervision of the child and the child's foster parents that states the methods to be used and the supports to be provided to the foster parents in managing and caring for the child. O. Reg. 550/85, s. 104.
112. No licensee shall select a placement for a child in a foster home or place a child in a foster home unless the licensee,
(a) completes an assessment of the family and approves the family to provide foster care;
(b) discloses to the foster parents in accordance with section 180, 181 or 182 of the Act, all information known to the licensee about the child that is relevant to the care of the child; and
(c) obtains the agreement of,
(i) the foster parents, on the basis of the information provided in clause (b), and
(ii) the placing agency where the placing agency is not the licensee, to the placement.
O. Reg. 550/85, s. 105.

113. Every licensee that places or intends to place a child in foster care shall ensure that a written record of,
(a) any needs of the child that cannot be met by placement in the foster home;
(b) how the needs of the child will be met; and
(c) any reservations or concerns expressed by the foster parents about the placement of the child in the foster home, is included in the child's file. O. Reg. 550/85, s. 106.

114.- (1) Every licensee or placing agency that places a child in foster care shall,
(a) arrange for a person known to the child to accompany the child to the foster home on the date of the actual placement; and
(b) ensure that the foster parents receive the health, medical and dental data necessary for the care of the child, including specification of any medical disorders, handicaps, allergies or limitations on activity.
(2) Clause (1) (a) does not apply where the licensee, placing agency or a person designated by the licensee or placing agency approves an adult other than one known to the child to accompany the child.
(3) The licensee or placing agency shall ensure that the data referred to in clause (1) (b) is given in writing in accordance with sections 180, 181 and 182 of the Act at the time of the actual placement of the child in the foster home. O. Reg. 550/85, s. 107.

115.- (1) Every licensee shall review and if necessary amend the foster care plan for each child it places in foster care.
(2) The review referred to in subsection (1) shall be carried out with the involvement of the placing agency, where the placing agency is not the licensee, the child, the foster parents and the child's parents,
(a) at least every three months; and
(b) when there is a change in the child's placement.
(3) The date of each review and any changes in the foster care plan shall be recorded in the child's file.
(4) A supervisor shall examine the child's file at the time of each review to ensure that the required recording and documentation have been carried out and shall sign and date the record.
(5) Where a foster care plan is reviewed without the involvement of one of the persons referred to in subsection (2), the reason shall be noted in the child's file. O. Reg. 550/85, s. 108.

116.- (1) Every licensee shall develop procedures for the selection, development and management of the foster homes used by the licensee.
(2) Every licensee shall develop and maintain,
(a) a system for classifying and utilizing foster homes;
(b) procedures for the recruitment, screening and selection of foster parents;
(c) an up to date list of foster homes that are approved by the licensee;
(d) a system for supervising foster homes; and
(e) a system for evaluating foster homes annually according to the objectives set for the type and level of care to be provided in each home. O. Reg. 550/85, s. 109.
117.-(1) Every licensee shall ensure that it places no more than four foster children and no more than two foster children under two years of age in each foster home.
(2) Subsection (1) does not apply where all the foster children are of common parentage or related to the foster parents and the placement is approved in writing by a Director.
(3) Where a Director approves a placement referred to in subsection (2), the licensee shall ensure that the Director's written approval is available for inspection by a program supervisor. O. Reg. 550/85, s. 110.

118.-(1) No licensee shall approve a foster home to receive a child for foster care until the licensee or a person designated by the licensee,
(a) conducts at least one planned interview with a foster parent applicant in the applicant's home;
(b) where more than one adult who lives in the home will be providing foster care in the home—conducts an interview individually and together with each adult;
(c) in addition to the adults referred to in clause (b), meets with other family members of the applicant who live with the applicant and all other persons living in the home;
(d) receives from the applicant the names of at least three persons in the community as references for the applicant;
(e) contacts the references referred to in clause (d) by letter, telephone or in person and makes a record of their comments regarding the suitability of the applicant to provide foster care;
(f) obtains a written statement from a physician or an individual approved by the local medical officer of health regarding the general health and specific illnesses or disabilities of the foster parent applicant and family members and whether or not they might interfere with the provision of foster care; and
(g) visits the applicant's home to determine whether or not it is suitable for placement of a foster child.
(2) A person who visits an applicant's home to determine whether or not it is suitable as a foster home shall inspect the common living areas of the applicant's home, the proposed sleeping area for a foster child, the grounds surrounding the home and the play space used by children in the home and the recreational areas within walking distance of the home.
(3) A visit referred to in subsection (2) shall be recorded in the applicant's file. O. Reg. 550/85, s. 111.

119.-(1) No licensee shall approve a home as a foster home unless the licensee is satisfied that the regular sleeping accommodation for the foster child or children meets the following requirements:
1. No room without a window is used as a bedroom.
2. No bedroom is in a building detached from the foster home, an unfinished attic or unfinished basement or a stairway hall.
3. Each foster child has a bed and clean mattress suitable for the age of the foster child together with bedding that is appropriate according to the weather and climate.
4. No foster child shares a bed or sleeping room with an adult couple or adult of the opposite sex.
5. No foster child over six years of age shares a bedroom with another child of the opposite sex.
(2) Paragraph 4 of subsection (1) does not apply where a child is ill or an infant and the needs of the child require that the child be in the same room as an adult.
(3) Subsection (1) does not apply where a Director approves an arrangement other than an arrangement required under that subsection. O. Reg. 550/85, s. 112.
120.- (1) Every licensee that intends to place a child in foster care shall enter into a written foster care service agreement with the foster parents before placing a foster child with the foster parents. O. Reg. 550/85, s. 113 (1).
(2) The foster care service agreement shall set out,
(a) the respective roles, responsibilities and obligations of the licensee and the foster parents;
(b) support and training services to be provided by the licensee to the foster parents during the placement of children, including,
(i) frequency and form of supervision,
(ii) relief services,
(iii) training opportunities, and
(iv) professional consultation for the foster child;
(c) financial arrangements for the care of a child, including,
(i) the basis for determining the amount of payment to the foster parents,
(ii) the method and frequency of payment to the foster parents, and
(iii) the basis for determining which expenditures that the foster parents incur that the licensee will reimburse;
(d) those things that are considered to be confidential between the foster parents and the licensee;
(e) the frequency of performance evaluation by the licensee; and
(f) the basis for termination of the agreement. O. Reg. 550/85, s. 113 (2); O. Reg. 219/88, s. 14.
(3) The foster care service agreement shall be reviewed by the licensee at least annually and at the request of a foster parent and updated by the parties to the agreement from time to time as is necessary to give proper effect to the agreement. O. Reg. 550/85, s. 113 (3).

121.- (1) Every licensee shall assign a staff person to supervise and support every foster family approved for placement by the licensee and to arrange for the support services provided for in the foster care service agreement.
(2) The staff person referred to in subsection (1) shall,
(a) visit the foster family home where the child is placed and consult with at least one foster parent within seven days of the placement, within thirty days of the placement and every three months thereafter; and
(b) where the foster family is approved by the licensee and no child has been placed with the family, consult with the family every three months.
(3) Every licensee shall ensure that a staff person responds to each foster parent inquiry within twenty-four hours of the inquiry. O. Reg. 550/85, s. 114.
Appendix B

Anchors for Caregiver Influences from the Risk Assessment Tool

Caregiver Influence CG1. Abuse/Neglect of Caregiver

4. Severe abuse/neglect as a child.
Severe abuse/neglect as a child resulted in serious emotional disturbance and/or physical scars/disability.

3. Recurrent but not severe abuse/neglect as a child.
Recurrent abuse/neglect as a child; may have resulted in emotional or physical impairment.

2. Episodes of abuse/neglect as a child.
Recounts being abused or neglected as a child, but not severely or recurrently; with no apparent impairment.

1. Perceived abuse/neglect as a child with no specific incidents.
Does not recount being abused or neglected. Expresses dissatisfaction with the care or treatment s/he received when young.

0. No perceived abuse/neglect as a child.
Recounts being loved and well cared for with no incidents of abuse or neglect.

9. Insufficient information to make a rating Abuse/Neglect of Caregiver

Caregiver Influence CG2. Alcohol or Drug Use

4. Substance use with severe social/behavioural consequences.
Compulsion to use substance, loss of control over use, and continued use despite adverse consequences. Suspected sale and/or manufacture of drugs; dropout from social responsibilities (unemployment, spouse has left, child is abandoned); or severe behavioural problems (extreme aggression or passivity, no concern for future, confusion much of time).

3. Substance use with serious social/behavioural consequences.
Regular and heavy use of one or more substances: alcohol or drugs. High risk of not meeting social responsibilities (danger of losing job, financial problems, spouse threatens to leave, child care suffers).

2. Occasional substance use with negative effects on behaviour.
Uses drugs other than marijuana or alcohol occasionally or binges on alcohol or marijuana. Negative effects on social behaviour (job absenteeism, constant arguments at home, dangerous driving) and on child care. Short term stupor impairs performance.

1. Occasional substance use.
Occasionally smokes marijuana or drinks alcohol to point of impairment. Mild effects on child caring ability or everyday functioning.

0. No misuse of alcohol or use of drugs.
May drink but in moderation. No use of illegal drugs or drug-related activity. No observable effects on everyday functioning.

9. Insufficient information to make a rating

Note: If drug/alcohol use is recent but not present, remember to rate as if there were no child protection services being provided.
Caregiver Influence CG3. Caregiver's Expectations of Child

4. Unrealistic expectations with violent punishment.
Unrealistic, not age-appropriate expectations may result in violent behaviour or punishment for child's failure to meet expectations. Physical discipline is the caregiver's only response to child misconduct and pattern of physical discipline is escalating in severity.

3. Unrealistic expectations with angry conflicts.
Unrealistic expectations may lead to regular conflicts and anger toward child over behaviour. Caregiver frequently administers excessive physical discipline. Verbal discipline is frequently inappropriate and excessive in response to child's age and misconduct.

2. Inconsistent expectations leading to confusion.
Has knowledge of age-appropriate behaviour but is inconsistent in expectations. Child is left frustrated and confused by inconsistency. Verbal and physical discipline are inconsistently administered and are often not appropriate to child's age and misconduct.

1. Realistic expectations with minimal support.
Good knowledge of age-appropriate behaviours with realistic standards most of the time. May not encourage or assist child with task when necessary to meet standards. Verbal discipline is generally controlled and appropriate to child's age and misconduct.

0. Realistic expectations with strong support.
Good knowledge of age-appropriate behaviour with consistent and realistic standards. Sets safe and reasonable limits with appropriate consequences. Has flexible demands and provides child with options. Encourages and helps child with tasks when needed. Verbal discipline is controlled and appropriate to child's age and misconduct.

9. Insufficient information to make a rating

Caregiver Influence CG4. Caregiver's Acceptance of Child

4. Rejects and is hostile to child.
Child is viewed as evil or bad. Child is consistently criticized and put down. Child is resented and even hated. Caregiver is hostile to child.

3. Disapproves of and resents child.
Child is seen as disruptive and the cause of many problems. Caregiver disapproves of or criticizes child constantly and is resentful of child.

2. Indifferent and aloof to child.
Caregiver is neither accepting nor rejecting. Relates to child in matter-of-fact, functional terms but has little emotional involvement and rarely demonstrates acceptance.

1. Limited acceptance of child.
Describes child positively most of the time, but only when asked; only occasionally does so spontaneously.

0. Very accepting of child.
Frequently and spontaneously speaks about accomplishments of child with approval. Accepts child even when she or he disapproves of behaviour.

9. Insufficient information to make a rating
Caregiver Influence CG5. Physical Capacity to Care for Child

4. Incapacitated due to chronic illness or disability resulting in inability to care for child.
   Acute or chronic illness or disability, or experience of severe pain critically impairs caregiver's ability to perform child caring role.

3. Physical impairment or illness which seriously impairs child caring capacity.
   Physical illness or disability seriously restricts or interferes with caregiver's ability to care for child. Child care may be at risk because of communicable disease that endangers health, or terminal illness that will impair child caring capacity of caregiver.

2. Moderate physical impairment or illnesses resulting in only limited impact on child caring capacity.
   Generally healthy but has one or more physical illness or disabilities which have a mild impact on child caring capacity.

1. Very limited physical impairment or illness with virtually no impact on child caring capacity.
   Caregiver has limited physical illness or has a debilitating disease (e.g. MS, arthritis, diabetes, or hypertension) that has not progressed to stage of sustained impairment. Limited impairment of motor functioning has little or no effect on child caring capacity.

0. Healthy with no identifiable risk to child caring capacity.
   Caregiver in generally good health with no identifiable illnesses, disabilities, or inadequate health habits that would impact child caring.

9. Insufficient information to make a rating.

Note: Consider presence of substance use withdrawal symptoms, such as insomnia, chronic fatigue, irritability, severe headaches, seizures, nausea and vomiting in assessing presence of physical illness or disability.
Caregiver Influence CG6. Mental/Emotional/Intellectual Capacity to Care for Child

4. Incapacitated due to mental/emotional disturbance or developmental disability resulting in inability to care for child.
   Caregiver has serious mental/emotional disturbance and behaviour may be affected by delusions or hallucinations. Psychological state may exhibit severe impairment in communication (incoherent, unresponsive) or judgment. Illness critically impairs ability to provide child care. Caregiver could be dangerous to self and others; suicidal preoccupations. Caregiver has severe intellectual limitations (i.e., has severe developmental disability), emotional instability, and/or has very poor reasoning abilities which severely affect his/her ability to protect or care for child.

3. Serious mental/emotional disturbance or developmental disability which seriously impairs child caring capacity
   Symptoms may include serious disturbances in judgment, thinking, or emotions that may frequently affect caregiver’s ability to perform child care tasks. Caregiver is not a danger to others or self. Caregiver has intellectual limitations which adversely affect his/her ability to care for child.

2. Moderate mental/emotional disturbance or developmental disability with limited impairment of child caring capacity.
   Symptoms such as feelings of powerlessness, low self-esteem, anxiety attacks, or mood swings have only a mild impact on the child caring capacity of caregiver. Caregiver has some intellectual limitations or developmental disability which somewhat restricts ability to protect/care for child.

1. Symptoms of mental/emotional disturbance or developmental disability with no impact on child caring capacity.
   Caregiver suffers from transient symptoms of psychological stress, emotional problems, or from mental illnesses with little or no impairment of child caring capacity. Caregiver may have some intellectual limitations which do not affect his/her ability to care for child.

0. No identifiable mental/emotional disturbance.
   Caregiver has no symptoms of mental illness, psychological disturbance, or intellectual limitations. Appears to be emotionally stable.

9. Insufficient information to make a rating.
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