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Canada

Mirror of Guilt or Window of Opportunity?
Reflections on a ministry to street children in
Kitchener-Waterloo 1988-1991

by

Roland David Lowe
Bachelor of Arts, Laurentian University, 1985
Master of Divinity, Wilfrid Laurier University, 1991

Thesis

Submitted to the Faculty of Waterloo Lutheran Seminary
in partial fulfillment of the requirements for the degree of
Master of Theology in Christian Ethics

1994

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ISBN 0-612-01818-0

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Leaving Home Due To Abuse

I'll try not to be too prejudice about this topic because I've gone through this when I was home. But to those of you who leave home because of physical, emotional, and or sexual abuse, it may not be a good idea.

If you leave home you try to make friends as fast as you can to survive, But 98% of the time you make not friends but people who use you for your own ends.

Out of all the people who come to the ROOF programme, around 80% are abuse at home. So if your are, you're not alone. For me tryin to write this and not mix in personal feelings is hard. But I know to live at home being abused is not easy.

The thing is not to take things into your own hands and leave, but to get family counselling. For if you were to leave to go on the streets you would be wrong. The streets are not safe, they are the most dangerous things you'll encounter.

Just think of the drug abuse, the sexual crimes, the pimps coming from Toronto to recruit new showings. Don't get involved with the shit. Too many street kid are going to jail, juvenile halls, detention centres, and places like that.

Most of the people you will meet will just want to take advantage of you any way they can. Just take things one step at a time. Try to talk things out with counsellors such as Kate here at ROOF. This is the best advice I can give.

Master of Magic

Mommy

Mommy's little girl
Who grew up too fast
Saw far too much
An old woman at 12 years old

Well that same old woman
She's 18 now. well almost
Has realized she's just a kid
Wants her mommy to take her home

Her tears are falling on the floor
Wipes her nose on her sleeve
Pondering what Childhood means
She needs her mommy, she's lost

The clock, it reads 3 am
She clearly misses her princess bed
And her share of daily chores
Her kitten now sickly and old

She wants her mommy
And, of course her Teddy Bear
She really needs her mommy
And to hear her say "I love you"

Anonymous

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Introduction

Street Children are all around us; at least potential street children are all around us. They come from every walk of life, every class of family and every part of the country. Street Children come from rural, small town and urban Canada and end up living on the streets of our larger cities. They gravitate to the larger cities for some of the same reasons that saw large migrations to the city during the industrial revolution, and during the times of depression and famine - they hope for a better future. They also flock to the city because the city will offer a sense of anonymity. The anonymity is required, for the children expect the police, or at the very least their parents, to be looking for them. It is an expectation that is dualistic in its nature. There is the fear that the parents will find them. There is the fear that the parents will not bother searching for them now that they are missing.

In this lies the great tragedy of street children. All too often we do not search for street children. Yet, street children are a problem that needs to be addressed by society - a society that has ignored them for far too long. This is the thesis of this paper that the problems that street children present have been ignored, and that it has been ignored at society's peril.

As can be seen from the two reflective articles at the

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beginning of this paper, street children are sensitive and creative individuals who have encountered a great deal of pain. They have suffered this pain while being ignored by society at large. The view street children offer us can be a mirror in which society sees the reflection of its guilt and unwillingness to deal with the issues that lead to a life on the streets. The view offered can also be seen as a window of opportunity in which society learns to break the silence about the incest and physical abuse that is prevalent in many of our homes. In the process of dealing with the issues facing street children society will learn to deal with some of the unhealthy issues of incest and domestic violence in our lives. These benefits to society must be seen as secondary benefits that result when society, with sensitivity and compassion, deals with a segment of society that lives a marginal life due to its vulnerability. The following illustration captures the vulnerability and hopes that street children have - hopes that must be addressed in society.

An articulate, attractive, native child, full of potential, appeared in my office one night to talk about her adoptive white family in British Columbia. Her adoptive parents were, it was claimed, professional academics who saw to it that their daughter received instruction in classical dance, music and other cultural pursuits. Some of these extra

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curricular activities included sexual intercourse with the father. As she talked, she reminisced about her parents and the hope that her mother was looking for her. She was afraid that her father might find her. In her state of vulnerability, she became involved with members of a Pentecostal street outreach team, who were themselves recently removed from the streets.¹

These Christian outreach workers convinced her that she was living a life that would lead literally to Hell. Her promiscuous life style needed to be tempered by marriage, preferably to one of the street evangelists. She was unsure of the wisdom of this course of action, and wondered if it were true that it was a sin to take welfare money. When I assured her that welfare money was there for those who really needed it, she breathed a sigh of relief and asked, "Is it okay if I dance too?"

Children who call parks their family room, who call heated parking garages their bedroom, and who generally live by their wits, struggle with the feeling of being abandoned. At the same time, there is a sense that home is a place that must be avoided because it is not a safe place to be and there is the desire to live in an ideal family unit. In the past the forces of society - police departments, childrens

¹I was working with R.O.O.F, an agency that I co-founded to meet the needs of street children.

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aid societies, and school boards through their truant officers - were able to return children who were living on the streets to the home. Home was deemed to be a good place. Children belonged at home. This is no longer the case. Children, between the age of twelve and fifteen cannot have a temporary custody order made in their respect unless they are a party to the agreement.² If they refuse to go home, or even go into care, there is little that the agencies can do to force the issue, at least until such time as the child breaks the law.

There is inherent in both the Ontario Child and Family Services Act and the Canada's Young Offenders Act the notion that children deserve special attention and the least intrusive measures possible. These measures must take into account the plight of the child and the best interests of society. This can lead to confusion.

An Ontario provincial law requires that all children under the age of sixteen be enrolled in school.³ Yet children who do not have an address, who live on the streets

²Child and Family Services Act, Province of Ontario Part II Section 21 (2)b

³Ontario Education Act. Part II 21(1) (a)

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cannot register⁴ for classes. Even if they are able to register, they are unable to perform adequately the role of student. Consequently, a child, possibly one with good academic potential, becomes an uneducated, maybe illiterate, person in a society that imposes high expectations of education on those who wish to pursue employment or recreational opportunities.

The switch to one where a child is a partner in the decision making process rather than a client, or just one in need of protection, has several ramifications. This is especially true when the child is not given the opportunity to discover or deal with the issues in one's life that leads to a life on the streets. It also means that some of the problems of incest and domestic violence will be continued in subsequent generations. Sometimes these children who were not so long ago parties to the care being provided are also parents of children who are in need of protection. One eighteen-year old mother needed psychiatric help to deal with the issues of being abandoned and later sexually abused by her adoptive [foster] grandfather. She approached Family and Children's services who "...offered her a choice of Niagara Falls, Sarnia, or Kitchener. She chose Kitchener but

⁴High School Principal, employed by the Waterloo County Board of Education at a panel discussion on street Youth Organized by the Kitchener Downtown Ministerial Association, February 1989

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found the group home repressive and demanding and left to live on the streets during which time she started using drugs and alcohol."⁵

This psychiatric help is now needed because she has broken the leg of her four-month old daughter and cannot legally assume a proper parental role until such time as she takes courses and counselling. Children must be given the opportunity to deal with and adequately integrate one's experience with one's life. To deny this opportunity for street children is to allow the problem to repeat itself in the next generation.

The scars on the individual take a long time to heal. The scars on society - especially a society such as ours that does little to acknowledge the damage, or its corporate responsibility - never heal but fester in each ensuing generation. The causes and roots of a population that would rather live on the streets where they sleep in alley ways, door ways, garbage bins, and on the cement floor of parking garages are much more encompassing than one family's ability or inability to deal with the secret of incest and the shame of physical and other forms of abuse.

In part, society does not want to deal with the issue

⁵Carol Goodwin, "Plea for help", Kitchener Waterloo Record, June 3, 1991, A1

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of street children and their illegal, sometimes immoral, and violent life style, for then we have to deal with our own culpability. We also have to deal with our own vulnerability and that of our children and their friends. In many cases we assume that families are safe havens. Many are. Some are not. An illustration of an unsafe home, a home which represents the typical street child, was found in the local newspaper. Katherine Dedryna in an article in the Kitchener Waterloo Record tells the story about Danica:

While her father orchestrated this gang rape, her mother - who ignored the assaults when Danica was four - served coffee to her daughter's assailants and then went upstairs....
...It was not until she was 15 that the assaults, the prostitution and the pornography her father forced on her abated. ⁶

Society has always played a role in looking after the disadvantaged. The plight of street children is as much a corporate responsibility as it is a corporate obligation. The genesis of street children, in North America at least, is the sexual and physical violence that has been the bane of women for thousands of years and brought to our attention by the women's movement these past two decades. It also transcends the gender stereotype, for street children, in general and specifically the males, grow up and become

⁶Katherine Dedryna, "Women can't change world on their own author notes," Kithcener Waterloo Record, October 2, 1989, D1

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parents in their own right. If the cycle is to be broken, we must continue the feminist efforts against domestic and sexual violence and make these efforts more inclusive.

This paper was a long time in the making. It started when I was a counsellor in training at a drop in centre in Brampton when I was seventeen. It continued as I became a youth worker and the founding member of the board for two separate battered women's shelters. It continued during my studies for a Master of Divinity when I co-founded the agency Reaching Our Outdoor Friends (R.O.O.F.), an agency that caters to street children in Kitchener. This is a study based on my personal experiences starting R.O.O.F. It is a study that assumes that street children exist. For Example, in Kitchener-Waterloo there are approximately 350 such people, of which I have personal experience of about 175. Much of the data which I present will be anecdotal from my own experience supported by information from journals and literature. I wish to be clear that the purpose of this study of street children is so that we might better find a way of integrating their stories and their lives so that we might better understand them and our society.

This paper is divided into four sections. The first section is entitled *The Problem With Kids These Days*. It will explore the plight of street children today and attempt

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to understand where they are coming from. The purpose of the section is to explore some of the factors that lead to street life, and explore the subtle shift that occurred between the Juvenile Delinquents Act and the Young Offenders Act. The shift made in these two acts, and the shift made in provincial legislation in order to afford children the rights guaranteed in Canadian Constitutional Reforms, resulted in children being made parties to various decisions affecting their rights and privileges. These rights now mean that children have certain protections at bar and in certain dealings with authorities.

The second section, *Street Economics*, will deal with the economic situation of life on the streets. Children need money to find shelter, food and adequate clothing. They are usually in positions where they do not trust the social service providers and would rather live in squalor than face the potential of being returned to the family unit. Many of the street denizens are too young to qualify for a Social Insurance Number, and are therefore unemployable. This leaves them little choice but to turn to crime. Young people are forced to provide sex in exchange for basic human comforts such as a shower and a warm bed. Children pawn off stolen compact disks and cassette tapes to fences who will sell the tapes as used items, even though they still have the wrappers from the music stores from

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which they were stolen intact. Adults make large amounts of money from the plight of street children and their need to survive. The costs of crime are high in their own right. Then there are the costs of maintaining police officers, court officials, judges, youth treatment centres, and guards, not to mention child care workers, social workers, and chaplains to provide for the spiritual, emotional and physical well being of delinquents who have been apprehended. I suggest this to illustrate that the economic costs entail more than merely the economic gain enjoyed by adult criminals who prey on the street youth. It also includes the costs of providing care, which can add up to \$200 a day,⁷ and includes the benefits lost by having large numbers of children ensnared in the vacuum of alcohol and drug dependency and the future costs to society for coping with their existence in the years to come.

A cynic might also suggest the system has a vested interest in maintaining the status quo. Social workers, prison guards, probation officers, chaplains and youth officers have a financial interest in street children and maintaining the current adversarial relationship. While one must always acknowledge that society is in need of

⁷Victor Malarek, "New Act improves treatment of young offenders," in Canadian Churchman, April 1995, reprinted in Dialogue on Crime Prevention: Focus on Youth, 1989, by Church Council on Justice and Corrections.

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protection, one cannot help but wonder what the impact a greater focus on prevention might have. Ontario chose not to provide statistical information to the Church Council on Justice and Corrections "... because the Ministry of the Attorney General estimated that the equivalent of 45 person-years would have to be assigned to the task."⁸

The third section, *Toward a New Understanding*, explores some guide posts to coming to a new understanding of the problems faced by street children. The problem of street children has been ignored for too long. Before society can begin to wrestle with an ethical and theological means of dealing with the children, we must see them in a new light, not merely as the delinquents they are, and the criminals they might become, but also as human beings who have encountered an incredible amount of suffering.

The fourth section, *A Possible New Vision*, will explore ways in which a society, no longer interested in avoiding the issues posed by street children might encounter street children to enable them to find an accepted and authentic . A society that so empowers street children, and coincidentally other victims in its midst, must will

⁸ "Young Offenders: a Statistical Survey", p.4 in Dialogue on Crime Prevention Focus on Youth, Animators Kit, Church Council on Justice and Corrections. Ottawa. 1990

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understand how and why we provide care and concern for our troubled youth.

It is through these perspectives that I hope to show that street children are a problem that must be faced by society, a problem that has been ignored for far too long.

The problem with kids these days

It goes without saying that children will get themselves into trouble. Some of this trouble will be a result of the normal desire to find out what the boundaries are and what the expectations are that must be met over against those that should be met. This is no different than the student who pushes the deadline, the office worker who comes in late from lunch more often than not or the spouse who somehow forgets to balance the chequebook. Children getting into trouble is normal. Its very normality, based on adults' understanding of their own childhood, allows society to look the other way, or complain how out of hand children are today. The underlying assumption seems to be, "We were never that bad!"

Some of the trouble that children get themselves into is a result of their desire for knowledge, their lack of experience and the natural trend to learn from one's mistakes. A witty (?) office poster indicates that "good judgement comes from experience, and that experience comes from poor judgement." Poor judgement, coupled with a carefree existence that sometimes is careless, often results in a child coming into contact with the law.

Once, while I was being interviewed for a position as a Child Care Worker, the programme director asked, "What is the difference between a good kid and a delinquent?" I sat

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in silence attempting to dream up a reasonable answer to the question that would take into account social dynamics, family background and needs, when he continued, "The delinquent got caught!" It is a question and answer that has stuck with me for twenty years. Good children get into trouble just as do the "rotten" children. Sometimes the result is fatal. I moved to Brampton, Ontario, in 1967 with my family, the year I entered grade eight. By the time I was in grade ten, four of my classmates were dead as a result of criminal activity ranging from drunk driving to drug overdoses. One was beaten to death in the old Don Jail. Some of these kids were the quintessential losers that were always in trouble with the law. Others were just good kids who happened to be in the wrong place at the wrong time. They and the families have paid a tremendous price for that lapse in judgement.

Victor Malarek is an example. As a child he was sent to an orphanage, and at the age of 17 he stood before a judge charged with armed robbery. The judge sent him to a therapist and sent him home.⁹ The judge in question, Judge Gammell, recalled the case and told Malarek, "You know, with kids you have to play it by ear....You have to use your

⁹Victor Malarek, "New Act Improves Treatment of Young offenders," in Canadian Churchman, April 1995, reprinted in Dialogue on Crime Prevention: Focus on Youth, 1989, by Church Council on Justice and Corrections.

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senses, your instincts."¹⁰

It has recently become fashionable for people seeking high political office, such as now-President William Clinton and Kim Campbell and Jean Charest, to admit they have smoked marijuana in their younger days. The media has played this to the hilt. Yet, finding a person who grew up in the sixties and did not smoke pot is akin to finding the mythical Holy Grail. One is not sure if either exists. As one lawyer put it. "We realize that many juveniles commit minor acts of vandalism, just as we did when we were young."¹¹

One of the problems with being a parent is the absence of memory. We remember the moments when we were disciplined but tend to forget the moments when we were "bad" . Even our Lord Jesus Christ was capable of disobeying his mother and father.

Now his [Jesus'] parents went to Jerusalem every year at the feast of the passover. And when he was twelve years old, they went up according custom; and when the feast was ended, as they were returning, the boy Jesus stayed behind in Jerusalem. His parents did not know it, but supposing him to be in the company they went a day's journey, and they sought him among their

¹⁰ "One Caring Man" in Update, The Church Council on Justice and Corrections, Spring 1985, reprinted 1990. Ottawa. p.2

¹¹ Jim Hacker, "Controlling Juvenile Offenders: Realistic and unrealistic strategies" in Brian A. Grosman ed. New Directions for Sentencing, (Toronto:Buttersworth, 1980). 219.

The problem with kids

kinfolk and acquaintances; and when they did not find him, they returned to Jerusalem seeking him. After three days they found him in the temple...and his mother said to him, "Son why have you treated us so...." [Luke 2:41-48a]

Mary and Joseph were quite right to be angry. They squandered two days of travel and incurred an extra three days worth of expenses as they looked for their son who had wandered off. Luckily for Mary and Joseph the story had a happy ending in that the child was protected, alive and in good health. The same is not always the case. Children have wandered off or been lured into going away. The story of Joseph being sold into slavery and the story of Moses being left in the bullrushes are but two examples where children have lived. The story of Kristan French and Lesley McHaffe are two more stories from the current round of media accounts in which two children who have wandered from their parents' watchful eye have ended in tragedy.

Keeping children under the eye of the parent sometimes prevents them from getting hurt or killed. Sometimes it prevents them from getting into trouble. A few years ago a woman jogger was getting her exercise in New York City's Central Park. She was savagely beaten, gang raped, and left to die. As soon as it was heard that a gang "swarmed" a woman, images of violent teen gangs trying to overcome the ravages and boredom of poverty came to mind. Poverty was a poor image to use, boredom was not. "...Most of the attackers

The problem with kids

come from comfortable middle or working class homes. Four live in a building with a doorman."¹²

Living in a building with guards is somehow incompatible with the expectation that children who commit acts of violence are the "scum of the earth," as one irate parent described street children to me. In fact, street children often take the rap for normal kids, "preppies" in the jargon of the street, who often come downtown on a weekend for an evening of fun - ridiculing those who are unfortunate enough to call the streets of a downtown city their home.

If this violent action occurred in Canada before 1984, it would be assumed the children, since most were under the age of sixteen¹³, were in need of the protection of society. They would have appeared in court that was somewhat lax in standards and procedure, a court that had a judicial interest, not in seeking retribution or punishment for the crime, but rather seeking a means to dispose of the case that would look after the best interests of the child. They would have appeared under the authority of the Juvenile Delinquents Act which was enacted in 1908.

Juvenile delinquents did not have many rights. Their plight was portrayed with reality in the beginning sequences

¹²George F. Will "Cut the cant - this is not 'fun', it is pure evil" in Manchester Guardian Weekly, May 14, 1989.

¹³Ibid.

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to the movie The Babe. In The Babe, Babe Ruth's father brings his son to a training school. As the child and his father greet the priests that run the school for boys, the father tells the priest that his son is an incorrigible, always skipping school and running down by the docks. Many years later, when professional baseball wanted Ruth to play in the majors, he had to be released to the signing team as a ward of that manager. Ruth was a delinquent.

Delinquents under the Juvenile Delinquents Act were treated in a much different manner than they would have been had the JDA been a criminal code. In fact, the JDA acting under the philosophy of *parens patriae*, or a child welfare model¹⁴, viewed children who had run afoul of the law as wayward children who were in need of wise and discreet help to assist them to become functional members of society.

In the early years of the twentieth century the reformers of juvenile legislation thought their

paramount objective to be saving destitute and wayward children from a life of poverty and crime. Thus they did not draw a clear distinction between neglected and delinquent children....¹⁵

¹⁴Nicholas Bala and Mary Anne Kirvan, "The statute: its principles and provisions and their interpretation by the courts", in Leschied et. al. eds. The Young Offenders Act A Revolution in Canadian Juvenile Justice. (Toronto: University of Toronto Press, 1991), 71.

¹⁵Ibid, 71.

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As such, the system opened itself up so that the bureaucrats, police, and well-meaning people could impose their concept of morality and their concept of what was best for the child onto the person before the courts. Given the fact the child could be either neglected or the perpetrator of a crime and receive the same sentence, or even receive a stiffer sentence if neglected (or the other way around), the system was at best a hit-and-miss means of dealing with children in need or care or correction. It was against this backdrop that the legal, social welfare and legislative reformers began examining the system and began rewriting the laws that affected the young people. The result was the passing of The Young Offenders Act.

The general public view of the Young Offenders Act is that it is far too lenient on troubled youth. They point to the stipulation that the maximum sentence under the act is three years. Many think that in case of murder, and other severe crimes, the three year maximum is far too lenient. They cite the case of the Seip murder in Midland as proof that the young offender who committed the deed would be out after three years of closed custody. There is a failure in the government's willingness to implement the act as designed.

The YOA is primarily a procedural act of parliament, that is, persons who are charged by the police are charged

The problem with kids

under the auspices of the Criminal Code of Canada and other proscriptive legislation.¹⁶ It should be noted that the YOA placed new restrictions on what constituted a crime. The YOA, being a federal act, covers federal laws and ordinances. Provincial laws which were once the pervue of courts convened under the JDA, could no longer be adjudicated in the same manner. The YOA merely stipulates the concerns and the process by which young offenders must be dealt with in the judicial system. The offences are still offences under the Criminal Code of Canada.

Under the JDA "any offence created by federal statute or regulation could be a delinquency; so would any violation of provincial law or municipal bylaw or ordinance."¹⁷ An infraction against any of these ordinances was deemed to be sufficient cause to enter into the life of the child assumed to be a delinquent. This allowed youth courts to deal with youngsters who ran afoul of laws such as truancy, and even the municipal by-law that imposed a curfew at certain hours. As a child living in Sackville, New Brunswick and later as a reporter working in Lac la Biche, Alberta I was confronted with these by-laws. As a child, the sound of the siren at

¹⁶Priscilla Platt LLB., When Kids Get into Trouble. (Toronto: Stoddart, 1987), 10.

¹⁷Judge Lucien A. Beaulieu, "A Comparison of Judicial roles under the JDA and YOA" in Leschied et. al. eds. Op. Cit., 130.

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nine o'clock meant a mad dash home so that I would not be on the streets and subject to arrest. There was genuine fear.

Almost thirty years later the town council of Lac La Biche was interested in doing away with sounding of the siren. Those that were interested in keeping the siren sounding were concerned that the curfew, which would force children off the streets, would no longer be enforced. In reality, the Royal Canadian Mounted Police, who were under contract to provide police services to the municipality, simply refused to enforce the curfew by-laws and stipulated the same in the contract documents signed with the town.¹⁸ Under the JDA people who contravened even the curfew by-law could have found themselves declared delinquent. They could be given a warrant of committal that could be indeterminate. "Once an indefinite committal to a ... training school was made, the length of time depended on other factors and other officials."¹⁹

There is of course a more insidious aspect to the curfew by-law. It assumes automatically that home was a safe haven for the children. It was assumed that somehow, returning children to their parents or foster parents would keep them from trouble, and would place them under the watchful eye of parents or guardians who had the best

¹⁸Taken from personal research notes kept while a reporter.
¹⁹Priscilla Platt, Op. Cit., 14.

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interests of the children at heart. In Lac La Biche, as is undoubtedly the case in other towns and cities across Canada, and the rest of the industrialized world, this was often a futile and blind expectation that might have had little if no grounding in reality:

The RCMP has intensified its search across Western Canada for possible victims of a foster parent. A 59-year-old from the Lac la Biche area already faces 16 charges and it's possible more will be laid....[The man] has been released from custody to await trial on charges of indecent assault, rape, having sexual intercourse with a girl under 14, buggery and gross indecency.²⁰

For years, the siren would sound. Children would rush home. Some children would return to a home where they were subjected to all sorts of sexual abuse and degradation. To make matters worse, there are reports that the foster children at least were complaining of the treatment and received no support. Eddie Keen continues

Meanwhile, a social services department source says there are indications the department may have been aware of allegations of problems in the foster home years ago, but no action was taken.²¹

The indefinite disposition (Youth Sentence) under the JDA gave way to more exacting and rigid standards that were more in line with the standards of committal and judgement

²⁰Eddie Keen, "Cops seek former wards of home" in The Edmonton Sun, January 8, 1985. The man and his wife ultimately faced sixty-nine charges each. They were involved in pornography as well, and would sell polaroid pictures of the sexual acts with children across North America.

²¹Ibid.

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found in the adult system. In some ways, this has hampered and frustrated the efforts of parents who want to keep their children under control while giving these same children the freedom they need to learn and grow to become adults contributing to the society in which they live. As with any system there are two sides to the argument.

Under The Young Offenders Act,

In some instances youths are held in custody for a bail hearing so that condition of release can be imposed by the court because police officers are not empowered to do so. These conditions often assist the parents to gain control over their child and prevent further breaches of the law.²²

This assumes that parents are interested in what their children are doing, and further assumes that these same parents are brave enough or have become depressed enough to admit they are in need of help. Not all parents fall into this category, and not all children who run away end up in difficulty with the law. For street children who have run afoul the law, the Young Offenders Act frustrates parents by refusing to look at issues beyond the offence.

The court's reticence to look beyond the offence to the youth's other non-criminal behaviour is particularly frustrating for the parent who has already made efforts through other routes which have been unsuccessful because of the child's lack of co-operation.²³

This reticence to look beyond the offence is the major

²²Priscilla Platt, Op. Cit., 25.

²³Ibid., 17.

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shift in the Young Offender's Act. The YOA moves from the model that saw the child as in need of correction and care to one where the child was deemed to be responsible for his or her actions. In order to facilitate the need to hold the child accountable for deviant and illegal behaviour on the one hand, and to ensure that the child's welfare needs were taken into account on the other, the YOA includes a statement of principles. The section which effectively offers a national policy for children reads as follows:

3.(1) It is hereby recognized and declared that

(a) while young persons should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offences should nonetheless bear responsibility for their contraventions;

(b) society must, although it has the responsibility to take reasonable measures to prevent criminal conduct by young persons, be afforded the necessary protection from illegal behaviour;

(c) young persons who commit offences require supervision, discipline and control, but, because of their state of dependency and level of development and maturity, they also have special needs and require guidance and assistance;

(d) where it is not inconsistent with the protection of society, taking no measures or taking measures other than judicial proceedings under this Act should be considered for dealing with young persons who have committed offences;

(e) young persons have rights and freedoms in their own right, including those stated in the *Canadian Charter of Rights and Freedoms* or in the *Canadian Bill of Rights*, and in particular a right

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to be heard in the course of, and to participate in, the processes that lead to decisions that affect them, and young persons should have special guarantees of their rights and freedoms;

(f) in the application of this Act, the rights and freedoms of the young persons include a right to the least possible interference with freedom that is consistent with the protection of society, having regard to the needs of young persons and the interests of their families;

(g) young persons have the right, in every instance where they have rights or freedoms that may be affected by this Act, to be informed as to what those rights and freedoms are; and

(h) parents have responsibility for the care and supervision of their children, and for that reason, young persons should be removed from parental supervision, either partly or entirely only when measures that provide for continuing parental supervision are inappropriate.

(2) This Act shall be liberally construed to the end that young persons will be dealt with in accordance with the principles set out in subsection (1).²⁴

As can be seen from this list of principles, the rights of the Young Offender are given special consideration. This special consideration includes the recognition that the rights enjoyed by a child in conflict with the law include those in the Charter of Rights and Freedoms and the Bill of Rights, but are not limited to these rights. This gives the wayward child and society opportunities to deal creatively with delinquent behaviour in order that subsequent behaviour by the juvenile be more circumspect.

²⁴The Young Offenders Act. 1980-81-82-83, c.110, s.1.

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There is included in this policy the notion that the family is paramount, and that the family should only be divided if measures to keep the family together are inappropriate. Included in this section (h) is the realization that parents are responsible for the care and supervision of their children. This responsibility includes the obligation under summons to appear in Youth Court with their child who has been charged with an offence if the court deems that the parents' attendance is beneficial to the well being of the child.²⁵

This mandatory attendance by a parent poses problems for children who have opted to leave home because of physical and sexual abuse. In some sense the parent who wielded unlawful and immoral control over the child once again has gained the upper hand. While the Act does make provisions so that other adults may be served with this notice, street children are reluctant to bring either strangers or parents into the court with them. This section of the Act has been used by police to determine where and when delinquent children can be released while awaiting trial. In the meantime, street children get caught in the dilemma of having to have their parents present at a time when the parent is not willing to face the issues of abuse in her or his life.

²⁵Ibid., Section 10.

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It is one thing to grant children rights. It is another thing to teach children the ability to respond adequately and appropriately to the rights they have been given. In some sense, it is just that children not return to abusive environments. On the other hand, the agencies entrusted to deal with delinquent behaviour need to have some means at their disposal so that children can move from the streets to adequate shelter. The reality of giving the children rights results in agencies such as Children's Aid Societies and General Welfare Departments having to earn the trust and respect of the child.

While an intern at St. Peter's Lutheran Church in downtown Kitchener, I co-founded an agency known as R.O.O.F. While working the streets one night I encountered a male streetkid who had not eaten for several days. Between the time I found some sandwiches for him and returned to the business establishment where he was waiting, he was arrested.

It seems that while the police were visiting this downtown haunt a four-letter word of sexual vulgarity was uttered. The police officers (four were involved) roughed him up and then charged him with creating a disturbance in a public place by swearing. My partner and I went to the police station where we were able to meet with the kid and the police officers. The police officers, having arrested

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the kid, could not release him unless he agreed to go home. The child simply refused to go home. He was on the streets because, allegedly, his step father was sexually assaulting him. He would rather go to the Waterloo Wellington Detention centre until a court appearance date than return home. Since the child was over the age of sixteen and thus beyond the limitations of compulsory reporting, Reaching Our Outdoor Friends, (R.O.O.F.) bailed the kid out and put him up in a local hostel for one week.

The next evening, a woman who claimed to be the child's mother phoned me and demanded to know why we bailed her son out of jail. She claimed that all we should have given her son was a quarter so that he could telephone a drug treatment centre!

This mother and her son were both frustrated by the system. Her son was into a destructive lifestyle. He was into drugs. He was into welfare fraud. He was into prostitution. In fact, it is virtually impossible for a child to survive on the streets, even in Kitchener, for more than two weeks with out prostituting oneself. He could not go home, for home was not a place in which he thought he could reside safely.

As a street worker I too was frustrated. I could not confirm or deny that I bailed the child out of prison. The YOA is quite clear in its stating that the names of people

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charged under the act's authority cannot be named:

No person shall publish by any means any report of a an offence committed or alledged to have been committed by a young person, unless an order has been made under section 16 with respect thereto, or
Of any hearing,ajudication, disposition or appeal concerning a young person who committed or is alleged to have committed an offence in which the name of the young person, a child or a young person aggrieved by the offence or a child or a young person who appeared as a witness in conection with the offence, or in which any information serving to identify the young person or child is disclosed.²⁶

The streets are ugly places. There is violence. There is prostitution. There is poverty. Yet the inhabitants of the street, even those that prey on one another, have a fierce loyalty to each other . There is mutual support, even if the support comes at a price. Street parents prowl the streets, using emotional bonding and the natural desire of the street children to belong, to feed street parents' drug and alcohol habits.

One couple that comes to mind readily would meet a child in the park and convince him or her that they were the long lost biological parents. They would then invite the street kid back to their apartment and set up a happy family. The family would then force the street kid to go to

²⁶ The Young Offenders Act. 1980-81-82-83, Section 38 (1), Chapter Y-1, Page 49.

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welfare and start receiving money. It would only be a matter of time until "mommy and daddy" express their love for the person and express the desire to keep the family together. They would indicate that the costs were too prohibitive. The long-lost child would have to participate in running the household. The new child then joins twelve to fifteen other brothers or sisters who were also convinced that they are also related biologically to the couple. Each of these children would qualify for welfare payments, now that a permanent address was obtained. They would each contribute most of their payments to the street parents who could then use the money for alcohol and drugs.

In some instances the street parents are only three to four years older than the children that have come under their wing. Anita Rasmussen, writing the the magazine Youth Worker describes a similar situation in Portland, Oregon:

When Renee was 15 [sic], she shared a motel room with two other girls, a 13-year-old and another 15-year-old. Renee was their "street mom" their guide and their caretaker.²⁷

Fifteen year old children are in no condition to provide care and guidance to other fifteen year olds, let alone children even younger. Yet the harsh reality is that life on the streets requires a guide to break one into the mores of street life. One needs to know where to find a dry

²⁷Anita Rasmussen, "Kids on the Run" in Youth Worker, Winter 1989, 67.

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place to sleep in inclement weather. One needs to know where to find a fence to sell stolen goods. One needs to know who will provide a bed for the night and the cost in cash or use of a body. One needs to know where the police will look for kids sleeping, and more importantly where the police will not search. These things and more are there for the asking. When new kids come on the street, the veteran street denizens help them form an immediate and intense emotional bond.

If the newcomer is particularly attractive, and female, the males on the street will immediately seek to bring her under their care. This often leads to fights, and the expected sexual payoff in the end. The bonds form quickly and are intense. One night on the street, I helped a person come to grips with losing her boyfriend. They had a long and wonderful relationship, the feelings of grief and loss in this "divorce" situation were quite strong. The couple had met just *two hours* previously.

These kids are incredibly conditioned with the use of their bodies for sexual gratification and survival. Most are very uncomfortable with their sexuality. Perhaps this is because they are, for the most part, victims of sexual and physical abuse. "Eighty percent of the kids served by New Orleans Covenant house...were physically or sexually

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abused."²⁸ While working at Reaching Our Outdoor Friends, we discovered that over ninety percent of the children served by R.O.O.F. came from abusive backgrounds.²⁹ The abuse of their minds and bodies at home leads them easily to the mindset that creates confusion between sex and intimacy. This confusion, in the absence of scrutiny, leads to detachment - and possibly even the beginning of a multiple personality disorder - that the young prostitutes, sometimes as young as seven,³⁰ develop as a means of protecting themselves.

Evelyn Lau is now a freelance writer and published author. When she was fourteen she ran away from home and lived on the streets of Vancouver, with stints in Boston, Calgary and Ottawa. The diary she kept during this time, formed the raw material for Runaway: Diary of a Streetkid which illustrates this defence mechanism. At times, she writes in the third person. One such moment describes her own personal revulsion with the act of prostitution and captures the feelings that she had. This occurred after her counsellor suggested that she was not integrated fully.

²⁸Anita Rasmussen, Op. Cit., 69.

²⁹Based on case reports kept at R.O.O.F. from spring of 1989 until winter of 1990 which involved approximately 175 children.

³⁰David Lowe, "Street Children Here and There" in Global Community Centre News. Waterloo, Ontario September/October 1989, Volume 18, Number 1, 4.

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It will be hard to describe. We got into bed and started kissing, cuddling. I was tired from the valium and not enough sleep. After a space of blankness, during which I was emotionless about the situation, the little girl became me. She flooded my body and occupied my mind and my emotions; I could not do it. I could hardly stand Spencer touching me, because he was touching her. And she was bathed in the most unendurable pain at what she had to participate in. She couldn't handle it - she was too young for intercourse, let alone prostitution! There was no way in which I could get back in control, although I tried. God knows I wanted the power that went along with it, but she wouldn't be convinced. She was so absorbed by the pain that she was blind to me; she was swimming in an ocean of pain on the waterbed embraced by Spencer. She wouldn't let me do it.³¹

The image of Lau as the fourteen year old locked in her room was in conflict with the street-wise hooker, junkie, and group home runaway that was turning tricks for money, for kicks, and to escape of her previous life. The fourteen year old teenager that was stuck in the reality of the existence back in the family home took control of the memory and prevented the street wise hooker and junkie from allowing the act of prostitution to continue. The presence of two different people is not an uncommon result of life on the streets where the mind and the body will allow all sorts of distortions and selective memory techniques to occur in the name of protection and survival.

Protection and survival is the name of the game in the

³¹Evelyn Lau, Runaway: Diary of a streetkid. (Toronto: Harper Collins, 1980), 333.

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street subculture. The kids have managed to run away from the intolerable home life and have become enamoured and sucked up by the vacuum that epitomizes life on the streets. In many ways it is not life at all but rather the mere existence of living, wondering where the next dollar, the next meal, or the next act of violence is going to be. As Dorothee Soelle so clearly points out, "We have to make the ...distinction between existing and living....[T]o survive does not mean one is living."³²

Yet, in the mere existence of life there is the hope, however illusory, that life will at some point take over and one will once again be able to live - not merely survive. The difference according to Soelle is the difference that the prodigal son experienced between being with the swine and the manner in which he was able to enjoy life on his family land. The difference might also be the difference between having life and having life abundantly. Jesus tells us that he came that "they may have life and have it abundantly". [John 10:10]

³²Dorothee Soelle, Death by Bread Alone, (Philadelphia: Fortress Press, 1978), 5.

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The question for street children is what is life and what does it mean to have life abundantly? Life on the streets is harsh and violent. Yet despite the abject poverty and lack of resources available to street children there is a great deal of money that can be made on the streets. A teenage prostitute was promised that she could be making "...ten thousand dollars a month if I wanted to, and that I was wrong in thinking that all there was was standing on a street corner blowing men for fifty bucks."³³

Street children come from a variety of cultural and economic backgrounds. The one thing that they bring with them to the streets is a complete lack of resources. They do not have money. They do not have jobs. Most of them are truant from school. Many of them are truant from the foster homes and group home sites to which they have been assigned. The only problem with this is that our economy runs on money. It is the means by which one is able to pay for food, accommodation, clothing and the other essentials of life. It is also the means by which adults can prey on the youth as they attempt to wrestle with the issues in their life.

There is money to be made on the street. Ten thousand

³³Evelyn Lau, Runaway: Diary of a Street Kid. (Toronto:Harper Collins, 1980), 333.

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dollars seems like an astronomical sum of money, and given that it is piece work, it would require the teenager to turn a great number of tricks in a given month. It would not be impossible for her to turn four tricks a night at fifty dollars each. This would result in a monthly income of six thousand dollars (30 x 4 x 50). A higher pay scale would increase the income and decrease the number of tricks that would have to be turned that night. This of course assumes that the working girl would have been able to keep most, or even some, of the money that is available. Most adults who would lead a teenager into a life of prostitution would probably not allow the young prostitute to keep the one hundred and twenty thousand dollars a year she could possibly earn.

Diane, another teenage prostitute and street kid living in Edmonton, Alberta, describes the moment when a thirty-four year old female co-worker moved with her from a small town to the city, and immediately set her out on the streets "hooking" for accommodation and drugs:

Her very first night on the street, she turned a trick who beat her up and didn't pay. She turned 19 more tricks before calling it a night.³⁴

Prostitution takes on many different forms. Evelyn Lau, in an interview with a Toronto Star reporter, suggested

³⁴Myrna Kostash. "Surviving the Streets: One Teen's Story". Chatelaine Magazine. Vol. 67 No. 10 October 1994.,103.

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"she convinced herself she wasn't a prostitute because she did it too infrequently for money."³⁵ Often, the opportunity to turn a trick for other than monetary remuneration will seem to be a stroke of good fortune. A twenty-eight year old hooker who wants to quit the "game" talks about twelve year old hookers who "... don't know how to say 'NO' if she (or he) is offered a place to stay for a while, a meal, clothes, or drugs in exchange for intercourse."³⁶

This is a common theme of sex for hire on the streets. Time and time again street children are "picked up" by older men and offered a place to stay for the night. There is even, speaking from experience, a business establishment in Kitchener where a young person can go and find a place to stay for the night. The owners of the establishment receive a payment from the "gentlemen callers" up front. The gentlemen specify the type of person they want, age, body type, and gender. The young male or female is then coached as to what to expect. The young women who approached the business proprietor are prepared regarding expectations at the businessman's "friend's" house. She or he is questioned to determine their willingness to enter into a sexual

³⁵ "Author of Tough Times" in The Toronto Star, October 21, 1989, G1.

³⁶ "Prostitution", in SKIPP Newsletter. Kitchener undated p.2

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relationship and the willingness to provide sex in exchange for a warm place to sleep that night. The end result is that the streetkid gets "screwed" out of his or her money, the businessman nets a large tax-free, cost-free profit by procuring for immoral purposes and some affluent adult is able to circumvent the laws regarding prostitution, while at the same time finding a means of engaging in sex with a minor without any risk of disclosure.

One evening a child of fifteen approached my partner and I and disclosed to us that she had been raped by one the of owners of a downtown business which was noted as a place where street kids could find a place to sleep. Apparently the man, in his thirties, took the teenager home to his apartment and plied her with cocaine. She woke up about two o'clock in the morning to find herself naked and the businessman on top of her. Since she was stoned from the drug use, she could not remember if he had intercourse with her or not. My partner and I went to the police station with her, where she requested that both of us stay with her in the interrogation room as the police took the information for their reports.

The child was able to describe, with great accuracy, the apartment, the layout of the apartment and the people who were there. Yet, because of her reputation, her criminal record and inability to recall accurately the

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events that really happened, charges could not be laid.

As an interesting aside to this episode, as we were walking her to the police station, she noticed that I was wearing a clerical collar. She looked at me and said "Holy F___! Are you a priest?" It was somehow reassuring to her that the church was taking an interest in her meagre existence.

These examples showing the need for young people to engage in prostitution and showing the different venues prostitution, and other illegal acts, can take, heighten another aspect of street life. These examples illustrate how the plight of street children is deemed to be immaterial. Adults do not see vulnerable children, rather they see people who are able, for a price, to satisfy their needs.

In another example of how children survive on the streets, a street kid once told me that he was able to finance his drug habit in a very expedient but illegal manner. Every morning he would enter into a record store and steal Compact Disks. At the time the story was told to me, CDs were selling for roughly twenty dollars each. He would steal the disks from business establishments in the downtown core and then sell them to a used goods store. In legal terms the buyers at the used goods stores are called fences. They pay eight dollars a disk. He would steal a

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sufficient number of disks each day to keep him in drugs, tobacco, and coffee for the day. This would amount to no fewer than five disks a day. This particular street kid was lucky in that he never seemed to get caught; at least he never admitted to getting caught.

This, however, underlines a basic problem of street children. It is impossible to exchange a television set for a Big Mac at McDonalds, or to swap a cassette for a coffee at Tim Hortons, or to barter a Video Cassette Recorder (VCR) at a department store for a pair of blue jeans. The goods pilfered from businesses and residences need to be converted into cash so that drugs, alcohol, food, shelter and other basic amenities can be purchased.

This requires somebody to bankroll the enterprise. Street kids who have left their homes and have to break in to reclaim their clothes are subject to charges under the Criminal Code and do not have financial resources of their own. The money must come from established adult businesspeople who purchase the stolen goods at so many cents on the dollar and then sell the goods at great discounts and huge profit. The kid who stole the Compact Disks would sell them as used, even though they were still in their wrapper. There is power, not to mention profits, in not seeing the problem of street children.

Similarly, prostitution requires a clientele who are

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willing, able and sufficiently deviant to purchase the services of a teenage hooker. The mere fact that the hookers are children and the purchasers of the service adult means the offender can be charged with statutory rape. It is also worth noting that prostitution is a gender inclusive activity in which young males are sought after by some members of the homosexual community, while young women are sought by men who are caught up in the youth culture with unhealthy and unreasonable expectations. The men, and sometimes women, have the money to purchase the sexual services of the teenagers. The age of statutory consent for sexual activity often makes the sexual act illegal regardless of the prostitution.

There are those in our society who have a vested interest in making sure that street kids are on the streets. They are the dealers, the pimps, the johns and the fences. They do not like people who cut into this source of revenue. Nor are the dealers et. al. the only sources of violence on the streets. A social worker in Vancouver describes the threats of violence received on an earlier shift of duty; "Every phone call I got was from parents who said they had contracts on my life..."³⁷ This woman received threats from parents who thought she had taken their children away from them. Parents are not the only ones who threaten front-line

³⁷Evelyn Lau, Op. Cit., 133.

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workers who go to places where the street children frequent. The many adults who make money off the backs of the street children are also capable of making threats. When we first started working the streets in Kitchener-Waterloo and the kids began to realize that there were some options of which they could take advantage, threats were phoned in to the office, and the lives of our street workers, especially Kate Millar's, were threatened. In August of our first year of operation, the building in which our drop-in centre was located was gutted by fire. The fire was deliberately set; however there was not enough evidence to indicate which of the tenants in the building were targeted. The drug dealers did not appreciate the fact that the kids were learning they did not have to prostitute themselves, carry dope into the area from Toronto and other distribution centres or engage in other illegal activities.

In a symbiotic relationship, the professional care givers, the childcare workers, the social workers, the street workers and other practitioners are also interested in keeping the children on the streets or in care. In some stark way, their livelihood depends on it. Parents who threaten violence on those who are helping their children are just as adept at ignoring the situation of street children as are those who have more tangible reasons to maintain the status quo.

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One cold winter night, I was given the task of trying to find some accommodation for a fifteen year old male in Kitchener. One male hostel was full. The other men's hostel had a bed available but could not accept the teenager, simply because he was not yet sixteen. The hostel clerk said they would keep him if I could get permission from Family and Children's services.

After phoning the emergency intake worker with Family and Children's services, I was told that they could not give me permission for the youth to stay at the hostel because he was not under their care. If the child wanted to come into care, i.e. become a ward of Family and Children's services, he could be accommodated. However, if he wanted to come into care he would have to go to the receiving home and enter the process. This the child was unwilling to do because of the reputation of the receiving home.

On the streets, the receiving home had the reputation of being a jail. The kids were stripped of their clothes and given slippers. They started off with absolutely no privileges. Then they had to earn the right to certain amenities, such as watching television. On the face of it, these might seem to be reasonable expectations of a care agency providing care for wayward youth. Yet the reality is somewhat different. Children who have made a practice out of living on the streets, who by necessity do not have bed

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times, and normal routine, children who are accustomed to going where they want to when they want, find such restrictions punitive.

Most people would suggest street children need discipline. In making presentations to groups about street children, I find that many people think that the real problem is an absence of discipline in the home.

The key focus to the issue is setting the boundaries, and making sure the children are in proper control. It is also important to remember that power and control are key ingredients in sexual abuse of children, and related to domestic violence where one partner assaults and batters another. The issue of power and control is at once a powerful inducement in the discipline dilemma and the reason why so many street children are acting out. Control is abdicated when children run to the streets to avoid sexual and physical abuse.

It somehow seems incongruous to take children who are victims of sexual and physical abuse and then subject them to an environment in which the same issues of power and control come to the surface. There is a need for street children to come to grips with the issues in their life. However, there is also the need for compassion, and for understanding of where the children are coming from. For such children, abuse and discipline are too similar.

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The call for obedience to parents and their rights must be tempered with a sensitivity to where the children are coming from and what their previous experiences have been. This is not to say that rules and regulations are to be lacking - far from it. However, any one who expects a teenager, who has functioned even for a very short period of time on the streets with no parental supervision and broad illusions of freedom, to sit complacently and be home by eleven o'clock when they are not used to going to bed before the early hours of the morning has an unrealistic expectation of these children's capabilities. It is against this background that the church must enter the fray.

The church basement was a normal church basement. It was filled with members of the youth group and their parents. They were there to learn about street children. The people in this Elmira church were firmly convinced that there were no street children in their midst. I thought this rather strange and asked the parents if they knew of any of their friends who had a child that ran away because one or both of the parents was involved in sexually or physically molesting them. Not one of the parents in that room raised their hand or spoke out. Their friends simply did not engage in that kind of behaviour. They were good people. Their kids were good kids. Those kids that were in trouble were in trouble simply because they refused to

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accept their parents rules and discipline.

When I asked the children in the youth group if they had a friend, a friend their parents knew, who ran away from home because of the allegation of sexual or physical abuse, every single one of them raised their hands. There was a moment of stunned shock when the disparity between the reality of the parents and the reality of their children was brought to the surface.

We do not like to admit that we have victims of sexual abuse in our pews. The women's movement has been telling us for years that we need to be more sensitive to the plight of the victim in our communities. When the victims are disenfranchised by the fact of their age, then the willingness to admit the problem is perhaps even more restricted. Just after I graduated with my Master of Divinity I was interviewed by a rural congregation. The call committee looked at my resumé, and noticed the emphasis on youth work. They declared that there were no street children in the community. I debated the issue briefly, by telling them that I was aware of three kids on the streets of Kitchener who were from the geographical confines of the parish. I could not determine if they were Lutheran or not, for I did not want to disclose the name of the kids. This was an ethical problem of two dimensions.

There are the ethical obligations. The kids came to us

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in confidence. They did not want their parents to know their whereabouts. To disclose that I knew the names would have been unfair to parents who would have garnered an element of hope. At the same time, coming into the community for an hour did not afford one the space or the time to start anything by virtue of the fact that there was no authority or possibility of trying to finish the issues that such a disclosure might have raised. It further illustrates the extent to which we do not want to face the children in trouble.

I raise this issue simply to point out the problems of dealing with street youth. They come from families that are fairly representative of the broad spectrum of society including our Lutheran parishes. There is a stigma involved. Parents do not want to tell the truth as to why the child is on the street. Perhaps the parent does not know or at least want to acknowledge the real reason behind their child's taking to the streets. Shortly after I moved to Linwood I was told. "Pastor we do not have problems with sexual abuse in this community."

The older woman who told me this was not in touch with the history of her community. During the first twelve months of my ministry in Linwood, no fewer than five people came to me to disclose the sexual abuses that were part of their history. These five adults came forward simply

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because the prayers for the people of God included references to the victims of sexual and physical abuse and domestic violence in our midst. It means that a corresponding number of families have a perpetrator of sexual abuse living under their roofs. Where does this leave us as a society and more importantly as a church?

I suspect that it leaves us somewhat confused. I mentioned earlier the case of a foster parent who faced fifty-nine charges resulting from his assault of children under his care. After the charges became known, the mothers and grandmothers recalled how they never trusted the man. While making presentations on street youth, I often asked the grandmothers if there were people in the community who they were not allowed to play with, or if there were adults in the community they would not allow their children to go near. At every one of the presentations there were always a few women who acknowledged that such problems existed even then. They watched and they were wary, but they knew who their neighbours were and who could be trusted. Most of the time they were right; sometimes they were wrong. The results could be tragic.

Toward a new understanding

The Young Offenders Act has one serious flaw. That flaw is that the desire to protect children from the abuses of the familial and neighbourly homes has resulted in a population that has an instant right to adult decision. The Young Offenders Act, despite its procedural (as opposed to proscriptive) premise, does little more than replace one form of authority with another without having the means and intent to impose this authority on those who would benefit from its oversight. At the same time, there is the natural tendency of children running from the power and control of an abusive situation to distrust power, especially the power of the state as exercised through the child protection system. There is no desire on the part of the street children to return home because there is plenty to eat, even if the living conditions seem intolerable.

The children on the streets have earned their stripes. Many display the battle scars and the lameness, both physical and emotional, from having fled from the land of broken promises to the land of bridled and illusionary hope. Any agency or agency worker attempting to work with the troubled youth must first earn the right to speak to the children she or he is attempting to reach and then in partnership follow through with expectations. When I first went on the streets, I remained little but a fixture for the

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first three months. It took that long to earn the respect of and right to speak to the street children. The old notion of "do as I say" simply because I am your parent, priest, social worker, is passe. Ironically only when the child surrenders rights or, at least, has them taken away by the court, can the notion of "do as I say" be imposed by an external authority figure. By then it is too late.

It is too late simply because a previous authority figure has abused the privilege of authority. The authority figure, be it parent or adult family friend or one who holds the authority of office such as foster parent, priest, social worker, parole officer or the like, is seen by the children as someone else who will take advantage of them for their own physical and emotional gratification. The power once rejected by the victim will be extremely difficult to re-impose. Hence, the Young Offenders Act is seen by disenfranchised power figures as being too lenient on the offender. At the same time that children flee control at home, they volunteer to enter into relationships with pimps, drug dealers and street parents where they are in a subserviant role. The "volunteer" nature of these new commercial relationships allows the child the perception of freedom - a perception that may or may not be grounded in reality.

One of the consequences is that children both troubled

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and healthy have become increasingly aware of their rights. This recognition, however, is limited only to freedom from not freedom to. The children are free to run from abusive situations. The children are free to run from home. The children are free to run from corporal punishment. The children have the rights to enforce these freedoms by accessing the police, children's aid, and other law enforcement agencies.

The children, however, do not have the freedom to run to helpful adults outside the social service departments because the adults who would offer support, shelter, food and clothing do not have the legal mandate to offer these goods and services. To offer the services would place the unlikely samaritan in legal jeopardy from both the judicial and civil branches of the courts. Hence there is very little information available to children that would help them make informed decision and to survey their options.

Parents are often reluctant to ask for help for their children, especially if one or both parent(s) is involved in abusing the child. This reluctance is compounded if the non-abusing parent is also aware of the situation and chooses, for a variety of psychological, emotional and physical reasons, not to take any action against the abusive parent. This inability or unwillingness to help - the distinction though blurred is valid - conveys to the child

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tacit approval to be the victim, and is seen as giving the abuser permission to abuse. Support and counselling agencies that are called on by the parents are often deemed to be there for the support of the parent and not the child. The counsellor is often seen as a parent support group. When a cleric is called on to enter this situation there is a natural tendency for the pastor to view the parents as concerned and the children as needing discipline and needing to accept the discipline as legitimate.

The legitimacy of discipline is a recurrent theological theme that has much to do with one's individual or corporate view of sin. We have discoursed over thousands of years that it was human frailty that caused the fall from Eden and not divine planning. Yet when sin becomes personalized in individual relationships, a sense of fate often crops up and one learns to accept this situation as "God's will". It becomes God's will that street children are victimized simply because things have always been in this arrangement or that things are thus because God made it so.

Think about what this means: If God wants it that way, it is not necessary to change the situation. To try and change it would be to disobey the will of God?³⁸

Children have disobey the word of God. They have

³⁸José Miguez-Bonino. Room to be a People, (Philadelphia: Fortress, 1979), 13.

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disobey the word of authority. Street children have fled the word of authority simply because the cost of obedience is too steep, too painful and too dangerous to pay. In addition, the payment demanded is illegal and often contravenes the laws against incest. The pastor, in an attempt to understand the problem, may well be perceived as coming in with a bias against the child. This bias is often re-enforced by parents who suggest the pastor will set the child straight. The child knows that she or he cannot be set straight simply because the child is the victim, not the perpetrator of these deeds. Thus it becomes a situation which claims to represent the will of God, which is actually an ideological appeal to maintain the status quo and make it appear that God supports the illegal and sexually inappropriate activities of parents over against the struggle of children to escape into life. Dorothee Soelle suggests "we are afraid of the emotions that religion helps articulate."³⁹ A parent might feel despondent and helpless. A parent might become angry at the child. This anger could be misinterpreted by a pastor who wishes to see the "good" in people. The conspiracy of silence makes it difficult to admit that abusive parents attend his or her church and maybe even sit on the church council. The parents had

³⁹Dorothee Soelle. Death by Bread Alone (Philadelphia: Fortress, 1978), 21.

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authority and lost it. The children had no power then and have very little authority outside their personal autonomy, which in itself was usurped from the parents. The end result of the low self-esteem, the cost of flight and the resignation to punishment often leads to a child who admits that everything is the child's fault. The child assumes responsibility for the family stress and the inability to follow rules. There is never a questioning of the validity of the rules, especially those that force the role of victim on the child.

This poses unreal expectations and definitions of success on the care provider. Success is deemed to be that which makes the child a functioning member (in the economic sense) of society. This economic function is defined by working or attending school in preparation for work. The locus is on the economic benefit the child will learn to provide to society. The severed relationships, the emotions of surviving, isolate us so that "...neither the bitterness nor the sweetness of grief..."⁴⁰ assist in bringing a people or a society to their senses. This personal isolation becomes a community identity. The identity of isolation is in fitting with a consumer society "which has excluded all truths which do not stem from economics"⁴¹. The view of

⁴⁰Ibid., p 6.

⁴¹Ibid., 23.

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street children as economic costs rather than opportunities to display the compassion of a society means that the individual is lost to the group, a group that is defined as the enemy in a society that has an increasing affection and affectation for working and pulling one's weight to get ahead. Canadian society, at this point in time, determines the worth of the individual by wealth and displays of opulence. Without compromising the earlier assertion that street children enable certain elements of society to make fortunes, it must be acknowledged that this economy is largely underground. Retail businesses that rely on the walk in trade of their customers do not look favourably on street children. Street Children who are neither wealthy nor economically productive, street children who are not consumer orientated and support their need for food and drugs by petty theft, street children who loiter on the sidewalks of downtown city cores are seen as liabilities and barriers to business. If they are seen at all, they are seen as scum and refuse, not as people.

Once, while working the streets in Kitchener, I was approached by two police officers who noticed that I was a part of the downtown scene. They wanted me to pass on information that I might acquire while hanging around the downtown core. When I suggested that this would jeopardize my relationship with the street children, one of the

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officers snarled over his shoulder "Good Luck! You will need it working with these jerks". It is not an uncommon experience:

...the police accosted him [CPE Student] in the company of a woman street person as they were sitting on a step, demanding that they move for no good reason. The encounter ended by a policeman contemptuously dropping a dead rat at their feet with the sweep of his Billy Club.⁴²

When police officers direct their attention toward street children they reflect society's view of street children. They see criminals. They do not see street children in terms of lost economic benefits and in terms of the threat the street population poses to society in general in terms of redefining what is the socially acceptable norm of sexual conduct between a parent and child. The redefinition of what is socially acceptable will result in a society that will no longer turn a blind eye to an abusive situation. At the moment it is socially unacceptable for parents to have incestuous acts with their children or wards. Yet, there seems to be a difference between what is acceptable and what is outlawed. The illegality of incest has done little to curb its presence in our society. The Special Commission on Pornography and Prostitution describes

⁴²David C. Duncombe, "Street Ministry CPE: An Experiment in the Haight Ashbury" in The Journal of Pastoral Care, Winter 1988, XLII ,4, 345.

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one "...young woman who used to obtain her allowance for performing fellatio on her father."⁴³

The Special committee continues:

Their results clearly link abuse as juveniles and prostitution as adults. This particular study found that:

60 per cent of the prostitutes became so when 16 or younger; the youngest was a mere child of 10;

65 per cent came from families of middle or higher income;

60 per cent had been sexually exploited as juveniles; in 63 per cent of the cases, the abuser had been the father or surrogate father;

only 10 per cent had been abused by strangers;

in 81 per cent of the cases, some sort of force was used and almost all reported that the sexual abuse caused severe physical harm; cuts, bruises, broken bones venereal diseases

2 per cent had attempted to commit suicide.⁴⁴

These statistics are even more frightening when one realizes that as many as "96 percent of teenage prostitutes are runaways."⁴⁵

Moving the problem from the front steps of the business community, moving the people to different less visible areas of the city seems all too often to be the desired solution

⁴³Special Committee on Pornography and Prostitution, Pornography and Prostitution in Canada Vol II. (Ottawa: Minister of Supplies and Services, 1985), 352.

⁴⁴ Ibid., 353.

⁴⁵ Ibid., 354.

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to the problem. This too is in keeping with the standards of Canadian society. The Special Committee on Pornography and Prostitution discovered that

the community associations, police and civic leaders who were anxious to force prostitutes from the streets of their cities, said very little when it came to a discussion of the root causes of the phenomenon of prostitution.⁴⁶

Society, or at least the leaders of society, are more interested in getting the children off the streets. There is no compassion for the victims of child molestation that seek haven, maybe even heaven, on the streets rather than stay in the hell that was home.

In Brazil, which has a street-children population of over seven million⁴⁷, private police are hired to kill street people by the business community which finds offence in their existence.⁴⁸ While we do not kill our teenagers, police do keep them moving and offer suggestions that they should go home, not realizing that the children are in their family room.

Soelle was accurate and astute when she wrote in Death by Bread Alone that:

The person who is deceived about the experiences

⁴⁶Ibid., 351.

⁴⁷Dorothee Soelle, "Among the Street Children" in Stations of the Cross Joyce Irwin Trs. (Philadelphia: Fortress Press, 1993), 13

⁴⁸Ibid., 14.

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of the inner world is also crippled in his capacity for interpersonal experience and perception and hence enabled to participate as a matter of cause in the extermination of other people.⁴⁹

For street children, indeed street people in general, are viewed as hindrances to the social fabric's unity.

Problems, even problems caused by the offspring of the elite, are often blamed on the homeless and the disadvantaged.

If we take seriously the admonition to care for widows and orphans, especially those who are orphaned like prostitutes who flee from homes because of abuse, then we must surmount the world view that sees the children fleeing the hell of home for the illusion of safety and freedom on the streets and be able to see the children for what they are. That is, we must see them for their potential and recognize they are suffering from a variety of emotional problems that can only be overcome with therapy or at least counselling, and that they are human beings who have been victimized by those who are in positions of power and trust.

Thus the pastoral care-giver who gets caught up in the issues of the parents, who are legitimately in need of care themselves, cancels necessarily any level of trust with the child unless that caregiver is smart enough to discern between normal issues of power and control as they surround

⁴⁹ Soelle, Death by Bread Alone, Op.Cit., 34.

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the discipline and maturation processes of families and the issues of power and control as they relate to the victims of sexual and physical abuse. If the care-giver is seen as the agent for the parents, there will be no trust levels in the mind and heart of the child.

Issues of trust are vitally important to those who seek to work with street children. It will take time to build trust within the community. A care-giver who attempts to gain trust too quickly will find herself or himself on the outside looking in.

I realize that there is the notion, especially in the counselling movement, to seize the moment as it is presented for the patient or client might never grace your presence again. This may well be true. However, the street population will look after its own to the extent of its limited capacity to do so. By pushing too hard too soon the care-giver loses the opportunity to minister to the individual who gets frightened away and in the community becomes quickly known as untrustworthy. The first task of providing care in light of the Young Offenders Act is to empower the children to make proper decisions. They have already made sufficient decisions that are of questionable benefit. It is a difficult place to do ministry. The difficulties of location do not pass away; however,

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acceptance into the community gives one the invitation to participate. Participation without the invitation is simply interference.

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Society gives children as young as twelve the right to make certain decisions. These decisions include the right to move away from abusive situations which have been identified time and again as issues of power and control and not issues of sexual gratification. At the same time society has enacted legislation that would enable children demonstrating delinquent behaviour the opportunity to explore the issues that lead to their deviance. However, the infrastructure in place to administer sentences, after arrest and judgement, is somewhat lacking. In Ontario, youth services probation officers have a case load averaging in excess of one hundred.⁵⁰

Society has chosen not to spend money implementing an adequate infrastructure so that the issues of self worth and victimization are dealt with. Society would rather that the young offender is punished and made a respectable and accountable member of society. At that point, when the young offender is a contributing member of society and able to afford her or his own therapy will the weight of the system be brought to bear on the transgressors. By this time the young offenders are adults.

This places a tremendous burden on the pastoral care-

⁵⁰Bruce Schenk, Chaplain at Brookside Youth Treatment Centres in private interview notes.

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giver, for it often means that she or he can do little else than watch a child gravitate to the streets. This becomes even harder when the care-giver realizes the streets are a safer place for the individual to be.

Punishment is but another way in which we do not deal with the problem of street children. The punishment model merely re-enforces the street children's invisibility in society. In order to integrate the victim back into society we must take a different view of the justice system. To perpetuate the present punishment model and

retain a corrections orientation and emphasize social control functions, there is no reason to believe that they are any more humane or able to reintegrate offenders into the community than traditional corrections programmes since they reproduce the coercive features they were designed to replace.⁵¹

The caregiver in such circumstances can do little but hope and pray a time will come when the worth of the individual is assessed by virtue of their inclusion in the gift of grace that is central to the Lutheran understanding of the Gospel. Hopefully the care giver will be able to find an adequate infrastructure in place so that the child can flee home and find a safe, legally sanctioned and desired facility in which the child can come to grips with his or

⁵¹T. C. Caputo. "The Young Offenders Act: Children's Rights Children's Wrongs" in Canadian Public Policy XIII:2:125-143. 1987, 139

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her story as victim and write an epilogue that assumes a healthy vibrant and worthy adult. While there are success stories arising from the group homes, many children on the streets find them to be the repressive and dreary facility that the teenage mother in the *Introduction* found them to be. There is little one can do to help a child until such time as the the child is willing to find alternatives to the street. In order for this to change, there must be a means by which a system is "...envisioned that would take into account the social, political and economic factors which can adversely affect communities.⁵²

This, however, begs the question of where this fits into the role of ministry to the parish and to the broader community. It is a role of the church to proclaim justice where justice is ignored or absent. It is also a role of the church to support families that are in trouble, or families in which trouble is found. The pastoral moment is fraught with tension and danger to integrity when the proclamation of justice on the one hand and the providing of pastoral care on the other seem to be at logger heads.

If one were seriously to take Hessel's notion that "'Social Ministry' is a comprehensive and qualitative

⁵²Ibid. p.140

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endeavour that encompasses the whole life of the church,"⁵³ then one must recognize the issue of street children in our midst calls for a ministry that is prophetic, compassionate and pastoral.

The ministry is pastoral in that the relationships between the street child and the remainder of the child's family and support system, as they were defined before entry to the street culture, are seriously strained. The issues are also confused. The child's parents will gather much sympathy from their friends and community for they will often be viewed as "good parents" who gave their children everything they needed or wanted. The fact that their friends' children could run away reminds too many parents of their own teenagers vulnerability. The cloak of respectability will do much to hide the reality of the situation from the pastor. Against this formidable veil of secrecy, which hides the possible reasons for flight to the streets (incest, physical abuse) the average parish pastor might be ineffectual because of insufficient training in family counselling theories and models. At the same time, the families themselves will think that the entire problem is vested in the one who has run away.

It is also a ministry of compassion, for the runaway,

⁵³Dieter T. Hessel, Social Ministry (Philadelphia: Westminster Press, 1982.)

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and her or his family, are in the midst of a great personal turmoil. They are at a stage in their life when they might proclaim with the Psalmist "My God, My God why have you forsaken me?" In light of the current attitudes toward those who sexually and physically abuse their children as society becomes more capable of hearing the message that sexual and physical abuse is happening in our communities. More people are willing to stand up and demand that such activity stop, rejecting the sinner, crucifying him (and with greater frequency her) if you will, will do little to alleviate the problem.

A ministry of compassion would help establish an environment in which people might be able to find the resources and the assistance needed to find a healthier and more balanced lifestyle for the abuser and for the victim. This however involves motivating the community. There was a strong sense in the smaller towns of Canada of who was trustworthy with our children and who would put them at risk. We used to know our neighbours, and in the process know who would and who would not cause harm to children. I am not at all convinced this gift of discernment is lacking today. However, we are reaching the stage where we do not want to interfere with other people's lives. This breeds a certain degree of anonymity that allows such destructive behaviour to exist. We follow the pattern of the ostrich

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and believe that since we do not know about the problem it doesn't exist. Meanwhile the children of families who are not ravaged by sexual and physical abuse wonder why their parents do so little to help their friends. A ministry of compassion would allow for this to happen.

The third component is a prophetic ministry. Street Children present an opportunity for adults to make a tremendous amount of money from the illegal activities of young people. There are young people who carry drugs back and forth from major distribution centres such as Toronto to Kitchener-Waterloo and from there to the smaller centres around central Ontario. Similar patterns probably exist in other areas of the country as well. Fences, those who buy stolen property for greatly discounted prices and resell it at profit, pimps, who entice young people into a life of prostitution, and others are hiding behind the age limitations of the Young Offenders Act and, for a variety of reasons, remain outside the reach of the law. The prophetic element of this ministry would join us with the Old Testament prophet, Nathan who called King David to task, and challenged the common view point so that it was no longer possible, let alone socially acceptable, to earn one's living in this manner. Such an element is not without risk.

I suspect that these three elements of ministry, in an attempt to deal with street children are easier to discuss

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than they are to implement. I am reaching the stage in my life where I understand the simple answers are seldom as simplistic as more convoluted and well thought out solutions. What model is worth considering when one is confronted with choices in ministry and the harsh reality of the ugliness of street life, and the ugliness of lives lived that make the streets preferable to the discomforts of home.

It might seem to the reader that I am somewhat confused regarding the issue of children being able to leave home at the age of twelve. The confusion lies not in the dilemma that such an action is either good or bad, but in the reality that we as a society choose to allow children to make that decision. The reality for many children is that home is simply too dangerous a place to live. The streets, while offering their own problems in terms of safety are preferable to the "hell of home". Children do not run to the streets. They run from home. It is reminder of the paternalistic notion of family and the paternalistic nature of the Juvenile Delinquents Act (JDA) that suggests this is wrong. Children will not leave, for the most part, even mediocre living conditions for the trauma of the streets. It is unfortunate that children have to make the decision without knowing some of the alternatives. It is fortunate that having made the decision to flee an abusive relationship they can no longer be forced to go home.

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At last we come to the notion of suffering and woundedness. We are a society that has consistently allowed the abuse of children to continue in our homes and institutions. We have also allowed domestic violence to continue virtually unchallenged. Even in situations where there is domestic violence, we set up shelters so that women can find a safe haven. We remove as it were the victim from the matrimonial home, not the abuser. So too it is with the street children who flee abusive situations and take with them to the street the incredible guilt and responsibility for the family unit's demise.

If we are to take the cry of the street children seriously, we need to address the issues of people who are abused and their abusers so that both parties know abusive behaviour is neither the norm nor acceptable. We need to take into account the problem of those who like Fagan in Oliver make their living off the plight of vulnerable children, and hide their heinous actions in the guise of charity. As we deal with these issues, we come to terms with society's unwillingness to face the pain in our midst. The result can only be healthier, more aware, and more vibrant human beings.

We learn that the value and the horror of suffering. There is the sense in which people who suffer merit their predicament. The prisoners credo "If you can't stand the

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time don't do the crime" lends credence to the nobility of suffering. The church by turning its back on the suffering in its midst is a church that sanctify's suffering. It is a church that fails to understand God "does not desire the suffering of people, not even as a pedagogical device, but instead their happiness."⁵⁴

Thus we must deal with the problem of street children so that we as a society might hear of God's love. It is the appropriation of suffering to its proper place in the stories of those who suffer, and in our stories, that will determine the view of street children as mirrors of guilt or windows of opportunity.

⁵⁴Dorothee Soelle. Suffering. Everett R. Kalin translator. (Philadelphia: Fortress. 1975), 108.

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Manchester Guardian. May 14, 1989

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Abbot and Donelson, "Interview with Kate Millar" in Grail, 6, 3, 1990.

This article is a transcript of a friendly interview with Kate Millar, my partner in the co-founding of ROOF. It nicely outlines our philosophy in forming ROOF. It also demonstrates how society allows some kids to fall through the cracks in the social service net.

Cosgrove, John G. "Toward a working definition of street children", in International Social Work; 1990, 33, 2 April.

Cosgrove attempts with some success to give a working definition of a street child that transcends cultures. He admits that such a task is difficult given "...the lack of systematic study..." of street children, and manages to derive a definition that is adequate in that it recognizes children who are existing on their own with support from a family system. However, his definition could include children who have run away from home and have managed to live a transient lifestyle at the home of a number of friends.

Ortiz-de-Carrizosa, Suzanne and Poertner, John. "Latin American Street Children: Problems, Programmes and Critique" in International Social Work; 1992 35, 4, October.

These two authors suggest that there are four approaches to the problem of street children. These four approaches are; Correctional/Institutionalization, Rehabilitation, Street Education, and Prevention. The four approaches are listed in their order of preference and efficacy.

Peralta, Felipe. "Children of the Streets of Mexico" in Children and Youth Services Review; 1992, 14, 3-4.

Peralta has a very interesting perspective on the plight of street children in Latin America, especially Mexico where unlike industrialised nations the problem of street children exists "primarily out of economic necessity."

Annotated Bibliography

Raychaba, Brian. "Canadian Youth in Care: Leaving home to be on our own with no direction from home" in Children and Youth Services Review: 1989, 11, 1.

This is an excellent article that demonstrates the tendency of children who leave the care of Children's Aids Societies to live on the streets by means of prostitution and other illegal activities. The article also demonstrates that such children are used to such activities from their lifestyles prior to going into care. However, the article is somewhat dated from Ontario's point of view as it addresses children age 16 to 19 years of age. Under existing legislation the age should be lowered to 12.