

Canadian Aboriginal Child Welfare Crisis Demands Action

by Marlyn Bennett

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Though Canada is globally viewed as one of the best countries in which to live, many of the nation's Aboriginal* families do not enjoy the same quality of life as other Canadians. In the 1900s, residential schools kept Aboriginal children from their families. Today, of an estimated 27,000 First Nations children in care, significant numbers still live with non-Aboriginal families in non-Aboriginal communities. Child welfare involvement has reached crisis levels, and we must secure adequate supports and services for Aboriginal children and families.

A History of Hardship

According to the 1998 Canadian Incidence Study of Reported Child Abuse and Neglect (CIS-1998), Aboriginal families experience an extremely high rate of hardship. Often imprisoned by poverty, Aboriginal families had significantly less stable housing than other families, were more dependent on social assistance, became parents at younger ages, endured more maltreatment as children, abused drugs and alcohol at higher rates, and were more often investigated for neglect or emotional maltreatment.

Once investigated, cases involving Aboriginal children were more often substantiated. Aboriginal children were also far more likely to require ongoing child welfare services, more than twice as likely to be placed in out-of-home care, and more likely to appear in child welfare court.

Given the CIS-1998 findings, there is little wonder that Aboriginal children and youth are overrepresented in Canada's child welfare system. The degree to which they are overrepresented, however, is sobering. The National Council of Welfare, in a September report, noted that the already high percentage of Aboriginal children in care is rising. In British Columbia, where 7 percent of children are Aboriginal, the rate of Aboriginal children in care rose from 37 percent in 2000–2001 to 50 percent in 2005–2006. Nearly a quarter of Manitoba's children

are Aboriginal, but in the last 10 years, the rate of Aboriginal children in care jumped from 70 to 85 percent.

The 2003 Canadian Incidence Study of Reported Child Abuse and Neglect noted the same problems. Aboriginal caregivers were less likely than other caregivers to be employed full-time, and the toxic combination of poverty, inadequate housing, and parental substance abuse continued to bring more Aboriginal children into care. These factors also explain why Aboriginal cases predominately involve situations of neglect (57.9 percent versus 34.9 percent in non-Aboriginal cases).

The finding that neglect is the primary type of child maltreatment experienced by First Nations children in Canada signals that child welfare research, policy, and practice must be reoriented to address societal structures—poverty, insufficient housing, and parental substance misuse—that undermine Aboriginal families' ability to nurture and support their children. To do this, child protection authorities must develop and implement culturally sensitive and effective responses.

Challenges to Overcome

Not surprisingly, mistrust between Aboriginal people, social workers, and government officials runs deep. Time and again, Aboriginal children have been removed from their families, but child welfare authorities do little to address structural risk factors that bring more children into care. Social workers, obedient to the Euro-western patterns of child welfare legislation and the underpinnings of mainstream values and belief systems, often were (and sometimes still are) not culturally attuned to Aboriginal family relationships and ways of parenting.

First Nations child welfare agencies need to help families address the underlying problems that bring so many Aboriginal children into care. Regrettably, though, agencies are shackled by the federal funding policy. Directive 20-1 requires First

Nations child and family services agencies (First Nations CFAs) to enter into agreements with their province to deliver child and family services on reserve, and (except in Ontario) set up an agreement with the federal government for funding.

Unfortunately, First Nations CFA funding is 22 percent less than what non-Aboriginal child welfare agencies get from provincial or territorial governments. And, while all agencies must provide protection and prevention services, First Nations CFAs are only funded to provide protection services. No federal funding is offered to help families in crisis care for children safely at home. The government will cover the costs of children in care but will not grant First Nations CFAs even minimal funding to keep children out of care.

Intergovernmental squabbles over service provision for Aboriginal children pose another problem. A recent First Nations agency survey found that 12 agencies had experienced 393 jurisdictional disputes in just one year. Some of the most problematic disputes involve children with complex medical needs; a prime example concerned a boy, Jordan, from the Norway House Cree Nation reserve in Manitoba.

Jordan was born with a rare neuromuscular disorder. Because his needs could not be met on reserve, he entered the care of a First Nations CFA and was moved to an urban hospital. Before long, Jordan could have been cared for in a specialized foster home closer to his reserve, but a jurisdictional dispute arose over who should pay for his care outside the hospital.

Federal and provincial bureaucrats argued for years over who should cover foster payments and other resources needed to equip the foster home. Sadly, Jordan's health declined and he died at the hospital. In his four years, Jordan never lived in a home with the warmth and constancy of a loving caregiver. Were he non-Aboriginal, Jordan could have lived with a family, and the agency—with provincial aid—would have paid all his expenses.

Touchstones of Hope

In the contemporary context, Aboriginal child welfare practitioners and researchers have observed an emerging determination to alter the course of Aboriginal child welfare by strengthening Aboriginal people's capacity for self-regulation and self-management. Despite some real challenges that will take considerable time and energy to redress, there is a distinct

* The term "Aboriginal" is used here to describe three constitutionally recognized groups of First Nation, Métis, and Inuit peoples in North America.

thrust in much of Canada for Aboriginal peoples to move forward positively.

The way forward is lighted with careful research and recommendations. Released by the First Nations Child and Family Caring Society of Canada (FNCFCSC) in 2005, a series of detailed reports document overwhelming evidence of severe funding shortfalls to First Nations child welfare agencies.

Evidence also confirms that the number of First Nations children in care is drastically higher than ever before. May 2005 data from three provinces shows that one in 10 First Nations children were placed in care compared to one in 200 non-Aboriginal children.

The reports do not, however, just illuminate problems; they offer recommendations for addressing funding concerns and the disproportionality of First Nations children in care. Based on evidence from Canadian researchers, the suggestions outline actions that must be taken, levels of funding needed, and policy language.

One policy is Jordan's Principle. Named for the medically fragile child who never came home to a family, the Principle recommends that a "child first" approach be used to resolve intergovernmental jurisdictional disputes. Under the proposed rule:

...the government (provincial or federal) that first receives a request to pay for services for a Status Indian child where that service is available to other children, will pay for the service without delay or disruption. The paying party then has the option to refer the matter to a jurisdictional dispute resolution table.

On a larger scale, Aboriginal child welfare reform must be powered by authentic reconciliation. As used today, reconciliation is a coming together of peoples with full recognition of the ongoing power imbalance that has harmed and continues to harm those with less power. Those with greater power need to hear, understand, recognize, and regret the ongoing effects of harmful practices and actions. Reconciliation for Aboriginals and Canadians must involve a commitment to understand one another, reassess values that guide our actions, and move forward toward a new relationship and future.

In October 2005, five child welfare organizations launched a North American movement of reconciliation in Indigenous child welfare. Out of this meeting and joining together of hearts and minds came

a document that describes the process of reconciliation and approach needed to shape a new child welfare system. Released in 2006, *Touchstones of Hope* identifies five values that should guide reconciliation:

1. **Self-determination**—the ability to make child welfare decisions to ensure optimal outcomes for Indigenous children
2. **Incorporated culture and language**—ways to strengthen children's cultural and linguistic identity, as well as future scholastic and employment success
3. **Holistic approaches**—ensuring that holistic life needs are met throughout a child's life stages before, during, and after leaving foster care
4. **Structural interventions**—equitable investment by funding authorities for primary, secondary, and tertiary prevention programs that target both structural and family risks in responding to neglect and other forms of maltreatment in Aboriginal families
5. **No discrimination**—racial discrimination in child welfare must be set aside and Aboriginal people must be allowed to define their own culture and racial identities, and make decisions using their own way of knowing.

These touchstones, though developed to counteract negative outcomes for Aboriginal children and families, are just as important for other families. Each element of the touchstones holds the promise of improving life for every family and child in contact with child welfare.

The Canadian government can provide equitable funding for community-based

strategies that prioritize Aboriginal children's healthy development. As FNCFCSC executive director Cindy Blackstock emphasized in a report to the Standing Committee on Human Rights, it is crucial that we not be overwhelmed by the magnitude of problems our children face. Aboriginal people must be able to obtain resources to develop child welfare solutions within their unique cultures and contexts. Given that chance, positive change for our children is possible. ☼

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Shy is not how most people would describe Thadys. Born September 1991, this 16-year-old is an outgoing, friendly, carefree youth who has energy to burn. To satisfy his craving for action, Thadys loves to play outdoor sports including basketball. Video games, hip hop music, stereo equipment magazines, and hanging out with adults on errands keep him entertained too. Kind and accommodating by nature, Thadys is up for most anything someone else wants to do and has a real talent for making other people feel good. At school he follows directions well, and does his best work with individual attention and affectionate support. Though he has experienced many disappointments in the past, Thadys is still optimistic about his future and dreams of becoming a professional athlete or working with video games. He also hopes to find a patient, understanding, and active family who will make a firm commitment to love and support him for the rest of his life. To learn more about Thadys (CAP #799), contact Children Awaiting Parents, Inc.: 888-835-8802. ☼

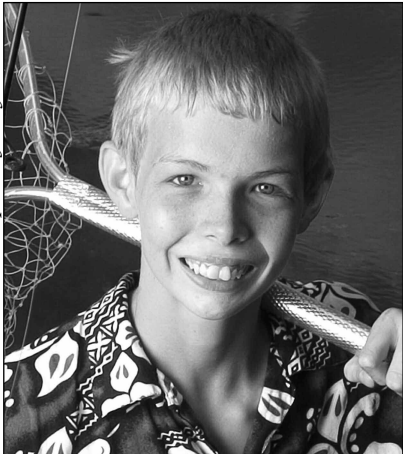


photo by Kelly LaDuke

Thadys