

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO and
AMNESTY INTERNATIONAL CANADA**

Interested Parties

AFFIDAVIT OF THELMA MORRIS

I, THELMA MORRIS, of the Municipality of **SIoux LOOKOUT** in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am the Executive Director of Tikinagan Child and Family Services (“Tikinagan”) and as such, have knowledge of the facts herein deposed by me.

2. I have been Executive Director of Tikinagan since August 2015. I initially worked for several years as a Tikinagan frontline worker and supervisor after graduating from Confederation College with a Native Mental Health Worker diploma in 1997. I left Tikinagan to pursue university studies and earned my Bachelor of Arts in 2004 and then my Honours Bachelor of Social Work in 2006, both from Lakehead University. In 2009, I returned to Tikinagan as a Service Manager, and was promoted in 2011 to Director of Services. Thereafter, I became the Associate Executive Director in 2013.
3. As Executive Director of Tikinagan I have direct, subject-matter expertise concerning the unique challenges of delivering child and family services to remote communities in Northwestern Ontario. My role as Executive Director of Tikinagan involves extensive communications with Nishnawbe Aski Nation (“NAN”) First Nations communities and government stakeholders on a variety of issues concerning child and family services. I am seeking to bring this expertise before the Canadian Human Rights Tribunal (the “Tribunal”) to ensure that any remedies ordered by the Tribunal are designed with the unique considerations of agencies engaged in child welfare service delivery to remote communities in Northwestern Ontario.
4. My affidavit will provide: (1) an overview of the NAN-mandated child welfare agencies, providing background information on Tikinagan in particular; (2) an overview of the unique challenges of service delivery to northern and remote communities in Northwestern Ontario; and, (3) a review of two *immediate relief* measures which would greatly assist Tikinagan in particular and NAN-mandated child welfare agencies in general with addressing *some* of the challenges with service delivery to northern and remote communities, specifically (i) agency debt relief and, (ii) a capital infrastructure needs assessment study.

I. ABOUT TIKINAGAN & NAN MANDATED CHILD WELFARE AGENCIES

5. There are three NAN mandated child welfare agencies: (1) Kuuwanimano Child and Family Services (“Kuuwanimano”); (2) Payukotayno James and Hudson Bay Family Services (“Payukotayno”); and, (3) Tikinagan. Kuuwanimano, Payukotayno and Tikinagan are three of nine Indigenous child welfare societies providing services in Ontario under the Child and Family Services Act (“CFSA”).¹ Kuuwanimano, Payukotayno and Tikinagan are designated under the CFSA and have all of the responsibilities of any Children’s Aid Society (“CAS”) in Ontario.

6. Tikinagan, located in Sioux Lookout, serves 30 First Nations communities in the western portion of NAN territory. Tikinagan was created by the Chiefs of NAN in 1984 to serve children and families in ways that respect the particular culture and unique needs of NAN communities. Along with Payukotayno, Tikinagan became the first Aboriginal agency recognized as a child protection organization in Ontario. Tikinagan is the largest designated Aboriginal childrens aid society by both geography and budget size.

II. CHALLENGES OF SERVICE DELIVERY TO NORTHERN, REMOTE COMMUNITIES

7. Delivering child and family services to remote and northern communities is challenging for a number of reasons; however, a significant factor is the large geographic area and the isolation of the communities served.

8. In a previous affidavit filed in these proceedings, NAN’s Director of Social Services, Bobby Narcisse² outlined a non-exhaustive list of the types of factors which exacerbate the challenges

¹ *Child and Family Services Act*, R.S.O. 1990, c. C.11

² The March 18, 2016 affidavit of Bobby Narcisse was filed in support of NAN’s motion to intervene as an ‘interested party’.

of service delivery to remote and northern communities. I adopt and reproduce paragraph 35 from Mr. Narcisse's March 18, 2016 affidavit³, outlining these factors, as follows:

- **Transportation** is a major challenge in the North. Accessing remote and isolated communities is a time consuming and expensive exercise. Many NAN communities do not have year round road access. Ice roads provide access in the winter months, requiring lengthy travel times. During the rest of the year, air travel is the only option;
- **Staff recruitment and retention** is also challenging in the North, particularly with developing and keeping qualified staff in communities. Communities are isolated and the population is dispersed amongst a large land mass. There is a stigma against child and family service workers which is a by-product of the legacy of the "Sixties Scoop" and the association of child and family services with the removal of children from the community. Additionally, there are challenges obtaining accreditation for local community workers who wish to work in the field. These factors, amongst many, lead to a high turnover of staff and community professionals;
- **Access to suitable housing** is also a serious challenge in the North. The shortage of available housing makes it difficult for agencies to hire staff from outside the community. Shortage of housing also creates difficulties in finding suitable foster homes. Housing shortages create living environments where many people are forced to share one home;

³ The reproduced paragraphs are paragraph 35 of Bobby Narcisse's March 18, 2016 Affidavit.

- **The lack of other social services** for both children's services and other social programs is a common factor in small and remote First Nations communities. This creates an environment where child and family services are being offered without the associated necessary supports. This impacts the performance and quality of child and family services and increases the burden on agencies operating within such an environment;
- **Geographic and socio-demographic characteristics** differ greatly between First Nations communities serviced by designated Aboriginal CASs versus non-Aboriginal CASs. There are several distinct differences between these two groups – specifically, Aboriginal CASs:
 - i. serve significantly larger and less inhabited geographic areas;
 - ii. have significantly larger case volumes per population;
 - iii. serve more children and youth in-care as opposed to within family homes;
and,
 - iv. have smaller operating budgets but with significantly higher expenditures per child/youth;
- **High cost of food** represents a significant challenge faced by families in NAN communities who are trying to feed their children healthy nutritious foods. The high cost of food is directly related to the geographic and socio-demographic characteristics of NAN communities. As a result of the high cost of food, many

families are forced to rely on more affordable but calorie-rich & nutrient poor foods;

- **Health problems** afflict NAN communities to a higher degree when compared to other regions. NAN territory has one of the highest diabetes rates in the country, as well as increasing incidences of child obesity, heart disease and other chronic diseases which have been directly linked to access and consumption of non-nutritious food. Financial hardship makes coping with health problems more difficult and exacerbates existing medical conditions;
- The **high cost of heat and hydro** adds to the burdens faced by NAN communities. Many NAN communities rely on diesel fuel power generation and have been experiencing high energy bills which increases stressors on families to make ends meet;
- **Economic poverty** is particularly pronounced in northern, remote communities as a result of the factors described above;
- A **growing suicide epidemic** has thrown several NAN First Nations into crisis. There have been more than 500 suicides across NAN First Nations from 1986 to 2016, involving more than 70 children aged 10-14 and nearly 200 youth aged 15-20; and,
- **Funding disparities** between Indigenous and non-Indigenous child and family agencies aggravates the challenges described above.

9. In addition to the above identified factors, Tikinagan, (which is, as outlined above, the largest designated Aboriginal CAS by both geography and budget size) operates in an environment of chronic underfunding, combined with the challenges of service delivery to northern and remote communities including routinely flooded roadways and mould in building facilities.
10. Each of the above identified factors adds to the *expense* of child and family service delivery in the remote north,. These factors and expenses are a necessary part of effective service delivery to remote and northern communities.
11. Further, these remoteness factors are chronically underfunded or not funded at all. This forces agencies like Tikinagan to deliver services to remote and northern communities, as best as we can, within the resources and funding envelopes provided to us. Over time, this has resulted in at least two (of many) chronic conditions affecting northern and remote child welfare agencies: (1) routine budget shortfalls and accumulated deficits; and, (2) neglected capital infrastructure needs. I discuss both issues in further detail in the subsequent sections.

III. Chronic Underfunding and Unsustainable Debt

12. As of March 31, 2016, Tikinagan has an operating deficit of \$4,492,793 arising from accumulated prior and current year operating expenditures. Attached to my affidavit as **Exhibit A** is a copy of Tikinagan's financial information for fiscal year 2015/16.
13. Historically, Tikinagan has routinely faced significant budgeting shortfalls. Below, I itemize the accumulated deficits faced by Tikinagan during the previous five fiscal years:
 - March 31, 2015 → -\$4,019,005
 - March 31, 2014 → -\$3,447,861

- March 31, 2013 → -\$341,510
- March 31, 2012 → -\$90,589
- March 31, 2011 → -\$3,005,382

14. Tikinagan routinely submits a deficit budget for funding approval by the Province of Ontario.

The resulting operating deficits that inevitably occur at the end of the fiscal year are therefore not surprising. The reason why Tikinagan routinely faces operating budget shortfalls is because Tikinagan is chronically underfunded at source. Tikinagan's funding allocations have failed to account for the *actual* cost of child and family service delivery to remote and northern communities.

15. Chronic underfunding and recurring deficits negatively affect Tikinagan's ability to provide effective child and family services to our children and families residing in northern and remote communities. If properly funded, Tikinagan could afford to properly pay, train and retain its staff and provide more effective and culturally appropriate child and family services, as is our mandate from the Chiefs of NAN First Nations.

16. A significant form of immediate relief would be for the Tribunal to issue a one-time order that Canada immediately fund the currently outstanding deficit of Tikinagan, at cost. Such an order would of course, not address the long-term chronic underfunding faced by northern and remote agencies; however, such an order would provide significant and *immediate relief* to budgetary pressures experienced by Tikinagan *at this very moment in time*. This form of immediate relief would give Tikinagan more room and flexibility to address the many pressing and complex

needs of children and families using child welfare services in remote and northern communities.

IV. Capital Infrastructure Needs

17. When compared to child welfare agencies delivering services in, or closer to, urban regions, Tikinagan operates out of substandard, run-down, cramped buildings and has limited access to proper facilities for both children and families as well as community staff.
18. Some of these challenges were described in a report (which is before the Tribunal as evidence) by David Barnes and Vijay Shankar, titled, *Northern Remoteness: Study and Analysis of Child Welfare Funding Model Implications on Two First Nations Agencies Tikinagan Child and Family Services and Payukotayno: James Bay and Hudson Bay Family Services* (the “Barnes Report”).⁴ The Barnes Report included a review of some of the capital needs of Tikinagan and Payukotayno in particular, and provided the following devastating account:

Nothing could have prepared the consultants for the impact of what was experienced in visiting the first community. In twenty-five years of Child Welfare service, this consultant had never witnessed such appalling conditions. The physical state of the office would not have met any standards that exist in the south. Windows were broken and in some cases boarded up, offices were cramped and overcrowded. This experience was to be repeated in other communities as well. ... In many communities there are not [sp] adequate facilities to support staff who may have to spend several days before the weather clears before they can return to their home base.... it is imperative that the agencies that were studied in this review, continue to be seen as unique in dealing with the challenges they face in carrying out the child welfare mandate.⁵

⁴ Please refer to the ‘*Northern Remoteness Study and Analysis of Child Welfare Funding Model Implications on Two First Nations Agencies: Tikinagan Child and Family Services and Payukotayno: James Bay and Hudson Bay Family Services*, found at Tab 219 of the Commission’s materials. The report was entered into evidence on September 4, 2013 and assigned Exhibit # HR-011-219-094 and production number CHRC640. [the “Barnes Report”]

⁵ Please refer to the Barnes Report, CHRC BOD, Ex. HR-011-219-094, Tab 219, at Part 1, ‘Overview’, pages 3-4.


19. In addition to the above identified challenges, Tikinagan staff routinely work in building facilities that are ridden by mould.
20. Generally, Tikinagan must use and work with whatever facilities are existent and available within each community. Typically, this involves Tikinagan leasing a buildings, or a part of a building, from NAN communities. Tikinagan leases satellite office space in approximately nineteen communities, along with branch offices in approximately eleven communities. In some communities, where building facilities are inadequate or non-existent, Tikinagan has purchased trailers which are used as agency operated homes. Tikinagan owns two group home facilities: one in Big Trout Lake First Nation and the other in Cat Lake First Nation.
21. Tikinagan attempts to assist with the upkeep of the community facilities we lease; however, there are insufficient financial resources to address all needs including, mould which is one of the biggest issues that plagues many community facilities utilized by Tikinagan.
22. Additionally, due to the lack of facilities and services available within many remote and northern communities, Tikinagan has at times been forced to place children outside of their communities, in order for these children to receive both proper services and adequate housing. Further, there is limited infrastructure to house community-based staff. The cost of renting/maintaining the available facilities is high, adding additional budgetary pressures.
23. Tikinagan has never had a capital needs assessment study conducted during my time as Executive Director and my staff are unable to recollect any such study being conducted in Tikinagan's recent history.

24. Addressing the many capital infrastructure gaps and needs faced by Tikinagan, and other northern and remote agencies, will require comprehensive, long-term reform; however, in the interim, we are requesting that a capital needs assessment study be conducted as a form of immediate relief.
25. The primary objectives of a capital needs assessment study would be to: (1) itemize current infrastructure; (2) identify needed infrastructure required to fulfill child welfare mandate and the needs of remote and northern communities; and, (3) identify funding gaps related to capital infrastructure needs. Not only is this study overdue, it is desperately needed to determine the capital infrastructure required to adequately and effectively serve the children and families that Tikinagan is mandated to protect and care for.
26. Completed within a reasonable timeframe, the undertaking of a comprehensive study on the capital infrastructure needs of Tikinagan is a necessary *precondition* of addressing and properly funding the capital infrastructure needs of northern and remote agencies.
27. I am aware that Canada has sent Agencies a letter of engagement, requesting agency specific information by June 30, 2017. This letter of engagement is not a substitute for a proper, comprehensive capital needs assessment study which would be designed for the specific purpose of assessing capital infrastructure needs, rather than a general request for agency information.
28. I make this affidavit for the purposes of NAN's submissions in anticipation of a hearing on immediate relief, currently scheduled for March 22, 23, 24, 2017 in the *First Nations Child*

and *Family Caring Society v. Canada*⁶ proceedings before the Tribunal and for no other or improper purpose.

AFFIRMED BEFORE ME this)
20th day of December, 2016)
in the Municipality of Sioux Lookout)
in the Province of Ontario.)


A Commissioner etc.)


Thelma Morris

LSUC
17341 D

⁶ *First Nations Child and Family Caring Society v. Canada*, 2016 CHRT 2. File No.: T1340/7008. Decision rendered January 26, 2016.

Tikinagan Child and Family Services
Statement of Operations and Changes in Net Assets

For the year ended March 31, 2016

	Externally	Internally Restricted		2016	2015
	Restricted	Donation	Children's		
	Operating	Fund	Trust		
	Fund	Fund	Fund		
Revenue					
Child Welfare	54,076,593	-	-	54,076,593	52,451,422
Cat Lake Treatment Centre	1,258,690	-	-	1,258,690	1,253,186
Service Programs	3,009,519	-	-	3,009,519	2,879,511
Special Projects	9,353	-	-	9,353	10,978
Donation Fund	-	1,207	-	1,207	1,948
Ontario Child Benefit	1,011,148	-	-	1,011,148	1,145,497
Total revenue (page 3)	59,365,303	1,207	-	59,366,510	57,742,542
Expenses					
Child Welfare	54,545,453	-	-	54,545,453	53,022,566
Cat Lake Treatment Centre	1,258,690	-	-	1,258,690	1,253,186
Service Programs	3,009,519	-	-	3,009,519	2,879,511
Special Projects	9,353	-	-	9,353	10,978
Children's Trust Fund	-	-	-	-	4,750
Ontario Child Benefit	1,011,148	-	-	1,011,148	1,145,497
Total expenses (page 4 and 5)	59,834,163	-	-	59,834,163	58,316,488
Excess (deficiency) of revenue over expenses	(468,860)	1,207	-	(467,653)	(573,946)
Net assets - beginning of year	(4,019,005)	162,407	31,150	(3,825,448)	(3,251,502)
Interfund transfer (Note 15)	(4,928)	-	4,928	-	-
Net assets - end of year	(4,492,793)	163,614	36,078	(4,293,101)	(3,825,448)

This is Exhibit * *A* referred to in the
affidavit of *Thelma Morris*
Sworn before me this *20th* day
of *December* A.D. *2016*
C.M. Blamack
A Commissioner, Etc.

LSUC 17341D