



(Dis)placed

Indigenous Youth and the Child Welfare System

LEARNING GUIDE for Professionals Working with Children and Youth

Produced for FNCARES by Melisa Brittain and Sarah Auger,
with help from Kayla Das



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ACKNOWLEDGEMENTS

This guide was originally written by Sarah Auger and Melisa Brittain as a teaching guide for Grades 9–12 for the First Nations Children’s Action Research and Education Service (FNCARES). Revisions for this version of the guide were written by Melisa Brittain, with help from Kayla Das.

Many thanks to members of the revision working group for your time and invaluable suggestions about how to best adapt the original resource for professionals working with children and youth: Crystal Beaverbones, Michelle Briegel, Derek Chewka, Bernadette Iahtail, Charity Lui and Julie Mann-Johnson. And thank you to Andrea Auger, for your extensive final editing suggestions.

Thanks, also, to the Office of the Dean, Faculty of Education, University of Alberta, for funding this resource, and for your generous support over these past few years.

And finally, neither the film nor this learning guide would exist if it were not for the generous contributions of the young people who are featured in this film: Tia Ledesma, Tyler Blackface, Donovan Waskahat and Brianna Olson. We cannot thank you enough for sharing your experiences and wisdom with us. You are our teachers.

REPRINT AND TERMS OF USE

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Cover image: “Blue” by Tyler Blackface. “I originally started with a blue background because I find this colour to be somehow emotional. I was in a dark state of mind when painting this. The black represents my heritage, Blackfoot. And the white represents being raised in a foster home and the two colliding into something more beautiful, the grey.”

Layout & Design: Leah Gryfe Designs leahgryfedesigns.com

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I. INTRODUCTION

About the Film



Donovan Waskahat says that living in a group home was like being “trapped in the open.”

(Dis)placed: Indigenous Youth and the Child Welfare System (Brittain & Navia, 2017) features the voices of Indigenous youth as they reflect on their prior involvement with the child welfare system and share their multiple strategies of resistance to assimilation and state control. Adding to these insights, First Nations child advocate Cindy Blackstock traces the term “neglect,” the main rationale for child welfare removals, to its roots in the residential school system, and points to laws that codify structural discrimination as the leading cause of child welfare (dis)placements.

The film was shot and edited over two years in collaboration with peer researchers involved in the project *Uncovering Colonial Legacies: Voices of Indigenous Youth in Child Welfare (dis)Placements*. The experiences of the youth featured in the film determined its direction, and the youth provided feedback on edited versions of their own interview. They were also invited to join others who were part of the original research project, both Indigenous and non-Indigenous, in giving feedback on two early edits of the film. All of this feedback was implemented into the final edited version. All proceeds from the film are donated to non-profit organizations serving Indigenous youth.

For a preview of the film, email kingcripproductions@gmail.com

For more information about the film, see the film’s website: kingcripproductions.com/displaced.html

Accessing the Film

Check with your employer to see if they have already purchased the film. If they have not already done so, request that they purchase a copy for training purposes. Or, if you plan this as a one-time screening event, you can order a screening copy. Purchases and screening copies can be ordered through one of the following distributors:

1. Order through Vtape:
Email distribution@vtape.org or order online at www.vtape.org/video?vi=8693
2. Order through McIntyre Media: www.mcintyre.ca

About this Guide

This learning guide is designed for those working in the child welfare system and all other allied professions involved in providing services to Indigenous children and youth impacted by the child welfare system. This can include people working directly with Indigenous children and youth, people working in the justice system, policy makers, and federal and provincial employees involved in any aspect of Indigenous child and family services. The guide is designed to accompany the documentary film *(Dis)placed: Indigenous Youth and the Child Welfare System* (Brittain & Navia, 2017). Together, these resources will help learners develop an understanding of the deep connections between Canada's colonial history and the ongoing inequities and discrimination experienced by many Indigenous children and youth that have led to their vast overrepresentation in the child welfare system. It will also help learners gain a deeper understanding of the lived experiences of Indigenous children and youth involved in the child welfare system, and how young people develop their own modes of survival and resistance to assimilation and state control. The guide encourages learners to identify actions they can take to help end the inequities and ongoing discrimination and ensure that Indigenous children in Canada have the same opportunities as other children to grow up safely in their homes and communities.

The film and learning guide can be used for educational workshops, and the activities in this guide can be adapted based on the audience and the time you have available. Below you will find four sections that contain crucial background information and sample questions and activities:

- Section 1 – Canada's Colonial Past and Present
- Section 2 – Cultural Continuity and Indigenous Child Well-Being
- Section 3 – Moral Courage in Child Welfare: "Getting into trouble for doing the right thing"
- Section 4 – Social Justice, Solidarity Work and Reconciliation in Child Welfare

Facilitators can choose which information, questions and activities to highlight in each section, depending on the time available and the audience.

How to Use this Guide

The background information at the beginning of Sections 1-4 is crucial for gaining some of the deeper understanding needed to contribute to the larger systemic changes required to ensure the best outcomes for Indigenous children, families and communities.

For Facilitators and Trainers

Watch the film and read the whole learning guide before screening the film for workshop participants. Ideally, you will screen the film for participants, and they will each read all four sections of the learning guide and work, as a group, through all of the questions and activities with other participants.

If time does not allow for all of these activities, summarize the background information provided in each section. Present this information at the beginning of each section prior to guiding participants through the questions and activities for the section. If you cannot take up all of the questions and activities, choose the ones that will work best for your group. Continue to provide learners with the context they need as they watch and discuss the film and work through the questions and activities.

For Individual Learners

Watch the film and read through the guide. Read the background information for each themed section prior to working through the questions and activities for that section. For the group activity and discussion sections, try journaling on your own, or have informal discussions with colleagues, friends and/or family members.

The Overriding Vision: Indigenous Children and Youth Thriving

Reducing the number of Indigenous children in the child welfare system is at the very top of the Truth and Reconciliation Commission's (TRC) Calls to Action (TRC, 2015c). This Call to Action is a crucial step in the overriding vision of the TRC and Indigenous communities, which is to see Indigenous children and youth thriving. For the First Nations Child and Family Caring Society of Canada (2020), this vision involves ensuring that First Nations children "have culturally based and equitable opportunities to grow up safely at home, be healthy, get a good education and be proud of who they are."

For Indigenous children and youth to thrive, we must address the root causes of the devastatingly high rates at which the child welfare system removes them from their homes and communities. The root causes are directly linked to federal government policies and practices, which have caused massive inequities in infrastructure (including unsafe housing and drinking water) and in essential services for children and families (including inequitable health care, education, and child welfare services). These inequities have led to the overwhelmingly high rates of First Nations children removed from their homes and placed in the child welfare system.¹ Keeping Indigenous children with their families whenever "it is safe to do so, and ... keep[ing] children in culturally appropriate environments, regardless of where they reside" (TRC, 2015c, p. 1), is essential to the thriving of Indigenous children and youth. First Nations, Inuit and Métis jurisdiction over their own child and family services, and the resources necessary for providing these services, is also necessary for realizing this overriding vision.

¹ All Indigenous children – First Nations, Inuit and Métis – are overrepresented in the child welfare system; however, child welfare agencies remove First Nations children at much higher rates than any other group. This is the result of ongoing racial discrimination and structural inequities created by Canada's colonial laws and policies aimed directly at First Nations people through the Indian Act. We discuss this connection in detail in Section 1.

Child welfare decision-makers have a big role to play in achieving this vision, and proper education and training regarding their role is crucial (TRC, 2015c). Currently, many working with Indigenous children and youth struggle to understand the connections between Canada’s colonial past and ongoing colonial practices, which include the continued removal of Indigenous children from their families and communities at unprecedented rates by the child welfare system. Watching the film, reading the teaching guide and working through the questions and activities will help learners better understand the many connections between Canada’s colonial past and present, including how the child welfare system continues the assimilation that residential schools began (TRC, 2015a).

This learning is crucial to ensuring that those working with Indigenous children and youth gain a better understanding of how they can support Indigenous children and youth to thrive, whether with their families and in their communities, and with the essential and culturally appropriate resources and services they need and deserve, or through providing safe and culturally appropriate care after all attempts have been made to enable families to keep children safely at home.

Involving Indigenous Youth in Film Screenings and Training Sessions

Indigenous youth who have experienced the child welfare system are the best teachers on this topic, and inviting them to speak after a film screening, or at some point during a workshop, could be invaluable. If you are planning to invite Indigenous youth, remember that talking about experiences of being taken from their families, being moved from placement to placement, and many other experiences related to being in the child welfare system, can be retraumatizing.

If you do invite Indigenous youth to speak at a screening or workshop, ensure that they are well supported before, during and after the event. Offer them a stipend for their time and knowledge, pay for their food and travel, and ensure that you offer them appropriate emotional supports. Ask the young people themselves what supports they would like and provide the necessary resources to enable the supports. While some will be best supported by an Elder, others may prefer the support of friends or family, or a combination of these. In addition, ensure that you do not overburden youth by drawing on the same youth over and over again, and ensure that the gathering is child friendly, so everyone feels welcome to bring their children to the event.

There are a growing number of young people who have experience advocating for youth in care, changes to the system and structural equity for Indigenous children and youth. If you do not already know of someone in your area, the following resources may help:

- Youth in Care Canada. See “Youth in Care Networks” page for regional and provincial Youth in Care groups: youthincare.ca/youth-in-care-networks/
- Your local Children’s Advocate Office may have an Indigenous youth advisory committee that can connect you with a youth speaker. See the Canadian Council of Child & Youth Advocates’ “Members” page: www.cccya.ca/content/members/Index.asp?langid=1
- The First Nations Child & Family Caring Society’s *Guidelines for the Ethical Engagement of Young People* is an excellent tool to assist organizations who wish to engage with young people in a respectful and ethical way: fncaringsociety.com/sites/default/files/guidelines-ethical-youth-engagement_1.pdf

Engaging With Elders and Traditional Knowledge Keepers

Inviting an Elder or Traditional Knowledge Keeper from your region to participate in a film screening and/or workshop will provide an opportunity to deepen relationships and cultural understanding. Engaging someone who is a respected keeper of traditional knowledge in their community can deepen a learner's understanding of the connections between the spiritual and physical world according to the traditional teachings, including the importance of Indigenous children and the impacts of separating children from their families, communities and cultural teachings. An Elder or Traditional Knowledge Keeper can also provide invaluable teachings about traditional child-raising practices, and how one can best support Indigenous children and families involved in the child welfare system.

There are many excellent resources explaining the role of Elders and Traditional Knowledge Keepers and how to follow protocols for engaging them in your learning process. If engaging in this process is new for you, talk to people who can connect you with a local Elder or Knowledge Keeper, and ask them about protocol for extending an invitation. You may also want to search for resources that will help you gain a better understanding of the role of an Elder or Knowledge Keeper and how to respectfully invite and host them at an event and/or workshop. Here are a few resources to get you started:

- The Wicihitowin Conference Committee, Authentic Engagement of First Nations and Métis Traditional Knowledge Keepers uakn.org/wp-content/uploads/2018/12/Wicihitowin_AuthenticEngagementBooklet_V8.pdf
- Native Counselling Services of Alberta, Engaging with Elders: A Co-Created Story www.auma.ca/sites/default/files/Advocacy/Programs_Initiatives/WIC/elders_protocol_by_native_counselling_services_of_alberta_2017.pdf
- The Alberta Teachers' Association, Stepping Stones: Elder Protocol, www.teachers.ab.ca/SiteCollectionDocuments/ATA/For%20Members/ProfessionalDevelopment/Walking%20Together/PD-WT-16g%20-%20Elder%20Protocol.pdf

When inviting an Elder or Traditional Knowledge Keeper, offer a stipend, and pay for transportation and food (and for lodging if the person will be away from their home). Also, ensure that you do not overburden an Elder or Traditional Knowledge Keeper with too many requests, as they are often very busy people.

You can invite an Elder or Traditional Knowledge Keeper whenever you think it will be most impactful for your particular workshop and learners. Below are some suggestions for you to consider.

Section 1: Invite a local Elder or Traditional Knowledge Keeper who has knowledge about the traditional lands, governance structures, trading relations and cultural practices of their nation prior to European contact and/or pre-colonization to share this knowledge with learners.

Invite an Elder or Traditional Knowledge Keeper to lead the sharing circle (see Section 1 Activities). The suggested purpose of the circle is for participants to introduce themselves and share their initial responses to the topic of Indigenous children and youth in the child welfare system, and to give their initial responses to the film. However, the Elder or Traditional Knowledge Keeper and/or facilitator can focus on whatever they think is best for their particular group.

Section 2: Invite an Elder or Traditional Knowledge Keeper from your area to speak about traditional child-rearing in their nation or community. Or, invite an Elder, Traditional Knowledge Keeper or other community member who is creating opportunities for children involved in the child welfare system to stay connected to family, community, culture and land to speak to your group.

Section 3: Invite an Elder, Traditional Knowledge Keeper, Indigenous child advocate and/or Indigenous young person who has experienced the child welfare system to discuss how people working within the child welfare system can discern what it means to “do the right thing” for Indigenous children, and how they can learn and practice moral courage in child welfare.

Section 4: Invite an Elder, Traditional Knowledge Keeper and/or Activist from an Indigenous community in your area who is involved in fighting for structural equity and/or self-determination in child welfare to speak to your group. Find out if and how you may be able to collaborate in a respectful and helpful way with their efforts to make the changes they want to see.

Discussing Difficult Subjects

When discussing this film and working through the learning guide, be aware that many participants may find it challenging to discuss the connections between residential schools and the child welfare system. In particular, some participants may be uncomfortable reflecting on their own role in perpetuating colonization and assimilation. Also, some may have been impacted by one or both of these systems, and/or have family members who have. Facilitators should plan ahead for these possibilities and decide on a few strategies to ensure that the discussion is productive and as safe as possible for all involved. One of these strategies could be to invite an Elder or another person who can assist participants with working through their emotional responses and/or to provide crisis line information. For First Nations and Inuit participants, a source of anonymous help is the 24-hour First Nations and Inuit Hope for Wellness Line (1-855-242-3310) run by Health Canada. Being prepared to navigate difficult and possibly painful issues for participants is critical. The following resources offer some excellent strategies for having these conversations:

- Jana Vinsky, *The Elephant in the Room: Addressing racial anxiety of white social workers in child welfare* is a great resource for those experiencing anxiety as they work on these issues: www.oacas.org/2018/06/the-elephant-in-the-room-addressing-racial-anxiety-of-white-social-workers-in-child-welfare/
- *Deconstructing White Privilege with Dr. Robin DiAngelo* (video): www.youtube.com/watch?v=Dwlx3KQer54
- *Let's Talk! Discussing Race, Racism and Other Difficult Topics with Students*: www.tolerance.org/sites/default/files/general/TT%20Difficult%20Conversations%20web.pdf
- *Handbook for Facilitating Difficult Conversations in the Classroom*: [www.qc.cuny.edu/Academics/Centers/Democratic/Documents/Handbook for Facilitating Difficult Conversations2.pdf](http://www.qc.cuny.edu/Academics/Centers/Democratic/Documents/Handbook%20for%20Facilitating%20Difficult%20Conversations2.pdf)

Pre-Screening Activities

1. **Reflective writing: Start a journal** – Have each participant start a reflective journal by asking them to write for 5-10 minutes on the following questions: What do you currently know about Canada’s colonial past, including residential schools, the Sixties Scoop and the ongoing removal of Indigenous children from their families through the child welfare system? How do you think these colonial institutions and practices have impacted Indigenous children, families and communities?

For ideas about how to instruct participants about journal entries and sharing ideas from them, visit: www.facinghistory.org/resource-library/teaching-strategies/journals-facing-history-classroom.

2. **Big thinking question:** Have participants brainstorm (as a large group or in smaller groups) to come up with 1 or 2 burning questions they have about working with Indigenous children and youth in the child welfare system. Try to agree on 1 or 2 to focus on during the workshop, revisiting the question(s) as you watch the film and work through each section of this guide.
3. **Ethics, standards and principles:** Get together with others in your group that belong to your profession and write down the ethics, standards and principles that are important in your profession and/or place of work. In Section 2, you will discuss whether or not there are discrepancies between these and the current-day practices when it comes to Indigenous children and youth.
4. **Review the glossary:** Go through the glossary (Appendix 1). Make sure that participants understand that the term “Indigenous” is a collective term that refers to all First Nations, Inuit and Métis peoples in Canada, while “First Nations” refers to persons who are registered with the federal government as “status Indians,” and those who self-identify as First Nations, regardless of Indian status.

Screen the film (42 minutes)

Post-Screening Activities

Read through Sections 1–4 and do the suggested questions and activities for each section.

II. BACKGROUND INFORMATION, ACTIVITIES AND DISCUSSION QUESTIONS

SECTION 1 Canada's Colonial Past and Present



Tyler Blackface explains how his art reflects his experiences growing up in a white family in a way words cannot.

To fully appreciate the life stories of the young people represented in this film, it is important to understand how the relationship between Indigenous peoples and the Canadian government has evolved since the time of first contact. While the entire history of this relationship is beyond the scope of this guide, the brief genealogy of relevant Canadian laws and policies below illustrates how the government's stated goals and policies of assimilation have impacted Indigenous children, families and communities, and created structural inequities that have resulted in the overwhelmingly high rates of First Nations children currently removed from their homes and placed in the child welfare system.

In this section, the focus is on the colonial policies and laws aimed at assimilating First Nations peoples, since these policies and laws have resulted in the removal of First Nations children from their homes at much higher rates than any other group of children in Canada. While all Indigenous children – First Nations, Inuit and Métis – are overrepresented in the child welfare system, First Nations children are taken at much higher rates than any other group. This higher removal rate of First Nations children is largely the result of ongoing racial discrimination and structural inequities created by Canada's colonial laws and policies aimed directly at First Nations people through the Indian Act (see below, "1876 – Indian Act").

As noted in the glossary, the term "First Nations" refers to persons who are registered with the federal government as "status Indians," and those who self-identify as First Nations, regardless of Indian status. The term is also used to describe First Nation governments and communities (collectively) and organizations serving First Nations peoples. Whenever we use the term "Indigenous," we are referring to First Nations, Inuit and Métis peoples together.

Pre-Contact

Prior to the arrival of European settlers to what is now Canada, the Indigenous population, approximately 2 million people, lived and thrived on this land since time immemorial as diverse and sovereign (self-governing) nations consisting of distinct cultural groups. Each cultural group was made up of several nations that shared similar languages, social structures and ways of living sustainably in their particular environment. Indigenous peoples had established trading networks and sustainable economies, laws and systems of justice, and complex kinship and political systems (National Centre for First Nations Governance, n.d; University of Toronto, n.d.). All of these systems were “characterized by oral teachings, collectivities and consensus” (National Centre for First Nations Governance, n.d).

Pre-Confederation

European exploration of North America began in the 11th century, initial trade relations began in the 1500s, and Europeans had established colonies in the Maritimes and St. Lawrence Valley by the early 1600s (Government of Canada, 2017). From the start, the English and French had imperial visions for North America, with little thought for the rights of the existing Indigenous peoples. Nevertheless, the Royal Commission on Aboriginal Peoples (RCAP, 1996) characterizes contact between Indigenous and non-Indigenous peoples in the late sixteenth and early seventeenth centuries as mutually beneficial, for the most part.

When New France was ceded to the British Crown in 1763, King George III issued a *Royal Proclamation*, setting out the British Crown’s tenets for its treatment of “Indians” and settlement of Indigenous territories. The proclamation protected Indigenous lands from the incursions of greedy colonists by forbidding individual settlers from purchasing lands from “Indians”; “Indians” lands could only be ceded to the Crown by treaty or mutual agreement with “Indians” nations, which the Crown portrayed as self-determining political entities (RCAP, 1996).

After the war of 1812, the settler population grew rapidly, and the British government’s need for First Nations allies waned. The fur trade and harvesting economies dominated by First Nations peoples were declining, and First Nations were increasingly displaced from their lands and food sources, suffering from severe poverty and dying in high numbers from starvation, settler aggression, and disease (Brittain & Blackstock, 2015; RCAP, 1996). It was under these conditions that many First Nations signed treaties with the British, and later the Dominion of Canada, whereby they agreed to share their lands and resources with settlers in exchange for reserve land and continued rights to hunt, fish, and trap (RCAP, 1995).

In 1830, the British imperialist government began its attempts to “civilize” and assimilate Indigenous peoples through “educational, economic and social programs delivered primarily by the Christian churches and missionary societies” (RCAP, 1996, p. 134). Legislation such as the *Gradual Civilization Act* (1857) actively and purposefully worked toward the goal of full assimilation of Indigenous peoples to the Canadian state (Greenwood et al., 2007; Manzano-Munguia, 2011).

Post-Confederation

1867 – British North America Act/Constitution Act/Confederation

Section 91(24) of the *Constitution Act, 1867* gives the federal government of the newly formed Canada exclusive jurisdiction over “Indians, and lands reserved for the Indians” (*Constitution Act, 1867, Sec. 91(24)*). This legislation has had lasting and severe consequences for First Nations children and families. In addition to the federal government taking sole discretionary power over how First Nations are governed and operated, all funding directed to service delivery for individuals living on First Nations reserves flows from the federal government.

1876 – Indian Act

The first version of the Indian Act, *An Act to amend and consolidate the laws respecting Indians*, was passed in 1876. It was a consolidation of all previous legislation directed at First Nation governments and First Nations peoples. It deemed First Nations peoples “wards of the Crown” and gave Canada control over bands and reserve lands. The act was a draconian attempt by the Canadian government to homogenize diverse First Nations groups, control them through a paternalistic relationship, and forcibly assimilate them into the general population through legislative means. From its inception, the Indian Act allowed government regulation of First Nations people and lands, and allowed the government to ban traditional dress, prohibit ceremonies, place restrictions on hunting rights, and remove children from their families to attend residential schools, among many other things.

Prior to contact, First Nations peoples were sovereign (self-governing) nations, and membership to a community or nation was based on matriarchal, patriarchal, clan and/or kinship relationships (National Centre for First Nations Governance, n.d.). After Canada imposed the Indian Act in 1876, the Government of Canada determined whether or not a First Nations person had “Indian status” under Canadian law based on blood quantum or, as Canada puts it, “the degree of descent from ancestors who were registered [as Status Indians] or were entitled to be registered” (Government of Canada, 2019b). Inuit and Métis peoples are excluded from the Indian Act, and do not have “Indian status” or the rights conferred through it, even though they are Indigenous to Canada and are accorded Indigenous recognition by the Canadian Constitution, and thus have constitutionally protected rights (Hanson, 2009).

While the Indian Act seeks to control First Nations peoples through “inter-generational surveillance that tracks racial purity” (Adler, 2014), it does so as a means to ultimately “bring Indian status to an end” through assimilation tactics (TRC, 2012, p. 11). Along with Canada’s assimilation tactics of land takeover, forced resettlement onto reserves, and intentional starving of First Nations people, the government required First Nations people to forfeit their Indian status if they worked off reserve, attended secondary or post-secondary school, joined the military or became Christian ministers (Brittain & Blackstock, 2015). Until 1960, a First Nations person could not vote unless they gave up their Indian status (Government of Canada, 2018).

Another tactic of assimilation facilitated through the Indian Act was the termination of Indian status to First Nations women who married non-status men. Prior to 1985, when Bill C-31 was passed, these women also lost any treaty benefits they may have had, health benefits, the right to live on their Band’s reserve,

and inheritance and burial rights. In addition, children from that marriage were denied Indian status. This discrimination played a huge role in undermining the central role of women in First Nations families and communities, and it has made women more vulnerable to displacement and violence, contributing to the conditions that have led to the crisis of missing and murdered Indigenous women and girls in Canada (Wohlberg, 2016).

There have been numerous amendments to sections of the Indian Act, but it remains in force today, governing the daily lives of First Nations people across Canada, both on and off-reserve. Although many describe the Indian Act as a form of apartheid for its discrimination against First Nations peoples on the basis of “race,” it also puts First Nations in a paradoxical situation, since it also “acknowledges that the federal government has a unique relationship with, and obligation to, First Nations” (Hanson, 2009). Simply abolishing the Indian Act would free the government from its unique relationship with and obligations to First Nations. First Nations leaders widely agree that any alternative relationship between First Nations and the Canadian government would have to be developed by both parties, rather than imposed by Canada, as the Indian Act was in 1876 (Hanson, 2009).

Indian Residential Schools (1876–1996)

Residential schools served as the primary mechanism of First Nations child welfare in Canada between 1879 and 1946. (Kozlowski et al., 2011)

Residential schools were designed to continue the ongoing cultural genocide of Indigenous peoples through the disruption of families “to prevent the transmission of cultural values and identity from one generation to the next” (TRC, 2015a, 1). The schools were introduced in New France in 1620 (Choate, 2019); however, the Canadian government only became a major player in the funding and operation of church-run boarding and industrial schools after Confederation and the institution of the 1876 Indian Act (Milloy, 1999; TRC, 2015a). In 1870, there were a total of 47 day schools for Indigenous children (many on reserves) and only two residential schools (TRC, p. 152). According to the Davin Report of 1879, day schools were ineffective at “civilizing” Indigenous children (although a recent class action suit by survivors of day schools point to harms they suffered because of forced enrolment and attempts at assimilation, which the schools practiced as a way of “civilizing” Indigenous students) (Deer, 2020). For effective assimilation to take place, Davin recommended separating Indigenous children from their families and sending them to boarding schools (TRC, 2015b). John A. Macdonald, the first Prime Minister of Canada, agreed. In 1883, Macdonald argued in favour of residential schools, saying that they would be much more effective at assimilation, since they separated “Indian children ... from the parental influence” and made it easier for the children to “acquire the habits and modes of thought of white men” (Macdonald qtd in TRC, 2015a, p. 3).

By 1900, there were 61 residential schools (TRC, 2015b), and approximately 130 Indian residential schools operated in Canada between 1883 and 1996, when the last one closed (TRC, 2015a). Throughout this time, First Nations continually pressed the government to establish more day schools on reserves so they could keep their children at home (TRC, 2015a, p. 114). And even though parents could be fined or imprisoned for failing to send a child to the school designated by the Superintendent General (*An Act to amend the Indian Act*, 1920), many resisted by refusing to enrol their children, or by not returning children to residential schools after holidays (TRC, 2015a, p. 114).

The federal government, also via the Indian Act, passed legislation in 1894 that gave power to Indian agents to force attendance at the schools if they thought that any “Indian child between six and sixteen years of age is not being properly cared for or educated, and that the parent, guardian or other person having charge or control of such child, is unfit or unwilling to provide for the child’s education” (TRC, 2015a, p. 60). In 1920, an amendment to the Indian Act made it compulsory for all “Indian” children between seven and fifteen years old who were “physically able” to attend either a “day, industrial or boarding school” (*An Act to amend the Indian Act*, 1920, A10[1]). However, children as young as 4 years old attended residential schools (Milloy, 1999).

Approximately 150,000 First Nations, Inuit, and Métis children were removed from their families and placed in residential schools (National Collaborating Centre for Aboriginal Health [NCCA], 2017; TRC, 2015a). Many, if not most, of these children suffered cruelty under the tutelage of various church organizations, and sexual, physical, and emotional abuse were rampant in the schools (TRC, 2015a). Indigenous languages, which are the carriers of culture and worldview, were purposefully and sometimes violently stripped from students in the schools (Milloy, 1999; TRC, 2015a). In addition, children were underfed, and were housed in crowded and poorly ventilated spaces, causing massive outbreaks of infectious diseases, mainly tuberculosis (Titley, 1986). The TRC (2015a) documented over 5,000 deaths of children in residential schools; there were probably many more, but because records were often poorly kept or destroyed, the actual number of deaths will never be known.

The Canadian Association of Social Workers (CASW) and the Canadian Welfare Council (CWC) knew of the deplorable conditions for Indigenous children in the residential schools but failed to express concern. In fact, they saw residential schools as a viable option for child welfare placements and social workers were instrumental in placing Indigenous children into residential schools (Blackstock, 2009). By 1996, 59.1% of the children in nine residential schools in Saskatchewan were child welfare placements (NCCA, 2017). While the last school closed in 1996, the shutting down of most of the schools in the 1960s and 1970s coincided with the rise in child welfare apprehensions now known as the Sixties Scoop (TRC, 2015a).

Child Welfare – The Sixties Scoop

Canada’s child welfare system has simply continued the assimilation that the residential school started. (Truth and Reconciliation Commission, 2015a, p.138)

In a joint submission to the Senate and House of Commons in 1946, the CASW and the CWC expressed their desire to more effectively aid in the assimilation of Indigenous children into Canadian life and argued that Indigenous children should no longer be placed in residential schools. Instead, they asserted that, in fairness, Indigenous children should be treated as equals and integrated into the newly developing social programs available to all other children; assimilation was still the aim, but was presented in the newly developing discourse of equal rights and integration (Blackstock, 2009; Kline, 1992).

In 1951, the federal government amended the Indian Act, extending provincial child welfare laws to reserves, thereby making it possible for child welfare agencies to apprehend children on reserves (Choate, 2019; Kozlowski et al., 2011). The amendment resulted in a sharp increase in the number of First Nations children apprehended by provincial child welfare agencies. However, services were unevenly provided

on reserves until 1966, when the Canada Assistance Plan (CAP) “allowed for a significant expansion of child welfare services by providing federal cost-sharing to offset provincial costs” (Kline, 1992, p. 387). The consequence of extending child welfare services to reserves combined with the lack of funding for preventive or supportive services resulted in a dramatic increase in the number of First Nations children apprehended by the child welfare system, resulting in what is now known as the Sixties Scoop (Brittain & Blackstock, 2015; Kline, 1992).

The Sixties Scoop refers to a time period in Canada in which an estimated 20,000 Indigenous children were removed from their families and adopted out across Canada, the United States and other countries (Choate, 2019; NCCAH, 2017; TRC, 2015a). Throughout the 1960s and 1970s, one in three First Nations children was apprehended by children’s services and placed in non-Indigenous foster and adoptive homes (Sinclair, 2016). Approximately 70% of First Nations, Inuit and Métis children apprehended were placed in non-Indigenous homes (Hanson, 2009), and over 78% of “status” First Nations children up for adoption each year between 1969 and 1979 were adopted by non-First Nations families (Kline, 1992). Many adoptees were sent to the United States (Armitage, 1995), and most adoptions were “closed” (adoptees had no information about their families or cultures of origin or to their adoption records) (di Tomasso & de Finney, 2015a).

Alarmed by the ongoing removal of their children at increasingly high rates, First Nations mobilized to gain more control and jurisdiction over child welfare. Through bilateral and trilateral agreements between First Nations, federal and provincial governments, First Nations delegated agencies began to emerge in the late 1970s and early 1980s, with the intention of providing culturally relevant services to First Nations children and families (NCCAH, 2017; Brittain & Blackstock, 2015). First Nations agencies providing services on-reserve are required to comply with provincial laws and standards (as per Section 88 of the Indian Act), while the responsibility for funding child welfare services remains with the Federal government (Sinha & Kozlowski, 2013; Bennett, n.d.). As noted in the section below entitled “Structural Inequities and Child Welfare: The Canadian Human Rights Tribunal,” First Nations delegated agencies have been consistently underfunded. Further, the funding formulas created by the federal government have incentivized removal of children from their families by failing to provide funding for preventive services and support, and by failing to account for the unique needs of First Nations communities, including intergenerational trauma caused by historical and ongoing discrimination.

The Millennium Scoop: First Nations Child Welfare Today

We are facing a humanitarian crisis in this country where Indigenous children are vastly disproportionately over-represented in the child welfare system. (Jane Philpott, as quoted in Barrera, 2017)

Implementation of the above-mentioned policies has brought about a perfect storm in which First Nations children and families are beset by the damages wrought by a devastating history of the colonial intent to assimilate coupled with inequitable funding from the federal government for service provision on-reserve. Despite the emergence of First Nations child welfare agencies and increased scrutiny of child welfare practices throughout Canada, the dismal state of Indigenous child welfare today is evident in the stark and appalling statistics of child apprehensions and removals of First Nations children.

In November 2017, Jane Philpott, federal Minister of Indigenous Services, declared that the number of Indigenous children in the child welfare system in Canada constitutes a “humanitarian crisis,” noting that out of 11,000 children in care in Manitoba, 10,000 are Indigenous children (Barrera, 2017). Statistics Canada (2017) reported that in 2016, approximately half of all children in the child welfare system under the age of four in Canada were Indigenous, despite making up only 7.7% of the Canadian population under four years old. In Alberta, Indigenous children accounted for 70% of the total number of children in the system in March 2018 (Alberta Human Services, 2018), and First Nations children in Alberta are more than thirty times more likely than non-Indigenous children to be in the child welfare system, while Métis children are six times more likely (Office of the Child and Youth Advocate of Alberta, 2016).

Kline (1992) argues that while the Canadian legal processes that support child welfare law’s central concept – “the best interests of the child” – appear “universal and neutral” (p. 375), they are grounded in liberal ideology that universalizes the concept of the individual and minimizes the importance of First Nations children maintaining their culture and identity (p. 375). By applying standards that “reinforce the status quo” and are “not culturally relevant to First Nations” (Monture as cited in Kline, 1992, pp. 380–381), child welfare law in Canada acts as a form of “colonialist regulation” that is “coercive and destructive” to First Nations children and families (Kline, 1992, p. 389). Choate (2019) argues that the imposition of Eurocentric values on to Indigenous peoples through the child welfare system continues the systematic oppression of colonialism, and thereby violates the social worker’s stated core principle of social justice.

First Nations children removed by the child welfare system to foster or institutional care often experience cultural loss and abuse in ways similar to those who attended residential schools. The two systems are also intricately connected through their practice of, and rationale for, removing Indigenous children from their families. While Indigenous children in the residential school era were often removed from their homes using the “not properly cared for” provision, this term was replaced by “neglect” when provincial child welfare mandates were extended to First Nations reserves in the 1950s (Brittain & Blackstock, 2015).

To this day, the majority of First Nations children in child welfare care are removed under the neglect portfolio, largely because of “structural issues such as poverty, poor housing and parental or guardian substance misuse,” considered direct results of colonialism and residential schools (National Collaborating Centre for Aboriginal Health, 2017, p. 9). Along with the structural issues that lead to high rates of removals for “neglect,” colonial discourses that construct Indigenous women as “unruly” and as “unfit/bad” mothers have made Indigenous mothers “the most commonly targeted group by child welfare authorities” (Landertinger, 2015, p. 69). The combination of structural inequity and racist discourses that “portray Indigenous women as innately immoral, violent, and neglectful” work together to rationalize the ongoing removals of Indigenous children in the name of child protection at much higher rates than non-Indigenous children (Landertinger, 2015, pp. 60–61, 69). Once an investigation is initiated, Indigenous children are more likely to be removed than non-Indigenous children (29 percent compared to 11 percent) and are more likely to be placed in permanent versus temporary care (MacLaurin et al., 2008).

As noted above, the child welfare system most often removes Indigenous children from their families for “neglect” related to structural inequities such as poverty, poor housing and other issues related to colonialism and residential schools (MacLaurin et al., 2008; National Collaborating Centre for Aboriginal

Health, 2017). Despite the purported aim of child welfare to give these children a better life, Indigenous children frequently experience much worse within the system itself. The National Inquiry into Missing and Murdered Indigenous Women and Girls (2019) found “a direct link between current child welfare systems and the disappearances and murders of, and violence experienced by, Indigenous women, girls, and 2SLGBTQIA people” (p. 339).² The Child and Youth Advocate for British Columbia asserts that apprehension by the child welfare system increases a child’s vulnerability to sexual abuse and exploitation, especially in the case of Indigenous girls (Turpel-Lafond, 2016). In addition, research indicates that First Nations children in the child welfare system experience high rates of isolation, physical, emotional and sexual abuse, and death (Brittain & Blackstock, 2015; Jackson, 2019). In Ontario alone, 102 Indigenous children involved with the child welfare system died between 2013 and 2017 (Jackson, 2019). Indigenous youth in the system also experience higher rates of poverty and homelessness when they age out, and they are vastly overrepresented in the prison system. In fact, fully two-thirds of Indigenous people who are currently incarcerated were involved in the child welfare system as children (Palmater, 2017).

First Nations parents/caregivers of children with disabilities have, until very recently, had to choose between putting their children into foster care or moving their families away from their communities, just so they can access the resources and services other children receive (Graumans, 2018; Ducharme et al., 2007; *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada*, 2016; Wright et al., 2005). Traditional Indigenous perspectives on differences in physical and mental ability differ from Euro-Western cultural perspectives, and children and youth experiencing these differences may often feel greater cultural safety in their own communities. In an Indigenous context, children born with what Western society would deem a disability are often considered to have “special gifts or powers which enable [them] to communicate with the spiritual world” (Dion, 2017, p. 5), and labelling them as disabled has been controversial (Wright et al., 2005). The Euro-Western biomedical model of disability is deficit-based, centring on what a person can or cannot do (Wright et al., 2005). The biomedical model focuses on diagnosing individuals with a condition (Dion, 2017; Shackel, 2008) and considers disability “a weakness or ailment in need of change or amelioration” (Shackel, 2008, p. 9). In contrast, from a First Nations perspective, there is little desire to change the individual; instead, the change needs to happen at the societal and community level to remove barriers to participation (Shackel, 2008).

Until recently, the federal funding model for Delegated First Nations Agencies meant that most children with special needs had to be placed in the child welfare system in order to receive the required resources and supports (Wright et al., 2005). The massive gaps in services on reserves include: lack of supports for families caring for children with disabilities; lack of education and training for those caring for children with learning and/or behavioural disabilities; and lack of resources for assessments and follow-up plans (Wright et al., 2005). And because there are often few or no foster homes on reserves that can accommodate children requiring wheelchairs and other mobility and medical equipment, they are often placed off-reserve and in non-Indigenous foster homes (Wright et al., 2005).³ A 2006 study found that 33% of children in child

2 2SLGBTQIA is the acronym for Two Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex and Asexual people used by the National Inquiry into Missing and Murdered Indigenous Women and Girls.

3 In 2016, the Canadian Human Rights Tribunal ordered the federal government to fully implement Jordan’s Principle, which should enable more children to be accommodated in their homes and/or in their communities. See next section for more information about Jordan’s Principle.

welfare care in Manitoba were considered to have at least one disability, and that 69% of these children were First Nations (Gough & Fuchs, p. 1). These high rates should come as no surprise, given the historical underfunding and scarcity of services for children with disabilities who live on reserves (Ducharme et al., 2007; Wright et al., 2005).

Although there is little research on the experiences of Indigenous children with disabilities in the child welfare system, research on children with disabilities globally indicates that they are three to four times more likely to be victims of physical violence, emotional abuse and/or sexual abuse than their peers, and children with mental or intellectual challenges are most likely to experience violence (Jones et al., 2012). Research on children and youth with disabilities within the child welfare system in the U.S. indicates that they “receive lesser quality services and have poorer outcomes” (Lightfoot, 2014, p. 40). They are also more likely to be placed in out of home care when they have a maltreatment determination and “more likely to be placed in institutional or group settings and less likely to be placed in family foster care or kinship arrangements” (Lightfoot, 2014, pp. 38–39). They are also more likely to “experience placement disruption” and face more barriers to achieving permanency (Lightfoot, 2014, p. 39).

There is also very little research about the numbers and specific experiences of Indigenous children and youth who identify as lesbian, gay, bisexual, transgender, queer/questioning, and two-spirit (LGBTQ2S) in the child welfare system. However, the research available suggests that they face even greater challenges than Indigenous children who are heterosexual and cis-gendered (Office of the Child and Youth Advocate, 2017). In general, LGBTQ2S children and youth are at a heightened risk of self-harm, addiction, depression, anxiety, suicide and homelessness, and are also more likely to experience higher rates of sexual exploitation than non-LGBTQ2S youth (Office of the Child and Youth Advocate, 2017; Saewyc et al., 2017). Research from the U.S. indicates that LGBTQ2S children and youth often end up in out-of-home care because of intolerance and conflict around their sexual orientation or gender identity at home, and they often experience “the same hostility, rejection, and harassment” once placed in care (Salazar et al., 2018, p. 2). They are often placed in “discriminatory or unprepared foster families and group homes” and are “served by social workers with no specialized training” (Salazar et al., 2018, p. 2). Many are denied healthcare, especially if they identify as transgender, and some LGBTQ2S youth are forced into therapies that attempt to “convert” them into heterosexuals (i.e., conversion therapy) (Salazar et al., 2018, p. 2).

It is important to note that homophobia and transphobia within First Nations communities are largely the result of the colonizer’s imposition of Christian morality and the binary gender system. The Indian Act criminalized homosexuality and gender practices that did not conform to the binary gender system, and the residential schools played a central role in reinforcing heterosexuality, binary gender practices and homophobia (Depelteau & Giroux, 2015). Prior to colonization, Indigenous peoples in the Americas had a rich and varied “history of multiple-gender traditions” (Depelteau & Giroux, 2015, p. 65), including diverse marriage practices. In some nations, non-binary people were “highly esteemed and sometimes held prestigious social or spiritual offices” (Depelteau & Giroux, 2015, p. 65). As many First Nations revive traditional practices, more and more Two Spirit and Indigenous LGBTQ people are finding greater acceptance in their communities and reviving traditional roles and spiritual practices associated with their non-binary gender identities.

Structural Inequities and Child Welfare: The Canadian Human Rights Tribunal

If we provided birth families with the type of financial and emotional support we provide to strangers, or foster parents, it would be one of the best forms of prevention and cost-saving measures for child welfare services. (Carriere-Laboucane, 1997, p. 51)

The massive overrepresentation of First Nations children in the child welfare system is largely a result of the colonial laws that have facilitated the ongoing removal of First Nations children from their families and communities for over 150 years and the “structural risk factors that are beyond the control of individual parents: poor housing, poverty, substance misuse and, in many cases, lack of access to safe drinking water and adequate health care” (Brittain and Blackstock, 2015, p. 12). Along with the structural risk factors listed above, there is a dire lack of support services within many First Nations communities that would help children and youth to thrive (West Coast LEAF, 2019). These risk factors are a direct result of the chronic underfunding of services to First Nations, and the legacy of intergenerational trauma rendered through colonization, including residential school experiences.

As Blackstock (2015) notes about child welfare funding, “the federal government funds First Nations child welfare on reserves at less than 80 per cent of the funding levels provided to children off reserve by provincial governments” (p. 97). In the film *(Dis)placed: Indigenous Youth and the Child Welfare System* (2017), Cindy Blackstock states that, “First Nations families, particularly families on reserve, are being set up for failure by state policy,” and that “if parents are held accountable for neglect, the government should be held accountable for neglect too.” The Canadian Human Rights Tribunal (CHRT) agrees.

In 2016, the CHRT ruled on a human rights complaint brought forward by the First Nations Child & Family Caring Society and the Assembly of First Nations in 2007. The CHRT found that the underfunding of child welfare services on reserves constitutes racial discrimination by the federal government against 165,000 First Nations children. Further, the CHRT found that the overrepresentation of First Nations children in the child welfare system is a direct result of inequitable federal funding to First Nations agencies (*First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada*, 2016). The CHRT also found that the government’s outdated and flawed funding formulas for First Nations child welfare on reserves “provide(s) an incentive to remove children from their homes as a first resort rather than a last resort” (*First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada*, 2016, VII. Order, B). In addition, the federal government revealed that it regularly redirects funding allocated for infrastructure, including funding for “housing, water, sanitation, and the funding of First Nations schools,” to cover shortfalls in child welfare funding: a practice that increases the risk that children will be apprehended by child welfare under the neglect portfolio (Brittain and Blackstock, 2015, p. 79).

The CHRT ordered the government to “cease the discriminatory practice and take measures to redress and prevent it” (*First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada* VII. Order, B). This included immediate and full compliance with Jordan’s Principle, a child first principle named in memory of Jordan River Anderson of Norway House Cree Nation who passed away in the hospital never having known a family home. Jordan’s Principle was named in his honour to ensure that federal and provincial governments provide public services – including services in health, education, childcare, recreation, and culture and language – to First Nations children in ways that reflect their needs

and without delay (First Nations Child & Family Caring Society, 2018). Because of the CHRT ruling in January of 2016, First Nations child and family service agencies can now claim costs from Indigenous Services Canada to ensure that they can offer equitable services to First Nations children and families (First Nations Child & Family Caring Society, 2019).

In addition, Canada was ordered to fully implement the full scope of Jordan's Principle to ensure First Nations children get the services and supports they need when they need them (First Nations Child & Family Caring Society, 2018). The Government of Canada reports that between July 2016 and February 29, 2020, First Nations children, both on and off reserve, were able to access "over 550,000 products, services and supports" (2020). Averaged out, this means that First Nations children were able to access 12,790 products, services and supports per month, or approximately 419 per day, showing how great the need is, and how much First Nations children and families had to do without prior to the full implementation of Jordan's Principle as ordered by the CHRT. Despite these improvements, the government is still not fully compliant with the CHRT's orders, including its ongoing failure to *fully implement* Jordan's Principle. As the First Nations Health Consortium (2019) reports, the "ongoing pattern of delays in government response to Jordan's Principle requests" must be addressed, and "services must be adapted to ensure that they actually address the needs of First Nations children" (pp. xxi–xxii).

Since the original ruling, the CHRT has issued ten more orders, including one in September 2019, which orders Canada to provide \$40,000 in compensation to First Nations children and families for "wilful and reckless discriminatory practice" through "repeated violations of human rights of vulnerable First Nations children over a very long period of time" (*First Nations Child and Family Caring Society of Canada et al.*, Sept. 6, 2019, [232]). Until the federal government fulfills all of its obligations under the CHRT rulings, there remains much work to be done to end structural discrimination against First Nations children in Canada. You can follow the progress by visiting the "I am a witness" campaign on the Caring Society's website: fncaringsociety.com/i-am-witness.

Bill C-92 and Indigenous Jurisdiction Over Child Welfare

It is clear that removing Indigenous children from their families, communities and cultures has caused indescribable and irreparable harm for almost 200 years. The fact that these harms are ongoing is unconscionable. Since removals began, Indigenous peoples have been fighting to keep their children in their communities.

In 2019, Canada drafted *Bill C-92: An Act respecting First Nations, Inuit, and Métis children, youth and families*, which is the first federal legislation in the area of Indigenous children. The Yellowhead Institute calls Bill C-92 "a huge and unprecedented step forward in Canada" (2019). It is the first time the federal government has legislated in the area of Indigenous child welfare, and the bill recognizes "Indigenous People's jurisdiction over child and family services, as part of an inherent Aboriginal right to self-governance" (Yellowhead Institute, 2019). On January 1, 2020, Bill C-92 came into force; it remains to be seen whether or not this legislation will actually improve the lives of Indigenous children and youth (*An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*, 2019).

While many celebrate Bill C-92's unprecedented recognition of Indigenous People's right to jurisdiction over child and family services, others have raised grave concerns about the process of drafting the legislation (Faculty of Law, University of Alberta, 2019). A main critique is that the legislation was drafted by officials at Indigenous Services Canada and the Department of Justice, with very little consultation with Elders, First Nations child and family services experts, youth in care, and others with direct knowledge and experience (Blackstock, 2019). In addition, the legislation takes a pan-Indigenous approach to First Nations, Inuit and Métis child welfare, despite the fact that First Nations child welfare is delivered differently than Inuit and Métis child welfare, and Canada has different funding obligations to First Nations. As Blackstock (2019) argues, without a "substantive equity funding guarantee" for First Nations, as ordered in the CHRT's 2016 ruling, individual First Nations will be required to negotiate with the government for funding on a case-by-case basis, a practice that has caused significant inequalities in the past and does nothing to address the "federal government's ongoing under-funding of critical public services on-reserve" (p. 6), which is the main reason for the ongoing removal of First Nations children from their homes and communities at unprecedented rates. In the Yellowhead Institute's "Report Card" on Bill C-92, the legislation received one C, three Ds, and an F: in national standards, accountability, jurisdiction, data collection and reporting, and funding, respectively (2019).

The many serious flaws with Bill C-92 could translate into maintaining the status quo in Indigenous child welfare or could worsen the situation for many Indigenous children and families, especially if there is insufficient funding to make this transition work, as has been the colonial approach up until now. Hopefully, communities will be able to obtain the needed funding in order to create and realize their own visions for children and families and ensure that Indigenous children get the chance to grow up safely with their families and in their communities.

Section 1 Activities

1. **Journal:** Ask participants to journal about the following: The child welfare system has replaced residential schools as a tool of colonial assimilation and cultural genocide. Reflecting on this statement, does it change your perception of the child welfare system in Canada and your role in it? If yes, how? If not, why?
2. **Sharing Circle** – Invite an Elder or other Indigenous Knowledge Keeper to lead a sharing circle. Alternatively, you can facilitate a sharing circle yourself. The purpose is for participants to introduce themselves and share their initial responses to the topic and to the film. A well-run sharing circle will create a safe and ethical space for all participants where they can speak openly, listen respectfully and learn from each other. The following resources will assist facilitators who need instruction in guiding this process:
 - *Sharing Circles* by Lisa Howell: See Appendix 2 at the end of this learning guide
 - *About Sharing Circles*: ravenspeaks.ca/wp-content/uploads/2012/04/Sharing_Circle_Instructions_SECONDARY.pdf
 - *First Nations Pedagogy Online*: firstnationspedagogy.ca/circletalks.html

Section 1 Discussion Questions

1. Old Crow Chief Norma Kassi is quoted at the beginning of the film. She says: “The doors are closed at the residential schools but the foster homes are still existing and our children are still being taken away.” Discuss the connections between residential schools and the child welfare system and the similar effects these systems have on Indigenous children and their families.
2. After listening to Tia, Tyler and Donovan share their experiences in the film, discuss some of the most profound consequences of the child welfare system in their lives.
3. How does discrimination and structural inequity play out in the lives of Tia, Tyler and Donovan in the film? How do structural inequities impact children and youth that you have been involved with?
4. What needs to change to ensure that other Indigenous children do not have similar experiences as Tia, Tyler and Donovan? What can you do in your position to make sure Indigenous children and youth are given the best chances to thrive?

SECTION 2 Cultural Continuity and Indigenous Child Well-Being



Tia Ledesma (with son Jaxx): “As native people, and our traditional ways, family is what our system is.”

The answer lies in a return to traditional values in caring for our children and remembering that every child has many mothers.

—Alanis Obomsawin, *Richard Cardinal:
Cry from a Diary of a Métis Child*, 1986

The struggle for cultural continuity and Indigenous child well-being is a struggle against the deliberate cultural genocide of Indigenous peoples by the Canadian government by means of “a systemic dismantling of Indigenous child-rearing, family, community, and kinship structures” (di Tomasso & de Finney, 2015a, p. 7). The intentional and ongoing removal of Indigenous children from their families, communities and cultures over many generations has led to the massive disruption in traditional childrearing practices that served as protective factors for children and the community as a whole.

Disconnection from family, community and culture often have devastating effects on an Indigenous child’s overall health and well-being (Bombay et al., 2014; Greenwood, 2005). Indigenous children who are severed from their families, extended kin networks and cultures are denied access to familial and community connections and to traditional knowledge, including language, spiritual beliefs and cultural practices (Native Counselling Services of Alberta, 2019). Research links problems with identity and self-esteem for Indigenous peoples to cultural discontinuity resulting from settler colonialism (Kirmayer et al., 2000), and separation from family resulting in identity disruption has long-term negative consequences (Bombay et al., 2014; Greenwood, 2005; Lavallée & Poole, 2010), including increased risk of depression and self-harm, and the “astronomically high suicide rate found among Aboriginal youth” (Morris, 2007, pp. 134, 138).

Research focusing specifically on child well-being in First Nations communities indicates that that while needs vary amongst communities because of their distinct cultural, traditional, spiritual and linguistic practices, there are three overarching components of child well-being for First Nations children: opportunities for children to receive an equitable education that provides access to learning their cultures and languages; access to high levels of health and wellness; and the opportunity to grow up safely with their families in nurturing homes and communities (First Nations Child and Family Caring Society, 2015; First Nations Health Authority, n.d.; New Agenda Working Group and the Chiefs of Ontario Education Coordinating Unit, 2011). As noted in Section 1, structural inequities stemming from colonialism mean that many First Nations children receive inequitable access to these components of well-being in their communities, which has led to the continuous removal of children from their families and communities at alarmingly high rates.

As Carriere & Richardson (2009) note, “[t]he Aboriginal sense of self arises as a consequence of kinship bonds and communal life” (p. 57). Leroy Littlebear describes Indigenous kinship networks as a “spider-web of relations” (Carriere & Richardson, 2009, p. 55); removing even one child from this delicate ecosystem creates consequences for the entire community. As the Anishinaabe Community Care Program states:

Children represent the future and the future cannot be entrusted to the care of external government and public agencies. Reaffirming Anishinaabe identity requires control over community life and [the] preservation of Anishinaabe identity requires control over the care and protection of children (Simard, 2006 as cited in Simard, 2019, p. 71).

Many Indigenous groups across the country affirm that self-determination and identity are intrinsically linked. Indigenous identity formation is strengthened by access to cultural and ancestral knowledge, which helps to foster resilience in young Indigenous people (Gfellner & Armstrong, 2012). Studies have found that a positive and strong cultural identity achieved through cultural continuity is a protective factor for mental health issues and youth suicide (Carriere & Richardson, 2009; Chandler & Lalonde, 2008). Further, a positive cultural identity protects against the onslaught of discrimination, racism and negative stereotyping experienced by Indigenous people (Bombay, et al., 2014).

In the face of ongoing intergenerational trauma and loss caused by the removal of Indigenous children to residential schools and by child welfare authorities, Indigenous peoples are revitalizing traditional childrearing practices (Best Start Resource Centre, n.d.; di Tomasso & de Finney, 2015b; Muir & Bohr, 2014; Simard, 2019). Traditions vary amongst Indigenous peoples, but many practices and teachings are similar (National Centre for First Nations Governance, 2009). For example, traditional First Nations childrearing methods are collective and stem from traditional teachings (Best Start, n.d.). They instill in the child a solid sense of relationship to the ancestors, ancestral knowledge, spiritual traditions and the land; these relationships cannot be replicated outside of a child’s cultural community (Ball, 2012; Greenwood, 2005).

In order to increase cultural continuity and child well-being, many communities are reviving customary caretaking practices to support children’s connectedness to land, culture, community and family when they have been removed from their communities by the child welfare system. Some examples of these community and culturally centered practices include a band’s cultural adoption of Indigenous and non-Indigenous adoptive families, provision of language and cultural classes for adoptive families and

ceremonies with a child's extended family in the child's community (de Finney & di Tomasso, 2015b). In addition, open adoptions are becoming more common. Open adoptions allow for the birth family to have input into the adoption process itself and often involve an agreement about levels of contact between the birth family and their child. However, openness agreements are not enforceable by law, can be broken by the adoptive family, and can disintegrate for numerous reasons, including poor communication, lack of commitment, and "underlying racial discrimination and cross-cultural disconnect" (di Tomasso & de Finney, 2015b, p. 13).

Kinship care is a long-standing customary caregiving practice of Indigenous peoples; it has traditionally involved relatives looking after each other and extended family caring for children when alternative care is required (National Collaborating Centre for Aboriginal Health, 2017). In the child welfare system, kinship care refers to a foster care placement of a child with an extended family member or other person they already have a significant relationship with and is the first choice for placing children in many jurisdictions (Gough, 2006). For Indigenous children, kinship care also includes someone who is a member of their cultural community (Mann-Johnson, 2017).

Research shows that kinship placements provide significantly better outcomes than other placement options (Schwartz et al., 2014; Toombs et al., 2018). In comparison to foster care, kinship placements are more stable, siblings are more often able to stay together, contact with parents is more common and children are more likely to have lifelong connections to extended family, "even if the kinship placement breaks down at some point" (Mann-Johnson, 2017, p. 222). Some of the challenges for kinship caregivers include negative attitudes from caseworkers, having to meet the standardized home assessment format imposed by the child welfare system that fails to "consider cultural traditions and contexts," and a lack of financial resources for meeting these standards (Mann-Johnson, 2017, p. 227). To eliminate the multiple challenges for kinship caregivers, Mann-Johnson (2017) calls for an "anti-colonizing approach" to kinship placement that requires a social worker to "work collaboratively with the family to identify potential needed areas of support" rather than using the standardized assessment tools and legislation to create barriers for children and kinship caregivers (Mann-Johnson, 2017, p. 232).

Cultural planning in adoption or foster situations is another strategy used to alleviate the extensive damage done by separating Indigenous children from their familial and cultural roots. From an Indigenous perspective, cultural planning involves instilling "relational and kin-based identity formation" through ongoing relationships with Elders and other community knowledge keepers (di Tomasso & de Finney, 2015a, p. 13). In Euro-Canadian child welfare practice, cultural planning usually involves an agreement made by a non-Indigenous foster or adoptive parent to ensure that the child has access to learning about their cultural roots. Cultural planning can have a positive impact on the success of the adoption, but as di Tomasso & de Finney (2015a) warn, the process itself "invites reduction and essentialism," as the actual "learning" opportunities for the child often focus on stereotypes about Indigenous cultural practices instead of focusing on the child's specific ancestry, community and culture (p. 13). Even when adoptive parents are well-intentioned, the opportunities they can offer rarely enable kin-based identity formation and relationships with Elders and other traditional knowledge keepers from the child's community of origin (di Tomasso & de Finney, 2015a, p. 13).

To enable “more holistic, relational approaches to cultural continuity,” some advocates and communities have been working towards culturally safe adoption practices that would include a decolonization framework that enables an analysis of “power imbalances, colonization and institutional discrimination” (di Tomasso & de Finney, 2015a, pp. 14–15). Some are also exploring a custom adoption approach “rooted in Indigenous worldviews, including ... the honouring of children as sacred gifts” (di Tomasso & de Finney, 2015b, p. 20). Custom adoption refers to the recentering and reinterpretation of a diversity of traditional customary caretaking and adoption practices and arrangements that address the specific needs of Indigenous children and families within their communities. Custom adoption arrangements would provide cultural continuity and be flexible enough to meet the evolving needs of the child (di Tomasso & de Finney, 2015b). Although there are many complexities and limitations to implementing custom adoption approaches, including chronic underfunding and limited training opportunities, many are hopeful that moving toward customary laws in adoption will provide the best opportunity for children involved in the child welfare system to stay connected to family, community, culture and land (di Tomasso & de Finney, 2015a).

It is crucial for anyone working with Indigenous children involved in the child welfare system to understand the profound harms the system often creates, and to support Indigenous children’s rights and needs to maintain cultural continuity through deep connections with their families, communities and cultures. Ending removals of Indigenous children altogether whenever safe for the child is crucial for the child’s health and well-being, and the health and well-being of communities. As noted in the discussion of Bill C-92 in Section 2, Indigenous peoples’ jurisdiction over child and family services is a crucial step forward in recognizing the inherent right of First Nations, Métis and Inuit peoples to self-governance. However, parents/caregivers and communities must be provided with the resources required to ensure they can care for their children in ways that enable the full promotion of child well-being, including the protective factors provided by cultural continuity.

Section 2 Activities

1. **Reflective Writing: Journal** – Given the importance of cultural continuity for Indigenous child and community well-being (briefly outlined in Section 2), how do you think that removal by the child welfare system impacts Indigenous children’s kinship bonds and sense of identity? What would supporting Indigenous children’s rights and needs to maintain cultural continuity through deep connections with their families, communities and cultures look like in your work?
2. **Brainstorm:** In large or small groups, brainstorm ideas about how your place of employment could engage with Indigenous Elders and other knowledge keepers about their particular culture or community’s ways of childrearing, and what the results of this engagement could be. If your place of employment already engages Indigenous Elders and other knowledge keepers in this way, discuss the process and results of this engagement.

3. **Revisit Ethics, Standards and Principles:** Revisit the ethics, standards and principles that are important in your profession or place of work that you wrote down during the pre-screening activities (or write them down now). In light of the information provided in this section about cultural continuity and Indigenous child well-being, journal about and/or discuss whether or not your practice in relation to Indigenous children violates any of these ethics, standards or principles. If your practice does violate them, discuss how you could practice in a way that upholds them.
4. **Revisit Big Thinking Questions:** Revisit the one or two burning questions you decided to focus on in the pre-screening activity and discuss how you might answer these questions in light of the information about cultural continuity and Indigenous child well-being outlined in Section 2.

Section 2 Discussion Questions

1. How does the “care” that Tia, Tyler and Donovan experienced in the child welfare system differ from the ideals of cultural continuity and Indigenous child well-being outlined in Section 2? What problems did they experience because of loss of culture and kinship connection? What have they done to try to reconnect to family and/or community and culture, and what have their experiences of trying to reconnect been like?
2. How do the young people in the film express their relationship to traditional knowledge and Indigenous cultural practices? How are they learning these things now, and why is it important them?
3. Do you work with Indigenous children or young people who are currently disconnected from traditional knowledge and Indigenous cultural practices who may be interested in getting connected? Would you know how to help them make deep, meaningful and ongoing connections with community and culture if they were interested? If not, is this something you would be willing to learn? How would you start?
4. Do you know of existing initiatives that hold promise for supporting Indigenous communities in self-determination in child welfare and realizing their visions for children and families? If so, what are they, and what approaches work best for children and their communities? What steps can you take to learn more?

SECTION 3 Moral Courage in Child Welfare: “Getting Into Trouble for Doing the Right Thing”



Cindy Blackstock explains the connections between residential schools and the child welfare system.

Child welfare bureaucracies perpetuate neglect and abuse towards Indigenous children and youth. Not only does the child welfare system put Indigenous children at risk through loss of family, community and cultural connection, it puts them at higher risk of sexual, emotional and physical abuse, and even death (Jackson, 2019; Turpel-Lafond, 2016). Service providers, including social workers and child and youth practitioners, have historically played an oppressive role in the institutionalization of Indigenous youth through the residential school system and in modern day child welfare agencies (Baskin & Sinclair, 2015). In this context, it takes great moral courage and selflessness for those working in the child welfare system to advocate for Indigenous children, families and communities, and to support Indigenous communities in realizing their visions for the thriving of children, youth and families.

Bureaucracies like the child welfare system reward conformity and “[stifle] change and innovation”; thus, standing up against the system can mean putting your job at risk (Blackstock, 2011, p. 35). Blackstock (2011) argues that moral courage can often involve “getting into trouble for doing the right thing” (p. 36). Moral courage is the ability to act ethically, to do the “right thing,” without hope of personal gain and despite opposition or threat of personal consequences (Blackstock, 2011; Serrat, 2017). The ability to act with moral courage is not something that one is naturally endowed with; rather, “it is something requiring life-long dialogue, learning and practice” (Blackstock, 2011, p. 44).

Service providers may find themselves in settings where doing nothing or very little to address the situation is acceptable practice and is reinforced by bureaucratic systems (Blackstock, 2009; Blackstock, 2011). However, despite personal risk, there are always frontline workers and managers who show moral courage

by bending rules in order to “do the right thing for children” (Blackstock, 2011, p. 37). McLaughlin et al. (2017) found that although many assume that new or novice child welfare social workers are more likely than those with more experience to take a stand when it comes to social justice issues at work, this is not the case. Instead, they found that more experienced or senior workers are more likely to practice in ways that demonstrate a commitment to social justice. The researchers attribute this to the fact that workers who have “a sound knowledge of policy and systems, accompanied by reflective, structural, and collaborative approaches,” were able to make the system work better for children and families (McLaughlin et al., 2017, p. 577).

Acting with moral courage requires acknowledging and reflecting upon professional and ethical values and beliefs. It also involves critically analyzing the system’s potential for oppressing and discriminating against the very people it claims to protect. Instead of heedlessly conforming to existing organizational expectations that are colonial and prejudicial, service providers can learn from Indigenous communities and from each other how to develop moral courage, so that they too can speak out against oppressive policies and practices and stand in solidarity with Indigenous peoples. Once this happens, those working within the system will cease to be part of the problem and become a crucial part of the solution.

Section 3 Activities

1. **Journal and/or Group Discussion:** In her article “Wanted: Moral Courage in Canadian Child Welfare,” Cindy Blackstock writes that “[c]hild welfare stifles change and innovation in a system that desperately needs it,” but that she has nevertheless witnessed “courageous line workers and supervisors bend the rules to do the right thing for children” (2011, pp. 35, 37). Have you witnessed an act of moral courage by others in your line of work, or have you done something that would be considered morally courageous? What challenges did you or someone else face in order to “do the right thing,” and what strategies did you learn that could help someone else learn how to be morally courageous in the workplace?
2. **Revisit Ethics, Standards and Principles:** Revisit the ethics, standards and principles of your profession that you wrote down in the pre-screening activity. In light of the information provided about moral courage in this section, discuss how these ethics, standards and principles can support a practice of moral courage in relation to Indigenous children in your work.
3. **Revisit Big Thinking Questions:** Revisit the one or two burning questions you decided to focus on in the pre-screening activity and discuss how you might answer these questions now.

Section 3 Discussion Questions

1. Are there existing solutions to any of the problems faced by Tia, Tyler and Donovan that could be implemented right now? What are they? If there are solutions you or others have tried in the past, did they work? Why or why not? What stands in the way of finding or trying new solutions and implementing them?
2. In the film, Cindy Blackstock says that despite her best intentions as a social worker, she often did not give Indigenous kids a “better life” by removing them from their homes. If you are working directly with Indigenous children, or you are involved in making decisions about their lives, have you found that you give the majority of kids a “better life”? What information and cultural perspective are you basing your answer on?
3. If applicable: Can you think of a time where you did or could have assisted a family with resources instead of removing a child from the home? If so, what was the result? With what you know now, would you or could you act differently? Discuss.
4. What would an evaluation identifying ongoing discriminatory ideologies, policies and practices look like in your place of work? Would you support such an evaluation? How could you help make it happen?

SECTION 4 Social Justice, Solidarity Work and Reconciliation in Child Welfare



Brianna Olson leading vigil on missing and murdered Indigenous women and girls, Edmonton, 2014

Sections 1–3 of this learning guide aim to provide those working with Indigenous children and youth in the child welfare system with a better understanding of the many connections between Canada’s colonial past and present, including how the child welfare system continues the assimilation that residential schools began (TRC, 2015a). They also ask participants to reflect on what professionals working within the system can do to improve the lives of Indigenous children and youth in their care. This section encourages participants to take action towards social justice and reconciliation for Indigenous children in solidarity with Indigenous communities and organizations and provides some suggestions about how to get started.

As outlined in the introduction, the overriding vision of the TRC and Indigenous communities is to see Indigenous children and youth thriving. For the First Nations Child and Family Caring Society of Canada (2020), this vision involves ensuring that children “have culturally based and equitable opportunities to grow up safely at home, be healthy, get a good education and be proud of who they are.” Many have been working for years to ensure that the federal government ends its racial discrimination against First Nations children and families by providing equitable funding and services. The provision of equitable funding will decrease structural inequities such as poverty, unsafe housing and health care that are a major cause of removals by the child welfare system (see “Structural Inequities and Child Welfare: The Canadian Human Rights Tribunal” in Section 1). Because the federal government has failed, so far, to comply with the CHRT’s orders to end structural inequities, we need to apply constant pressure until the government fulfils its obligations to ensure equity for First Nations children.

Below you will find some ideas about how to support the ongoing efforts of those who have been fighting for years to end structural inequities for First Nations children and, ultimately, to realize the overall vision of seeing all Indigenous children and youth thrive in their families and communities.

Section 4 Pre-Action Questions

1. Do the ethics, standards and principles adopted by your profession require you to fight for social justice? If so, what does social justice in child welfare look like?
2. In what ways do you already fight for social justice in child welfare at work? What about outside of work?
3. What does it mean to work in solidarity with Indigenous peoples?

Section 4 Pre-Action Activities

- Discuss the root causes behind the overwhelmingly high number of Indigenous children and youth in the child welfare system today and find out what activists and advocates are currently doing to address these root causes. What changes need to be made within Canada for these child removals to end? What strategies are activists and advocates currently employing to create change?
- Connect with a local First Nations community or organization involved with fighting for structural equity and/or self-determination in child welfare and find out what you can do to help them achieve their goals.
- How do you think you and your colleagues could contribute to making these changes happen, either through participating in an existing action or campaign or by creating a new action? How could you do this in a way that respects and collaborates with Indigenous children and youth and their communities and/or Indigenous organizations working to make these changes?

Taking Action

After completing the pre-action activities listed above and reviewing the “some resources to inspire action” section below, decide, as a group, and in solidarity with your Indigenous partners (if applicable), which action(s) you will take. Make a plan and take action. Share your ideas and actions with others through social media or in presentations to your wider community.

Some Resources to Inspire Action

1. Support the Truth and Reconciliation Commission’s Calls to Action on Child Welfare

Read the TRC’s calls to action on child welfare and find out if governments have addressed any of the calls. Plan an action to educate colleagues and the general public about what the TRC is calling for, and create strategies to press all levels of government to meet the TRC’s calls to action on child welfare: trc.ca/assets/pdf/Calls_to_Action_English2.pdf

2. Participate in the Touchstones of Hope in Child Welfare Movement

Visit the Caring Society's website and participate in the Touchstones of Hope in Child Welfare reconciliation movement. The Touchstones of Hope movement is grounded in a set of principles and processes that encourage grassroots approaches to caring for Indigenous children through respectful collaboration and work between Indigenous and non-Indigenous peoples. The Touchstones of Hope were designed to facilitate reconciliation in child welfare, and there are excellent resources available for communities and organization to develop culturally-driven vision plans to inform child welfare practice and policies specific to regions and Nations.

- Touchstones of Hope website: fncaringsociety.com/touchstones-hope
- *Reconciliation in Child Welfare: Touchstones of Hope for Indigenous Children, Youth, and Families* fncaringsociety.com/sites/default/files/reconciliation_in_child_welfare_booklet_-_2019_0.pdf

3. Call on Canada to immediately Adopt the Spirit Bear Plan

Developed by the Caring Society to end inequality in public services for First Nations children, youth and families, the Spirit Bear Plan calls on Canada to immediately comply with all rulings by the Canadian Human Rights Tribunal to cease its discriminatory funding of First Nations child and family services and to fully and properly implement Jordan's Principle. The plan also calls on the Canadian government to cost out shortfalls and find solutions, consult with First Nations on a holistic plan and evaluate departments providing services to First Nations children and families. It also calls on Canada to ensure mandatory training of public servants to identify and address government ideology, policies and practices that contribute to maintaining the inequalities and impeding the implementation of the TRC's Calls to Action on child welfare.

- Spirit Bear Plan website: fncaringsociety.com/spirit-bear-plan

4. Take Action to Ensure the Full Implementation of Jordan's Principle

Jordan's Principle is named after Jordan River Anderson of Norway House Cree Nation in Manitoba. Jordan was a First Nations child born with complex needs who died in the hospital when the federal government and the province were arguing for 2 years about who would pay for his at-home care. Jordan's Principle is a child-first principle developed to ensure that First Nations children receive the health, education, childcare, recreation, culture and language services they need without delay or disruption. As outlined in Section 1, the Canadian Human Rights Tribunal ordered the federal government in January of 2016 to fully implement Jordan's Principle, but the government has yet to fully comply. Thus, many First Nations children are still having these services delayed or are denied these services altogether, which means that the federal government is still racially discriminating against First Nations children. Visit the Caring Society's website and find out what you can do to ensure that First Nations children receive the services they need when they need them.

- Jordan's Principle website: fncaringsociety.com/jordans-principle
- *Jordan River Anderson, The Messenger*: Host a screening of this film by legendary Abenaki filmmaker Alanis Obomsawin. The film tells the story of Jordan and his family, and how many First Nations children are now starting to receive the services they need because of Jordan: www.nfb.ca/film/jordan-river-anderson-the-messenger/

5. Participate in Caring Society Campaigns and Events That Promote Equity and Well-Being for Children

The Caring Society has developed excellent resources and campaigns that make it easy for anyone to make a difference for First Nations children and their families. Visit the following campaign websites to find out how:

- 7 Free Ways to Make a Difference: fncaringsociety.com/7-free-ways-make-difference
- Jordan's Principle: fncaringsociety.com/jordans-principle
- Shannen's Dream: fncaringsociety.com/shannens-dream
- I am a witness: fncaringsociety.com/i-am-witness
- Spirit Bear's Ambearrister's program: fncaringsociety.com/Reconciliation-Ambearristers
- Have a Heart Day: fncaringsociety.com/have-a-heart
- Bear Witness Day: fncaringsociety.com/BearWitness
- Honouring Memories, Planting Dreams: fncaringsociety.com/honouring-memories-planting-dreams
- Elderbeary Day: fncaringsociety.com/elderbeary-day
- School is a Time for Dreams: fncaringsociety.com/school-time-dreams

We would love to hear about your events and actions! Feel free to email information and photos of your events and actions to fncares@ualberta.ca, info@fncaringsociety.com and/or kingcripproductions@gmail.com, and we will share your efforts via social media and on the film's website. Alternatively, just tag us on social media!

 @fncares @CaringSociety @SpiritBear

 @fncares @CaringSociety @Spiritbearrister

 spiritbearandfriends

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Yellowhead Institute. (2019). *Bill C-92: An Act respecting First Nations, Inuit and Métis children, youth and families*. <https://yellowheadinstitute.org/bill-c-92-analysis/>

IV. ADDITIONAL RESOURCES

Guides and Reports for Social Workers and Service Providers

Bill C-92: Compliance Guide for Social Workers and Service Providers. cloudfront.ualberta.ca/-/media/law/faculty-research/wahkotowin/data-lists-pdfs/bill-c-92-compliance-guide-for-social-workers-and-service-providers.pdf

Kiskisik Awasisak: Remember the Children. Understanding the Overrepresentation of First Nations Children in the Child Welfare System. (2011). cwrp.ca/sites/default/files/publications/en/FNCIS-2008_March2012_RevisedFinal.pdf

Towards a New Relationship: Toolkit for Reconciliation/Decolonization of Social Work Practice at the Individual, Workplace, and Community Level. www.bcasw.org/wp-content/uploads/2011/06/Reconciliation-Toolkit-Final_May-11.pdf

We Matter Campaign: Toolkit for Support Workers. wemattercampaign.org/toolkits/support-workers

Academic Journals and Databases

Canadian Child Welfare Research Portal
cwrp.ca

First Peoples Child & Family Review
journals.sfu.ca/fpcfr/index.php/FPCFR/index

First Nations Child Poverty: A Literature Review and Analysis
<https://fncaringsociety.com/sites/default/files/First%20Nations%20Child%20Poverty%20-%20A%20Literature%20Review%20and%20Analysis%202015-3.pdf>

Indigenous Knowledge Portal, First Nations Child and Family Caring Society
fncaringsociety.com/ikp

Indigenous Policy Journal
www.indigenouspolicy.org/index.php/ipj

International Indigenous Policy Journal
ir.lib.uwo.ca/iipj/

Free Online Videos

7 Ways to Make a Difference
www.youtube.com/watch?time_continue=4&v=jZE7YASM6ts

Cindy Blackstock – Canadian Human Rights Tribunal on First Nations Child Welfare
youtu.be/FEoNAgoQz10

Cindy Blackstock on the Tribunal Ruling (on First Nations Child Welfare)
youtu.be/0H0CvBx1tlo

It Takes All of Us to Enforce the Law
www.youtube.com/watch?time_continue=2&v=7sZkB5p4e6c

Jordan's Principle Youth PSA

www.youtube.com/watch?time_continue=1&v=RatzhHmFd-M

Journey Home

www.youtube.com/watch?v=G-q4VepX4vU

Reconciliation Begins With You and Me

www.youtube.com/watch?time_continue=2&v=LpYcczGu1Is

NFB Films

Birth of a Family (Tasha Hubbard, 2017)

www.nfb.ca/film/birth_of_a_family/

Foster Child (Gil Cardinal, 1987)

www.nfb.ca/film/foster_child/

Hi-Ho Mistahey (Alanis Obomsawin, 2013)

www.nfb.ca/film/hi-ho_mistahey_en/

Jordan River Anderson, the Messenger (Alanis Obomsawin, 2019)

www.nfb.ca/film/jordan-river-anderson-the-messenger/

Richard Cardinal: Cry from a Diary of a Métis Child (Alanis Obomsawin, 1986)

www.nfb.ca/film/richard_cardinal/

Wards of the Crown (Andrée Cazabon, 2005)

www.nfb.ca/film/wards_of_the_crown/

We Can't Make the Same Mistake Twice (Alanis Obomsawin, 2016)

www.nfb.ca/film/we_can_t_make_the_same_mistake_twice/

Websites

Canadian Council of Child & Youth Advocates

www.cccya.ca/content/index.asp

CASW Reconciliation Hub

www.casw-acts.ca/en/resources/casw-reconciliation-hub

First Nations Child and Family Caring Society of Canada

fncaringsociety.com/about-us

I am a Witness: Tribunal Timeline and Documents

fncaringsociety.com/i-am-witness-tribunal-timeline-and-documents

Indigenous Kids Rights Path

www.indigenoukidsrightspath.ca

Jordan's Principle

fncaringsociety.com/jordans-principle

Information Sheets

Big legal victory for kids! Canadian Human Rights Tribunal decision on First Nations child welfare
(January 26, 2016)

fncaringssociety.com/sites/default/files/Kids%20information%20sheet%20re%20CHRT%20Decision.pdf

Bill C-92, An Act respecting First Nations, Métis and Inuit children, youth and families

fncaringssociety.com/sites/default/files/legislation_bn_march_9_2019.pdf

By the numbers: Canadian Human Rights Tribunal on First Nations child welfare

fncaringssociety.com/sites/default/files/By%20the%20Numbers%202017.pdf

Canadian Human Rights Tribunal compensation for First Nations children and families

fncaringssociety.com/sites/default/files/chrt_compensation_for_first_nations_children_and_families.pdf

Canadian Human Rights Tribunal rules on eligibility for compensation for First Nations children and families

fncaringssociety.com/sites/default/files/2020_chrt_7_info_sheet_1.pdf

Child welfare funding case: Timeline of procedural delays

fncaringssociety.com/sites/default/files/Procedural%20Diagram%202007-2016.pdf

Dr. Peter Henderson Bryce: A story of courage

fncaringssociety.com/sites/default/files/Dr.%20Peter%20Henderson%20Bryce%20Information%20Sheet.pdf

A general profile on First Nations child welfare in Canada

<https://fncaringssociety.com/sites/default/files/docs/FirstNationsFS1.pdf>

Information sheet: The Canadian Human Rights Tribunal on First Nations child welfare

fncaringssociety.com/sites/default/files/Tribunal%20Briefing%20Note%20January%202016.pdf

Information sheet: Culturally based equity for First Nations children and youth

fncaringssociety.com/sites/default/files/Information%20Sheet_Culturally%20Based%20Equity_May%202013_7.pdf

Information sheet: Structural interventions in child welfare

fncaringssociety.com/sites/default/files/Information%20Sheet%20_%20Structural%20Interventions%20in%20Child%20Welfare.pdf

Information sheet #2: First Nations education

fncaringssociety.com/sites/default/files/Information%20Sheet%202%20-%20First%20Nations%20Education%20final.pdf

United Nations Committee on the Rights of the Child general comment on the rights of Indigenous children

fncaringssociety.com/sites/default/files/UNCRCGeneralComment-RightsOfIndigenousChildren.pdf

United Nations Human Rights Council: Universal periodic review on Canada

fncaringssociety.com/sites/default/files/UN%20UPR%20info%20sheet%20draft%20FINAL.pdf

Victory for First Nations children: Canadian Human Rights Tribunal finds discrimination against First Nations children living on-reserve

fncaringssociety.com/sites/default/files/Information%20Sheet%20re%20CHRT%20Decision.pdf

V. APPENDICES

Appendix 1

Glossary

Aboriginal – A constitutional term used to describe persons and groups identifying as First Nations, Inuit, or Métis. In Canada, the term Aboriginal has recently been replaced by the term Indigenous. Aboriginal appears in this guide in direct quotations or titles that use this term.

Assimilation – A process whereby individuals or groups are encouraged, coerced, and/or forced to give up their own language, culture, and beliefs, and their legal and ancestral identities, and adopt the language, customs, worldviews, laws, and practices of the mainstream or dominant culture. In Canada, “Indian policy” was designed to eradicate the cultural and legal identities of Indigenous peoples through various means, including outlawing social and cultural practices, forcing Indigenous peoples onto reserves, enfranchisement, residential schools, and child welfare policies. Indigenous peoples have vigorously and successfully resisted these assimilation attempts for over 200 years.

Child Welfare System – A set of government and private sector services purportedly designed to protect children from abuse and neglect. These services include apprehending a child if the child’s safety is a concern to a social worker or other government agent and potentially providing supports for families to care for their children successfully. Canada has a decentralized system, with 13 provincial and territorial child welfare systems, plus Métis, First Nations, and urban Indigenous child and family services agencies. All agencies are governed by the child protection legislation of the province or territory in which they are located.

Colonization – A process designed to eliminate Indigenous peoples and their cultures, through genocide and/or assimilation and settlement, in order to gain unfettered access to Indigenous territories and resources.

First Nations – One of three distinct Indigenous groups in Canada, First Nations refers to persons who are registered with the federal government as “status Indians,” and those who self-identify as First Nations, regardless of Indian status. The term is also used to describe First Nation governments and communities (collectively) and organizations serving First Nations peoples. There are 634 First Nations in Canada and more than 50 distinct First Nations languages.

Indian – A term used historically by Europeans to identify Indigenous peoples of North, Central, and South America, it is considered by most outdated and derogatory. Since 1876, the term has functioned within Canada’s Indian Act as a legal status and was originally used to differentiate First Nations peoples from Canadian “citizens,” who had the right to vote.

Indian Act – First passed by the federal government in 1876, the Indian Act is the main legislation defining the government’s interactions with 614 “Indian” (now First Nations) bands, their members, reserve land, and funding for education, health care, child welfare and other services. Imposed onto First Nations peoples, the Indian Act is race- and gender-based and is used to determine who has “Indian status.” The Indian Act applies only to Indigenous peoples with Indian status; it excludes many First Nations people as well as Inuit and Métis peoples.

Indian status – A category imposed by the Canadian government onto persons who meet its criteria for “being an Indian” pursuant to the Indian Act, which is administered by the federal government via Indian and Northern Affairs Canada (renamed in 2017 as Crown-Indigenous Relations and Northern Affairs and Indigenous Services Canada). The government keeps an “Indian Register” to record the names of people they deem entitled to be registered as an “Indian” under the Indian Act. These people are deemed to be “status Indians” under Canadian law.

Indigenous peoples – A collective noun often used in an international context to refer to the first peoples, native peoples, or original inhabitants of a given region. In Canada, Indigenous peoples refers to First Nations, Inuit, and Métis peoples. Whenever possible, and when referring to a specific community or group, use the specific names of local Indigenous groups, nations, communities, and peoples, based on how they identify themselves.

Inuit – Inuit (“the people” in Inuktitut) are one of three distinct Indigenous groups in Canada. Their homeland, Inuit Nunangat, consists of 51 communities in four different regions in northern Canada: the Inuvialuit Settlement Region, Nunavut, Nunavik and Nunatsiavut. There are eight main Inuit ethnic groups speaking five main dialects of Inuktitut.

Métis – One of three distinct Indigenous groups in Canada, Métis are descendants of the historic Métis Nation, with a distinct culture, language (Michif) and governance system. Métis are defined by a collective history, by place-based or matrilineal kinship, by self-identity as Métis, and by acceptance by the Métis Nation. Many Métis have ancestral connections to the Red River Valley in Saskatchewan, and their homelands include Alberta, Saskatchewan and Manitoba, and parts of the Northwest Territory, British Columbia, Ontario, and the northern United States.

Reserve(s) – Lands set aside for use by “Indians” pursuant to the Indian Act. First Nations people can live on reserves, but the Crown owns the land and governs its use. The creation of reserves meant relocation and displacement from traditional territories and limited access to resources, and thus vastly reduced economic opportunities for Indigenous peoples. For settlers and industry, the reserve system frees up more land for occupation and development (see “colonization”).

Settler Colonialism – A process that endeavours to eliminate Indigenous peoples and their societies, through genocide and/or assimilation, to gain unfettered access to their territories and create a new colonial society on the expropriated land.

Appendix 2

Sharing Circles

Author: Lisa Howell

Before doing a sharing circle, it would be beneficial to have relationships with community members of the territory you are on. Having an Elder facilitate a sharing circle would be very powerful and helpful to learn the proper protocol. This way, the proper place-based honour is upheld. You can do it without an Elder, but you must acknowledge the territory you are on and the traditions associated. Although the protocol around sharing circles varies from nation to nation, there are several common features:

- All members are treated equally and with respect in a safe and natural setting
- Follow the traditions of the territory
- Use a sacred medicine/object/talking stick used for turn-taking
- Participants are asked to speak from the heart
- When listening, participants listen from the heart, free of judgment

Sharing Circles are found in many cultures that have a strong oral tradition. They are found in many First Nations, Inuit and Métis communities here in Canada. They can be a powerful method for reflecting on participants' reactions to new or difficult information. When using sharing circles, it is essential that participants and facilitators respect the protocol, teachings and traditions of the territory that they are gathering on. Not all Nations have the same protocol, and it is important to respect and understand this. Indigenous scholar Margaret Kovach (2009) writes that, "Indigenous peoples have never been appreciative of a 'pan-indigenous' approach that attempts to homogenize their tribal practices" (p. 37). She explains that although Indigenous people understand each other because they share a worldview that holds common, enduring beliefs about the world, they contextualize to their own tribal affiliations. They do this because their knowledges are bound to place (2009). Conversations that explain and explore these fundamental understandings are essential to have with students. Stereotypes, insensitivity, categorization, generalization and abstractions are complex and systemic issues that must be investigated. Kovach calls the outsider view that "all natives do this, all natives do that" the "Indigenous Standard." This notion needs to be deconstructed.

Kovach, M. (2009). *Indigenous methodologies: Characteristics, conversations and contexts*.
University of Toronto Press.