



Strategies to Address Child Welfare

An Issue Paper

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Background

Any discussion of “Aboriginal children”¹ is necessarily a discussion of Aboriginal families. While acknowledging the many differences between the original nations of Canada, it is also possible to identify some fundamental commonalities. Traditional Aboriginal families were characterized by a balance between men and women. Whereas European society regarded caring for children as a female responsibility, traditional Aboriginal families saw childcare as a collective responsibility. In this context, men and women shared responsibility for raising children, and this responsibility extended beyond the child’s parents to include aunts, uncles, grandparents and the community as a whole. However, as Kim Anderson writes, “The Aboriginal family has endured a lot of trauma through colonization.”² While traditional Aboriginal families were characterized by a collective responsibility for childcare, more and more Aboriginal women today are finding themselves to be the sole caregiver. According to Statistics Canada, Aboriginal women are more likely than non-Aboriginal women to be lone parents; indeed, in 2001, 19 percent of Aboriginal women in Canada aged 15 or older were lone parents.³

Child welfare in Canada is a provincial/territorial responsibility, but this does not remove national responsibility. As a signatory of the *United Nations Convention on the Rights of the Child*, the federal government (the Government of Canada) is charged with upholding the best interests of children in Canada. As such, the fact that child welfare falls under provincial/territorial jurisdiction does not preclude federal inquiry or analysis, and indeed many issues pertaining to Aboriginal children are approached most effectively from the national level. These include: the overrepresentation of Aboriginal children in child welfare care; the repatriation of Aboriginal children in care; and the need to investigate the death of an Aboriginal child that occurs while in care; and the need to monitor coroner’s inquest recommendations resulting from an investigation. It should be noted that the Native Women’s Association of Canada (NWAC) has drawn on a culturally relevant gender based analysis in formulating its position with respect to these issues.

The collapse of traditional Aboriginal families in Canada is attributable to the processes of colonization. The disruption of land-based lifestyles and the relocation of Aboriginal peoples onto designated “Indian reserves” left many unable to provide for their families through traditional means, leading to a necessarily reliance on social assistance and a corresponding drop in self-esteem and pride. This dislocation was followed by further trauma—the establishment of Indian Residential Schools that sought to assimilate Aboriginal children through the indoctrination of dominant European social norms and, later, the “Sixties Scoop”, a term used to refer to mass numbers of children removed from their homes by child welfare authorities in the 1960s, 1970s and early 1980s. Not surprisingly, the impact of these policies on the traditional Aboriginal family were devastating. Aboriginal children were seized from their communities, and Aboriginal

¹ The term “Aboriginal” is used to refer to collectively First Nations, Métis, and Inuit peoples in Canada.

² Kim Anderson, *A Recognition of Being: Reconstructing Native Womanhood* (Sumach P, 2000) 205.

³ Statistics Canada, *Women in Canada*, 5th ed. (Ottawa: Ministry of Industry, 2006) 191.

parents were led to believe that they were bad parents, and that their cultural practices around raising children were inadequate.

Current Conditions

As a group, Aboriginal children in Canada are dramatically overrepresented in the child welfare system. In fact, there are approximately three times more Aboriginal children in care today than at the height of the residential school system in the 1940s.⁴ Less than 5 percent of children in Canada are Aboriginal, yet Aboriginal children comprise approximately 40 percent of total number of children in care.⁵ This would be shameful in any context, but is made even more shameful by the fact the situation is largely preventable. The primary reason that Aboriginal children come to the attention of child welfare is not abuse, but rather neglect — neglect referring to situations of poverty, inadequate housing, and substance misuse.⁶ This is extremely significant when one considers that compared to other children in Canada, Aboriginal children are more likely to experience poverty.⁷ Three out of five Aboriginal children under the age of six live in poverty; 41% of Aboriginal children off-reserve live in poverty, and 44% of on-reserve dwellings are considered to be inadequate in condition.⁸ Considering that an adequate standard of living is perhaps the most basic prerequisite for positive physical and mental development, the overrepresentation of Aboriginal children in care cannot be addressed without simultaneous attention to the housing and infrastructure needs of Aboriginal families.

Reducing the overrepresentation of Aboriginal children in child welfare care requires reducing the number of Aboriginal children that experience poverty. However what is often forgotten is that if children are poor, it is because their parents are poor. Combating Aboriginal child poverty (as means of reducing the number of Aboriginal children in care) requires improving housing and infrastructure for Aboriginal families, and especially Aboriginal women. In Canada, 27 percent of Aboriginal families are headed by single mothers, and 40 percent of Aboriginal mothers earn less than \$12 000 a year.⁹ These discomfiting figures become even more serious when once considers Canada's international obligations with respect to children. Article 27 of the *Convention on Rights of the Child* states "*State Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programs, particularly with regard to nutrition, clothing and housing [emphasis added]*"¹⁰ It should be noted that Canada was an instrumental

⁴ First Nations Child and Family Caring Society, *The Struggle for Equal Rights for First Nations Children in Child Welfare* (Ottawa: First Nations Child and Family Caring Society, 2006) 4.

Nico Trocme and Della Knoke and Cindy Blackstock, "Pathways to the Overrepresentation of Aboriginal Children in Canada's Child Welfare System," *Social Service Review* 78.4 (2004) 578.

⁶ First Nations Child and Family Caring Society of Canada, 4.

⁷ First Nations Child and Family Caring Society of Canada, 4.

⁸ Cindy Blackstock, et al., *Keeping the Promise* (Ottawa: First Nations Child and Family Caring Society, 2004) 10.

⁹ *Urban Aboriginal Child Poverty Factsheet* (Toronto: Ontario Federation of Indian Friendship Centres, n.d.)

¹⁰ "Convention on the Rights of the Child," *Office of the High Commissioner for Human Rights*, 14 June 2007, <<http://www.unhchr.ch/html/menu3/b/k2crc.htm>>.

force in both drafting and promoting the *Convention on the Rights of the Child*¹¹, and as such has no claim to deny its comprehension, or more significantly its support, for the terms of this Article. It is impossible to overemphasize the significance of this point.

The question then becomes, is it in accordance with “national conditions” and within Canada’s “means” to adopt measures to fulfill this right? According to the 2006 Federal Budget, Canada has a budget surplus of over 600 million.¹² A budget surplus indicates that Canada has the resources to work towards improving the conditions affecting Aboriginal children in Canada. An investment in housing and infrastructure for Aboriginal people would not only improve living conditions of Aboriginal peoples in Canada, it would also be important step in combating the overrepresentation of Aboriginal children in child welfare care.

In addition to investing in housing and infrastructure, addressing the number of Aboriginal children in care requires adopting more proactive and preventative approaches to child welfare practice, as well as ensuring that the child welfare services provided to Aboriginal children are equal to those provided to non-Aboriginal children. This requires increased funding for “least disruptive measures” of child welfare systems. “Least disruptive measures” refers to in-home interventions for abused and neglected children; such programs provide support to caregivers which in turns allows children to remain in their own homes, in a safer environment.¹³ Providing in-home supports addresses concerns regarding safety of the child, while avoiding the pain, trauma and potential cultural dislocation of apprehension. Furthermore, it is crucial that the services provided by First Nations Child and Family Service agencies be equal to those provided by other child welfare agencies. As the Department of Indian and Northern Affairs is fully aware, First Nations Child and Family Service agencies currently receive 22% less funding than their provincially funded, non-Aboriginal-specific counterparts.¹⁴ As it stands, First Nations children are being penalized by virtue of their very identity as First Nations children. This discrepancy is discriminatory, intolerable, and must be rectified immediately. Specific recommendations for addressing this inconsistency can be found in the *Wen: de* series of the National Policy Review on First Nations Child and Family Services Research Project, by the First Nations Child and Family Caring Society of Canada.

In addition to working to reduce the overrepresentation of Aboriginal children in child welfare care, Canada must also adopt provisions and strategies to protect children who are already in care, or who may come into care in the future. A national body that monitors all coroner’s inquests into the death of an Aboriginal child in care would ensure

¹¹ “Who’s in Charge Here,” *Canadian Children Right’s Council*, 15 June 2007, <http://www.canadiancrc.com/Senate_hearings_child_rights_38th/Senate_hr_Child_rights_report_NOV05e.htm#_ToC118603900>

¹² “Indepth: Federal Budget 2006, Surplus and Debt,” *CBC News Online*, 2 May 2006, CBC, 15 June 2007 <<http://www.cbc.ca/news/background/budget2006/surplus-debt.html>>

¹³ John Loxley, et al., *Wen: De, The Journey Continues* (Ottawa: First Nations Child and Family Caring Society of Canada, 2005) 20.

¹⁴ First Nations Child and Family Caring Society of Canada, 6.

that recommendations are implemented and the natural evolution of improvements would occur.

It is important to recognize that fulfilling a child's physical needs (such as adequate housing) is not necessarily enough to ensure positive development. Equally important are a child's emotional and spiritual needs. Consider the Sarah de Vries story, a woman of black and Aboriginal parentage who was adopted by a Caucasian family at the age of only 11 months. Although her adoptive family met her physical needs — housing, food, clothing, etc. — Sarah ached to explore her identity as a person of black and Aboriginal heritage. Her struggle to define her identity is described in the book *Missing Sarah*, written by her (adopted) sister, Maggie de Vries. Surrounded by people who were physically and culturally different from her own origins, Sarah was never able to overcome her sense of “otherness”. Tragically, her feelings of displacement eventually drove her to the streets of downtown Vancouver, where she lived for over 10 years before she disappeared. In 2002, her DNA was found at the infamous Robert Pickton farm in Port Coquitlam.

Sarah de Vries's story demonstrates the failings of a child welfare approach that prioritizes only physical needs. It also makes obvious the necessity of repatriating Aboriginal children that are taken into child welfare care. Repatriation refers to a process whereby a community reestablishes ties between its children, their families and the community as a whole.¹⁵ In Sarah's case, her physical needs were affirmed but her spiritual and emotional needs, especially her desire to explore her identity as an Aboriginal and black woman, were not taken into account. Sarah's desire to understand her cultural heritage and identity is not uncommon among adopted children, especially children adopted into families of a different racial or cultural background. In 1999, the Native Child and Family Services of Toronto released a report regarding the repatriation of Aboriginal families. Although this report focuses on individuals removed from Aboriginal communities during the Sixties Scoop, its analysis surrounding the repatriation of Aboriginal families is applicable to the current context. According to the report, repatriation may assume a variety of forms:

- Periodic visits by adoptees/foster children to the birth community so the family and community become regular parts of their lives;
- Adoptees/foster children moving back to the reserve or home on a temporary basis, without establishing permanent residence in the community;
- Adoptees/foster children moving back to the reserve or home permanently; and
- Communications between adoptees/foster children and their birth families or communities¹⁶

¹⁵ Native Child and Family Services of Toronto and Stevenato and Associates and Janet Budgell, *Repatriation of Aboriginal Families* (Toronto: Native Child and Family Services, 1999) 8.

¹⁶ Native Child and Family Services of Toronto and Stevenato and Associates and Janet Budgell 8

Certainly, the repatriation of Aboriginal families is a complex issue. However, considering the continued and alarming overrepresentation of Aboriginal children in child welfare care, and considering the negative effects resulting from a child's inability to explore his or her cultural identity (as exemplified above by the story of Sarah de Vries), the repatriation of Aboriginal families is an issue that requires further study and exploration.

Recommendations

1. Invest in housing and infrastructure for Aboriginal peoples.
2. Urge provincial/territorial governments to increase funding for proactive and preventative child welfare practices specifically for Aboriginal children, also known as "least disruptive measures";
3. Increase federal funding for Nations Child and Family Service agencies, as these agencies currently receives 22% less funding that their provincially funded, non-Aboriginal-specific counterparts. A comprehensive action plan is detailed by the First Nations Child and Family Caring Society of Canada in the *Wen: de* series of the National Policy Review on First Nations Child and Family Services Research Project;
4. Establish a national body mandated to design, develop and implement a national child welfare strategies to address such issues as monitoring implementation of recommendations resulting form coroner's inquests into the death of an Aboriginal child while in care;
5. Further research into the repatriation of Aboriginal families, beginning with the application of a culturally relevant gender based analysis to the research conducted by the Native Child and Family Services of Toronto, Stevenato and Associates, and Janet Budgell in the *Repatriation of Aboriginal Families*

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