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Partnerships for Children and Families Project

Aboriginal Child Welfare

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Aboriginal Child Welfare[1]

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As the relationships between Canada's Aboriginal peoples and the state undergo changes, the issue of Child Welfare is in the foreground; for it is around the well being, education and care of Aboriginal children that much of the painful historical relationship between First Nations and Canadian government has been played out. In this chapter we consider the major issues in Canadian Aboriginal child welfare, drawing upon an extensive review and synthesis of current theory and research. Although there is an abundance of material available concerning Aboriginal child welfare, much of it exists outside mainstream academic child welfare literature. Some of the salient work on Aboriginal child welfare is contained in the justice literature and much is contained in evaluation reports, operational reviews, submissions to government bodies and in oral stories and testimony. Our goal has been to cull these sources in order to present a coherent understanding of Aboriginal child welfare issues that encompasses history, theoretical analysis, politics, visions, realities, education, evaluation and aspirations.[3]

We begin with the issue of over-representation of Aboriginal families in the child welfare system. Although the usual convention might be to follow this with the historical context, we have elected to first consider the place and meaning of children within Aboriginal societies. We do so in order to provide a cultural backdrop for the historical overview which follows of the Canadian Aboriginal experience in the child welfare system. The story of that experience takes on a different meaning when told in the context of Aboriginal values pertaining to children, family and community. We then discuss the analytic perspectives on the issues which we found in the child welfare literature and the justice literature respectively. Finally, we consider the

significant changes occurring in the field of Aboriginal child welfare and related services as well as the role that the social work profession and its educators might play in those developments.

Aboriginal Children in the Child Welfare System

> *In my first social work job after graduating in the early seventies, I recall going to the apartment of a young Aboriginal woman to investigate a report of 'neglect'. The woman had two young children – a toddler and a newborn baby. Tears streamed down her face and she said little, but was immensely sad. I'll never forget her weeping.*[4]

A 1983 publication, *Native Children and the Child Welfare System*, prepared for the Canadian Council on Social Development by Patrick Johnson, provided overwhelming evidence of massive removal of children from families and communities. Using data from the federal Department of Indian and Northern Affairs (INAC)[5] and from provincial and territorial social services, Johnson's figures are cited by the Royal Commission on Aboriginal Peoples (RCAP, 1996c) to demonstrate that Aboriginal children were consistently over-represented in child welfare systems across Canada.[6]

In 1981-82, status First Nation children represented 2.6 percent of Quebec's children in care, the lowest level for any province. Generally, as a proportion of children in care, the percentage was in the "low" range in the Maritime provinces (from 3.9 to 10.7 percent) and in Ontario, where the overall rate was 7.7 percent (but reaching 85 percent in one northwestern agency), the "intermediate" range in Manitoba and Alberta (32 and 41 percent respectively), and the high range in the Yukon, at 61 percent and Saskatchewan, at 63 percent. Only in the Northwest Territories, where the rate was 45 percent of children in care, were Aboriginal children not disproportionately represented (RCAP, 1996c, p.25). Provincial statistics often

reflect only status Indian children, as child welfare directorates were unable to provide statistics for non-status and Metis children. The proportion of children in care is greatly increased when estimates of Metis and non-status children are included.[7] A 1980 study by Hepworth, for example, (cited in Johnson, 1983) estimated that inclusion of non-status and Metis children would increase from 32.1 percent to 60 percent the number of Aboriginal children in care in Manitoba. A 1981 survey by Saskatchewan social services which included Metis and non-status children, estimated that 76.8 percent of the total number children in foster homes under the supervision of Saskatchewan Social Services were "Native" (Johnson, 1983). This is particularly concerning since the statistics also indicate that 91.5 per cent of the children were in the care of non-Native families.

These statistics represent more than a problematic proportion of child apprehensions in Aboriginal communities. An example of the sharp increase in one community is the Spallumcheen Band of British Columbia. A study by MacDonald indicated that the estimated number of status children in care increased from less than one percent in 1955 – when British Columbia was just beginning to provide services on reserve and residential schools were still operating there – to 34.2 percent in 1964 just nine years later (as cited in Johnson, 1983). The fact that "as many as one in four status Indian children was spending at least some part of childhood away from the parental home" (Armitage 1993, p.147)[8] implies stories of childhood disruptions and changed family cultures.

The problem has not been resolved with the passage of time. By the 1990's, numbers of Aboriginal children in care had increased in almost every province. For example, British Columbia reports that Aboriginal children currently compose 43.8 percent of the children in care

of the province, the province of Saskatchewan reports Aboriginal child in care populations exceeding 70% and in Manitoba Aboriginal children constitute about 21% of Manitoba's population under the age of 15 but they account for 78% of children in care of the overall child and family services system (Aboriginal Justice Inquiry- Child Welfare Initiative (AJI-CWI), 2001). A submission to the Ontario government by that province's Association of Native Child and Family Service Agencies (2001) regarding recent Child Welfare Reforms states that in some northern Ontario Aboriginal communities, up to 10 percent of the children are in care. Many of the children taken into care continue to be placed in foster homes and residential facilities that are non-Aboriginal (McKenzie & Morrissette, in press). These provincial patterns are reflected in national trends. Timpson (1995) cites federal statistics indicating that in 1991 the proportion of Native children removed from their homes for their protection was 10 times that of non-Native children. Data from INAC based on both numbers of *children in care* and *days in care* show an increase in child maintenance of 71.5 percent between 1995 and 2001 (where an eligible child is defined by the funding formula as a status Indian child resident on reserve) (McKenzie, 2002).

What has caused the over-representation of Aboriginal families in the child welfare system? What do the numbers reflect about the system's institutions, policies and practices? What do they mean in relation to the experiences of the Aboriginal communities with that system? We will explore the literature pertaining to the issues of child welfare in relation to Aboriginal communities in Canada. Although to some degree the themes of cross- cultural insensitivity and racism are similar to the relationship of other non-dominant groups with the child welfare system, (See, for example, Korbin (1994), Owen & Farmer (1996), and Courtney, Barth, Berrick, Brooks, Needell & Park (1996)), the significant issues of assimilation and

colonization within Canada are unique to the Aboriginal peoples of Canada and thus the analysis of the First Nations experience within a strictly multi-cultural framework is inadequate (Bennett, Miller & Blackstock, 2002).

The Child in Traditional Aboriginal Societies and the Disruption of Traditional Relationships

> Children hold a special place in Aboriginal cultures. According to tradition, they are gifts from the spirit world and must be treated very gently lest they become disillusioned with this world and return to a more congenial place.... They bring a purity of vision to the world that can teach their elders. They carry within them the gifts that manifest themselves as they become teachers, mothers, hunters, councillors, artisans and visionaries. They renew the strength of the family, clan and village and make the elders young again with their joyful presence. (RCAP, 1996c, p.23)

Given the cultural diversity among Aboriginal peoples, any general summary of beliefs and values is unlikely to be universally representative, or necessarily reflective of the nuanced contexts in which they were expressed. The information summarized here is therefore necessarily oversimplified in an attempt to outline, in very general terms, some of the differences and similarities between Aboriginal and non Aboriginal ideologies of child and family caring.

In Aboriginal cultures, family has traditionally included grandparents, aunts and uncles. Caring for a child was shared among immediate family and extended members, and kin networks had important functions in the education of children. Elders, for example, recounted stories and legends which delighted children and gave them insight into the habits of animals and birds which would enable them to learn about the natural world; this was critical for their survival (Carlson, 1994). Legends were also used to instill values, beliefs and understanding of the whole

continuum of life experiences and contexts. Children were considered part of the interdependent web of life connected to all life forms, the environment and spiritual world. All relationships, including family and community, were emphasized as sites of respect and learning.

Connors and Maidman (2001) offer a summary of the beliefs and values that they understand as guiding traditional Aboriginal parenting practices and the child rearing principles which flow from them. Along with the concept that children are gifts "on loan from the Creator" (p.357) and bring gifts to the community for their collective benefit, it is believed that the development of these gifts is determined and guided by the Creator. The role of adults is to support this development. Other fundamental beliefs they include are that anger must be controlled (in the sense of being expressed with respect), that teaching proper ways of behaviour to children is best done by example through behaviour rather than talk, and that the Creator is aware of when one has done his or her best. These beliefs lead to some practices that are comparable to contemporary Euro-Canadian culture and some that are different. Traditionally, Aboriginal parents are very respectful of their children and the perspectives they offer. Children are also taught to be humble. Expectations of children's development is "minimal" as is interference in or interruption of their activities, and coercion is avoided (Connors & Maidman, 2001, p.357).

The concepts of minimal expectations and non-interference take on different meanings from an Aboriginal perspective from those associated with it in Euro-Western based cultures. Cree Elder Stanley McKay has noted that within the community of his childhood there was a strong belief that children should be permitted to learn from their own mistakes. As well, youngsters were more free to eat when hungry, and sleep when tired. McKay acknowledges that

while these values may be interpreted by “outsiders” as permissiveness or negligence, he emphasizes that children were at the same time carefully taught to develop responsibility. They learned how to handle a canoe at a very early age, for example, and to hunt skilfully and with care. While they were given a great deal of responsibility, they were not placed in situations beyond their abilities. From a very early age, children were expected to understand aspects of life that European society would consider more “adult-like”. For example, even quite young children were not separated from adults at funerals, weddings or other community gatherings (S. McKay, personal communication, Sept. 2002).

Although there is commonality in the holistic world view and the valuing of interdependence, there are significant differences in how these were expressed in each Aboriginal community. Historical experiences and contemporary contexts of communities also differ widely. The notion of children being valued as gifts with associated benefits, for example, was not the sole basis for children’s relationships with and value to adults. Adults, including Elders, had a responsibility to nurture, care for and guide children in a variety of ways, the balance of which was best determined by the nature of both the child and the teaching. In many communities, unlike the laissez faire approach often inferred from the principle of non-interference, the nurturing and teaching of children to maturation was considered extremely important, and considerable emphasis was placed on child development. Non-interference might constitute a legitimate approach only within accepted guidelines and boundaries. The value of humility is meant to emphasize respect for others rather than a lack of pride in oneself, one’s family and community, and the control of anger may be understood as one way of ensuring respect, rather than being a value per se (Blackstock, 2001).

Consequences of Disrupted Child Care Traditions

Because family, comprised of an extended kin network, anchored an individual and helped him or her to make sense of the world, disruption of these family ties placed the child in an alien world without the support to comprehend it. Unlike dominant societal communities where schools operate as supports to families, in First Nation communities, schools had often been experienced as negative. The functions provided by the "mediating institutions" of urban societies (RCAP, 1996c, p.18) such as associations, clubs and formal supports to families existing within middle class Canadian communities had parallels in formal community cultural structures such as Aboriginal feasts and in informal structures such as relationships with elders.[9] For Aboriginal children, the impacts of ruptured relationships with family and mediating community institutions were further amplified by separation from the culture and language and from the land.[10] Separated from land and community, children lost more than family; they lost a way of relating to and understanding the world. In addition, because the socialization process involves deep communication of values and expectations, the child might not understand the expectations in the new environment, nor how to relate to people or to community resources (McKay, in press; RCAP, 1996c), to indigenous knowledge and language.

As suggested above, one of the important values in traditional Aboriginal communities was identity in community. Chandler's work on youth suicide (2002) indicates that the formation of personal identity in Aboriginal youth relies on the nature and extent of an individual's relationships with the people and world around him/her to a far greater extent than with non-Aboriginal children; thus, the commitment to maintenance of relationships is paramount. Disrupting relationships through forced removal of children to residential schools or

to child welfare settings was experienced as devastating. Individuals were 'set adrift' outside of their communities. The RCAP (1996c) traces the family dysfunction of many contemporary communities to the consequences of disrupted relationships as a result of the residential schools and other experiences of colonization, such as inability to show affection and the lack of parenting skills. The report suggests "the effects are broader and more diffuse than can be traced in a direct cause and effect relationship" (p. 36). A submission to the RCAP by the chair of a family services council described the "pain and humiliation" of families and communities at removal of their children. (RCAP, 1996c, p.28). This has been related by many community leaders (Carlson, 1995; McKay, in press) and is described in MacDonald's recounting (2002) of Aboriginal women's experiences of having children placed, or at risk of being placed, in the child welfare system.

Children sent to residential schools learned skills that were not always applicable to their home communities and at the same time the skills such as hunting, fishing, tanning, and so forth, which were essential to enable them to live in traditional ways, were not acquired. Missing, too, during formative years, were the experience and modelling of good parenting, the development of independent judgement and stable emotional attachments. Skills needed to survive in the residential school setting, such as stealing food, on the other hand, established internal conflict in children who had been taught this was wrong in their families and communities (Carlson, 1994). Godin-Beers and Williams, in their "Report of the Spallumcheen Child Welfare Program," documented one chief's account of how common cheating, lying and stealing were in such institutions, and how destructive they were when taken back to the home community (as cited in RCAP, 1996c, p. 36). Some of these returning children also showed a lack of respect for

community leaders and values. Community leaders had no precedents within their value system of how to deal with this. The chief of the Spallumcheen First Nation suggested that the greatest difficulty was "the unemotional upbringing they [the children] had" which led to loss of identity, self worth, and self esteem (as cited in RCAP, 1996c, p. 36). It is important to add that there were Aboriginal children who succeeded in developing skills for independent judgement and the capacity for emotional attachment despite the difficult context of the residential schools, so that the destructive consequences outlined above were not the case for all the children (CBC, 2000).[11]

In addition to the abuse and neglect[12] experienced by many in the residential schools, all of the children who were placed in them were raised in institutional settings and grew to adulthood without models of parenting; some, however, were able to maintain some relationships with family or to benefit from other role models. Dakota Elder Gladys Cook (1997) notes that when these individuals became parents themselves, many succeeded in recovering traditions which were more positive than the institutional models of their childhoods. Disruption of parent-child relationships was thus transmitted across generations, as Maggie Hodgson (2002) explains in the story of her own family. She describes her mother's experience in the schools during an epidemic, when multiple student deaths occurred in a context where children were expected to suppress emotions; the unexpressed pain was often dealt with through use of drugs and alcohol. Hodgson (2002) recounts her mother's decision to send Maggie away to school to protect her from the mother's alcoholism. Hodgson also explains that many who had been in the schools became very punitive parents.

The sacred trust that traditional Aboriginal communities felt with the gift of a child and the care they were able to provide in traditional, economically self-sufficient communities

contrasts sharply with the picture of neglect, despair and suicide that is often currently represented. What accounts for these contradictory images?

Historical Overview of Child Welfare and Aboriginal Communities

Armitage (1993) divides the evolution of Canadian policy and practices regarding Aboriginal child welfare into three historical phases: the assimilationist period of 1867-1960, the child welfare period, 1960-1980, and the period from 1980 on. His analysis finds that the first phase reflected the broader assimilationist aims of Canadian social policy; the second focused on integrating services to status Indians with existing mainstream services, and the third favoured a system for Aboriginal child welfare which entailed "some degree of community and administrative self-government under the terms of tripartite (federal-provincial-band/tribal council) agreements" (Cassidy and Bish, 1989, p. 133). Prior to elaborating Armitage's analysis, it must be said that a quite different position can be found in the literature, which is that neocolonialism lives on in the current delegated model of child welfare (Brown, Haddock & Kovach, 2002; Hudson & McKenzie, 1981. See also MacDonald (2002) and Bennett et al. 2002). This position will be discussed further in the section below on Jurisdictional Models. Armitage's conceptualization is presented here in order to give a chronological context rather than a definitive perspective.

The "Assimilationist" Period

During the assimilationist period, the principal child welfare institution was the residential school, based on a statutory requirement under the Indian Act. In Quebec, day schools predominated; in the western and prairie provinces, residential schools were predominant. Indian education at that time was church run and government funded and was designed to separate

Indian children both from their own and non-native societies while instilling missionary teachings, values and beliefs that were in conflict with those of First Nations. Armitage concludes that the students emerged from the school ill prepared for life either on the reserve or in urban white communities (Armitage, 1993). The primary function of residential schools shifted gradually from educational institution to "alternative parenting institution," as successive generations of former students who were ill prepared for parenthood themselves became parents (Armitage, 1993, p.144). Previously, if a child were in need of alternate care, members of extended family often provided it; in some cases, the federal Indian agent might have made arrangements for the child to live with another family or might have sent a child to a residential school (Johnston, 1983; McKay, in press; Saulteaux, 1997). Involvement of child welfare agencies in Aboriginal communities is relatively recent, beginning in the 1940s and not coming to public notice until the 1960s.

The "Child Welfare" Period

Johnston (1983) describes a rapid expansion in government funding and operation of social agencies in the late 1940s.[13] This was an accepted extension of the increase in government's role in society which had occurred during the Second World War. At the same time, the profession of social work was also moving beyond previous roles and experiencing increased confidence and credibility. In this climate, in 1947 the Canadian Association of Social Workers joined with the Canadian Welfare Council to submit a brief to a House of Commons and Senate committee appointed to consider changes to the Indian Act. The brief was critical of the system of social service delivery to Aboriginal populations because the quality of these services was inferior to that of services available to other Canadians (Johnston, 1983). Special

mention was made in the brief that decisions about adoption of Indian [sic] children by Indian Agents lacked "...careful legal and social protection afforded to white children" (as cited in Johnston, 1983, p. 3). The conclusion of the brief was that extension of provincial services in health, welfare and education to reserves would improve services. Rather than recommending that the federal government develop a service system parallel to the provincial one, however, the brief urged the federal government to consult with the provinces (Johnston, 1983). Although Johnston accepts that the "best of intentions" underlay the CWC/CASW brief, he criticizes it for paying too little attention to the question of potential incompatibility between provincial services and the needs of Indian communities (Johnston, 1983). Transferring services developed within an urban context to remote rural communities added to the difficulties of implementing the extension of provincial services (Armitage, 1993). Recommendations by the federal government's own Hawthorn Inquiry (1964-1966) for Indian initiation of and participation in development of services to their communities were not followed (Armitage, 1993). As a result, services were often initiated by non-native authorities, children were frequently removed to non-Native foster homes, and the adoption process often proceeded with the waiving of the requirement for voluntary consent through the courts (Armitage, 1993).

Parallels have been drawn between the residential school system and the child welfare system which supplanted it (Armitage, 1993; McKenzie, 1985; McKenzie & Morrissette, in press). Armitage (1993) argues that in some ways, the child welfare system may actually have been more damaging than the residential school system because the children were rendered more vulnerable in the former as a result of being cut off from their families and from First Nation peers as well.

Inadequate funding arrangements also contributed significantly to what transpired through the extension of services to Aboriginal communities. Johnston (1983) notes that while revisions were made to the Indian Act in 1951 that allowed for extending provincial child welfare services, there was no accompanying authorization for funding to support this; as a result, "over the ensuing years only some provincial child welfare programs were extended to residents of some reserves in some provinces" (p.3). Thus, for example, in provinces providing only (federally funded) child-in-care services, provincial social workers were called "only when conditions had deteriorated to the point that no alternative to apprehension was possible" (Timpson, 1993, p. 39). No funding was available for follow-up services that might have served to return an apprehended child to his or her family. Since federal funds paid for the cost of children in care, there was no incentive for provinces to develop preventive services and avoid apprehensions (Timpson, 1993). Prior to the development of the federal funding formula introduced in 1991, funding of First Nations Child and Family Services agencies was "inconsistent and often inequitable" (McDonald et al., 2000, p. 9). Even that formula, however, was recently deemed by the Joint National Policy Review to be unsuitable for the dramatic changes that have taken place in the field of First Nations child and family services during the past decade (McDonald et al., 2000).

A publication of the Awasis First Nation (Awasis Agency, 1997) states that when "Manitoba first extended child welfare legislation into First Nations communities... the only services that were provided were basic crisis intervention services, and then only in life threatening situations" (p.17). Because government policy funded children in care rather than preventive services and/or support of families and communities, placement of children outside

the family was the preferred approach. Willingness to pay child-in-care costs, along with federal and provincial governments' resistance to supporting preventive services, family counselling or rehabilitation, were major factors in making apprehension and permanent removal of children the preferred solution in problem situations (Timpson, 1993).

Johnston (1983) describes continuing arguments between federal and provincial authorities about whose responsibility it was to fund child welfare services to reserves. Whereas child welfare reserves were in the provincial domain, matters affecting Indians and lands reserved for Indians fell within the federal domain. When it came to the intersection of the two domains in order to provide child welfare services to Indians on reserves, however, provincial and federal governments tended each to place the responsibility on the other party. To complicate matters, different provinces have taken various positions on the issue. Although some see the provision of child welfare services to First Nations people on reserves as an entirely federal responsibility, others have been willing to extend their services if there is funding for it by the federal government. The result of this jurisdictional wrangling and disparity was that many reserves continued to receive services inferior to those available to other Canadian families.

This period includes what is now referred to as the "sixties scoop," a term coined by a provincial employee in British Columbia to convey the manner in which social workers "would, quite literally, scoop children from reserves on the slightest pretext" (Johnston, 1983, p.23). The Awasis agency (1997) states:

> Between 1960 and 1980, three thousand aboriginal children were removed from their homes in Manitoba and exported out of the province for adoption, mostly by non-Native families. In the early 80s, "[...] For Canada as a whole, five Native children were removed from their families for every non-Native child placed" (Corrigan and Barkwell, 1991, p.123). At the time, First Nations and Metis made up approximately six percent of the population [of Canada]. (p.17)

The Period Since 1980: Drive Toward Self-Determination

Although active protest by First Nations communities against removal of their children had occurred throughout the period of colonization, the move to form First Nations child welfare agencies began in the mid 1970s and reflected the growing desire for self-determination (Johnston, 1983; Koster et al., 2000; McKenzie, Seidl & Bone, 1995). Both the growing recognition of overrepresentation of Native children in the child welfare system and the passage in the United States of the Indian Child Welfare Act of 1978 contributed to the rising demands and the changes that began in the early to mid 1980s (McKenzie, 1989). The experience of the Spallumcheen band of British Columbia is illustrative. With 300 members in 1980, the band had 150 children removed and placed in non-Native homes over a 25 year period. The band passed a by-law giving itself jurisdiction over child welfare proceedings, and exempting itself from the applicable provincial legislation. Although this step was initially disallowed on the basis of jurisdictional and legal issues such as liability and despite some resistance from INAC, the province eventually agreed and the band became the first to take control of its own child welfare services, with federal funding (Johnston, 1983; McKenzie, 1989). The jurisdictional issue between federal and provincial authorities has been dealt with differently in different parts of the country, as Aboriginal peoples have continued to struggle for more authority in child welfare.

In Ontario, a 1981 resolution of Band Chiefs forbade Ontario and Manitoba to remove Native children from reserves and demanded the return of children previously removed. They also declared their intention to create their own child welfare laws and services within the context of Indian culture. Ontario's first joint initiative between the First Nations and the local

Children's Aid Society had come about in 1979, with provincial funding. It led to the hiring of the first Native Child Welfare Prevention Workers in two Northwestern Ontario Aboriginal communities and was intended to promote needed care within the community and reduce the need for children to come into the care of the Children's Aid Society. Soon after, the program was expanded to all First Nations communities in the province. In 1984, the newly enacted Child and Family Services Act provided official recognition of the rights of Aboriginal people, including the right to develop child protection agencies of their own. Under the Act, a band or native community may designate a particular body as a native child and family service authority; the Ministry is then obligated to enter into negotiations for the provision of services with this authorized group if requested to do so by the community. The result may be agreements allowing the Aboriginal authority to provide services and the authority may be designated as a Children's Aid Society under the Act if the authority itself agrees. Currently, there are five Aboriginal agencies so designated in Ontario, serving fifty-five of Ontario's 136 First Nations (Koster et al, 2000; Tikanagan Child & Family Services (TCFS) & Association of Native Child and Family Services Association of Ontario (ANCFSAO), 2001). This number is low compared to other parts of Canada; BC, for example, currently has eighteen First Nations Child and Family Service Agencies, five of which are fully delegated agencies with child protection authority.

Systemic Problems, Individual Tragedies

Around the same time that new models of Aboriginal child welfare arrangements were evolving in the early 1980s, there was an increasing awareness that apprehension might have even more traumatic effects on an Aboriginal child than a non-Aboriginal child (Johnston, 1983). Johnston refers to the Aboriginal child as being in "triple jeopardy" (p.59), since removal from

parents also entailed removal from a network of extended family who were an important potential source of support, and removal from their accustomed cultural context grounded in their local community. Just how traumatic these cumulative effects could be was highlighted through two highly publicized tragedies. Cameron Kerly, a Manitoba First Nations child, was placed in an unsupervised international adoption with a single man. After enduring sexual abuse throughout the years spent in this placement, 19 year old Kerly brutally killed his adoptive father. The story of abuse did not emerge until he had been imprisoned early in the 1980s. There were no efforts made by social workers to keep Cameron with his extended family, nor was a social work assessment made of the placement's or the adoptive father's suitability, in spite of Cameron's declining achievement at school (Monture, 1989). In discussing Cameron Kerly, First Nation legal scholar Patricia Monture (1989) notes that the boy himself must be held morally responsible for the murder he committed, but also poses the question: "When social institutions and legal processes fail, where do we place the responsibility?" (p.2).

The second tragedy involved Richard Cardinal, an Alberta Metis teenager who committed suicide in June 1984. His personal diary offers disturbing insights into the child welfare system (Bagley, 1985). A case review revealed that Richard had been removed from his parents for reasons of "neglect" which essentially meant "extreme poverty". Social workers involved failed to make supportive or preventive interventions, such as income provision or housing support, nor did they consult with Richard's extended family. "Yet members of this extended family might have cared for the children given a modicum of material support" (Bagley, 1985, p. 68). Richard received extremely poor care in the child welfare system, suffered numerous moves from foster home to foster home, and was treated as 'slave labour' by some. In spite of several suicide

attempts, a child psychiatrist who assessed Richard “made no recommendations for treatment” (p.68).

Richard was not an isolated case. A review of child welfare case files at the time of his death revealed that 20 percent of children in the care of child welfare authorities were considered to be suicidal. In the previous year, 15 of the 15,657 children in care under the Alberta government took their own lives (Bagley, 1985).

These stories emphasize not only the effects on children of their removal but also represent signs of the widespread troubling social breakdown in Aboriginal communities against a backdrop of systemic oppression. Richard Cardinal’s diary explains his isolation and despair in his own words: “I had been hurt too many time [sic] so I began to learn the art of blocking out all emotion. I shut out the rest of the world out [sic] and the door would open to none” (Bagley, 1985, p.64).

Protests by Manitoba Aboriginal people against international adoption placements of children like Cameron Kerly from their communities resulted in a public inquiry in the early 1980s. The ensuing report by Family Court Judge Kimelman (1985) was strongly critical of the child welfare system. Judge Kimelman concluded that the Aboriginal community was justified in asserting that the child welfare system was practising “cultural genocide”. This position is reflected in the following two excerpts:

> Cultural bias in the child welfare system is practised at every level from the social worker who works directly with the family, through the lawyers who represent the various parties in a custody case, to the judges who make the final disposition in a case”. (p 185).

> In 1982, no one, except the Indian and Metis people, really believed the reality – that Native people were routinely being shipped to adoption homes in the United States and to other provinces in Canada. Every social worker, every administrator,

> and every agency or region viewed the situation from a narrow perspective and saw each individual case as an exception, as a case involving extenuating circumstances. (p.272-273)

In response to the question of where responsibility lies, the Kimelman report identified the lack of sensitivity of the child welfare system. When families approached agencies for help, they found they were unsupported. Child welfare agencies saw 'the child's best interests' as separate from the family's best interests, a separation which is incongruent with Aboriginal peoples' beliefs. This failure to recognize fundamental differences in value systems regarding children and families reflects cultural bias and imposition of the dominant culture's values. The report notes that social workers were not trained to deal with cultural patterns that varied from their own; they were put into the field with the expectation that somehow they would learn it on the job (Kimelman, 1985). Further, Kimelman states:

> The appalling reality was that everyone believed they were doing their best, and stood firm in a belief that the system was working well. Some administrators took the ostrich approach to child welfare problems. They just did not exist... The road to hell was paved with good intentions and child welfare agencies were the paving contractors. (1985, p. 276)

Although cultural bias was clearly part of the problem, another dimension was the rapid economic and social change taking place in Aboriginal communities. The economic and psychological pressures that this precipitated were unknown in any other cultural group in Canada to that time. Families desperately attempted to deal with these changes, which threatened their own value systems. Initially, they sought support from outside agencies; but the structure of European based agencies, the nature of the agency workers' professional training, and their own value systems and life experience mitigated against an adequate response. The inadequate

preparation and cultural biases that Kimelman speaks of were played out against this backdrop of overwhelming social disruption and systemic biases (Carlson, 1994; McKay, in press; Timpson, 1995). By the 1980s, Canadian child welfare experts publically acknowledged that the system did not operate in the best interests of Aboriginal children or families (Johnston, 1983).

The following two sections present more detailed perspectives on how these oppressive conditions reached such a point without being recognized or prevented.

Analyses of Issues in Aboriginal Child Welfare

> *Child displacement and dis/memberment from their families was occurring at a rapid rate in the 70s when I was doing 'summer relief' in a child welfare agency. The mandate of the agency I worked for was clear: I was required by law to remove a child neglected under the definition provided in the Child Welfare Act. The grief in the life of that young woman and her children is symbolic of shattered hopes and dreams of Aboriginal families, and especially of children. Increasingly I became aware that the job I was doing represented a collision between child welfare and Aboriginal people – a collision of values, a collision that resulted in the tremendous tearing apart of the fabric of the family.*

In 1995, Timpson published a review called "Four Decades of Literature on Native Canadian Child Welfare: Changing Themes," which gives a helpful analysis of developments in the responses to Aboriginal child welfare issues from academic and non-academic child welfare sectors, both in Canada and in the United States. Timpson's main thesis is that the trends in the literature from the 1960s reflected their respective "contemporary political climate" (p. 525). She finds that the early literature focused primarily on the challenges for non-Native agencies of providing services (especially adoption and foster care) to Native communities. Later, a critique of those services began to appear but it failed to recognize conditions which gave rise to those difficulties. Those underlying conditions were masked by a focus in the literature on the politics

of relations between Native people and non-Native agencies, and Native people and the government. Timpson's conclusion is that the "polemic presentation" (p.539) of child welfare issues in the literature contributed to the demand from Aboriginal groups for control of child welfare services in their own communities. Timpson notes an increase in academic and Aboriginal contributions to the child welfare literature as a result of the frank examination of Native child maltreatment issues within their historical and structural context. Timpson's political analysis should be borne in mind as the literature from child welfare, legal and Aboriginal sources is discussed below.

Child welfare officials and academics have produced a variety of explanations for the crisis in Aboriginal child welfare. Hudson and McKenzie (1981) conducted a seminal review of the contemporary literature addressing the over representation of Aboriginal children in the child welfare system. They grouped the literature into three conceptual approaches to explaining the problem, each of which sees it "as a reflection of the higher incidence of familial disorganization, breakdown and neglect within the native population" (Hudson& McKenzie, p. 64). The first approach understands the underlying problem of neglect from the standpoint of psychosocial development theory and thus identifies the lack of adequate "organized personal services" as the immediate problem to be solved (p.64). In a later version of this review, the authors add that this approach to explaining the high rate of neglect views child neglect as a matter of "individual deviation" (McKenzie & Hudson, 1985, p. 127) without taking into account the systemic differences between Native and non-Native contexts.

The second group of explanations in the original Hudson & McKenzie review (1981) takes an anthropological perspective, focusing on cultural difference and recognizing that

differences in cultural values between Aboriginal and white societies give rise to conflict. A study by Zentner cited by McKenzie and Hudson (1981) acknowledges that Aboriginal parents may be "caught" between cultures and reject both. These explanations tend to conclude that the solution lies in helping Aboriginal people acculturate to the ways of the dominant society.

The third approach is grounded in the belief that the poor socioeconomic status of Aboriginal peoples interferes with their ability to parent adequately. Although class issues are recognized in this perspective, McKenzie & Hudson (1985) point out that it does not adequately account for how issues related to poverty in Native communities are connected to other differences between Native and non-Native societies. Further, attempts to deal with poverty (such as training and relocation programs) as outlined in the third explanation tend to have as their aim the preparation of Native people for active engagement with the mainstream capitalist system. McKenzie and Hudson add that no explanations found in the child welfare literature to that point addressed the issue of Native children experiencing poorer outcomes in care.

The authors note that the three major explanatory approaches in the literature, despite their theoretically different perspectives, have in common an "ideological commitment to an assimilationist ideal of Native-white relations" (McKenzie & Hudson, 1985, p. 128). This results in policies encouraging conformity to Canadian society, and a failure to honour important historical realities.

Armitage (1993) categorizes the explanations found in McKenzie and Hudson (1985) as follows: the psychosocial argument, the cultural change argument, the economic deprivation argument, the historical argument, the racial argument and the colonial argument. He concludes that the authors favour the colonial argument, i.e. the position that the child welfare system was

part of a deliberate assault on Native society designed to make changes in Native people. Colonialism is characterized by Hudson and McKenzie (1981) as involving "the process of creating dependency among a nation or group, the objective of which includes the extraction of benefits by the dominant group" (p. 65). Power, decision-making and the assumption of superior culture reside in the dominant group.

Timpson (1993) criticizes McKenzie and Hudson's colonial argument on the grounds that it emphasizes cultural colonialism at the expense of attention to structural colonialism. This places the focus "on the interaction between the Native and non-Native society front-line service workers" (p.31) who practised cultural colonialism, while leaving unaddressed larger issues of structural colonialism underlying those individual acts. Timpson (1993) argues that the child welfare system was originally created to deal with issues that did not include the tremendous social breakdown and economic disadvantage facing Native people; rather, such social agencies were set up to deal with individual problems in individual families. The great differences in values around child care and family life were also not taken into account (Timpson, 1993).

In the period since the early 1980s (and in a few cases, the late 1970s), child welfare legislation has remained under the control of the provinces but Aboriginal communities have developed initiatives and negotiated or implemented programs that are designed to fit with their needs as they identify them (Armitage, 1993; McKenzie & Morrissette, in press). There are considerable variations among these initiatives and in the role that First Nations now play in child welfare, partly due to variations among First Nations communities themselves, and partly to differences in historical relations between First Nations and local governments, as well as differences in provincial policies (Armitage, 1993).[14] Armitage details the differences, for

example, between the relatively comprehensive approach in Manitoba and the "ad hoc" approach of British Columbia. A gradual shift in awareness has led to less aggressive intervention on the part of social workers than had been true in the 1960s and 1970s and to an increasingly respectful and collaborative way of working with Aboriginal communities (Armitage, 1993). Many Aboriginal communities, however, aspire towards a very different kind of arrangement, as we shall see.

What emerges from the child welfare literature focusing on Aboriginal communities is the complex nature of the underlying issues and politics and, consequently, the failure to date of any attempted solutions. The emergent themes focus on overwhelming social problems, structural disintegration and systemic constraints along with inappropriate policy responses. Racism and colonialism appear to be interwoven in all of these.

Interconnection of Child Welfare and Justice Systems

> *Failing [increased control over the ways in which their children are raised, taught and protected] we are convinced that we will see more, not fewer Aboriginal people in our correctional institutions in the future. We will see more young Aboriginal people falling into a pattern that is all too familiar. It takes them from institution to institution, from foster home facility to young offender facility and finally, on to adult jails.*
> (Aboriginal Justice Inquiry, 1991, p. 509)

The issues for Aboriginal people in the child welfare system cannot be appreciated fully without understanding what effect the justice system has had on Aboriginal people. The patterns which have evolved between the justice system and Aboriginal people are strikingly similar to the patterns in the child welfare system, such as over-representation and the effects of colonialism.

Judge Murray Sinclair, a co-author of the Manitoba Aboriginal Justice Inquiry, noted that prior to the Second World War, Aboriginal people were represented in the jail system in the same proportion as in the population (i.e, they were incarcerated at the rate of about 12 percent). At the turn of the century, they had actually been under-represented in the justice system. By the early 1990s, however, two-thirds of the men in Manitoba jails and 90 percent of the women were Aboriginal. Just over 70 percent of boys and 80 percent of girls in the youth justice system were Aboriginal (Canadian Broadcasting Corporation, 2000). Incarceration rates for youths 15-19 are nine times higher among First Nations people than among non-First Nations and seven times higher for those 20-24 (McDonald et al., 2000). Research by the Manitoba Metis Federation in 1989 determined that "the single most determinant factor of Metis people becoming offenders was their experience in the Child and Family Services system (Corrigan & Barkwell, 1991)" (Awasis Agency, 1997, p. 1-2). In Ontario, this correlation is reflected in the fact that 40% of the offenders in the Aboriginal justice program in Toronto in the late 1990s were found to have been adopted or to have spent their adolescence in foster care (Koster, Morrissette & Roulette, 2000).

The Aboriginal Justice Inquiry explored what had happened since the 1950s to create the striking over-representation in the jail system. Reasons identified included changes in the province's liquor laws, new policing agreements which stationed RCMP closer to Native communities, and demoralization of native war veterans who, after serving in the war, found themselves treated as second class citizens. Indeed, at that time, Natives did not have even the right to vote. The cumulative effect of these policies was found to have contributed to undermining Aboriginal culture (CBC, 2000). Many Aboriginal people who appeared before the AJI drew the Inquiry's attention to the interconnection of the child welfare system and the justice

system, arguing that the removal of children and disruption of communities and their value systems ultimately led to the breakdown of traditional social behaviour patterns (AJI, 1991). In turn, these behaviours put children at risk. McKenzie and Morrissette (in press), for example, connect the existence of widespread violence against Aboriginal women – a justice matter – with the prevalence of family breakdown and child care problems – a child welfare issue.

The justice literature argues that historical governmental/Aboriginal relationships and the deliberate undermining of Aboriginal culture are at the source of the mistrust that Aboriginal people have for the justice system. This mistrust leads to Aboriginal people's "under-involvement" or reluctance to engage with Canadian civil and family law systems on a voluntary basis (Sinclair, 1994). According to the Royal Commission (1996a), much of the legal malaise among Aboriginal peoples harks back to changes in the intent of the original agreements between the Crown and Aboriginal people in Canada. Respect for the co-existence of the two cultures was formalized in a Royal Proclamation of 1763; it offered autonomy and protection to the indigenous peoples. The RCAP suggests that over time, "respectful coexistence" was eroded through reinterpretation of the word "protection" from help to preserve the integrity of lands and culture to a paternalistic stance that entailed domination and lack of respect (p.12). The Confederation of 1867 was negotiated between the French and English without consultation with Aboriginal peoples. Sir John A. McDonald declared his government's intention to fully assimilate Indian people into white society. Under the British North America Act, Parliament replaced traditional Aboriginal governments with relatively powerless band councils and imposed European and Christian based forms of marriage and parenting. A series of amendments to the Indian Act in the 1880s forbade Native spiritual practices, established the restrictive pass system and in the 1870s

instituted residential schools. Governments relocated Aboriginal communities arbitrarily for a variety of reasons (RCAP, 1996a). Because the Canadian justice system arises from institutions and laws that have been a source of oppression, Aboriginal people therefore have come to see it as corrupted by those origins (Monture-Okanee, 1994).

In the same way that mainstream child welfare solutions are not deemed to be applicable to Aboriginal communities, neither are mainstream legal solutions seen as appropriate. Certain legal concepts which are fundamental to the Canadian justice system are not shared by Aboriginal cultures. Monture-Okanee (1994) says, " In the Mohawk language when we say law... it means: 'the way to live most nicely together (p.227)." This different understanding of "law" leads to different ways of treating people who offend. Monture-Okanee claims that the very word "guilt" has no exact translation in Aboriginal languages (1994). The concept of pleading "not guilty" when one has, in fact, committed a wrong, is permissible within a justice system which artificially separates moral and ethical values from daily life, but it is not acceptable within a traditional Aboriginal frame of reference. Conventions in Canadian law thus give rise to inner tensions for Aboriginal people because "not guilty" implies avoiding responsibility and undermines the central community value of attempting to reconcile relationships rather than to punish or exculpate. The adversarial system of justice is antithetical to the Aboriginal paradigm of healing and reconciliation (Sinclair, 1994).

In summary, the justice literature establishes parallels between the justice and child welfare systems with regard to cultural differences, assimilationist roots, institutionalized racism and colonialism, and economic and cultural disruption. In addition, there is a recursive interaction between the effects of the child welfare system and the justice system upon Aboriginal people.

The demand for recognition of Aboriginal law and control over child welfare have therefore been closely linked for several decades (Zlotkin, 1994).

Jurisdictional Models for Delivering Child Welfare Services in Aboriginal Communities

The extension of child welfare services has occurred at varying paces across the country, with many inconsistencies and with varying degrees of acceptance by First Nations communities. These inconsistencies and variations make it difficult to attain a comprehensive view of the field of Aboriginal child welfare. Added to the jurisdictional and legislative differences are the variations among Aboriginal communities themselves, including rural versus urban differences, remote communities versus those in accessible areas close to other regional services, degrees of acculturation vs. traditional identification, and so on. These issues complicate the development and delivery of child welfare services that are in the best interest of all Aboriginal peoples.

Zlotkin (1994) classifies Canadian legal models for child welfare systems in two broad categories: tripartite agreements and the statutory model. Tripartite agreements are between a First Nations government or tribal council, the federal government and a provincial government, and enable First Nations child welfare agencies to administer provincial, but not First Nations, law in matters of child welfare. Federal funding is guaranteed during the term of an agreement. The model Zlotkin refers to as “statutory” is that used in Ontario. The term “statutory” refers to the enablement of this model’s development by provincial child welfare legislation in 1985. We discuss this model below under the heading “Pre-mandated model”.

The range of jurisdictional models is expanding as increasing numbers of Aboriginal communities and First Nations operate child and family service agencies. We have identified five

models currently in operation or in development across the country. As with any program, the jurisdictional model of child and family service delivery has important implications for funding regimes, and therefore references to various funding methodologies are included in this discussion. It is important to understand that currently, INAC only accepts financial responsibility for funding First Nations child and family service agencies providing services to eligible children resident on-reserve. This funding is provided pursuant to a national funding formula known as Program Directive 20-1 (Chapter Five), 1989 (amended 1995), commonly termed INAC Policy Directive 20-1.[15] In Ontario, First Nations child and family service agencies are exempt from Directive 20-1, as they are funded by the province of Ontario in accordance with the Memorandum of Agreement Respecting Welfare programs for Indians between Canada and Ontario, known as the 1965 Indian Welfare Agreement. Off-reserve service delivery is typically funded by the provinces/territories. The following section describes the five main models and the relevant funding methodologies.

The Delegated Model

This is the most common model of jurisdiction, in part because the INAC funding formula, Directive 20-1, requires First Nations child and family service agencies to operate pursuant to this model in order to receive funding for child welfare service delivery on reserve. In this model, the provincial or territorial provincial child welfare authority delegates Aboriginal child and family service agencies to provide services to Aboriginal peoples either on or off reserve pursuant to the child welfare statute(s). The mechanism for delegation varies from province to province, but in all cases the delegation is formalized either through an agreement or by an Order in Counsel. Delegation can include *full* authority (operating with full child protection and

prevention authority) or *partial authority* (providing support and prevention services to families, while the provincial child welfare authority provides child protection services). While the delegated model provides an opportunity for Aboriginal peoples to care for their children and families, it is not without significant challenges. One common concern is that the provincial/territorial child welfare statutes are often founded on the individual rights- based philosophy of British common law. This philosophy, as we have seen, can be diametrically opposed to the interdependent, communal and holistic basis of Aboriginal concepts of justice and traditional means of caring for children, youth and families. Managing the disconnection between traditional values and beliefs and the legislation is a significant challenge for most Aboriginal agencies.

An additional challenge for First Nations child and family service agencies funded for on-reserve service delivery under Directive 20-1 arises from the fact that this national funding formula does not adjust for differences in provincial/territorial legislation. This can result in gaps between what the First Nations Child and Family Service is delegated to do and the funding levels intended to resource such efforts (MacDonald& Ladd, 2000). In addition, inadequate emphasis is placed on supporting community development and preventive services that are required to support First Nations families in caring for their children at home. In June of 2000, the Assembly of First Nations and INAC published a report reviewing Directive 20-1 and providing seventeen recommendations for improvements to the current policy (McDonald & Ladd, 2000). These recommendations include establishment of mechanisms to coordinate provincial jurisdiction with federal funding, increase of funding for 'least disruptive measures' programs and recognition of First Nations jurisdictional models. The implementation of these recommendations has not yet

been realized.

Off-reserve Aboriginal child and family service delivery is funded by provincial/territorial agreements. The nature and extent of these agreements varies from province to province. The Aboriginal Justice Inquiry Child Welfare Initiative in Manitoba provides a promising model for the funding of off-reserve service delivery which recognizes both the right of Aboriginal peoples to care for their children and the diversity that exists within the Aboriginal community. The model provides for the formation of four child welfare authorities, two of which are First Nations, one Metis authority and one for Non-Aboriginal clients. The model includes Aboriginal peoples in the design and decision making in drafting child welfare legislation, standards and funding mechanisms (AJI-CWI, 2001).

Many Aboriginal organizations, particularly those working with communities involved in active self-government processes, regard the Delegated model as an interim model of governance pending recognition of Aboriginal laws. In this light, delegation is seen as a capacity building measure while active exploration continues for more meaningful, culturally and community based paradigms and mechanisms. Brown et al. (2002) conclude that the best thing about the delegated model may be the resistance it defines in First Nations communities as they do the work of empowering themselves to sustain their traditions and values.

Pre-mandated child and family services

Aboriginal and First Nations child and family service agencies operating as pre-mandated child and family service organizations provide prevention and family support services pursuant to agreements, including licensing agreements, with the provincial/territorial government. These agencies, which are principally located in Ontario, are incorporated as non-profit transfer payment

agencies with their own boards of directors (Koster et al., 2000). Their goal is to ensure that families have access to culturally based preventive and foster care resources. The 1984 Child and Family Services Act, which provides the legal basis for the establishment of child welfare agencies by First Nation bodies (i.e. governments and organizations) in Ontario, also permits exemption of a First Nation child and family service authority, band or native community from any provision of the Act or its regulations. These exemptions are a potential mechanism for allowing the delivery of culturally appropriate services which might not meet certain requirements of the legislation (Koster et al, 2000). Six Nations of the Grand River in southern Ontario, for example, recently reached an agreement under the Child and Family Services Act that allows children placed in Customary Care to *not* be considered in the care of the province, yet still receive funding to support the customary care arrangement (Six Nations of the Grand River, 2002). The First Nation agencies of Ontario have called for clearly defined guidelines for achieving full mandated status (TCFS & ANCFSAO, 2001). As mandated agencies, they would offer the ”full range of child protection services” (TCFS & ANCFSAO, 2001, p.73) to Native children.

The Self-Government Model

This model recognizes the jurisdictional authority of Aboriginal peoples in the area of child and family services. This authority is often based on treaties, such as the Nisga’a Treaty, which includes provisions for the development of Nisga’a laws governing child and family services so long as those laws meet provincial standards. Although the Nisga’a are currently operating a delegated child and family service agency as a capacity building measure, plans are underway to draft and implement tribal laws. The model of self-government has the benefit of

being based on the world view, cultures and histories of the Aboriginal peoples and affirms traditional child and family caring processes rather than competing with them (Nisga'a Lisims, 2002)

There are many First Nations and Aboriginal groups across Canada that have actively expressed an interest in moving in the direction of establishing self-government models of child welfare and thus this is likely to be a growing area of development in the coming years. The drive for self-determination in issues of child welfare is clearly bound up with broader issues of empowerment in First Nations communities, at least in part because the issue of self determination is seen as crucial to their socio-economic development.[16]

The Band By-Law Model

The Indian Act allows for Indian Band Chiefs and Counsels to pass band by-laws that apply on reserve. As described above, the Spallumcheen First Nation of British Columbia passed a by-law establishing sole jurisdiction for themselves over child and family services on reserve. The Minister of INAC at the time resisted signing the by-law, but after much advocacy on the part of the Spallumcheen, did so. Funding and provincial support eventually followed, after additional advocacy. The Minister of INAC has since refused to recognize any further by-laws associated with child welfare, and thus the Spallumcheen First Nation is currently the only agency operating pursuant to this model (Union of BC Indian Chiefs, 2002).

The Tri-partite Model

Under this model of governance, the provincial and federal governments delegate their law making authority to a First Nation, usually with the requirement that provincial standards of child welfare be followed. (The name of this model refers to the three parties involved.) While this

model affords a greater degree of recognition of tribal based authority than the Delegated model, it is still administered within the context of delegation from the province/territory and federal government, giving First Nation child welfare agencies the authority to administer provincial law, but not First Nation law (Zlotkin, 1994). Thus, some First Nations and Aboriginal groups prefer to pursue models that recognize in full their jurisdictional authority to care for children, youth and families. One example of this model in operation is the Sechelt First Nation in British Columbia. Pursuant to the tripartite agreement, the Sechelt First Nation has authority to develop and implement tribal based authority for child and family services. Consultations have begun with community Elders, leadership and members to design the child and family services justice model. Although Sechelt currently operates according to the delegated model, the implementation of the new jurisdictional model is expected within the next couple years (N. Simon, personal communication, December, 2002).

Issues in the Development of Culturally Appropriate Practices

Child welfare services to Aboriginal people designed, administered and delivered by mainstream agencies under laws that are not Aboriginal can, at best, aim to be "culturally sensitive". As Rooney & Bibus argue (1996), "while cultural sensitivity is useful with recent immigrants who have not had extended contact with the dominant culture, work with historically oppressed minorities requires a perspective which recognizes the power differences between representatives of the dominant culture's agencies and members of oppressed groups" (p. 64). Understanding the historical relations between groups can enable child welfare practitioners "to look beyond their own backgrounds or training in cultural sensitivity to recognize that they represent a powerful, potentially hostile threat to families..." (p.64). Morrissette et al. (1993) draw

a crucial distinction between “culturally sensitive” and “culturally appropriate” practice in order to emphasize their preference for the latter: “While culturally sensitive service advances awareness of issues in the Aboriginal community in the context of involvement with an ethnic minority, culturally appropriate service integrates core Aboriginal values, beliefs and healing practices in program delivery” (p.101). Even when First Nation agencies have had authority to deliver and administer some services, limitations to their mandate and to their role in developing the services has meant constraints upon the cultural appropriateness of those services. Brown et al.’s review of a BC First Nations agency (2002) confirms that full empowerment of First Nations communities is not possible in the context of power imbalances inherent in paradigms such as the delegated model.

The needs of First Nations communities are not comparable to non-Aboriginal communities. In some communities, unemployment, poverty, substance use, child abuse and neglect, violence against women, youth suicide and communal disintegration are widespread (TCFS & ANCFSAO, 2001; Koster et al., 2000). Poverty and marginalization increase stress on families and contribute to their involvement in child welfare systems. This is the reality that Timpson’s (1995) analysis finds largely missing from the child welfare literature, for what she deems political reasons, until quite recently. According to McDonald & Ladd (2000), 50 percent of First Nation children living on or off reserve live in poverty. In 1996, 64 percent of Aboriginal children in Manitoba lived in poverty (Social Planning Council of Winnipeg, 1999). In some remote and underdeveloped communities of Northern Ontario, the TCFS & ANCFSAO (2001) claims that the application of Ontario’s new risk assessment instrument would likely find most or all of the children to be at risk; yet the services to respond to these conditions are absent. The

Tikanagan agency in Northern Ontario, for example, lists the following services which are missing in its catchment area: psychological assessment, residential treatment, intensive child and family intervention, day treatment programs, mobile crisis response programs, professional children's mental health counselling, early intervention and prevention, suicide prevention and response programs, programs for autism, attention deficit hyperactive disorder and Foetal Alcohol Syndrome, sexual abuse treatment programs, residential services for children and youth with serious developmental challenges, Special Services At Home, speech and language assessment and therapy, Healthy Babies, Healthy Children, Better Beginnings, Better Futures and regular medical services (TCFS & ANCFSAO, 2001).

The major issues at stake in considering the various models of delivering Aboriginal child welfare services are the right to self determination and optimal suitability of services to meet the unique needs of Aboriginal communities in ways that further the aims of community healing, capacity building, and child protection. Adaptations of social work practices and education to the needs of Aboriginal communities have been attempted, with mixed results (Castellano et al., 1986; Morrissette, McKenzie & Morrissette, 1993). Because of the combination of unique needs and conditions, the delivery of mainstream services is bound to be less cost-effective in First Nations communities, less culturally suitable and more difficult with regard to meeting provincial and territorial standards or reconciling them within the cultural framework of community. If full consultation and collaboration are not employed and if policies and requirements are not flexible, the result can be "devastating" (TCFS & ANCFSAO, 2001. See also MacDonald, 2002). No conventional model has yet been able to adequately address these needs (Morrissette et al., 1993). Organizational practices, accountability requirements, centralized control, political interference by

band councils and interventive practices, staff development and training are all implicated as issues which are inevitably problematic when services and the agencies which deliver them "operate within legislative and policy frameworks created by the dominant society" (Morrissette et al., 1993, p.103).

There has been a painful developmental process involved in the realization of those constraints, partly because the extension of child welfare services was begun in some communities before a fully informed dialogue about it had taken place. The importation of existing mainstream models early on in the development of an Aboriginal child welfare system meant that structures, policies and practices designed for another culture were being transposed uncritically (1996c). The response of the Ontario Association of Native Child and Family Service Agencies to the provincial government's Child Welfare Reforms of 1999 (2001) indicate how destructive the consequences of this can be.

The Awasis agency (1997) draws on the work of Thomas (1994) and Shields (1995) in outlining mainstream approaches to social work which "inhibit growth and development in children and families, particularly First Nation families" (p. 24). These approaches include a focus on deficit reduction rather than promotion of capacities; the reliance on a categorical approach to service delivery; considering cases outside of their larger context; failure to incorporate holistic healing; the lack of power sharing in the system; family powerlessness combined with agency reluctance to share power and the barriers created by language. Morrissette et al. (1993) identify as problematic conventional approaches to direct practice, funding and organizational structure that are incompatible with traditional ways of helping and healing. Even when new policies are family oriented and community based, prevailing practice nevertheless continues to emphasize

individualized understandings of causation and counter-cultural interventions, especially placement of children outside communities (Morrissette et al., 1993).

Structural Issues

Jurisdictional issues are very significant insofar as they are linked to standards and requirements, funding, and the degree of autonomy agencies actually have over policy, programs and practices. Without jurisdictional control, the development of culturally appropriate services is impeded (McKenzie & Morrissette, in press). Despite some measure of control over policy development within a given agency, an ongoing problem exists in relation to provincial child welfare laws and standards, and the accountability issues that arise from these (McKenzie, Seidl & Bone, 1995; see also, Koster et al., 2000 and TCFS & ANCFSAO, 2001). The fundamental issue seems to revolve around the cultural differences in conceptualizing what child welfare involves and what the priorities in promoting it will be. Since the Child Welfare Reforms were introduced in Ontario in 1999, for example, practice, training and funding give priority to child safety based on risk assessment and protection. The emphasis is on competency, goals, and "business-plan objectives" (Child Welfare Discussion Paper, 2001, p.3) rather than a holistic value-based approach. First Nation agencies in Ontario state that this emphasis is not suitable to a holistic Aboriginal approach and that the associated training, funding and technology do not fit with the current capacities and resources of the First Nations communities involved (TCFS & ANCFSAO, 2001). Standards establish levels of child well-being and safety which the state can then legitimately enforce; standards are the foundation for criteria for intervention in families in the interests of children at risk. In order for these criteria to be culturally appropriate, the standards must be culturally specific (McKenzie, Seidl & Bone, 1995).

In an attempt to identify such standards among First Nation communities, McKenzie, Seidl and Bone (1995) conducted a series of focus groups with a broad range of representatives from eight communities. The topics addressed included the definition of a family, indicators of abuse and neglect, preferences regarding placement of children for alternate care, and how culture should shape provision of child and family services (McKenzie, Seidl & Bone, 1995). After outlining the themes discussed in the focus groups, the authors conclude that the emergent principles reflect a "holistic, family-and community-focused foundation for child welfare services" (p.648). The authors note that many of the ideas expressed by the participants about what constitutes good child welfare practice are also consistent with mainstream standards (McKenzie, Seidl & Bone, 1995). McDonald et al. (2000) indicate that only in British Columbia have First Nations standards been incorporated into provincial standards. In several provinces, First Nations are in various stages of developing and implementing their own standards.

Funding is a particularly thorny problem (TCFS & ANCFSAO, 2001; McKenzie, 1989). The TCFS & ANCFSAO (2001) identifies funding benchmarks and funding formulas related to programs – and to most aspects of organizational costs – as being inadequate or limiting at best, and at worst being in conflict with the visions, law and values held by the First Nations communities. Particularly problematic are funding formulas that are primarily directed at supporting children in care and that do not allow the flexibility to provide the services deemed necessary by the communities themselves. In the context of an Aboriginal vision and cultural imperative to keep families together and children within their communities, the problem is obvious. Block federal funding offers the significant advantage of affording agencies the flexibility to develop innovative programs and set their own administrative priorities (McDonald

et al., 2000; McKenzie & Flett). McKenzie and Flett's evaluation of one five-year block funding project at West Region Child and Family Services in the mid 1990s provides an example of how such funds have been used to develop accessible and culturally appropriate community based resources. The funding was used to develop alternate programming (eg., a therapeutic foster home program for children with special needs), add treatment support services to each local community team, and to co-ordinate and host other community services (such as family violence and day care programs). New positions within the agency were also funded to develop new initiatives (eg., a Children with Special Needs Coordinator developed a community-based program for children and families struggling with fetal alcohol syndrome or its effects). Partnership with education authorities led to one program for youth who had dropped out of school, and another offering life skills, computer training and support services for young parents with children in care or at risk. The goal of balancing protection with prevention led to the development of programs providing resources to families and children, such as groups for mothers where they learn and receive support from Elders and other women. Decentralized management of such programs is emphasized and supported. Nevertheless, block funding has some disadvantages as well from the First Nations agencies' perspective, insofar as the agreements lack specific criteria for adjustment of funding and for establishing the subsequent starting budget base (McDonald & Ladd, 2000).

Other larger-system issues identified in the literature are agency development and the relations between Native and non-Native child welfare authorities, which are troubled by mistrust (TCFS & ANCFSAO, 2001), differing research and evaluation methods (TCFS & ANCFSAO, 2001; Koster et al.,2000; Morrissette et al., 1993) and power imbalances (Awasis, 1997; TCFS & ANCFSAO, 2001). Recruiting, training and retaining staff who can meet mainstream standards

for social work education, English literacy and technological competence under these conditions (Castellano et al., 1986; McKenzie, 1989; TCFS & ANCFSAO,2001), coupled with negotiating the internal and external politics involved (TCFS & ANCFSAO, 2001; McKenzie, 1989; McKenzie, Seidl & Bone, 1995; Morrissette et al., 1993), pose an enormous challenge.

Finally, there are issues within First Nation communities themselves that contribute to the complexity of developing and delivering culturally appropriate services. Issues of internal politics related to divisions and power struggles within communities have already been alluded to. In addition, the communities are often quite small, with many or most of their members being related to each other. The social worker may be related to the families she or he investigates (TCFS & ANCFSAO, 2001). Where there is still a general lack of awareness about child abuse and sexual abuse (TCFS & ANCFSAO, 2001), "denial and minimizing" on the part of family and community members may compromise the principle of respecting parental rights (McKenzie, Seidl & Bone, 1995), , i.e. by intervening against their wishes. There are inherent challenges in balancing individual and collective rights in a way that promotes child, family and community well being. On one hand, the principle of restoring harmony to a family or community may lead to responses that ultimately fail to protect victims from abuse (La Rocque, 1997; Morrissette, McKenzie & Morrissette, 1993). On the other hand, there are significant potential benefits to the less formal and less boundaried ways of working in small, closely knit communities, such as those described by Brown et al. (2002) and MacDonald (2002). Within a Euro-western paradigm, it is difficult to fully comprehend how the inseparability of children's, parents' and community's rights and the inevitable permeability of professional boundaries can be addressed. This difficulty may in itself

underscore the lack of cultural fit between mainstream child welfare and the needs of Aboriginal communities.

Direct Practice Issues

Culturally sensitive practice essentially refers to the adaptations that mainstream services effect in dealing with cultural minority groups, Aboriginal and otherwise. It involves education of workers about values, customs and practices that may differ from those of the dominant culture in order to establish a co-operative relationship and avoid inappropriate judgements and interventions. It may involve specially designed programs, outreach, and hiring of staff who are themselves members of the cultural group being served. It was initially assumed, understandably, that the hiring of Aboriginal workers for First Nation child welfare service would significantly further the delivery of culturally sensitive practice. This has not turned out to be as simple a solution as it seemed, particularly given the constraints of the structural context. The lack of knowledge and appreciation of Aboriginal traditions among both Aboriginal and non-Aboriginal workers has been identified as an impediment to the development of culturally appropriate services (Castellano, Stalwick & Wein, 1986; McKenzie & Morrissette, in press). This is complicated by the diversity in "cultural identification" among Aboriginal people (Morrissette et al., 1993). The nature of mainstream social work education contributes further to the difficulty.

Conventional social work training for mainstream child protection work often emphasizes assessment of individual deficits and control over individuals and families, rather than a broader analysis of community and structural problems affecting children's well-being (RCAP 1996c). Although Aboriginal people do not deny widespread family dysfunction – on the contrary, according to Timpson (1995), Aboriginal people recognize and are actively engaged in

confronting the social problems they see in their communities regarding child welfare – they understand them as signs of larger social and historical consequences of colonialism rather than as individual deficits. Conventional training also emphasizes confidentiality and clear professional boundaries which do not always fit with ways of life in Aboriginal communities (See Brown et al., 2002).

Since basic approaches to the "client"-"worker" relationship are shaped by cultural values, they differ among cultural groups. In the mainstream Western context the relationship between worker and client is "uni-directional" (RCAP, 1996c, p.40) rather than multi-faceted, as in traditional communities. This is antithetical to Aboriginal traditions of mutual aid (RCAP, 1996c, Castellano et al., 1986).

The mainstream principle of 'best interests of the child,' which is a cornerstone of Canadian child and family law, has been identified as being at odds with Aboriginal values and perspectives. In Aboriginal communities, the best interests of the child are not considered separately from the best interests of the community (RCAP,1996c, p.52), yet the 'best interests' principle assumes they are separable. This conflict between individual and community interests tends to be manifested in decision making about placement outside the home, when the need to balance the child's need for stable parenting with the need for community support in developing an Aboriginal identity (RCAP, 1996c, McKenzie, Seidl & Bone, 1995). The Awasis Agency of Northern Manitoba (1997) draws on the work of Monture to suggest that "the [best interests] test is racist and further perpetuates the already severe over representation of children caught in the child system [sic] of Manitoba" (p. 28).

Aboriginal Visions of Child Welfare

Tikanagan's Vision

The Creator has entrusted us with the sacred responsibility for protecting our children, developing and sustaining strong families, and building healthy communities. The future of our communities is our children who need to be nurtured within their families and communities.

Our Goal

The sacred responsibility for developing and sustaining our families takes us as Aboriginal people back to the past to prepare ourselves for the future. The concepts, principles, and the values practised are the strengths we need now to encourage and ensure healthy families, which in turn will be the foundation of strong and healthy communities.

Principles

The primary responsibility for the safety and well being of our children is with the family. If children cannot be cared for within the family, then the extended family should care for the children. At the community level, the safety and well being of children is everyone's responsibility and anyone who is aware of children in need of protection should ensure that their families receive the assistance needed. The primary purpose of service to families is to keep them intact and ensure that children are safe and well. Service should be family focussed, community based, First Nation controlled, and First Nation delivered.
(Association of Native Child and Family Service Agencies of Ontario, 2001, no page no.)

The foregoing is the statement of the Tikinagan Child and Family Services in the report entitled "Child Welfare Reform Initiatives: Issues and Recommendations". In addition to the protection of children, "Native agencies have the added responsibility to change the outcomes of the past" (ANCAFSAO, 2001 p. 10) through practices that give high priority to supporting families and communities for the purpose of caring for their children rather than focusing primarily on mainstream concepts of protection.

The Awasis Agency of Northern Manitoba (1997) provides another example of an Aboriginal agency's approach to child welfare work congruent with the context of Aboriginal communal and family life. As stated by Elder Sandy Beardy, that goal is:

> To promote the best interests of children within the context of their families, communities, and culture, we cannot continue to view situations of psycho-social risks as act-specific and individually focused. We need to look at how we impact families and communities when we intervene in their lives. We must question treatment approaches that increase the power of workers rather than the power of First Nation families. Radical sharing of power in the family-worker constellation consists of more than techniques for increasing family skills or even family self-determination. It involves power sharing and power shedding, a professional stance that implies transformative changes in how our work is evaluated and rewarded (Gutierrez, Glenmaye & Delois, 1995). We must be able to sit down together as equals in trying to resolve a common problem.... (p.xii)

The Aboriginal Justice Inquiry - Child Welfare Initiative (2001) offers as its vision "[a] child and family service system that recognizes and supports the rights of children to develop within safe and healthy families and communities, and recognizes that First Nations and Metis peoples have unique authority, rights and responsibilities to honour and care for their children" (p.1). The goal is an agreement between the Government of Manitoba, the Assembly of Manitoba Chiefs and the Manitoba Metis Federation that would lead to a plan for the development of the delivery of Aboriginal child welfare services by First Nations and Metis communities.

Taken together, the goal statements cited above reflect the range of elements found in the literature of an Aboriginal vision for the safety and strength of children and their communities. Strengthening of the family is seen not only as a social issue but as a political one central to the ongoing negotiations of Aboriginal people for self-government.

Frameworks for Culturally Appropriate Practice and Education

> *What had happened to bring the young woman and her children to this place? What had happened to bring me – a person who entered social work to try to be 'helpful' – to a place of representing an agency which intended to support families and protect children,*

but that has instead been hated and mistrusted, labelled an agent of domination and genocide by First Nations and Metis people?

As I recall my encounter with the young woman, I see now two women, almost the same age, in a room with two children – hers. I was just a little older than she. She was new to 'the city' and so was I. I was from a small Metis community outside the city, a community I left to seek education and opportunity. She probably left a small community for similar reasons. As a social worker, I felt helpless – but my helplessness was nothing in comparison to hers. The contrast in our lives was stark. It was painful to have been part of the system that had caused so much destruction. At the time I did not know how to respond differently. As a young social worker, I was attempting to do 'work' defined by an agency in a certain way. I was unsure of myself, lacking in confidence. I was deeply troubled – our experience was connected in a way I could not name. Later, there was shame attached to admitting that I had been a child welfare worker. I wonder to this day, What might I have done differently? What might an individual social worker have been able to do to make a difference in the life of that young woman and her children?

Given the role that the profession of social work has played in the relationship between Aboriginal people and the child welfare system, can it now contribute to transforming that relationship? Adaptation of mainstream services to meet the needs of most non-dominant ethnic or racial groups is known to be fraught with difficulties (see, for example, reviews by Tsang & George, 1998, and McGoldrick, 1998); this is further complicated with regard to First Nations because of historical relationships and unique needs. Coupled with cultural differences, the implications of colonization and systemic racism are crucial for social work practice, education and training in general, and particularly in the area of child welfare. Advice to a provincial ministry from the director of a First Nation child welfare agency included the following: "Listen carefully, embrace responsibility for changing your own systems, promise only what you can deliver, and allow First Nations their own voice with those in a position to make a difference for First Nations children." (MacDonald, 1999)

There are several models of practice in the academic literature, and some that can be inferred from the writing of First Nations agencies that outline frameworks for culturally appropriate child welfare services. Castellano et al. (1986) advocate the establishment of separate Aboriginal social services with small Native communities operating "within a single budget". They advocate a framework for distinctively Aboriginal practice which builds on the Aboriginal world view that includes connectedness to Creation, interdependence in community, responsibility of all "for the benefit of the group", and "balance" in life. The other main building blocks identified are the cultivation of an understanding of colonialism, the lost possibility of "a traditional self-sustaining economy" and the "creation of dependency" (Castellano et al., 1986).

Morrissette et al. (1993) posit a framework for Aboriginal social work practice that shares the principles of being grounded in an Aboriginal world view and developing consciousness about colonialism. In addition, they add the principles of "cultural knowledge and traditions as an active component of retaining Aboriginal identity and collective consciousness, and empowerment as a method of practice" (p.91), and an understanding of the range of cultural identification among Aboriginal people. A continuum of cultural identification has been elaborated to aid in this understanding (McKenzie & Morrissette, in press). The framework presumes the fundamental elements of a structural approach to social work: that is, the connection of individual experience to conditions of oppression. Also important is the *strengths* perspective that adds appreciation of Aboriginal people's resilience and capacities to recognition of their problems.

Morrissette et al. argue that culturally appropriate practice would go beyond "cultural sensitivity" to include using Elders and healers for traditional teaching and healing (e.g., the healing circle) and a community based approach to the development and delivery of services.

This would require flexibility in funding and in accountability regarding service requirements. To accommodate these goals, agency services would need to be restructured at the administrative and direct service levels. Social work education would need to change to support these new approaches to practice, and indeed to re-evaluate and reshape current mainstream approaches to practice (1993). The intention of such a model is apparently not to create a parallel system, but to transform mainstream services.

McKenzie, Seidl & Bone (1995) endorse a framework for child welfare services in First Nations communities under legislation and standards which make the provider agencies responsible for prevention and family support services (as opposed to more narrowly defined mainstream child protection practices). A child's attachment to parents and caregivers, extended family, community and culture are all seen as important, so that preferences for out-of-home care, when necessary, give priority to keeping the child within the community. In the study upon which this model is based, the authors found that the participating communities view a child-centred approach as being necessary when a child might otherwise be subject to abuse, and recognize out-of home placement as required at times. Access to trusted caregivers and counsellors may necessitate placement outside the community and this, too, is acceptable when necessary.

The Awasis Agency of Northern Manitoba (1997) is an agency with 99 per cent Aboriginal employees whose explicit intention is a radical change in the way child welfare practice and training of Aboriginal social workers is conceptualized. Instead of emphasizing "prevention of child abuse and neglect," the agency stresses "well-being within families and communities" (p.94). The "developmental framework" for practice merges adult education and community development, emphasizing "learning in the context of political involvement" (p. 92).

Following are the services and systemic conditions we have culled from the literature which are required in order to ensure the provision of culturally appropriate services to Aboriginal people. At the level of larger systems, First Nations and Aboriginal ways of knowing in child welfare need to be affirmed through legislation and resource allocations, in order to augment the cultural fit and efficacy of child welfare services. At the organizational level, the necessary features are decentralized structure, recruitment and retention of a stable core of properly trained staff, funding benchmarks and outcome measures which are suitable to the context, and participatory research to continue development of innovative, effective programs. In order to be consistent with holism, healing and strengthening of families and communities, service delivery must be structured to include traditional healing, inclusion of elders in supportive and preventive services, repatriation of children who have previously been removed, use of customary care or custom adoption whenever possible, cultivation of resources for foster care and adoption when needed, alternatives to an adversarial legal process between families and child welfare authorities and a focus on the family as a unit, as opposed to the child alone. Specific services at the community level include community capacity building, community service teams, group programs and preventive/supportive service, such as recreational programs for youth and families, education about substantive and procedural issues regarding child abuse and neglect, sexual abuse, alcohol and substance use, suicide prevention, and so forth. At the level of families and individuals, services should include family support services (eg. in-home services, respite care) and individual and family counselling as needed. The need for access to mental health and child development services within the community, or funding to gain access to them outside the community, spans structural and service issues.

The changes to practice approaches such as those described above requires changes to social work education and training as well. The Royal Commission (1996) emphasizes the need for professional education to include cultural issues relevant to Aboriginal people. Differences between "Aboriginal ways of helping" and non-Aboriginal ways are exacerbated when the helping person is non-Aboriginal (RCAP, 1996c, p. 41). The problem is not simply solved, however, by substituting Aboriginal workers with mainstream social work education for non-Aboriginal workers. In the mid 1980s, Castellano et al. (1986) cautioned Aboriginal leaders lest "a new crop of social workers, shaped in the same mould prove equally noxious [as previous social workers had been]" (p.176). Although it recognized some aspects of existing undergraduate programs as being very helpful, the Royal Commission supports the position that the programs fall short of the needs of Aboriginal counsellors (1996c).

There have been systematic efforts to foster cultural sensitivity, appreciation of diversity and knowledge of cross cultural practices in Canadian Schools of Social Work in recent years. Castellano et al's (1986) review of early adaptations made by schools of social work to meet the needs of education for Aboriginal students and their communities finds that the need to develop training programs quickly in areas where child welfare was being transferred to communities provided a certain impetus that was helpful. Unfortunately, in their haste to develop programs, schools sometimes have undertaken cross-cultural training prior to fully comprehending what is entailed. In encouraging awareness of and sensitivity to cultural difference, Castellano et al. (1986) caution that no generalizations taught in a social work program can adequately "prepare an outsider to understand the unique culture of a particular community at a particular point in its history" (p.172) nor is a Native student's ancestry sufficient to ensure she or he will be aware of

culturally appropriate ways of helping. In fact, they say, spending extended time in the mainstream educational system is likely to bring about attitudinal and behavioural shifts that create, rather than solve, problems for those who then go out to work with Aboriginal people. In programs oriented towards Aboriginal students where sponsoring communities and organizations select candidates for professional education, they prefer mature individuals with commitment to the community and experience in human services, rather than focusing primarily on academic prerequisites as the academic institutions themselves would otherwise do.

A number of issues have been identified as emerging from early attempts to adapt social work education programs to various Aboriginal communities. First it is important to consider the contexts in which the students will be working, Second, the characteristics of the students themselves must be considered. Third, it is necessary to adapt programs to students' needs while meeting the requirements of mainstream educational standards. Finally, there must be involvement of the communities for whom the programs are intended in determining the content and process (Castellano et al., 1986). These caveats are in the revisions to the education policy statements Canadian Association of Schools of Social Work (CASSW/ACESS) (2000), which emphasize training that prepares students for work with "populations of diverse cultural, racial and ethnic backgrounds in different regions", accountability of social work schools to the communities they serve through recognition of diversity in terms of programs of study, admissions, removal of systemic barriers, and allocation of financial and human resources towards these goals (Appendix E). More specifically, the accreditation manual identifies the ways in which schools of social work are expected to address and accommodate the needs of Aboriginal

communities and Aboriginal students through inclusive planning processes, curriculum design, program structure, admissions, and so forth (Appendix D).

Outside of the educational institutions, the problem of inadequate funding undermines any will that exists to develop and implement more appropriate training in the field. According to the RCAP (1996c), there were at the time of its report no plans or funds set aside for the training of new Aboriginal workers (despite the establishment of new Aboriginal child and family service agencies or change of personnel in existing agencies). The RCAP therefore recommends that the development of integrated services to children and families under Aboriginal control include funding for training of Aboriginal personnel for a variety of roles (1996c). The Caring for First Nations Children Society (CFNCS) Aboriginal Social Worker Training program in BC is a promising model for such training. It is based on three central features: First, it was developed at the request of First Nations child and family service agencies; second, the competency based curriculum integrates cultural context, best practice and legislative requirements through process established jointly with the province; third, the practice model, built on principles of holism and interdependence, reflects the diversity among BC's First Nations communities.

Finally, funding, training materials and methods must take into account differing levels of formal education, technological competence, English literacy and difficulty accessing educational centres (TCFS & ANCFSAO, 2001).

Summary and Conclusion

Aboriginal children are over-represented in Canada's child welfare system, just as Aboriginal youth and adults are in the justice system. At the same time, child welfare services available to Aboriginal communities are often inferior and culturally inappropriate for their

unique needs. While differences from the dominant culture -- in terms of world view, values and concepts of relationships within and beyond the social world – are not unique to Canada's indigenous people, the latter are distinguished by a history of colonization which has irrevocably altered their traditional culture as well as their economic and political context. The historical relations of racism, assimilationism, and oppression that Aboriginal peoples have experienced within this culture are not replicated in other groups, even though they may experience these forces in the present. The end of traditional livelihoods, soaring unemployment, the impact of residential schools and the depth of pain suffered by those affected by child welfare and justice systems have been described by Elders with links to traditional teachings and documented by governmental inquiries. Whereas other groups have sought Canada out as a refuge or a place of new beginnings, Aboriginal peoples have seen this – their home for thousands of years – as the place in which their oppression originated. That oppression has been enacted and administered by the very institutions which have claimed to be their benefactors. The profession of social work, central as it has always been in the field of child welfare, has been an active participant in these processes.

This history has established a relationship of marginalization that makes it extremely difficult for incremental changes from within the same framework to be effective. Efforts at reform have sought solutions in changing the Aboriginal people themselves, rather than the institutions. Meanwhile, Aboriginal claims to the historical right of self-determination and self-government pose challenges to mainstream institutions. Although the goal of Aboriginal-controlled child welfare services has been identified and receives some support among First Nation people and governments, primary efforts today have focused on adapting mainstream

services to provide culturally sensitive services, and on developing in piecemeal fashion alternative models for culturally appropriate services. There are no simple and obvious solutions, but solutions are clearly necessary and are being actively demanded by Aboriginal people.

The development of new models has had mixed success to date. Although the assumption of child welfare authority by Aboriginal peoples has increased the options for culturally based services, they are often predicated on Euro-western legislation. This means the lack of a cultural fit between child welfare ideology, law and services delivered. In addition, Aboriginal agencies face the same socioeconomic problems which mainstream agencies faced. These problems – along with experiences and assets – are now beginning to be addressed within Aboriginal communities and in the mainstream child welfare system in the context of the underlying conditions which have produced them. It appears from the literature that essential elements of any new model are congruent with Aboriginal world view regarding community strengthening, traditional ways of healing and the aim of addressing the effects of colonialism. Appropriate hiring practices, culturally appropriate social work educational programs, adequate and flexible funding and administrative structuring are also crucial.

Relations based on marginalization, power imbalances and racism will need to be transformed in order to make these elements possible. Given some fundamental common ground between the value base of Aboriginal people and that of the social work profession, it may be possible that with openness to critical reflection and genuine respect for Aboriginal self-determination, the profession can contribute to the development of truly appropriate new systems of child welfare, not only for Aboriginal communities but for the many communities that constitute Canadian society.

Notes

1. Terminology set out by the Royal Commission on Aboriginal Peoples (RCAP) (1996b) established *Aboriginal peoples* as the term referring to political and cultural groups considered original in North America; this includes *First Nation* (replacing the term *Indian*), *Inuit* (replacing *Eskimo*) and *Metis* peoples of Canada. First Nation people who lose their status when they leave the reserve are also included by the term Aboriginal. This terminology is not followed consistently in the literature. Different terms may be used in different parts of the country and by authors of varying backgrounds. It is a confusing issue, but we have chosen to err, when in doubt, on the side of inclusiveness. We have therefore tried to keep our use of the terms as close to the RCAP formulation as possible; but when referring to the literature, we stick to the author's own choice of term whenever appropriate. See also guidelines developed by the Department of Indian and Northern Affairs Canada (INAC) at www.ainc-inac.gc.ca/pr/pub/wf/index_e.html .

2.All four authors have worked at one time or another in the field of child welfare in Canada and all of us have worked with Aboriginal families. The personal commentary inserted in this paper comes from the one among us (Joyce Clouston Carlson) who is of Metis heritage from Manitoba and who worked in child welfare during the 1970s. The remaining authors are Gitanmaax First Nation (Cindy Blackstock) and Eastern European Jewish descent (Marshall Fine and Deena Mandell). Cindy continues to administer and develop programs in First Nations child welfare and has published in the field; Joyce has worked with Aboriginal leaders to assist in publication of oral cultural stories. Marshall and Deena are involved in various child welfare studies and teach about child welfare in multicultural contexts as part of their graduate courses on social work practice with families.

3. At the time of writing, a valuable new comprehensive resource has emerged. The First Nations Child and Family Caring Society of Canada, through the First Nations Research Site of the Centre of Excellence for Child Welfare, has compiled over 850 published and unpubished works of relevance to researchers, policy makers and practitioners (Bennett et al., 2002). While the primary focus is on Canadian work, some references are included from the United States and abroad.

4. All four authors have worked at one time or another in the field of child welfare in Canada and all of us have worked with Aboriginal families. The personal commentary inserted in this paper comes from the one among us (Joyce Clouston Carlson) who is of Metis heritage from Manitoba and who worked in child welfare during the 1970s. The remaining authors are Gitanmaax First Nation (Cindy Blackstock) and Eastern European Jewish descent (Marshall Fine and Deena Mandell). Cindy continues to administer and develop programs in First Nations child welfare and has published in the field; Joyce has worked with Aboriginal leaders to assist in . Marshall and Deena are involved in various child welfare studies and teach about child welfare in multicultural contexts as part of their graduate courses on social work practice with families.

5. The title Department of Indian and Northern Affairs Canada (INAC) is used interchangeably with Department of Indian Affairs and Northern Development (DIAND). See INAC/DIAND website, www.ainc-inac.gc.ca .

6. Accurate and consistent statistical information is connected to several factors. First, since terminology has varied considerably over time, statistics cited in the literature are sometimes misleading or confusing. For example, some sources use broad terms such as 'Native' and 'Aboriginal' when they are in fact referring to specific groups. In incorporating statistical information, we have therefore made every effort to clarify the intended group. Second, as the RCAP (1996) notes, accurate statistics are available only for First Nation people, registered under the Indian Act, and ordinarily resident on reserve; funding for services to these communities flows from the federal government. On the other hand, statistics for non-status First Nation persons, the Metis, and status First Nation persons living off reserve, as well as for Inuit persons outside the Northwest Territories, are not gathered separately from the general population; statistics are based on estimates made by service agencies. Since these agencies have used differing methods of data collection, accurately reporting and comparing statistical findings is fraught with difficulty. Attempts have been made to clarify statistical references wherever the information was available.

7. The variation in the Maritime figures is thus attributable in part to variable inclusion/exclusion of non-status, off-reserve and Metis children. Similarly, the lower Manitoba and and Alberta figures refer to status children only, while the higher Saskatchewan figure includes non-status, off-reserve and Metis children. The Ontario figures include the latter groups, while the Yukon figures do not.

8. Armitage refers here to Status First Nation children; Timpson, on the other hand, uses the term Native to describe all categories of Aboriginal persons -- status First Nation (registered under the Indian Act), non-status First Nation, Metis, and Inuit persons.

9. It is important to note that many Aboriginal ceremonies and communal structures have existed for millennia and inform social and cultural order in the community as a whole, rather than being established for specific current goals or purposes.

10. The importance of a connection to the land is expressed in the following excerpt from a submission to RCAP by the Assembly of First Nations: "Our songs, our spirits and our identities are written on this land, and the future of our peoples is tied to it. It is not a possession or a commodity for us – it is the heart of our nations. In our traditional spirituality, it is our Mother... It is our life" (Assembly of First Nations, 1993, p.1)

11.These variable effects have not been well studied. One can speculate that they may be attributable to mediating influences such as positive relationships that may have been formed with teachers or schoolmates, or to families 'back home' whose own histories (communal and individual) enabled them to be more supportive of their children in the schools (S. McKay, personal communication, Sept. 2002). In general, however, the issue of what role the

residential schools played in the lives of individuals, communities and cultures is a highly complex one (CBC, 2000); the polarization around it does little to further our understanding of the complexities and variables involved. It is likely that some children's experience of the schools was neither entirely harmful nor entirely beneficial. Communities were likely differentially affected as well. It is also important to consider the effects of the schools in the broader context of the overall disruption of First Nations economy, social structure, customary practices, ways of living on the land, and so forth, rather than as an isolated variable.

12. The death rate in residential schools in BC ranged from a low of 11% to a high of 40% at the Kuper Island residential school throughout its 25 years of operation. These staggering death rates were due, in large part, to the substandard care and housing provided to the children (Fournier and Crey, 1997).

13. Despite this expansion, sustained funding for First Nations child welfare agencies throughout Canada was not available until the early 1990s.

14. The First Nations Child and Family Services' *Joint National Policy Review* (McDonald & Ladd, 2000) contains several tables comparing key aspects of provincial child and family services legislation, delegation of statutory child and family services, and provincial and first nations service standards across Canada.

15. See www.tbs-sct.gc.ca/rma/account/sufa-ecus/fncfs-sef_e.pdf.

16.Research on the question of why some First Nations communities in the United States and Canada prospered socio-economically -- while others continued to struggle -- indicates that substantive community improvement in social and economic well being is preceded, rather than followed, by First Nations self determination and sovereignty (Cornell & Kalt, 2002).

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