

First Nations Child and Family Caring Society of Canada

Supporting First Nations Adoption

Submission to: Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities



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Introduction

First Nations children can be adopted via mainstream or First Nations customary (also known as traditional) adoption processes. The former have been controversial in that some First Nations viewed mainstream adoption as another colonial mechanism for the permanent removal of their children from community. This belief was fueled by the mass removal of First Nations children and permanent placement in non-Aboriginal children which would become known as the “60’s scoop.” Justice Edwin Kimmelman reviewed the “60’s scoop” practices in Manitoba in his report entitled *No Quiet Place* and concluded that the practice amounted to cultural genocide. Not surprisingly, some First Nations introduced moratoriums on mainstream adoptions in the wake of the 60’s scoop and placed an emphasis on kinship care and traditional forms of adoption.

First Nations had systems to support the care of children when parents are unable to be the primary caregiver over the short or longer term long before the invention of mainstream adoption programs in Canada. These traditional adoption systems, often termed custom or traditional adoption, continue to exist but are unevenly acknowledged and supported by Federal and provincial governments and mainstream adoption service providers.

The final mechanism affecting Indigenous children is international adoption. There are over 70 million Indigenous peoples around the world and international human rights standards such as the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of the Child, recognize the right of Indigenous children to their culture, languages and to grow up with members of their group. Although mainstream adoption laws and agencies are slowly recognizing the importance of cultural and language rights for Aboriginal children in Canada, there is no systematic way to identify Indigenous children from other countries who are adopted into families in Canada and ensure their respective cultural and linguistic rights.

This submission focuses on the importance of the Federal Government providing sustainable and flexible funding to support First Nations based adoption services for First Nations children and families, the need for pre and post adoption supports for the child and the birth and adoptive families and the importance of identifying the Indigenous heritage of children being adopted into Canadian families through international adoption mechanisms.

First Nations control over First Nations Adoption

First Nations view the care of children as a communal responsibility and thus it is not unusual for First Nations children to be cared for by extended family or members of their clan or kinship group. The transition from one caregiver to another was a natural process that brought multiple strengths to the child and ensured a safety net if one caregiver was unable to assume full caregiving responsibilities for

any given period of time. The term adoption is a western derivation that by definition means an arrangement that is exceptional where a child, who has no caregivers, is permanently placed with a family. Western adoptions were, and in some cases still are, private affairs where the birth parent's identity and thus the identity of the extended family is hidden from the child. In a First Nations concept of "adoption" the community is simply implementing its communal caregiving responsibilities for the child – there is nothing exceptional or unusual about it and there is no severing of the relationship with the birth parent. There is an acknowledgement that the birth parent has a special and unique gift to contribute to the child that cannot be provided by other community members so active steps are taken to ensure the child knows his or her parents, extended family and clan.

There are an overwhelming number of studies demonstrating that when First Nations have sovereignty over their children and are properly resourced, the children do better. Adoption is no exception. The international award winning Custom Adoption program offered by Yellowhead Tribal Services Agency (YTSA) in Alberta is an exemplar on how to ensure Aboriginal children of all ages are provided with stable and loving Aboriginal family homes that support their cultural identity (Blackstock, 2003). This program was developed by Carolyn Peacock, Executive Director of Yellowhead Tribal Services and Dr. Jeannine Carriere, who is now an assistant professor at the University of Victoria, with the guidance of Elders from the 5 First Nations served by Yellowhead Tribal Services. This program situates adoption as a natural process derived from First Nations traditions and ensures that proper supports are provided both pre, during and post adoption to the birth parents, birth extended family and Nation and to the adoptive parents, extended family and Nation as well as to the child. The holistic and culturally based provision of support services is particularly important as many of the children that YTSA places have special needs or have experienced some form of childhood trauma. Children are adopted in traditional ceremonies attended by community members to celebrate the joining together of families (the birth and adoptive families) that the child has made possible. This amazing program has successfully completed over 100 adoptions and many of the children are older children or children with special needs. There has never been an adoption breakdown. This type of success is unparalleled in mainstream child adoption programs. The North American Council on Adoptable Children based in the United States has given YTSA several awards of excellence for their work with adopted children and parents. Yellowhead Tribal Services Agency has been very generous with their support of other First Nations interested in developing their own culturally based custom adoption programs. Recently, YTSA partnered with Cowichan Tribes in BC and now Cowichan Tribes is conducting custom adoptions in keeping with their distinct culture with similar success.

Unfortunately, the Federal Government does not provide universal funding to support the further development of First Nations based adoption despite their proven success. YTSA offers its program on the basis of provincial funding that is not continuous meaning the program has often faced the possibility of closure despite its enormous success. The Federal Government also provides no funding to support First Nations communities to engage in the peer-based learning that lead to the development of the Cowichan Tribes custom adoption program. Any efforts to collaborate across agencies must be taken from already stretched child welfare budgets or from First Nations independent revenue. Clearly these are not viable resource options for the majority of First Nations in Canada.

While it is encouraging to see growing numbers of provincial and territorial adoption legislations acknowledging custom adoption in First Nations communities, it is imperative that the Federal Government provide proper financial resources in order to actualize the custom adoption statutes in ways that meaningfully support First Nations children, birth families/birth extended families and adoptive families/adoptive extended families. This would include the full recognition of First Nations custom adoption laws, the resourcing of custom adoption program design, implementation and evaluation as well as support for peer learning networks. The program should also build on the excellent example of Yellowhead Tribal Services by ensuring holistic and sustained support are provided to all parties to the adoption process throughout the life of the child.

Post Adoption Subsidies and Supports for Families on Reserve

First Nations families are the most impoverished in the Nation and many of the children available for adoption placement, particularly through the child welfare system, have special needs that will require ongoing specialized services that are not always covered by the Federal Government. Adoptive families off reserve can access post adoption support programs that provide financial stipends, respite care or specialized services in order to ensure the child receives the proper care and to maximize the success of the adoption placement. The Federal Government has no comprehensive post-adoption support program to assist First Nations families on reserves. This has the effect of some children remaining in foster care simply because their on reserve caregivers do not have access to post-adoption supports that are otherwise available to non-Aboriginal children off reserve.

The Parliament of Canada unanimously passed Private Members Motion 296 tabled by Member of Parliament Jean Crowder on December 12, 2007 in support of Jordan's Principle. Jordan's Principle clearly says that First Nations children should not be denied, or delayed receipt of, government services otherwise available to other children due to jurisdictional interests of the Federal or Provincial Government. Unfortunately, the Federal Government implementation of Jordan's Principle has been far from inspiring. The Federal Government has chosen to try to narrow Jordan's Principle to apply only to children with complex medical needs effectively creating a vacuum where First Nations children being denied government services in other areas continue to miss out.

Post adoption subsidies and supports should represent a holistic series of services and resources to help adoptive families ensure the child grows up healthy, loved and proud of who they are. While existing Federal Services such as Aboriginal Head Start may be a part of this holistic plan of care it is important to recognize that such services are limited to children in particular age ranges and are not universally available to all First Nations children.

The Federal Government must work in meaningful partnership with First Nations to fund, and support, the development of post-adoption subsidies and supports for First Nations parents on reserve and must take immediate steps to fully and properly implement Jordan's Principle.

Culturally based Adoption Off Reserve

There is a significant dearth in the development of First Nations adoption agencies who can meet the needs of First Nations families and children experiencing mainstream or custom adoption off reserve. Canada needs to work with First Nations and organizations such as the National Association of Friendship Centers to ensure that proper and culturally based adoption services and supports are available on and off reserves in Canada. This is an important area of consideration as many First Nations families are either forced to live off reserve due to inadequacy of housing, services or employment on reserves or choose to live off reserve.

The Importance of Family of Origin Preservation

There is a risk in the conversation of adoption, particularly of Aboriginal children, that we avoid talking about why children are placed for adoption in the first place. First Nations children are dramatically over-represented in child welfare care in Canada and this has been linked to poverty, poor housing, caregiver substance misuse and inequitable Federal Government funding for culturally based service provision on reserves. International law and First Nations standards assert that the best environment for a child is to grow up in their family of origin. Providing equitable and meaningful supports to families of origin is the first essential ingredient to a holistic strategy for child wellbeing that may include adoption. Adoption should only be considered when it is clear that the family of origin is unable, with proper support, to care for and nurture the child.

Canada must take immediate steps to redress the inequalities in family and child support services on reserves as documented in the Auditor General of Canada's 2008 report on First Nations child and family services and the Standing Committee on Public Accounts (2009) review of the same program area.

Indigenous Children Adopted into Canada through International Adoption Processes

Although there is growing awareness among mainstream adoption providers about the importance of properly identifying, and nurturing, the cultural identity of Aboriginal children in Canada, there is no systematic process to identify, and nurture, the Indigenous cultural identities of children from other countries who are placed with adoptive families in Canada.

Canada has a clear and present role in international adoption and must take immediate steps to ensure that Indigenous children are properly identified and that their cultural and linguistic rights are respected and nurtured in keeping with Canada's obligations under the United Nations Convention on the Rights of the Child, United Nations Committee on the Rights of the Child General Comment 11 on the Rights of Indigenous Children and the Declaration on the Rights of Indigenous Peoples.

Recommendations:

1. The Federal Government must provide proper financial resources in order to actualize First Nations custom adoption in ways that meaningfully support First Nations children, birth families/birth extended families and adoptive families/adoptive extended families. This would include the full recognition of First Nations custom adoption laws, the resourcing of custom adoption program design, implementation and evaluation as well as support for First Nations agency peer learning networks. The program should also build on the excellent example of Yellowhead Tribal Services by ensuring holistic and sustained support are provided to all parties to the adoption process throughout the life of the child.
2. The Federal Government must work in meaningful partnership with First Nations to fund, and support, the development of post-adoption subsidies and supports for First Nations parents on reserve.
3. The Federal Government must fully and properly implement Jordan's Principle in order to ensure adoptive children, birth families/extended families and adoptive families/extended families are not deprived government services that are otherwise available to non-Aboriginal Canadians.
4. The Federal Government must work in meaningful partnership with First Nations, First Nations child and family service agencies and organizations such as the National Association of Friendship Centres to ensure that First Nations citizens off reserve are able to access culturally based adoption programs and supports.
5. Canada must recognize that the best environment for a First Nations child is to grow up safely in their family of origin. This would involve immediately redressing outstanding inequities in children and family services on reserve in keeping with the findings, and recommendations, of

the May 2008 report by the Auditor General of Canada and the 2009 report by the Standing Committee on Public Accounts.

6. Canada must establish systematic procedures to properly identify Indigenous children arriving in Canada through international adoption placements to ensure their cultural and linguistic rights are affirmed and nurtured in line with Canada's obligations under the United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples.

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