

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

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

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(Representing the Minister of Indigenous Services
Canada)**

Respondent

- and -

**CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION**

Interested Parties

**AFFIDAVIT OF JANICE CIAVAGLIA
AFFIRMED ON SEPTEMBER 28, 2022**

I, JANICE CIAVAGLIA of the City of Ottawa, in the Province of Ontario, **AFFIRM AND SAY THAT:**

1. I am the Chief Executive Officer of the Assembly of First Nations (hereinafter the “**AFN**”) and, in that capacity, have personal knowledge of the matters to which I hereinafter affirm and wherever so stated I verily believe them to be true. I have

been extensively briefed upon and involved with the proceedings before the Canadian Human Rights Tribunal (“**Tribunal**”), as well as the negotiations leading to the proposed settlement of the class action. As such, I have personal knowledge of the facts hereinafter deposed to except where stated to be on information and belief, in which case I verily believe them to be true.

2. This affidavit is not intended to waive any legal privilege over the matters to which I depose hereinafter.

A) Introduction

3. From the outset of negotiations regarding the class action and Tribunal proceedings, the AFN was aware that there was likely some individuals who were placed with non-kin caregivers pursuant to voluntary arrangements and who were not funded by ISC.
4. I have been advised by AFN Counsel that Canada has always been clear in its position that the non-ISC funded individuals were not entitled to compensation under the Tribunal’s Compensation Decision and related Orders.
5. The AFN also considered this issue from the outset, both in the context of the Compensation Framework negotiations and ultimately, the class action compensation settlement negotiations. The AFN carefully considered the panel’s orders and the imperative of creating a workable, culturally sensitive and trauma-informed compensation process in the context of the FSA. This ultimately led the AFN to the conclusion to not include non-ISC funded non-kin placements within the scope of the FSA, either for the purposes of compensation or for the purposes of the release issued to Canada.
6. There are a number of factors which guided the AFN’s decision to not include these individuals within the scope of compensation from the outset of the compensation negotiations, informed by AFN Counsel, our internal Social Development specialist and engagement with First Nations:

- (a) The Tribunal's Compensation Decision and related compensation orders did not clearly establish that non-ISC funded individuals were entitled to compensation;
- (b) There is a lack of provincial, territorial and agency records available to quantify the number of individuals who may have been placed in non-ISC funded, non-kin placements, which meant there was uncertainty regarding the number of individuals who could be entitled to compensation;
- (c) Provinces and communities across Canada are inconsistent with respect to their documentation of non-kin arrangements. The variability and deficiency of provincial territorial and agency data meant there would be significant uncertainty in establishing the requirements to prove compensation for these individuals, even if records or other relevant data was available;
- (d) There would be serious issues regarding the ability to create an accessible, culturally-sensitive and trauma-informed claims process for these individuals, even if they were able to be identified, as a result of the issues relating to the availability of records and data;
- (e) Many of the children placed into alternative non-kin arrangements may still be entitled to benefits under the FSA as they may also have been subjected to Jordan's Principle, ISC-funded removal and/or placement; and
- (f) First Nations do not draw categorical differences between kith and kin.

B) The parties' efforts to understand data and records availability during the negotiation

7. As part of the compensation negotiations, the parties requested that Barbara Fallon, Professor of the University of Toronto Factor-Inwentash Faculty of Social Work and Nico Trocme, Professor at the McGill University School of Social Work Centre for Research on Children and Families, conduct an in-depth study of the availability of data and information related to children who may be entitled to

compensation under the Tribunal's compensation-related orders. Professors Fallon and Trocme completed a report in January of 2022 entitled *Review of Data and Process Considerations for Compensation under 2019 CHRT 39* (the "**Report**"). A copy of the Report is included as **Exhibit "A"** to this my affidavit.

8. The Report explicitly states that it builds upon the report attached as Schedule "B" to the Compensation Framework, entitled *Taxonomy of Compensation Categories for First Nations Children, Youth and Families related to 2019 CHRT 2019*.
9. As part of the Report, the team reviewed information systems from sampled child welfare authorities in provinces and territories across Canada. Critically, the Report identified that there are significant gaps in data on placement type from child services agencies across Canada. It further noted that the definition of placement type, including kinship care, may vary substantially across jurisdictions.
10. The Report bolstered the AFN's position that it was appropriate to not include the kinship and non-ISC funded non-kin individuals within the settlement negotiations and release issued to Canada.

C) Lack of provincial and agency record availability leads to unknown class size uncertainty

11. The Report, from pages 58 to 71, highlights various gaps and inconsistencies in available data with respect to provincial child welfare agencies. The variations exist both within and amongst the provinces and territories. There are various models for the collection of information that were used within provinces, many of which have changed over time.
12. The AFN, through its history of advocacy on behalf of children and its connections with regional and community-level leadership, was aware of these problems prior to its decision to enter into settlement negotiations with Canada.
13. There is no uniformly adaptable method of identifying individuals who were not funded by ISC (or its predecessor) and who may have been placed with alternative

non-kin custodial arrangements as a result of Canada's discriminatory funding of preventative services. Even baseline information regarding a child's entitlement to compensation is variable or lacking. For example, at page 67, the Report notes that there is "considerable variability in the quality of the information regarding First Nations identity across the country".

14. The AFN recognized these difficulties prior to entering into the negotiations. The Report confirms the difficulties in developing an estimate of the number of children who would be entitled to compensation by accessing provincial and agency records, especially when considering the class period runs from 1991 to 2022.

D) Variability in provincial and agency data leads to uncertainty

15. The AFN was also aware from the outset of negotiations that there would be difficulty in identifying individuals who were placed through non-kin placements due to deficiencies in child welfare agency and provincial data. The AFN was of the view that this would lead to difficulty in identifying consistent criteria that could qualify individuals for compensation.
16. The AFN was aware that there are various care arrangements in First Nations families and close friends that are unique to certain communities and that provincial and agency records would not recognize these differences. The data would be unlikely to facilitate a consistent approach to eligibility criteria. The Report confirms the AFN's view of variability amongst provinces, noting at page 69 that, in Alberta, British Columbia and Saskatchewan, the definition of kinship care "includes close friends or neighbours (i.e. kith) as possible kinship care arrangements". In these provinces, individuals who were placed in non-ISC funded non-kin placements would likely be unable to prove their eligibility, even if they were placed in such a situation.
17. The Report also confirms that provincial data is incomplete with respect to whether a child was placed within or outside of their community. At page 68, the Report highlights that there was missing or unknown data for the "residence at the time of

removal” in Alberta, Manitoba, Newfoundland and Labrador, and in Ontario. The Report also highlights that in Nova Scotia and PEI, the child’s address is automatically updated when a family moves, meaning that there would be difficulty identifying whether a child was ordinarily resident on reserve at the time of the removal, which is a central criterion for compensation.

18. With respect to Ontario, while there is an indication that there was generally a requirement of voluntary services agreement, it again remains unclear to what degree these agreements were kept on file over the course of the significant period of time covered by the FSA, and further, the variability with respect to other provincial/territorial approaches would not result in certainty or fairness with respect to the application of the claims process across the country.
19. The AFN decided that such variability would undermine the First Nations-led streamlined, culturally-sensitive and trauma-informed claims process that was a central component of the class action settlement negotiations.

E) An accessible claims process is central to the FSA

20. A primary motivation of the AFN from the outset of the negotiation process has been to create an accessible claims process that minimizes the burden upon claimants. The AFN also recognized that, in order to ensure those who are entitled to compensation receive benefits under the FSA and those who are not entitled are not unintentionally provided with compensation, an Administrator must have some objective basis upon which to make these decisions.
21. Under the FSA, the Administrator will be able to identify claimants, as well as certain “enhancement factors” that minimizes the requirement to access provincial or agency records. This decision was made because the AFN wanted to avoid subjecting individuals to the arduous process of obtaining provincial records, and due to the inherent unlikelihood that there will be robust records for all individuals in provincial and agency records. The latter is confirmed within the Report.

22. If some individuals were required, but unable, to access their provincial and agency records, they would be excluded from receiving compensation, despite being entitled to claim same. The AFN understood that records, if any exist, will be buried within 30-plus years of provincial and agency child welfare records. The process for extracting this information would be time-consuming and contrary to the goals of the Final Settlement Agreement, to provide an accessible, culturally-sensitive and trauma-informed claims process.
23. This would result in vulnerable First Nations class members experiencing frustration, disappointment, and in some cases, re-traumatization. These individuals would have released their rights to bring an action against Canada. This is unacceptable to the AFN.
24. However, the AFN also recognizes that, in order to protect the compensation for those individuals who were removed from their homes, families and communities, there must be some protections in place to determine eligibility. The AFN's view is that, in light of the various reasons that a child may have gone to live with family friend outside of the community (in a non-ISC funded kith placement), a statutory declaration is an insufficient mechanism to devolve \$40,000 of compensation to individuals.

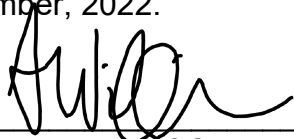
F) Discussions with First Nations

25. As I previously noted in my Affidavit of July 22, 2022, at my instruction, the AFN provided periodic reports to First Nations leadership across Canada during the course of negotiating and finalizing the FSA. During the period of September 2021 to June 2022, AFN Counsel, Stuart Wuttke and Dianne Corbiere, and the AFN Director of Social, Stephanie Wellman, met with First Nations leadership to provide updates on the status of negotiations, the structure of the settlement, and the intended substance of the FSA. There were approximately 50 briefings completed to the AFN Executive Committee, AFN Regional Chiefs meetings and Chief's Assemblies.

- 26. At each of these meetings, the AFN outlined the structure of the Final Settlement Agreement, identifying that entitlement for the Removed Child Class was contingent on an ISC-funded placement. A significant question which was raised and addressed during the course of these meetings was whether compensation would be available to those who were removed and/or placed in the context of provincial/territorial child welfare programs. The AFN was always clear that provincial/territorial data was deficient for the purposes of the accessible, culturally-sensitive and trauma-informed claims process at the heart of the FSA.
- 27. First Nations leadership are aware that the FSA is a negotiated settlement where compromises were made. It was generally accepted that that not all child removals would be covered under the compensation scheme. Ultimately, First Nations leadership accepted that the FSA was in the best interests of their citizens and represented a fair compensation package
- 28. I make this Affidavit in support of the AFN’s response to the Tribunal’s questions raised on the motion at issue and for no improper purpose.

ACKNOWLEDGING that this affidavit was affirmed remotely in accordance with the *Commissioners for Taking Affidavits Act* – Ontario Regulation 431/20 Administering Oath or Declaration Remotely, with the commissioner located in Ottawa and the deponent located in Ottawa.


Affirmed before me, at the
 City of Ottawa, in the Province
 of Ontario, this 28th day of
 September, 2022.



a Commissioner of Oaths / Notary Public

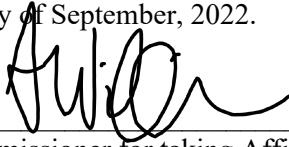
Adam Williamson
 LSO# 62751G

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Janice Ciavaglia

This is Exhibit "A" referred to in the Affidavit of Janice Ciavaglia affirmed before me on this 28th day of September, 2022.

A handwritten signature in black ink, appearing to read "A. Williamson", written over a horizontal line.

A commissioner for taking Affidavits

Adam S.R. Williamson
LSO# 62751G

Review of Data and Process Considerations for Compensation Under 2019 CHRT 39

Report prepared for Indigenous Services Canada

January 31, 2022



Fallon, B., Trocmé, N., Saint-Girons, M., Caldwell, J., Quinn, A., Milne, C., Wilson, L., Paul, L., Rotenberg, G., Mercado, J., Rodomar, S., Sistovaris, M., Haber, E., & Livingston, E. (2022). *Review of Data and Process Considerations for Compensation Under 2019 CHRT 39*. Indigenous Services Canada.

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Glossary of Terms

Administrative data. Information that is collected for either the purpose of case management or financial record keeping. It is typically stored in an information system and can be contained in a data field or in open text.

Annual Incidence. The number of child maltreatment-related investigations per 1,000 children in a given year.

Apprehension/Removal. Apprehension is a situation where a child is removed from the care of their parent or caregiver **and is typically done** by obtaining a warrant from a child welfare court after convincing the court the child is in need of protection, and a less restrictive course of action is not available or will not protect the child adequately.

Band. An Indian band is defined as “a body of Indians for whose collective use and benefit lands have been set apart or money is held by the Crown, or who have been declared to be a band for the purpose of the *Indian Act*. Many Indian bands have elected to call themselves a First Nation and have changed their band name to reflect this. With the 1985 amendment to the *Indian Act* of Canada (Bill C-31), many Indian bands exercised the right to establish their own membership code, whereby it was not always necessary for a band member to be a Registered Indian according to the *Indian Act*.¹”

Care (in) / Child in care. Denotes a child for whom the child welfare authority takes responsibility for the child as if it were a parent.

Caregiver. Caregiver(s) is used to describe a person who is providing care to the indexed child.

Caseworker/Child protection worker/Child welfare worker. Typically defined in provincial territorial child welfare legislation and refers to an authorized person to conduct child protection proceedings. This person is responsible for inputting information about a child and family into a case management system.

Child maintenance. Child maintenance is financial support provided by Indigenous Services Canada to reimburse the child welfare authority for everyday living costs of bringing up a child when the child is in care.

Child welfare/ Child protection. Child welfare and child protection are used synonymously to describe a range of services typically under the purview of child welfare legislation. Services includes intervention and prevention services.

Child welfare authority. Child welfare authority is an administrative body that is mandated to protect children under provincial / territorial child welfare legislation or *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*.

Delegated. As provinces and territories have jurisdiction over child and family services, all child and family service providers must be delegated or in the process of delegation by the province or territory and must comply, at minimum, with provincial or territorial legislation and standards.

Disparity. Disparity means *lack of similarity*. Disparity indices compare the proportion of the population of children from one ethno-racial group who experienced a specific child welfare outcome to the proportion of the child population of another ethno-racial group (usually White) that experiences the same outcome.

Disproportionality. Disproportionality means *not in proportion*. Disproportionality indices compare the proportion of children who experienced a specific child welfare outcome (e.g., investigation or placement in care) that are in a specific ethno-racial group to the proportion of children in a broader population (e.g., the general child population) in that ethno-racial group. Disproportionality does not compare ethno-racial groups to one another.

Final compensation framework. The Final Compensation Framework is a document “intended to facilitate and expedite the payment of compensation to the beneficiaries described in the Compensation Entitlement Order, as amended by subsequent Tribunal decisions” (Final Compensation Framework, s.1.3). It was prepared following discussions between the respondent (Attorney General of Canada) and the complainants (Assembly of First Nations, First Nations Child and Family Society) with input from the Canadian Human Rights Commission, Chiefs of Ontario, and Nishnawbe Aski Nation.

1 Statistics Canada. (n.d.). *Membership in a First Nation or Indian band*. <https://www12.statcan.gc.ca/nhs-enm/2011/ref/dict/pop070-eng.cfm>

First Nations. “First Nations people” refers to Status and non-status “Indian” peoples in Canada. Many communities also use the term “First Nation” in the name of their community. Currently, there are more than 630 First Nation communities, which represent more than 50 nations or cultural groups and 50 Indigenous languages.²

First Nations Status. An individual recognized by the federal government as being registered under the Indian Act is referred to as having First Nations Status

Foster care. Foster care (also known as out-of-home care) is a temporary service provided by a child welfare authority for children who cannot live with their families. Children in foster care may live with relatives or with unrelated foster parents.

Indigenous. In Canada, the term Indigenous peoples (or Aboriginal peoples) refers to First Nations, Métis, and Inuit peoples.³

Indigenous data governance. Indigenous data governance includes both the stewardship and the processes necessary to implement Indigenous control over Indigenous data (collection, storage, analysis, use, reuse).

Inuit. Inuit are the Indigenous people of Arctic Canada. About 64,235 Inuit live in 53 communities in: Nunatsiavut (Labrador); Nunavik (Quebec); Nunavut; and Inuvialuit (Northwest Territories and Yukon). Crown-Indigenous Relations and Northern Affairs Canada (2019). Indigenous peoples and communities.⁴

Kinship care. Kinship care refers to the care of children by relatives or, in some jurisdictions, close family friends.

Legacy system. Legacy systems are information systems that were previously used by a child welfare authority.

Level of identification and substantiation. There are four key levels in the case identification process: detection, reporting, investigation, and substantiation. Detection is the first stage in the case identification process. This refers to the process of a professional or community member detecting a maltreatment-related concern for a child. Little is known about the relationship between detected and undetected cases. Investigated cases are subject to various screening practices, which vary across jurisdictions. *Substantiation* distinguishes between cases where maltreatment is confirmed following an investigation, and cases where maltreatment is not confirmed. Typically, there is three-tiered classification system, in which a suspected level provides an important clinical distinction for cases where maltreatment is suspected to have occurred by the investigating worker but cannot be substantiated.

Notice plan. The Notice Plan allows members of the class to determine whether they wish to apply for or opt out of a compensation process.

Maltreatment. The term maltreatment includes acts of commission (abuse) or omission (neglect) that are interpreted as being detrimental to children and requiring intervention.

Métis. Métis are “a distinctive peoples who, in addition to their mixed ancestry, developed their own customs and recognizable group identity separate from their Indian or Inuit and European forbearers.”⁵

Ongoing child welfare services. Ongoing child welfare services are typically those that are provided to a child or family after an investigation about the concern has been completed. The caseworker decides whether the situation requires ongoing child welfare involvement.

Permanency. Child welfare authorities use a variety of strategies to achieve permanency for children. Permanency planning involves time-limited, and goal-oriented activities to maintain children within their families of origin or place them with other permanent families. Permanency plans include the goal for permanency, the tasks required to achieve the goal, and the roles and responsibilities of all involved.

2 Government of Canada. (2021). First Nations. <https://www.rcaanc-cirnac.gc.ca/eng/1100100013791/1535470872302>

3 Government of Canada. (2021). *Indigenous peoples and communities*. <https://www.rcaanc-cirnac.gc.ca/eng/1100100013785/1529102490303>

4 Government of Canada. (2021). *Inuit*. <https://www.rcaanc-cirnac.gc.ca/eng/1100100014187/1534785248701>

5 Government of Canada. (2021). *Métis Rights*. <https://www.rcaanc-cirnac.gc.ca/eng/1100100014413/1535468629182>

Prevalence. Prevalence refers to the proportion of a population that has experienced a phenomenon.

Prevention. Typically, prevention is a type of child welfare service that is intended to prevent the occurrence of an outcome such as placement or further child welfare involvement.

Placement. Out-of-home placement includes voluntary care agreements and placements in residential, foster, and community or kinship care.

Residential care. Residential/secure treatment: A 24-hour residential treatment program for several children that provides room and board, intensive awake night supervision, and treatment services.

Risk. No specific form of maltreatment alleged or suspected. However, based on the circumstances, a child is at risk for maltreatment in the future due to a milieu of risk factors. For example, a child living with a caregiver who abuses substances may be deemed at risk of future maltreatment even if no form of maltreatment has been alleged.

Spell in care. A spell in care is a continuous period of care denoted by a start and end date. A child can have multiple placements within one spell in care.

Abbreviations

AFN	Assembly of First Nations	ISC	Indigenous Services Canada
AGC	Attorney General of Canada	IMS	Information Management System (FNCFS)
AIP	agreement-in-principle	INAC	Indigenous and Northern Affairs Canada
BCFNDGI	BC First Nations' Data Governance Initiative	IAP	Individual Assessment Process (IRSSA)
CARS	Computer Assisted Research System (IRSSA)	IFSD	Institute of Fiscal Studies and Democracy
CAS	Children's Aid Society	IRSSA	Indian Residential Schools Settlement Agreement
CEP	Common Experience Payment (IRSSA)	IT	Information Technology
CIC	Children in Care	JICP	Jericho Individual Compensation Program
CHRA	Canadian Human Rights Act	NAC	National Advisory Committee on First Nations Child and Family Services
CHRC	Canadian Human Rights Commission	NAN	Nishnawbe Aski Nation
CHRT	Canadian Human Rights Tribunal	NCTR	National Center for Truth & Reconciliation
COHI	Children's Oral Health Initiative	NIHB	Non-Insured Health Benefits
COO	Chiefs of Ontario	OCAP®	Principles of Ownership, Control, Access, & Possession
FNCFCFS	First Nations Child & Family Caring Society ("Caring Society")	OHRC	Ontario Human Rights Commission
FNCFS	First Nations Child & Family Services	OIRSC	Office of Indian and Residential Schools Canada
FNDGS	First Nations Data Governance Strategy	PTSD	Post-Traumatic Stress Disorder
FNIGC	First Nations Information Governance Centre	RCPSC	Royal College of Physicians and Surgeons of Canada
FNHIB	First Nations and Inuit Health Branch	SADRE	Single Access Dispute Resolution Enterprise (IRSSA-CEP)
FNQLHSSC	First Nations of Quebec & Labrador Health & Social Services Commission	South African TRC	South African Truth & Reconciliation Commission
FY	Fiscal Year	TRC	Truth & Reconciliation Commission of Canada
HICPS	Health Information and Claims Processing Services	UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

Executive Summary

This report presents the findings of a project designed to provide background information to support the implementation of the *2019 Canadian Human Rights Tribunal (CHRT) 39* order to compensate First Nations children who have been denied the right to stay safely with their families and to receive adequate medical care or social services because of discriminatory policies and practices put in place by the federal government. Many of the findings from this report may also help inform the agreements-in-principle (AIP) reached on December 31, 2021, that could help settle the *2019 CHRT 39* along with two parallel class action lawsuits, which have sought compensation for overlapping classes of individuals. The project was completed by a team of independent researchers led by Barbara Fallon (University of Toronto) and Nico Trocmé (McGill University), funded by Indigenous Services Canada (ISC) at the request of the First Nations Child and Family Caring Society (FNCFCS; "Caring Society"). The report builds on the *Taxonomy of Compensation Categories for First Nations Children, Youth and Families related to 2019 CHRT 39* (Sistovaris et al., 2019), prepared by the University of Toronto research team.

This project was initiated in an effort to minimize the burden on individual claimants to prove their eligibility, one of clear intentions of the CHRT decision. The project team was asked to support the future implementation of the decision through two main tasks:

- 1 Review the availability and gaps in data that could help identify potentially eligible claimants under the *2019 CHRT 39* order, and
- 2 Provide certain considerations for the compensation process, including the notice plan, for applicants to receive compensation under this decision.

Differences were noted between the *2019 CHRT 39* order and the AIP. These differences, as well as remaining ambiguities, are listed below:

Timeframe of eligibility. The information currently available on the AIP reached by the parties suggests that the timeframe for eligibility for the Removed Child class goes from April 1, 1991, to March 31, 2022, whilst the timeframe of eligibility for the Jordan's Principle class goes from April 1, 1991, to November 2, 2017.¹ This extends the timeframe of

eligibility originally granted under *2019 CHRT 39*. Given that the project mandate was tied to the CHRT order, the outreach conducted by the team focused on data available from January 2006 to present for the child welfare compensation categories and from December 2007 to November 2017 for the Jordan's Principle compensation categories.

Eligibility under the Removed Child class. The current information available on the negotiated settlement suggests that the Removed Child class includes children who "were taken in out-of-home care".² At the date of writing the report in January 2022, it is unclear whether out-of-home care only includes formal out-of-home care arrangements (i.e., excludes informal kinship services) and whether out-of-home care includes placement with extended family and placement within the community. The Sotos website also specifies that "length of time in care; number of out-of-home placements, and [placement] in care on or off reserve" could be used to determine the final compensation amount. These factors were not included in the *2019 CHRT 39* order. As a result, the project team did not specifically ask about these concepts when reaching out to respondents, but information on certain proxies is included, which could be helpful in understanding the availability of this information.

Eligibility under the Jordan's Principle class. The current information available on the negotiated settlement states that the Jordan's Principle class includes children who "experienced delays or denials of a public service or product contrary to Jordan's Principle."³ This does not specify whether this class would also include denied or delayed group requests for public services or products. It also suggests that the Jordan's Principle class does not include children who experienced service gaps, but made no requests for services. As a result of this, the review of Jordan's Principle data availability in this report focuses primarily on denials and delays.

Primary caregivers. As of yet, publicly available information does not specify which primary caregivers would be compensated. As such, it is not yet possible to confirm whether primary caregivers who physically, sexually, or emotionally abused their children are excluded.

1 Sotos Class Actions. (n.d.). *Overview – First Nations Youth*. <https://www.sotosclassactions.com/cases/first-nations-youth/>

2 Ibid.

3 Ibid.

The report includes (I) an overview of service delivery and challenges related to the use of administrative data to document access to health and social services for First Nations children and their families; (II) an analysis of the availability of administrative data to inform a compensation process; and (III) documentation of process-related concerns from respondents, a review of lessons learned from past Canadian and international settlement processes, and literature on retraumatization.

The Delivery and Documentation of Services to First Nations Children

The structure of health and social services to First Nations children in Canada

Child welfare services for First Nations children are administered in Canada at the federal, provincial, territorial, and band level, resulting in a complex web of policies, structures, and services that vary across these jurisdictions. First Nations children involved with child welfare are subject to different mandates and funding based on their place of residence. First Nations children ordinarily resident on-reserve may interact with a locally run First Nations child welfare agency or one run by the province, while First Nations children living off-reserve who come in contact with child welfare are likely to interact with the provincial authority that serves the area where they live. A small number of urban Indigenous child and family services agencies serve First Nations children off-reserve in urban settings.

Ongoing patterns of First Nations overrepresentation in child welfare systems are consistently documented in both national and provincial data (Fallon et al., 2021; Sinha et al., 2011). According to the First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect (FN/CIS-2019), investigations involving First Nations children were 17.2 times as likely to result in placement in formal out-of-home care compared to investigations involving non-Indigenous children (Fallon et al., 2021). Child welfare involvement is consistently shown to be overwhelmingly related to neglect cases which often intersect with poverty, inadequate housing, and other inequities disproportionately experienced by First Nations families in Canada (First Nations Child and Family Caring Society, 2013; Trocmé, Knoke, & Blackstock, 2004).

The allocation of **healthcare responsibility** for Indigenous peoples—which includes First Nations, Inuit, and Métis—is often referred to as a “jurisdictional patchwork” (Gouldhawke, 2021, n.p.) of policies, legislation and relationships (Government of Canada, 2021 a, n.p.; Behrend, Forsyth & Mohamed, 2021, p. 4). Responsibility is “divided between the provinces, territories, the federally-funded Non-Insured Health Benefits (NIHB) program for First Nations and Inuit, and finally, limited Métis programs via Indigenous Services Canada [ISC]” (Gouldhawke, 2021, n.p.). **Jordan's Principle** is a “child-first” principle adopted by unanimous support of the House of Commons in 2007 designed to ensure that in situations where there is a funding dispute between federal and provincial governments, or between federal departments with regards to the provision of essential services,⁴ First Nations children do not experience delays, disruptions, or denials of services typically available to other Canadian children (Government of Canada, 2019). Under provisions of Jordan's principle, the government department of first contact is required to pay for the service(s) provided to a First Nations child and resolve any funding issues after services are provided (Government of Canada, 2019). Jordan's Principle is named in honour of Jordan River Anderson, a First Nations child from Norway House, Manitoba, requiring complex care who died in hospital far from his community while the federal and provincial governments battled over funding responsibilities for Jordan's at-home care needs (Government of Canada, 2019).

The use of administrative data to document the delivery of services

The decentralized nature of child welfare and health and social services delivery in Canada poses a fundamental challenge to the collection, management, storage, and use of administrative data (Laferrrière & Deshaies-Moreault, 2018). **Administrative data has specific advantages** over competing sources of data for decision makers (Administrative Data Research UK, n.d.; Powered by Data, 2018a, 2018b). The advantages of administrative data include but are not limited to cost efficiencies; a high level of data detail; flexibility to utilize data for longitudinal research; the ability to minimize the burden on respondents; and the ability to share or link data.

4 This includes, but is not limited to, services such as mental health, special education, dental, physical therapy, speech therapy, medical equipment and physiotherapy.

Indigenous data is information that reflects and impacts the collective and individual lives of Indigenous peoples, and includes lands, resources, cultural information, traditional knowledge, and information about individuals, families, and communities (Carroll et al., 2020; Rainie et al., 2019). The collection and management of information and data related to Indigenous peoples by non-Indigenous researchers or institutions raises ethical issues and concerns. These concerns stem from colonial and assimilationist practices and policies within Canada – such as the *Indian Act* of 1876, the White Paper of 1969, residential schools, and the Sixties Scoop – that have forcefully suppressed and marginalized Indigenous identities and cultures over generations. Research and evaluation efforts related to Indigenous peoples have historically been conducted from a Euro-centric perspective that does not respect or understand Indigenous values and traditions and systematically excludes them from decision-making that affects their communities (Ormiston, 2010).

The feasibility of using administrative data to support the identification of claimants seeking compensation was the primary task for this year long project. We found that the limitations of administrative data which include variation in data collection methods and data quality; accessibility issues arising from ethical, privacy and confidentiality concerns; and impact of infrastructure and funding on the quality of administrative data systems were amplified due to the fragmented service delivery systems to First Nations children (see [Section 1](#)).

Data Availability

In order to assess the availability and quality of administrative data that could assist in identifying eligible claimants under the *2019 CHRT 39* compensation categories, a framework detailing the types of information needed to determine eligibility under each compensation category was developed. The framework includes a list of data fields that, **if available and of high quality**, could assist with the process of assessing claim eligibility under the CHRT child welfare (Table 2.1) and Jordan's Principle (Table 2.8) compensation categories. Potential administrative data sources were identified at a national and jurisdictional level and respondents who had knowledge about these data sources were asked about data availability, completeness, and accuracy. Finally, we analyzed the applicability of these data to child welfare and Jordan's Principle compensation categories.

Child Welfare Data

The **First Nations Child and Family Services (FNCFS) program** funds child prevention and protection services for First Nations children and families on-reserve or ordinarily resident on-reserve. The data holdings pertain to information on child maintenance costs for First Nations children on-reserve that are provided on a monthly basis to ISC either by FNCFS agencies or by provincial/territorial governments. The FNCFS program is administered at a regional level in the following regions: Alberta, Atlantic (New Brunswick, Nova Scotia, Newfoundland and Labrador, and PEI), British Columbia, Manitoba, Ontario, Quebec, Saskatchewan, and the Yukon. In fiscal year 2013-2014, the FNCFS program implemented a national information system to store child maintenance data funded by ISC. Prior to that fiscal year, FNCFS child maintenance data was decentralized and region-specific. The report describes both the data available through the national Information Management System (IMS) from FY 2013-2014 onwards, and the data held at a regional level for FYs prior to 2013-2014.

The project team also reviewed information systems from **sampled child welfare authorities** in provinces and territories across Canada. We gathered information about data in 1) mainstream or child welfare authorities not specifically delegated to serve First Nations communities by surveying information system(s) used in each province and territory, and 2) First Nations agencies, where possible and applicable. The non-random sample of approximately 150 key informants was designed to provide information on the range of information systems being used across Canada but was not designed to be representative of specific provinces (unless otherwise specified in the report). We were not able to independently verify the level of detail regarding the availability, completeness, and accuracy of data collected.⁵

A summary of our findings regarding child welfare data availability from the FNCFS program and from sampled child welfare agencies across Canada is available in the following table. For more details on the availability and quality of data, please refer to [Appendix J](#) for an overview of FNCFS data collected by ISC regions between FY 2005-2006 and FY 2013-2014, [Appendix I](#) for information on data in the IMS used by the FNCFS program between FY 2013-2014 and present; and [Appendix P](#) for the results of our outreach to sampled child welfare authorities across Canada.

5 To protect confidentiality and minimize response burden the project team did not have direct access to the data sources.

Table 1. Summary of findings regarding data availability in the FNCFS program and sampled child welfare agencies

Information of interest	Availability in FNCFS data (2013-2014 to present)		Availability in sampled child welfare authorities
	FY 2005-2006 to 2013-2014	FY 2013-2014 to present (IMS)	
Can the child be identified?	<p><i>Child name and date of birth</i> was systematically collected across regions, except for ATL Region (in that region, child's date of birth was not available in forms provided from FY 2005-2006 to 2008-2009 and FY 2010-2011 to 2012-2013).</p> <p>Variability noted across regions in the collection of the child's <i>Indian Registration Number</i>:</p> <ul style="list-style-type: none"> Field collected in QC, ON, SK, and BC for all FYs examined (FY 2005-2006 to 2012-2013). In AB and MB regions, only the Treaty or Band number was collected from FY 2007-2008 2009-2010 and from FY 2005-2006 to FY 2007-2008 respectively. The field is not collected in the YK region until FY 2012-2013 and unavailable in forms from the ATL region for FYs 2006-2007, 2008-2009, 2010-2011, and 2012-2013. 	<p><i>Child name, date of birth and Indian Registration Number</i> are all collected by the IMS, with high levels of completeness. Some minor typos were noted for the child's name and date of birth when the child was not registered for status.</p>	<p>All sampled child welfare agencies in each jurisdiction collected the <i>Child Name, Date of Birth, and Indian Registration Number</i>.</p> <ul style="list-style-type: none"> Despite occasional typos noted with the <i>Child Name and Date of Birth</i>, the completeness of the data for these two data fields was generally high. The child's <i>Indian Registration Number</i>, is often missing or unknown to workers in child welfare agencies in AB, BC, NWT, ON, PEI, QC, and YK, even for children with status, and there were rarely any validation procedures in place to ensure that the information was accurate. There would be significant data quality issues to address if these data are used to help identify eligible children.
Is the child First Nations and does he or she live on-reserve?	<p>Child maintenance forms are used to document maintenance costs for <i>First Nations children ordinarily resident on-reserve</i>.</p> <p>Some of the child maintenance forms reviewed specifically asked about the <i>child (or parent's) residence on or off reserve</i> (available in forms from Alberta region from FY 2010-2011 to 2012-2013; and forms from BC, ON, and SK regions from FY 2005-2006 to 2012-2013)</p>	<p>While data regarding child's <i>First Nations identity or residence on-reserve</i> is not listed as a data field in the IMS, FNCFS child maintenance data only concerns First Nations children ordinarily resident on-reserve who are placed in out-of-home care.</p> <p>Issues with applicability to compensation categories:</p> <ul style="list-style-type: none"> Small differences in practices for determining residence on or off-reserve across regions (e.g. in MB, it is where the child is taken into care that determines who funds services). The definition of First Nations children used by the FNCFS program does not include "individuals who have been recognized as citizens by their First Nations" but are not eligible for status. 	<p>There is considerable variability in the quality of the information regarding the child's <i>First Nations identity</i>:</p> <ul style="list-style-type: none"> NWT, Nova Scotia, Ontario, PEI, and Quebec highlighted medium or high issues with missing or unknown data for this field. In delegated FNCFS agencies sampled, the child needed to be from the First Nations band associated with the agency to receive services from the CFS agency. As such, even though these sampled agencies did not have a specific data field for this, it is reasonable to assume that the child placed by these specific agencies is First Nations. Issues with applicability to eligibility requirements: In NS, although some information on race is collected, this does not include whether a child is First Nations. <p>Ministries in AB, BC, MB, N&L, ON, and QC were the only systems that specifically collected information on <i>child residence on/off reserve</i>.</p> <ul style="list-style-type: none"> Completeness issue noted in BC, MB, N&L, and QC Accuracy issues noted in AB, N&L, ON, and QC. In other sampled agencies (i.e., NB, NWT, NS, PEI, SK, and a First Nations agency in ON) it is the <i>child's address of residence</i> that is documented. Some accuracy issues (including typos in addresses or addresses not being up-to-date) have been noted across jurisdictions.

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Table 1. Summary of findings regarding data availability in the FNCFS program and sampled child welfare agencies (*continued*)

Information of interest	Availability in FNCFS data (2013-2014 to present)		Availability in sampled child welfare authorities
	FY 2005-2006 to 2013-2014	FY 2013-2014 to present (IMS)	
Can the caregiver at the time of removal be identified and are they First Nations?	<p>The parent or guardian name is available in some child maintenance forms</p> <ul style="list-style-type: none"> Specifically: in ATL region in FY 2011-2012, in MB region from FY 2006-2007 to 2012-2013, as well as in BC, ON, and Saskatchewan for FY 2005-2006 to 2012-2013. 	<p>No information on the caregiver is included in the national IMS.</p> <ul style="list-style-type: none"> This information may be available from child maintenance forms accessible through ISC regions. 	<p>The <i>caregiver's name</i> was collected in all sampled agencies.</p> <ul style="list-style-type: none"> Completeness issues identified in AB, BC, N&L, and QC. Issues with applicability to eligibility requirements: Respondents from AB, BC, MB, and NB all indicated that caregiver's name is identified when a case is open, but it is difficult to determine with certainty if this was the child's caregiver at the time of removal. <p>The <i>caregiver's Indian Registration Number</i> was available in agencies sampled in AB, BC, MB, NB, N&L, NWT, NS, ON, SK, and the YK.</p> <ul style="list-style-type: none"> Issues with missing or unknown information were noted in AB, BC, N&L, NWT, NS, QC, ON, and the YK. There were often no validation procedures in place to ensure that the information was accurate. <p>All sampled agencies collected information on the <i>caregiver's First Nations identity</i>, except for the First Nations agency sampled in Quebec.</p> <ul style="list-style-type: none"> Missing or unknown information noted in AB, BC, NWT, NS, ON, PEI, and QC. Accuracy issues noted in QC and the YK.
When was the child placed?	<p><i>Dates of placement</i> were usually available.</p> <ul style="list-style-type: none"> Regions that did not have this information were the YK (all FYs examined), SK (FYs 2005-2006 and 2006-2007), and the ATL (although it is available in FY 2009-2010). Issues with applicability to compensation categories: This does not provide enough information to determine if a child <i>moved</i> between different placements during a spell in care. Placement start and end date could provide an indication of <i>length of time in care</i>, but information would need to be reliably collected and stored across all FYs for it to be usable. 	<p>The days during which a child had a child maintenance expense (<i>Start Pay Date</i> and <i>End Pay Date</i>), are mandatory fields in the IMS and have a high level of accuracy.</p> <ul style="list-style-type: none"> Issues with applicability to compensation categories: These data fields are attached to the <i>payment of a placement</i> and do not provide enough specificity to determine if a child moved between different placements during a spell in care. They do provide an estimate of the length of time in care starting in FY 2013-2014. If a child was in care prior to that date, this information would need to be linked across databases. 	<p>All agencies sampled collected data on the <i>start and end date of each placement</i></p> <ul style="list-style-type: none"> The quality of this information was high across all child welfare agencies sampled. The information was usually considered as accurate because it is tied to child maintenance costs reimbursed by the provincial or federal government. Some provinces noted that minor errors (i.e., differences of a few days) this information is available for each placement and, if recorded consistently across different years, could potentially serve as a proxy for moves in care.

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Table 1. Summary of findings regarding data availability in the FNCFS program and sampled child welfare agencies (*continued*)

Information of interest	Availability in FNCFS data (2013-2014 to present)		Availability in sampled child welfare authorities
	FY 2005-2006 to 2013-2014	FY 2013-2014 to present (IMS)	
Was the child placed outside of their community?	<p>The child or parent's <i>address of residence</i> at the time of removal and the <i>address of placement</i> can be compared to determine if a child was placed outside of their community.</p> <ul style="list-style-type: none"> The parent's address was only collected by BC and ON regions. However, no information on address of placement was found. Issues with applicability to compensation categories: Given that address of residence cannot be compared to address of placement, this information cannot be used to determine placement outside of a community. 	<p>Information on the address of residence and the address of placement is not available in the IMS.</p>	<p><i>Residence at the time of removal:</i></p> <ul style="list-style-type: none"> Issues with missing or unknown data were noted in AB, MB, N&L, and ON. The address can also be subject to small accuracy errors (including typos in addresses or addresses not being updated at the time of removal). Key informants in NS and PEI indicated that a child (or caregiver's) address is automatically updated in a live field (meaning the previous information is not retained) once a family changes residence. This means that retrieving information on previous addresses and the dates of that residence would be difficult. <p><i>Address of placement</i> is more consistently collected</p> <ul style="list-style-type: none"> Accuracy issues have been noted, especially for placements on reserve (e.g., in the NWT). Minor issues with missing or unknown information regarding placement address were noted in AB, MB, NWT, BC, and QC, with key informants in ON noting more substantive issues with completeness.
Was the child placed outside of their family?	<p>If collected, <i>placement type</i> could provide an indication as to whether the child was placed in kinship care (i.e., with extended family) or not.</p> <ul style="list-style-type: none"> Placement type was available in AB (FY 2007-2008 onward), the ATL (FYs 2009-2010 and 2011-2012), BC (FY 2006-2007 onward), MB (FY 2005-2006 and FY 2012-2013), and for from FY 2005-2006 to 2012-2013 in ON, QC, and SK. 	<p>Placement type information, including whether the child was placed in kinship care, is available for all ISC regions except MB.</p> <ul style="list-style-type: none"> Issues with applicability to compensation categories: It is important to note that the types of placement and definition of kinship care vary considerably across provinces. 	<p><i>Placement type</i> was documented across all jurisdictions.</p> <ul style="list-style-type: none"> BC, MB, ON, PEI, and YK all identified issues with the accuracy of responses provided by workers. Issues with applicability to eligibility requirements: Kinship care was not documented in MB. In the agencies that provided a definition of kinship care (i.e., AB, BC, and SK) the definition includes close friends or neighbours as possible kinship care arrangements. This term could not be used as a direct estimate of placement outside of the family, if family is defined as not including extended community members.

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Table 1. Summary of findings regarding data availability in the FNCFS program and sampled child welfare agencies (*continued*)

Information of interest	Availability in FNCFS data (2013-2014 to present)		Availability in sampled child welfare authorities
	FY 2005-2006 to 2013-2014	FY 2013-2014 to present (IMS)	
Why was the child placed?	Information on <i>reason for placement</i> is unavailable, except for in one form used by Manitoba ISC region.	Information on reason for placement is unavailable in the IMS.	<p>The <i>type of maltreatment investigated</i> was collected by all sampled agencies.</p> <ul style="list-style-type: none"> • Respondents in AB, YK, NS, and ON highlighted issues with missing data. • In some cases, the maltreatment type includes information on who perpetrated the abuse. If not, most provinces include information on the name of the <i>alleged perpetrator of maltreatment</i>. However, this information is sometimes difficult to retrieve because it is not available in one data field. <p>The <i>substantiation</i> of the maltreatment or risk of maltreatment is generally collected.</p> <ul style="list-style-type: none"> • However, some provinces like ON or BC do not measure substantiation directly (e.g., in ON, a concern is verified – rather than substantiated). • Furthermore, the evidentiary threshold used to determine level of substantiation varies across provinces. <p>In some provinces/territories, following the investigation, the worker is asked about the <i>reason for placement</i>. In other provinces, such as Alberta, information beyond substantiation of an initial investigation is not collected.</p> <p>Issues with applicability to compensation categories:</p> <ul style="list-style-type: none"> • Administrative systems generally include different types of physical abuse, sexual abuse, emotional/psychological abuse, and neglect. In some provinces – like ON - it is difficult to map investigation reasons directly unto these 5 categories because there are more than a hundred possible reasons for investigation, which are not always tied to maltreatment. • Definitions used to describe different types of abuse and neglect vary between jurisdictions (e.g., inadequate nurturing or affection is recorded as psychological abuse or neglect, depending on the jurisdiction). • Investigated maltreatment at the time of an investigation does not always reflect the reason why a child was placed. • Nearly all respondents indicated that it would be difficult to determine whether a child was <i>placed in order to receive essential services</i> because this was not formally considered as a reason for placement in their jurisdiction.

Jordan's Principle Data

In order to identify information related to the potential eligibility for compensation under Jordan's Principle categories of 2019 CHRT 39, we assessed multiple sources of information across jurisdictional levels. As defined in the Jordan's Principle compensation category decision tree (see [Figure 2](#) in main report), we considered **delays and denials** as situations where a request for a service had been made and there was either a delay or a denial. **Service gaps** were defined as either 1) a request had been made but there was a difference in the requested and accepted amount, or 2) no request had been made, but a child's identified needs were not met. However, since the current AIP does not include gaps in services as an eligibility requirement for the Jordan's Principle class, our analysis focused primarily on situations where a request *has* been made.

Jordan's Principle. We began by investigating what information was collected centrally at Indigenous Services Canada by the Jordan's Principle team. Documentation of Jordan's Principle requests reflects the evolving trajectory of Jordan's Principle implementation since 2007. Prior to 2017, there was no systematic data collection and most requests were redirected to other existing programs at ISC. Due to a high level of turnover in Jordan's Principle staff, there is also a substantial loss of institutional memory. The most reliable and accessible data pertaining to Jordan's Principle requests are found in more recent years. Beginning in Fiscal Year 2017-2018, a more systematic approach to data collection was implemented to collect detailed information regarding requests, approvals, denials, as well as the date of a request and the date of a response, which can be used as a proxy for delay. For FY 2017-2018, there is significantly more information available on individual Jordan's Principle requests, compared to group Jordan's Principle requests. More detailed information on the gaps and availability of data regarding Jordan's Principle requests in FY 2017-2018 is available in [Appendix S](#).

NIHB. Claims submitted to the NIHB for medical services, prescriptions, equipment, and supplies are documented in multiple information systems according to the benefit type. These systems, and the availability and limitations of these data holdings, are documented in Table 2.12. NIHB data is limited to claims adjudicated under its purview, and includes information related to claimant name, date of claim, date of approval/denial, and reason for denial. Like Jordan's Principle information, this data is structured according to requests along with information about how the request was processed which may aid in assessing

compensation eligibility. However, communication with NIHB staff indicated several important limitations of using this data for the purposes of supporting compensation. These limitations relate to: lack of detail on certain individual services due to NIHB contribution agreements and transfer arrangements with communities and contracts with service providers; underrepresentation of service utilization; lack of information on residency due to data tied to Indian Registration Number rather than residence; and the administrative nature of the system which does not accurately demonstrate approval rates. Despite these limitations, NIHB may be an important source of data to determine claimant eligibility.

Other ISC Programs. We requested detailed information regarding data collected related to Home and Community Care, the Children's Oral Health Initiative, Mental Wellness, and certain programs from the Education department and the Social services, policies, and planning department. For programs that responded, no information exists on the dates of a request for services, the date of a decision, the reason for a decision, or the difference between approved and requested amounts. Only information about the client, the type of service provided and on what date that service was provided was available. This limits the capacity to use the information provided from these programs to identify children eligible for compensation under Jordan's Principle compensation categories.

Community level data. We identified two sources of community-level information that could be of use to the compensation process. First, the Community-Based Reporting Template is used to collect information regarding service delivery at the community level. Service delivery information collected using the CBRT could be cross-referenced with all communities to determine where this service delivery was not reported. Second, the Community Profiles Database, held by the Synergy in Action team at ISC, documents socioeconomic and demographic information about First Nations communities, including multiple indicators of remoteness and isolation. These data could be used to provide important contextual information regarding individual access to needed services.

Additional administrative data. Additional administrative data from provincial and territorial health and social services could be useful to identify First Nations children who experienced a delay or denial of services. Given the focus of the current project, the project team did not meet with key respondents with information about these data holdings. However, this could be an avenue to explore when implementing the compensation process.

Considerations for the Compensation Process

The second part of our project mandate was to comment on considerations for the compensation process. We approached this objective in three ways. First, in our discussions with respondents regarding availability of data for child welfare and Jordan's Principle compensation categories, we documented concerns regarding the compensation process itself. Second, we conducted an extensive review of Canadian and international settlement processes and summarized lessons learned from these past processes. This involved a review of academic and 'grey' literature along with publicly available information, and interviews with multiple individuals with experience related to past Canadian settlements. Third, we conducted a review of social science literature regarding retraumatization, a concern that was repeatedly expressed in our review of past settlements. Findings from each of these activities are summarized below.

Stakeholder consultations

Stakeholder concerns are summarized under four main considerations.

Data confidentiality and ownership. Some child welfare agencies expressed concern about sharing their data to help identify children given past misuse of data and current concerns about the confidentiality of the children and families. Questions from key respondents included how the central administrator will be given the mandate to obtain identifying information about children in families in order to create a "pool of eligible applicants" as per the Compensation Framework.

Agency responsibility. While the CHRT decision holds the federal government accountable, removal decisions are made locally. Especially in small communities, the *ongoing* nature of the child welfare eligibility under the CHRT creates a challenging situation for these agencies. Specifically, we heard concerns regarding possible blame on CFS agencies who removed a child, but who are also helping claimants access compensation.

Agency capacity. While the compensation decision aims to alleviate the burden on individual claimants, a standard of proof that requires documentation to access compensation will inevitably involve agency participation. Key respondents indicated that they are already overworked and are concerned

about the time and resources needed to help identify claimants. Several recommendations were made to hire more staff to account for this increase in workload.

Access to compensation and support after receipt of compensation.

Respondents have expressed the need to ensure that vulnerable and isolated individuals will receive compensation, and that they will receive adequate support after receiving compensation.

Review of national and international settlement processes

The process of compensating marginalized groups for past persecution is complex and requires thoughtful planning. Canada, Australia, New Zealand, Germany, and other jurisdictions have settled lawsuits and created compensation schemes that aim to repair, to the extent possible, harms they perpetuated. Although each compensation scheme is procedurally different, common themes emerge: 1) effectively communicating with the eligible claimants, 2) creating claimant-friendly application processes, and 3) leveraging technology to execute these processes efficiently and cost-effectively. Key lessons-learned from past settlements, as they relate to different phases of a compensation process are summarized below.

Notifying claimants

Simplify notice plan. Ensuring applicants are aware of the existence of a compensation scheme is essential to its success. However, notice plans have created confusion in affected communities. A notice plan should clearly explain the eligibility criteria where possible and describe how to troubleshoot intake issues. All explanations of the eligibility criteria should be explained using plain, widely spoken languages, and be explained in an accessible manner for claimants. Consulting key stakeholders (including eligible claimants) about the design of the notice plan will improve accessibility and clarity of communications regarding the compensation process.

Tailor communication to different audiences. Notice plans have typically called for applications in Canada's official languages, ignoring Indigenous communities' preferred language and modes of communication. Considering the varying needs and resources of communities is essential to reaching eligible applicants and ensuring compensation schemes promote reconciliation

and healing. Developing communications plans that are tailored to age, geography, band, agency, etc. can increase applications, reduce costs by limiting difficulties processing incomplete applications, and promote reconciliation by reducing application processing times.

The application process

Participatory, Indigenous-led design of application processes. Centring Indigenous legal paradigms and community supports can more faithfully advance reparative justice initiatives. Western legal systems should not be all-encompassing. Indigenous legal traditions should be incorporated explicitly, or entirely, in providing legal remedies. Spatial and temporal restrictions on eligibility that comport with exclusively Western legal ideas should be minimized wherever possible.

Simplify forms. Every compensation process requires a claimant to complete an application. Claimants have criticized these processes because applications are lengthy, deploy legalistic language, and overemphasize the burden of producing documentation on claimants to support their claims. This process is intrinsically retraumatizing and costly. Forms must be more user-friendly by becoming shorter, produced in multiple (Indigenous) languages and include visualizations to simplify instructions. Both paper and online options for application completion should be available to accommodate diverse First Nations communities.

Progressive disclosure. Progressive disclosure – the process by which a claimant reveals more about their abuse or trauma as they build trust with others – has largely been absent from determinations about the length of the compensation period. Allowing for application extensions and broadening the window of eligibility for compensation could help application processing procedures become more accommodating of claimants needs and aware of the pressures of retraumatization.

Legal support. Many past processes have not had free legal advice or appropriate application supports available for claimants. Some applicants experienced fraud, were retraumatized by overly jargonistic language, and did not feel as though they had the inclusive supports they needed. Providing legal support free-of-charge, understanding literacy rates in the community, conferring with community leaders to determine the types of supports preferred, and having a flexible review process will improve compensation processes.

Mental health supports. A toll-free helpline is a start but may not be sufficient to support the mental health needs of many individuals and communities affected by the compensation process – especially if it is understaffed. Indigenous healing supports, in addition to in-person mental health resources and counselling, are crucial.

Administrative supports. Hiring an adequate number of trained staff to assist claimants in a community-centric manner is essential to an effective implementation of a compensation regime. A well-staffed, culturally- and trauma-informed team of attendants would improve compensation processes. In addition, having support staff working directly with communities, such as community liaisons, can render compensation schemes more efficient and help tailor implementation to community needs.

Processing claims

Implement reasonable processing capacity. Multiple compensation processes have been more popular than anticipated, meaning high application volumes and overwhelmed staff, resulting in reduced capacity for claims administrators to process applicants in a timely manner. Claimants feel that this is tantamount to a broken promise, as they wait for months, and sometimes years, to receive a decision. For administrators, it means they begin processing applications at a disadvantage – there are too many applications and too few reviewers. Planning for the worst is important – meaning hiring more staff than needed, especially at the beginning of the notice plan, and leaving time to prepare between the compensation decision or agreement and the beginning of the notice plan.

Clearly communicate to manage internal and external expectations. Given repeated examples of long delays in processing applications, it is essential to set expectations with claimants on the length of time it will take to process applications. Further, government contractors and internal stakeholders must set reasonable timelines and have a clear-cut understanding of how the application process will function to ensure consistency in communication with claimants and administrative staff.

Build and test technological capacity. Technological processes have been inconsistently deployed. Claims administrators and users have failed to use the tools in the same way – even within the same organization. Higher-than-anticipated application volumes have slowed the efficacy of largely untested,

algorithmic tools. Claims administrators should test application processing tools prior to implementation and train users on ways to consistently adopt the software. Ultimately, technology is a useful tool, and it can lead to more efficacious and efficient processing of compensation.

Review of social science literature on retraumatization

Our review of social science literature on retraumatization expands on the findings of the review of past settlements by providing a deeper understanding of the psychological processes that need to be understood in designing compensation procedures that minimize the potential for additional harm. The following summarizes the key risk and protective factors for retraumatization in settlement, compensation and justice-seeking processes:

Factors that contribute to the risk of retraumatization:

- Requiring disclosure of traumatic experiences on multiple occasions
- Scaling compensation based on the established severity of abuses
- Adversarial approaches
- Procedural formalism and restrictions on the way in which a survivor tells their story
- Lengthy waiting periods
- Existing vulnerability related to racialization, marginalization, and lack of resources

Factors that protect against retraumatization:

- Adopting culturally relevant approaches to compensation and justice that may differ from Western legalistic traditions
- Availability of trauma-informed, culturally-sensitive support services before, during, and after, for participants and their families and communities
- Preparation for participation including explanation of procedures, timeline, requirements of participation, and possible costs/benefits of taking part
- Training all personnel involved in administration and adjudication in trauma- and cultural-sensitivity
- Considering compensation and justice at the individual, family, and community levels, and attending to cultural and structural factors that created conditions for abuse

Conclusions

A fair, transparent, equitable, and decolonized compensation process that is designed for claimants who have been systematically discriminated against by the Government of Canada is no doubt challenging given the limitations and lack of availability of administrative data. **Claimants are not responsible for missing and incomplete information about the discrimination that they suffered, and it is this fundamental acknowledgment that must guide the continued development of the compensation process.** The administrative body responsible for assessing eligibility should be comprised of experts in First Nations data governance, trauma, community relations, data, and most importantly the connection among all these principles. Elders will be integral to the compensation process as they hold crucial roles in supporting communities by teaching, advising, and counselling. Quality assurance processes must be documented and transparent to ensure that there is accountability for children, families, and communities whose trauma is ongoing. Jurisdictional disputes; racism and discrimination; a westernized approach which excludes Indigenous knowledge, culture, and practices; and the legacy of colonialism are the common foundation for the findings detailed in this report. For decades, the government of Canada has made decisions about the lives of First Nations children that it has failed to adequately document. This cannot be a deterrent to compensation.

Data available at sampled child welfare agencies and authorities

Methodology

In order to ensure that all potential data sources were documented we reviewed information systems from child welfare authorities in provinces and territories across Canada. Given the number of child welfare authorities in which child welfare information is documented, our goal was to *sample* agencies across Canadian jurisdictions using different information systems.

We captured information about data in:

- 1 Mainstream or child welfare authorities not specifically delegated to serve First Nations communities by surveying the information system(s) used in each province and territory, and
- 2 First Nations agencies, if they used a different information system than the province, where possible.

First, we contacted individuals known to the research team in each jurisdiction. These contacts typically shared information on the data systems used in the jurisdiction and guidance on a sampling approach, including agency contacts. In many cases, they connected us with First Nations child welfare directors' roundtables in the province or territory. In some jurisdictions, an informational presentation on the project was requested and facilitated further discussions with appropriate child welfare authorities. The one-page information sheet we developed to help facilitate our outreach is available in Appendix M.

Cumulatively, we interviewed approximately 150 people representing all provinces, the Yukon, and the Northwest Territories.⁷ Using a template table we developed (see Appendix N), we held one or two meetings to ensure we connected with someone familiar with the data holdings in the jurisdiction to discuss the template. In some cases, respondents preferred to fill in the template themselves, or to finish it and send it back after an initial conversation with us. These meetings took place on Zoom from February through December 2021, with the bulk of information collected during the summer months. The key contacts familiar with data in non-First Nations agencies and provincial ministries with whom we spoke about data quality and availability issues are listed in Appendix O. We have not included the names

of First Nations agencies and the individuals we contacted to protect their confidentiality and ownership of information about their data holdings.

Given that we reached out to *sampled* child welfare agencies, the information provided cannot be considered as being representative of the whole province, unless otherwise specified. Furthermore, the level of detail regarding the availability, completeness, and accuracy of variables collected is contingent upon the information available to respondents to answer our questions. In order to respect the confidentiality of the children and families identified in the data systems, the project team **did not have direct access** to the data sources and could therefore not verify the responses provided by the key respondents. This process allowed us to document important information without overburdening agencies who will likely be involved with supporting claimants to receive compensation upon implementation.

The following sections document the structure of child welfare and types of administrative data systems used by different jurisdictions before providing an overview of the results of discussions with sampled agencies regarding the availability and quality of their data. The full list of tables documenting the availability and quality of data in sampled child welfare authorities and agencies across Canada, as they relate to child welfare compensation categories is available in [Appendix P](#).

⁷ Nunavut is not included in the CHRT compensation order and was therefore not included in our outreach.

Overview of structure of child welfare and data systems used by each jurisdiction

Alberta

Structure of child welfare in Alberta

The Ministry of Children's Services is responsible for child protection and related services (foster care homes, child benefit, supports) in Alberta. Child welfare is legislated by the *Child, Youth and Family Enhancement Act*.

There are 48 First Nations in Alberta. Of these, in fiscal year 2018-2019, 39 bands receive FNCFS services delivered by the 17 Delegated First Nations Agencies (DFNAs). The remaining 9 bands receive services through provincial offices. There are 86 provincial offices in total. For more information, please refer to Appendix D and E, which provide a summary of provincial/delegated agencies that are funded by ISC under the FNCFS program and the First Nations bands associated with them since fiscal year 2013-2014.

Child welfare data in Alberta

Overview

In Alberta, the Performance Analysis and Improvement Unit under the Ministry of Children's Services is responsible for extracting and analyzing child welfare administrative data in the province. All mainstream and First Nations child and family services agencies use the same information system to document involvement with these agencies. The current case management system is called the **Child Intervention Case Information Online system (CICIO)**. Prior to CICIO, the Child and Youth Intervention Module (CYIM) was used between 1996 and 2014. The information from CYIM was gradually migrated as the CICIO was implemented between 2011 and 2014. The Child Welfare Information System (CWIS) was used before CYIM.

Outreach

In Alberta, given that the province is responsible for maintaining the data from both non-First Nations and First Nations child welfare agencies, we reached out to the Ministry of Children's Services to ask about the availability and quality of data as they relate to the CHRT compensation categories.

British Columbia

Structure of child welfare in British Columbia

The Ministry of Child and Family Development (MCFD)'s Director of Child Protection is responsible for child protection and related services (e.g., mental health, services or children with special needs, and adoption in British Columbia). Child protection is legislated by the provincial *Child, Family, and Community Service Act*.

There are 199 First Nation bands in British Columbia. Of these, in fiscal year 2018-2019, 112 bands received FNCFS services through 18 Delegated Aboriginal Agencies (DAAs) funded through the FNCFS program. The other 87 bands and children off reserve received child welfare services through 429 MCFD offices throughout the province. For more information, please refer to Appendix D and E, which provide a summary of provincial/delegated agencies that are funded by ISC under the FNCFS program and the First Nations bands associated with them since fiscal year 2013-2014.

Child welfare data in British Columbia

Overview

In British Columbia, the Modelling, Analysis, and Information Management (MAIM) department of the MCFD is responsible for extracting and analyzing child welfare data in the province. Child welfare data collected by Ministry agencies as well as many DAAs are stored in the **Integrated Case Management System (ICMS)**. The ICMS was implemented in 2012, prior to which the **Management Information System (MIS)** was used. All archival information from MIS was migrated into ICMS in 2014.

Some DAAs currently use **Best Practices**, another software tool. Some agencies using Best Practices also interface with ICMS. The list below provides information on which DAAs currently use Best Practices

Table 2.3 List of provincial and delegated agencies in BC that receive funding from FNCFS and the name of the administrative data system they use⁸

CFS agency name	Current information system
Ayas Men Men Child and Family Services	Best Practices
Carrier Sekani Family Services	ICMS
Denisiqi Services Society	ICMS
Fraser Valley Aboriginal Children And Family Services Society (VACFSS)	ICMS
Gitxsan Child and Family Services Society	ICMS
Heiltsuk Kaxla Society	ICMS
Knucwentwecw Society	ICMS
Ktunaxa/Kinbasket Child and Family Services Society	Best Practices
Kwumut Lelum Child and Family Services Society	ICMS
Lalum'utul'Smun'eem Child and Family Services	Best Practices
Nezul Be Hunuyeh Child and Family Services Society	ICMS
Nil/Tuo Child and Family Services Society	Best Practices
Nlha'7 Kapmx Child and Family Services Society	ICMS
Northwest Inter-Nation Family and Community Services Society	ICMS
Scw'Exmx Child and Family Services Society	ICMS
Secwepemc Child and Family Services Agency	Best Practices
Spallumcheen Child and Family Services	ICMS
Usma Nuu-chah-nulth Child and Family Services	Best Practices
Ministry of Child and Family Development ⁹	ICMS

Outreach

In British Columbia, the province is responsible for the data collection related to non-First Nations agencies and many First Nations child welfare agencies. We contacted officials at the Ministry of Child & Family Development to ask about the availability and quality of data as it relates to the CHRT compensation categories. We also spoke with a First Nations agency in British Columbia who uses the ICMS.

⁸ Based on information provided following the BC Director's Forum in June 2021

⁹ Non-delegated (provincial) agency

¹⁰ Malone, K. (2016, July 27). "Manitoba seeks to close gaps in how children in care are tracked". *CBC Manitoba*. <https://www.cbc.ca/news/canada/manitoba/cfs-computer-system-overhaul-1.3695800>

Manitoba

Structure of child welfare in Manitoba

The Department of Families is responsible for child and youth services in Manitoba. The *Child and Family Services Act* and the *Child and Family Services Authorities Act* provide the legislative framework and mandate for child welfare services. Child welfare is administered through four Child and Family Services Authorities grouped by service population: First Nations (North and South division), Métis, and a General Authority (non-First Nations, non-Métis).

There are 63 First Nations bands in Manitoba. Of these, in fiscal year 2018-2019, all 63 bands received child protection services through 15 First Nations delegated agencies funded through the FNCFS program. For more information, please refer to Appendix D and E, which provide a summary of provincial/delegated agencies that are funded by ISC under the FNCFS program and the First Nations bands associated with them since fiscal year 2013-2014.

Child welfare data in Manitoba

Overview

The information system used in the province by all four Child and Family Services Authorities is the **Child & Family Services Application system**. It is divided into the **Intake Module (IM)** and the **Child and Family Services Information System (CFSIS)**. The Province of Manitoba maintains these databases and is responsible for housing and protecting the data.

Although IM and CFSIS are used by all child welfare agencies in Manitoba, usage varies across the province. Certain First Nations agencies in Northern Manitoba oppose the use of a provincial system to store information on children who are under federal responsibility and others cannot use the system because of limited access to internet. As a result, it is estimated that some agencies in Northern Manitoba have "between 40 and 85 per cent of the information missing on their caseloads."¹⁰

Outreach

In Manitoba, given that the province is responsible for maintaining the data from both non-First Nations and First Nations child welfare agencies, we reached out to contacts at the Department of Families to ask about the availability and quality of data as they relate to the CHRT compensation categories.

New Brunswick

Structure of child welfare in New Brunswick

Child welfare in New Brunswick falls under the Child and Youth Services Branch of the Ministry of Social Development. The Division of Children, Families and Seniors oversees Child Welfare and Youth Services branch, which is further divided into two units: Child Welfare and Youth Services unit and Clinical Auditing and Child Welfare Training unit. The *Family Services Act* provides the legislative framework and mandate for child welfare services.

There are 15 First Nations bands in New Brunswick, most of which receive child welfare services from delegated First Nations agencies. In fiscal year 2018-2019, 7 First Nations agencies serve 13 First Nations bands. The remaining 2 bands (Tobique and Madawaska Maliseek First Nations) are served by the Ministry. There are 15 provincial child welfare offices in total. For more information, please refer to Appendix D and E, which provide a summary of provincial/delegated agencies that are funded by ISC under the FNCFS program and the First Nations bands associated with them since fiscal year 2013-2014.

Child welfare data in New Brunswick

Overview

Child welfare data in the province are extracted and analyzed through the Clinical Auditing & Training Unit. The main information system in the province is **New Brunswick Families**, which is a structured decision-making case management tool used by the Ministry of Social Development and many First Nations agencies since 2004. All First Nations agencies have access to NB Families, and some use it in tandem with other information systems. In addition to NB Families, **RedMane** is used by three First Nations agencies. An additional five agencies are either in training or preparation to implement RedMane. One agency uses **4D Case Manager** which has been customized for that agency. We are aware of one agency that does not use an electronic information system and documents information **using written case notes**.

Table 2.4 List of provincial/delegated agencies in New Brunswick and the name of the administrative data system they currently use

Agency Name	Current information system
Eel River Bar Child & Family Services	NB Families
Elsipogtog Child & Family Services	4D Case Manager
Esgenoopetitj Child & Family Services	NB Families & exploring RedMane
Kingsclear Child & Family Services	NB Families & training for RedMane
Mig'maq Child and Family Services of NB	RedMane & NB Families (& Paper files)
Oromocto Child & Family Services	RedMane & NB Families
St. Mary's Child & Family Services	RedMane & NB Families
Woodstock Child & Family Services	Written case notes
Province of New Brunswick – Social Development ¹¹	NB Families

Outreach

In New Brunswick, as the provincial information system, NB Families, is available to all agencies and First Nations agencies use additional systems, we held conversations with provincial contacts as well as a First Nations agency using RedMane to ask about the availability and quality of data as they relate to the CHRT compensation categories.

¹¹ Non-delegated (provincial) agency

Newfoundland and Labrador

Structure of child welfare in Newfoundland and Labrador

The Department of Children, Seniors and Social Development (CSSD)'s Child Protection Services is responsible for child welfare in Newfoundland and Labrador. Child welfare in Newfoundland and Labrador is legislated by the *Children, Youth and Families Act* (SNL 2018, c.C-12.32).

Two of the three First Nations bands in the province (Mushuau Innu First Nations and Sheshatshiu Innu First Nation) receive child protection services through the province. Miawpukek First Nation has its own child welfare agency. For more information, please refer to Appendix D and E, which provide a summary of provincial/delegated agencies that are funded by ISC under the FNCFS program and the First Nations bands associated with them since fiscal year 2013-2014.

Child welfare data in Newfoundland and Labrador

Overview

In Newfoundland and Labrador, all child protection data is held by the Child Protection and In-care section of the CSSD and stored in the **Integrated Service Management** (ISM) system, which was implemented in 2018. Prior to this, from 2000 to 2018, the **Client Referral Management System** (CRMS) was used.¹² Information from the CRMS was migrated to the ISM. Before 2000, information would be available in paper files.

Outreach

In Newfoundland and Labrador, given that the province is responsible for maintaining the data from both non-First Nations and First Nations child welfare agencies, we reached out to provincial contacts to ask about the availability and quality of data as they relate to the CHRT compensation categories.

Northwest Territories

Structure of child welfare in the Northwest Territories

Child welfare in the Northwest Territories falls under the Department of Health and Social Services, Child and Family Services. The legislative framework for child welfare in the territories is the *Child and Family Services Act* (SNWT 1997, c 13). Child welfare services are delivered under three administrative bodies in the territories. In total, 34 agencies deliver child welfare services across the territory.

There are 26 First Nations bands in the Northwest territories. In contrast to other jurisdictions, funding for child welfare in the Northwest Territories comes through transfer payments from the federal Department of Finance directly to the provincial government, rather than through the FNCFS program directly to agencies.¹³ Accordingly, there is no delegated agency status in the Northwest Territories and all services fall under the Department of Health and Social Services.

Child welfare data in the Northwest Territories

Overview

Responsibility for child welfare data in the Northwest Territories falls under the Department of Health and Social Services. The current information system used throughout the territory is called **Matrix-NT**. Matrix has been in place since October 2017. Prior to this, starting in 2000, the **CFIS** system was used. Information from CFIS has been migrated into the Matrix system and is available.

Outreach

Given the centralization of child welfare information in the Northwest Territories, we reached out to the Department of Health and Social Services, Child and Family Services to ask about the availability and quality of data as they relate to the CHRT compensation categories.

¹² CRMS was implemented in Labrador in 2005.

¹³ Indigenous Services Canada. (2021). First Nations child and family services. Retrieved from <https://www.sac-isc.ca/eng/1100100035204/1533307858805>

Nova Scotia

Structure of child welfare in Nova Scotia

The Department of Community Services is responsible for child and youth services in Nova Scotia. The Department of Community Services oversees Child, Youth and Family Supports which is responsible for adoption, foster care, child maltreatment intervention, prevention, early intervention, and residential care. The *Children and Family Services Act* provides the legislative framework and mandate for child protection services. These services are provided by four regional district offices and seventeen county and municipal Child Welfare Services offices.

There are 13 First Nations bands in Nova Scotia, that all receive child protection services from one delegated First Nations agency, Mi'kmaw Family & Children's Services of Nova Scotia. For more information, please refer to Appendix D and E, which provide a summary of provincial/delegated agencies that are funded by ISC under the FNCFS program and the First Nations bands associated with them since fiscal year 2013-2014.

Child welfare data in Nova Scotia

Overview

Child welfare data in the province is analyzed by the Research & Statistics section, Department of Community Services. The information system used in the province by both the non-First Nations and First Nations agencies is the **Integrated Case Management** (ICM) system, which was put in place in 2009. Prior to 2009, agencies used an Access Database.

Outreach

In Nova Scotia, we contacted the Department of Families, who worked in concert with Mi'kmaw Family & Children's Services of Nova Scotia, to ask about the availability and quality of data as they relate to the CHRT compensation categories.

Ontario

Structure of child welfare in Ontario

The Ministry of Children, Community and Social Services is responsible for child welfare and protection, in Ontario. The *Child, Youth and Family Services Act* provides the legislative framework and mandate for child welfare services. 51 Children's Aid Societies, which are governed by Boards of Directors elected from local communities, provide child protection services throughout the province. Eleven of those agencies are mandated to provide services specifically to Indigenous communities (Indigenous Child and Family Well-Being Agencies).

ISC reimburses Ontario for the delivery of child and family services to First Nations children and families on reserve through the 1965 *Memorandum of Agreement Respecting Welfare Programs for Indians* (1965 Agreement). There are 136 First Nations bands in Ontario. In fiscal year 2018-2019, 13 delegated First Nations agencies served 105 First Nations bands and 38 mainstream Children's Aid Societies served the remaining 31 First Nations bands. For more information, please refer to Appendix D and E, which provide a summary of provincial/delegated agencies that are funded by ISC under the FNCFS program and the First Nations bands associated with them since fiscal year 2013-2014.

Child welfare data in Ontario

Overview

The administrative data system currently used by provincial child welfare agencies in Ontario is the **Child Protection Information Network** (CPIN). Only one delegated First Nations agency currently uses CPIN. Nearly all other First Nations agencies use the legacy system **Penlieu**, except for Akwesasne Child and Family Services, which uses **Matrix**.

Table 2.5 List of provincial/delegated agencies in Ontario and the name of the administrative data system they use¹²

Agency Name ¹⁵	Legacy Information System	Current Information System (as of March 2021)	CPIN Implementation Date
Akwasasne Child and Family Services	Matrix	Matrix	N/A
Anishinaabe Abinoojii Family Services	Penlieu	Penlieu	N/A
Dilico Anishinabek Family Care	Penlieu	Penlieu	N/A
Dnaagdawenmag Binnoojiyag Child & Family Services	None	CPIN	2018
Kina Gbezhgomi Child & Family Services	Penlieu	Penlieu	N/A
Kunuwanimano Child & Family Services	Penlieu	Penlieu	N/A
Native Child and Family Services of Toronto	Penlieu	Penlieu	N/A
Nogdawindamin Family and Community Services	Penlieu	Penlieu	N/A
Ogwadeni:deo	Penlieu	Penlieu	N/A
Payukotayno James and Hudson Bay Family Services	Penlieu	Penlieu	N/A
Tikinagan Child and Family Services	Penlieu	Penlieu	N/A
Weechi-it-te-win Family Services	Penlieu	Penlieu	N/A
Brant Family and Children's Services*	Coyote	CPIN	2018
Bruce Grey Child and Family Services*	Coyote	CPIN	2016
Catholic Children's Aid Society of Hamilton*	Coyote	CPIN	2018
Catholic Children's Aid Society of Toronto*	AS/400	CPIN	2015
Chatham-Kent Children's Services*	Coyote	CPIN	2016
Children's Aid Society of Algoma*	Coyote	CPIN	2018
Children's Aid Society of Hamilton*	Coyote	CPIN	2018
Children's Aid Society of London and Middlesex*	Coyote	CPIN	2018
Children's Aid Society of Oxford County*	Coyote	CPIN	2017
Children's Aid Society of the District of Nipissing and Parry Sound*	Penlieu	CPIN	2019
Children's Aid Society of Toronto*	AS/400	CPIN	2015
Dufferin Child and Family Services*	Coyote	CPIN	2019
Durham Children's Aid Society*	AS/400	CPIN	2017
Family and Children's Services Niagara*	Penlieu	CPIN	2017
Family and Children's Services of Frontenac, Lennox and Addington*	Penlieu	CPIN	2016
Family and Children's Services of Guelph and Wellington County*	Coyote	CPIN	2019
Family and Children's Services of Lanark, Leeds and Grenville*	Coyote	CPIN	2017
Family and Children's Services of Renfrew County*	SIS	CPIN	2014

(continued on following page)

14 Based on information provided by OCANDS.

15 Agencies with an asterisk are non-delegated (provincial) agencies

Table 2.5 List of provincial/delegated agencies in Ontario and the name of the administrative data system they use (*continued*)

Agency Name ¹⁵	Legacy Information System	Current Information System (as of March 2021)	CPIN Implementation Date
Family and Children's Services of St. Thomas and Elgin County*	Coyote	CPIN	2016
Family and Children's Services of the Waterloo Region*	Penlieu	CPIN	2017
Halton Children's Aid Society*	Coyote	CPIN	2014
Highland Shores Children's Aid*	Coyote	CPIN	2017
Huron-Perth Children's Aid Society*	Coyote	CPIN	2018
Jewish Family and Child*	Matrix	CPIN	2018
Kawartha-Haliburton Children's Aid Society*	Coyote	CPIN	2016
Kenora-Rainy River Districts Child and Family Services*	Penlieu	CPIN	2016
North Eastern Ontario Family and Children's Services *	Penlieu	CPIN	2018
Peel Children's Aid Society*	Coyote	CPIN	2018
Sarnia-Lambton Children's Aid Society*	Coyote	CPIN	2016
Simcoe Muskoka Family Connexions*	SIS	CPIN	2014
The Children's Aid Society of Haldimand and Norfolk*	Coyote	CPIN	2016
The Children's Aid Society of Ottawa*	AS/400	CPIN	2016
The Children's Aid Society of the District of Thunder Bay*	Penlieu	CPIN	2017
The Children's Aid Society of the Districts of Sudbury and Manitoulin*	Penlieu	CPIN	2018
The Children's Aid Society of the United Counties of Stormont, Dundas and Glengarry*	Matrix	CPIN	2016
Valoris for Children and Adults of Prescott-Russell*	Matrix	CPIN	2018
Windsor-Essex Children's Aid Society*	Matrix	CPIN	2018
York Region Children's Aid Society*	Coyote	CPIN	2019

Outreach

We sampled two First Nations agencies to identify the availability of data in the information systems they use. We were provided with additional information regarding missing and unknown responses for Penlieu, CPIN, and Coyote through the Ontario Child Abuse and Neglect Data System (OCANDS) at the University of Toronto. OCANDS obtained data sharing agreements from three agencies to contribute non-identifying information about the availability of data through these information systems for the purpose of this project.

Prince Edward Island

Structure of child welfare in Prince Edward Island

The Ministry of Social Development and Housing is responsible for child protection services in PEI under the Department of Child and Family Services. The *Child Protection Act* provides the legislative framework and mandate for the provision of child protection services. These services are delivered via Child and Family Services offices.

There are two First Nations bands in PEI, Abegweit First Nation and Lennox Island First Nation, that both receive child protection services from one delegated First Nations agency, Mi'kmaq Confederacy of PEI. For more information, please refer to Appendix D and E, which provide a summary of provincial/delegated agencies that are funded by ISC under the FNCFS program and the First Nations bands associated with them since fiscal year 2013-2014.

Child welfare data in Prince Edward Island

Overview

Child welfare data is managed by the Department of Family and Human Services. The **Integrated Services Management** (ISM) system, put in place in 2003, is used to store data collected by both provincial and First Nations agencies in PEI.

Outreach

In PEI, given that the province is responsible for maintaining child welfare data, we reached out to the Department of Family and Human Services to ask about the availability and quality of data that they hold as they relate to the CHRT compensation categories. It is important to note that, in PEI, there is a low number of Indigenous children in care (i.e., average of 5 Indigenous children entering care every fiscal year according to our contacts). Therefore, any manual search would likely be more manageable than in other provinces.

Quebec

Structure of child welfare in Quebec

The Directors of Youth Protection (DYP) under the Ministry of Health and Social Services (*Ministère de la santé et des services sociaux*) are responsible for child protection in Quebec, which is legislated under the *Youth Protection Act* (P-34.1) and *An Act Respecting Health and Social Services* (S-4.2). At present, there are 19 agencies in Quebec receiving funding through the FNCFS program.

In 2018-2019, of the total 28 First Nation bands in the province, 20 receive services from 15 First Nations agencies. The remaining eight bands receive child welfare services through *Centres intégrés de santé et de services sociaux* which operate under the Ministry but receive FNCFS funding. For more information, please refer to Appendix D and E, which provide a summary of provincial/delegated agencies that are funded by ISC under the FNCFS program and the First Nations bands associated with them since fiscal year 2013-2014.

Child welfare data in Quebec

Overview

Child welfare data in Ministry agencies and most First Nations agencies are collected in the **Projet Intégration Jeunesse** (PIJ) system and are held in each of 18 socio-health regional levels within the province. Data specific to placements are held in the *Système d'information sur les ressources intermédiaires et de type familiale* (SIRTF) system which is linked to PIJ by a user ID. PIJ was developed in the early 2000s and was fully implemented in 2004. Select First Nations agencies have opted to use proprietary data systems. Kahnawake Shakotiaa'takehnhas Community Services of the Mohawk Council of Kahnawá:ke has used **Penelope** (2012-present) and **Case Manager** (1998-2012). Akwesasne Child and Family Services (which is on the border with Ontario) uses a **Matrix** software system.

Table 2.6 List of provincial/delegated agencies in Quebec and the name of the administrative data system they use

Agency Name ¹⁶	Current Information System
Akwesasne Child and Family Services - Quebec	Matrix
Bande des Atikamekw d'Opitciwan	PIJ
Centre Jeunesse Abitibi-Témisgamingue*	PIJ
Centre Jeunesse de l'Outaouais*	PIJ
Centre Jeunesse des Laurentides*	PIJ
Conseil de la Nation Atikamekw (CNA)	PIJ (recently implemented)
Conseil de la Première Nation des Innus Essipit	PIJ
Conseil des Innus de Pessamit	PIJ
Conseil des Montagnais de Natashquan	PIJ
Conseil des Montagnais du Lac St-Jean	PIJ
Grand Conseil Nation Waban-Aki inc.	PIJ
Innu Takuaikan Uashat Mak Mani Utenam	PIJ
Kitigan Zibi Anishinabeg Nation	PIJ
Le Regroupement Mamit-Innuat inc.	PIJ
Listuguj Mi'gmaq Government	PIJ
Micmacs of Gesgapegiag	PIJ
Mino Obigiwasin Services Enfance & Famille	PIJ
Mohawk Council of Kahnawake	Penelope
Nation Huronne Wendat	PIJ
Nation Innue Matimekush-Lac-John	PIJ

Outreach

In Quebec, given that the province is responsible for maintaining most of the data from both non-First Nations and First Nations child welfare agencies, we reached out to a contact familiar with the mainstream system under the Ministry of Health and Social Services to ask about the availability and quality of data that they hold as they relate to the CHRT compensation categories.

¹⁶ Agencies with an asterisk are non-delegated (provincial) agencies

¹⁷ Ministry of Social Services. (2021). *Child Protection Services Manual*. <https://pubsaskdev.blob.core.windows.net/pubsask-prod/88038/Child%252BProtection%252BServices%252BManual%252BAugust%252B2021.pdf>

Saskatchewan

Structure of child welfare in Saskatchewan

The Ministry of Social Services is responsible for child and youth services, including child protection, in Saskatchewan. The *Child and Family Services Act* provides the legislative framework and mandate for child welfare services. Service area offices (Regina, Saskatoon, Prince Albert) administrate and direct local agency offices. Delegated First Nations (FNCFS) agencies are administered by band-level offices and organized by treaty/region.

There are 70 First Nations bands in Saskatchewan. Of these, in fiscal year 2018-2019, nine received services from the Ministry of Social Services and 61 received services from 17 First Nations delegated agencies. For more information, please refer to Appendix D and E, which provide a summary of provincial/delegated agencies that are funded by ISC under the FNCFS program and the First Nations bands associated with them since fiscal year 2013-2014.

Child welfare data in Saskatchewan

Overview

Child welfare data in the province is managed by the Ministry of Social Services (MSS) and individual First Nations agencies. The Ministry uses a Structured Decision Making tool provided by **Linkin Case Management** to collect data on children in the child welfare system. The Ministry uses the Multi-Informational Database Applications System (MIDAS) to record payments to out-of-home care providers.

Although no specific information was available regarding the administrative systems used by First Nations (FNCFS) agencies in Saskatchewan, most FNCFS agencies use **RedMane**, and others use an independent system that they have created. Many First Nations agencies are transitioning from paper to electronic systems and some continue to use paper files (personal communication, MSS contact). Agencies that do not use Linkin need to follow certain guidelines that are presented in the Ministry of Social Services' Child Protection Services Manual. It specifies the information that must be collected by all agencies. It includes parents' names, children information, reason for involvement (subsection(s) of Section 11 mandates), case contacts, as well as "when children come into care and when they are returned home" (p. 437).¹⁷

Outreach

The project team contacted the Ministry of Social Services to obtain information on the child welfare data collected by provincial agencies in Saskatchewan. We also approached six First Nations agencies that were sampled for the project, but none responded to the request for information.

Yukon

Structure of child welfare in the Yukon

The Department of Health and Social Services is responsible for child and youth services in the Yukon. The Minister of Health and Social Services Child oversees Family and Children's Services, which manages the delivery of child welfare services. The *Child and Family Services Act* provides the legislative framework and mandate for child protection services in the territory.

The Yukon Government is the child welfare service provider for all children and families living in the Territory. ISC funds the provision of child and family services to all First Nation children and families living in the Territory. For more information, please refer to Appendix D and E, which provide a summary of provincial/delegated agencies that are funded by ISC under the FNCFS program and the First Nations bands associated with them since fiscal year 2013–2014.

Child welfare data in the Yukon

Overview

Child welfare data in the territory is managed by the Department of Health and Social Services. The **Client Index System (CIS)** had been in place since 1999, but is unreliable, inconsistently used, and inaccurate.¹⁸ A 2014 federal government audit recommended that the system be replaced. Since 2020, the territory has been using **Matrix**, which has been implemented as part of the Pan-Northern Project synchronizing child welfare data collection across the Yukon, Northwest Territories, and Nunavut.

Outreach

In the Yukon, we reached out to the Department of Health and Social Services to ask about the availability and quality of data that they hold as they relate to the CHRT compensation categories.

18 Office of the Auditor General of Canada. (2014). *2014 February Report of the Auditor General of Canada. Yukon Family and Children's Services—Department of Health and Social Services*. https://www.oag-bvg.gc.ca/internet/English/yuk_201402_e_39081.html

19 Given the fact that these delegated agencies were sampled, we cannot determine whether this is the case for all delegated agencies.

Availability of data and usability for identifying claimants

The full list of tables documenting the availability and quality of data in sampled child welfare authorities and agencies across Canada, as they relate to child welfare compensation categories is available in **Appendix P**. The usability of information **available from child welfare agencies and authorities** to help identify claimants eligible for compensation under the *2019 CHRT 39* child welfare compensation categories is summarized below:

Can the child be identified?

All sampled child welfare agencies in each jurisdiction collected the following demographic information on the children and youth in their care: Child Name, Date of Birth, and Indian Registration Number. Despite occasional typos noted with the *Child Name* and *Date of Birth*, the completeness of the data for these two data fields was generally high.

By contrast, the child's *Indian Registration Number (IRN)*, is often missing or unknown to workers in child welfare agencies in Alberta, BC, NWT, Ontario, PEI, QC, and Yukon, even for children with status, and there were rarely any validation procedures in place to ensure that the information was accurate. There would be significant data quality issues to address if these data are used to help identify eligible children.

Is the child First Nations?

There is considerable variability in the quality of the information regarding the *First Nations identity* across the country. The provinces of NWT, Nova Scotia, Ontario, PEI, and Quebec all highlighted medium or high issues with missing or unknown data for this variable. It is important to note that in all delegated First Nations agencies sampled, the child needed to be from the First Nations band associated with the agency to receive services from the CFS agency. As such, even though these sampled agencies often did not have a specific data field dedicated to determining the First Nations identity of the child, it is reasonable to assume that the child placed by these agencies is First Nations.¹⁹

Issues with applicability to compensation categories: In Nova Scotia, although information on race is collected, this does not include information on whether a child is First Nations.

Does the child live on-reserve?

Ministries in Alberta, BC, Manitoba, Newfoundland and Labrador, Ontario, and Quebec were the only agencies that specifically collected information on the *child's residence on or off reserve*. Medium levels of missing or unknown information were noted in BC and small completeness issues were noted in Manitoba, Newfoundland and Labrador, and Quebec. Accuracy issues for residence on/off reserve were noted by key respondents in Alberta, Newfoundland and Labrador, Ontario, and Quebec.

In other sampled agencies, specifically, in New Brunswick, Northwest Territories, Nova Scotia, PEI, Saskatchewan, and a First Nations agency in Ontario, it is the *child's address of residence* that is documented. The address of residence can be used to establish residence on or off reserve. Some accuracy issues (including typos in addresses or addresses not being up-to-date) have been noted across jurisdictions.

Can the caregiver at the time of removal be identified?

The *caregiver's name* was collected in all sampled agencies. Completeness issues were identified in Alberta, BC, Newfoundland and Labrador, and Quebec.

Issues with applicability to compensation categories: Respondents from Alberta, BC, Manitoba, and New Brunswick all indicated that – although the *caregiver's name* is nearly always identified when a case is open – it is difficult to determine with certainty if this was the child's caregiver at the time of removal.

The *caregiver's Indian Registration Number* was available in agencies sampled in Alberta, BC, Manitoba, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Ontario, Saskatchewan, and the Yukon. However, issues with missing or unknown information were noted in Alberta, BC, Newfoundland and Labrador, NWT, Nova Scotia, Ontario, Quebec, and the Yukon. There were often no validation procedures in place to ensure that the information was accurate.

Is the caregiver First Nations?

All sampled agencies collected information on the *caregiver's First Nations identity*, except for the First Nations agency sampled in Quebec. The amount of missing or unknown information for this variable is high in Alberta, BC, NWT, and very high in Nova Scotia, Ontario, PEI, and Quebec. Accuracy issues were noted in Quebec and the Yukon.

When was the child placed?

The quality of the information on the *start and end date of each placement* was high across all child welfare agencies sampled. All provinces collect this data, and the information was usually considered as accurate because it is tied to child maintenance costs that are reimbursed by the provincial or federal government. Some provinces noted that minor errors (i.e., differences of a few days) regarding the start/end date of placement could occur because of delays in inputting information.

Issues with applicability to compensation categories: Usually, this information is available for each placement and, if recorded consistently across different years, it could potentially serve as a proxy for length of time in care and moves in care. However, this would need to be confirmed with agencies because we did not ask about these constructs. Furthermore, if a child was placed by different child welfare agencies, this information would need to be linked across agencies.

Was the child placed outside of their community?

In order to determine if a child is placed outside of their community, the address of residence of the child (or caregiver) at the time of removal can be compared to the address of placement. Issues with missing or unknown data for *residence at the time of removal* were noted in Alberta, Manitoba, Newfoundland and Labrador, and Ontario. The address of residence can also be subject to small accuracy errors (including typos in addresses or addresses not being updated at the time of removal).

Issues with applicability to compensation categories: Key informants in Nova Scotia and PEI indicated that a child (or caregiver's) address is automatically updated once a family changes residence. This means that retrieving information on previous addresses would be difficult and would have to be done manually by looking at individual files.

Address of placement, on the other hand, seems to be more consistently collected, although some accuracy issues have been noted, especially for placements on reserve (e.g., in the Northwest Territories). Small issues with missing or unknown information regarding placement address were noted in Alberta, BC, Manitoba, NWT, and Quebec, with key informants in Ontario noting more substantive issues with the completeness of this data field.

Was the child placed outside of their family?

In order to determine if a child was placed outside of their family, information on the *type of placement* the child experienced and whether it corresponds to a kinship care arrangement²⁰ is pertinent.

Placement type was documented across all jurisdictions. BC, Manitoba, Ontario, PEI, and Yukon all identified issues with the accuracy of responses provided by workers. For example, in PEI, formal kinship care is a type of foster care. Because of this, key informants in PEI stressed that there could be inter-worker differences, as some might indicate that a kinship placement is a foster placement.

Issues with applicability to compensation categories: Each sampled agency that provided us with information on the response options available for placement type had an equivalent of kinship care, except for Manitoba. In the agencies that provided a definition of kinship care (i.e., Alberta, BC, and Saskatchewan) the definition includes close friends or neighbours (i.e., kith) as possible kinship care arrangements. As such, this term could not be used as a direct estimate of placement outside of the family, if family is defined as not including extended community members.

Why was the child placed?

The *type of maltreatment investigated* was collected by nearly all sampled agencies. Generally, few data issues were identified. However, respondents in Alberta, Yukon, Nova Scotia, and Ontario highlighted issues with missing data.

Issues with applicability to compensation categories: The level of detail in the response options provided to workers varied considerably across provinces. Generally, they include different types of physical abuse, sexual abuse, emotional/psychological abuse, and neglect and are attached to the sections of the child

protection Act of the respective province or territory that describe situations where a child may need protection. In some provinces – like Ontario – it is difficult to map investigation reasons directly unto these 5 categories because there are more than a hundred possible reasons for investigation, which are not always tied to maltreatment (e.g., caregiver mental health concerns). Definitions used to describe different types of abuse and neglect vary between jurisdictions (see Appendix A for more details). For example, inadequate nurturing or affection is recorded as emotional/psychological abuse or neglect, depending on the jurisdiction. Finally, investigated maltreatment at the time of an investigation does not always reflect the exact reason why a child was eventually placed in care.

In some cases, the maltreatment type includes information on who perpetrated the abuse (e.g., caregiver, uncle, etc.). If not, most provinces include information on the name of the *alleged perpetrator of maltreatment*. However, this information is sometimes difficult to retrieve because it is not documented by one field; to retrieve it, multiple sources of data would need to be searched, cross-referenced, and linked to accurately document this information.

The *substantiation* of the investigated maltreatment or risk of maltreatment is generally collected across different jurisdictions. However, some provinces do not measure substantiation directly. For example, in Ontario, a concern is verified – rather than substantiated. Similarly, in BC, substantiation, in of itself is not collected, rather a worker indicates whether a child is “in need of protection”. Furthermore, the evidentiary threshold used to determine level of substantiation varies across provinces.

In some provinces/territories, following the investigation, the worker is asked about the *reason for placement*. In Alberta, information beyond substantiation of an initial investigation is not collected.

Issues with applicability to compensation categories: According to the CHRT order, the reason for placement can determine eligibility for compensation in two cases: 1) if the child was placed because of abuse perpetrated by their caregivers, or 2) if the child was placed in order to receive essential services.

- 1 In Manitoba, the response options for reason for placement do not include information on whether a child was placed because of abuse or neglect, which means that this field could not be used to determine eligibility.

²⁰ Kinship care refers to placements with a child's extended family.

- Nearly all respondents indicated that it would be very difficult to determine whether or not a child was placed in order to receive essential services because this was not formally considered as a reason for placement in their jurisdiction. Some indicated that if there was a review of case notes, the information might be included. However, there would be significant variance between workers regarding the amount of information they would include and if they describe the situation at all. In general, these children might be more likely to be found in voluntary, rather than court-ordered placements.

Other contextual information that may be of interest

In addition to the data fields presented in Table 2.1, we asked if information was collected regarding whether the child had access to prevention services. For provinces/territories that provided information for this question, most indicated that – although *access to prevention services* was a data field that was sometimes collected, the applicability to the order was limited. Child welfare information systems cannot provide any information on whether the child accessed prevention services before an initial investigation. As such, services could have been offered by other departments and this information would not be available.

In our conversations with respondents, we also asked if they systematically documented information related to structural and contextual challenges that may have influenced the decision to remove a child. Specifically, we asked whether the information system documents if the child's family experienced poverty, substance use, or inadequate housing as a potential reason for why the child was placed. Although some jurisdictions had information on *substance use and inadequate housing* - if this was deemed as being relevant to the child's file – collection of this information was not mandatory. Information on *poverty* was rarely documented. Furthermore, these factors could not be directly considered as a *reason for placement* in any of the provincial/territorial legislations guiding child welfare provision. As such, this information was not extractable as a data field in any of the jurisdictions. This information may be in case notes, with low reliability.

Summary: Data availability related to child welfare compensation eligibility

The findings of our review of data availability related to First Nations child welfare involvement show that there are significant gaps in the data available to document eligibility under the child welfare compensation categories. Across systems we reviewed, basic information regarding identity of the child and dates of placement are typically documented, as dates are tied to payments for placements. More detailed information regarding circumstances of placement, such as why a child was placed, if they were placed outside of their community, the primary caregiver at the time of placement, however, are less consistently available. The availability and quality of information is greatly impacted by the decentralized nature of child welfare service provision in Canada. Data collected by agencies with whom we spoke are less available in earlier years because many agencies used paper files before transitioning to a computerized information system.²¹

Our findings regarding information available through the FNCFS program and in sampled child welfare agencies and authorities should not be taken as representative of all First Nations child welfare data in Canada. No data was analyzed by the project team and the findings reflect a summary of the information contained in administrative systems based on key informant reports. Despite the limitations described here, the descriptive findings presented in this report provide an overview of the available child welfare data holdings and can inform the compensation process in several meaningful ways. Importantly, this report documents that relying on certain kinds of data could risk exclusion of many eligible claimants. While using administrative data can help facilitate and expedite proof of eligibility for compensation, documentation almost certainly does not exist for all eligible children, especially those who were involved in child welfare in earlier years.²² Looking for alternatives in cases of missing or untraceable information will therefore be important.

21 Dates electronic systems (rather than paper records) were implemented vary across jurisdictions. In our review of data back to 2006, we found some systems were in place before that year, and others were implemented more recently (please see Appendix P for details).

Summary of child welfare data availability and quality for information of interest in the current AIP

Below, we include a summary of data fields that may be of interest for the settlement being negotiated at the time this report was submitted, January 31, 2022. These are summarized in Table 2.7. Information in this table was not included in our formal data collection process but may be helpful to inform the compensation process.

Table 2.7 Overview of data availability for information of interest in the current settlement process

Information of interest	General comment on availability
Length of time in care	<p>Operationalization: Information on the length of time in care may be calculated for known placements for which there are <i>start and end dates</i>. When there are spells with multiple placements, the dates would need to be documented and accurate for all placements to reliably calculate length of time in care. If a child has experienced multiple periods of involvement with child welfare, the assumption should not be made that they have always been involved with the same child welfare agency, or within the same province or territory. As such, this would sometimes require linking information from different agencies together to complete the child's record of placement spells.</p> <p>Findings: The results of our findings suggest that <i>placement start date</i> and <i>end date</i> are generally available, both through the FNCFS program and child welfare agencies, with a high level of accuracy. As such, if the child was placed by the same agency, length of time in care should be calculable. If the child moved between agencies, this would require an additional calculation.</p>
Moves in care	<p>Operationalization: Moves in care may be found when systems reliably document the address of placement for each move to a new placement. Linking each <i>placement address</i> with the <i>dates of placement</i> could be one way of documenting moves. If this is not possible, linking <i>placement type</i> with the <i>dates of placement</i> could also provide an indication of moves in care, although this would likely underestimate the total number of moves in care because a child could be placed with different foster parents during their time in care.</p> <p>Findings: <i>Placement dates</i> and <i>placement address</i> are not available through the FNCFS program at ISC but are usually documented by child welfare agencies. However, the capacity to accurately link this information across time is not known.</p>
Placement outside of the community	<p>Operationalization: Placement within or outside of community can be documented by comparing <i>address of child</i> with <i>address of placement</i>, where this information is available.</p> <p>Findings: <i>Address of child</i> and <i>address of placement</i> are not available through the FNCFS program at ISC but are usually documented by child welfare agencies. However, issues have been noted with some agency's capacity to retrieve a child's address at the time of removal, which could impact the ability to identify children.</p>
Type of maltreatment perpetrated by the caregiver	<p>Operationalization: The type of maltreatment investigated, the substantiation level, and the reason for placement are all information that could be used to determine the type of maltreatment perpetrated by the caregiver.</p> <p>Findings: Information on the type of maltreatment perpetrated by the caregiver is not available through the FNCFS program at ISC. Child welfare agencies usually collect this information but definitions of different types of maltreatment and practices in place to substantiate claims vary considerably between jurisdictions. Furthermore, the maltreatment type investigated is not always reflective of the reason a child is eventually placed.</p>