

**Sub Committee on Children and Youth at Risk
Of the Standing Committee of Human Resources Development
and the Status of Persons with Disabilities
Aboriginal Children and Youth Resident on Reserve**



**Submitted by
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Overview of Key Issues and Research

As the United Nations Committee on the Rights of the Child noted in its recommendations to Canada in 2003 that Aboriginal children “continue to experience, including discrimination in many areas, with much greater frequency and severity than their non-Aboriginal peers¹” In contrast to the lives experienced by other Canadian children and youth, First Nations children are more likely to be born into poverty, to suffer health problems, maltreatment, incarceration, and placement in the child welfare system. Although provincial data collection systems vary, best estimates are that there are currently between 22,500 and 28,000 Aboriginal children in the child welfare system – three times the highest enrollment figures of residential school in the 1940s (Child Welfare League of Canada, 2003; First Nations Child and Family Caring Society of Canada, 2003.) In terms of First Nations children on-reserve, the numbers of children entering into care are tragically rising. **Department of Indian Affairs and Northern Development (DIAND) data confirms that between the years of 1995 and 2001 the number of Registered Indian children entering into care rose an astonishing 71.5% nationally (McKenzie, 2002).** Of additional concern is that many of these children are placed in non-Aboriginal homes. Regrettably, not all provinces/territories track the degree to which Aboriginal children are placed in Aboriginal homes; however, the available data suggests that much improvement is needed. For example, in 1988 the **British Columbia Children’s Commissioner found that only 2.5% of Aboriginal children in the care of the Ministry for Children and Families were placed in Aboriginal homes.** The increasing numbers of First Nations children in care coupled with the lack of cultural match in placement does not support Aboriginal children in maintaining their connections with family, culture and community.

Secondary analysis of Aboriginal data from the Child Maltreatment Incident Study from 1998 indicate that **Aboriginal children have higher reported incidents for neglect, poverty, transience, and parental substance abuse when coming into contact with the child welfare system in Canada. They are also twice as likely as their non-Aboriginal counterparts to be admitted into care (Blackstock, Trocme and Bennett, 2003.)** Additionally a study conducted by the First Nations Child and Family Caring Society in 2003 demonstrates that **First Nations children, youth and families have almost no access to the 108 billion dollars of revenue that supports the voluntary sector to provide a myriad of social service and quality of life supports to other Canadian children and families. The lack of access to voluntary sector resources coupled with the absence of municipal and often provincial services means that despite the greater needs of children and youth in on reserve communities there are even less infrastructure supports than for other Canadians.**

¹ United Nations Committee on the Rights of the Child (2003) Concluding Observations of the Committee on the Rights of the Child: Canada. Geneva: United Nations, P.13.

First Nations peoples are aware of these problems and are actively working to establish First Nations Child and Family Service agencies in Canada to respond to the needs of these children and their families. With the support of the federal and provincial governments there are now over 100 of these agencies across the country, the vast majority of which receive their statutory authority to deliver child welfare programs through the provincial/territorial child welfare statutes. The requirement to use provincial/territorial child welfare statutes poses a significant challenge for First Nations agencies which must try to adapt services that reflect the holistic, interdependent, and communal rights framework of the cultural communities they serve with the individual rights based child welfare statutes.

Funding regimes for Aboriginal child welfare services vary depending on whether the agency is serving clients on- or off-reserve. With the exception of Ontario, which operates under a separate agreement, First Nations child and family service agencies servicing on-reserve clients are funded by a national funding formula known as Directive 20-1. This funding formula was studied in a joint review conducted by the Department of Indian Affairs and Northern Development (DIAND) and the Assembly of First Nations in 2000 which provides some insight into the reasons why there has been such an increase in the numbers of Registered Indian children entering into care (MacDonald et al, 2000.) The review found that funding for a **statutory range of services intended to ameliorate risk factors for children and youth at risk required by all provincial and territorial child welfare legislation known as targeted prevention services or least disruptive measures were inadequately funded by DIAND.** In addition, the funding formula does not adjust for changes in provincial/territorial child welfare authority thus resulting in inequities of service, nor did it support tribal based child welfare authority. **Despite the positive involvement of DIAND in the review process all but two recommendations of this review remain unimplemented and none of the recommendations that directly impact on the lived experience of children and families have been implemented** such as the recommendation for to identify new monies for least disruptive measures and special needs children. **Nor has there been meaningful progress on the call for substantial investment in community development to redress the etiology of child maltreatment such as poverty, inadequate housing, and parental substance misuse which were identified as statistically significant factors that result in Aboriginal children coming into contact with the child welfare system (Blackstock, Trocme and Bennett, 2003.)**

Despite these and other risk factors facing First Nations children and youth, the effort so far has been to address these concerns in a piecemeal fashion that fails to consider the holistic needs of First Nations children and their interdependence with First Nations families, communities, and Nations. As noted in the research of Cornell and Kalt (1998) of Harvard University, **the available evidence suggests that sustained social and economic well being in First Nations communities is preceded by self-government,** suggesting a call for Canada to commit to the deliberate implementation of the recommendations of the Royal Commission on Aboriginal Peoples. Cornell and Kalts' findings are echoed by the research of Michael Chandler and Christopher Lalonde (1998), of the University of British Columbia, who found that a decrease in youth suicide

rates is correlated with increased evidence of First Nations' self-determination and government.

Canada should be acknowledged for additional investments in Aboriginal Head Start on reserve and for the Child Tax Benefit but these programs are insufficient to meet the significant needs of First Nations children and families and do not respond to the secondary and tertiary prevention needs of families at risk. Aboriginal Head Start for example is not universally available and provides services only to children aged 0-6 and as noted by the United Nations CRC Committee, the Child Tax Benefit is subject to provincial and territorial claw backs resulting in uneven benefits for Canadian children.

Recommendations

Consistent with the recommendations of the United Nations Committee on the Rights of the Child Day of General Discussion on the Rights of Indigenous Children (2003), the First Nations Child and Family Caring Society proposes the following recommendations for the Sub Committee's consideration:

1. Immediate action must be taken in order to implement the seventeen recommendations to improve the national funding formula for First Nations child and family service agencies contained in the *Assembly of First Nations/Department of Indian Affairs and Northern Development Joint National Policy Review on First Nations Child and Family Services* (2000). Priority should be given to ensure that First Nations children and their families, resident on reserve, have access to services to special needs children as well as least disruptive services that are intended to mitigate child maltreatment risk factors allowing greater numbers of children to remain safely in their homes. Provincial and territorial child welfare statutes require that all other options are exhausted prior to considering removal of a child and it is imperative that First Nations children on reserve receive equal benefit under child welfare laws as guaranteed by the Charter of Rights and Freedoms and the Convention on the Rights of the Child especially in light of the troubling increases in admission to care rates.
2. Poverty is a key concern for First Nations children and families. Immediate and deliberate commitment is required in order to ensure First Nations communities have the resources and authority needed to put their economies back on their feet and reduce the numbers of indigenous children living in poverty. This would mean the development of a strategy with First Nations that extends past the Child Tax Benefit to redress existing inequalities ensuring a focused and sustained effort to eradicate the disproportionate numbers of First Nations children living in poverty. Provincial/Territorial claw backs of the child tax benefit should cease to erode family capacity to care for children.
3. The government of Canada, through the Department of Indian Affairs and Health Canada must invest new dollars to support First Nations community development

based research, policy and practice approaches to child welfare. This would necessarily include inventories of available supports to families and the investment in implementation of strategies to redresses gaps such as the lack of municipal or voluntary sector resource on reserve.

4. Government must invest in the sustainable participation of First Nations child and family service agencies, First Nations governments and First Nations NGO's in the dialogue, implementation, and state party reporting processes for the United Nations' *Convention on the Rights of the Child* and the *World Fit for Children*.
5. Consistent with the recommendations of the United Nations Committee on the Rights of the Child Day of General Discussion on the Rights of Indigenous Children that the government of Canada take immediate steps to ensure disaggregated data on First Nations children is made available regarding all matters pertinent to the Convention on the Rights of the Child in order to inform legislation, research, policy and practice.
6. The multi-dimensional and multi-generational impacts of colonization have created a plethora of systematic problems that give rise to significant risk for Aboriginal children and youth. The appropriate response is to support adequately resourced culturally based community development approaches that build on community assets. An over-reliance on services intended to respond to the symptomatic impacts of colonization versus routing out the fundamental etiology of colonization has resulted in marginal outcomes for Aboriginal children and families. This is particularly the case for universal services and programs that fail to recognize the significant inequalities and unique cultural contexts of Aboriginal children.

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