

## **FOR DISCUSSION PURPOSES**

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with BC Aboriginal Child Care Society**

### **Introduction**

This document is intended to establish the key considerations which should be incorporated into the draft First Nations Child Welfare Strategy. Our paper, builds on the BC Aboriginal Child Care Society's Early Childhood Development Action Plan, focusing on issues relative to Child Welfare.

Traditionally, a central purpose of life in First Nations communities was the protection, care, guidance, education and empowerment of children because children were seen as integral to the health, strength and continuity of their Nations. Preparing children from the time of conception for future responsibilities was viewed as essential. It was also recognized that children's healthy growth and development was the ongoing communal responsibility of families and the Nation.

With the Auditor General recommendations that the Ministry of Children and Family development work in consultation with First Nations regarding child welfare, there is now opportunity for First Nations communities to inform and influence the policy discussion, drawing upon the strength of their traditional and holistic understanding of child-rearing as a sacred and shared family and communal responsibility. It is also very timely for First Nations Leadership, communities and families to come together to define their own vision, community plans and service design for child welfare.

The Ministry of Children and Family Development recently announced it will engage the Chiefs to Develop an action plan related to jurisdiction, eventually leading to First Nations child welfare legislation.

### **Rights, Recognition, Reconciliation and Relationships**

#### ***How are First Nations inherent rights for children and families being recognized and respected?***

The inherent rights of First Nations children and families are recognized and respected in only limited ways. For example, the Ministry of Children and Family Development's Action Plan includes the recommendation "to support Aboriginal Peoples to achieve their vision and goals with regard to jurisdiction and delivery of services to their children, youth, families and communities." However, this has yet to be realized.

First Nations have the inherent right and responsibility to care for and educate their children in the manner they see fit, consistent with their cultural world views, philosophy, traditions, languages, pedagogy and curricular systems. This includes the authority, jurisdiction and capacity to establish laws and regulatory systems, monitor service delivery principles, standards and services that reflect First Nations cultures, traditions and practices.

First Nations communities should have the recognized authority, jurisdiction and capacity to determine the principles, governing structures, laws, standards and service

delivery mechanisms that meet the needs and priorities of their communities, and that meet or exceed Federal and/or Provincial Government licensing standards.

Another jurisdictional issue relates to levels of governance (federal, provincial and First Nation) and the challenges that arise in service delivery. For example, jurisdictional issues that led to the drafting of Jordan's Principle. The Auditor General also noted that a lack of collaboration results in ineffective service delivery, including non-compliance, service gaps and other problems. Jurisdiction and authority should apply to First Nations citizens regardless of residence/location. Services should be equally available to members living away from home (i.e., "off-reserve"), from First Nations service providers who are delivering programs and services under First Nations jurisdiction and authority. Federal and Provincial Government should support the coordinated and equitable access to Government funding streams to ensure that services are equally available to BC First Nations children and families living off-reserve, through First Nations delivery, regulatory and governance mechanisms. These challenges in jurisdictional issues are exacerbated by funding limitations.

### ***What are the issues around funding and capacity?***

A successful First Nations Child Welfare strategy will require a substantial increase in funding for children and families from the Government of Canada and the Province of British Columbia.

The Auditor General's Report notes that:

- "The ministry has yet to develop a process to identify the financial resources required to provide the needed services."
- "Federal funding rates are insufficient to pay for providing services comparable with those for non-First Nations children. The unintended consequence was that children were removed from their families (taking the child into care), as the funding for this option was being covered by INAC."
- "All regions continue to describe their financial situation as under funded.... The level of funding received was not based on a community-by-community analysis to know how much funding is needed and where the money is needed most."
- "The ministry does not sufficiently take into account their requirements to deliver services to meet the standards when identifying the financial resources required."
- "In the view of frontline staff, meeting the standards is often not possible within existing resources. This means that the response to not meeting a service standard does not sufficiently link to a system-wide financial shortfalls."
- "The ministry faces many challenges in finding adequate funds to transfer to the delegated Aboriginal agencies to support them for the responsibilities they take on for Aboriginal children."

Funding for child welfare programs comes from both the Government of Canada and the Province of British Columbia, depending on the child's residence. First Nations and other Aboriginal children and families are also eligible for services through programs of general application. It is generally accepted that First Nations children and families, especially in the on-reserve context, have limited access to programs of general application.

Funding provided by the Governments of Canada and BC must be adequate to meet the needs of First Nations children, youth, families and communities throughout the province. The capacity to implement Aboriginal Operational and Practice Standards and Indicators (AOPSI) also requires appropriate and adequate financing. The B.C. Auditor General's Report questioned whether or not the transfer of all child protection services to Aboriginal agencies is viable. First Nations have been reluctant to take on the added responsibility of child protection under the current fiscal arrangement.

The gaps, overlaps, lack of sustainable funding and conflicting government policy directives and jurisdictional issues have caused considerable frustration for both First Nations and non-First Nations families and service providers. This includes significant turnover in leadership (Ministers) resulting in shifts in policy and program directions and constant flux within the Ministry.

### ***How are government-to-government relationships being implemented now?***

**A new Agreement:** The Governments of Canada and BC can recognize First Nations authority and jurisdiction for children, youth and family through the recognition of Aboriginal Title and Rights, and through the negotiation and signing of new political agreements – such as double bilateral Memorandums of Understanding (MOU) and/or tripartite Agreements-in-Principle (AIP) with the Governments of Canada and BC, which would provide, in part, for the planned transfer of funding and responsibility (jurisdiction and authority) from Federal and Provincial Government Departments and Ministries for programs and services for First Nations children and their families to appropriately mandated and constituted First Nations governance structures, according to the preferences and priorities of First Nations communities. This new MOU would replace the now expired political MOU for child and family services which, amongst other things, establishes the Joint Aboriginal Management Committee (JAMC) and mandates the creation of Regional Aboriginal Child and Family Service Authorities. Regional Authorities may not be the most appropriate vehicle for a child welfare strategy since they are based upon a multilateral Aboriginal, rather than Government-to-Government First Nations approach, and may not be consistent with the new direction established by the Transformation Agenda and the New Relationship. Carrier Sekani Family Services and many Northern First Nations as well as Delegated agencies do not support this pan-Aboriginal approach.

### ***What is needed to support a child-centred approach for each community?***

Carrier Sekani Family Services believes that there are a number of key considerations with respect to the creation of an effective child-centred approach for each BC First Nations community. We envision a full spectrum of child welfare services beginning with prevention and family support, early intervention and finally child protection. The focus should be on prevention in order to reduce the need for protection and ultimately keep children out of care and in their own communities

#### **Universal Prevention and Early Support**

- Establishing child and family friendly communities, including welcoming attitudes, inclusive community activities, neighbourhood safety measures, children's play spaces, affordable and adequate family housing options,

community based access to information/referrals and a policy framework that recognizes communal responsibility for children and families;

- Promoting positive health outcomes through pre-natal, newborn, child health and nutrition programs;
- Building parent and family capacity through parent/child attachment, family strengthening and traditional parenting activities;
- Ensuring special support for single parent families, including single fathers as well as single mothers;
- Strengthening the role of men - fathers, grandfathers, uncles and brothers - in the lives of children and families;
- Providing high quality child and infant care and other early learning, care and development programs;
- Promoting indigenous language opportunities and early literacy;
- Encouraging participation in pre-school recreation and cultural activities.

### **Targeted Early Intervention**

- Providing early intervention supports to fragile families recognized to be living in high risk circumstances.

### **High Intervention**

- Providing child protection and supervision services;
- Providing foster care.

A discussion paper jointly developed by Carrier Sekani Family Services (CSFS) and the Aboriginal Child Care Society (ACCS), notes that a Life Cycle approach is important to healthy child development because the approach:

- Provides opportunities to support the healthy development of children in a holistic way through strategic interventions in each key stage in the lives of children, youth and adults;
- Recognizes that, while early childhood is critically important to the child's health and well-being, other life stages are also important *to health in the early years*, and health requires a holistic approach throughout an individual's life;
- Supports multi-disciplinary participation in child welfare by providing a role for everyone and every organization that serves First Nations children, families and communities: individuals and organizations can participate according to their areas of interest, the opportunities available to them and their organizational mandate, expertise, experience, funding and other resources;
- Acknowledges that there are multiple determinants of child health and well-being, including maternal health, nutrition and education, that "a healthy outcome at any one point in the life cycle becomes a positive determinant for health elsewhere in the cycle";
- Recognizes that each of these periods in the life cycle carries its own risks and opportunities to support the well-being of children and families;
- Coheres with traditional First Nations ways of knowing and being, i.e. intergenerational effects and relationships with family, peers, the natural and spiritual worlds;
- Provides a mechanism to identify all of the vulnerable populations in a community and the appropriate interventions. Indicators that reflect the values, beliefs, cultural traditions, practices, resources, etc., of each First Nation, (i.e.,

culture-based and land-based) can be identified to monitor, measure and track healthy development at each stage in the life cycle.

As identified in the Carrier Sekani Family Services prevention/health promotion framework, a Life Cycle Approach to the healthy development of children in the First Nations cultural context would include developing holistic, community-based strategies for the following life cycle stages:

- 1) Pre-Natal
- 2) Birth
- 3) Infancy (birth to one year), including Neo-natal (birth to 28 days)
- 4) Early Childhood (0-5 years)
- 5) Middle Childhood (school-age / 6-10 years)
- 6) Puberty *Ny nee Nyhudel tsut* (Getting your mind, 11-13 years)
- 7) Youth (14-18 years)
- 8) Young Adulthood (19-29 years)
  - Young Men
  - Young Women
- 9) Middle Adulthood (30 – 54 years)
- 10) Late Adulthood (Elders, aging / seniors 55 – 65+)
- 11) Death / Passing

Support services should meet the needs of children and families, be high quality, evidence-based, accessible, inclusive, and culturally-responsive. As a significant priority, programs and services for First Nations children and families must ensure cultural and linguistic continuity through the integration of culture and language into all aspects of programming and the involvement of Elders and language speakers/teachers in service delivery.

Recognition and respect for the traditional territory where programs and services are being delivered is essential. First Nations service providers should have the capacity to deliver services to all First Nations and Aboriginal children living within their traditional territory. Recognition should also include honouring the mandate of delegated First Nation agencies to deliver child and family services within their traditional territory.

Programs and services should be equally available for all First Nations children and families regardless of residence, delivered by First Nations service providers located both on-reserve and off-reserve, operating under First Nations authority and jurisdiction.

Capacity must be built at all levels, including at community, regional, provincial and national levels, and must ensure that decision-making is driven by community-determined needs and priorities. Strategic planning processes should include identifying needed infrastructure development as well as direct services to children and families. Infrastructure should include safe houses (clan houses) on-reserve in order to ensure children in need of protection remain in their home community.

Implementation of a child welfare strategy should proceed according to community readiness, in recognition of the reality that communities are at varying states of readiness to move forward.

## **THE CHALLENGE**

Recently, inquests and reports highlight some of the inadequacies of the service delivery approach that have resulted in children being put at risk. As noted in the Auditor General's report, "We see significant flaws in the ministry's current approach to delivering Aboriginal child protection services"

The report "Amanda, Savannah, Rowen, and Serena: *From Loss to Learning*" by the Representative for Children and Youth notes a number of issues pertaining to the safety and well-being of children in care. Some of these issues include:

- Assessments of the children's safety falling below acceptable standards
- Significant guardianship practice deficiencies
- Lack of thorough medical assessments for vulnerable children
- Weaknesses in clinical supervision and case consultation
- Lack of cultural planning for Aboriginal children in care, and cultural context in assessing safety
- Insufficient communication between the Ministry and professionals in the community
- Human resource challenges impacting the ability to provide safe and effective child welfare services
- Uneven quality assurance practices not sufficiently focused on outcomes/results for children

The majority of these concerns mirror the Auditor General's statements regarding funding, jurisdiction, staffing levels, management practices, and evaluation.

We, as First Nations face a number of challenging, but achievable tasks relating to child welfare:

1. Placing young children and families back at the centre of our communities and ensuring that First Nations Leadership recognizes child welfare as a key priority and takes concrete and timely action;
2. Reconstructing a positive model of parenting and child rearing which overcomes the devastating impact of colonial policies, in particular the inter-generational impact of residential schools, on traditional beliefs, values and practices;

3. Addressing the complexities of helping our children to live and succeed in two worlds, according to First Nations determined definitions of “success”;
4. Recognizing First Nations’ responsibility for child welfare and improving collaboration between levels of government (federal, provincial and First Nations);
5. As a priority, ensuring human and financial resources are adequate in order to carry out responsibility and jurisdiction.