

A Report on Children and Families Together:

An Emergency Meeting on Indigenous Child and Family Services



OTTAWA, ONTARIO
JANUARY 25TH AND 26TH, 2018

Prepared By: Celeste McKay, Celeste McKay Consulting Inc.
Prepared For: Indigenous Services Canada, Government of Canada



Government
of Canada

Gouvernement
du Canada

Canada

For information regarding reproduction rights, please contact: communicationspublications@canada.ca

www.canada.ca/indigenous-services-canada

1-800-567-9604

TTY only 1-866-553-0554

Catalogue: R5-717/2018E-PDF

ISBN: 978-0-660-27114-9

©Her Majesty the Queen in Right of Canada, 2019.

This publication is also available in French under the title: Compte rendu Enfants et familles réunis :
Réunion d'urgence sur les services aux enfants et aux familles autochtones

References:

Communications Policy of the Government of Canada:
www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12316&ion=text

Procedures for Publishing:
www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=27167&ion=text

Table of contents

Acknowledgements	4
Executive summary	5
Introduction	7
Summary of proceedings	9
Key areas of reform and recommendations	49
1. Effective collaboration	50
2. Funding	56
3. Service delivery	61
4. Data strategies	67
Conclusion	69
Appendix - The policy and legal context	70

Acknowledgements

This report has been prepared by Celeste McKay, Celeste McKay Consulting Inc. Eric Fleming, Greg Hamara, Ben Powless and Richard Powless provided detailed, comprehensive accounts of the sessions at the emergency national meeting on Indigenous Child and Family Services, Children and Families Together. The participants opened their hearts – without their words, this report would not exist.

Executive summary



An emergency national meeting on Indigenous Child and Family Services: Children and Families Together was hosted by Minister of Indigenous Services Jane Philpott, in Ottawa, Ontario from January 25 to 26, 2018. It provided an opportunity for federal, provincial and territorial governments and First Nations, Inuit and Métis leaders, Elders, youth, community service organizations and advocates to chart a future path together that will urgently address the child welfare crisis in Canada.

This report provides a summary of proceedings.

The first day of this two-day meeting began with opening prayers from First Nations, Inuit and Métis Elders, followed by opening remarks from:

- Minister of Indigenous Services Jane Philpott
- National Chief Perry Bellegarde, Assembly of First Nations
- President Natan Obed, Inuit Tapiriit Kanatami and
- Vice-President David Chartrand, the Métis Nation.

Three concurrent sessions were held throughout the day, focusing on the key causes that lead to high rates of Indigenous children in care and what reforms are needed to address these causes. The *United Nations Declaration on the Rights of Indigenous Peoples* and the Calls to Action of the Truth and Reconciliation Commission of Canada were considered. Required solutions were discussed related to:

- effective collaboration based on partnerships, transference of jurisdictional control and legislative reform
- adequate, flexible funding
- culturally appropriate, prevention-based service delivery and
- data strategies to support effective solutions.

The day ended with two panel discussions, one focusing on seeking “Wisdom through Generations: Advice for Canada” and one focusing on “Looking to the Future of Child and Family Services.” The day closed with prayers from First Nations, Inuit and Métis Elders.

The second day began with the issuance of a Commitment to Action for Indigenous Children and Family Services Reform by the Government of Canada, with statements from:

- Minister of Indigenous Services Jane Philpott
- National Chief Perry Bellegarde, Assembly of First Nations
- President Natan Obed, Inuit Tapiriit Kanatami and
- Minister of Heritage, Culture and Families Clara Morin Dal Col, the Métis Nation.

Next, the First Nations leadership meeting was held, followed by the Inuit leadership meeting and the Métis Nation leadership meeting.

Following the summary of proceedings, this report provides a brief analysis of the key areas of reform emerging from the discussions, including effective collaboration, funding, service delivery and data strategies. In relation to effective collaboration, the themes of partnership, jurisdictional control and legislation are explored. Under service delivery, culturally appropriate services and prevention-based services are explored. For each section, recommendations are provided.

First Nations, Inuit and Métis leaders and federal, provincial and territorial governments expressed a strong commitment to advance the rights of First Nations, Inuit and Métis children and youth in care. This report is provided to capture the concrete reforms identified by participants, and related recommendations, on how to achieve this so that all Indigenous children in Canada live a safe, healthy, happy life, free to experience their cultures, languages and ways of life in their own homes and communities.

Introduction

The Minister of Indigenous Services, Jane Philpott, has characterized the current realities facing First Nations, Inuit and Métis children in care as a humanitarian crisis that must be immediately addressed. To this end, Minister Philpott took the initiative to host an emergency national meeting on Indigenous Child and Family Services, Children and Families Together, in Ottawa, Ontario from January 25th to 26th, 2018 to provide an opportunity for federal, provincial and territorial governments and Métis, Inuit and First Nations leaders, Elders, youth, community service organizations and advocates to chart a future path together that will urgently address the child welfare crisis in Canada.



Discussions focused on the key causes that lead to high rates of Indigenous children in care and what reforms are needed to address these causes. The *United Nations Declaration on the Rights of Indigenous Peoples* and the Calls to Action of the Truth and Reconciliation Commission of Canada were considered. Required solutions were discussed related to:

- effective collaboration based on partnerships
- transference of jurisdictional control and legislative reform
- adequate, flexible funding
- culturally appropriate, prevention-based, needs-based service delivery and
- data strategies to support effective solutions.

The voices of Elders, Grandmothers and youth were heard, with poignant messages about their experiences and their knowledge of what needs to change.

The first day provided the opportunity for numerous concurrent sessions on particular topics of concern, bringing together federal, provincial and territorial governments and First Nations, Inuit and Métis leaders, Elders, youth, Grandmothers, community service organizations and advocates to share their knowledge and insights.

The second day began with the issuance of a Commitment to Action for Indigenous Children and Family Services Reform by the [Government of Canada](#), with statements from:

- Minister of Indigenous Services Jane Philpott
- National Chief Perry Bellegarde, Assembly of First Nations
- President Natan Obed, Inuit Tapiriit Kanatami and
- Minister of Heritage, Culture and Families Clara Morin Dal Col, the Métis Nation.

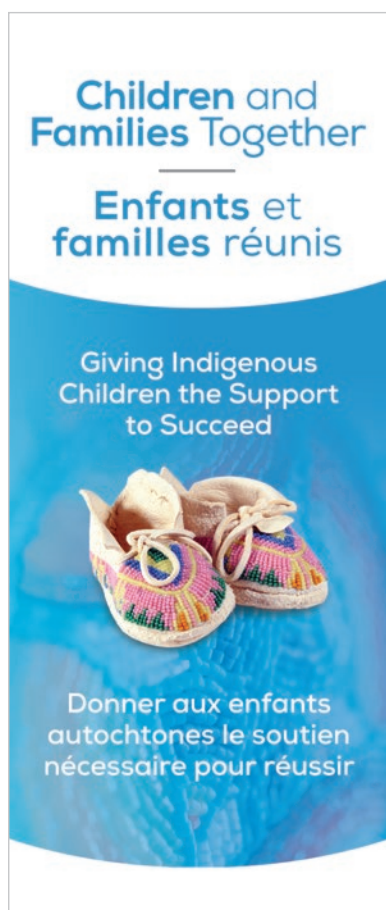
Next, the First Nations leadership meeting was held, followed by the Inuit leadership meeting and the Métis leadership meeting.

This meeting highlighted that there are far too many First Nations, Inuit and Métis children, families and communities suffering from traumatic separations caused by children being placed into care, without getting the culturally appropriate care that they deserve and, indeed, have a right to receive. Often, simply finding a way to meet the basic necessities of life could prevent apprehension in the first place – a stunning reality for a country like Canada that has the means to ensure everyone has access to food, water, housing, clothing, transportation and health services. As well, trauma related to the inter-generational impacts of the residential school system was highlighted throughout the discussions. Yet, participants shared a collective vision of hope and strength to overcome these realities.

Many stories were shared at the Emergency Meeting, with the hopes that such sharing will bring forth effective solutions. This included stories of success in overcoming the current challenges and shortcomings of the system. An Inuit-led organization in Baffin Island that provides healing sessions and culturally relevant wellness programs – as well as operating a heritage and research centre – shared the successful impacts they have had in the community. The Métis Nation's successful kinship care programs were highlighted, whereby mothers and children receive support in the home while staying together. The Mi'kmaq Nation experience of increased delegated authority over child welfare that has led to positive, concrete changes of providing Mi'kmaq specific services was also highlighted. The Family Group Conferencing model applied by the Ma Mawi Wi Chi Itata Centre, gifted by the Maori, was highlighted. This model has a demonstrated, concrete impact on reducing the length of time children stay in care, whereby children are returned to parents receiving the support they need to provide loving, safe homes for their children with the support of their communities. These examples demonstrate that reform is underway in many communities, and with continued collective efforts, the child welfare system designed to care for First Nations, Inuit and Métis children can be transformed.

This report provides a summary of the proceedings, an examination of key areas of reform identified during these discussions and recommendations to all partners, the Government of Canada, provincial and territorial governments, and First Nations, Inuit and Métis leaders, Elders, youth, community service organizations and advocates. Recognition by all partners involved that everyone must work together to effect change in the care of First Nations, Inuit and Métis children across Canada is the foundational principle underlying the analysis and recommendations set out.

Summary of proceedings



The following section provides a summary of proceedings of the two-day Emergency Meeting on Indigenous Children and Family Services, Children and Families Together. Most of the panel discussions are summarized without specific reference to individual speakers.



Indigenous Elders offering their opening prayer.

Thursday, January 25, 2018

Welcome and opening prayer by First Nations, Inuit and Métis Elders

Algonquin Elder Claudette Commanda welcomed the participants onto the traditional territory of the Algonquin Nation, and initiated a sage ceremony. Ms. Commanda emphasized that children are the future and that we must listen to the wise words of our Elders, of our ancestors and of the Creator, to guide us in this journey.

Elder Mike Mitchell, representing First Nations, emphasized that this gathering is about how the young ones, who are the future, can come home again to Indigenous Nations. He guided the participants to do this work with a good mind, a good heart, acknowledging one another with respect, as equals. Elder Rebecca Anaviapik-Soucie, representing Inuit, provided an opening prayer and spoke about the importance of reclaiming cultural parenting practices. Elder Doreen Bergum, representing the Métis, provided a Four Directions Prayer, to start the meeting in a balanced way.

Opening remarks by Honourable Jane Philpott, National Chief Perry Bellegarde, President Natan Obed and Vice-President David Chartrand

Minister of Indigenous Services Jane Philpott [highlighted](#) the Truth and Reconciliation Commission's Calls to Action related to child welfare reform. The Minister referenced Justice Murray Sinclair's statement that, "The child welfare system... function(s) from the inherent fundamental belief that we as parents in our own communities do not have the right to birth, raise, educate, discipline and protect our children from Canada's inherent racism." Minister Philpott acknowledged the trauma caused by residential schools, including abuse suffered in the schools, as well as the separation of children from their communities, their languages, lands and traditions. The Minister referenced the fact that First Nations, Inuit and Métis children remain severely over-represented in foster care, at a rate of 52% of children in care despite making up 7% of the population of all children in Canada. She underlined that it is this reality that requires collective action.



Minister Philpott called for a shift from protection to prevention, and highlighted the Government of Canada's six-point plan.

Minister Philpott emphasized the need to shift from protection to prevention, to ensure cultural competency of social workers and administrators, and to create sufficient, flexible, funding models that do not incentivize apprehension. She highlighted the challenge of lack of reporting and available data, as set out in the [Truth and Reconciliation Commission's Calls to Action](#) PDF version (299 Kb, 20 pages).

The Minister stated that required preventative measures include:

- poverty reduction
- family supports
- childcare
- respite care and early learning and
- trauma-informed training for teachers, police, judges, lawyers, social workers and government officials

Minister Philpott recognized the need for system reforms that shift from automatic apprehension to investments in prevention and family reconciliation, to stop the extraordinarily high rates of apprehension. Minister Philpott highlighted the positive role played by exclusive jurisdiction by Indigenous peoples in the United States, and

welcomed participants to share their thoughts about jurisdictional control through legislation that recognizes the right to self-determination in this sector. Finally, Minister Philpott highlighted the [six-point plan](#) to address the over-representation of Indigenous children and youth in care in Canada.

The Government of Canada's commitment to

Child and Family Services Reform



Six points of action

- 1 Continuing the work to **fully implement all orders of the Canadian Human Rights Tribunal, and reforming child and family services** including moving to a flexible funding model
- 2 Shifting the programming **focus to prevention and early intervention**
- 3 Supporting communities by affirming Indigenous rights and exploring options for **co-created federal legislation on Indigenous child and family well-being**
- 4 **Accelerating the work of trilateral and technical tables** that are in place across the country
- 5 **Supporting Inuit and Métis Nation leadership** to advance culturally-appropriate reform
- 6 **Developing a data and reporting strategy** with provinces, territories and Indigenous partners

National Chief Perry Bellegarde of the Assembly of First Nations stated that this is a humanitarian and human rights crisis, calling for all parties involved to make a commitment to making a difference in the lives of children while they are still children, to build healthy communities and nations.



Photo: Fred Cattroll

Assembly of First Nations National Chief Perry Bellegarde called on all parties involved to commit to making a difference in the lives of Indigenous children, and to building healthy communities and nations.

National Chief Bellegarde highlighted that there is ample reason for federal, provincial and territorial governments to act in partnership with, and fully recognize the authority of Indigenous peoples, including:

- Three Canadian Human Rights Tribunal orders calling for, *inter alia*, full implementation of Jordan's Principle
- the first five Calls to Action of the Truth and Reconciliation Commission, and
- the *United Nations Declaration on the Rights of Indigenous Peoples*.

He cited examples of full authority and jurisdiction exercised by First Nations in British Columbia and Prince Edward Island, noting that other provincial and territorial governments should work with Indigenous peoples to do the same. Such an approach requires recognition of Indigenous peoples' cultural ways of raising children and addressing the underlying concerns of poverty and inadequate investments in water, education, health and food services.



Inuit Tapiriit Kanatami President Natan Obed underscored that overcoming child welfare challenges requires overcoming the lack of an ability to implement, partner and participate in reforms in a way that is respectful of Inuit self-determination and democracy.

Overcoming child welfare challenges requires overcoming the lack of an ability to implement, partner and participate in reforms in a way that is respectful of Inuit self-determination and democracy.

President Natan Obed of Inuit Tapiriit Kanatami

emphasized that love for the children is one of the defining features of being Inuit and, that the current way children are being treated is a departure from who Inuit want to be and who Inuit are. Mr. Obed stated that everyone can and should do more. The challenge lies in how everyone works together. He stated that child welfare is a social equity, *writ large*, issue, where the struggle of over-representation of Indigenous children in care emanates from the inter-generational trauma and inequalities faced today. He provided the example that in the Inuit homeland, the median annual income is \$23,000 for Inuit and \$90,000 for non-Inuit. There is a lack of mental healthcare and addictions treatment in the North and children in care are often placed in 7 or 8 foster care homes a year, and special needs children are routinely sent to the South because of a lack of services. All of these challenges contribute to an ongoing lack of stability and of respectful service delivery, largely based on inadequate resources.



Métis Nation Vice-President David Chartrand explained that healing must occur to ensure these families who were broken apart never experience this again.

Vice-President David Chartrand of the Métis Nation

thanked Prime Minister Justin Trudeau for his wisdom in appointing two Ministers, Minister of Crown-Indigenous Relations and Northern Affairs Carolyn Bennett, and Minister of Indigenous Services Jane Philpott. Vice-President Chartrand expressed his hope that a day would come where Canada does not need to be educated about who the Métis are. He highlighted that hundreds of thousands of Métis children were taken during the Sixties Scoop, where parents were not able to defend their children because they could not speak English. When the first Métis child welfare authority came into being in 1982, a search for these children was initiated in Canada and the United States. This resulted in Métis children returning home, after a lifetime of thinking that they were not loved, not wanted and that their parents had died or abandoned them. Many sad stories were told by these children of being treated like slaves, forced to work on the farmland of the "foster families."

Vice-President Chartrand emphasized that the lesson of this experience is that hope and faith must be upheld to ensure that this never happens again. Healing must occur to ensure these families who were broken apart never experience this again. As a maternal Nation, the Métis Nation needs to protect their mothers and children. Vice-President Chartrand emphasized that the answers lie in jurisdictional control of policies and legislation in the area of child welfare services. Currently, the only example in the Métis Homeland is the mandated agency controlled by the Manitoba Métis Federation, which arose out of recommendations issued by then Justice Murray Sinclair of the Aboriginal Justice Inquiry. However, this system lacks the required human resources and financial resources (in the amount of at least \$50,000,000) to be able to adequately provide services for Métis children and families. One recent result is the suicide of a young Métis girl in care under the Métis Child and Family Services, one life that is priceless and represents a huge need to meet in the community as a whole. Vice-President Chartrand emphasized that this meeting is about finding a way to answer the calls of children in care, who have hope and faith that their families are coming to get them. He closed by stating that it is everyone's collective responsibility to ensure that when the knock on that door happens, it is from Métis families coming to bring home their children.

These poignant opening remarks by the leaders set the stage for the productive conversations that followed.

The first concurrent sessions focused on the key causes that lead to high rates of Indigenous children in care, and reforms to those causes:

- [First Nations session](#)
- [Métis session](#) and
- [Inuit session](#).

The second set of concurrent sessions focused on:

- [sharing perspectives related to data, measurement and information sharing](#)
- [child rights and advocacy with provincial and territorial child and youth advocates](#)
- [youth perspectives](#) and
- [community well-being](#).

The third set of concurrent sessions focused on:

- [wise practices in preventing children from coming into care](#)
- [innovative jurisdictional approaches](#)
- [culturally appropriate child welfare](#) and
- [community and agency collaboration](#).

This was followed with two panel discussions. The first panel focused on the topic of [Wisdom through Generations: Advice for Canada](#). The second panel focused on the topic of [Looking to the Future of Child and Family Services](#).

Each of these sessions will be discussed below. The day ended with closing prayers by First Nations, Inuit and Métis Elders. Below, summaries of each session are set out.

CONCURRENT SESSIONS A:

Conversation circles: Focusing on the key causes that lead to high rates of children in care, and reform

IN THIS SECTION

- First Nations session
- Métis session
- Inuit session

First Nations

Causes

A discussion on immediate actions needed to reduce the key causes of high rates of First Nations children in care took place. This focused on the impacts of the residential school system, and on the imposition of federal, provincial and territorial systems of laws and child welfare systems. Another cause identified is the re-integration of children who return home without adequate family supports in place. Experiences were recounted of First Nations efforts to form partnerships that were denied by different levels of government. Even where Indigenous child welfare authorities exist, such as in Manitoba, too often urban child welfare agencies apprehend Indigenous children and then transfer these children into the care of Indigenous child welfare authorities, which interferes with a central intent of Indigenous governance in the area, to prevent apprehension. Another issue is the lack of available data, which is a significant factor in federal transfer payments being too low, because they are based on inaccurate population formulas. The concerns of urban Indigenous families are often not heard. Services for children with special needs are too often unavailable, with the result that these children are placed into care in order to receive needed medical services. Some participants explained that advancing reforms to child welfare is part of the sacred responsibility of women as caregivers of Mother Earth, to care for children. Further, this responsibility is to protect water, which links child welfare reforms to climate change reforms.

Reforms required

Long-term reform lies in partnership development based on equity and parity of partners, at the First Nations, provincial, territorial and federal levels. Participants emphasized that full First Nations jurisdiction and authority over child welfare must be recognized, based on Treaty rights and the *United Nations Declaration on the Rights of Indigenous Peoples*. Best practices, such as an example in Saskatchewan of increased financial support for prevention with a measurable reduction of the number of First Nations children in care, should be examined. There is a need for

partnerships with courts as well, such as the involvement of Elders helping families involved in court proceedings. Participants emphasized that social programs, including drug and alcohol reforms, need to be updated. The Truth and Reconciliation Commission's Calls to Action must be fully implemented along with recommendations from existing reports, particularly Indigenous Resilience, Connectedness and Reunification – *From Root Causes to Root Solutions: A Report on Indigenous Child Welfare in British Columbia: Final Report of Special Advisor Grand Chief Edward John*.

Métis Nation

Causes

A discussion on immediate actions required to address key causes of high rates of Métis children in care occurred. This discussion focused on several areas of concern, including children struggling with forming a strong identity, children who have committed suicide as a result of inadequate child welfare care, multiple foster home placements, lack of supports for youth aging out of care, and inadequate funding of Métis-controlled child welfare systems. Further, there is a high level of ignorance among child welfare authorities about whom the Métis are, leading to discriminatory practices by social workers when working with Métis children and families. Another challenge identified included is the disconnection on policy priorities between departmental and front-line workers.

Recommended immediate actions included establishing protocols with the Métis on child welfare issues, such as family or kin placement, increased preventative services, involvement of Métis agencies prior to apprehension, and education of child welfare workers, policy personnel and politicians about the Métis. Family group conferencing and programs aimed at teaching Métis children and youth their history, culture and language were identified as necessary immediate actions.

It was stated that an Annual Métis National Forum on Child Welfare would be a positive step, which would focus on solutions and best practices, rather than on problems.

Reforms required

Consistent with the right to self-determination set out in the *United Nations Declaration on the Rights of Indigenous Peoples*, long-term reform lies in the Métis Nation assuming full jurisdictional authority over Métis children, families and communities. The federal government must work in partnership with the Métis Nation, alongside the provincial governments. Jurisdictional authority includes increasing the number of mandated agencies to reach across the Métis homeland. This authority must include the development of laws and policies governing child welfare. It also means establishing Métis control over family court systems.

The eradication of systemic discrimination is needed, through education about Métis people. Adequate, long-term funding is required to support preventative, community-based programs that have proven success records.

Inuit

Causes

The discussion centred around the systemic causes of child welfare involvement for Inuit children. Drivers identified include poverty, lack of adequate, affordable housing, and addictions. Other causes include:

- a lack of education (including parents' understanding of their rights)
- over-regulation that is based on a lack of understanding of Inuit culture by non-Inuit and non-Inuit governments and
- the inter-generational impacts of the residential school system.

Relocation to the South is another cause. It leads Inuit individuals into urban centres that are very culturally different, without the knowledge of how to safely live in these settings.

The erosion of cultural forms of family caring, where extended families and grandparents play a key role in parenting, is a central cause of the over-representation of Inuit children in care. There are some best practices, such as programs that have been delivered within the communities, including those focusing on building relationships between Elders and youth through land-based learning and a program entitled "Family Connections", that provides preventative parenting. There is also a model that authorizes the *Child Welfare Act* to be adapted to Inuit culture, rather than adapting Inuit culture to meet the confines of the Act. However, some of these programs have been eliminated due to funding cuts. Consistent, long-term funding is needed.

Reforms required

Inuit control over Inuit child welfare is a fundamental reform required. Such reform must result in a shift of resources from apprehension to prevention and culturally appropriate programming, in all systems. It must re-instil traditional practices, such as traditional forms of adoption, and strengthening programs that focus on Elders and youth interacting together. This will also create balance between understanding Inuit identity, and understanding contemporary policies and practices.

Research must be completed on successful child and family services models that address the drivers of involvement in the child welfare system, such as poverty, housing and addictions. Support is needed for Inuit-specific services in urban areas that promote cultural continuity and well-being.

CONCURRENT SESSION B:

Sharing perspectives

IN THIS SECTION

- Data, measurement and information sharing
- Children's rights and advocacy with provincial and territorial child and youth advocates
- Youth perspectives
- Community well-being

Data, measurement, and information-sharing panel

Discussion centred on how improvements to data methodologies and measurement could be achieved, and how information could be shared among child welfare institutions. It was emphasized that there is a need for data to be inquiry-driven rather than performance-driven, in order to increase understanding of the drivers of over-representation of Indigenous children in care. Another perspective brought forth is that the root causes (the effects of colonization, such as Post-Traumatic Stress Disorder and poverty) are well known. Taking a strength-based approach to finding solutions, the focus must be on measuring the wellness of children in the context of overall community wellness. This means strengthening families to prevent involvement with the child welfare system. One participant expressed the sentiment that there was no need to examine “the nature of the problem” as Indigenous people “live the nature of the problem.”

There is a need to find out more about how Métis communities are approaching data and measurement in child welfare areas. Also, more data is needed on the situation of Indigenous youth across Canada.

Supporting the expansion of community-based research, data collection, data management and information-sharing would be helpful. Such efforts must be based on the right of Indigenous peoples to self-determination, working to connect Indigenous peoples and communities in order to share knowledge and best practices.

It was underscored that collaborative research efforts must be community-specific and rooted in long-term partnerships with Indigenous communities, inclusive of Indigenous people living in urban centres. Partnerships with related institutions, including education and the criminal justice system could lead to better policy development.

The OCAP Principles (Ownership, Control, Access and Possession) were raised as fundamental in any data research efforts. Indigenous peoples must exercise control of research and analysis related to Indigenous children in child and family services, requiring support for Indigenous peoples' institutions and protection of the products and data produced.

In relation to information-sharing, there is value in sharing learning structures and research methodologies with others. In some contexts, adaptation of another system is more efficient than creating a completely new research system.

Children's rights and advocacy conversation circle with provincial and territorial child and youth advocates

The participants in this session emphasized the need to take a rights-based approach, to achieve meaningful advocacy. This means recognizing the jurisdiction of First Nations, Inuit and Métis over child and family services that are informed by their cultural ways of life, and traditional roles and responsibilities of parents and of the community in raising a child. General Comment No. 11 issued by the United Nations Committee on the Rights of the Child is instructive of the rights that Indigenous children should be enjoying. Recognition of the importance of living off the land, and of traditional practices of caring for the whole family (the child and the parents) rather than only caring for the child in isolation were raised.

Rights recognition, such as Treaty rights, is key in overcoming the root causes, including alcohol and drug abuse, of over-representation. One speaker underscored the importance of pursuing change from within, in order to meet the responsibility of looking after the community's children. The Grandmothers and Elders must guide advocacy efforts for families and communities. The voices of children and youth are also important to include because they have solutions and wisdom, and involving them in decision-making has a healing effect on the whole community.

Currently, special needs children are placed into care because of the system's inadequacies to meet their medical needs. This must change. Every effort must be made to provide for their care in the community. If this is not possible, care should be provided as close to the community as possible, and additional support should be provided to parents to prevent the children from entering into the child welfare system.

Youth perspectives conversation circle

The conversation in this circle focused on reforms required to improve services for children and youth, with a particular emphasis on the needs of youth aging out of care. It was stated that every child and every youth has a right to belong. There is a transformative power when Indigenous youth support each other. Some key avenues to effective prevention are the involvement of the community and extended family (including Elders), as well as cultural programming. Where foster families outside the community are necessary, education about the First Nations, Métis and Inuit cultures of the particular child in care are required.

Youth described experiences in the child welfare system where they felt a lack of love, resulting in hurt, anger and violent behavior, all reflective of the cycle of inter-generational trauma. Youth also spoke about their experiences of loss of identity and of language – and lack of support and of life skills – all leading to further marginalization, including homelessness and addictions.

Participants highlighted best practices. For example, Metis Child and Family Services in Manitoba maintain responsibility for children in care from age 18 until age 21 without federal support. Other best practices highlighted included youth involved in Ministerial policy discussions, the Futures Program in Alberta that provides mental health support to kids aging out of care, land-based cultural camps and youth arts media summits where peer support is cultivated.

The recommendations that emerged from the session, as well as follow-up documentation (received immediately following the session as a consensus from all the youth in attendance) are:

1. Programs must be developed that ensure children both in, and transitioning out of care, have consistent opportunities to build meaningful, loving relationships with healthy, supportive Elders, knowledge holders and role models within their communities.
2. Programs aimed at re-integration for Indigenous youth aging out of care and returning to their communities must be supported, with equal access for status/non-status First Nations, Inuit, and Métis, and specific emphasis on housing security and life skills development (e.g. financial literacy, healthy eating).
3. Child and family welfare services must support programs and efforts focused on prevention, and then work to keep children within their communities and families, including extended families, whenever possible.
4. Funding and policy must be inclusive of Indigenous cultural and community supports existing outside of the formal child and family welfare system, including those developed by Indigenous grassroots community groups.
5. Youth who have transitioned out of care should have opportunities to voluntarily reintegrate into the system and access available support programs, including social workers, therapists and educational funding.
6. Processes must be created to ensure the perspectives of current/former Indigenous youth in care from diverse backgrounds (including status/non-status First Nations, Inuit, and Métis, homelessness, addictions, provinces/territories) play a meaningful, ongoing role in relevant federal and provincial policy development.

Community well-being panel

Discussion during this panel illuminated the importance of holistic community wellness programs. One example, the life promotion framework, is utilized for community wellness assessments that focus on the strengths of the people and the gaps in community support, in terms of their identity, relationships, networks, goals, supports, environment and authority over their lives. These assessments assist in developing and implementing effective programs and services from a strengths-based approach that reflect regional differences. Such programs and services must focus on assisting Indigenous children to stay with their families and within their communities. This requires early childhood development programs, and an intersectional approach that considers gender and regional differences.

The need for adequate funding and complete authority over child welfare systems by First Nations, Inuit and Métis were common themes. It was underscored that involvement of Grandmothers and kinship networks must be re-established. In order to achieve good outcomes, support is needed for Indigenous communities to design, develop and implement programs based on their own local needs, resources, cultures and identities.

The current approach, and the impact of inter-generational trauma resulting from the residential school system, has resulted in over-representation of Indigenous individuals in the mental health and criminal justice systems. It was noted that Indigenous women are overrepresented in jails, with the result that their children end up in the child welfare system.

There is a need to increase support provided to community services, including addictions and rehabilitation services, sexual abuse treatment, suicide prevention, and mental and physical health services. All levels of federal, provincial, and territorial governments must collaborate with Indigenous peoples to address the key social determinants of health, including poverty, addictions, and access to education and housing. Participants also noted the need to promote the right to self-determination, which includes preservation of language, culture and identity.

CONCURRENT SESSION C:

Wise practices

IN THIS SECTION

- Preventing children from coming into care
- Innovative jurisdictional approaches
- Culturally appropriate child welfare
- Community and agency collaboration

Preventing children from coming into care

Wise practices in preventing children from coming into care were shared. Child-centred, holistic, community based practices that focus on cultural and linguistic programming, land-based activities, family and youth supports (including educational support) and community healing were highlighted. Elders play a key role in teaching traditional values and practices. This type of programming that enhances the leadership capacity of communities requires human and financial capacity to implement.

Some participants emphasized the need to promote change at two levels. First, efforts must be focused on Indigenization of existing child welfare practices, finding ways to devolve the capacities to communities over time. These efforts can help to ensure social workers in existing systems practice in a non-discriminatory manner. Second, exercising full self-determination over child welfare requires transference of jurisdictional control, supporting capacity-building efforts through legislative reform and policy development. This also requires implementation of the Truth and Reconciliation Calls to Action, especially the one focused on co-development of child welfare legislation.

Another wise practice involves block funding arrangements, which have been utilized in some jurisdictions to financially support customary care plans, aimed at supporting parents to keep their children at home through life skills programs, live-in family enhancement programs, and creating safe spaces for children.

Innovative jurisdictional approaches panel

Innovative jurisdictional approaches to child welfare were examined during this panel – from approaches emerging in the context of Comprehensive Treaties and Self-Government Agreements to First Nation assertion of jurisdiction through customary laws and practices.

Kukpi7 Wunuxtsin, **Chief Wayne Christian**, made recommendations to the federal government aimed at achieving meaningful, holistic reforms. These recommendations included:

- recognition of Indigenous national laws and jurisdiction and processes
- repealing section 88 of the *Indian Act* since provincial governments use this as the legislative hook to remove First Nations children
- eliminating current policies which amount to 100 years of legislated genocide, and focusing instead on supporting the re-building of families and communities
- addressing policies on poverty reduction
- eliminating federal transfer agreements that currently funnel money to the provinces with no accountability to Indigenous peoples to focus on prevention rather than apprehension and
- focusing on Nation-to-Nation, Government-to-Government Memorandum of Understandings that lead to concrete, on-the-ground changes.

Chief Christian spoke about reclaiming traditional cultural practices, including matrilineal governance and recognizing the sacredness of women and of custom adoptions. Reclamation efforts should include training Indigenous social workers to become community healers and helpers.

Mark Wedge, Former Chief of Carcross Tagish First Nation in the Yukon, conveyed his First Nation's experience of establishing legislative authority over its citizens in the context of entering into a Comprehensive Treaty and Self-Government Agreement with Canada and the Yukon. His First Nation created a Family Act that was based on their cultural traditions, and that prioritized protecting the family as the most effective way to protect the children. Where children need protection outside the nuclear family, the First Nation supports those children through applying the clan system of care, and addressing child welfare matters from the stance that they are a healthy people, despite challenges that families may have, such as addictions.

Naiomi Metallic outlined key definitions, key principles and eight jurisdictional options available to First Nations. Under key principles, Ms. Metallic emphasized the importance of recognition of the right to self-determination and self-government. She noted that this is consistent with the Truth and Reconciliation Calls to Action, that call for the *United Nations Declaration on the Rights of Indigenous Peoples* to be utilized as a framework for action, and with the first principle of Canada's Principles to Respecting its Relationship with Indigenous Peoples issued in July 2017. She stated that another key principle to inform jurisdictional models is the finding by the Canadian Human Rights Tribunal that the current comparability approach utilized in drawing down jurisdiction to First Nations is discriminatory because it fails to meet "the distinct needs and circumstances of First Nations children and families living on-reserve, including their cultural, historical and geographical needs and circumstances."

In terms of jurisdictions options, these ranged from:

- the status quo of application of the First Nations Child and Family Services Program based on self-administration
- accommodation of First Nations models within provincial legislation; unilateral implementation by First Nations
- sectoral self-government agreements over child welfare under the Inherent Rights Policy
- *Indian Act* bylaws on child welfare and
- changes to federal funding agreements such that compliance with provincial rules (comparability) is no longer a requirement.

- specific federal legislation establishing national standards on apprehensions of Indigenous children as called for by the fourth Call to Action of the Truth and Reconciliation Commission of Canada and
- general federal legislation on self-government on a Nation-to-Nation basis as called for by the Royal Commission on Aboriginal Peoples.

The pros and cons of these approaches were set out, highlighting that the status quo is not ideal but at a minimum, Jordan's Principle must be immediately respected. Ms. Metallic noted that while unilateral exercising of jurisdiction is desirable, without funding arrangements made to support this approach, implementation concerns arise. *Indian Act* by-law development contains too many restrictions on processes. She noted that national legislation may be the best path forward along with an independent commission to resolving funding disputes between governments related to implementation of Jordan's Principle.

Tracey O'Donnell outlined the Anishinabek Nation's approach to change in child welfare practices, whereby they asserted inherent jurisdiction over child welfare, grounding their legislative developments in ceremony. On this basis, they negotiated with the Ontario and federal governments to establish a Protocol Agreement, then a Relationship Agreement. They are now in the process of negotiating a Framework Agreement. What is needed in this process is adequate funding and a shift from apprehension to prevention. Their cost-benefit analysis demonstrates that it is more cost effective to support prevention efforts at the outset. The dual citizenship policy of the Anishinabek Nation allows for communities to determine their citizenship and the space for relationship-building through Protocol agreements with the Métis and the Inuit, as well as urban Indigenous people.

Culturally-appropriate child welfare panel

The wise practices of culturally appropriate child welfare highlighted in this panel underscored the importance of recognizing culture and identity by, for example, providing training on cultural appropriateness and sensitivity for agencies and organizations working with First Nations, Inuit and Métis children and youth. Culture should be at the centre of these services, and service providers should work to nurture culture and identity, involving Indigenous advocates, family members and culture into their organizations and services.

It was underscored that each Indigenous child has a right to attach to culture. One panellist is teaching cultural attachment theory to those who provide child welfare services. This theory provides for a journey to the spirit for Indigenous peoples, making connections with families and communities to instil knowledge about the land, traditions, clan systems, tribes, traditions and languages of the people. The Métis Minister of Culture, Heritage and Families underscored that her role is to educate the people who deliver services to Métis children so that they understand that they have a responsibility to ensure the children in their care know who they are.

A family reunification program was highlighted where collaboration and relationship-building with families leads to preserving culture and honouring the voices of the families. This program is based on teachings from the Elders that in order to build a strong tomorrow, energy needs to be focused on creating an environment that nurtures traditional knowledge. Dakota Ojibway Child and Family Services makes over 1,000 presentations to grade school classes in their community to instil a sense of cultural pride in their children.

Panellists also spoke about the need for reforms to existing legislation to improve its inclusiveness, and to ensure all future legislative changes are adequately resourced. This includes resources to upgrade training for staff members and providing for additional staff to match increased workloads.

Community and agency collaboration panel

Participants shared their wise practices on community and agency collaboration. It was underscored that collaboration between agencies and communities must be undertaken in a holistic manner and be grounded firmly in a community-based approach, led by First Nations, Inuit and Métis peoples. An example of the Ontario Association of Children's Aid Societies collaborating with 12 Indigenous and 38 non-Indigenous Child Welfare Services was profiled. This collaboration was based on a reconciliation framework where dialogue about the historical realities took place, as well as an apology statement issued by the Children's Aid Society accompanied by commitments aimed at addressing discrimination in child welfare practices. These commitments centred around:

- keeping children out of court
- implementing Jordan's Principle
- compelling organizations, from a governance perspective, to behave better in relation to Indigenous children and families
- staff training and
- addressing funding inequalities.

Some participants emphasized that collaboration should be based on the model of mandated agencies, services and programs, which are operated by and responsible to First Nations, Inuit, and Métis communities. These agencies must be designed, controlled, and led by First Nations, Inuit and Métis nations themselves as a form of sovereignty. An example was highlighted where a Mi'kmaq Nation's delegated authority over child welfare has led to positive, concrete changes. The enabling legislation included 25 amendments that support Mi'kmaq specific services, where, prior to the negotiations with the province, no such provision was made. Through tough conversations and negotiations, a common vision was developed by the partners at the table that supports a central role to be played by the community in the delivery of child welfare services.

The model of Indigenous-control over child welfare contrasts with some current practices, where, for example, risk assessment models or legally binding foster care agreements imposed by provincial governments disrupt processes of developing jurisdictional control by Indigenous authorities. This hierarchal imposition of power over the lives of children and families is the antithesis of culturally relevant service delivery and needs to cease.

Participants emphasized that youth must feel loved and have an opportunity to maintain their cultures, languages and identities. Important traditional practices that connect Indigenous people to the land, such as holding feasts and ceremonies were highlighted. The role of women as leaders must be reclaimed. An example was provided of women Elders teaching young women traditional practices and supporting their efforts as young parents.

It was underscored that support should focus on empowerment of families, rather than the current focus on apprehension. This must include teaching parents how to take better care of their children, and supporting community organizations to do this important work. It must also include culturally based programs that involve Elders teaching traditional skills. The legacy of the residential school system must be addressed. For example,

alleviating poverty is an important objective. An example of such efforts was highlighted by the Manitoba Métis Federation, which pays for the prescriptions of any Métis citizen who makes less than \$21,000 per annum. They also have a firewood support program to provide firewood to Elders to assist with managing Hydro costs. Another example of empowerment is an Inuit-led organization in Baffin Island that provides healing sessions and culturally relevant wellness programs, as well as operating a heritage and research centre. This work is not solely dependent upon federal funding because it receives income from a hotel that it operates.

The Family Group Conferencing model employed by the Ma Mawi Wi Chi Itata Centre was highlighted. This model has been blessed by the Maori (New Zealand Aotearoa) as an Indigenous-led model that transfers the decision-making about the care and protection of children to an entire family, with the support of mandated and non-mandated services. This has led to better outcomes for children and families. Children are returned to their families in a much shorter period of time.

It was emphasized that non-profit Indigenous led-organizations must be supported to provide services to Indigenous families, which can directly meet the complex needs of urban Indigenous people, from an Indigenous traditional cultural and values-based perspective.

WISDOM THROUGH GENERATIONS:

Advice for Canada: A conversation with the Grandmothers

Photo: Fred Cattroll



In this session, Minister Bennett, three Grandmothers and two youth had an armchair discussion, where the Grandmothers and youth provided advice to the Minister based on the wisdom they held.

The Minister started by acknowledging that the rights and well-being of Indigenous youth and children need to be the focus, in a system that has thus far failed to work, referencing the *United Nations Declaration on the Rights of Indigenous Peoples* and the theme of the Truth and Reconciliation Commission: For the Child Taken, for the Parent Left Behind. This theme motivates the Minister every day to effect change, towards a system where

children and youth have the opportunity to know their language and their culture, to be confident on the land and to be proud Indigenous citizens.

It is important to recognize the crucial role played by Grandmothers, in loving and supporting their grandchildren. Minister Bennett stated that she and Minister Philpott are fully committed to stopping the ongoing “Millennial Scoop.”

Photo: Fred Cattroll



The Elders and youth talked about their experiences as children in care, as advocates and as Grandmothers. One youth shared her experience of alienation from her community and culture when she became a permanent ward at age seven. She had the opportunity to attend a homecoming in her community and through this, gained connections with a Grandmother and family members. This led to a personal cultural revelation, which had a very positive impact on her life.



Another youth recounted her experience of coming from a family with herself and seven siblings, who were all placed into care and several of whom suffered abuse, including herself, while in care. Her extended family struggled with dysfunction, including alcohol and drug abuse. She too struggled with these issues, rooted in her lack of self-confidence. Making connections with her Métis Council led her to learn about her culture, to access a support program, and to find Elders who taught her, loved her, respected her and believed in her. As a result, this youth found “a better way to live.”

A Grandmother talked about the importance of addressing historical and inter-generational trauma caused by the residential school system, where parents did not know how to parent because they did not have the experience of being parented, referring to Senator Sinclair’s statement that Child and Family Services is an extension of the colonial Residential School System. An Inuk Grandmother shared her experience of forced dislocation of her community, which led to an alienation from traditional hunting and gathering, living off the land. This also led to violence, addictions, youth suicide, and large-scale trauma in her community. Still today, an inadequate level of service for those suffering from inter-generational trauma has led to high levels of suicide. She emphasized that the Ministers need to stand beside the first people, invest in them and believe in them, to get to the root of the problem.

Too often, Indigenous children who age out of care find themselves homeless or in the prison systems. Women’s knowledge about the sacredness of life has to be taught by the Grandmothers, for young women to regain their roles as mothers and to heal spiritually and emotionally from the trauma they have suffered. There are still too many stories of babies taken from their mothers who never get to see what their babies look like. Customary care, kinship care, through ceremony, needs to be practiced.



A Grandmother gifted Ministers Bennett and Philpott with tobacco and sage, entrusting them, and reminding them, to live up to their sacred commitments to the children. A skirt was presented to Minister Bennett to gift her, representing her role as a female.

A common theme was the importance of reclaiming languages of First Nations, Inuit and Métis peoples, because the ways of life and laws are rooted in these languages. As languages are reclaimed, involvement in the child welfare system diminishes. Indigenous laws are inherent within Indigenous languages. Learning one's culture and language can make a huge difference in developing a secure sense of self.

Wise advice from the panellists emphasized the need for prevention. This included:

- supporting the development of education systems controlled by Indigenous peoples, which are a form of healing
- addressing the high rates of suicide and addictions, by investing in people and instilling self-esteem and self-confidence and
- addressing the socio-economic issues related to poverty, housing, health, lack of access to water, and inadequate infrastructure.

Legislative reforms are needed that respect and promote the rights of Indigenous peoples to lead the system and develop standards and practices that reflect Indigenous laws and cultural practices. These cultural practices involve ceremony when a child is placed in the care of a different family. This is an honour and a sacred role to be celebrated.

Grandmothers called on all men to step up as caregivers, and to stop the violence against women and young girls in the community. The Grandmothers emphasized that community members have a responsibility to support children and youth, to show them love, and to reaffirm their identity and provide them with an opportunity to be on the land and experience their cultures and languages. A youth spoke about the positive effects of such efforts and of relationships with Grandmothers, referring to this process as getting “kookumized.”

The Ministers were urged to take the time to listen to the stories that Indigenous people have to share. Through these stories, a better understanding of the experiences, cultures and worldviews of Indigenous peoples can be gained. In turn, insight into the solutions can be attained. Reform requires a change in thinking.

Minister Bennett closed by acknowledging that she was honoured to witness the amazing, courageous, wise women sharing their stories today and that, on behalf of herself and Minister Philpott, she acknowledged that they have an obligation to these women. This includes changes to ensure the healing begins and that the needs of every Indigenous person related to housing, infrastructure, health, education and a secure personal, cultural identity are in place throughout their life cycle.

Looking to the future of Child and Family Services



Executive Director Cindy Blackstock of the First Nations Child and Family Caring Society of Canada began by honouring the children, noting that the second anniversary of the Canadian Human Rights Tribunal decision would be the next day. She also reminded participants that Jordan River Anderson passed away 13 years ago, when he was three years old, and stated that the adults have failed. This must change, and the adults must demonstrate to the youth that they are doing better. The focus needs to be on providing more resources to implement the key recommendations, including the compliance orders of the Canadian Human Rights Tribunal and the full implementation of Jordan's Principle. It means ensuring adequate resources are secured in the Parliamentary Budget. This requires Parliamentarians to direct the Parliamentary Budget Office to cost out all aspects of implementing Jordan's Principle as well as those costs related to providing good education and clean water.



President Rebecca Kudloo of Pauktuutit spoke about the importance of improving outcomes for children and families, reversing the effects of trauma to return to a state of wellness. She outlined the challenges in Inuit communities, including addiction, violence and child sexual abuse. Solutions to these challenges include multi-year funding for child welfare services and provision of training for Inuit social workers in the north, rather than relying on outside counsellors and therapists who do not know the language, culture or families.

President Melanie Omeniho of Les Femmes Michif Otipemisiwak emphasized the importance of re-instilling pride in Métis children by bringing them home, supporting their identity as Métis, and asserting Métis control over taking care of Métis children. Collaboration over the long term between Métis and federal and provincial governments is required to collectively find solutions. More gatherings such as this one are required.

Family Advocate Cora Morgan of the Assembly of Manitoba Chiefs First Nations Family Advocate Office emphasized the need for prevention supports and resources, immersing First Nations children in healing through traditional, culturally appropriate ways. First Nations control over child welfare as well as addressing housing, water, poverty, health and education are critical steps of reform. Ms. Morgan set out a vision for generations from now, whereby the effects of the Sixties Scoop have been remedied, through the collective work of every participant, to overcome the current realities. Right now, every day, children are losing the value of life through their experiences in care. There is enormous suffering that needs urgent attention. Reform can be achieved through commitment to direct and immediate change.

Day Two: Friday, January 26th, 2018

Photo: Fred Cattroll



Elder Claudette Commanda opened the session with a welcome onto the traditional territory of the Algonquin Nation and a prayer, and with a reminder of the priority of children's well-being and the responsibility of all to honour and respect each other and work together. Harold Tarbell facilitated this session.

This session focused on Commitments of Action for Indigenous Child and Family Services. Statements were delivered by Minister of Indigenous Services Jane Philpott, National Chief Perry Bellegarde, Assembly of First Nations, President Natan Obed, Inuit Tapiriit Kanatami; Minister of Heritage, Culture and Families Clara Morin Dal

Col of the Métis Nation; Ontario Minister of Children and Youth Services Michael Coteau, Manitoba Minister of Families Scott Fielding, and Minister of Crown-Indigenous Relations and Northern Development Carolyn Bennett.

Minister Jane Philpott began by sharing reflections about the poignant stories she heard the previous day, where people emphasized the importance of bringing children home, keeping families together, supporting parents, and preventing future apprehensions from families. The Minister recounted some key messages, such as the current system producing lost souls, leaving youth who exit the system feeling broken in spirit, and youth feeling estranged from parental love and their birth culture, language and identity. The Minister recounted one youth's shared experience of being in 40 different foster homes from the age of 9 to 15, feeling stripped of his identity from the moment he walked in, leaving with a need to be taught basic life skills and to be nourished. The Minister shared that 52% of children in foster care are Indigenous. These realities call on everyone to urgently reform the system. True partnerships are imperative to this work.

Photo: Fred Cattroll



The Minister introduced the Government of Canada's Six Commitments to Action, noting that in terms of current status, the first commitment (fully implementing the Canadian Human Rights Tribunal's orders, including Jordan's principle) is well underway.



Other action points are:

- the commitment to working with partners to shift programming focus towards prevention and family reunification
- supporting communities to draw down jurisdiction in Child and Family Services
- co-developing federal legislation to recognize rights
- accelerating work of technical and tripartite tables and
- moving forward with specific work with Inuit and Métis partners.

Minister Philpott also addressed funding reforms, noting that Sandy Bay First Nation in Manitoba is effectively delivering projects through block funding. In addition, she said that funding commitments must be more flexible, be at higher

rates and be accompanied by policies to fund actual costs for prevention services. She shared her own personal experience as a mother, noting that nothing is more important to her than her children and her family. She has had the experience of losing one of her children at an early age, which gives her an appreciation for each child and each parent who endures unnecessary separation.

National Chief Bellegarde began his remarks by thanking Minister Philpott for her commitment and passion to fix a system in need of repair. He reflected upon the first day's discussions, noting that there is broad diversity across Canada and solutions must reflect this diversity. Processes that unite rather than divide must be established, such as respecting the differences among First Nations, Inuit, and Métis peoples, and territorial compared to provincial governments.

National Chief Bellegarde committed to urging establishment and formalization of bilateral or trilateral processes. In terms of systems, he noted the importance of developing communication systems that interact with each other and capture information currently missing (like moves to and from cities). He emphasized that collecting accurate data and fully implementing Jordan's Principle are straightforward solutions that can be done right now. He noted that, in terms of First Nations laws and jurisdiction, on- and off-reserve needs must be examined.



Photo: Fred Cattroll

Chief Bellegarde emphasized that there have now been numerous reports:

- the Hawthorne Report
- the Penner Self-Government Report
- the Royal Commission on Aboriginal Peoples
- the Truth and Reconciliation Commission of Canada's 94 Calls to Action and
- the National Advisory Committee's report on Child and Family Services.

The answers are set out in these reports. The Canadian Human Rights Tribunal has issued three binding decisions on children. National Chief Bellegarde acknowledged the leadership demonstrated by the federal government on this human rights crisis. He urged provincial and territorial governments to commit to act in partnership, without the need for further filing of human rights complaints across provincial and territorial jurisdictions. Chief Bellegarde concluded by inspiring participants to focus on the children, and to unite rather than divide, in all efforts undertaken to create positive change.

Photo: Fred Cattroll



President Natan Obed began his remarks by recognizing the efforts of all Indigenous peoples in attendance, the representatives who gave a lot during the first day's discussions for the benefit of their people. He expressed that it was humbling to be participating with people who have done so much for those most vulnerable in our society, and with those who have dedicated themselves to telling their stories. He stated that when a personal story is told, the person has a real expectation that it will be heard by those that have power to change systems; that's the power of this human experience, listening to young people who have gone through care. He reflected that these individuals are not telling stories just to be strong; they are telling them to have a positive impact on children in care now.

President Obed stated that the discussions at this meeting focus on one agenda: what all partners can do to strengthen the child welfare system. While there are limited resources, structural changes can be done through resolve, hard work and a sense of collaboration. This can include changing perceptions that communities have of leaders of public governments. When this happens, people who tell their stories will feel as though with this issue, a corner has been turned and real change will occur. The first step will be to form partnerships together that go beyond political challenges with respect to Indigenous peoples and governments working together.

President Obed proposed to convene an Inuit leadership table with public service delivery jurisdictions, including Nunavut, Québec, Newfoundland and Labrador, Manitoba and Ontario. Since Inuit live throughout the country, it is important that any legislative or policy reform on child welfare be inclusive of a distinctions-based approach to meet the needs of Inuk children in care.

He highlighted the best practice employed by British Columbia, where care plans are created for Inuk children in care, demonstrating an informed and proactive approach to ensuring the rights of Indigenous children are upheld regardless of residence. He closed by noting that there is a great willingness among all the partners to work together, and move beyond fears that people have of one another and disputes at other tables. The task is to build upon the words spoken at this meeting, to create an unbroken link between what people have told us and the work we do together to change those realities.



Minister Clara Morin Dal Col began by thanking Minister Philpott for bringing everyone together. She stated that as National Minister for Culture, Heritage and Families of the Métis Nation, it is very apparent that the child welfare system has failed Métis children. She referred to studies demonstrating that children in care are likely to become unemployed, underemployed, incarcerated, addicted, or chronically ill. She emphasized that the consistent message has been that someone better than the Métis can raise their children, can administer better programs and services, and can better evaluate the safety and wellbeing of children. This is a dangerous, implicit message that the Métis are insufficient,

incapable caretakers of their own children. Minister Morin Dal Col emphasized that the reverse is true: they are the best caregivers for their children, and are the ones that can pass on their traditions, culture, and ways of life.

Minister Morin Dal Col identified promising practices, such as Métis agencies assuming full responsibility for their children, focusing on family finding and kin adoptions. She noted that many provincial and territorial child welfare services have improved, in terms of providing cultural education. However, reform is still needed in order to make it a priority to restore care of youth and children to Métis communities, through a distinctions-based approach.

She issued numerous specific calls to action. She called on all levels of government to recognize the Métis right to assume jurisdiction over Child and Family Services, building upon the national Government-to-Government relationship. This includes a right of the Métis Nation and its governing members to be fully consulted on any legislative changes or new policy approaches that will impact Métis children. She called on the federal government to recognize its fiduciary responsibility to the Métis, leading the way to support funding of Métis institutions.

She also called on provincial and territorial governments to support increased capacity of Métis family authorities to provide Métis-specific prevention services, including wrap-around supports in housing and justice. She called on all governments to work with the Métis to develop data standards and information-sharing agreements and, to ensure all child and family services identify Métis children as Métis and not as “other” in intake and reporting forms.

Minister Morin Dal Col recommended a National Summit on Métis Child Welfare Issues be held annually to hold partners accountable to making progress in protecting children. Inter-governmental work should involve the federal government, Ontario, the four western provinces, the Métis National Council and its governing members. Minister Morin Dal Col closed with a vision of hope that this crisis will be overcome through a commitment to long-term institutional changes from all orders of government. This will result in bringing Métis children and youth home, thus restoring the cultural connections that are fundamental to their well-being.



Minister Michael Coteau of Ontario declared Ontario's commitment to reducing children in care and improving outcomes, in partnership with Indigenous peoples and the federal government. Minister Coteau stated that in order to accomplish this, there is a need to shift to comprehensive prevention-based and outcome-focused care. It is necessary to address root causes like poverty, mental health, healthcare, education, and housing. Collaboration across governments must respect existing relationships with local Indigenous leadership and organizations.



Minister Scott Fielding discussed the need for line priorities to cut across Indigenous, provincial, territorial and federal jurisdictions. He noted the importance of taking action given the extensive evidence of the need to do so in existing recommendations and reports. Minister Fielding stated that Manitoba has the highest number of Indigenous children in care, a crisis indicative of failing Indigenous families for far too long, one that requires Manitoba's commitment to change.

A top priority for Manitoba is taking a community-based, prevention-based approach to re-unite families. He

stated that in Manitoba, there is currently a child welfare legislative review process being conducted. Further, the government provides outcomes-based funding in order to encourage effective solutions. He noted that Manitoba is encouraged by the meeting's focus on prevention, early intervention and addressing root causes, and that the funding sources in the federal budget will provide for work with Indigenous leaders and for the federal government to create a difference.



Minister Carolyn Bennett called for collective approaches that consider seven generations. She affirmed Minister Philpott's characterization of the situation as a humanitarian crisis, and noted that it is the "Millennium Scoop," a continuation of the same mistakes made during the residential school era. She emphasized that everyone has a role to play in reversing this, through the decisions made, and the way everyone works together. Minister Bennett agreed with Minister Morin Dal Col that this means overcoming settlers' thinking that others are better at raising Indigenous children, and that it is well-established this approach has failed Indigenous children.

Minister Bennett stated that the current approach is leading to children dying in care, aging out alone, and struggling from trauma. She lauded children and youth for courageously sharing their stories at this meeting that she will never

Photos: Fred Cattroll

Photo: Fred Cattroll

forget. She reflected on stories of children living in over 20 homes, unable to come out as LGBTQ kids, and being abused as farm hands while in care. In all of these accounts, the youth were speaking their truth to power. Minister Bennett reflected on the testimony of Grandmothers referring to deficits of spirit and the right of the community to look after their own children. She called for policies that understand pain, trauma and healing, and that are rooted in community (rather than apprehension), and that foster a secure personal cultural identity. She noted that at the Missing and Murdered Indigenous Women and Girls Inquiry, a common experience conveyed was that upon apprehension of their children, mothers spiral into danger. Further, both victims and perpetrators often shared a history of involvement with the child welfare system.

The Minister called for a re-distribution of funding away from lawyers and agencies towards children, families, and communities. She underscored the need for governments to answer the first five Calls to Action of the Truth and Reconciliation Commission. She urged partners to take seriously the *United Nations Declaration on the Rights of Indigenous Peoples*, emphasizing the right to self-determination and to freely determine their social and cultural development (article 3), the right to life and security of the person and the collective right to not be subjected to the forcible removal of children (article 7), the right to not be subjected to forced assimilation (article 8), and the right to belong to an Indigenous community (article 9). The Minister stated that it was commonly known that the current situation is in breach of these rights and, to overcome this, it will require all leaders to work in partnership to decolonize, work towards reconciliation and recognize section 35 of the Constitution.

The Minister reflected on land claims in Inuit Nunangat (the four Inuit regions in Canada) where implementation through public governments is not serving Inuit well, and plans are needed outside Inuit Nunangat to raise children in Inuit culture. She reflected on the message from the Métis Nation that their governments want to work on Métis specific policies so that their citizens are raised to be proud citizens. She highlighted best practices from the United States where policies of rejecting poverty as neglect have been put in place, supporting tribal governments with benefits to make this happen. She underscored that now is the time to reverse Canada's past relationship based on paternalism and patriarchy, by working together to find creative solutions outside the *Indian Act* for First Nations, Métis and Inuit. The Minister highlighted the need for legislation that recognizes all Indigenous rights, drawing down jurisdiction on Children and Family Services to a system whereby the First Nations, Inuit and Métis have the right to look after their children, whereby children and youth have rights to be raised in their language and culture, whereby communities have the solutions, whereby children come first and, as a result, thrive. In such an environment, the first five Calls to Action of the Truth and Reconciliation Commission of Canada will be honoured. She noted that data is needed to inform these changes. The Minister closed with her own experience as a doctor, attending over 2,000 births. She shared that she remembers each one of those births where a child welfare worker took the baby without letting the mother see the baby. She implored everyone to get to work collectively, on an urgent basis, to ensure this stops.

Following this session on the Commitment of Action for Indigenous Child and Family Services, a photo opportunity and media session was held.

This was followed by distinctions-based meetings: first, a First Nations leadership Meeting, followed by an Inuit leadership meeting, followed by a Métis Nation leadership meeting.

IN THIS SECTION

- First Nations leadership meeting
- Inuit leadership meeting
- Métis Nation leadership meeting

First Nations Leadership Meeting

Elder Mike Mitchell opened up the session with a prayer, inviting participants to speak with a good heart and a good mind. Harold Tarbell facilitated this session.

Minister Jane Philpott provided opening remarks, stating that through sharing collective wisdom, together, everyone can turn the tide, with the full support of the federal government. She re-affirmed the six commitments made by the federal government to address the over-representation of Indigenous children and youth in care in Canada.

These are as follows:

1	Continuing the work to fully implement all orders of the Canadian Human Rights Tribunal, and reforming child and family services including moving to a flexible funding model
2	Shifting the programming focus to prevention and early intervention
3	Supporting communities by affirming Indigenous rights and exploring options for co-created federal legislation on Indigenous child and family well-being
4	Accelerating the work of trilateral and technical tables that are in place across the country
5	Supporting Inuit and Métis Nation leadership to advance culturally-appropriate reform
6	Developing a data and reporting strategy with provinces, territories and Indigenous partners

National Chief Perry Bellegarde, Assembly of First Nations, provided opening remarks, acknowledging regional and tribal leaders and the diversity that they represent.

A/Regional Chief Kluane Adamek from the Yukon region stated that the time is now to stop any more children from going through the system, and to start working collaboratively to implement community-led reforms to the child welfare system.

Regional Chief Isadore Day from the Ontario region praised Minister Philpott for her eloquent, courageous statements that were based on a strong sense of conviction to change the realities facing First Nations. He also praised Ontario Minister of Children and Youth Services Michael Coteau, stating that the results in this jurisdiction speak for themselves. Furthermore, he acknowledged the efforts of Cindy Blackstock who initiated the Canadian Human Rights Tribunal complaint, successfully arguing that First Nations children welfare services are discriminatory in Canada. He urged for the funding increases set out in the tribunal decision to be met.

Chief Day urged the relationship among all partners involved in child welfare to be grounded in the Nation-to-Nation approach, noting that tripartite tables are an interim step. Authority of First Nations to develop citizenship laws must also be acknowledged. Related to this, child welfare agreements should be applied to all First Nations children, not just those with status. Child welfare equalization must apply to all First Nations, taking into account the factors of remoteness and changes in population ceilings.

Chief Day urged everyone to pay attention to special needs children. He also identified the importance of addressing the social determinants of health, including poor, inadequate housing, high unemployment, suicide, missing and murdered Indigenous women, violence, and high incarceration rates. The colonial laws and paternalist attitudes must end. Adequate funding is needed to end the crisis altogether and to effectively address the effects of the Sixties Scoop and the current Millennial Scoop, as well as recognizing First Nations jurisdictional control. Chief Day urged Canada to complete a forensic study to determine what level of compensation is required to meet the First Nations child welfare needs. He ended by thanking Canada for holding this meeting and urging everyone to take on their responsibilities carefully, in order to address the existing discrimination in the child welfare system.

Regional Chief Kevin Hart from the Manitoba region began by reminding participants of the sacredness of the gift of a child, created by a man and woman coming together. The child welfare system has torn families apart for generations. To remedy this, changes are needed not only to the child welfare system, but also to ensure adequate housing and educational opportunities within communities are available. He highlighted the link between the child welfare industry and women and girls who go missing because they are in harm's way. He views the child welfare industry as a legalized form of human trafficking. He expressed that each woman or child who goes missing weighs heavily on his heart. Loss of language and culture for Indigenous children in care must be addressed. Suicidal children end up in prison just to be kept safe. Children in care live in multiple homes, sometimes as many as 40 homes. When they age out of care, there are no supports available for them. Better solutions must be found. Chief Hart highlighted the importance of the recommendations in the National Advisory Committee's report¹, and the Six Points of Action Commitments made by the federal government. He urged all participants to create hope for Indigenous children, and to work hard to build a new system, rather than fix a broken one.

Regional Chief Craig Makinaw from the Alberta region spoke about the importance of Treaty rights. He urged participants to work together to break the cycle and empower First Nations people. He underlined that there is a lot of work to be done for First Nations families to bring their children home to their rightful place.

Chief Rupert Meneen from the Alberta region emphasized that First Nations never gave up their children. Rather, the history in Alberta demonstrates the failure of Canada and Alberta, and an interference with First Nations Treaty rights. Chief Meneen emphasized the need to restore First Nations' ways of life, and to reaffirm their identity, so that their children would no longer be lost to the system. He urged participants to commit to reducing the number of children in care and to develop and implement First Nations legislation. Chief Meneen ended by issuing an invitation to the Honourable Minister Philpott to visit Treaty Nations in Alberta as part of the development of this legislation.

Grand Chief Wilton Littlechild from the Treaty No. 6 region highlighted the commitments that have been made to recognize the rights of Indigenous children, including the *United Nations Declaration on the Rights of Indigenous Peoples* (articles 3 and 20 which relate to the right to establish Indigenous systems and institutions, article 31 on the right to sports and traditional games and article 37 on Treaties, Agreements and other Constructive Arrangements rights), and the *United Nations Convention on the Rights of the Child* and the Committee's General Comment No. 11. He also referred to the Organization of American States' *American Declaration on the Rights of Indigenous Peoples* and its protection of Indigenous children and families. Chief Littlechild has a children's advisory committee, and through it, a nine-year old boy gave this advice, "Tell them it's time to put our differences aside." When Chief Littlechild has spoken with gang members and youth who have tried to commit suicide, the message he receives is about the importance of sports and traditional games, and that they have suffered from a broken spirit that can only be healed by love. He ended by saying that children have a right to play and a right to be happy, to be cared for and to be respected. This is the collective responsibility of all leaders.

Regional Chief Ghislain Picard from the Québec-Labrador region underscored that the system is failing First Nations children and that the root causes needed to be addressed, the number one cause being poverty. Second, bureaucrats who have not understood First Nations people have caused failures of the system. In this environment, it is important that leaders share their expertise and successes to work toward a system that meets the well-being needs of First Nations children. This is what reconciliation is about. Chief Picard recounted a story of a 16 year-old Innu girl in Regina who had left her community in Labrador when she was 10 years old. Her family was very fond of her. When she left her community, she spoke her language and followed spiritual practices. She is no longer the same girl and is no longer coming back to her community. Her family has lost her. This young girl's story is not an isolated one. These are the types of situations that have led Chief Picard to request the governments of Canada and of Newfoundland and Labrador to institute an inquiry so that grandmothers, grandfathers, mothers, fathers, and children can be heard.

Chief Picard urged Minister Philpott to end the federal transfers to provinces who lose First Nations children and cause families to be broken apart, emphasizing that this is an important part of the solution.

Vice-Chief David Pratt of the Saskatchewan region stated that he views this meeting as a new beginning in the journey towards regional autonomy. The messages from Ministers Philpott and Bennett are encouraging, but will only be successful if the rate of Indigenous children in care is reduced (83% in Saskatchewan) and the rate of Indigenous children who complete high school education (60% in Saskatchewan) is increased.

Chief Pratt stated that Saskatchewan First Nations have had authority over child welfare since 1993, and have the solutions and expertise. However, they lack the funding required to implement these solutions. Chief Pratt called for prevention measures to be adopted, along with the Spirit Bear Plan by Cindy Blackstock and the recommendations contained in the National Advisory Committee report.

He encouraged the Ministers to ensure the parliamentary budget office reviews the federal government spending in child welfare. He invited the Ministers to attend a Special Chiefs' Assembly in March where a report on children's well-being will be issued.

Chief Cheryl Casimer from the British Columbia region spoke from the perspective of being a mother and grandmother, and having experienced the residential school system and the child welfare system. Chief Casimer indicated that the timing for talking was over and the time for action was now, tabling a document with [21 recommendations](#) PDF Version (73.5 Kb, 3 pages) that complement the Six Points of Action made by the Government of Canada. Actions that are required must include:

- reforms to the provincial legislation and child welfare system
- integration of Indigenous legal systems and laws into provincial legislation
- immediate release of prevention funding
- elimination of intervention and apprehension policies and
- the development of alternative funding models to meet the needs of First Nations in British Columbia.

Further, First Nations must have a say in transfer agreements. Chief Casimer closed by reminding participants that currently, somewhere, a child is contemplating suicide, while another child is contemplating hope: the future is now.

Chief Prosper from Nova Scotia highlighted a legislative initiative in Nova Scotia that has resulted in 25 amendments to the provincial *Child Services Act*. He highlighted the lack of rights of Indigenous people and children involved in the child welfare system. Yet, the role of community in creating solutions is inspiring. Chief Prosper has a vision whereby Mi'kmaq child care laws are recognized through the legislative amendment process.

Next, several Ministers spoke.

Minister Pauline Frost from the Yukon stated that she comes from a community burdened with the conditions outlined by the Chiefs. In the Yukon, where there are 11 self-governing Nations, she and her colleagues are working hard to implement best practices, and she urged the federal government to work with her region in this area, given that Yukon falls under federal jurisdiction. Minister Frost indicated that the discussions over the past two days have underscored that collaboration and change must happen at the community level, where the solutions lie. Change must happen in the areas of housing, education and health and well-being, and must involve all relevant federal departments. Remoteness is a big factor in the Yukon and thus, solutions cannot be based solely on population models.

Minister Frost closed by indicating that she came “out of the system,” and emphasized that it takes the whole country to remedy the conditions, which must be based on jurisdictional solutions. She stated that their values and practices carry them through life, and that they are ready for action and to take ownership and responsibility.

Minister Lucie Charlebois from Québec stated that she is responsible for the protection of youth in Québec. As a mother and grandmother, she is very touched by the stories she has heard at this meeting, and is very concerned about the over-representation of Indigenous youth in care. Her government has been meeting with Indigenous leadership, including First Nations leadership, about the changes needed. In every community the Minister visited, Indigenous women spoke about the need for reform in child protection. This includes modifying the civil code and the *Child Welfare Act* in partnership with First Nations communities. It includes finding placements for children who need care within their own communities, to ensure these children do not get lost in the system.

The Québec government has an action plan to address employment, health, education, criminal justice and other social causes of over-representation of Indigenous children in the child welfare system. The Minister recognizes that First Nations and Inuit communities must lead these changes, in cooperation with the federal government. She stated that additional funding from the federal government is required to eliminate poverty, improve housing conditions and address homelessness facing Indigenous communities, particularly youth.

Minister Lisa Dempster from Newfoundland and Labrador indicated that she agrees with Minister Bennett's statement that governments must work closely with Indigenous communities. Minister Dempster referenced a statement that, "Every child is only one parent away from becoming a success." She highlighted her province's review of the *Child Care Prevention Act*, where the province has worked in close collaboration with Indigenous partners, increasing youth services to age 21 and providing wrap-around supports. The province also has implemented cultural connection plans, which must be put in place for every child who is in care. The Premier has also signed a memorandum of understanding with the Regional Chief to conduct an inquiry, to which she invites the federal government to be a full party as well. Minister Dempster emphasized that if children are not safe, nothing else matters. She underscored that her government is participating with the intent of "changing the dial on child protection."

Minister Tina Mundy from Prince Edward Island stated that this meeting is a historic event whereby the federal government is making child welfare a priority by calling everyone together to the table. She noted that Prince Edward Island Chiefs have an unwavering commitment to their communities. Her province has a protocol with the Mi'kmaq Confederacy that offers family support and services to youth, based on prevention, protection, and progress, and grounded in culturally safe conditions.

Minister Mundy stated that everyone agrees that the first priority of all must be the welfare of our children. She recognizes that healing requires breaking down barriers, referencing Cindy Blackstock's statement that, "We need to honour all our children by stating that we will do better. We're here together today for our children tomorrow."

Inuit Leadership Meeting

The Inuit leadership meeting was opened with a prayer from Elder Sally Webster. Marie Delorme facilitated this session.

Minister Philpott thanked participants for travelling great distances to attend this meeting. She stated that today's meeting provides an important opportunity to hear the perspectives of Inuit leaders about how changes can be made to ensure that Inuit can raise Inuit children, thus ensuring they know and are a part of their Inuit culture. She stated that the Government of Canada is here to support efforts to make this a reality.

President Natan Obed, Inuit Tapiriit Kanatami, opened by stating that the Inuit homeland, Inuit Nunangat, encompasses 35% of Canada's landmass. Inuit have land under four land claims and co-manage in areas such as wildlife, land use and water. The renewed relationship with the Government of Canada represents the opportunity for increased jurisdiction over policy space in the North, the Atlantic and Québec. In this regard, social equity requires a change in the basic ways that funding is allocated to the regions, not only for child welfare but also to address poverty, food security, and child sexual abuse. President Obed noted the challenges with data collection related to creating comparable data for advocacy and service delivery, and for measuring success across the regions.

However, he emphasized that if Inuit and the federal, provincial and territorial governments can arrive at a common understanding, these challenges can be overcome. There are two principles that can lead to this: committing to supporting one another, and agreeing on a common definition of what collaboration means.

President Obed stated that the Government of Canada's Commitments to Action require some clarification, such as Jordan's Principle and whether it applies to Inuit. This first commitment states that Jordan's Principle will inform the First Nations Child and Family Services. The commitment, which represents significant policy advancement, does not specifically include Inuit. He asked whether this principle is meant to apply to Inuit.

Minister Joe Savikataaq from the Nunavut Territory explained that approximately 85% of Inuit live under the Nunavut land claim, across 25 communities. The Nunavut Government is self-determining but does not have the resources for infrastructure or human resources, which creates a barrier to effective delivery of child welfare services. Nonetheless, the Nunavut Government is committed to reducing children in care through prevention-based support services for Inuit children and families, as required under the *Inuit Child and Family Services Act*. Minister Savikataaq distinguished poverty and neglect, noting that families who struggle with poverty are doing their best with what they have. The Poverty Reduction Roundtable co-chaired by Nunavut is a best practice in terms of working better together, increasing community decision-making, skills development, health and well-being, food security, access to housing, strengthening local economies and improving income assistance. Minister Savikataaq emphasized the importance of implementing Inuit-specific approaches to family protection, such as parenting programs for young parents that include teachings about the language and culture, and an Inuit suicide prevention plan.

President Rebecca Kudloo, Pauktuutit Inuit Women of Canada, outlined the role her organization plays in providing frontline services, as well as prevention through advocacy and awareness training. She emphasized that as Inuit leaders, it is their collective responsibility to be the voice for the children, who are the most vulnerable.

Minister Charlebois from Québec spoke on behalf of Nunavik, located in the northern third of Québec, which falls under the jurisdiction of the James Bay Cree. She highlighted the enormous needs related to inadequate, crowded housing, lack of legal services, and high rates of suicide and drug and alcohol abuse. There is also a requirement to provide cultural sensitivity programming to overcome discriminatory attitudes of non-Indigenous workers in child welfare. To meet the immense need, Minister Charlebois underscored that while Inuit in Québec have taken over control of finding solutions, collaboration with the federal government to enhance existing partnerships with Québec could be valuable in meeting the high level of need identified.

Minister Philpott responded to President Obed's query on the applicability of Jordan's Principle to Inuit children. She noted that while Jordan's Principle and the Canadian Human Rights Tribunal case were applicable to First Nations, the underlying principle that jurisdictional disputes should not interfere with the care of children applies to all Indigenous Peoples. The Minister reflected on the many references during the first day addressing poverty and housing issues. In terms of data, she referenced the work of Nico Trocmé, from McGill University, that has found that too often policy decisions are made without understanding the problems and getting the right kind of data. She noted that this reinforces President Obed's observation that there is still so much that is unknown. The Minister proposed to examine whether shifting income supports currently provided to foster care families to those families in need could lead to prevention. The Minister endorsed Québec's emphasis on self-determination, and acknowledged the need to educate the broader Québec population to adequately support children aging out of care, to prevent them from being homeless in urban areas, such as Montreal, because they do not have the supports they require.

President Duane Smith from the Inuvialuit Regional Corporation identified the strong need for a national Inuit health survey to be conducted on a consistent basis, which would inform advances in Inuit health in general and in relation to child welfare services in particular. Another important issue is Inuit identification cards, which are not always accepted outside the North, causing problems for families trying to access support services. The Inuvialuit Regional Corporation provides students with supports while in school (including tutoring, counselling and breakfast programs), early childhood programs, land-based learning programs that involve the Elders, and implements a National Inuit Suicide Prevention Strategy. Yet, much more is required, including improved, ongoing communication between the Inuit and federal governments. Mr. Smith urged all leaders around the table to be accountable to achieving the required outcomes identified during this meeting, suggesting another meeting in five years to measure what successes have been achieved to improve and benefit the lives of Inuit children. This crisis calls for innovative ideas through collaboration.

Minister Abernathy from the Northwest Territories government emphasized that it is timely and important to work together, recognizing partners and being partners. The Northwest Territories has been reforming its child welfare system for many years, finding ways to build allies and stronger families – to move away from apprehension to prevention. In a population of 41,000, of which 51% of the population is Indigenous, 96% of children either in care or receiving supports to prevent apprehension are Indigenous. Twenty-one percent of these children are Inuit. In the past year, this jurisdiction has seen a decrease in the rate of apprehension but an increase in active files, whereby families receive support for housing and food (including rental payments) as well as for facilitating relationships and accessing treatment programs for parents when required. Importantly, all children involved in the system receive supports, and 78% of these are in homes or communities. Of the 580 permanent adoptions that have occurred since 2007, 78% are custom adoptions whereby the children stay in the North with families or relatives.

Minister Abernathy confirmed his government's continued commitment to work in partnership with Inuit to draw down jurisdiction over child and family services, which is part of self-government and land claims negotiations. He urged the federal government to recognize that in order to improve the lives of Indigenous peoples in the North, the funding formulas must be different to reflect regional realities.

Minister Dempster from Newfoundland and Labrador highlighted her government's collaboration with the Nunatsiavut Territory. Minister Dempster highlighted the importance of shelters for women and supporting children to stay with their families. Her government is currently reviewing the *Child and Youth Care Protection Act*, with an emphasis on keeping children in the communities and with kin wherever possible, including through service agreements with the Nunatsiavut government when foster homes have been exhausted. Another area of improvement has been the establishment of staff housing for remote areas and staff training on the history of Indigenous peoples in the North, including residential schools. In conclusion, efforts have focused on collaboration, recruitment, retention and prevention.

Minister Philpott emphasized that the federal government is interested in feedback about federal legislative models going forward, recognizing that this is an ongoing conversation beyond today's meeting, and emphasizing that there is no intent to interfere with land claim arrangements. The purpose of federal legislation is to recognize the right of Indigenous Nations to operate child welfare programs.

President Obed responded that while good practices have been highlighted, the fact remains that there is a massive over-representation of Inuit children in care, and effective collaboration is key to finding solutions. This includes data sharing agreements, and sharing cultural competency training materials.

A representative from Nunavut Tunngavik recounted her experiences with the child welfare system as a child, whereby people lost their independence and control over their lives. She expressed her appreciation for the path forward of self-determination and of positive, holistic solutions to keep children within their homelands. In her territory, child protection remains a concern and there is a need to focus on prevention and education, supporting parents rather than discarding them as “bad parents.” She emphasized the need to heal and to reclaim “Inukness,” the value system, the family system and the clan system of Inuit, in order to be happy again as a collective, as a community, and to end lateral violence, competition, or being critical of each other because of differences. She urged the leaders to work together, with an emphasis on compassion and being productive human beings.

Minister Conroy from British Columbia noted that her jurisdiction does not have a large population of Inuit children in care. In general, the province is strengthening partnerships with Indigenous peoples, providing culturally relevant training and support to families aimed at prevention. Minister Conroy suggested solutions whereby when Inuit children come into care in British Columbia, contact would be made with Inuit Tapiriit Kanatami to develop cultural plans for the child and the foster family involved. The Minister emphasized that the issue of poverty must be addressed if prevention is to be achieved, recalling an example whereby a family’s water system had broken down and, rather than apprehend the children, the government invested in a new water system for the family. This exemplifies the approaches to prevention that need to be adopted.

A representative from Makivik Corporation emphasized that the core issue in reforms is how to alleviate the pain and anger parents feel when their children are taken away. The current approach must be replaced with culturally focused prevention initiatives and solutions, leading to culturally strong Inuit communities. This will require dialogue, collaboration and support in order to learn from best practices, such as those programs related to suicide prevention and addictions that Inuit have already begun to implement. This representative also highlighted Family House as a best practice that prevents youth from going into foster care.

Minister Coteau from Ontario concurred with President Obed’s suggested solutions related to data collection, cultural competency and building better policy directives through collaboration. Minister Coteau indicated that his jurisdiction has significant experience in anti-racism, standardizing data across governments (including in the area of child welfare), putting in place cultural competency measures emanating from legislative reforms, and implementing a children and youth strategy in Ontario. Minister Coteau issued his government’s commitment to work with all partners on the journey ahead.

A representative from Nunatsiavut stated that this meeting is a great first step to addressing a longstanding situation of terrible suffering resulting from children and grandchildren being removed from their homes and communities. This crisis is rooted in the history of dispossession of Labrador Inuit from their homelands, and that of the residential school system, two events that have had dramatic effects on the spiritual and cultural well-being of Inuit. Removal for treatment of tuberculosis has also been a factor. There is an urgent need for education of Canadians to facilitate understanding of why the Western system does not work for the Inuit. This representative sought clarity about who will be involved in the reforms planned, and underscored that long before there was a Canada or Newfoundland and Labrador government, the Nunatsiavut community lived in harmony with the land. This reality needs to be recognized and cultivated when finding solutions to the child welfare system.

A National Inuit Youth Council representative highlighted three priority areas of change. First, there is language and culture, which relates to addressing trauma and healing, and instituting traditional practices. Second, there is a need for suicide prevention and addressing violence, addictions, social services, physical health, and mental health. Third, there is a need to support youth empowerment and education, including promoting motivation, addressing housing/

homelessness, and cultivating youth spaces, youth group development, youth committees and youth in politics. It is important to work with the youth to ensure the cycle of involvement in child welfare does not continue. This representative stated that while everyone has a vision for bettering their communities, the biggest barrier is a lack of resources to implement that vision.

Minister Savikataaq from Nunavut offered to coordinate a follow-up meeting amongst officials from the Nunavut Ministry, the Northwest Territory Ministry as well as from Nunavut Tunngavik Incorporated, Inuit Tapiriit Kanatami and Indigenous Representative Organizations, that will focus on data collection and cultural programming for out-of-territory care and Inuit-specific social work programs.

Minister Charlebois from Québec offered to share their government's data collected up to 2004, as well as research completed in 2017 (once available) in collaboration with Laval University. This research could inform services aimed at addressing physical and mental health, reducing poverty and increasing access to housing.

Minister Abernathy from the Northwest Territories reported that, for the first time, the three territories have collaborated with the federal government on a pan-northern data project to collect and report on family and child indicators. They have also developed a new Child and Family Services management tool. This work can be shared with all leaders.

President Obed thanked all participants for their respective best practices, which provide good ideas as the collaborative efforts continue in the future. President Obed noted that there is a Crown Partnership Committee meeting being held at the end of March 2018, and that although child welfare was a joint priority area, related accomplishments have not been high enough. It will be important to elaborate concrete efforts in the area as part of the 2018-2019 Workplan. All inter-governmental tables require an Inuit specific table, particularly with regards to the health survey, which can be utilized to provide information on the health of the Inuit population, as well as intervention options and jurisdictional issues, ensuring all Inuit children have the best possible care.

Minister Bennett issued an assurance that all the leaders' input into the Arctic Policy Framework is needed. Following up on Mary Simon's report on poverty, there are suggestions for a University of the Arctic as well as building capacity for Inuit social work programs and public servants. Supporting young people to see themselves in leadership roles, as demonstrated at today's meeting, is a huge step forward.

Minister Philpott highlighted the valuable conversations held during today's meeting, a collaboration that has never occurred in the past. She concurred with the idea of reactivating child welfare as a priority issue of the Inuit Crown Partnership Committee. There is also a need to create space for the federal, provincial, territorial and Inuit governments to continue the collaboration initiated at this meeting, noting that feedback about the model to achieve this would be welcomed.

Métis Nation Leadership Meeting

The session opened with a prayer from Elder Maureen Delorme. Marie Delorme facilitated this session.

Minister Clara Morin Dal Col provided a synopsis of key outcomes from the first day's discussions related to Métis people, indicating that a diversity of views from people across the provinces was heard. The youth courageously shared their experiences about being separated from their families and communities. The Elders also shared their important experiences and perspectives.

The collective experiences of Métis conveyed a consistent message: "Recognize Métis jurisdiction through legislation. Establish protocols with federal government. Support Métis-specific intervention programs. Educate non-Indigenous Métis counselors. We are a distinct Nation."

Minister Morin Dal Col thanked Ministers Philpott and Bennett, stating that she believed the Métis Nation's voices have been heard at these meetings. She called on the provinces to join the federal government's Commitment to Action, noting that the transformation of Métis people begins at this meeting.

Minister Philpott thanked the participants for sharing their perspectives. She noted that one of the highlights for her was hearing the voices of the youth. The Métis youth were very eloquent. Second, she noted that there is interest in a follow-up meeting focusing on child welfare for Métis children, which she looks forward to participating in and supporting.

Vice-President David Chartrand of the Métis Nation began his remarks by thanking Minister Philpott for her openness. He issued a call for further dialogue at a National Métis Child Welfare Conference that will take place from March 26th to 27th, 2018 in Winnipeg. There will be youth, Elders and other experts. Mental health will be on the agenda. Vice-President Chartrand commended Manitoba for transferring jurisdiction to the Manitoba Métis Federation. However, the current provincial government has made changes that have a negative effect, such as requiring counsellors to have a Ph.D. in social work, rather than a Masters in social work. There are also disparities in funding that remain. The mandated Métis agency only receives a fraction of the financial support compared to others, with a calculated shortfall of \$21 million. Vice-President Chartrand closed by stating that promising changes will occur for the Métis Nation, and the solutions are inside the hearts of the Métis people, but the federal and provincial governments must support the programs required.

President Margaret Froh of the Métis Nation of Ontario commended Ministers Philpott and Bennett for their commitment to fundamental change, and for taking immediate action. Ms. Froh noted that the Métis community is a diverse community and thus, there is no one-size-fits-all approach. Ms. Froh also commended Minister Bennett's reference to child welfare issues as a section 35 rights issue. Further, if Canada and Ontario are to live up to their fiduciary obligations, and to their commitments to fully implementing the *United Nations Declaration on the Rights of Indigenous Peoples*, collaboration must be based on the principles of recognition, rights, respect, cooperation and partnership.

Ms. Froh noted that the Métis Nation of Ontario has a framework agreement in place with Ontario to recognize Métis rights and reconciliation, acknowledging Minister Coteau's role directly engaging the Métis in Ontario to build a better future for Métis youth. It is important that the Métis are now explicitly mentioned in the provincial legislation, and are no longer invisible. She emphasized the importance of all levels of government and every mainstream agency fully understanding who the Métis are, and that the Métis governments play a fundamental role in driving the agenda.

President Froh explained that her jurisdiction's infrastructure is extensive, with over 200 staff delivering prevention based services, rooted in a connection to culture and history, and empowering a strong sense of identity. She underscored the importance of addressing related issues, including justice, housing, health and mental health. She noted that on December 11, 2017 the Métis Nation of Ontario signed the trilateral MNO-Canada-Ontario Framework agreement to advance reconciliation, where all three levels of government agreed to make strategic investments, including in child care, early childhood development and child and family services. She closed by expressing that all youth need is to be loved. This contrasts with the current reality, as expressed by one youth that the current system serves as a machine from which children come out of the system more broken than when they came in.

Minister Michael Coteau from Ontario noted that Premier Kathleen Wynne has set the tone for a holistic government approach, based on stronger partnerships and a stronger system. The Minister noted that two additional elements are required. First, there is a need for an Indigenous child and youth strategy that identifies the Métis community and their distinct challenges. Second, while Ontario has new legislation that updates terminology to now include the Métis and to recognize systemic racism and colonialism, there is a need for directives and regulations that strengthens Ontario's work with partners. It is a matter of dismantling the old system and rebuilding it in a way that rests the authority where it should be.

President Audrey Poitras of the Métis Nation of Alberta thanked the Elder for the Opening Prayer, noting that the children are the future, to be nurtured, protected and loved, receiving traditional knowledge and teachings from their Elders and growing into proud individuals. She thanked Minister Philpott for calling the meeting, and for the information shared by participants.

Ms. Poitras emphasized that Métis children have the right to remain with their families and communities, and families have the right to care for their children. The first consideration in reforms is to facilitate Métis children staying within extended families, within Métis communities. This will require enhancement of kinship supports. Another area of reform is increasing Métis history, culture and structures into the curriculum, in consultation with governments and institutions.

President Poitras identified the need for:

- consultation and involvement in the expansion of current legislation that impacts the Métis
- delegation training delivered by Métis to all workers
- a very strong Métis historical cultural component in foster care training and
- supports and opportunities provided to all kinship families that are afforded to parents.

She underlined that there is a need to share best practices, and that research demonstrates that improved outcomes for children and families are directly linked to community involvement, control of service governance design and delivery, and culturally relevant programming. Recent agreements with Alberta and Canada that acknowledge a Nation-to-Nation relationship and include the area of Children Services set the context for moving forward together.

Minister Scott Fielding from Manitoba shared his government's plans for reform, involving a review of the current legislation. There is a legislative review committee – in place to frame and implement systemic changes to the *Child and Family Services Act* – that will be reporting to the Minister in March. This reform plan is substantial and involves early intervention and funding formulas applied to agencies, with a move towards block funding. Minister Fielding

explained that where children must come into care, how the province invests leads to the amount invested. Manitoba plans to introduce meaningful legislation in the next few months.

Minister Danielle Larivee from Alberta stated that the Métis in Alberta are moving forward with a reconciliation mandate, working with Indigenous communities to determine solutions identified by Indigenous peoples. Minister Larivee acknowledged Canada's commitment to be a strong partner. She stated that the goal is to reduce the number of children in care, and that culture is maintained when families are together. It will be important that the workforce reflects diversity and cultural understanding, and that services be delivered by Métis people. Minister Larivee commented that Alberta is the only province in Canada to have protected land-based Métis settlements.

A Métis participant from Alberta emphasized that the Métis have a responsibility and right to raise their own children. The participant explained that when their children are born, they are born into their land and their culture as an inherent part of who they are. The participant pointed out that too many children are “swallowed up” by the child welfare system due to poverty and the influences of a race-based, fear-based system. The answers lie in a culturally appropriate authority over child welfare that recognizes the right of the Métis to raise their own children. The Métis Settlements recently signed a memorandum of understanding with the federal government. The participant stated that colonization started the problem, and there will never be a day when colonization will fix it. The participant expressed hope that the commitments made so far will be inspired by comments made by the Métis.

Vice-President Gerald Morin from the Métis Nation of Saskatchewan reinforced the perspectives shared by the other Métis leaders. It is a starting principle that building on the Nation-to-Nation relationship is critical, and that the Métis Nation has a right to control jurisdiction over child and family services. Currently, many jurisdictions in the Métis Homeland do not have this mandate. Canada must respect its fiduciary responsibility. A distinctions-based approach is needed. Mr. Morin stated that solutions lie in strengthening accountability, developing and coordinating wrap-around services for families, and identifying Métis-specific data and best practices. Mr. Morin shared the challenges that the Métis Nation of Saskatchewan has faced related to transparency and the rule of law. These challenges have been overcome, and they have built a strong Métis Legislative Assembly with funding fully reinstated.

Greg Miller, Saskatchewan's Deputy Minister of Social Services, expressed the sentiment that, “Our children are messengers to the future.” Alongside their partners and learning from others across Canada, Saskatchewan is moving towards a prevention model aimed at keeping children with their families. Mr. Miller reflected on the many strengths and challenges identified. He agreed with Cindy Blackstock's statement that she does not want to see another report put on a shelf.

Jason Simmons from British Columbia reflected on the strong voices heard around the table at this meeting, with heartfelt discussions. Mr. Simmons noted that in British Columbia there are 500 Métis children in care, representing the largest percentage of children in care. He further noted that there is currently a disconnection between legislation, culture and nationhood. For example, there are only two agencies with delegated authorities. Solutions that are needed include more Métis-specific service providers, and recognition of the rights of Métis people. Mr. Simmons stated that he looks forward to working with the federal government. He closed by asking the Ministry of Children and Family Services to be guided by the questions: “Is it good for the child? Is it good for the family?”

Melanie Omeniho, President of Les Femmes Michif Otipemisiwak, noted that as an advocate for over 30 years, she has witnessed that what devastates mothers the most is experiencing their children being taken away from them. Ms. Omeniho stated that one message must be issued: while governments have talked about “reform, revising, and refitting,” what is needed is to deconstruct and to decolonize the existing system because it has failed Métis children. Every child who becomes lost or dies in care is one child too many. She invited governments to become friends, allies and partners of the Métis Nation, noting that it is the Métis who are working to improve the system for all of their babies.

Minister Carolyn Bennett emphasized that there is a line crossed when a child enters a system. She empathized with people who worry that someone will enter their house and take their child. It is important to examine the data to answer the question of how many children will never return. The Minister addressed the questions posed, “Is it good for the child? Is it good for the family?” by stating that the problem is universal: people need to know who they are. Apprehension is the last resort. She underscored that children are why everyone participated in the meeting, and held these important discussions. A vision of the future and a commitment to action through collaboration must lead to a better path forward.

The meeting ended with a Closing Prayer by Métis Nation Elder Doreen Bergum.

Key Areas of Reform and Recommendations

All partners agreed that the child welfare systems across Canada must be immediately reformed to end the crisis of unmet needs of First Nations, Inuit and Métis children, families and communities. This can only be achieved through:

- increased, flexible, directed funding
- effective collaboration through partnerships, transference of jurisdictional control and legislative reform and
- culturally appropriate, prevention-focused, needs based service delivery.

These areas of reform must be informed by reliable, comprehensive, disaggregated data. Below, these four areas of reform are examined.

It should be noted that there is overlap among these categories, and as such, the discussion on each area is to be considered together. Each section begins with reference to the relevant commitments made by the Government of Canada in its Commitments to Action for Indigenous Children and Family Services.

IN THIS SECTION

1. Effective Collaboration
2. Funding
3. Service Delivery
4. Data Strategies

1. Effective Collaboration

Effective collaboration is a central theme emerging throughout the discussions at the emergency meeting, centering around:

- [developing new partnerships or enhancing existing partnerships](#)
- transference of [jurisdictional control](#) from provincial, territorial and federal jurisdictions to First Nations, Inuit and Métis authorities.
- [legislative reform](#) and
- [recommendations](#).

Relevant Government of Canada Commitments to Action:

3. Work with our partners to support communities to recognize jurisdiction in the area of child and family services, including exploring co-developed federal legislation.
4. Participate and accelerate the work at tripartite and technical tables that are in place across the country in supporting reform.

Relevant Truth and Reconciliation Commission of Canada's Calls to Action:

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the *United Nations Declaration on the Rights of Indigenous Peoples*.
57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

a. Partnerships

Many participants across sectors emphasized the need to work in partnership to overcome the child welfare crisis facing Indigenous children and families in Canada through a concerted collective commitment to long-term institutional changes from all levels of government. This shift will overcome barriers to effective partnership development that have led to harmful results in the past. It will be necessary to support community-based programs and policies, where the solutions lie, rather than imposing solutions from outside the community. It was noted that collaboration across governments must respect existing relationships with local Indigenous leadership and organizations. Collaboration between agencies and communities must be undertaken in a holistic manner, and be rooted firmly in an Indigenous-led community-based approach.

A resounding principle articulated during the emergency meeting is the application of a rights-based approach to partnership development, based on the *United Nations Declaration on the Rights of Indigenous Peoples*, the *United Nations Convention on the Rights of the Child*, the *Outcome Document of the World Conference on Indigenous*

Peoples, the Organization of American States' *American Declaration on the Rights of Indigenous Peoples*, and section 35 of the *Constitution Act*. Many participants emphasized the importance of implementing the Truth and Reconciliation Commission's Calls to Action, particularly the first five that relate to child welfare and those that relate to using the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for action on reconciliation. A key marker of achieving reconciliation is the recognition, respect, protection and promotion of the human rights of Indigenous peoples, including Aboriginal and Treaty rights.

Section 35 of the Constitution requires governments to act in accordance with the Aboriginal and Treaty rights of Indigenous peoples, and requires the federal government to uphold its fiduciary duties to Indigenous peoples, acting in good faith and in the best interests of Indigenous peoples.

Youth who have been – or are currently involved – in the child welfare system have an important role to play in bilateral and tripartite partnerships, as their experiences and perspectives can inform strong solutions. Indigenous women's voices must inform changes, given the particular gendered impacts of involvement with the child welfare system, such as the alarmingly high rates of missing and murdered Indigenous women in Canada. The special needs of children with disabilities must be fully considered to ensure that their needs are no longer left unmet. Further, the needs and experiences of LGBTQ2S youth must be considered.

Existing seminal reports must inform partnership development in this area. These reports include:

- the Hawthorne Report
- the Penner Self-Government Report
- the Royal Commission on Aboriginal Peoples
- the Truth and Reconciliation Commission of Canada's 94 Calls to Action
- the Canadian Human Rights Tribunal's Decision on the First Nations Child and Family Services Caring Society and Assembly of First Nations Complaint and
- the National Advisory Committee's report on Child and Family Services, and the report entitled, *Indigenous Resilience, Connectedness and Reunification – From Root Causes to Root Solutions: A Report on Indigenous Child Welfare in British Columbia: Final Report of Special Advisor Grand Chief Edward John*.

It will be important to build partnerships that increase understandings among federal, provincial and territorial governments and public servants of the histories, Nations and realities of First Nations, Inuit and the Métis Nation, including the residential school system, the Sixties Scoop, land right violations (including forced relocations), and health challenges (such as tuberculosis). It is also important to understand the cultural, spiritual, social and political lives of First Nations, Inuit and Métis peoples in Canada. This approach will facilitate reconciliation and overcome the paternalism and patriarchy of colonial systems imposed upon Indigenous peoples throughout Canada's history.

b. Jurisdictional control

Discussions relating to jurisdictional control were rooted in recognition that the right of self-determination and self-government, consistent with the first principle of Canada's Principles to Respecting its Relationship with Indigenous Peoples issued in July 2017, requires transference of jurisdictional control² from federal, provincial and territorial authorities to First Nations, Inuit and Métis mandated child and family services agencies on a Nation-to-Nation, Government-to-Government basis. These agencies must be designed, controlled, and led by First Nations, Inuit and the Métis Nation themselves as an exercise of sovereignty. This will lead to recognition of Indigenous national laws, jurisdiction and processes.

Within existing provincial, territorial and federal systems, as an interim measure, First Nations, Inuit and the Métis Nation have rights to be fully consulted on any legislative changes, or new policy approaches that will impact First Nations, Inuit and Métis children. Furthermore, models exist whereby Indigenous legal systems and laws have been effectively integrated into provincial and territorial legislation. Related governance issues, such as the right to develop citizenship laws, must be acknowledged.

Discussions occurred about the need to reform the approach to transference of jurisdiction, from the current comparability approach utilized – which the Canadian Human Rights Tribunal found to be discriminatory in practice because it fails to meet “the distinct needs and circumstances of First Nations children and families living on-reserve, including their cultural, historical and geographical needs and circumstances.” Similarly, in negotiations related to transference to Inuit authorities, the unique needs and practices of the Inuit, including remoteness, are not considered. Likewise, the Métis Nation identified that reform is needed in jurisdictions where control has been transferred without adequate support for Métis kinship care and other culturally based practices. Thus, models of transference of jurisdictional control must include adequate financial support – and a shift from apprehension to prevention through culturally appropriate programming, to be discussed in greater detail below. Best practices where Indigenous, provincial, territorial and federal levels of government have agreed to make strategic investments, including in child care, early childhood development and child and family services, should be examined for application in other jurisdictions.

c. Legislation

It is clear that the time is now to work towards transferring jurisdictional control from the federal government to First Nations, Inuit and the Métis Nation through legislation, where this is not already in process. This can be achieved through bilateral agreements or co-development of federal legislation. It can also be achieved through tripartite agreements, involving provincial or territorial governments. The most appropriate model of legislative reform in each jurisdiction must be considered on a case-by-case basis. Many suggestions were brought forth during the emergency meeting that should be considered in a principled, strategic manner. This could be compiled into a proposed five-year timeline for jurisdictional control and legislative reform. The Government of Canada could take the lead, in partnership with First Nations, Inuit and the Métis Nation, and the provincial and territorial governments.

Legislative reforms are needed that respect and promote the rights of Indigenous peoples to lead the systems, developing standards and practices that reflect Indigenous laws and cultural practices, whereby First Nations, Inuit and the Métis Nation have the right to look after their children and children and youth have the rights to be raised in their language and culture. This is consistent with the *American Declaration on the Rights of Indigenous Peoples*. The federal, provincial and territorial governments must adequately resource such reforms, or they will not result in on-the-ground changes.

Further consideration of specific federal legislation establishing national standards on apprehensions of Indigenous children – as called for by the fourth Call to Action of the Truth and Reconciliation Commission of Canada – is needed. Another promising model is general federal legislation that provides self-determination, particularly self-government over child welfare, on a Nation-to-Nation basis as called for by the Royal Commission on Aboriginal Peoples. This could include the repeal of section 88 of the *Indian Act*. This could be part of a national action plan on implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*.

Lessons learned from existing examples of transference of jurisdictional control through legislative reform should be shared among First Nations, Inuit and Métis peoples, and provincial, territorial and federal governments. For example, where Indigenous controlled child welfare services exist, but non-Indigenous child welfare services circumvent their involvement until after apprehension occurs, this situation could be considered and overcome through specific legislative provisions or regulations aimed at preventing this in legislation to be developed in the future. Best practices can also be examined, such as, provincial laws that are based on Indigenous cultural traditions, and that prioritize protecting the family as the most effective way to protect the children.

d. Recommendations

Global Recommendations

It is recommended that all representatives who participated in the Emergency Meeting work towards the following goals:

1. Build upon the discussions at the emergency meeting by working in unity to honour the stories shared by those affected, and by developing partnerships that change the current realities facing Indigenous children, families and communities.
2. Ensure that partnership discussions, including tripartite and bilateral tables, related to Indigenous child welfare involve Indigenous youth representatives, cultivating youth group development, youth committees and youth in politics. The perspectives of Indigenous women, people with disabilities and representatives of the LGBTQ2S community should also be included.
3. Commit to an Annual National Summit on Indigenous Child and Family Services, where one-day distinctions-based tables are held for First Nations, Inuit and Métis Nation discussions, respectively, with the federal, provincial and territorial governments. A day could be focused on Indigenous Child and Family Services, profiling best practices related to partnerships, increasing First Nations, Inuit and Métis Nation jurisdictional control and legislative developments, funding arrangements, culturally appropriate, prevention-based, needs-based services, and data strategies. An annual summit could also allow for updates on the five-year timetable for transference of jurisdictional control that has been proposed.

This summit could also provide a mechanism to measure implementation of accountability measures put in place – and progress in the key areas of reform in advancing Indigenous child and family services, including full implementation of Jordan’s Principle. This would be consistent with the Truth and Reconciliation Commission’s second Call to Action which calls for annual reports on the number of Indigenous children in care, compared to non-Indigenous children, including the reasons for apprehension, the total spending on preventive and care services by child welfare agencies, and the effectiveness of various interventions.

4. Develop a model protocol agreement – or other mechanisms – on transference of jurisdictional control, to be formally entered into by all partners, including the First Nations, Inuit and Métis Nation leadership and provincial, territorial and federal governments. This model will be used as the basis of the collaborative development of distinct-based agreements for child and family services.

IN THIS SECTION

- Recommendations to the Government of Canada
- Recommendations to the Provincial and Territorial Governments
- Recommendations to First Nations
- Recommendations to Inuit
- Recommendations to the Métis Nation

Recommendations to the Government of Canada

It is recommended that the Government of Canada:

5. Take the lead on developing a five-year timetable for transference of jurisdictional control over the next five years for review by First Nations, Inuit, and Métis Nation leadership and by provincial and territorial governments, with a proposal to confirm agreement among all partners with the timetable by December 1, 2018. There could be provision for another five-year renewal, if necessary. This timetable would identify the type of bilateral or tripartite arrangement to be selected for each jurisdiction, taking into account the diversity of perspectives and needs. This could involve co-development of federal legislation. Provide financial resources for the participation of First Nations, Inuit and Métis Nation representatives in this process.
6. Implement a national youth strategy on child welfare, in partnership with First Nations, Inuit and the Métis Nation, that supports youth empowerment, motivation and education in breaking the cycle of involvement with the child welfare system.

Inuit Child and Family Services

7. In partnership with Inuit Tapiriit Kanatami, elaborate concrete areas of work aimed at improving child welfare services for Inuit children and families in the 2018-2019 Workplan of the Crown Partnership Committee. Attention can be focused on how to overcome identified issues, such as remoteness and related inadequate access to medical services and housing.
8. Seek out, in partnership with Inuit Tapiriit Kanatami, a university to enter into a tripartite partnership to develop an Inuit Social Work Program in the North aimed at building capacity for Inuit social workers and public servants. This could be a university located in the South that could commit the resources to offering satellite courses in the North.

First Nations Child and Family Services

9. Focus partnership development with First Nations on immediate policy reforms that can be achieved in relation to the Canadian Human Rights Tribunal decision and full implementation of Jordan's Principle, particularly in light of the very positive development of increased funding in the February 2018 budget.

Métis Child and Family Services

10. Focus partnership development with the Métis Nation on how to build on best practices, such as already developed kinship care programs and others to be identified in the upcoming National Conference on Métis Child Welfare.

Recommendations to the Provincial and Territorial Governments

It is recommended that provincial and territorial governments:

11. Formally sign onto the Government of Canada's Commitment to Action for Indigenous Child and Family Services Reform
12. Commit to allocate resources to participate in the establishment of a 5-year timetable for transference of jurisdictional control, an Annual Forum on Indigenous Child and Family Services, and the model protocol agreement.
13. Ensure that in all inter-governmental processes related to child welfare services, including health, housing and justice, there is representation and participation of First Nations, Inuit and Métis Nation leadership through a distinctions-based approach, as well as youth and women representatives. Recognize the importance of Indigenous-led, community based services.

Recommendations to First Nations

It is recommended that First Nations:

14. Share First Nations expertise with provincial, territorial and federal governments involved in child welfare to work toward a system that meets the well-being needs of First Nations children.
15. In the short term, commit to identifying the most effective model of jurisdictional transference of control for each region or First Nation in order to facilitate the development of the five-year timetable for transference of jurisdiction.

Recommendations to Inuit

It is recommended that Inuit:

16. Share Inuit expertise with provincial, territorial and federal governments involved in child welfare to work toward a system that meets the well-being needs of Inuit children.
17. In partnership with the Government of Canada, seek out a university to enter into a tripartite partnership to develop an Inuit Social Work Program aimed at building capacity for Inuit social workers and public servants. This could be a university located in the South that commits the resources to offering satellite courses in the North.

Recommendations to the Métis Nation

It is recommended that the Métis Nation:

18. Share Métis expertise with provincial, territorial and federal governments involved in child welfare to work toward a system that meets the well-being needs of Métis children.

2. Funding

IN THIS SECTION

- **Summary**
- **Recommendations**

Summary

Relevant Federal Government's Commitment to Action:

1. Continue to fully implement the orders from the Canadian Human Rights Tribunal, including Jordan's Principle, and reform First Nations child and family services, including moving to a flexible funding model.

Relevant Truth and Reconciliation Commission of Canada's Calls to Action:

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
 - o Monitoring and assessing neglect investigations
 - o Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside
 - o Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools
 - o Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing
 - o Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers
2. We call upon all levels of government to fully implement Jordan's Principle.

Common themes identified during the emergency meeting were that funding commitments must be more flexible, be at higher rates and be accompanied by policies to support community-based, culturally relevant prevention services. Parity with other systems must at a minimum be achieved. Adequate funding is needed for transference of jurisdictional control and policy and legislative reform in order to end the crisis altogether and to effectively address the effects of the Sixties Scoop and the current Millennial Scoop. Such reforms must recognize Indigenous cultural and community supports existing outside of formal child and family services, including those developed by Indigenous-led community groups.

Participants identified that benefits provided under the Canada Child Benefit Fund should continue, regardless of whether a child is in care. Clawing back the benefit deepens the parents' disadvantage of being able to bring their child or children home.

Particularly in the Inuit context, social equity requires a change in the basic ways that funding with the regions is allocated, not only in child welfare but also in areas related to addressing affordable housing, overcoming poverty, food security, and addressing child sexual abuse. Remoteness and overall socio-economic conditions in the North call for the bolstering of Inuit economic development and employment through increased services where required. Social equity is also required in First Nations and Métis contexts, where the socio-economic gap compared to non-Indigenous peoples puts First Nations and Métis peoples at a disadvantage.

First Nations Child and Family Services

A consistent message to the Government of Canada resonated throughout the emergency meeting from First Nations leaders, advocates and youth: fully implement the orders from the Canadian Human Rights Tribunal, including Jordan's Principle (also called for by the TRC Call to Action 3). This must include development of flexible, increased funding that ensures parity and equity with non-Indigenous child welfare services for the First Nations Child and Family Services Program and the 1965 Ontario Agreement. As noted above, replacement of the comparability approach and other policy alignment measures are needed to accompany the Government of Canada's significant funding increases, such as those issued in the 2018 Federal Budget. This includes removal and replacement of Directive 20-1 with alternative policies that overcome the shortcomings inherent in Directive 20-1, and that instead provide for equitable services for Indigenous children and youth.

The Government of Canada's first commitment also states that it will fully implement Jordan's Principle. The interpretation of the meaning of full implementation of Jordan's Principle has led to service delays to First Nations children, particularly those with disabilities.

Inuit Child and Family Services

In Inuit communities, improving outcomes for children and families means overcoming challenges in Inuit communities, including remoteness, lack of medical services, addiction, violence and child sexual abuse by providing sustained, multi-year funding. There is also a need to financially support training for Inuit social workers in the North, rather than relying on outside counsellors and therapists who do not know the language, culture or families.

Métis Nation Child and Family Services

Funding models developed for Métis-specific mandated agencies must be financially supported at a level that enables culturally relevant services to be provided. This is needed to re-instil pride in Métis children, bringing them home, supporting their identity as Métis, and asserting Métis control over taking care of Métis children.

Recommendations

Recommendations to the Government of Canada

It is recommended that the Government of Canada:

19. Ensure child welfare equalization applies to all Indigenous children, families and communities, taking into account the factors such as overall socio-economic conditions, remoteness and changes in population ceilings. Where necessary, provide additional resources to enable Indigenous communities and child welfare agencies to keep Indigenous families together when safe to do so, and to keep children in culturally appropriate environments, consistent with the first Call to Action of the Truth and Reconciliation Commission.
20. Establish a high level, independent mechanism to ensure non-discriminatory child and family services to First Nations, Inuit and Métis children, families and communities. For example, this could take the form of an independent National Ombudsperson on Child Welfare or a national Indigenous child advocate. This should include a mandate to engage with provincial and territorial oversight mechanisms. This could include a function to monitor and assess neglect investigations as called for by the first Call to Action of the Truth and Reconciliation Commission.
21. Support culturally relevant models of Indigenous cultural and community supports that exist outside of formal child and family services, including those developed by Indigenous-led community groups.

First Nations Child and Family Services

22. In collaboration with First Nations, develop a policy and funding formula – to replace Directive 20-1 and the Enhanced Prevention Focused Approach – that conform to the tribunal decision and subsequent tribunal orders, to be completed by December 31, 2018. Support the required participation and capacity costs of First Nations.
23. Develop clear instructions to all relevant federal, provincial and territorial representatives delivering services to First Nations children to fully implement Jordan's Principle, including in relation to children with disabilities.
24. Commit to increased funding for First Nations-specific prevention services associated with providing programming to culturally appropriate prevention, early intervention and family reunification.

Inuit Child and Family Services

25. Support social equity in relation to Inuit child welfare, by addressing the socio-economic, health and infrastructure gaps in equality that are direct contributors to the over-representation of Inuit children in the child welfare system.
26. Commit to increased funding to Inuit regions for Inuit-specific prevention services associated with providing programming to culturally appropriate prevention, early intervention and family reunification.
27. Create a policy that confirms the extension of the application of the underlying principle of Jordan's Principle to Inuit jurisdictions.

Métis Nation Child and Family Services

28. Commit to increasing federal funding to Métis Nation jurisdictions for Métis-specific prevention services associated with providing programming to culturally appropriate prevention, early intervention and family reunification.
29. Create a policy that confirms the extension of the application of the underlying principle of Jordan's Principle to Métis Nation jurisdictions.
30. Demonstrate leadership by financially supporting existing and new Métis Child and Family Services, consistent with its fiduciary duty.
31. Commit to parity in funding of Métis-specific child and family services by collaborating with the Métis Nation to ensure the funding formula takes proper account of the unique circumstances of Métis children and youth as well as the diverse challenges facing Métis child and family services, such as the geographic disbursement of Métis citizens, and higher operational costs for remote and northern communities. Specific attention should be paid to the need to provide sufficient financial support for culturally relevant programming.

Recommendations to the Provincial and Territorial Governments

It is recommended that the provincial and territorial governments:

32. Allocate resources required to be full participants in the policy development process, without requesting support from the federal government for this participation. This will facilitate additional resources to be provided for the participation of First Nations, Inuit and the Métis Nation.
33. Commit to increased funding for First Nations, Inuit and Métis-specific prevention services associated with providing programming to culturally appropriate prevention, early intervention and family reunification.
34. Commit to re-instating the benefits under the Canada Child Benefit Fund to parents of children in care in order to support their efforts to bring their children back home.
35. Amend the governing statutes of their respective oversight mechanisms to ensure cooperation and collaboration with the federal high level, independent mechanism, if established.
36. Support social equity in relation to Inuit child welfare, by addressing the socio-economic, health and infrastructure gaps in equality that are direct contributors to the over-representation of Inuit children in the child welfare system. Similarly, support equitable funding to First Nations and Métis Child and Family Services.
37. Support culturally relevant models of Indigenous cultural and community supports that exist outside of formal child and family services, including those developed by Indigenous-led community groups.
38. Evaluate outcomes-based funding where currently applied at the provincial and territorial levels to determine best practices in this area. Emphasis can be placed on whether outcomes result in increased culturally appropriate, prevention-based, needs-based services. This includes early intervention and addressing the root causes of involvement in the child welfare system.

Recommendations to First Nations Leadership

It is recommended that the First Nations Leadership:

39. Continue to commit to working collaboratively with the government of Canada and provincial or territorial child welfare authorities and service providers to find immediate, effective solutions to a diverse range of circumstances facing First Nations across Canada.

Recommendations to Inuit Leadership

It is recommended that Inuit Leadership:

40. Continue to commit to working collaboratively with the government of Canada and provincial or territorial child welfare authorities and service providers to find immediate, effective solutions to a diverse range of circumstances facing Inuit in Canada.

Recommendations to Métis Nation Leadership

It is recommended that the Métis Nation leadership:

41. Continue to commit to working collaboratively with the government of Canada and provincial or territorial child welfare authorities and service providers to find immediate, effective solutions to a diverse range of circumstances facing Métis in Canada.

3. Service delivery

In the area of service delivery, participants repeatedly emphasized that Indigenous children are the future, to be nurtured, protected and loved, receiving traditional knowledge and teachings from their Elders and growing into proud individuals, attached to their cultures, languages and identities.

The main areas of discussion related to [culturally appropriate](#) and [prevention-based services](#) and [recommendations](#).

Relevant Government of Canada commitment to action:

2. Shift the programming focus to prevention and early intervention.
5. Support Inuit and Métis leadership to advance culturally-appropriate reform.

Relevant Truth and Reconciliation Commission of Canada Calls to Action:

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
 - o Monitoring and assessing neglect investigations.
 - o Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally-appropriate environments, regardless of where they reside.
 - o Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
 - o Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
 - o Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
 - o Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
 - o Require all child-welfare agencies and courts to take the residential school legacy into account in their decision-making.
 - o Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.

5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.
57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Culturally appropriate services

All participants clearly supported the need to shift the focus of programming from apprehension to culturally appropriate prevention, early intervention and family reunification, as set out in the Government of Canada's second commitment. As discussed above, participants identified the need for partnership development with First Nations, Inuit and Métis Nation leadership to advance meaningful, culturally appropriate reforms of child and family services.

First Nations, Inuit and Métis children and families shared personal stories of alienation from one's culture, language and identity while in care, with devastating results, including a cycle of involvement with child welfare through the generations, drug and alcohol abuse, involvement in the sex trade, homelessness and suicide. Yet, First Nations, Inuit and Métis children and families also shared stories of triumph, overcoming hardship through reclamation of cultural and language traditions, involvement in holistic, community-based healing and wellness services, Indigenous-led programming, family-centred interventions and peer-based support services. Emphasis was placed on taking a strengths-based, rights-based approach to overcoming trauma and the legacy of the residential school system and other colonial processes, and reversing the current Millennial Scoop.

The importance of involving Elders in teaching youth cultural practices, such as land-based skills, spiritual practices and values was highlighted. Participants were reminded of the sacred role of Grandmothers as healers and caregivers. Indigenous men were called upon to step up to the role of stopping violence and protecting their children. Kinship networks that can provide culturally appropriate, loving, caring homes for Indigenous children in need of alternate care must be re-established. Distinctions-based traditional practices, such as family finding by the Métis Nation, a First Nations family reunification program, and custom adoptions in Inuit communities, must be reclaimed.

In order to achieve good outcomes, support is needed for all Indigenous communities to design, develop and implement programs based on their own local needs, resources, cultures and identities. There must be strong cultural competency, appropriateness and sensitivity training of educators, social workers and foster care parents about First Nations, Inuit and Métis children. Culture should be at the centre of these services, and service providers should work to nurture culture and identity, involving Indigenous advocates, family members and culture into their organizations and services. Workforce diversity that reflects First Nations, Inuit and Métis peoples is required.

For Indigenous children both in, and transitioning out of care, it is imperative that they have consistent opportunities to build meaningful, loving relationships with healthy, supportive Elders, knowledge holders and role models within their communities. This involves the reclaiming of the languages of First Nations, Inuit and Métis peoples, because the ways of life and laws are rooted in these languages. These actions will lead to reduced involvement in the child welfare system.

For Indigenous youth aging out of care, it is necessary to provide support services, including life skills, housing supports, mental health, physical activity through sports and traditional games, and cultural programming for youth aging out of care.

Advancements in working with partners to shift the focus of programming to culturally appropriate prevention, early intervention, and family reunification are dependent upon fully implementing the Canadian Human Rights Tribunal orders. This is also highly related to transferring jurisdictional control to First Nations, Inuit and the Métis Nation.

Prevention-based approaches

Several of the Calls to Action issued by the Truth and Reconciliation Commission relate to an increased focus on prevention in relation to Indigenous child and family services, consistent with the Government of Canada's second commitment, as identified above. Discussions at the emergency meeting underscored the need to address socio-economic conditions related to reducing poverty, and improving access to housing, employment, education, health services (including mental and physical health), clean water and adequate infrastructure. Wrap-around support services that are culturally appropriate instil self-confidence and self-esteem in youth who otherwise have difficulties when aging out of care. This includes educational supports, such as breakfast programs, tutoring and counselling. Particularly in the North and remote areas, there is a need for staff housing, staff training on the history of Indigenous peoples – including the residential schools – and investments to recruit and retain workers to provide services.

There must be systemic changes to educational, employment, justice and health systems, to transfer control to First Nations, Inuit and the Métis where possible and to ensure systems are reflective of the Indigenous people they serve and are culturally sensitive. These can aid in preventing apprehensions based on discriminatory understandings held by service providers in systems across the board. Barriers to increasing the number of Indigenous workers in the system include unnecessarily stringent educational requirements, such as requiring a Ph.D. in Social Work for counsellors.

Participants shared positive examples within Canada of addressing underlying socio-economic factors of child welfare involvement, including providing a water system to a family in need, creating social enterprises to fund community-based family supports, and relying on kinship systems from traditional laws to avoid child welfare involvement. More of these types of services are required, supported by legislative authority.

There are positive examples that can be examined from tribes in the United States that have eliminated poverty as part of the definition of neglect, providing benefits to the tribes as a way to support families to provide the basic necessities rather than apprehend their children.

Participants emphasized that prevention-based services means supporting community-based services, including addictions and rehabilitation services, sexual abuse treatment, suicide prevention, and mental and physical health services. It means making culturally appropriate women's shelters accessible. It means focusing on family reunification through parenting, addictions and healing services to parents of children in care, and providing in home care to keep the family together. It means providing respite care for parents of children with disabilities. It means addressing gendered racism to prevent human trafficking and to address the needs of young women who become involved in the sex trade industry.

The youth participants emphasized the need for prevention services aimed at re-integration for Indigenous youth aging out of care and returning to their communities, with equal access for Inuit, Métis and status/non-status First Nations youth. Specific emphasis was placed on housing security, life skill development (e.g. financial literacy, healthy eating), social workers, therapists and educational funding.

Recommendations

Global Recommendations

It is recommended that all representatives who participated in the Emergency Meeting work towards the following goals:

42. Create a national working group represented by all jurisdictions that supports policy and practice developments, including, for example:
 - o models of transference of jurisdictional control and legislation
 - o culturally appropriate services
 - o culturally competent training and
 - o data collection methodologies, identified in the relevant Truth and Reconciliation Commission of Canada's Calls to Action, in previous reports and the tribunal decision, where appropriate

The results could be brought forth for discussion at the Annual National Summit. The national working group could focus on development of monitoring and assessment tools for neglect investigations (Call to Action 1. i.), including a proposed definition that does not include poverty as a ground for apprehension. Collaboration with other policy entities, such as poverty reduction committees, could be initiated as well.

The national working group could also develop training and educational awareness materials for social workers about the history and impacts of residential schools, and about the potential for Indigenous communities and families to provide more appropriate solutions to family healing (Call to Action 1 iii and iv.) This material could also include an evaluation tool to ensure that child welfare decision-makers consider the impact of the residential school experience on children and their caregivers (Call to Action 1. v.). This working group could also develop culturally appropriate parenting programs for Indigenous families by federal, provincial, territorial and Indigenous governments (Call to Action 5). We also need to ensure the results of this working group are conveyed to bilateral and tripartite processes to create alignment where new systems are instituted, through agreements or legislative initiatives.

Recommendations to the Government of Canada

It is recommended that the Government of Canada:

43. Support a needs assessment of First Nations, Inuit and Métis children with disabilities living in rural, northern and urban communities to determine the gaps in service as well as targeted strategies to address these gaps.
44. Support a national Inuit health survey to be undertaken in partnership with Inuit Tapiriit Kanatami.

45. Support Indigenous-led programming, such as family group conferencing, cultural and linguistic programming, land-based activities, family and youth supports (including educational support) and community healing.
46. Indigenize existing child welfare practices to ensure social workers in existing systems practice in a non-discriminatory manner, and foster families provide culturally safe homes.
47. Collaborate with First Nations, Inuit and the Métis Nation to address the key social determinants of health, including poverty, addictions, and access to education and housing.
48. Support existing effective models of culturally appropriate services for First Nations (such as extended family care), Inuit (such as custom adoptions) and Métis (such as kinship care and the Live In Family Enhancement Program) children and youth that can be expanded upon and adapted to other regions. Where these models have been eliminated due to funding cuts, provide the support necessary to reinstate them.

Recommendations to the Provincial and Territorial Governments

It is recommended that the provincial and territorial governments:

49. Support existing effective models of culturally appropriate services for First Nations (such as extended family care), Inuit (such as custom adoptions) and Métis (such as kinship care and the Live In Family Enhancement Program) children, youth and families that can be expanded upon and adapted to other regions. Where these models have been eliminated due to funding cuts, provide the support necessary to reinstate them.
50. Collaborate with Indigenous peoples to address the key social determinants of health, including an adequate standard of living, access to education, health, employment, housing, clean water and infrastructure.

Recommendations to First Nations leadership

It is recommended that the First Nations leadership:

51. Continue efforts to support culturally appropriate, holistic, prevention-based services reflective of the diverse needs of First Nations children, youth and families.
52. Ensure the First Nations Housing Strategy includes a youth component specifically addressing the needs of First Nations youth aging out of care, informed by the perspectives of First Nations youth themselves, including LGBTQ2S youth and youth with disabilities.

Recommendations to Inuit leadership

It is recommended that Inuit leadership:

53. Continue efforts to support culturally appropriate, holistic prevention-based services reflective of the diverse needs of Inuit children, youth and families.
54. Ensure the Inuit-Led Housing Strategy includes a youth component specifically addressing the needs of Inuit youth aging out of care, informed by the perspectives of Inuit youth themselves, including LGBTQ2S youth and youth with disabilities.

Recommendations to Métis Nation Leadership

It is recommended that the Métis Nation leadership:

55. Continue efforts to support culturally appropriate, holistic prevention-based services reflective of the diverse needs of Métis children, youth and families.
56. Ensure the Métis Nation Housing Strategy includes a youth component specifically addressing the needs of Métis youth aging out of care, informed by the perspectives of Métis youth themselves, including LGBTQ2S youth and youth with disabilities.

4. Data strategies

IN THIS SECTION

- Summary
- Recommendations

Summary

Relevant Government of Canada Commitment to Action:

6. Developing a data and reporting strategy with provinces/territories and Indigenous partners.

Relevant Truth and Reconciliation of Canada Call to Action:

2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

The Truth and Reconciliation Commission of Canada's second Call to Action calls for the federal government, in collaboration with the provincial and territorial governments, to prepare and publish annual reports on the number of First Nations, Inuit and Métis children in care, compared with non-Indigenous children, as well as the reasons for apprehension, the total spending on preventive and care services by child welfare agencies, and the effectiveness of such interventions. This is consistent with the Government of Canada's sixth commitment to action to create a data strategy in partnership with provincial, territorial and Indigenous partners aimed at increasing inter-jurisdictional data collection, sharing and reporting to better understand the rates and reasons for apprehension.

Discussion about the role data collection can play in overcoming existing gaps in knowledge took place. One area of inquiry could be to examine whether shifting income supports – currently provided to foster care families – to those families in need could lead to prevention. Participants also highlighted the need to support community-based research that is strengths-based, sharing learning structures and research methodologies that have successfully advanced the rights of First Nations, Inuit and Métis children, youth and families involved with child and family services. Data collected must be disaggregated by First Nations, Inuit and Métis and by gender, sexual orientation and disability in order to lead to effective service provision.

Participants identified the need for all collaborative research efforts to adhere to the OCAP Principles (Ownership, Control, Access and Partnership). This is consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*, in particular, the right to self-determination, including self-government (articles 3 and 4) and the right

to free, prior and informed consent prior to state adoption of legislative or administrative measures that affect Indigenous peoples (article 19).

It was suggested that all governments work with the Métis Nation to develop data standards and information-sharing agreements and, to ensure all child and family services identify Métis children as Métis and not as “other” in intake and reporting forms. For Inuit, a national Inuit health survey – to be conducted on a consistent basis – would serve to inform advances in Inuit health in general and in relation to child welfare services in particular.

There are challenges in collecting data in a way that creates comparable data for advocacy, service delivery and measuring success across the regions. However, these challenges can be overcome through well-defined collaborations, where roles and responsibilities are clearly set out.

Recommendations

Global Recommendations

It is recommended that all representatives who participated in the emergency meeting work towards the following goals:

57. Collaborate on a national child welfare data strategy, led by the federal government in partnership with provincial, territorial and First Nations, Inuit and Métis Nation partners aimed at increasing inter-jurisdictional data collection, sharing and reporting to better understand the rates and reasons for apprehension.

This national strategy must be community-based, strengths-based research driven by First Nations, Inuit and the Métis Nation, consistent with the OCAP Principles and the *United Nations Declaration on the Rights of Indigenous Peoples*. Data collected must be disaggregated by First Nations, Métis and Inuit and by gender, sexual orientation and disability in order to lead to effective service provision.

58. Collaborate on data standards, reporting mechanisms and information-sharing agreements to ensure they are reflective of First Nations, Inuit and Métis children, youth, families and communities.
59. Share best research practices that demonstrate improved outcomes for First Nations, Inuit and Métis children, youth and families, directly linked to community involvement, control in service governance design and delivery, and culturally relevant programming.

Conclusion

The rich dialogues that occurred over the two-day Emergency Meeting on Indigenous Child and Family Services: Children and Families Together focused on the strong commitment to change the current crisis facing Indigenous child and family services in Canada, where too often First Nations, Inuit and Métis children and youth are put in harm's way, denied the support, love and protection they need and deserve.

This report is meant to capture the concrete reforms identified by the Government of Canada, along with provincial, territorial, First Nations, Inuit and Métis leaders, Elders, Youth, community service organizations and advocates that will urgently address the Indigenous child welfare crisis in Canada. It is hoped that the outcomes identified in this meeting will be achieved and fully implemented so that every Indigenous child in Canada lives a safe, healthy, happy life, free to experience their cultures, languages and ways of life in their own homes and communities.

Appendix –

The policy and legal context

This section provides a brief overview of the policy and legal context that situates the discussions held during the Emergency Meeting on Indigenous Child and Family Services in Canada.

IN THIS SECTION

- Constitutional Rights
- Ten Guiding Principles
- Indigenous Rights and Implementation Framework
- The Canadian Human Rights Tribunal Decision, the First Nations Child and Family Caring Society of Canada
- The Truth and Reconciliation Commission of Canada's Calls to Action
- The *United Nations Declaration on the Rights of Indigenous Peoples*
- The *United Nations Convention on the Rights of the Child* and the Committee's General Comment No. 11
- Outcome Document of the World Conference on Indigenous Peoples
- The Organization of American States' *American Declaration on the Rights of Indigenous Peoples*

Constitutional Rights

Nationally, section 35 of the *Constitution Act, 1982* sets out the Aboriginal and Treaty rights of First Nations, Métis and Inuit peoples,³ recognizing and affirming the Aboriginal and Treaty rights of First Nations, Métis and Inuit peoples of Canada. Section 15 of the *Charter of Rights and Freedoms* sets out the right to equality without discrimination.⁴

Ten Guiding Principles

On July 14, 2017, the Government of Canada announced [its Principles Respecting](#) the Government of Canada's Relationship with Indigenous Peoples, which promote a nation-to-nation, government-to-government relationship with First Nations, Inuit and Métis.

Indigenous Rights and Implementation Framework

On February 14, 2018, the Prime Minister Justin Trudeau [announced](#) the recognition and implementation of an Indigenous rights legislative framework that will promote self-governance of First Nations, Inuit and the Métis Nation.

The Canadian Human Rights Tribunal Decision, the First Nations Child and Family Caring Society of Canada

In the Canadian Human Rights Tribunal decision, the *First Nations Child and Family Caring Society of Canada* decision issued on January 26, 2016, the Tribunal ruled that funding formulas applied by the Government of Canada for First Nations child and family services are considered a “service” within the meaning of section 5 of the *Canadian Human Rights Act*, and these services are provided in a discriminatory way.

The tribunal found that First Nations Child and Family Services agencies operating on reserve and in the Yukon are under-funded, and children in the care of these agencies are denied an equal opportunity to remain with their families or be reunited in a timely way.⁵

The tribunal ordered the Government of Canada to change the funding formulas applied through the First Nations Child and Family Services Program, noting six key adverse impacts facing First Nations children in care. First, the current policy set out under Directive 20-1 funding formula calculates funding based on flawed assumptions about children in care and population thresholds that inaccurately reflect the service needs of many on-reserve First Nations. The result is inadequate fixed funding for operations and prevention costs. It incentivizes apprehension of children because eligible maintenance expenditures are reimbursable at cost. These policies need to be replaced with ones that provide adequate funding and that incentivize prevention services, developed and implemented by Indigenous peoples.

Second, the tribunal found that the structure of the policy implemented by the Government of Canada that was intended to ameliorate the shortcomings of Directive 20-1, the Enhanced Prevention Focused Approach, remains flawed by continuing to incentivize apprehension and by incorporating flawed funding formulas for operations and prevention.

Third, the tribunal found that the fact that funding levels have not been adjusted under Directive 20-1 or the Enhanced Prevention Focused Approach to account for inflation or cost of living, since established, for Directive 20-1 in 1995 and for the Enhanced Prevention Focused Approach, has led to flagrant inequalities.

Fourth, the tribunal found that in Ontario, the application of the 1965 Agreement in Ontario has not been updated since its establishment, resulting in an inability of First Nations communities in Ontario to comply fully with the *Ontario Child and Family Services Act*.

Fifth, the tribunal found that the isolated approach to implementing the FNCFS Program within Aboriginal Affairs and Northern Development Canada, without coordination with other relevant provincial and territorial agreements nor with other federal departments and government programs and services, such as Health Canada, has led to service gaps, delays and denials of services to First Nations children and families.

Sixth, the tribunal found that the federal government has narrowly defined and inadequately implemented Jordan's Principle, resulting in service gaps, delays and denials for First Nations children, perhaps most glaringly for those with special needs or disabilities. The tribunal has issued four orders⁶ of compliance to its decision.

The Truth and Reconciliation Commission of Canada's Calls to Action

The first five Calls to Action issued by the Truth and Reconciliation Commission of Canada focus on reforms to child welfare. Call to Action 43 calls to federal, provincial and territorial governments to implement the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation. Call to Action 44 calls for the Government of Canada to develop a national action plan on implementation of the *United Nations Declaration*. Call to Action 57 calls for education and awareness training of the history of Indigenous peoples, including the residential school system, Treaty and Aboriginal rights, Indigenous law and Indigenous-Crown relations for federal, provincial and territorial public servants. The Truth and Reconciliation Commission of Canada also set out [Ten Principles of Reconciliation](#) PDF version (5.04 Mb, 200 pages).

The United Nations Declaration on the Rights of Indigenous Peoples

There are numerous rights under the *United Nations Declaration on the Rights of Indigenous Peoples* that relate to Indigenous child welfare reforms in Canada. The Declaration sets out the right to self-determination, including to freely pursue their social and cultural development and to exercise self-government (articles 3 and 4, respectively).

The Declaration protects the right of Indigenous peoples to strengthen their social and cultural institutions (article 5) and to maintain their social systems and institutions (article 20), to improvements to their economic and social conditions (article 21) and a collective and individual right to belong to an Indigenous community or Nation without discrimination (article 9). Pre-ambular paragraph 13 promotes the rights and responsibilities of Indigenous families and communities to care for their children. Article 31 provides for the right of Indigenous peoples to enjoy sports and traditional games.

Further, the Declaration protects the collective right of Indigenous peoples to not be subjected to any acts of violence or forcible removal of children (article 7) or forcible assimilation (article 8). Effective measures are to be taken aimed at the economic and social rights and special needs of Indigenous Elders, women, youth, children and persons with disabilities (article 21(2)). Effective measures to ensure that women and children enjoy the full protection and guarantees against all forms of violence and discrimination are required (article 22(2)).

Article 19 calls for governments to consult and cooperate with Indigenous peoples to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them. The Declaration contains many articles related to governments working with Indigenous peoples in the spirit of partnership and mutual respect (including pre-ambular paragraph 24, articles 22(2)). It also provides for recognition and respect of Treaties, agreements and other constructive arrangements (article 37).

The United Nations Convention on the Rights of the Child and the Committee's General Comment No. 11

The *United Nations Convention on the Rights of the Child* provides a comprehensive framework for the rights of children, including the right to belong to their community, and to practice their own language and culture (article 30).⁷ The Committee on the Rights of the Child issued General Comment No. 11, “Indigenous Children and their Rights under the Convention,” which calls upon states to take effective measures to “safeguard the integrity of indigenous families and communities by assisting them in their child-rearing responsibilities...”⁸ The committee calls upon states to collect data on children in foster care and adoption processes in order to promote culturally sensitive policies and practices in the best interest of the child and the integrity of Indigenous families and communities.⁹ Further, the Committee states that the best interest of the child is paramount, giving due regard to the cultural, ethnic, religious and linguistic background of the child, stating that where Indigenous children are overrepresented in child welfare, targeted policies should be developed in partnership with Indigenous peoples to reduce the number of Indigenous children in care and to prevent the loss of their cultural identity, particularly when placed outside of the child’s community.¹⁰

The Outcome Document of the World Conference on Indigenous Peoples

In this outcome document, states committed to develop national action plans aimed at implementing the *United Nations Declaration on the Rights of Indigenous Peoples*. In Canada, were a national action plan to be developed, this should include concrete measures to improve the lives of Indigenous children and youth in care, in partnership with Indigenous peoples.¹¹

The Organization of American States’ American Declaration on the Rights of Indigenous Peoples

The Organization of American States’ *American Declaration on the Rights of Indigenous Peoples* provides for recognition of the right to self-determination (article III). This declaration provides for determining the best interests of the child, by considering the right of every Indigenous child to enjoy their own culture, in their community, with regard to the Indigenous laws of their people.¹²

This national and international policy and legal framework provides the context to examine the key areas of reform and recommendations emerging out of the discussions at the emergency meeting.

Endnotes

- ¹ Government of Canada. Indigenous Services Canada. First Nations Child and Family Services. *Reforming First Nations Child Welfare: Summary of Engagement*. Cynthia Wesley-Esquimaux. (Ottawa, ON), 2017. <https://www.sac-isc.gc.ca/eng/1507122976766/1533315997269>.

[Return to text](#)

- ² The term “transference of jurisdictional control” is utilized rather than “drawing down of jurisdiction” to reflect parallel systems rather than a hierarchy of systems with federal, provincial or territorial jurisdictions conceptualized as “higher” than First Nations, Métis and Inuit systems.

[Return to text](#)

- ³ S 35, Part II of the *Constitution Act, 1982*, being Schedule B of the *Canada Act 1982 (UK), 1982*, c 11. states:
35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
(2) In this Act, “aboriginal peoples of Canada” includes the Indian, Inuit and Métis peoples of Canada.
(3) For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired.
(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

[Return to text](#)

- ⁴ *Canadian Charter of Rights and Freedoms*, s 15, Part I of the *Constitution Act, 1982*, Schedule B of the *Canada Act 1982 (UK), 1982*, c 11 states:
15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

[Return to text](#)

- ⁵ *First Nations Child and Family Caring Society of Canada and Assembly of First Nations v. Attorney General of Canada*, 2016 CHRT 2. <https://www.canlii.org/en/ca/chrt/doc/2016/2016chrt2/2016chrt2.html?resultIndex=1>

[Return to text](#)

- ⁶ The fourth order of the CHRT was issued days after the Emergency Meeting, on February 1, 2018: First Nations Child and Family Caring Society of Canada. *Information Sheet: First Nations Child Welfare – Summary of Orders from the Canadian Human Rights Tribunal*. (Ottawa, ON), 2018. <https://fncaringsociety.com/sites/default/files/Info%20Sheet%20Summary%20of%20Orders%202018%20CHRT%204.pdf>

[Return to text](#)

⁷ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html>

[Return to text](#)

⁸ UN Committee on the Rights of the Child (CRC), *General comment No. 11 (2009): Indigenous children and their rights under the Convention [on the Rights of the Child]*, 12 February 2009, CRC/C/GC/11, available at: <http://www.refworld.org/docid/49f6bd922.html>

[Return to text](#)

⁹ *ibid*, para. 47.

[Return to text](#)

¹⁰ *ibid*, para. 48.

[Return to text](#)

¹¹ UN General Assembly, *Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples: resolution/adopted by the General Assembly*, 25 September 2014, A/RES/69/2, available at: <http://www.refworld.org/docid/543f7a114.html>

[Return to text](#)

¹² Organization of American States. *American Declaration on the Rights of Indigenous Peoples*, (Washington D.C.), 15 June 2016.

[Return to text](#)

