

A Call for the Inclusion of Urban Aboriginal Service Providers in the Federal Transformation of Aboriginal Child Welfare

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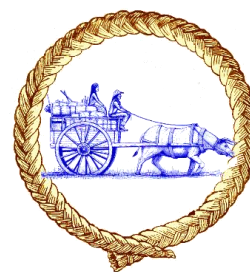
PARTNERS



Native Child and Family Services of Toronto



Fraser Valley Aboriginal Children & Family Services Society



Métis Family Services



Vancouver Aboriginal Child and Family Services Society



Hulitan Family & Community Services Society

Association of Native Child and Family Services Agencies of Ontario



CMWC L BEC

Child Welfare League of Canada
Ligue pour le bien-être de l'enfance du Canada

EXECUTIVE SUMMARY

In September 2019, Indigenous child and family well-being organizations delivering services in urban spaces across Canada met for the first time to consider the potential impacts of Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families*. This federal transformation of Aboriginal¹ child welfare has been designed and developed without the technical expertise of the agencies currently delivering these services to the majority of Aboriginal children and families in Canada. Mechanisms used to develop Bill C-92's regulations and inform its ongoing implementation continue to leave out large urban service providers. As a result, this process also ignores the voices of the 25% of Indigenous children not registered for Indian status and who reside in urban spaces; this population has their own unique and legitimate needs and aspirations around cultural identity, belonging, and service.

We collectively call for Indigenous Services Canada, the Assembly of First Nations, the Métis National Council and Inuit Tapiriit Kanatami to provide meaningful opportunities for urban services providers to participate in the ongoing development and implementation of Bill C-92 to ensure that: 1) distinct urban Aboriginal voices inform the process; and 2) Aboriginal children do not fall through jurisdictional gaps created by the implementation of the Bill.

SUPPORTING ABORIGINAL JURISDICTION OVER CHILD AND FAMILY WELL-BEING

To our knowledge, September's "National Forum on Urban Aboriginal Child and Family Well-being" was the first event to bring together Aboriginal agencies providing services in urban spaces¹ from across Canada. As such, the first day of our forum offered introductions and roundtable discussions that generated interest and excitement at the opportunity to learn from one another, share best practices, and reflect on how we can best support First Nations, Inuit and Métis peoples in creating and exercising jurisdiction over child welfare for their community members. On our second day together, we generated common positions and key messages with respect to the implementation of Bill C-92.

We emphasize that we support Aboriginal self-determination and jurisdiction and have a collective interest in working with First Nations, Inuit and Métis communities to ensure that their community members receive the highest quality of culturally grounded services in urban spaces across Canada.

Below, we identify who and what we are, as well as who and what we are not:

- Who and what we are:
 - We are community-based advocates for Aboriginal children and families;
 - We are a united, national voice for Aboriginal service providers in urban settings;
 - We are technicians and experts in the delivery of culturally grounded service provision to Aboriginal children and families; and,
 - We are focused on family preservation through the provision culturally based, preventive services and provincially mandated services;
- Who and what we are not:
 - We are not urban centres asserting First Nations' jurisdiction, nor do we detract from Aboriginal jurisdictional rights to provide their children and families with relevant, self-determined services;
 - We are not asserting ourselves as an "Indigenous governing body," per Bill C-92 definitions.

¹ Throughout this paper we use the word "Aboriginal" to refer to the three constitutionally recognized Indigenous groups in what is today Canada: First Nations, Inuit and Métis.

We draw upon available data and shared stories to conclude the following: urban Aboriginal populations are not static, nor do they fit neatly into census data or constitutional definitions of Aboriginality. There is a segment of these populations that have been in urban centres for generations. Many of these individuals have not had a connection to their home community for some time. They may not have any connection at all. Many do not have Indian status, and some may not be eligible. Urban organizations that were created and operated by these urban communities see themselves as anchors of identity and culture for these populations and have an interest in working with First Nations, Inuit and Métis governance structures to connect these people to their historical home communities.

Indigenous populations in urban centres also include many people and families who have come to access education, employment, healthcare, and child and family well-being programs and services not available in the home communities. Most of this segment of the population either has or is eligible for status and would normally reside on reserve or in their historical Inuit or Métis community (should one exist). As such, our collective sees ourselves as a national network of urban service providers that can receive these children and families in culturally safe spaces, providing programs and services grounded in culture that maintain connections to their community and culture while they are accessing services in urban spaces.

BILL C-92 AND SUPPORTING REGULATIONS

Bill C-92 holds the potential to radically transform Aboriginal child and family well-being services nationally. It will enable First Nations bands and other Aboriginal governance structures to create their own legislation, presumably leading to the development of services grounded in distinct Aboriginal worldview, values and practices for their community members. While we support this principle, our concern is with the process of implementation of Bill C-92, based in part on its fraught development process. Though the bill has achieved royal assent, not all participants and stakeholders were adequately consulted nor satisfied with the result.

On the one hand, there is potential for Bill C-92 to promote Aboriginal developed and directed legislation that achieves better outcomes for Aboriginal children and families accessing both mandated child welfare/protection and prevention services. In this way, Bill C-92 is expected to address the persistent overrepresentation of Aboriginal children in the child welfare system, and contribute to the overall health, wellness, cultural connectedness, and prosperity of Aboriginal peoples across Canada.

On the other hand, challenges remain around jurisdiction, the complexities of implementation, and a clear lack of any defined funding structure to support the operationalization of the main forms of Aboriginal legislation that could flow as a result of Bill C-92. Alarming, there is also no clause for an Aboriginal governance structure to pull of this uncertain process once giving formal notification to the Federal government.

Our forum examined the blatant exclusion of urban Aboriginal voices and service delivery experts in the development of the bill. We accept this, as matters of Aboriginal jurisdiction are most certainly the business of Aboriginal governance structures. However, we emphasize the importance of considering demographic trends and the contemporary realities of colonial policies that have moved the majority of Aboriginal families to urban settings, whether they be multigenerational urban dwellers or northern community members coming south to access critical services unavailable in their regions due to discriminatory and chronic underfunding, as determined by the Canadian Human Rights Tribunal.

ABORIGINAL DEMOGRAPHICS IN CANADA TODAY

The failure to engage urban Aboriginal voices is more concerning when we consider the demographic realities of Aboriginal peoples in Canada. The 2016 census reports that 1,673,785 Aboriginal people comprised 4.9% of the national population. These estimates are conservative, and alternate sources estimate that 7-8% of the national population is Aboriginal. The 2016 census also reports that 51.8% of Aboriginal peoples now live in a metropolitan area of at least 30,000 people, and that just over three-quarters (76.2%) of the First Nations population had registered or treaty Indian status in 2016, meaning that nearly a quarter of them do not. Further, this varies by province and region: for example, in Ontario, it is said that more than 80% of Aboriginal people reside off-reserve.

The demographic reality is critical in order to understand the overrepresentation of Aboriginal children in care, as Bill C-92 purports to address. Unpublished data from the most recent Ontario Incidence Study of Reported Child Abuse and Neglect-2018 revealed similar patterns as in its 2013 iteration: for children 15 years of age and younger, First Nations children were three times more likely to be the subject of a child maltreatment related investigation (172.32 per 1,000 children); neglect and risk of future maltreatment were the most often the primary concern. In eighty-five percent of investigations conducted for First Nations children, the family resided off reserve (tables calculated by Barbara Fallon, September 25th, 2019).

Aboriginal communities have been creating community organizations in urban spaces for more than half a century. Among our own forum, we have agencies incorporated as early as 1981, with their grassroots organizing dating back to the 1970s. As a result, we have strong, culturally grounded organizations delivering Aboriginal child and family well-being services in urban spaces across Canada. These organizations have become the experts in decolonizing inherited colonial child welfare mandates and delivering culturally grounded, holistic, prevention-focused child and family wellbeing services to Aboriginal families in Canadian cities. Organizations like Native Child and Family Services of Toronto, Vancouver Aboriginal Child and Family Services Society, and others do this work with dozens of distinct Indigenous, Métis and Inuit children and families in incredibly complex urban networks of people and service providers.

Despite this history and expertise, no urban service providers were consulted in the development of Bill C-92. As it stands now, Bill C-92 has achieved royal assent and it has been announced that it will come into force on January 1st, 2020. A process is currently underway to develop the regulations that will accompany the Bill. It is our collective position that urban Aboriginal service providers should have the opportunity to provide recommendations to those developing the regulations. Without this opportunity, the service technicians tasked with ensuring that our families have access to a robust, holistic, and culturally grounded service network in urban spaces will be entirely left out of the process of designing the regulations that will govern child and family wellbeing services nationally. We collectively see this as a critical gap that creates risk and stifles the collaboration needed to achieve the outcomes that Bill C-92 seeks to achieve.

CONCLUSION: A CALL TO ACTION

1. We collectively call on Indigenous Services Canada to provide an opportunity for urban agencies to deliver feedback into the regulations being developed to accompany Bill C-92;
2. We collectively call on Indigenous Services Canada to provide a seat for a chosen member of our collective at any table focused on the implementation of Bill C-92;
3. We collectively call for the addition of a seat at the National Child Welfare Transformation Table to represent the voices of urban Aboriginal agencies and the children and families they serve;

4. We collectively call for Indigenous Services Canada, the Assembly of First Nations, the Métis National Council and Inuit Tapiriit Kanatami to make meaningful space available in federal processes for the inclusion of urban services providers to ensure that the voices of all Aboriginal children and families are heard.

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