

# National Forum on Aboriginal Child and Family Well-Being Reform

February 2022



# About Native Child and Family Services of Toronto:

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Native Child and Family Services of Toronto (NCFST) is the largest multi-service Indigenous agency with a child protection mandate in Canada. NCFST strives to provide a life of quality, well-being, caring and healing for children and families in Toronto's Indigenous community by delivering a broad range of programs and services that are culture-based and respect the values of Indigenous people, the extended family, and the right to self-determination. The agency was founded in 1986 by Elders, knowledge keepers and community leaders in the Toronto Indigenous community to address the ongoing impacts of colonization, residential schooling and mainstream child welfare. Today the organization is comprised of some 350 staff working across 20 locations delivering more than 100 programs and services to 8,000 unique individuals annually.





# Introduction

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In September of 2019, Native Child and Family Services of Toronto (NCFST) hosted a national forum on urban Aboriginal child and family services in response to Bill C-92 (An Act Respecting First Nations, Inuit and Metis Children, Youth and Families). This forum led to a position paper and multiple conversations across Canada about the role of mandated urban Aboriginal child and family service agencies in supporting First Nations, Inuit and Métis jurisdiction and service reform[1]. The announcement of the federal government's \$40-billion-dollar agreement in-principal for compensation and long-term reform of on-reserve First Nations child and family services prompted this group to reconvene and to invite others to join the discussion.

On February 8th, 2022, representatives from thirty-eight (38) First Nations, Inuit, and Métis (FNIM) child and family services agencies, advocacy organizations, community leaders, Knowledge Keepers, youth, and representatives from Ontario's Ministry of Children, Community and Social Services gathered virtually to discuss the potential impacts of the recent Agreements-in-Principle (AIP) authored by Assembly of First Nations, First Nations Child and Family Caring Society, the Chiefs of Ontario, the Nishnawbe Aski Nation, and counsel for the Moushoom and Trout class actions, and the Canadian Government on December 31st, 2021.

This session of the National Forum on Aboriginal Child and Family Wellbeing Reform was convened in recognition that this is a crucial time for mandated off-reserve and urban Aboriginal child and family service providers to come together to build a new framework and action plan for service to Aboriginal children and families no matter where they live.

The primary purpose of the forum was to:

1. Promote united support for on-reserve compensation and reform (pursuant to settlement of CHRT litigation);
2. Discuss substantive equality within the context of provincial/territorial funding for urban/off-reserve mandated Aboriginal child and family services agencies;
3. Understand how funding for Bill C-92 coordination agreements can support the off-reserve implementation of Indigenous laws;
4. Share resources for the analysis of urban Aboriginal child, family and community needs (demographics and needs assessment); and
5. To discuss and share ideas related to the reform and implementation of services and funding to enable a holistic cross-jurisdictional service framework to support the safety, wellbeing and prosperity of Aboriginal children, families, and communities across Canada.

[1] <https://nativechild.org/wp-content/uploads/2022/02/Position-Paper-September-2019-National-Forum.pdf>

# Promoting Unified Support for On-Reserve Compensation and Reform

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Recognizing the Dec 31, 2021, Agreement in Principle as a hopeful first step toward a final compensation and reform package, participants collectively expressed support for the allocation of financial compensation for individuals as a key reconciliation measure for persons impacted by the historic underfunding of FN communities and local prevention services. Participants equally championed the government's commitment (in principle) to long term systemic reform as a key measure toward healing and the protection from harms for future generations.

## Substantive Equality Across Jurisdictions

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Participants resounded the call for a highly responsive and flexible FNCFS program shaped by guaranteed, annualized funding established using concrete measures of individual community need. It is critical that infrastructural conditions, proximity to adjacent populations and the relative cost of basic goods, as well as special considerations like water advisories and food shortages be studied carefully and weighed accordingly in funding development. For many Indigenous communities in Canada the test for what is in the “best interest of the child” is impossible to reconcile when the entire community is managing without running water or adequate housing. Each community ought to be assessed using an agreed upon formula wrapped in a transparent and thorough process, taking however much time it takes for an in-depth assessment. Participants acknowledged the time it took to get to the current stage and stressed that the assessment of community need to inform funding must not be rushed.

While on-reserve communities call for customized funding, off-reserve agencies also require flexible and responsive funding that recognizes their role as low-barrier service providers readily positioned to support people living ordinarily on-reserve but who also spend time in urban areas. For those working in the urban setting experience suggests that community members living in urban centres do so because they cannot get their needs met on-reserve and relocate to higher density areas to get these needs met through agencies like the ones represented here. Urban agencies must be able to access similarly flexible and needs-based funding for members of the hundreds of First Nation communities served each year in urban settings. Off-reserve agencies require allocations within federal and provincial funding plans that acknowledges the contribution these agencies make to many of our service recipients who are members of specific communities, who are accessing urban services (often at the time of crisis) and who have the right of service equity.



# Implications of the New Federal Act to Off-Reserve Reform

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For urban Indigenous youth (and especially for previous youth in care) who participated in the National Forum discussions it was clear that they do not feel included in any of these higher-level discussions and yet so much of their holistic well-being (physical, social, mental, and spiritual) and the well-being of their families and communities depends on the success of child welfare reform. Urban youth described an experience characterized by the struggle to connect to vital supports: whether those are family members impacted by residential schools or community leaders to whom they feel like strangers. Urban Indigenous youth, using this forum as a platform, expressed the critical desire for funding that takes these factors into consideration allowing for money to flow into the urban areas for increased schooling support, funding to allow for visits to remote communities, paid on-reserve internship opportunities and to connect with leadership with some understanding of the identity politics that so powerfully shape this generation's reality. Youth who identify as members of the 2SLGBTQQIA community spoke about the intersectionality of their identities and how this creates barriers for basic human needs such as safe housing, sensitive health care and schooling support in the urban environment. Urban agency staff need the support of individual First Nation on-reserve communities to guide youth in the urban environments. Among the recommendations were calls for increased flexibility of youth agreements that consider developmental stage, cultural needs, and social support well beyond the cut-off ages that the ministry mandates.

## Evidence-Based Reform: A National Forum for Knowledge Exchange and Innovation

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Participants placed significant value on the development and implementation of an evaluation framework to both define and measure well-being outcomes. It is well known that funding levels shape the type and length of service, but it is not always clear how funding levels impact outcomes. Have we identified and weighed all the factors, inclusive and exclusive of funding levels, that influence outcomes for Indigenous children? When services end (or are discontinued) is there a dip in well-being? How long must a service remain in place to avoid the dip? In what ways are Indigenous children doing well and in what ways are they falling through the cracks? Funding that supports the development of up-to-date longitudinal data is crucially needed here to fill out this picture and to develop appropriate measurement procedures.

Group discussions also focused on the process of research and measurement. Participants raised concerns about the different areas of measurement (not one tool can tell the whole story) and questioned in what way can a national measurement framework for Indigenous well-being encompass all these dimensions? Concerns were tabled about scale and generalizability of cross-country outcome measurement: "How do we measure this from on reserve to off reserve?"[2]. Structured decision making, risk assessments, well-being assessments, strengths and needs assessments and community health measures all need to be considered to fully capture the differences in capacity and need across Canada .

[2] Bob Goulais, President and Senior Principal of Nbisiing Consulting Inc.



# Funding Cross-Jurisdictional Service Reform

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The principle of substantive equality dictates that the Canadian Government has an obligation to fully fund Indigenous laws [3]. That said, the consensus during forum discussions was a strong feeling that there has been a failure, owned by all levels of government, to properly fund the work required for communities to develop both a vision for reform and the work needed to bring that vision to life. Enacting Bill C-92 (An Act Respecting First Nations, Metis and Inuit Children and Families) is a promising start. The development of Indigenous law must be funded in a way that fully promotes the community's vision for members both on- and off-reserve. First Nations themselves do not receive any statutory funding for child welfare reform until after the coordination agreement process is complete (a process which can take up to 12 months). Coordination agreements themselves must be grounded in substantive equality as they need hours of community and legal consultation and government negotiation.

In following, participants from urban agencies also expressed the importance of gatherings such as this forum as they are well-positioned to support collaboration between on- and off-reserve communities. For agencies serving off-reserve families without a solid commitment for statutory reform funding opportunities to be a part of the discussion are critical. According to agency staff opportunities are already being lost for participation in the reform process because caseloads are high and agency leaders are unable to hire new staff to support initiatives: “inequity in funding. As an urban indigenous agency... we have to negotiate with the province but with the region first. All these tiers to access funding, coupled with the fact that they are happy to give us work but they are less supportive to give staffing/funding to do the job in a wholesome way they are happy to transfer files but don't provide funding to staff”[4].

Remedying this by locating funding sources outside the government can be in some ways a double-edged sword according to agency representatives as non-Indigenous funders totally shape the ways in which monies can be spent. Additionally, participants spoke of the dearth of reform funding as most funders are looking to target high-visibility social issues rather than lower-profile reform work.

[3] Palmater, P. (Host), Nov 29, 2019. “Cindy Blackstock on Bill C-92 Indigenous Child Welfare” [Audio Podcast Episode], episode 44, Warrior Life.

[4] Maggie Marin, Executive Director, Michif Child & Family Services

# Funding Cross-Jurisdictional Service Reform

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Since the time of first contact, European colonialists have attempted to control Indigenous communities by limiting movements to circle around a single land space such as a reserve. This forced orientation has never met the needs of the communities themselves and has continued to create artificial jurisdictional issues that present enduring barriers and limitations to self determination and the ability for individuals and families to access what they need – be that from the land or the governments they consult with. It is estimated that 51.6% of Indigenous people living in Canada do so, at least in part, in medium to large urban settings of more than 30 000 people [5]. As service providers and community representatives we know that community members move seamlessly between urban, suburban and rural areas for cultural, social, economic and educational reasons and strongly hold they have the inherent right to do so. Services that cater to one single land base is colonial and inappropriate as a funding strategy for the communities we serve.

While the AIP is a step in the right direction toward reconciliation, the National Forum highlighted the significance of continuing to advocate for accountability and to resist actions such as the dismantling of oversight bodies like the tribunal until such time as Indigenous communities agree to do so. The tribunal should remain instructive until such time as FNIM people and allies have in place a child and family wellbeing funding strategy that takes into account well-being as defined by Indigenous people and emphasizing the importance of stable, guaranteed, long term, prevention funding for both on- and off-reserve communities.

## RECOMMENDATIONS:

- **For on-and of-reserve bodies to continue to push for statutory reform funding for urban agencies to support the implementation of Indigenous laws.**
- **Allocation of research funding to continue the work of establishing weights for substantive equality calculations.**
- **Increase frequency of national-scale forums like this one.**