

Indigenous Director and Panel – For Discussion

July 2021

Issue:

Responding to Indigenous calls to more quickly reduce the over-representation of Indigenous children and youth in care, ensure connection to community and culture, and address the impacts of systemic racism.

Background:

For many years, the Ministry of Children and Family Development and the Delegated Aboriginal Agencies have been working to reduce the number of Indigenous children and youth in care. The Tripartite First Nations Children and Families Working Group has been working since 2016 on reducing the number of Indigenous children and youth in care at the systemic level. The Métis Working Table also established in 2016 has been equally focused on addressing the practice issues that have directly contributed to the over-representation of Métis children and youth in care. This work has had some measure of success, with a significant drop in the number of Indigenous children and youth in care, now at the lowest number of Indigenous children in care in two decades. Keeping children in need of protection connected to community and culture has also had success, particularly after the rates supporting out of care caregivers were harmonized with those of foster caregivers. We now have the highest number of Indigenous children and youth in out of care options in history (see attached Appendix).

However, Indigenous children and youth continue to be over-represented in the system. While the number of Indigenous children in care continues to drop, the number of non-Indigenous children in care is dropping faster. As a result, the percentage of Indigenous children in care is actually rising.

There have been two requests for action from Indigenous peoples that have not been delivered:

- A moratorium on bringing Indigenous children and youth into care
- Creating an Indigenous Director of Child Welfare

In addition, the new federal legislation, *An Act respecting First Nations, Inuit and Métis children, youth and families*, has a requirement for reassessment of Indigenous children and youth in care on an ongoing basis.

Delegated Aboriginal Agencies (DAAs) have added their voice to the call for an Indigenous Director of Child Welfare who would be designated under the *Child, Family and Community*

Service Act to support their practice. As far back as 2002, there has been a request from the Directors Forum Partnership Table for the development of a First Nations Director. While a Deputy Director of Child Welfare - Aboriginal Services Branch has been in existence for several years, the Directors Forum requested in 2021 that an Indigenous Director of Child Welfare replace the Deputy Director position to better meet the needs of Indigenous people and the DAAs who support them.

The Ministry of Children and Family Development (MCFD) has identified some areas that could use additional focus:

- A way of providing additional oversight before an Indigenous child or youth comes into care
- A focused approach to reassessment under the federal legislation

Discussion:

With the advocacy of many First Nations and Métis voices, there has been great progress on reducing the number of Indigenous children and youth in care. It is clear, however, that additional work needs to be done.

MCFD is proposing a way of addressing the various calls for action beginning with hiring an Indigenous Director of Child Welfare. That position could be responsible for:

- Reassessment of placement of all Indigenous children in care (for both the Ministry and DAAs)
- Reviewing circumstances where it is proposed that an Indigenous child come into care before the child comes into care (for both the Ministry and DAAs)
- Practice and operational support for DAAs
- Provide guidance to the Provincial Director of Child Welfare and the rest of the Ministry on required changes to training, practice, policy and legislation to address systemic racism and bias
- Work collaboratively with the Ministry and partners to transform the child welfare system

To do the work of reassessment and review, the Indigenous Director could develop and lead an Indigenous Children's Panel that would be responsible for:

- Re-assessing all Indigenous children and youth in care to determine alternatives to care and ensure connection to community and culture
- Reviewing the circumstances of any Indigenous child or youth where the social worker has determined that the next step is bringing the child into government care, which would include connecting with the community and family

The panel would undertake its work under the auspices of the *Child, Family and Community Service Act* (CFCSA) and be consistent with the Federal legislation. The panel would be appointed and delegated to do the work under the CFCSA. The panel would involve the appropriate Indigenous community when looking at the circumstances of a child/youth. The panel would use a distinctions-based approach and membership of the panel may change depending on which community(ies) the child and family belong to.

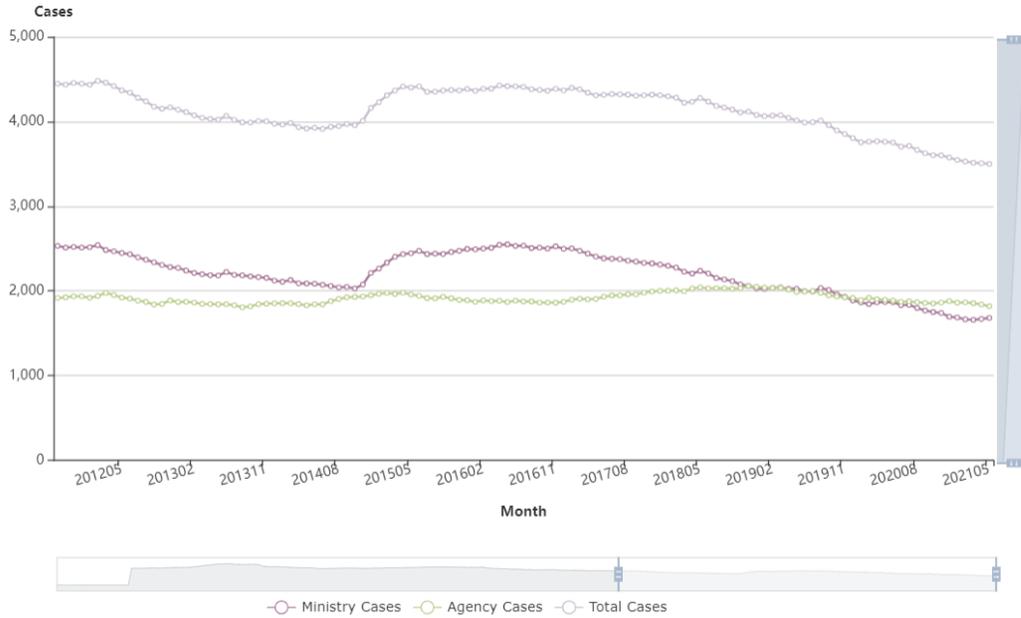
The work of the Panel and of the Indigenous Director would serve to support the children and families with whom the system engages right now, while the work of transforming the system continues.

MCFD is proposing that funding for this work be through the Service Level Agreement with Canada.

Appendix

Data derived from Corporate Data Warehouse to end May 2021

Provincial Children and Youth In Care Caseload - All Indigenous Cases
April 1999 to May 2021



Provincial Children and Youth In Care Caseload - All Cases
January 1990 to May 2021

